

Nos. 25-2162 & 25-2357

**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

MAHMOUD KHALIL,

Petitioner-Appellee,

v.

PRESIDENT UNITED STATES OF AMERICA; DIRECTOR NEW YORK
FIELD OFFICE IMMIGRATION AND CUSTOMS ENFORCEMENT;
WARDEN ELIZABETH CONTRACT DETENTION FACILITY; DIRECTOR
UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT;
SECRETARY UNITED STATES DEPARTMENT OF HOMELAND SECURITY;
SECRETARY UNITED STATES DEPARTMENT OF STATE; ATTORNEY
GENERAL UNITED STATES OF AMERICA,

Respondents-Appellants.

On Appeal from the United States District Court
for the District of New Jersey, No. 25-1963 (MEF) (MAH)

APPENDIX: VOLUME V (1431-1811)

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June 13, 2025

VIA ECF

Honorable Michael E. Farbiarz
United States District Judge
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Newark, New Jersey 07101

Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Farbiarz,

Mr. Khalil submits this letter to respectfully request this Court order Mr. Khalil's release pursuant to this Court's June 11, 2025 order and opinion enjoining Mr. Khalil's removal and detention based on the Secretary of State's determination. ECF 299. In accordance with the Court's Order, Mr. Khalil has satisfied the requirements for this preliminary injunction and has posted his Bond. ECF 300. The Government has not filed a notice of appeal of this Court's Order by the Court-ordered deadline for the preliminary injunction to be in effect. Nor has the Government represented that Mr. Khalil is being detained based on any ground other than the one the Court enjoined. See Exhibit A (email exchange between Respondents and Mr. Khalil's immigration Counsel). The Government has declined to provide information about plans for Mr. Khalil's release today. *See id.* Consistent with the Court's factual finding that "it is overwhelmingly likely that the Petitioner would not be detained based solely on the lawful-permanent-resident application charge," and that "detention almost surely flows from the Secretary of State's determination," this Court should order his release forthwith. ECF 299.

Respectfully submitted,

/s/ Liza Weisberg

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Counsel for Petitioner

* *Appearing Pro hac vice*

Exhibit A

From: [Nora Ahmed](#)
To: [Khalil v. Trump \(All-Counsel\)](#)
Subject: FW: M. Khalil, [REDACTED] Request to confirm time for release on Friday and the withdrawal of the charge under INA 237(a)(4)(C) (readnow for Marc's filtering))
Date: Friday, June 13, 2025 9:38:15 AM
Attachments: [image001.png](#)

-|external|-

Nora Ahmed | Legal Director

Pronouns: she, her, hers

American Civil Liberties Union of Louisiana

P.O. Box 56157, New Orleans, LA 70156

Tel: [REDACTED]

**Admitted to the New York Bar, not admitted to the Louisiana Bar*

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From: Marc Van Der Hout [REDACTED] >
Date: Thursday, June 12, 2025 at 5:16 PM
To: Miller, Alice M <[REDACTED]> > [REDACTED]
>
Cc: Johnny Sinodis <[REDACTED]>, Oona Cahil <[REDACTED]>, Nora Ahmed <[REDACTED]>, Marc Van Der Hout [REDACTED] >, Ladwig, Scott G <[REDACTED]> >, Hartnett, John <[REDACTED]> >
Subject: RE: M. Khalil, [REDACTED] Request to confirm time for release on Friday and the withdrawal of the charge under INA 237(a)(4)(C) (readnow for Marc's filtering))

Will do Brian. Thanks.

Alice, same question then for you. We do understand there is a stay in effect under tomorrow morning at 9:30 a.m. CT. We have seen nothing further so asking if the status quo maintains, what time Mr. Khalil would be available for pick up? Thanks.

Marc

Marc Van Der Hout

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From: Acuna, Brian S <[REDACTED]>
Sent: Thursday, June 12, 2025 11:23 AM
To: [REDACTED]
Cc: Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Nora Ahmed <[REDACTED]>; Marc @ Home <[REDACTED]>; Ladwig, Scott G <[REDACTED]>; Hartnett, John <[REDACTED]>; Miller, Alice M <[REDACTED]>
Subject: RE: M. Khalil, [REDACTED] Request to confirm time for release on Friday and the withdrawal of the charge under INA 237(a)(4)(C) (readnow for Marc's filtering))

Thank you for clarifying. I have no information your client will be released or a time for that. We are asking on legal matters to first directly contact our Office of the Chief Counsel, for which I will make sure you have an appropriate POC. I added our Chief Counsel for visibility.

Brian S. Acuna
Acting Field Office Director
New Orleans Field Office

Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
c: [REDACTED]

From: Marc Van Der Hout <[REDACTED]>
Sent: Thursday, June 12, 2025 1:16 PM
To: Acuna, Brian S <[REDACTED]>; Ladwig, Scott G <[REDACTED]>

Cc: Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Nora Ahmed <[REDACTED]>; Marc @ Home <[REDACTED]>

Subject: RE: M. Khalil, [REDACTED] Request to confirm time for release on Friday and the withdrawal of the charge under INA 237(a)(4)(C) (readnow for Marc's filtering))

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Thanks for the quick response, Brian. Yes, we are aware the District Court order does not go into effect until 9:30 a.m. CT tomorrow. I was, and am, writing to ask about tomorrow what time he might be available to be released.

Marc

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From: Acuna, Brian S <[REDACTED]>
Sent: Thursday, June 12, 2025 3:04 AM
To: Marc Van Der Hout <[REDACTED]>; Ladwig, Scott G <[REDACTED]>
Cc: Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Nora Ahmed <[REDACTED]>; Marc @ Home <[REDACTED]>
Subject: RE: M. Khalil, [REDACTED] Request to confirm time for release on Friday and the withdrawal of the charge under INA 237(a)(4)(C) (readnow for Marc's filtering))

Morning Marc. Your email was received but premature. Per the USDC judge order it is not in effect at this time. Our posture on the case therefore remains the same. I'd advise that no travel arrangements are made by anyone. Thank you.

Brian S. Acuna

Acting Field Office Director
New Orleans Field Office

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

C: [REDACTED]

From: Marc Van Der Hout <[REDACTED]>
Date: Thursday, Jun 12, 2025 at 00:03
To: Acuna, Brian S <[REDACTED]>, Ladwig, Scott G <[REDACTED]>
Cc: Johnny Sinodis <[REDACTED]>, Oona Cahill <[REDACTED]>, Nora Ahmed <[REDACTED]>, Marc @ Home <[REDACTED]>
Subject: RE: M. Khalil, [REDACTED] Request to confirm time for release on Friday and the withdrawal of the charge under INA 237(a)(4)(C) (readnow for Marc's filtering))

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Dear Acting Field Office Director Acuna,

As you are likely aware, Judge Farbiarz of the federal district court for the District of New Jersey issued a preliminary injunction today enjoining ICE from "seeking to remove [Mr. Khalil] from the United States based on the Secretary of State's determination, as reflected in the Secretary's memorandum to the Secretary of Homeland Security." *Khalil v. Joyce*, 2:25-cv-01963-MEF-MAH, Dkt. 299 (D.N.J. June 11, 2025) ("Order") at 12, attached here. Based on finding the Rubio determination likely unconstitutional, Judge Farbiarz further preliminarily enjoined ICE "from detaining [Mr. Khalil] based on the Secretary of State's determination." *Id.* at 13. The District Court also found "as a matter of fact that it is overwhelmingly likely that [Mr. Khalil] would not be detained based solely on the lawful-permanent-resident application charge." *Id.* at 10.

