IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Mahmoud KHALIL,

Petitioner,

v.

Donald J. TRUMP, in his official capacity as President of the United States; William P. JOYCE, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Caleb VITELLO, Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; Marco RUBIO, in his official capacity as Secretary of State; and Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice,

Respondents.

No. 25 Civ. 01935

ORAL ARGUMENT REQUESTED

PETITIONER'S REPLY IN SUPPORT OF HIS MOTION TO COMPEL RESPONDENTS TO RETURN PETITIONER TO THIS DISTRICT

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INTRODUCTION

This Court can "issue all writs necessary *or appropriate*" in aid of jurisdiction under the All Writs Act, 28 U.S.C. § 1651 (emphasis added). Ordering Respondents to return Petitioner to this District remains appropriate, both to begin to remedy and reverse Respondents' extraordinary and improper actions here, where they spirited Petitioner a thousand miles away, and to facilitate the Court's ongoing exercise of its jurisdiction, including by promoting greater access by Petitioner to the Court, to his legal counsel, and to his expectant wife, all located within or near this District. As demonstrated below, the Court may, pursuant to the All Writs Act and the Court's inherent equitable power, order Petitioner's return to this District. Should the Court grant the relief sought in his separate Motion for Release, ECF 52, and if the Court includes as part of that relief an order that Respondents return him from Louisiana to his home in New York City at government expense, Petitioner recognizes that the relief sought in this Motion may no longer be necessary.

Below, Petitioner addresses the merits of the Court's authority to grant relief, including through facts that further undermine Respondents' claims that this was a routine or orderly transfer to Louisiana and demonstrate the extraordinary lengths Respondents took to spirit him out of this District. Petitioner then addresses Respondents' jurisdictional arguments, which misapprehend the nature of the equitable relief requested—relief that does not turn on any questioning of Respondents' discretionary detention authority. Indeed, the relief requested in this Motion turns on the very same authority this Court already invoked, ECF 9, in enjoining Respondents from deporting Mr. Khalil. Just as there was no jurisdictional bar to that limited and uncontested equitable relief, there is no jurisdictional bar to the invocation of the Court's same power, and under related authority, to return Mr. Khalil to this District.

ARGUMENT

I. THIS COURT HAS THE POWER TO TRANSFER MR. KHALIL TO THE DISTRICT AND TRANSFER IS JUSTIFIED UNDER THE CIRCUMSTANCES.

Respondents argue that even if it does have venue over Petitioner's motion to compel, this Court lacks authority to order the relief the Motion seeks, and that relief is not justified.

First, if any part of Petitioner's "narrative" may have been "uninformed" to any degree, Opp. 12 (ECF 47), that is because, at the time Petitioner filed his motion, Respondents had offered not a shred of information or justification for Petitioner's detention or transfer out of this District. Nor had Petitioner's counsel spoken to their client on a legal call since he was pulled out of his apartment building by government agents on the night of March 8. Petitioner's counsel has now filed an Amended Petition that lays out facts obtained from him through court-ordered privileged videoconferences, as well as a declaration from him in connection with this filing, that provide new details about his ordeal. To the extent Petitioner has a "narrative," it is now captured in the operative pleading, not in his earliest-filed motion. *See* Petr's Opp. to MTD 3–6 (ECF 50) (narrating events from Amended Petition).

Second, without legal argument, Respondents dismiss the All Writs Act ("AWA") and the Court's inherent authority as sources of law that could support an order by the Court to order Mr. Khalil's return to the District. Opp. 10–11. But the AWA was designed for these kinds of "extraordinary" abuses of government authority, Opp. 11 (quoting *Citigroup, Inc. v. Abu Dhabi Inv. Auth.*, 776 F.3d 126, 130 (2d Cir. 2015)). And Respondents do not even dispute that courts' inherent authority allows them to "protect their proceedings." *Id.* (quoting *Degen v. United States*, 517 U.S. 820, 823 (1996)). These powers are broad and flexible.

