

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

HAIDER KHALADIGI,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 5:26-cv-0699-JKP
	)	
ROSE THOMPSON, <i>et al.</i> ,	)	U.S. District Judge Jason Pulliam
	)	
Respondents.	)	

**PETITIONER'S REPLY IN SUPPORT OF
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Haider Khaladigi is a native and citizen of India who, since December 10, 2025, has been wrongfully detained by the Department of Homeland Security (DHS) after U.S. Immigration and Customs Enforcement (ICE) arrested Mr. Khaladigi in his home while pursuing another individual. On December 29, 2025, DHS appeared at a bond hearing before an immigration judge and cited 8 C.F.R. § 253.2(b) as the sole authority to detain Mr. Khaladigi. Then, three weeks after his arrest, ICE issued Mr. Khaladigi a Notice to Appear (NTA) on January 5, 2026, placing him in removal proceedings before the Pearsall, Texas Immigration Court pursuant to Immigration and Nationality Act (INA) Section 240, 8 U.S.C. § 1229a. However, on its face, that regulation conflicts with the allegations in the NTA and cannot govern Mr. Khaladigi's detention.

Now, the Government cites brand new authority as the basis to detain Mr. Khaladigi: 8 U.S.C. § 1282. Yet, once again, that statute and its implementing regulations do not authorize Mr. Khaladigi's detention. Even worse, the documents attached to the Government's response contain multiple errors and inconsistencies—which all demonstrate that the Government has no

legal authority to detain Mr. Khaladigi. Simply put, the Government is grasping at straws—and the facts and law—and has not identified any right to detain Mr. Khaladigi indefinitely without an opportunity for a custody redetermination hearing before a neutral arbiter. These circumstances warrant the Court granting the writ of habeas corpus and ordering Mr. Khaladigi's immediate release.

I. The Government's Brand New Reliance on 8 U.S.C. § 1282 as Detention Authority is Flawed.

Mr. Khaladigi has been in detention since December 10, 2025, when ICE arrested him at his home. Up until two days ago, the Government had maintained that 8 C.F.R. § 253.2(b) provided the legal authority to detain Mr. Khaladigi indefinitely and without any opportunity to seek release on bond before an immigration judge. Indeed, at Mr. Khaladigi's bond hearing on December 29, 2025, DHS counsel repeatedly cited 8 C.F.R. § 253.2(b) as the basis for Mr. Khaladigi's detention. According to DHS counsel, 8 C.F.R. § 253.2(b) gave DHS exclusive jurisdiction over Mr. Khaladigi's custody status. Based on that assertion, the immigration judge took "no action" on Mr. Khaladigi's bond request and he remains detained. ECF No. 1 at ¶ 28.

The Government changed course after this case was initiated. The habeas petition challenged the Government's assertion of authority under 8 C.F.R. § 253.2(b)—which, on its face, pertains to revocation of parole of a noncitizen crewman. *See* ECF No. 1. The concept of parole directly conflicts with the Government's acknowledgement in the NTA that Mr. Khaladigi had been "admitted to the United States at Miami International Airport on or about November 16, 2022." ECF No. 1-1 at 1.

Under the Government's new legal theory, Mr. Khaladigi's detention is purportedly authorized under 8 U.S.C. § 1282. *See* ECF No. 10. That statute provides in relevant part:

§ 1282. Conditional permits to land temporarily

(a) Period of time

No alien crewman shall be permitted to land temporarily in the United States except as provided in this section and sections 1182(d)(3), (5) and 1283 of this title. If an immigration officer finds upon examination that an alien crewman is a nonimmigrant under paragraph (15)(D) of section 1101(a) of this title and is otherwise admissible and has agreed to accept such permit, he may, in his discretion, grant the crewman a conditional permit *to land temporarily* pursuant to regulations prescribed by the Attorney General, subject to revocation in subsequent proceedings as provided in subsection (b), and *for a period of time, in any event, not to exceed—*

- (1) the period of time (*not exceeding twenty-nine days*) during which the vessel or aircraft on which he arrived remains in port, if the immigration officer is satisfied that the crewman intends to depart on the vessel or aircraft on which he arrived;
- (2) *twenty-nine days*, if the immigration officer is satisfied that the crewman intends to depart, within the period for which he is permitted to land, on a vessel or aircraft other than the one on which he arrived; or
- (3) *180 days*, if the immigration officer determines that the crewman—
 - (A) intends to depart, within the period for which the crewman is permitted to land, on the same vessel or on a vessel or aircraft other than the vessel on which the crewman arrived; and
 - (B) will perform ship-to-ship liquid cargo transfer operations to or from any other vessel engaged in foreign trade during such period.