In light of the federal district court's ruling today, we are writing to confirm that ICE will inform the Immigration Judge that it withdraws the foreign policy charge under INA 237 (a) (4)(C) based on the now declared unconstitutional Rubio Memorandum on Friday when Judge Farbiarz's ruling will take effect. In addition, because the foreign policy charge was the only basis for his detention, please also confirm that ICE will release Mr. Khalil on Friday morning based on Judge Farbiarz's ruling and let us know what time he will be available to be picked up. As I am sure you can understand, his wife would like to make advance arrangements for Mr. Khalil's release on Friday so that he can return to her and their infant son as soon as possible.

Thank you for your prompt attention to this email. We are requesting a response by close of business on Thursday so that travel arrangements can be made.

Sincerely,

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U.S. Department of Justice
Civil Division

June 13, 2025

By ECF

Honorable Michael E. Farbiarz
United States District Judge
U.S. Post Office & Courthouse
Federal Square
Newark, New Jersey 07101

Re: ***Khalil v. Joyce, et al.*, Civ. Act. No. 25-1963 (MEF) (MAH)**
Government's Response to ECF Nos. 301, 303

Dear Judge Farbiarz:

Respondents submit this letter in response to the Court's Order, ECF 303, and to Petitioner's letter regarding release, ECF 301.

The Court did not order Respondents to release Petitioner Mahmoud Khalil. ECF No. 299 at 12–13. The Court instead enjoined Respondents from detaining Khalil “based on the Secretary of State’s determination.” *Id.* That injunction does not interfere with Respondents’ authority to detain Khalil on other grounds, including the removal charge pursuant to 8 U.S.C. § 1227(a)(1)(A), as an alien inadmissible at the time of entry or admission, to wit 8 U.S.C. § 1182(a)(6)(C) (fraud or material misrepresentation). *See* ECF No. 90-1 at 5 (Form I-261). Given that ability to detain Khalil on other grounds, Respondents have not sought an immediate stay of this Court’s preliminary injunction.¹

The Court expressly noted that its holdings “have no impact on efforts to remove the Petitioner for reasons other than the Secretary of State’s determination.” ECF No. 299 at 13 n.14. And, while the Court made a *factual* finding that it was unlikely that Khalil would be detained on another basis, *id.* at 10, the Court never held that it would be *unlawful* for Respondents to detain Khalil based on another charge of removability. Khalil is charged as removable on a ground other than the Secretary of State’s determination. *See* ECF No. 90-1 at 5. Khalil is now detained based on that other charge of removability. Detaining Khalil based on that other ground of removal is lawful. 8 U.S.C. § 1226(a). An alien like Khalil may be detained during the pendency of removal proceedings regardless of the charge of removability. *Id.* Khalil may seek release through the appropriate administrative processes, first before an officer of the Department of Homeland Security, 8 C.F.R. § 236.1(c)(8), and secondly through a custody redetermination hearing before an immigration judge, if necessary, 8 C.F.R. §§ 236.1(d)(1), 1003.19, 1236.1(d). Khalil “must demonstrate to the satisfaction of the officer [or the immigration judge] that [his] release would not pose a danger to property or persons, and that [he] is likely to appear for any future proceeding” 8 C.F.R. § 236.1(d)(1); *see* 8 C.F.R. § 1003.19(d).

¹ If this Court does order release, Respondents respectfully request that this Court stay such an order pending appeal or at least delay its effective date for seven days so that Respondents can seek a stay from the Third Circuit.

These administrative processes are the proper avenues for Khalil to seek release—not having a federal district court hold that the government cannot detain Khalil on a charge that the Court never found to be unlawful.

Respectfully submitted,

BRETT A. SHUMATE
Assistant Attorney General
Civil Division

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Principal Deputy Assistant Attorney General

DREW C. ENSIGN
Deputy Assistant Attorney General

/s/ August E. Flentje
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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAHMOUD KHALIL,

Petitioner,

v.

DONALD TRUMP et al.,

Respondents.

No. 25-cv-01963 (MEF) (MAH)

ORDER

The Court preliminarily enjoined the Respondents from detaining the Petitioner on a particular charge. See Khalil v. Trump, 2025 WL 1649197, at *6 (D.N.J. June 11, 2025). That preliminary injunction is now in effect.

The Petitioner filed a letter this morning, stating "the Government [has not] represented that Mr. Khalil is being detained based on any ground other than the one the Court enjoined." ECF 301 at 1 (emphasis added).

It would plainly be unlawful to detain the Petitioner on a charge the Court preliminarily enjoined.

But by their letter of this afternoon, at ECF 304, the Respondents have now represented that the Petitioner is being detained on another, second charge.

That second charge has not been preliminarily enjoined by the Court.

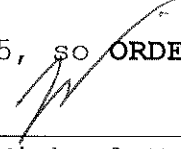
As the Court noted at some length on May 28, (1) the Petitioner did not put forward factual evidence as to why it might be unlawful to detain him on the second charge, and (2) the Petitioner failed to make meaningful legal arguments as to that second charge. See Khalil v. Trump, 2025 WL 1514713, at *52-54 (D.N.J. May 28, 2025); see also Khalil, 2025 WL 1649197, at *2, *6.

The Petitioner has not sought appellate review as to the Court's May 28 holdings.

As the Respondents note in their letter today, a number of avenues are now available to the Petitioner, including a bail application to the immigration judge presiding over the immigration case.

To the extent the Petitioner requests relief from this Court, the request is denied.

IT IS on this 13th day of June, 2025, so **ORDERED.**



Michael E. Farbiarz, U.S.D.J.

June 16, 2025

VIA ECF

Honorable Michael E. Farbiarz
United States District Judge
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Farbiarz,

In light of the Court’s recent rulings, ECF 303 and 306, and Respondents’ newly claimed justification to detain Petitioner Mahmoud Khalil, ECF 304, Petitioner respectfully requests that the Court rule on his fully-briefed motion for release on bail pending adjudication of his habeas corpus petition, *see, e.g.*, ECF 53 and 93, or, in the alternative, on his motion to compel his return to detention in New Jersey, ECF 11 and 96.

Following this Court’s June 11, 2025 opinion and order enjoining Mr. Khalil’s removal and detention based on the Secretary of State’s determination, ECF 299, Respondents have taken the position that Mr. Khalil “is *now* detained based on [the] other charge of removability”—alleged omissions in an immigration application, ECF 304 (emphasis added). Given this Court’s factual finding, drawing on undisputed evidence, that the detention of U.S. lawful permanent residents on this basis “virtually never” occurs, ECF 299 at 8, the decision to continue Petitioner’s detention on this basis further underscores Respondents’ unlawful, retaliatory purpose, and independently provides additional grounds for release during the pendency of his long-running habeas proceedings.

To be clear, Petitioner does not ask the Court to adjudicate the merits of Respondents’ new decision to detain him based on the post-hoc, immigration application related charge, which Petitioner intends to address separately. Nevertheless, the extraordinary rarity of detention on this basis is relevant here to the independent inquiry whether Mr. Khalil is entitled to bail pending the (potentially lengthy) adjudication of those merits (alongside other claims). Petitioner remains available to testify in person should the Court need his live testimony in support of his motion for release or the separate motion for his return.

1. This Court should grant Mr. Khalil’s motion for release.

These developments only bolster Mr. Khalil’s motion for release on bail. First, as Mr. Khalil has previously briefed, he raises several substantial claims, ECF 93 at 15-19, and this Court has now ruled on one of them—that Mr. Khalil “is likely to succeed on the merits of his claim that Section 1227, as applied to him here through the Secretary of State’s determination, is vague in violation of the Due Process Clause of the Constitution.” *Khalil v. Trump*, No. 25-CV-01963 (MEF) (MAH), __ F. Supp. 3d. __, 2025 WL 1514713, at *52 (D.N.J. May 28, 2025).

