IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

DANIEL KHUNGBIK,
Petitioner, Pro Se,

V.

26-3057-JWL

Crystal Carter, Wendler,
TODD LYONS, PAM BONDI,
and ALEJANDRO MAYORKAS
Respondents,

FILED
MAR 19 2026
Clerk, U.S. District Court
By: Deputy Clerk

I. PETITON FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

1. Petitioner, Daniel Khungbik, a legally admitted refugee and long-time resident of the United States (since 2007), is currently detained by Immigration and Customs Enforcement (ICE) pursuant to 8 U.S.C § 1231(a)(6). Petitioner has been continuously detained since, June 23rd, 2025, for a period exceeding one hundred eighty (180) days. Because there is no significant likelihood of his removal in foreseeable future, his continued mandatory detention violates his Fifth Amendment right to Due Process under the principles established by the Supreme Court in Zadvydas v. Davis, 533 U.S. 678 (2001). Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his immediate release from physical custody under an appropriate Order of Supervision.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction under 28 U.S.C. § 2241 (c)(3) because Petitioner is held in custody in violation of the constitution and laws of the United States.

3. Federal district courts have jurisdiction to review habeas challenge by noncitizens to the lawfulness of their immigration detention, including post-removal-order detention under 8 U.S.C § 1231(a).

4. This Court also has jurisdiction under 28 U.S.C. § 1331 and the declaratory Judgment Act, 28 U.S.C §§ 2201 02, because this petition raises questions arising under the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the Fifth Amendment.

5. Venue is proper in the District of Kansas under 28 U.S.C. § 1391(e) and § 2241 because Petitioner is detained in this District and immediate custodian, Crystal Carter is located here.

III. PARTIES

6. Petitioner, Daniel Khungbik, (A# [redacted] is a native and citizen of Burma who is currently detained in ICE custody at FCI Leavenworth, Kansas

7. Crystal Carter, Warden, FCI Leavenworth

8. Wendler, Deportation Officer, ICE

9. TODD LYONS, Acting Director, ICE
10. ALEJANDRO MAYORKAS, Secretary, Department of Homeland Security
11. PAM BONDI, Attorney General of the United States
12. All Government Respondents are sued in their official capacity

IV. FACTUAL BACKGROUND

13. Petitioner entered ICE custody on or about June 23rd, 2025.
14. An Immigration judge ordered Petitioner removed to Burma in 2021.
15. Petitioner's "removal period," as defined by 8 U.S.C. § 1231(a)(i), began in the year 2021.
16. Since this is the second time ICE making removal efforts (previously in the years 2021 and 2022), Petitioner has now been detained by ICE for more than six months (180 days) of detention.
17. During this time, DHS-ICE has been unable to remove Petitioner to his home country.
18. Petitioner has cooperated fully with ICE's efforts to obtain travel documents including providing information, completing necessary forms.
19. ICE has provided little to no information about any concrete steps taken toward Petitioner's removal or any timeframe for removal.
20. Petitioner does not pose a danger to the community and does not pose danger to the community and doe snot present a flight risk that cannot be addressed by conditions of supervised release, such as reporting requirements, or other standard conditions.
21. Petitioner has close ties in the United States, including his Wife (Ah Wah), Daughter (Sally-Win), and his Son (Chinlay-Lg), who are citizens of the United States etc., and is willing to comply with any conditions of release imposed by the Court or ICE.
22. Continued detention is causing Petitioner significant physical, emotional, and psychological harm, particularly given the indefinite and uncertain nature of the confinement.

VII. LEGAL FRAMEWORK

23. Under 8 U.S.C. § 1231(a), DHS is generally required to remove an individual within 90 days of a final order of removal with limited authority to continue detention beyond that period.
24. In Zadvydas v. Davis, the Supreme Court construed § 1231(a)(6) to avoid serious constitutional concerns by reading into the statute an implicit "reasonable time" limitation on post-order detention and establishing a six month presumptively reasonable period.
25. After six months, once the noncitizen provides "good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future," the burden shifts to the government to provide evidence to rebut that showing; if it cannot, continued detention is unlawful.
26. The Fifth Amendment Due Process Clause limits civil immigration detention to purpose of ensuring appearance at proceedings and protecting the community. and detention must bear a reasonable relation to those purposes and not be arbitrary or indefinite.

VIII. CLAIMS FOR RELIEF

First Claim For Relief: Statutory claim Under 8 U.S.C. § 1231(a) as interpreted by Zadvydas v. Davis.
29. Petitioner re-alleges and incorporates by reference paragraphs 1-26.
30. Petitioner has been detained well beyond six months after entry of a final order of removal.
31. Petitioner has presented good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future
32. Respondents have not provided evidence sufficient to rebut Petitioner's showing that removal is not significantly likely in the reasonably foreseeable future.
33. Under Zadvydas, continued detention under these circumstances exceeds the authority granted by § 1231(a)(6) and is unlawful.
34. Accordingly, Petitioner's continued detention violates the INA and must cease.