Third, Respondents downplay the necessity or propriety of relief through Petitioner's motion, suggesting that questions about their interference with Petitioner's filing of his habeas

case are "simply unsupported by the facts." Opp. 12. But it is Respondents' account that has, almost every day of this litigation, been called into doubt as facts have emerged. *See, e.g.*, Petitioner's Opp. to MTD 10-12. Respondents' constantly shifting story calls for the Court's intervention by granting Petitioner's motion, and to remedy their ongoing interference with the Court's exercise of its jurisdiction by keeping him detained far away (even if the existence of jurisdiction in a larger sense is not at issue, as Respondents now concede).

Respondents initially explained that Mr. Khalil was sent to the Elizabeth Detention Facility in New Jersey because it had "comprehensive overnight accommodations," including "beds," as opposed to 26 Federal Plaza, which was unsuitable because it is a "Hold Room facility" that lacked "beds." First Joyce Decl. ¶ 10 (ECF 32). But at Elizabeth, Mr. Khalil was never given a bed, nor even a blanket, and he never even changed out of his street clothes or left the waiting room, even as he saw others get processed, change into uniforms, and enter the main area of the facility. Am. Pet. ¶¶ 61–62; Declaration of Mahmoud Khalil ¶¶ 10–14. In his first declaration, Respondent Joyce acknowledged that 26 Federal Plaza is "used for detention of individuals awaiting . . . transfer." First Joyce Decl. ¶ 10. Given a second opportunity to declare facts about the evening of March 8 and morning of March 9, Respondent Joyce now points to an ICE policy that, he claims, limits detention in facilities like 26 Federal Plaza to 12 hours. Second Joyce Decl. ¶¶ 13–14 (ECF 48). But even he acknowledges that this policy is inapplicable in "exceptional circumstances." *Id.* ¶ 13. Surely not even Respondents would maintain that the night in question, and their treatment of Mr. Khalil, were not exceptional. Mr. Khalil was the first lawful permanent resident against which these Respondents have invoked INA § 237(a)(4)(C)(i), and as he was processed at 26 Federal Plaza, someone at the White House was talking to ICE agents in his presence. Am. Pet. ¶ 58.

In opposition to this motion, Respondent Joyce offered an entirely new rationale for why Mr. Khalil was moved from Elizabeth to Louisiana: the Elizabeth Detention Facility "was experiencing and continues to experience a bedbug issue that prevented them from accepting detainees as full transfers." Second Joyce Decl. ¶ 11. But Mr. Khalil never heard a word about bedbugs while he was detained at Elizabeth. Khalil Decl. ¶ 17. What's more, an attorney whose organization represents multiple individuals in immigration proceedings at Elizabeth documented intakes from four people who were processed for detention at Elizabeth between March 6 and March 13. Declaration of Laura Rodriguez, ¶ 6. That is consistent with Mr. Khalil's own observations that morning, as he witnessed people being admitted for long-term detention at the facility after being processed in the waiting room where he was held until being transported back through New York City to JFK Airport. Khalil Decl. ¶¶ 13-14, 25.

Fourth, while the Court's intervention has facilitated crucial privileged access to counsel for Mr. Khalil, and that access, along with his remote participation, has enabled his counsel to move forward with an Amended Petition, a bail motion, and a motion for preliminary injunctive relief, intermittent and virtual access to a client in Louisiana cannot substitute for a more regular and natural combination of in-person and virtual access to him even if he were to remain detained but held in or near this District.

Moreover, should the Court contemplate jurisdictional discovery in connection with its adjudication of Respondents' motion to transfer venue, *see* Petitioner's Opp. to MTD 17–19, Petitioner's proximity and availability to counsel and the Court aid the Court in deciding its jurisdiction, and therefore would be "appropriate," in keeping with the AWA. Finally, for many of the same aforementioned reasons, the relief sought in the instant Motion—ordering Mr. Khalil

brought back north from Louisiana—would aid the exercise of jurisdiction whether this Court ultimately retains this matter or transfers it instead to the District of New Jersey.