Second, Mr. Khalil has raised substantial claims that Respondents’ decision to detain him—distinct from both the initiation of removal proceedings based on the Rubio determination and the later addition of the post-hoc charge as a second ground for removal—is retaliatory and punitive, in violation of the First and Fifth Amendments. ECF 93, at 15-17; ECF 162 at 24-25; ECF 124 at 31-35. While the Court has not yet fully ruled on Mr. Khalil’s detention claims, these recent developments—namely, Respondents’ “extremely unusual” decision to continue detaining Mr. Khalil, a U.S. permanent resident, based solely on the post-hoc charge, ECF 299 at 10 *quoting* Kurzban Declaration; ECF 284-11, coupled with their refusal to even transfer him to a facility closer to his family, in violation of their own directive, *see below*—underscore the retaliatory and punitive nature of his continued detention. Together or in isolation, these additional facts further highlight that Mr. Khalil satisfies the first prong of the standard for release on bail. ECF 93 at 12-17 (collecting and applying cases).

Third, as Mr. Khalil has previously briefed, there are several extraordinary circumstances that demonstrate why release is required to make the habeas remedy effective. ECF 93 at 19-22. Mr. Khalil’s most recent evidentiary submissions—which, like his previous evidentiary submissions, Respondents have not contested—demonstrate serious personal harms to Mr. Khalil and support such a finding. Moreover, Mr. Khalil’s detention based on the post-hoc, immigration application related charge alone is “extraordinary.” This Court, crediting Mr. Khalil’s evidence, found it would be “overwhelmingly” unlikely for Respondents to detain him solely on that charge. ECF 299 at 10. Nonetheless, that is precisely what Respondents are doing.

In addition, Mr. Khalil is neither a flight risk nor a danger. ECF 93 at 20.¹ As the Court observed, Mr. Khalil “has no criminal record. The Secretary of State’s determination does not say that he has been involved in criminal activity or violence. And the Respondents have not put forward any evidence as to involvement by the Petitioner in violence, destruction of property, or any other sort of criminal activity.” ECF 299 at 10 n.10. The uncontested evidence shows that, “as a matter of fact . . . it is overwhelmingly likely that Petitioner would not be detained based on the lawful-permanent-resident-application charge.” *Id.* at 10. That Respondents have confirmed they have now made the exceedingly rare and extremely unusual choice of detaining Mr. Khalil based on the immigration application-related charge, ECF 304, amounts to further unconstitutional retaliation and adds to the extraordinary circumstances warranting relief. This Court should therefore order Mr. Khalil’s immediate release pending further adjudication of his habeas petition.²

¹ Apart from the most recent tranche of evidentiary submissions, ECF 284-1 to 284-17, Petitioner previously submitted evidence of his lawful permanent resident status (ECF 56-2), family ties to his U.S. citizen wife and child (ECF 55, 56-4, 56-5, 203, 207), educational program (ECF 56-1), immigration court filings, including evidence refuting removal charges (ECF 198-1, 200, 210-1, 210-2, 210-3, 211-1, 212-1, 213-1, 213-2, and additional filings), and letters of support from friends, classmates, teachers, and colleagues (ECF 56-6, 93-1), all of which demonstrate his community ties and that he poses neither flight nor public safety risk.

² Now that this Court’s preliminary injunction has taken effect, even if it were followed by withdrawal or dismissal of the enjoined foreign policy-based removal charge, 8 U.S.C. 1227(a)(4)(C), with Petitioner remaining detained on the immigration application related charge only, the theoretical possibility of release on immigration bond that Respondents and the Court

As in the cases of other similarly-situated petitioners granted bail, if Mr. Khalil were to remain detained pending adjudication of this habeas petition, while continuing to accrue these harms, he will lose the benefit of the habeas remedy. *See, e.g., Ozturk v. Trump*, No. 2:25-CV-374, ___ F. Supp. 3d ___, 2025 WL 1420540, at *8 (D. Vt. May 16, 2025) (finding extraordinary circumstances meriting release on bail, including chilling effect); *Mahdawi v. Trump*, No. 25-CV-00389, ___ F. Supp. 3d ___, 2025 WL 1243135, at *13 (D. Vt. Apr. 30, 2025) (same); *cf. Khan Suri v. Trump*, No. 25-cv-480, 2025 WL 1392143, at *1 (E.D. Va. May 14, 2025) (granting release on bail).

point to, ECF 304 at 1; ECF 306 at 2, still would not obviate the need for the relief Petitioner seeks through his pending motions for release on bail or return. Indeed, even if Petitioner were granted immigration bond, Respondent DHS likely would invoke an automatic stay of release pending appeal to the BIA, under 8 C.F.R. § 1003.19(i)(2), keeping Petitioner detained in Louisiana as a result. While, like Petitioner’s ongoing detention, invocation of this regulation is exceedingly rare, Respondents have done just that in several comparable cases also involving students recently. *See, e.g., Günaydin v. Trump*, No. 25-CV-1151 (JMB) (DLM), 2025 WL 1459154, at *10 (D. Minn. May 21, 2025) (holding that automatic stay regulation violated petitioner’s due process rights); *Aditya v. Trump*, No. 25-CV-1976 (KMM) (JFD), 2025 WL 1420131, at *6, *13 (D. Minn. May 14, 2025) (noting that government provided no evidence that “invocation of an apparently rarely used stay provision to prevent [petitioner’s] release by the IJ was not motivated by Mr. H’s protected speech”); *Mohammed v. Trump*, No. 25-CV-1576 (JWB) (DTS), 2025 WL 1334847, at *6 (D. Minn. May 5, 2025) (holding that petitioner raised substantial claim as to automatic stay regulation violating due process). In another case, one that Respondents identified to the Court as also “being related to the Israel-Palestine conflict,” ECF 256 at 10, a detained noncitizen protester, Leqaa Kordia, was granted immigration bond in the amount of \$20,000, which she promptly posted on April 4, 2025. She nonetheless remains in immigration detention in Texas today because DHS unilaterally stayed her release pending BIA appeal of the Immigration Judge’s bond ruling. Pet. for Habeas Corpus, ¶¶ 154-60, *Kordia v. Noem*, No. 25-CV-1072 (N.D. Tex. Apr. 30, 2025). Finally, there is no petition for review process available on bond and a BIA bond decision cannot be appealed to a federal court of appeals. *See, e.g., Mahdawi v. Trump*, 136 F.4th 443, 452 (2d Cir. 2025) (“We are not persuaded that an IJ or the BIA will develop a sufficient factual record, or any record at all, with respect to the challenged detention, especially given that bond hearings are decided separately, appealed separately, and contain records separate from those made in the removal proceedings.”), *citing* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d), 1003.19(d); U.S. Dep’t Just., Exec. Off. for Immigr. Rev., Immigration Court Practice Manual, § 9.3(e), (f) (last visited June 16, 2025), available at <https://www.justice.gov/eoir/reference-materials/ic/chapter-9/3> [<https://perma.cc/9A6W-AG9U>]. Absent meaningful habeas review, the executive branch would have final say on the detention of noncitizen students such as Mr. Khalil, notwithstanding any constitutional violations.

2. Recent ICE decisions further support Mr. Khalil’s release or, in the alternative, his return to New Jersey.

On May 30, 2025, following the difficulties Mr. Khalil and his family faced when his wife and child attempted to visit him in the Central Louisiana ICE Processing Center in Jena, Louisiana, ECF 284-2 at ¶¶ 18-22; ECF 284-1 at ¶ 7, Mr. Khalil requested that ICE transfer him to a detention center in New Jersey pursuant to ICE Directive 11064.3 (Interests of Noncitizen Parents and Legal Guardians of Minor Children or Incapacitated Adults). The directive states that ICE “must place the Covered Individual as close as practicable to the noncitizen’s minor child(ren),” ICE Directive 11064.3 § 5.3(2), and that “[i]f the ... detention facility is not the closest location to the Covered Individual’s minor child(ren) ..., the FODs must consider transfers ... to a facility within the AOR that is closer to the location of the minor child(ren).” *Id.* at § 5.3(3). The directive further provides that, “at facilities where there is no provision for contact visits by minors, FODs must arrange, upon request, for a contact visit by minor child(ren) within the first 30 days of detention;” and that, “[a]fter that time, upon request ... ICE personnel must consider a request for transfer, when practicable, to a facility that would allow such visitation[.]” *Id.* at § 5.5(1). Unlike the Jena facility, the Elizabeth Detention Center in New Jersey permits contact visits. ECF 258-2. On June 2, 2025, the Acting Field Office Director of the New Orleans ICE Field Office, Brian S. Acuna, denied the transfer request, and then declined to reconsider his decision on June 4, 2025. Ex. A.

