Ysabel Williams, Esq.
Law Office of Ysabel Williams
4300 Bergenline Avenue, Suite 204
Union City, NJ 07087
Tel: (201) 758-7880
Email: paralegal@myvisadream.com
Attorney for Petitioner

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

Rajat KUMAR	)	
	)	
	)	
Vs.	)	Civil Action:
	)	
	)	
TODD BLANCHE, ACTING U.S. ATTORNEY GENERAL; MARKWAYNE MULLIN, SECRETARY OF HOMELAND SECURITY, DEPARTMENT OF HOMELAND SECURITY; TODD LYONS, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE); DIRECTOR PHILADELPHIA ICE FIELD OFFICE; LEONARD ODDO, WARDEN, MOSHANNON VALLEY PROCESSING CENTER	)	

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION AND CUSTODY

1. Petitioner Rajat Kumar ("Petitioner") hereby files this second petition for a writ of habeas corpus. His bond request was denied during the pendency of his removal case at the immigration court level. His case is now on

appeal before the Board of Immigration Appeals. He is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at Moshannon Valley Processing Center, located at 555 Geo Drive, Philipsburg, Pennsylvania 16866.

2. Petitioner seeks habeas corpus relief pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his continued immigration detention.

3. Petitioner has a pending appeal before the Board of Immigration Appeals. The Immigration Court denied his asylum application (Form I-589, A-Number: [redacted]). Therefore, his removal case remains pending. The pendency of the appeal, which constitutes a viable avenue to pursue relief from removal, undermines any justification for his continued detention.

4. Petitioner's continued detention is arbitrary, prolonged, and unsupported by a valid statutory basis, particularly given his lack of criminal history and his well-founded asylum claim based on political persecution in India.

II. JURISDICTION AND VENUE

5. This action arises under the Constitution of the United States, the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq. This

Court has jurisdiction under 28 U.S.C. § 2241(c)(1) and (3), Article I, § 9, cl. 2 of the United States Constitution ("Suspension Clause"), and 28 U.S.C. § 1331, as Petitioner is subject to custody under color of the authority of the United States, and such custody is in violation of the Constitution, laws, or treaties of the United States.

6. This Court may grant relief pursuant to 28 U.S.C. § 2241, the APA, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

7. Venue lies in the United States District Court for the Western District of Pennsylvania, the judicial district in which Respondents routinely conduct business and Petitioner is being held. 28 U.S.C. § 1391(e).

III. PARTIES

8. Petitioner Rajat Kumar is a native and citizen of India, born on [redacted], in Sujanpur, Punjab, India. He is currently detained by ICE at Moshannon Valley Processing Center, 555 Geo Drive, Philipsburg, Pennsylvania 16866. His Alien Registration Number is [redacted].

9. Respondent- Defendant Todd Blanche is the Acting Attorney General of the United States and thus, he is the head of the Department of Justice and chief law enforcement officer of the Federal Government.

10. Respondent-Defendant Markwayne Mullin is the Secretary of Homeland

Security and has overall responsibility for the administration of the immigration laws pursuant to 8 U.S.C. § 1103.

11. Respondent-Defendant Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE") and is responsible for the policies and practices of ICE nationwide, including the detention of Petitioner.

12. Respondent-Defendant is the Director of the Philadelphia ICE Field Office, which has direct and continuing control over Petitioner and has ordered and authorized his detention at Moshannon Valley Processing Center.

13. Defendant-Respondent Leonard Oddo is the Warden of Moshannon Valley Processing Center, the facility at which Petitioner is being held.

14. Defendant-Respondent U.S. Immigration and Customs Enforcement ("ICE") is a subdivision of the Department of Homeland Security, for the Philadelphia District, has direct and continuing control over Petitioner, have ordered and authorized his detention at Moshannon Valley Processing Center.

15. Defendant-Respondent Department of Homeland Security ("DHS") has responsibility for the administration of the immigration laws pursuant to 8 U.S.C. § 1103, routinely does and transacts business in the Western

District, has responsibility for any determination of Petitioner's detention and current attempted deportation.