II. THE COURT HAS JURISDICTION TO CONSIDER PETITIONER'S MOTION.

In enjoining Respondents from deporting Mr. Khalil, *see* Order (ECF 9), the Court implicitly recognized that the relief requested by this motion—issuing all writs necessary in aid of its jurisdiction—does not implicate 8 U.S.C. §§ 1252(a)(2)(B)(ii) and (g). Yet, Respondents contend that the Court lacks jurisdiction to consider Petitioner's Motion because it implicates discretionary decisions regarding places of detention. Opp. 5–10. But just as the Court had jurisdiction to issue that relief, it retains the same authority—independent of any jurisdictional bars—to issue the relief sought here.

A. Section 1252(a)(2)(B)(ii) Does Not Bar Review or Relief.

Respondents argue that this Court is deprived of jurisdiction under 8 U.S.C. § 1252(a)(2)(B)(ii) to review their "discretionary decisions concerning where to detain" Mr. Khalil pending his removal proceedings. Opp. 5–6 (citing 8 U.S.C. 1231(g)). But Mr. Khalil does not challenge a run-of-the mill decision by ICE to detain him at a particular detention center. Rather, he seeks to preserve the integrity of this Court's jurisdiction and aid its exercise over his pending habeas petition in light of Respondents' extraordinary attempts initially to defeat jurisdiction, including through their retaliatory decision to transfer him to a detention center over a thousand miles away from this Court, his counsel, and his family. Am. Pet. ¶¶ 17, 99. This is not the type of "discretionary decision[]" subject to § 1252(a)(2)(B)(ii). *Kucana v. Holder*, 558 U.S. 233, 247 (2010). And even if Petitioner were directly challenging his transfer, 8 U.S.C. 1231(g) does not trigger the discretionary bar because that provision deals with sites of *detention*, not transfer decisions.

It is axiomatic that a "federal court always has jurisdiction to determine its own jurisdiction." *United States v. Ruiz*, 536 U.S. 622, 628 (2002); *see Hyundai Merch. Marine Co. v. United States*, 159 F.R.D. 424, 426 (S.D.N.Y. 1995). *See also Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1102 (11th Cir. 2004) (authority under the AWA) . The Court's exercise of its AWA authority and its own inherent equitable power is predicate to any question about whether it may review actions taken by Respondents. *See* Mem. Op. and Order, *Perez-Parra v. Castro*, No. 24-cv-00912 (D.N.M. Feb. 9, 2025) (ECF 47) (granting injunction under AWA and court's inherent authority as "necessary to achieve the ends of justice entrusted to this Court"). Thus, § 1252(a)(2)(B)(ii) has no application here.

Additionally, the decision to transfer Mr. Khalil to Louisiana from this District was undertaken for extraordinary and improper reasons, in a bid to interfere with this Court's jurisdiction. *See* Petitioner's Opp. to MTD 3–6 (ECF 50). Respondents were aware that Mr. Khalil was represented by counsel, who they spoke with. Am. Pet. ¶¶ 49, 56 (counsel had G-28 on file). His habeas petition was filed in this District shortly after he was taken into custody, and while the online detainee locater still showed him as detained in New York. ECF 2; Am. Pet. ¶ 55. Yet, after shuttling him between New York and New Jersey over the course of the night, Respondents whisked him away to Louisiana. Am. Pet. ¶¶ 56, 62, 63.

Respondents' latest factual submissions do not meaningfully dispute this version of events, nor do they explain why Mr. Khalil could not be detained closer to home. They represent that "many ICE detention facilities throughout the Northeastern United States are *near* or at capacity," Second Joyce Decl. ¶ 9 (emphasis added), effectively conceding that they could have found a single bed for Mr. Khalil nearby, had they only tried. They confirm that Respondents did not even attempt to secure a single bed for Mr. Khalil from ERO Philadelphia or ERO Buffalo based on