ICE is bound by the rules it promulgates, including its own directives. *See Accardi v. Shaughnessy*, 347 U.S. 260 (1954) (agency may not violate its own rules and processes simply because Attorney General singled out individual for deportation); *Leslie v. Attorney Gen. of U.S.*, 611 F.3d 171, 175-179 (3d Cir. 2010) (reaffirming that “rules promulgated by a federal agency that regulate the rights and interests of others are controlling upon the agency”); *Jane v. Rodriguez*, No. CV 20-5922-ES, 2020 WL 6867169, at *6 (D.N.J. Nov. 23, 2020) (agency is bound not only by formal regulations but also “materials such as agency guidance or policy documents” that create binding norms). In short, ICE must “follow [its] own procedures.” *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). The fact that ICE has not done so here only further bolsters Petitioner’s motion for release. ECF 93. Respondents’ consistent pattern of violating their own directives and policies with respect to Petitioner provides strong additional evidence of the retaliatory purpose and effect of his arrest and ongoing detention, demonstrating the substantial nature of Petitioner’s claims for habeas relief, including his First Amendment and *Accardi* claims. *Id.* at 15-18. It also amounts to yet another extraordinary circumstance, among the many that have characterized Petitioner’s ordeal from the start, providing further justification for release. *Id.* at 19-21. In addition, the thrust of the applicable ICE directive prioritizing proximity to minor children dovetails with the alternative relief Petitioner seeks in his pending motion to compel his return to New Jersey, ECF 96, which aims to facilitate this Court’s exercise of its jurisdiction over the instant petition, including by promoting greater access by Mr. Khalil to his family, who resides near this District.

Petitioner respectfully requests that this Court order immediate release without a stay of its decision, as other courts have recently done, allowing Petitioner to be released during the pendency of any stay proceedings in the court of appeals. *See Ozturk v. Trump*, 2025 WL 1420540, at *9 n.4 (granting release and declining to issue stay pending appeal); *Mahdawi v. Trump*, 2025 WL 1243135, at **13-14 (same); *Suri v. Trump*, 2025 WL 1392143, at *1(same). In the alternative, the Court should grant Petitioner’s pending motion to compel his return to New Jersey.

Respectfully submitted,

s/ Naz Ahmad

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San Francisco, CA 94108
Tel: (415) 981-3000
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Counsel for Petitioner

* *Appearing Pro hac vice*

Exhibit A

From: Acuna, Brian S [REDACTED]
Date: Wednesday, June 4, 2025 at 10:21 AM
To: Nora Ahmed [REDACTED]
Cc: Marc Van Der Hout [REDACTED], Johnny Sinodis [REDACTED], Oona Cahil [REDACTED], Marc Van Der Hout [REDACTED], Ladwig, Scott G [REDACTED]
>
Subject: RE: ICE Response: Transfer Request to New Jersey: M. Khalil, [REDACTED]
(readnow)

Thank you for your message. As stated in my June 2, 2025 e-mail, I am declining your request that Mr. Khalil be transferred from the Central Louisiana ICE Processing Center in Jena, Louisiana to a detention center in New Jersey.

Brian S. Acuna

Acting Field Office Director

New Orleans Field Office

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

c: [REDACTED]

From: Nora Ahmed [REDACTED]
Sent: Tuesday, June 3, 2025 6:03 PM
To: Acuna, Brian S [REDACTED]
Cc: Marc Van Der Hout [REDACTED]; Johnny Sinodis [REDACTED]; Oona Cahil [REDACTED]; Marc Van Der Hout [REDACTED]; Ladwig, Scott G [REDACTED]
Subject: Re: ICE Response: Transfer Request to New Jersey: M. Khalil, [REDACTED]
(readnow)

Many thanks for your response.

Best,

Nora Ahmed | Legal Director

Pronouns: she, her, hers

American Civil Liberties Union of Louisiana

P.O. Box 56157, New Orleans, LA 70156

Tel: [REDACTED]

*Admitted to the New York Bar, not admitted to the Louisiana Bar

From: Acuna, Brian S [REDACTED]
Sent: Tuesday, June 3, 2025 6:01:30 PM
To: Nora Ahmed [REDACTED]
Cc: Marc Van Der Hout [REDACTED]; Johnny Sinodis [REDACTED]; Oona Cahil [REDACTED]; Marc Van Der Hout [REDACTED]; Ladwig, Scott G [REDACTED]
Subject: RE: ICE Response: Transfer Request to New Jersey: M. Khalil, [REDACTED] (readnow)

Good evening. Yes, I am reviewing your message. Brian S. Acuna Acting Field Office Director New Orleans Field Office Enforcement and Removal Operations U.S. Immigration and Customs Enforcement c: [REDACTED] From: Nora Ahmed <[REDACTED]>

Good evening. Yes, I am reviewing your message.

Brian S. Acuna

Acting Field Office Director

New Orleans Field Office

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

c: [REDACTED]

From: Nora Ahmed [REDACTED]
Date: Tuesday, Jun 03, 2025 at 17:50
To: Acuna, Brian S [REDACTED]
Cc: Marc Van Der Hout [REDACTED], Johnny Sinodis [REDACTED], Oona Cahil [REDACTED], Marc Van Der Hout [REDACTED], Ladwig, Scott G [REDACTED]
Subject: Re: ICE Response: Transfer Request to New Jersey: M. Khalil, [REDACTED] (readnow)

Hi AFOD Acuna,

Any update from your office on the below follow-up email would be much appreciated.

Best,

Nora Ahmed | Legal Director

Pronouns: she, her, hers

American Civil Liberties Union of Louisiana

P.O. Box 56157, New Orleans, LA 70156

Tel: [REDACTED]

**Admitted to the New York Bar, not admitted to the Louisiana Bar*

From: Nora Ahmed [REDACTED]

Date: Tuesday, June 3, 2025 at 9:03 AM

To: Acuna, Brian S [REDACTED]

Cc: Marc Van Der Hout [REDACTED], Johnny Sinodis [REDACTED], Oona Cahil [REDACTED], Marc Van Der Hout [REDACTED], Ladwig, Scott G [REDACTED]

Subject: Re: ICE Response: Transfer Request to New Jersey: M. Khalil, [REDACTED]
(readnow)

Dear AFOD Acuna,

Thank you for your email. It would be helpful on our end to understand how your office came to the conclusion that Mr. Khalil is not covered by ICE Directive 11064.3 (the “Directive”). Section 3.1 of the Directive indicates that a “Covered Individual” is a noncitizen parent who either “ha[s] custody of a minor child” or is a “primary caretaker[.]” In short, there are two independent grounds in the Directive that apply to Mr. Khalil. He undoubtedly satisfies both.

First, there is no question that Mr. Khalil has custody of his child. He is the father of his child (as his child’s birth certificate, which can be produced upon request, proves). In fact, as far as Mr. Khalil knows, the parent/child relationship in this matter is not contested. Hence, there is no basis to claim he does not have custody of his child. Custody alone is grounds enough for application of the ICE Directive to Mr. Khalil.