16. Defendant- Respondent DHS is made a party/defendant for purposes of obtaining declaratory and injunctive relief pursuant to the APA and the Declaratory Judgment Act. DHS through US ICE exercise power and authority over aliens on a nationwide basis and are sued in their capacities as legal custodians of Petitioner- Plaintiff.

IV. EXHAUSTION OF REMEDIES

17. Petitioner has been in removal proceedings since his apprehension in January 2026 following a traffic stop in West Virginia during which West Virginia police called ICE. Petitioner has been held in immigration detention at Moshannon Valley Processing Center throughout this period[1].

18. Petitioner has a pending appeal of the denial of his asylum application (Form I-589) filed with the Executive Office for Immigration Review. His removal proceedings are pending before the Board of Immigraton Appeals. Petitioner has exhausted his administrative remedies to the

[1] Pursuant to 8 C.F.R. § 1003.19(i)(1)-(2), an alien in removal proceedings is entitled to a bond redetermination hearing before an Immigration Judge. Here, Petitioner was re-detained in January 2026 and has remained detained for over a month without any bond hearing or individualized custody determination, despite having previously complied with all conditions of his release for over a year. See https://www.ecfr.gov/current/title-8/chapter-V/subchapter-B/part-1003/section-1003.19

extent required by law, and his continued detention without an adequate bond hearing or constitutionally sufficient custody review renders his only available remedy this judicial action[2].

V. FACTUAL BACKGROUND

19. Petitioner Rajat Kumar is a thirty-one (31) year old native and citizen of India. He was born on [redacted], in Sujanpur, Punjab, India. He entered the United States on or about December 29, 2023, at or near San Luis, Arizona, and was processed and released on his own recognizance with reporting obligations pursuant to DHS Form I-220A (Order of Release on Recognizance) and OREC G-56, issued December 30, 2023.

20. After his initial release, Petitioner complied with the conditions of his release and filed a timely Form I-589, Application for Asylum and for Withholding of Removal alleging well-founded fear of persecution based on political opinion and membership in a particular social group. His asylum proceedings were assigned to the Seattle Immigration Court, with a hearing date of March 11, 2026.

21. On or about January 2026, Petitioner was driving a truck in West Virginia when he was stopped by West Virginia police for a traffic check. The