"awareness" of a "general paucity" of beds. *Id.* ¶¶ 9, 11. They claim that Elizabeth Detention Center was not accepting long-term detainees due to a bed bug infestation, *Id.* ¶ 11, but the facility processed at least four individuals for detention at Elizabeth between March 6 and March 13, 2025. Rodriguez Decl., ¶¶ 6–7. Mr. Khalil himself saw men being processed for detention, to be kept at Elizabeth, during his time in that facility. Khalil Decl., ¶ 13-14. Likewise, Orange Detention Center accepted new detainees during the same time period that Respondent Joyce contends it could not accommodate Mr. Khalil. Declaration of Katherine Kim, ¶¶ 9–10. And Respondents confirm that ERO New York contacted ERO New Orleans soon after Mr. Khalil was brought to 26 Federal Plaza, lending further credence to Petitioner's contention that transfer to Louisiana was predetermined and carried out for improper motives. Second Joyce Decl. ¶ 12.

Transfer for the purpose of interfering with jurisdiction, including by impeding, complicating, or limiting access to the Court and to counsel, is not a discretionary decision. Nor is retaliatory immigration detention. Rather, these actions raise profound questions regarding the legal extent of the government's authority to transfer detainees for these purposes, and "the extent of that authority is not a matter of discretion." *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001). "After all, no executive official has discretion" to violate the constitution or engage in jurisdictional gamesmanship. *E.O.H.C. v. Sec'y United States Dep't of Homeland Sec.*, 950 F.3d 177, 191 (3d Cir. 2020) (§ 1252(a)(2)(B)(ii) did not apply where defendants' policy of returning asylum seekers to Mexico was not authorized by law); *see also Ragbir v. Homan*, 923 F.3d 53, 73 (2d Cir. 2019) (lawful permanent resident stated cognizable claim that retaliatory arrest and placement in removal proceedings violated his First Amendment rights).

Finally, even if Mr. Khalil's transfer did not raise grave constitutional concerns and threats to the integrity and smooth functioning of this Court's jurisdiction, § 1252(a)(2)(B)(ii) still would

not preclude review. As the Supreme Court established in *Kucana*, that provision applies only to those decisions where Congress has "set out the Attorney General's discretionary authority in the statute." 558 U.S. at 247. Respondents point to § 1231(g) as supplying the authority to transfer, but that provision merely states that DHS "shall arrange for appropriate places of detention for [noncitizens] detained pending removal or a decision on removal" and "may expend from [enumerated appropriations] amounts necessary to . . . operate facilities . . . necessary for detention." *Id.* § 1231(g)(1). That statute nowhere even mentions or authorizes "transfer." *See id*.

Consequently, "there is considerable uncertainty as to whether § 1231(g)(1) encompasses the authority to transfer detainees." *Aguilar v. U.S. Immigr. & Customs Enf't*, 510 F.3d 1, 20 (1st Cir. 2007). But even if it *implicitly* authorizes transfers, § 1231(g) certainly does not *specify* that the power to transfer is discretionary, as required under *Kucana*. *See Reyna ex rel. J.F.G. v. Hott*, 921 F.3d 204, 209–10 (4th Cir. 2019) (relying on *Kucana* to hold that § 1252(a)(2)(B)(ii) does not bar review of transfer decisions); *Aguilar*, 510 F.3d at 20 (reaching same conclusion pre-*Kucana*, noting "stark contrast" between § 1231(g) and other INA provisions that clearly specify a particular authority as discretionary); *see also Fogo De Chao (Holdings) Inc. v. DHS*, 769 F.3d 1127, 1138 (D.C. Cir. 2014) (§ 1252(a)(2)(B)(ii) "speaks of authority 'specified'—not merely assumed or contemplated—to be in the Attorney General's discretion," and "'[s]pecified' is not synonymous with 'implied' or 'anticipated'" (quoting *Kucana*, 558 U.S. at 243 n.10)).[1]\

[1] Defendants' cases do not support a contrary result. *Gandarillas-Zambrana v. Bd. of Immigr. Appeals*, did not address jurisdiction, let alone § 1252(a)(2)(B)(ii). 44 F.3d 1251 (4th Cir. 1995). *Wood v. United States* assumed jurisdiction and rejected plaintiffs' claim on the merits. 175 F. App'x 419, 420 (2d Cir. 2006); *see also Edison C. F. v. Decker*, 2021 WL 1997386, at *6 (D.N.J. May 19, 2021) ("This Court need not reach the ultimate question of jurisdiction here[.]"). *Van Dinh v. Reno* predates *Kucana*, and its failure to identify any discretion specified by statute is flatly inconsistent with the Supreme Court's holding. 197 F.3d 427 (10th Cir. 1999).