Second, Mr. Khalil is one of his son’s two primary caretakers. He neither voluntarily nor involuntarily ever surrendered his legal rights as a father. Indeed, under New York law, Mr. Khalil assumed affirmative obligations upon the birth of his son, including responsibilities for the care and raising of his child, which Mr. Khalil enthusiastically embraces. *See, e.g.,* N.Y. Fam. Ct. Act § 413 (McKinney) (“the parents of a child under the age of twenty-one years are chargeable with the support of such child”) (emphasis added). The primary caretaker designation applies not to a single parent, but to both “parents,” of which Mr. Khalil is one. *Id.*

The ICE Directive is an attempt to shed an iota of humanity into a system that rips families apart. Mr. Khalil deserves to be with his child every day, including on Father's Day, which is just around the corner. Luckily, this situation is easily rectifiable. In fact, it requires rectification because Mr. Khalil is a Covered Individual who has both custody of his child and is one of his child's two primary caretakers.

To the extent your office has a reason to disclaim the applicable Covered Individual provisions that clearly apply to Mr. Khalil, it would be helpful to understand that analysis more fully. Even to the extent there is disagreement as to one of the two provisions discussed above, that disagreement cannot extend to both—as Mr. Khalil is the legal guardian of his minor child.

We look forward to hearing from you.

Nora Ahmed | Legal Director

Pronouns: she, her, hers

American Civil Liberties Union of Louisiana

P.O. Box 56157, New Orleans, LA 70156

Tel: [REDACTED]

**Admitted to the New York Bar, not admitted to the Louisiana Bar*

From: Acuna, Brian S [REDACTED]

Date: Monday, June 2, 2025 at 4:21 PM

To: Nora Ahmed [REDACTED]

Cc: Marc Van Der Hout [REDACTED], Johnny Sinodis [REDACTED], Oona Cahil [REDACTED], Marc Van Der Hout [REDACTED], Ladwig, Scott G [REDACTED]

Subject: ICE Response: Transfer Request to New Jersey: M. Khalil, [REDACTED] (readnow)

Ms. Ahmed, thank you for your email to the New Orleans Field Office. After considering your information below and a review of your client's case, your request for a transfer is denied. He is not a covered individual under the 11064.3 policy

Ms. Ahmed, thank you for your email to the New Orleans Field Office. After considering your information below and a review of your client's case, your request for a transfer is denied. He is not a covered individual under the 11064.3 policy you mentioned. Thank you.

Brian S. Acuna

Acting Field Office Director

New Orleans Field Office

Enforcement and Removal Operations

U.S. Immigration and Customs Enforcement

c: [REDACTED]

From: Nora Ahmed [REDACTED]

Date: Monday, Jun 02, 2025 at 3:03 PM

To: Ladwig, Scott G [REDACTED]

Cc: Marc Van Der Hout [REDACTED], Johnny Sinodis [REDACTED], Oona Cahil [REDACTED], Marc Van Der Hout [REDACTED]

Subject: Re: Transfer Request to New Jersey: M. Khalil, [REDACTED] (readnow)

Hi Scott,

I am reaching out about the status of the below transfer request. Any update would be much appreciated.

Best,

Nora Ahmed | Legal Director

Pronouns: she, her, hers

American Civil Liberties Union of Louisiana

P.O. Box 56157, New Orleans, LA 70156

Tel: [REDACTED] | [REDACTED]

**Admitted to the New York Bar, not admitted to the Louisiana Bar*

From: Nora Ahmed [REDACTED] >

Date: Friday, May 30, 2025 at 10:24 PM

To: Ladwig, Scott G [REDACTED]

Cc: Marc Van Der Hout [REDACTED], Johnny Sinodis [REDACTED], Oona Cahil [REDACTED], Marc Van Der Hout [REDACTED]

Subject: Transfer Request to New Jersey: M. Khalil, [REDACTED] (readnow)

Dear Scott,

We write as counsel for Mahmoud Khalil (A#: [REDACTED]) to request that he be transferred from the Central Louisiana ICE Processing Center in Jena, Louisiana to a detention center in

Additionally, ICE must facilitate visitation for detained noncitizen parents like Mr. Khalil, including by “accommodate[ing] regular visitation between the Covered Individual and their minor child(ren).” ICE Directive 11064.3 Section 5.5(1). Furthermore, “*Pursuant to ICE detention standards, at facilities where there is no provision for contact visits by minors, FODs must arrange, upon request, for a contact visit by minor child(ren) within the first 30 days of detention. After that time, upon request and consistent with Section 5.3, ICE personnel must consider a request for transfer, when practicable, to a facility that would allow such visitation. Upon request, FODs must continue to allow monthly visits if a transfer is not approved, or until an approved transfer can be completed.*” *Id.*; see also U.S. Immigration and Customs Enforcement, National Detention Standards for Non-Dedicated Facilities §5.5.II.F.1 (2019); U.S. Immigration and Customs Enforcement, Performance-Based National Detention Standards 2011 § 5.7.VI.2 (2011, rev. 2016); U.S. Immigration and Customs Enforcement, Performance-Based National Detention Standards 2008 § 5.32.VI.2 (2008); U.S. Immigration and Customs Enforcement, 2000 National Detention Standards, Visitation § III.H.2.d (2000).

Mr. Khalil has been detained for 83 days, since March 8, 2025. Under ICE’s PBNDS and ICE Directive 11064.3, ICE must facilitate visitation between Mr. Khalil and his infant U.S. citizen son. Mr. Khalil’s U.S. citizen wife and son live in New York and are unable to regularly travel to Jena, Louisiana as his son is only one-month old and his wife has just recently given birth. There is no indication that transfer to New Jersey would be impracticable in these circumstances, as ICE maintains significant detention space in New Jersey and in fact has expanded its detention capacity there.

On May 1, ICE confirmed to the New Jersey Globe that it had opened for operation a 1,000-bed detention facility in Newark, that a spokesperson for GEO Group said would create hundreds of jobs. As of May 12, the newly opened facility—Delaney Hall—was only at 15% capacity of its 1000-bed capacity. There is evidently ample space for Mr. Khalil to be detained in New Jersey, particularly given this facility has just opened and cannot be at capacity.

Additionally, Mr. Khalil has now completed his immigration court proceedings in Louisiana, and has no scheduled hearings before the court. This is yet another reason why no justification exists to keep him detained in Louisiana, rather than transferring him to New Jersey.

We therefore request that Mr. Khalil be transferred to a detention center in New Jersey as expeditiously as possible to ensure ICE complies with its own stated policies.

Best,

Nora Ahmed | Legal Director

Pronouns: she, her, hers

American Civil Liberties Union of Louisiana

P.O. Box 56157, New Orleans, LA 70156

Tel: [REDACTED] | [REDACTED]



RE: M. Khalil, [REDACTED] Request for Release from Custody pursuant to 8 C.F.R. § 236.1(c)(8) (Part 2 of Exhibits) (readnow for Marc's filtering))

From Acuna, Brian S <[REDACTED]>
Date Mon 6/16/2025 1:50 PM
To Marc Van Der Hout <[REDACTED]>
Cc Ladwig, Scott G <[REDACTED]>; Hartnett, John <[REDACTED]>; Miller, Alice M <[REDACTED]>; Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Marc @ Home <[REDACTED]>

Mr. Van Der Hout,

This is in response to your June 13, 2025 request for release from custody for Mr. Khalil. Your request is denied.

Brian S. Acuna
Acting Field Office Director
New Orleans Field Office

Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement

c: [REDACTED]

From: Marc Van Der Hout <[REDACTED]>
Date: Sunday, Jun 15, 2025 at 16:16
To: Acuna, Brian S <[REDACTED]>
Cc: Ladwig, Scott G <[REDACTED]>; Hartnett, John <[REDACTED]>; Miller, Alice M <[REDACTED]>; Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Marc @ Home <[REDACTED]>
Subject: RE: M. Khalil, [REDACTED] Request for Release from Custody pursuant to 8 C.F.R. § 236.1(c)(8) (Part 2 of Exhibits) (readnow for Marc's filtering))

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Thank you Brian for the prompt acknowledgement of receipt of our request. Looking forward to your response tomorrow.

