

United States District Court  
Western District of Texas  
San Antonio Division

Haider Khaladigi,  
Petitioner,

v.

Rose Thompson, et al.,  
Respondents.

No. 5:26-CV-699-JKP

**RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS**  
**CONSIDERING RECENT FIFTH CIRCUIT PRECEDENT**

Federal Respondents timely submit this response per this Court's Order directing service and ordering a response. In his petition for writ of habeas Petitioner seeks release from civil immigration detention. *See* ECF No. 1. Petitioner's claims lack merit, and this petition should be denied.

Federal Respondents have reviewed the cases, which were provided by the court, and they are factually different from the cases at hand. Here, the Petitioner is considered a crewman and therefore, is not subject to a bond hearing.

**I. Petitioner is a crewman**

Petitioner was originally admitted to the United States at Miami International Airport on or about November 16, 2022 as a "C1" non-immigrant crewmember in transit to join a vessel. Ex. A, NTA. Petitioner is a citizen of India who worked on a cruise ship. Ex. B-I 213. The cruise ship arrived at the Miami Seaport on April 23, 2023. *Id.* Petitioner walked off the cruise ship, and failed to return to the vessel by the time required. *Id.* The vessel departed the United States without Petitioner on board. *Id.* When Petitioner was detained, in December 2025, he indicated that he did

not “show up” to the vessel because “he wanted to stay in the United States illegally and work.”

*Id.*

**II. Petitioner is an absconder and therefore not entitled to a bond hearing.**

The detention authority for a crewman absconder, such as Petitioner is rooted in 8 USC § 1282 (Conditional permits to land temporarily). Furthermore, such visas can be revoked, if an alien is not “a bona fide crew man, or does not intend to depart on the vessel or aircraft which brought him.” 8 USC § 1282(b) (Revocation; “noting nothing is 1282 shall be construed to require the procedure prescribed in 8 USC 1229a to cases falling within the provision of this subsection”). If such permits are revoked they are only eligible for bond if they claim asylum. 8 CFR 1208.2 (c)(1) (noting alien crewman are only eligible “asylum only” proceedings, which are initiated by the filing of a Form I-863 with the Immigration Court). Review is only appropriate relating to asylum. 8 CFR 1208.2(c)(3)(i) (“The scope of review in proceedings conducted pursuant to paragraph (c)(1) of this section shall be limited to a determination of whether the alien is eligible for asylum or withholding or deferral of removal, and whether asylum shall be granted in the exercise of discretion. . . . During such proceedings, all parties are prohibited from raising or considering any other issues, including but not limited to issues of admissibility, deportability, eligibility for waivers, and eligibility for any other form of relief.”). Under 8 C.F.R. § 252.2(a) “[a] crewman whose landing permit is subject to revocation pursuant to section 252(b) of the Act [8 USC § 1282] may be taken into custody by an immigration officer without a warrant of arrest and be transferred to the vessel of arrival . . .” In addition, 8 C.F.R. § 252(b) provides that once the vessel has departed the United States, a crewman “shall be removed from the United States without a hearing” unless pursuing asylum under 8 C.F.R. § 208.2(b).

Because the record shows that Petitioner was admitted solely as a transit crewman to join a vessel, he never possessed any general admission or independent authorization to remain in the country, and then intentionally abandoned the vessel that formed the basis of his temporary landing permission, his present detention does not arise from a discretionary custody determination but from the consequences of his own desertion and loss of crewman status. He admitted that he remained in the United States for the purpose of working unlawfully, and once the ship departed without him, the conditional permission that allowed him to step onto U.S. soil ceased to exist. Unlike ordinary civil detainees who entered through traditional admission channels or overstayed broader visas, Petitioner's presence was always tethered to being a crewman and he affirmatively severed that tie. His current custody therefore stems from a narrow, status-based framework that does not contemplate the type of bond review he seeks, because he is not being held pending a typical removal adjudication but rather as a crewman who absconded from the precise conditions under which he was allowed to land. Granting a bond hearing under these circumstances would effectively convert a conditional, vessel-specific landing privilege into a generalized right to remain, rewarding deliberate noncompliance and undermining the structured limitations that governed his entry from the outset.

### **III. Conclusion**

Accordingly, Petitioner's Writ should be denied.

Respectfully submitted,

**JUSTIN R. SIMMONS**  
UNITED STATES ATTORNEY

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