(b) Revocation; expenses of detention

Pursuant to regulations prescribed by the Attorney General, any immigration officer may, in his discretion, if he determines that an alien is not a bona fide crewman, or does not intend to depart on the vessel or aircraft which brought him, revoke the conditional permit to land which was granted such crewman under the provisions of subsection (a)(1), take such crewman into custody, and require the master or commanding officer of the vessel or aircraft on which the crewman arrived to receive and detain him on board such vessel or aircraft, if practicable, and such crewman shall be removed from the United States at the expense of the transportation line which brought him to the United States. Until such alien is so removed, any expenses of his detention shall be borne by such transportation company. *Nothing in this section shall be construed to require the procedure prescribed in section 1229a of this title to cases falling within the provisions of this subsection.*

8 U.S.C. § 1282 (emphasis added). Attempting to now rely on 8 U.S.C. § 1282, on February 9, 2026—the same day the Government’s response was due in this case—the Government moved to terminate Mr. Khaladigi’s removal proceedings pursuant to 8 U.S.C. § 1229a and told the Pearsall, Texas Immigration Court that the NTA had been “improvidently issued.” *See* Exhibit 1 (DHS Motion to Terminate) & Exhibit 2 (IJ Order granting Motion to Dismiss). The Government now asserts that Mr. Khaladigi is not even entitled to immigration proceedings before being removed. *See* ECF No. 10 at 2.

Section 1282 does not govern Mr. Khaladigi’s detention. First, as its title indicates, § 1282 concerns “conditional permits to land temporarily.” 8 U.S.C. § 1282. The statute specifically governs conditional permits that “grant the crewman a conditional permit to land temporarily ... for a period of time ... not to exceed” 29 days or, at most, 180 days. *Id.* Mr. Khaladigi had a C1/D visa—not a conditional permit—that was issued on October 4, 2022, and has an expiration date of September 29, 2027. *See* ECF No. 1-2. Mr. Khaladigi’s visa was authorized far beyond a *temporary* stay. It is evident that § 1282 does not apply.

Other textual cues reveal § 1282’s inapplicability. The statute refers to an “immigration officer” who finds “upon examination” that a noncitizen crewman should be given a conditional permit “to land temporarily.” 8 U.S.C. § 1282. It also refers to a “vessel or aircraft” on which the crewman arrived or intended to depart and “the master or commanding officer of the vessel or aircraft on which the crewman arrived.” *Id.* The statute plainly envisions the circumstance when a noncitizen crewman arrives in the United States at a port on a vessel or aircraft and then requests “shore leave” to temporarily enter on land, after which time the crewman is expected to return to his vessel or aircraft. *See INS v. Stanisic*, 395 U.S. 62, 65-66 (1969) (explaining conditional landing permits for shore leave); *Hornof v. United States*, 2023 U.S. Dist. LEXIS

153898, **20-21 (D. Maine Aug. 31, 2023) (same); *Matter of M*, 5 I.&N. Dec. 127, 127-28 (BIA 1953) (same). Here, however, Mr. Khaladigi confirms that he never boarded the cruise vessel in the first instance.¹ See Exhibit 4 at ¶ 2 (Khaladigi Declaration). His confirmation is consistent with Government documents stating that Mr. Khaladigi was “admitted to the United States at Miami International Airport on or about November 16th, 2022, as a ‘C1’ non-immigrant crewmember in transit to join a vessel,” ECF No. 1-1 at 1, “but failed to do so,” ECF No. 10-2 at 3. Section § 1282, thus, does not pertain to the circumstance here, where Mr. Khaladigi arrived at the Miami airport, never boarded the cruise vessel, and therefore never requested shore leave or a conditional landing permit.

The Government’s own publicly available documents are instructive on this issue. See <https://www.cbp.gov/document/guides/vessel-inspection-guide> (last accessed Feb. 11, 2026) (attached as Exhibit 3). As the U.S. Customs and Border Protection (CBP) Vessel Inspection Guide demonstrates, Mr. Khaladigi had to first board the cruise vessel in order to request and obtain a conditional landing permit. CBP defines the three visa categories relevant here as follows:

D Visa - Issued to an individual crew member. *It permits the crew member to request conditional landing privileges upon arrival in the United States on board the vessel.* It also permits the master or agent to request a discharge and repatriation of the crew member. Crew members granted conditional landing privileges are authorized to remain in the United States only as long as the vessel remains in the United States, not to exceed 29 days.

C1 Visa - Permits the bearer to arrive in the United States and request direct and immediate transport through the United States. In the case of nonimmigrant crew members, it permits them to arrive in the United States (typically as an airline

¹ The undersigned counsel has been communicating via telephone with Mr. Khaladigi, who is detained at Karnes. The quality of the audio on those calls has often been poor, resulting in miscommunication regarding certain facts. In his declaration, Mr. Khaladigi clarifies that, once he landed in Miami in November 2022, he *never* boarded the cruise vessel. See Exhibit 4 at ¶ 2.

passenger) to request direct and immediate transit to their vessel. *C1 visas do not permit the crew member to apply for conditional landing privileges.*

C1/D Visa - Dual-purpose visa permits the bearer to arrive in the United States in either the C1 or D classification.