Hope you have had a good weekend.

Marc

Marc Van Der Hout

JA 1457

Founding Partner
Van Der Hout LLP
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San Francisco, CA 94108
Main Line: 415-981-3000
www.vblaw.com

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From: Acuna, Brian S <[REDACTED]>
Sent: Friday, June 13, 2025 8:52 PM
To: Marc Van Der Hout <[REDACTED]>
Cc: Ladwig, Scott G <[REDACTED]>; Hartnett, John <[REDACTED]>; Miller, Alice M <[REDACTED]>; Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Marc @ Home <[REDACTED]>
Subject: RE: M. Khalil, [REDACTED] Request for Release from Custody pursuant to 8 C.F.R. § 236.1(c)(8) (Part 2 of Exhibits) (readnow for Marc's filtering))

Evening. Acknowledging receipt of both.

Brian S. Acuna
Acting Field Office Director
New Orleans Field Office

Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
c: [REDACTED]

From: Marc Van Der Hout <[REDACTED]>
Date: Friday, Jun 13, 2025 at 22:50
To: Acuna, Brian S <[REDACTED]>
Cc: Ladwig, Scott G <[REDACTED]>; Hartnett, John <[REDACTED]>; Miller, Alice M <[REDACTED]>; Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Marc @ Home <[REDACTED]>
Subject: RE: M. Khalil, [REDACTED] Request for Release from Custody pursuant to 8 C.F.R. § 236.1(c)(8) (Part 2 of Exhibits) (readnow for Marc's filtering))

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Attached please find Part 2, the remaining exhibits in support of the release request.

Thank you again for your prompt attention to this request.

Marc

Marc Van Der Hout
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San Francisco, CA 94108
Main Line: 415-981-3000
www.vblaw.com

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From: Marc Van Der Hout
Sent: Friday, June 13, 2025 8:42 PM
To: '[REDACTED]' <[REDACTED]>
Cc: 'Ladwig, Scott G' <[REDACTED]>; 'Hartnett, John' <[REDACTED]>; 'Miller, Alice M' <[REDACTED]>; Johnny Sinodis <[REDACTED]>; Oona Cahill <[REDACTED]>; Marc @ Home <[REDACTED]>
Subject: RE: M. Khalil, [REDACTED] Request for Release from Custody pursuant to 8 C.F.R. § 236.1(c)(8) (readnow for Marc's filtering))

Dear Acting Field Office Director Acuna,

Attached please find our formal release from custody request pursuant to 8 C.F.R. § 236.1(c)(8) on behalf of Mr. Khalil. I am sending this in two parts due to the volume of exhibits in support of the request. We realize this is being sent late on a Friday evening and do not expect you will be addressing this over the weekend (although that would be great of course if you would be). However, we would request an answer by the close of business on Monday so we can prepare to post bond, should that be required, on Tuesday.

Thank you very much in advance for your prompt attention to this time-sensitive request.

Marc

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Van Der Hout LLP is available and accessible. We are fully operational both in-office and remotely, and continue to provide all services with little or no delay.



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VIA EMAIL

June 13, 2025

Brian Acuna
Acting Field Office Director
Immigration and Customs Enforcement
Enforcement and Removal Operations
1250 Poydras, Suite 325
New Orleans, LA 70113
[REDACTED]

Re: Request for Release

Mahmoud KHALIL, [REDACTED], [REDACTED]

Dear Acting Field Office Director Acuna,

On behalf of our client, **Mr. Mahmoud KHALIL**, [REDACTED] enclosed please find a request for immediate release from custody on his own recognizance or on a minimal bond so that Mr. Khalil can be reunited with his U.S. citizen wife, Dr. Noor Abdalla, and one-month old U.S. citizen son, Deen Khalil. 8 C.F.R. § 236.1(c)(8). We also request that ICE confirm it has formally withdrawn or will withdraw its unconstitutional INA § 237(a)(4)(C) foreign policy charge stemming from the Rubio Memorandum.

On June 11, 2025, Judge Farbiarz of the federal district court for the District of New Jersey issued a preliminary injunction enjoining ICE from “seeking to remove [Mr. Khalil] from the United States based on the Secretary of State’s determination, as reflected in the Secretary’s memorandum to the Secretary of Homeland Security.” *Khalil v. Joyce*, 2:25-cv-01963-MEF-MAH, Dkt. 299 (D.N.J. June 11, 2025) (“Order”) at 12, attached here. Based on finding the Rubio determination likely unconstitutional, Judge Farbiarz further preliminarily enjoined ICE “from detaining [Mr. Khalil] based on the Secretary of State’s determination.” *Id.* at 13. The District Court also found “as a matter of fact that it is overwhelmingly likely that [Mr. Khalil] would not be detained based solely on the lawful-permanent-resident application charge.” *Id.* at 10.

The District Court’s order went into effect at 8:30 a.m. Central Time today. Subsequently, Respondents submitted a letter to the District Court stating that Mr. Khalil is “now detained based on” the charge of removability under INA § 237(a)(1)(A). *Khalil v. Joyce*, 2:25-cv-01963-MEF-MAH, Dkt. 304 (D.N.J. June 13, 2025). Respondents further stated “Khalil may seek release through the appropriate administrative processes, first before an officer of the Department of Homeland Security, 8 C.F.R. § 236.1(c)(8)[.]” This request follows.

Mr. Khalil is Not a Danger or a Flight Risk

Mr. Khalil should be immediately released from ICE custody because he is neither a danger nor a flight risk. 8 C.F.R. § 236.1(c)(8). Significantly, DHS has never asserted in either immigration court or in Mr. Khalil's habeas proceedings that he is either a danger or a flight risk.

The BIA has held that an individual should not be detained unless they are a danger or a flight risk. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). The Board stated in *Guerra* that relevant factors to be considered include: (1) whether the noncitizen has a fixed address in the United States; (2) the noncitizen's length of residence in the United States; (3) the noncitizen's family ties in the United States, and whether they may entitle the noncitizen to reside permanently in the United States in the future; (4) the noncitizen's employment history; (5) the noncitizen's record of appearance in court; (6) the noncitizen's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the noncitizen's history of immigration violations; (8) any attempts by the noncitizen to flee prosecution or otherwise escape from authorities; and (9) the noncitizen's manner of entry to the United States.

Mr. Khalil lawfully entered the United States in December 2022 on a student visa to pursue a Master's Degree from Columbia University. On November 16, 2023, Mr. Khalil married his U.S. citizen wife, Dr. Noor Abdalla. *See* Tab G, Marriage Certificate. On November 16, 2024, Mr. Khalil became an LPR of the United States. *See* Tab D, Mr. Khalil's Lawful Permanent Resident Card. On April 21, 2025, Dr. Abdalla gave birth to the couple's first child, Deen Khalil. *See* Tab I, Birth Certificate. The extended separation of Mr. Khalil from his wife and child during the first weeks and months of Deen's life has caused immense psychological and emotional strain for both Mr. Khalil and Dr. Abdalla. *See* Tab V, Declaration of Mahmoud Khalil; Tab W, Declaration of Noor Abdalla.

Mr. Khalil's community of friends, colleagues and supporters all confirm that he is widely beloved and poses no danger to anyone. Mr. Khalil's former colleague [REDACTED] notes that Mr. Khalil "was security cleared to work at the British Embassy in Beirut, one of the most politically sensitive posts in the diplomatic network," where he "was a trusted member of the team, showing discretion and personal integrity in all that he did." *See* Tab X.4, Letter of Support from [REDACTED]. Friends from Columbia describe him as an advocate for safety for all in his community, describing him as "a kind and devoted husband and friend," "deeply committed to fostering mutual understanding," and "someone who always puts himself between those around him and danger." *See* Tab X, Letters of Support.