B. Section 1252(g) Does Not Bar Review or Relief.

Respondents' arguments as to § 1252(g) likewise fail. § 1252(g) "applies only to three discrete actions that the Attorney General may take: her 'decision or action' to '*commence* proceedings, *adjudicate* cases, or *execute* removal orders'" and should be construed narrowly. *Reno v. Am.-Arab Anti-Discrim. Comm. (AADC)*, 525 U.S. 471, 482 (1999); *Dep't of Homeland Sec. v. Regents of the Univ. of Calif.*, 591 U.S. 1, 19 (§ 1252(g) did not cover agency's rescission of DACA, even though policy provided for deferral of removal for beneficiaries); *Jama v. I.N.S.*, 329 F.3d 630, 632 (8th Cir. 2003), *aff'd*, 543 U.S. 335 (2005) (concluding that petitioner's "question is simply outside the scope of the jurisdiction-stripping provision of § 1252(g)" where the court is "address[ing] a purely legal question of statutory construction" regarding whether removal was to a statutorily authorized country under § 1231). While "[t]here are of course many other decisions or actions that may be part of the deportation process"—like the determination of where a proceeding occurs—"[i]t is implausible that the mention of three discrete events along the road to deportation was a shorthand way of referring to all claims arising from deportation proceedings." *Id*.

Respondents argue the commencement of proceedings necessarily includes *where* a proceeding is held, but provide no authority to support is sweepingly broad reading of the statute. Opp. 8–9. Instead, they only reference cases involving the decision of *whether* and *when* to commence proceedings. *See Id*. (discussing *Arostegui v. Holder*, 368 F. Appx 169, 171 (2d Cir. 2010) ("whether and when" to commence proceeding); *Ali v. Mukasey*, 524 F.3d 145, 150 (2d Cir. 2008) (similar); *Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 599 (9th Cir. 2002) (similar)). But, such deliberations are starkly different than the overreaching determination of *where* a proceeding is ultimately located – a determination that is necessarily tied to a court's jurisdiction, the residence of the noncitizen, and several other factors that go beyond prosecutorial discretion to restrict the

government's ability to transfer proceedings to a forum that is convenient or more favorable to them. These are exactly the type of considerations that fall outside the limited scope of the three discrete actions specified in 1252(g). *AADC*, 525 U.S. at 482. This is especially true in cases, such as this one, where Respondents have taken a series of calculated steps in an effort to interfere with this Court's jurisdiction. *See supra* Section I.

Furthermore, Section 1252(g) applies only to "discretionary determinations," *AADC*, 525 U.S. at 485, and does not reach claims such as this one where Petitioner seeks relief under the Court's inherent equitable authority against an agency's extraordinary efforts to manipulate jurisdiction. *See Klay*, 376 F.3d at 1102. Respondents have no discretion to undertake such actions. *See, e.g., Madu v. U.S. Atty. Gen.*, 470 F.3d 1362, 1368 (11th Cir. 2006) (§ 1252(g) "does not proscribe substantive review of the underlying legal bases for those discretionary decisions and actions"); *Garcia v. Att'y Gen.*, 553 F.3d 724, 729 (3d Cir. 2009) (challenge to "very authority" behind decision to commence proceedings does "not implicate[]" § 1252(g)); *Arce v. U.S.*, 899 F.3d 796, 801 (9th Cir. 2019) (similar).