See Exhibit 3 at p. 16 (emphasis added). The CBP Vessel Guide further explains that a C1/D visa, like the one Mr. Khaladigi was issued here, enables a crewman to “request conditional landing privileges *upon arrival on a vessel as a crew member.*” *Id.* at p. 17 (emphasis added). These conditional landing privileges are the same “conditional permits” that are contemplated by 8 U.S.C. § 1282(a) and are embodied on a CBP Form I-95. *See id.* at p. 7. The Government has not produced any Form I-95 for Mr. Khaladigi and he is, in fact, not aware of ever requesting or receiving one. *See* Exhibit 4 at ¶ 3.

It is, therefore, clear that Mr. Khaladigi never boarded the cruise vessel in the first place and thus he never requested or received a conditional landing permit under 8 U.S.C. § 1282. As such, § 1282(b) cannot authorize Mr. Khaladigi’s detention—let alone his removal without immigration proceedings.

II. The Government’s Cited Facts are Flawed and Unreliable.

In addition to the lack of legal merit, the Government’s response lacks factual veracity. The NTA alleges that Mr. Khaladigi was admitted to the United States at the Miami International Airport in November 2022. ECF No. 1-1 at 1. While the NTA alleges that Mr. Khaladigi entered as a “‘C1’ nonimmigrant crew member,” Mr. Khaladigi’s visa shows that he had dual C1/D visa status. ECF No. 1-2. The NTA also claims that Mr. Khaladigi was “authorized to remain in the United States for a temporary period not to exceed December 14th, 2022,” ECF No. 1-1 at 1, but the visa contains no such limitations and was valid for five years, *see* ECF No. 1-2.

Notwithstanding these allegations in the NTA, the Government has filed a Form I-213

that is internally inconsistent and conflicts with the NTA. *See* ECF No. 10-2. The Form I-213 appears to largely pertain to another individual, “Singh,” a “crew member who disembarked the cruise ship RCCL Freedom of the Seas, after being granted shore leave but failed to return to the vessel as required.” *Id.* at 2-3. According to the Form I-213, the “vessel arrived at the Miami Seaport on April 23, 2023 at approximately 0600 hours from the Bahamas with Khaladigi onboard.” *Id.* at 2. “Miami Seaport CBP officers were informed that crew member Khaladigi walked off the RCCL Freedom of the Seas and failed to return to the vessel by 1600 hours as required.” *Id.* The Form I-213 then states that the vessel departed the United States and headed to Portugal without Khaladigi on board. *Id.* Importantly, the Form I-213 discusses CBP’s revocation of Singh’s “*landing rights* as per section 252 of the INA” and that “[n]otification will be made to the National Targeting Center (NTC) requesting to execute the cancellation of deserter crew member Singh’s *C1/D visa*,” *id.* (emphasis added)—but the Form I-213 never mentions taking either step for Mr. Khaladigi. Critically, the document distinguishes between Singh’s C1/D visa and the separate landing rights that he acquired under 8 U.S.C. 1282. Here, on the other hand, the Government erroneously conflates the two to deprive Mr. Khaladigi of his liberty.

In any event, it is clear that the Government’s factual account is flawed and unreliable. First, Mr. Khaladigi was hired to work aboard the Regent Seven Seas Navigator, not the RCCL Freedom of the Seas. *See* Exhibit 4 at ¶ 1. Second, it is factually inconsistent for Mr. Khaladigi to have *both* been “in transit (C1) from Doha to Miami International Airport [in November 2022] to join a cruise vessel but failed to do so” and absconded from the RCCL Freedom of the Seas in August 2023. *See* ECF No. 10-2 at 2-3. To accept the Government’s recitation of facts as true, Mr. Khaladigi would have had to avoid boarding the cruise vessel in November 2022, but then somehow later boarded a different cruise vessel and absconded a second time. That makes no

sense and it is not true. *See* Exhibit 4 at ¶ 2.

Moreover, Mr. Khaladigi denies ever “admitt[ing] he did not show up [to board the cruise ship] because he wanted to stay in the United States illegally and work.” ECF No. 10-2 at 4; *see also* Exhibit 4 at ¶ 5. Tellingly, the Government did not attach to its response a copy of the Form I-877 that allegedly contains Mr. Khaladigi’s statement to this effect. Mr. Khaladigi avers that, when questioned by Government officials after he was detained in December 2025, he provided basic biographical information but, when questioned further, he declined to answer questions without an attorney and, in fact, refused to sign any documents provided to him. *See* Exhibit 4 at ¶ 4; *see, e.g.*, ECF No. 1-1 at 2 (noting his refusal to sign the NTA).

Given these inconsistencies, the Court should not be swayed by the Government’s factual recitation.

CONCLUSION

The Government has detained Mr. Khaladigi without any legal basis for two months. It initially relied on a regulation relating to paroled crewmen before switching gears and citing a statute pertaining to revocation of a permit that Mr. Khaladigi never obtained. The Government should not be permitted another opportunity to contrive some supposed basis for Mr. Khaladigi’s detention. The Court should grant the writ of habeas corpus and order Mr. Khaladigi’s immediate release.

Respectfully Submitted,

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