Furthermore, in addition to his strong community ties, Mr. Khalil has demonstrated that he poses no risk of flight and is willing to comply with ICE's directives. On March 8, 2025, when he was detained in his apartment building, uncontroverted evidence, including video footage of the arrest, demonstrates that Mr. Khalil complied with the ICE officers arresting him, despite the fact they had no arrest warrant. *See* Tab M, Declaration of Mahmoud Khalil; Tab O, Declaration of Amy Greer; Tab N, Declaration of Noor Abdalla; Tab P, Declaration of Oona Cahill.

No Lawful Basis Exists to Detain Mr. Khalil

In his preliminary injunction order, Judge Farbiarz found that “the evidence is that lawful permanent residents are virtually never detained pending removal for the sort of alleged omissions in a lawful-permanent-resident application that the Petitioner is charged with here.” Order at 8. Judge Farbiarz based this determination on declarations from experienced immigration practitioners and former ICE officials. Kerry Doyle, Principal Legal Advisor (PLA), for Immigration Customs Enforcement (ICE) from September 2021 through September 2024 states that “[l]awful permanent residents . . . are . . . certainly not detained, based solely on the types of allegedly missing information described [here].” See Tab U, Declaration of Kerry Doyle. Second, per experienced immigration practitioner Stacy Tolchin: “it is incredibly rare to see a lawful permanent resident detained . . . for[, as in this case,] having failed to disclose a past membership or association on the application for adjustment of status.” See Tab T, Declaration of Stacy Tolchin. Leading immigration law scholar Ira Kurzban confirms that “[I]t is extremely unusual for a lawful permanent resident charged . . . [for] making material misrepresentations to be detained pending removal proceedings absent aggravating circumstances such as a criminal record.” See Tab S, Declaration of Ira Kurzban.

DHS, through counsel, and due to Judge Farbiarz’s ruling that the Rubio determination is unconstitutional, has stated in its filing in District Court today that it is now detaining Mr. Khalil based solely on the charge of removability under INA § 237(a)(1)(A), which is based on allegations that Mr. Khalil withheld certain information on his I-485 application. Mr. Khalil has submitted extensive evidence rebutting those allegations, which DHS failed to contest at all in its closing written statement to the Immigration Court on June 2, 2025. See also Tab R, Declaration of Johnny Sinodis. In fact, DHS did not contest at all the testimony of Mr. Khalil in immigration court that there was no misrepresentation at all in his application for permanent residency and the Immigration Judge has already found DHS did not meet its burden to sustain one of the allegations at Mr. Khalil’s Individual Calendar Hearing on May 22, 2025. That DHS made no effort to sustain its burden on the charge regarding Mr. Khalil’s green card application is yet another reason why release is appropriate here.

Immigration detention can never be punitive, either by design or effect. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); see also *Fong Yue Ting v. United States*, 149 U.S. 698, 730 (1893). To continue detaining Mr. Khalil, a lawful permanent resident based solely on the INA § 237(a)(1)(A) charge would be highly unusual and retaliatory. It would also be a violation of his constitutional rights, given that he is neither a danger nor a flight risk.

If Mr. Khalil is released, he plans to return to New York to reunite with his U.S. citizen wife and son. Mr. Khalil will comply with all orders and requirements from ICE, including attending any and all check-ins and court appearances.

For all the aforementioned reasons, Mr. Khalil should now promptly be released, as he is neither a danger nor a flight risk. He is a lawful permanent resident who legally entered the United States, has no criminal history in the United States or anywhere in the world, is married to a U.S. citizen, and is the father of a one-month old U.S. citizen. He has extensive support from his family and wider community, who confirm he is neither a danger nor a flight risk. See Tab X, Letters of

Support. We therefore ask the Department to now release Mr. Khalil so that he can be reunited with his wife and infant son, who are suffering each day he remains separated from them.

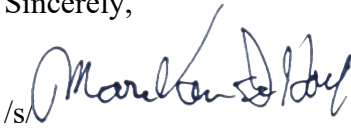
DHS Must Withdraw Reliance on the Secretary of State's Determination

Separately, as noted above, the June 11 order by the U.S. District Court for the District of New Jersey enjoins ICE (and all other Respondents in Mr. Khalil's ongoing federal habeas corpus case) from "seeking to remove [Mr. Khalil] from the United States based on the Secretary of State's determination, as reflected in the Secretary's memorandum to the Secretary of Homeland Security." *Khalil v. Joyce*, 2:25-cv-01963-MEF-MAH, Dkt. 299 (D.N.J. June 11, 2025) ("Order") at 12, attached here. That preliminary injunction went into effect at 8:30 a.m. Central Time on June 13 and remains in full effect.

Accordingly, ICE must now promptly inform the Immigration Judge that it withdraws all reliance on the INA § 237(a)(4)(C) foreign policy charge stemming from the Rubio Memorandum that the federal district court found unconstitutional. We ask that ICE confirm that it has already taken or will immediately take this step.

Thank you for your prompt attention to this matter. We would request a response by close of business this coming Monday, June 16, 2025.

Sincerely,

/s/ 

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
JENA, LOUISIANA

In the Matter of:

Mahmoud KHALIL,

Respondent,

In Custody Proceedings.



Hearing Date: N/A

Hearing Time: N/A

Before: Hon. Judge Jamee E. Comans

**MR. KHALIL'S MOTION TO SCHEDULE WEBEX CUSTODY REDETERMINATION
HEARING ON MONDAY, JUNE 23 OR AS SOON THEREAFTER AS THE COURT
CAN HEAR THE MATTER**

Respondent, **Mr. Mahmoud KHALIL**, [REDACTED] by and through undersigned Counsel, hereby submits this Motion to Schedule a Custody Redetermination Hearing pursuant to Immigration and Nationality Act (INA) § 236(a)(2).

The Court has jurisdiction to conduct a custody redetermination hearing under INA § 236(a)(2) and 8 C.F.R. § 1003.19. Due to the District Court's enjoining of the Rubio Determination, *see* attached Exhibit A, which formed the basis for Respondent's previously filed Motion to Reconsider Removability under INA § 237(a)(4)(C), *see* attached Exhibit B, the Court is not barred by any asserted regulatory basis from granting bond now in this matter. The Court should, thus, grant bond in a reasonable amount given that Mr. Khalil is neither a flight risk nor a danger to the community. Concurrent with this motion, Mr. Khalil submits preliminary evidence in support of his motion for custody redetermination, evidencing he is neither a flight risk nor a danger. *See* Preliminary Evidence in Support of Mr. Khalil's Motion for Custody Redetermination, submitted June 17, 2025. Additional evidence, along with a witness list and a supporting bond memorandum, will be filed with the Court prior to the custody redetermination hearing.

Undersigned counsel, respectfully request that the custody redetermination hearing be scheduled for Monday, June 23, 2025 at 1:00 p.m. If that day is not available for the Court, undersigned counsel respectfully request that the hearing be scheduled as soon as possible thereafter.

Undersigned counsel, who are appearing pro bono in this matter, also respectfully request that the Court permit counsel to appear via Webex for this hearing, as the Court has permitted for prior hearings in this matter. Traveling to Jena, Louisiana on such a short timeline would pose an undue administrative and financial burden for counsel.

For the aforementioned reasons, Mr. Khalil, through Counsel, asks the Court to grant this

Motion and to schedule a custody redetermination hearing for June 23, 2025, as requested, and permit counsel to appear via Webex.

Dated: June 17, 2025

Respectfully submitted,



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EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAHMOUD KHALIL,

Petitioner,

v.

DONALD TRUMP et al.,

Respondents.

No. 25-cv-01963 (MEF) (MAH)

OPINION and ORDER

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III. The Preliminary Injunction

* * *

Federal officials detained a lawful permanent resident and seek to remove him from the United States for two reasons.