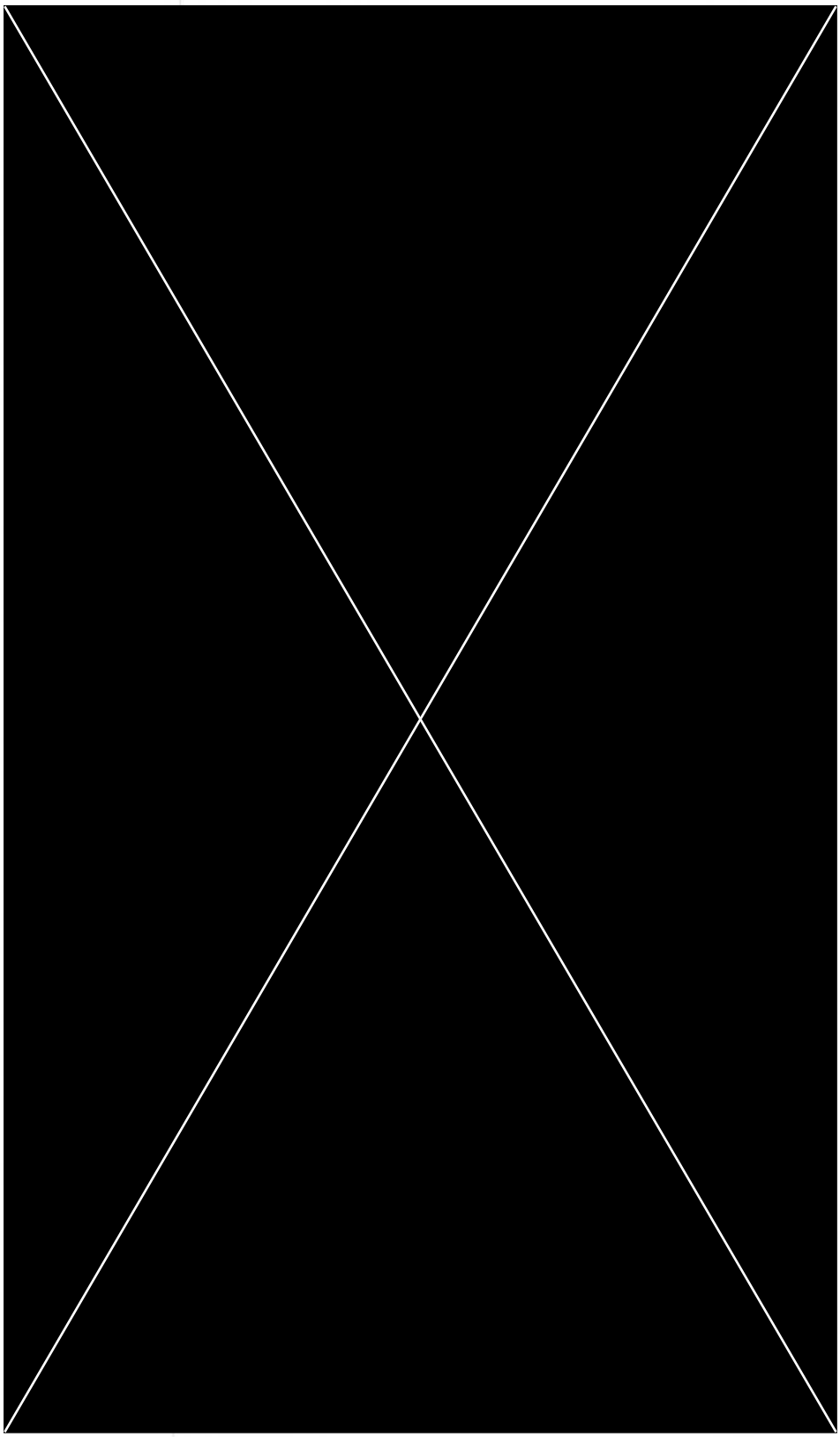
[2] The Supreme Court has made clear that prolonged detention without adequate review violates due process. See Zadvydas v. Davis, 533 U.S. 678, 690 (2001). Here, Petitioner has a meritorious pending asylum claim, no criminal record, and a demonstrated history of compliance with supervised release conditions, making his continued detention without any custody review particularly unconstitutional.

police officer subsequently contacted ICE, which took Petitioner into custody and detained him at Moshannon Valley Processing Center, where he remains detained as of the filing of this Petition. Petitioner's re-detention disrupted his previously scheduled March 11, 2026 hearing before the Seattle Immigration Court, further prejudicing his ability to collect evidence material to his asylum claim.

22. Petitioner's asylum claim is well-founded and well-documented. As set forth in his sworn asylum declaration and asylum application, Petitioner is [redacted].

a) [redacted]

b)



c)

d)

e)

23. These circumstances compelled Petitioner to flee India in December 2023 and to seek asylum protection in the United States. Petitioner's asylum claim is pending and he has strong prospects for relief given the documented pattern of persecution and the failure of Indian law enforcement to provide protection.

24. Petitioner has no criminal record in the United States or elsewhere. He poses no danger to the community and has demonstrated a willingness to comply with conditions of supervision, as evidenced by his compliance with the conditions of his prior Order of Release on Recognizance for over a year prior to his re-detention.

25. Petitioner has family and community ties in the United States, including his contact Sukhdev Singh and his immigration case attorney of record, Rajvir Kaur.

26. No bond hearing has been held since Petitioner's re-detention in January 2026, and no individualized determination has been made as to whether Petitioner poses a danger or flight risk justifying his continued detention.

VI. CLAIMS FOR RELIEF

Violation of the Due Process Clause – Prolonged and Arbitrary Detention

27. Petitioner incorporates by reference paragraphs 1 through 26. Petitioner's

continued detention without a prompt and meaningful custody determination violates the Fifth Amendment's Due Process Clause.