For similar reasons, because the decision of where to hold proceedings is by nature different from discretionary, prosecutorial decisions, the government's cases about channeling claims into the petition for review do not apply here. *See AADC*, 525 U.S. at 483; Opp. 9-10. And finally, Respondent highlight the language in § 1252(g) referencing the AWA. But they neglect the operative text which determines the scope of jurisdiction. Mere reference of the AWA in this context does nothing to change the fact that the relief Petitioners seek in this case is outside the three discrete actions to "commence proceedings, adjudicate cases, or execute removal orders and relates to nondiscretionary considerations of legal questions. *Id*. Habeas is also specifically included in 1252(g), but that does not mean the provision does away with habeas corpus. *See e,g,,*

D.A.M. v. Barr, 474 F. Supp. 3d 45, 60 (D.D.C. 2020). In sum, nothing in § 1252(g) precludes this Court's review or relief sought in the instant Motion.

CONCLUSION

Petitioner respectfully requests that the Court issue an order under the All Writs Act and/or the Court's inherent equitable authority to reverse Petitioner's transfer and return him to New York and to the status quo at the commencement of this litigation.

Dated: March 17, 2025

/s/ *Ramzi Kassem*

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Respondents.

No. 25 Civ. 1935

DECLARATION OF MAHMOUD KHALIL

I, Mahmoud Khalil, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. On the night of March 8 and into March 9, I was detained at 26 Federal Plaza in New York City, New York.

2. During my detention there, the agents processed me by taking my biometrics, ten fingerprints, a photograph of my face, and a saliva swab for DNA.

3. They also took my belt, shoes, jacket, and wedding ring. I was given different shoes without laces to wear.

4. A couple of hours after my arrival at 26 Federal Plaza, the agents presented several documents for me to sign. Among them were a "Notice to Appear" ("NTA") and a custody determination form, both of which I was seeing for the first time. When I asked to call my attorney before signing the NTA or the custody form—the same attorney one of the agents had spoken to during my arrest earlier that night—I was told that I would be

allowed to call my attorney if I signed the forms. I refused, and I was moved out of the room.

5. Some time later, agents returned with copies of the documents. I noticed that the copy of the NTA appeared to be different from the one I was originally asked to sign. This copy included an immigration court date several weeks away, a time, and a location in "LA"—which I have since learned meant "Louisiana." I remember being surprised to see these details in the copy of the NTA.

6. I have been shown the copy of the NTA that was provided to my attorneys and the details in that copy match the details in the second NTA copy I was shown that night.

7. At some point later, in the early hours of March 9, I was escorted to a white van and was told I would be traveling to New Jersey. While being escorted to the van, I asked about the belongings that the agents had taken at 26 Federal Plaza, and I was told that I would be coming back to 26 Federal Plaza the next day. My belongings were not in the van with me at that time. There was one driver and another agent in the van with me.

8. Some time later, we arrived at Elizabeth Detention facility in New Jersey. When we arrived, I waited for a little while in the van with the two agents who had escorted me. I was escorted by the two agents in the van and we were met by officers at the facility. After waiting a while, the door opened, and we went inside.

9. The moment I arrived at Elizabeth, I told the officers that I needed to call my attorney. They told me to ask another guy at the facility. I asked that guy, and he said I needed to wait until I was processed.

10. At Elizabeth, nobody took my biometrics or my photograph, and I was wearing my own clothes the entire time.

11. I was in a waiting room with about ten other people. We slept on the ground. Even though it was cold inside the room, there were no beds, mattresses, or blankets.

12. Later, in the morning, I asked a female officer to allow me to call my attorney, and she told me, like the first guy, to wait until I was processed.

13. Visible from where I was at Elizabeth was a room where people would change clothes into detention uniforms. Through a window in the room, I saw one person change clothes in the room. I saw two other people enter the changing room and leave a few minutes later. When they came out, they were in a uniform and holding a bag that looked like a military bag, which I understood to contain the person's clothes.

14. From time to time, someone from the group of people I was with would be called to the front of the waiting room, then escorted by an officer to a separate room where it seems officers were processing people so that they could enter a different part of the facility. I saw multiple people who were being taken out of the waiting room and understood that

they would be staying at the facility, as they did not return to the waiting room. By the time I left Elizabeth, there were only about five of us remaining in the waiting room.