Second Claim For Relief: The Fifth Amendment Violation
35. Petitioner realleges and incorporates by reference paragraphs 1-34.
36. The Fifth Amendment Prohibits arbitrary and indefinite civil detention that is not reasonably related to a legitimate governmental purpose.
37. Any legitimate purpose that might initially Justify Petitioner's detention such as facilitating removal have dissipated because removal is not significantly likely in the reasonably foreseeable future.
38. Continued detention is excessive and disproportionate in relation to any legitimate governmental interest and therefore violates substantive due process.

Third Claim For Relief: The Purpose of detention (effecting removal) no longer exists.
39. Petitioner realleges and incorporates by reference paragraphs 1-38.
40. The statutory scheme contemplation detention only as long as necessary to effect removal. 8 U.S.C. § 1231(a)(i)(A) gives 90-day removal period; then §1231(a)(6) gives discretionary further detention only if removal reasonably foreseeable.
41. Once it becomes apparent that removal is no longer "reasonably foreseeable," continued detention becomes punitive in nature, which raises due-process concerns. Zadvydas, 533 U.S. at 690.

Fourth Claim For Relief: Constitutional and human rights concerns.
42. Petitioner realleges and incorporates by reference paragraphs 1-41.
43. Indefinite detention without release or bond hearing raises serious due-process and liberty interest issues. See e.g., Congress Research Service note: "indefinite detention raises 'serious constitutional-concerns'."
44. The burden on the government must increase when liberty is at stake.

Fifth Claim For Relief: No meaningful prospect of removal.
45. Petitioner realleges and incorporates by reference paragraphs 1-44.
46. The detention period (more than 6 months) exceeds the presumptive "reasonably necessary" period identified in Zadvydas (six months).

47. Government must show removal in foreseeable future; here no evidence of country acceptance, consulate cooperation, travel documents etc.
48. Under regulatory guidance, if removal is not reasonably foreseeable, detainee must be released after 180 days.
49. These conditions of this case detention well past six months, no indication of removal trigger the logic of Zadvydas/Clark v. Martinez: Continued detention becomes unjustified.
50. "The Government must provide concrete evidence, not speculation." Ncube v. INS, 2000 WL 1466117, at *4(S.D.N.Y. 2000).

Sixth Claim For Relief: Failure to Follow Governing Regulations 8 C.F.R. §§ 241.4, 241.13
51. Petitioner realleges and incorporates by reference paragraphs 1-50.
52. DHS regulations require that ICE conduct timely, periodic and meaningful post-order custody reviews, including interviews and consideration of specific criteria regarding danger, flight risk, and likelihood of removal.
53. Respondents have failed to conduct them in a perfunctory, rubber-stamp fashion that did not comply with the regulatory requirements, since the Petitioner was not provided with any interview opportunity, while in detention.
54. An agency's failure to follow its own regulations is unlawful and violates due process.

Seventh Claim For Relief: Absence of Initial Interview or Opportunity to Challenge Detention Violation of Procedural Due Process Rights
55. The Petitioner further contends that he was never afforded an initial interview or hearing at or around the time of start of his detention in which he could challenge the basis for his arrest, revocation or removal, nor was he given an opportunity to contest the legality of his detention or the underlying facts.
56. Procedural due process under the Fifth Amendment protects against governmental deprivation of liberty except in accordance with fair procedures. noncitizens in ICE custody are not deprived of the protections of the Due Process Clause simply because of their Immigration status.
57. Where detention is prolonged, the risk of arbitrary detention and abuse increases significantly, and courts have recognized that such detention may implicate due process concerns particularly safeguard at the outset.
58. Although the government has statutory to detain noncitizens pending removal or under other immigration statutes, that authority is not unlimited constitutional constraints apply, especially when detention becomes long-term or indefinite.
59. In this case, the Petitioner's detention has exceeded 180 days, yet he was never afforded any meaningful opportunity to challenge the factual or legal basis for his custody at its inception. Such a systemic absence of procedural safeguards undermines the legitimacy of the detention and renders it unconstitutional under due process principles.
60. The Court should grant the Writ and either order immediate release or require the government to provide a full hearing including an opportunity for the Petitioner to contest the basis for his detention, and a bond hearing or other mechanism to evaluate whether continued detention is justified.

61. For these reasons as well, Petitioner's continued detention is unlawful.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Assume jurisdiction over this matter;

B. Issue a Writ of HABEAS CORPUS ordering Respondents to show cause;

C. Immediately release Petitioner from ICE custody under such reasonable conditions of supervision as the Court deems appropriate;

D. Grant such other and further relief as the Court deems just and proper

X. VERIFICATION

I Daiel Khungbik, declare under penalty of perjury under the laws of the United States that I am the Petitioner in the above-entitled action; that I have read the foregoing Petition for Writ of Habeas Corpus and know the contends, therefore; and that the same is true and correct to the best of my knowledge, information, and belief.

12-20-2025

FCI Leavenworth

[redacted]

Daniel Khungbik
P.O. BOX 1000
Leavenworth KS, 66048