28. A long line of cases, including Supreme Court precedents, have established that deportable non-citizens—even those who are unlawfully present in the United States—, are protected by the Constitution. See Yamataya v. Fisher, 189 U.S. 86 (1903); Plyler v Doe, 457 U.S. 202 (1982); Mathews v. Diaz, 426 U.S. 67 (1976). The Plyler Court explicitly stated that "the Fifth Amendment protects aliens whose presence in this country is unlawful." 457 U.S. at 210. Under the Due Process Clause, there is no question that a "vital liberty interest" is at stake when an individual is subject to detention and deportation by legacy DHS. Freedom from custody is a fundamental interest that may not be denied without some individualized determination that the individual poses a safety or flight risk[3].

29. Petitioner has been held in immigration custody since January 2026 without any individualized bond hearing or constitutionally adequate custody determination. No court or adjudicator has made a finding that Petitioner poses a danger to the community or is a flight risk.

[3] Political opinion is a recognized protected ground for asylum under the INA. See INS v. Elias-Zacarias, 502 U.S. 478, 481 (1992). Here, Petitioner suffered [redacted], squarely establishing persecution on account of political opinion.

30. Petitioner's detention is especially unjustified given: (a) his pending appeal of his asylum application presenting meritorious claims of political persecution; (b) his prior year-long period of compliance with conditions of supervised release without incident; (c) his complete lack of any criminal record; and (d) the availability of less restrictive conditions of supervision as alternatives to detention.

Detention Not Authorized by Statute

31. Petitioner incorporates by reference paragraphs 1 through 30.

32. DHS lacks statutory authority to detain Petitioner indefinitely or for a prolonged period, absent a valid custody determination consistent with due process. Petitioner's continued detention without a bond hearing or other meaningful review is not authorized by 8 U.S.C. § 1226 or any other provision of the INA.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

Issue a Writ of Habeas Corpus ordering Respondents to IMMEDIATELY RELEASE Petitioner from immigration custody; and

Grant any other relief this Court deems just and proper.

Dated: April 18, 2026

/s/ Ysabel Williams
Ysabel Williams, Esq.

4300 Bergenline Avenue, Suite 204
Union City, NJ 07087
Tel: (201) 758-7880
PA Attorney ID No. 200242
NJ Attorney ID No. 6062005
Attorney for Petitioner

VERIFICATION
(28 U.S.C. § 2242)

I, Ysabel Williams, Esq., am an attorney licensed to practice before this Court and counsel of record for Petitioner RAJAT KUMAR.

I DECLARE UNDER PENALTY OF PERJURY THAT I HAVE REVIEWED THE FOREGOING PETITION FOR WRIT OF HABEAS CORPUS AND THAT THE FACTUAL STATEMENTS CONTAINED THEREIN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, BASED ON COMMUNICATIONS WITH PETITIONER, HIS FAMILY MEMBERS, AND RECORDS REVIEWED IN THE COURSE OF REPRESENTATION.

EXECUTED THIS 18 DAY OF APRIL 2026.

/s/ Ysabel Williams

YSABEL WILLIAMS, ESQ.
ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of April 2026, a true and correct copy of the foregoing Verified Petition for Writ of Habeas Corpus was served by first-class U.S. mail and/or electronic service upon the following:

Office of the United States Attorney
Western District of Pennsylvania
700 Grant Street, Suite 4000
Pittsburgh, PA 15219

Pamela J. Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

US Attorney General
Office of Immigration Litigation
U.S. Department of Justice/Civil Division P
O Box 878
Benjamin Franklin Station
Washington, DC 20044

Kristi Noem
Department of Homeland Security
Office of the General Counsel
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528

Todd Lyons
Acting Director
U.S Immigration and Customs Enforcement
500 12th Street, S.W.
Washington, DC 20536

David O'Neill
Director, Philadelphia ICE Field Office
U.S Immigration and Customs Enforcement
114 North 8th Street

Philadelphia, PA 19170

Leonard Oddo
Warden
Moshannon Valley Processing Center
555 Geo Drive
Philipsburg, PA 16866