15. At one point, I was called to the front, and a female officer escorted me to the processing room. I waited there for between five and ten minutes while an officer spoke to someone on the phone. The officer who was speaking on the phone told the female officer who escorted me to escort me back to the waiting room.

16. Later on, I was called to the front of the line in the waiting room, and when I told an officer that I had already previously been called to the processing room, she told me "they don't need you in that room" and "you're being transported."

17. The entire time I was at Elizabeth, I did not hear anyone mention bedbugs.

18. There was another man in the waiting room who was, like me, in his own clothes. He was a Pakistani man who told me he was being sent to Philadelphia.

19. At one point, I was told, "They're coming from New York," and "they'll be here shortly." An hour after that, I was told "you're being transported in ten minutes." Agents arrived for me about five or ten minutes after that.

20. Two agents arrived to get me. I believe that one of the two agents was a female African American agent that I recognized from the night before in New York, at 26 Federal Plaza. The other agent was a white male that I did not recognize. The two agents escorted me to a white van similar to the one I had arrived in from New York and similar to other white vans I saw in the parking lot in New York. In the van, I asked if we were going back to 26 Federal Plaza, and I was told, "no, we are going to JFK Airport." I was afraid they were trying to deport me.

21. In the van, I saw the clothing and other items that had been taken from me the night before, in two different bags.

22. We left Elizabeth around 12 p.m. noon, and arrived at JFK about an hour later.

23. When we arrived at JFK, there were two other agents in plainclothes waiting for me. I spent about ten hours in their custody on the way to Louisiana. At times I spoke with them, and at other times I overheard them talking to each other. From my conversations with them and their conversations with each other, I learned that they worked at a New York office. I asked them if they worked at 26 Federal Plaza, and one agent, whose name I learned was Abdul when I overheard him ordering food, told me he worked at a different office close to Federal Plaza. Abdul also told me that he lived in Queens and has Mauritanian neighbors there. The other agent wore a Yankees hat. Abdul told me that he was escorting me to Louisiana because "no one wanted to take it"—the job of escorting me—"because it was a Sunday."

24. When I arrived at the Louisiana Detention Facility, I was processed in a way that was almost exactly the same as the way I had seen other people processed in Elizabeth. First, I spoke with an officer who asked basic information about me. Then they took a picture of me and one fingerprint (left index). I was given a bag with a uniform, sent into a room, asked to change my clothes, and asked to return my stuff to them.

25. After going through processing to remain in detention at the Louisiana Detention Facility myself, I confirmed my understanding that at the Elizabeth facility, the other men I had seen were being processed to remain in detention in Elizabeth.

26. Because I am currently in detention at the Louisiana Detention Facility in Jena, Louisiana, I could not meet with my attorneys in person or sign this declaration myself. I have verified the contents of this declaration and gave my consent for my lawyers to sign it on my behalf via a privileged video teleconference.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 16th day of March, 2025.

/s/ *Mahmoud Khalil*
Mahmoud Khalil

I, RAMZI KASSEM, declare as follows:

1. My name is Ramzi Kassem. I am a licensed attorney in good standing in the state of New York. I am an attorney of record in the above referenced case.

2. I represent the Petitioner, Mahmoud Khalil.

3. I signed Mr. Khalil's declaration on his behalf with his express consent, after reviewing it with him, as reflected in his declaration.

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed on the 16th day of March, 2025.

/s/ *Ramzi Kassem*
Ramzi Kassem

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Mahmoud KHALIL,

Petitioner,

v.

Donald J. TRUMP, in his official capacity as President of the United States; William P. JOYCE, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Caleb VITELLO, Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; Marco RUBIO, in his official capacity as Secretary of State; and Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice,

Respondents.

Case No. 25-cv-01935

DECLARATION OF KATHERINE KIM

I, Katherine Kim, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. My name is Katherine Kim. I am a licensed attorney in good standing in the state of New York.

2. I am the Deputy Director of the Immigration Practice at The Bronx Defenders.

3. Part of my role is to manage our office's participation in the New York Immigrant Family Unity Project ("NYIFUP").

4. Through NYIFUP, our attorneys represent individuals detained by the ICE New York Field Office who are placed in removal proceedings.

5. Since 2020, a class action order has been in place concerning individuals arrested and detained by the ICE New York Field Office who are processed for removal proceedings and who have not had an initial hearing before an immigration judge. *See Vazquez Perez v. Decker*, 2020 WL 7028637 (S.D.N.Y. Nov. 30, 2020).

6. Per that order, any individual that the ICE New York Field Office arrests and detains under 8 U.S.C. § 1226 for removal proceedings and who has not been provided an initial hearing before an immigration judge must receive an initial master calendar hearing within 10 days of their arrest by ICE. *Vazquez Perez v. Decker*, 2020 WL 7028637, at * 18 (S.D.N.Y. Nov. 30, 2020).

7. Through NYIFUP, our office regularly represents individuals arrested by ICE and detained at the Orange County Jail in Goshen, NY. Typically, individuals detained at the Orange County Jail have their removal proceedings venued at the Varick Street Immigration Court in New York City.

8. NYIFUP practitioners regularly monitor the detained dockets at the Varick Street Immigration Court and receive referrals regarding people detained at the Orange County Jail.

9. I am aware of ten individuals detained at the Orange County Jail who have initial master calendar hearings scheduled for between March 17, 2025 and March 20, 2025 at the Varick Street Immigration Court.

10. This would indicate that those ten individuals were most likely arrested by the ICE New York Field Office between March 7, 2025 and March 14, 2025 and detained at the Orange County Jail since then.

11. I hereby affirm that the above statements are true and correct to the best of my knowledge.

Executed on March 17, 2025
Bronx, New York

Katherine Kim
Deputy Director, Immigration Practice
The Bronx Defenders

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

Mahmoud KHALIL,

Petitioner,

v.

Donald J. TRUMP, in his official capacity as President of the United States; William P. JOYCE, in his official capacity as Acting Field Office Director of New York, Immigration and Customs Enforcement; Caleb VITELLO, Acting Director, U.S. Immigration and Customs Enforcement; Kristi NOEM, in her official capacity as Secretary of the United States Department of Homeland Security; Marco RUBIO, in his official capacity as Secretary of State; and Pamela BONDI, in her official capacity as Attorney General, U.S. Department of Justice,

Respondents.

Case No. 25-cv-01935

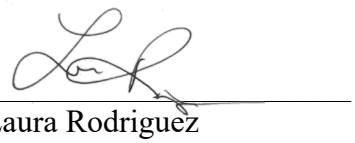
DECLARATION OF LAURA RODRIGUEZ

I, Laura Rodriguez, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. My name is Laura Rodriguez. I am a licensed attorney in good standing in the state of New York.
2. I am a Supervising Attorney for the Immigrant Rights Detention Program with the American Friends Service Committee in New Jersey.
3. Our program provides pro bono legal services to individuals detained at Elizabeth Detention Center ("EDC") in Elizabeth, New Jersey. Our attorneys represent individuals in immigration proceedings at EDC.
4. We conduct intakes on a weekly basis at EDC. We conducted weekly intake on March 13, 2025. Before that, we last conducted intake on March 6, 2025.
5. During intake, it is a regular practice of our program to document the date of arrival for each person detained at EDC.
6. I have reviewed our internal records and can affirm that on March 13, 2025, we conducted intake with at least four individuals who were processed for detention at EDC between March 6, 2025 and March 13, 2025.
7. Three of those individuals reported arriving at EDC on March 6, 2026.
8. One individual reported arriving at EDC on March 10, 2025.

9. I hereby affirm that the above statements are true and correct to the best of my knowledge.

Executed on March 17, 2025
New York, New York



Laura Rodriguez
Supervising Attorney
American Friends Service Committee
Immigrant Rights Detention Program