One reason is that the Secretary of State has determined that his activities and presence in the United States "compromise a compelling . . . foreign policy interest."

The lawful permanent resident filed a habeas corpus petition and has moved to preliminarily enjoin federal officials from

removing him from the United States based on the Secretary's determination.

The motion is granted.

* * *

I. Background

A. The Facts

The relevant facts for now are as follows.

A lawful permanent resident¹ was arrested by federal officials. See Declaration of Amy E. Greer (ECF 11-1) ¶¶ 4-6.

He remains in immigration custody. See Petitioner's Amended Memorandum of Law in Support of Motion for Preliminary Injunctive Relief (ECF 124) ("Motion for Preliminary Injunction") at 1-2.

The Department of Homeland Security is seeking to remove him from the United States on two grounds.

The first ground:

In 2024, the lawful permanent resident inaccurately completed his lawful-permanent-resident application. See DHS Evidence, Tab 2 (Apr. 9, 2025) (Form I-485); see also Additional Charges of Inadmissibility (Mar. 17, 2025) (ECF 90-1) ("Additional Charges") at 1.

This can be a basis for removal. See Additional Charges at 1; see also 8 U.S.C. §§ 1182(a)(6)(C)(i), 1227(a)(1)(A).

The second ground for removal:

The Secretary of State determined that the lawful permanent resident's continued activities or presence in the United States would "compromise a compelling . . . foreign policy interest." Memorandum from Marco Rubio, Secretary of State, to Kristi Noem, Secretary of Homeland Security (ECF 198-1) ("Determination"), at 1.

Such a determination can also be a basis for removal. See 8 U.S.C. § 1227(a)(4)(C).

¹ Mahmoud Khalil.

B. Procedural History

The lawful permanent resident filed a habeas corpus petition in federal court. See ECF 2.

From here, he is called "the Petitioner." The various people he named in the petition are called "the Respondents."²

The Petitioner moved to preliminarily enjoin his removal from the United States. See ECF 66.³

The preliminary injunction motion became fully submitted on May 14, with the filing of the parties' last legal brief. See ECF 256.

On May 28, the Court ruled on the motion.

As to the first ground of removal, related to the Petitioner's alleged failure to accurately complete the lawful-permanent-resident application, the Court denied the motion.

The Court held that the Petitioner had put forward no evidence, see Khalil v. Trump, 2025 WL 1514713, at *54 (D.N.J. May 28, 2025), and also had not meaningfully developed legal arguments. See id. at *52-53.

As to the second ground of removal, related to the Secretary of State's determination, the Court held the Petitioner was likely to succeed on the merits of his claim, see id. at *52, but had not sufficiently addressed the other things a preliminary injunction applicant must show. See id. at *55.

² The Respondents are listed in the current habeas petition as: President of the United States Donald Trump; Acting Field Office Director of New York, United States Immigration and Customs Enforcement, William P. Joyce; Warden of Elizabeth Contract Detention Facility Yolanda Pittman; Acting Director of United States Immigration and Customs Enforcement Caleb Vitello; Secretary of the United States Department of Homeland Security Kristi Noem; Secretary of the United States Department of State Marco Rubio; and Attorney General of the United States Pamela Bondi.

³ For a fuller description of the relevant procedural history, see Khalil v. Trump, 2025 WL 1514713, at *2-3 (D.N.J. May 28, 2025).

As to these matters, the Court indicated it would allow the record to be supplemented. See id.; see also ECF 273.

The Petitioner said that he would need just under a week to do so. See Petitioner's Letter (May 29, 2025) (ECF 274). The Court set a briefing schedule accordingly, see ECF 275, and the final brief was filed yesterday. See ECF 295.

C. The Court's Approach

To obtain a preliminary injunction, the Petitioner must show four things. See Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008).

He must establish that "he is [1] likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest." Id. Of these, the "most critical" elements are the first and second. See Nken v. Holder, 556 U.S. 418, 434 (2009).

The Court considers each of these four below, see Part II, and concludes that a preliminary injunction should issue as to the Secretary of State's determination. The preliminary injunction's terms are set out in Part III.

II. Preliminary Injunction Requirements

A. Success

To obtain a preliminary injunction as to the Secretary's determination, the Petitioner must first show that he is likely to succeed on the merits of his claim. See Winter, 555 U.S. at 20.

He has made this showing. See Khalil, 2025 WL 1514713, at *56.

B. Harm

Next, the Petitioner must demonstrate that he is likely to suffer irreparable harm without preliminary relief. See Winter, 555 U.S. at 20.

The Court concludes that he has done so.

* * *

First, the Petitioner states that the Secretary's determination has cost him a job, see Declaration of Mahmoud Khalil ("Khalil Declaration") (June 4, 2024) (ECF 281-1) ¶¶ 15-16, and damaged his career prospects through "career-ending" professional harm. See id. ¶¶ 15-17 (describing a hoped-for career in "diplomacy and international affairs," steps taken down that road, and the difficulty of sustaining such a career in light of the Secretary's determination). The Respondents do not contest this. See Respondents' Letter (June 9, 2025). And as a legal matter, serious long-term damage to career prospects can count as irreparable harm.⁴ See Kamdem-Ouaffo v. Task Mgmt. Inc., 792 F. App'x 218, 222 (3d Cir. 2019) (citing Morton v. Beyer, 822 F.2d 364, 372 n.13 (3d Cir. 1987)); Acierno v. New Castle Cnty., 40 F.3d 645, 654 (3d Cir. 1994); see also Carson v. Am. Brands, Inc., 450 U.S. 79, 89 & n.16 (1981); Valley v. Rapides Parish Sch. Bd., 118 F.3d 1047, 1055-56 (5th Cir. 1997); NAACP, Inc. v. Town of E. Haven, 70 F.3d 219, 224 (2d Cir. 1995).

* * *

Second, the Petitioner states that the Secretary's determination harms his reputation. See Khalil Declaration ¶¶ 3, 8-10, 16, 22. Again, the Respondents have opted not to contest this. See Respondents' Letter (June 9, 2025). And when it cannot be compensated through money damages, as cannot readily be done here, reputational injury can count as irreparable harm. See, e.g., Guardian Life Ins. Co. of Am. v. Est. of Cerniglia, 446 F. App'x 453, 456 (3d Cir. 2011); Kos Pharms., Inc. v. Andrx Corp., 369 F.3d 700, 726 (3d Cir. 2004); Pappan Enters., Inc. v. Hardee's Food Sys., Inc., 143 F.3d 800, 805 (3d Cir. 1998); accord, e.g., Life Spine, Inc. v. Aegis Spine, Inc., 8 F.4th 531, 546 (7th Cir. 2021); Register.com., Inc. v. Verio, Inc., 356 F.3d 393, 404 (2d Cir. 2004); Rent-a-Center, Inc. v. Canyon Television & Appliance Rental, Inc., 944 F.2d 597, 603 (9th Cir. 1991); see also 11A Charles Alan Wright & Arthur R. Miller, Federal Practice & Procedure § 2948.1 (4th ed. 2025) ("Injury to reputation . . . is not easily measurable in monetary terms, and so often is viewed as irreparable."); Bennington Foods LLC v.

⁴ Loss of employment, standing on its own, generally would not. See Morton, 822 F.2d at 372; Moteles v. Univ. of Pa., 730 F.2d 913, 919 (3d Cir. 1984); 1 Moore's Manual --- Federal Practice and Procedure § 10A.22(2)(c) (2025).

St. Croix Renaissance, Grp., LLP, 528 F.3d 176, 178-79 (3d Cir. 2008).

* * *

Third, the Petitioner states that the Secretary's determination deters him from engaging in speech-related activities. In particular, the Petitioner states that he engaged in protest activities, see Khalil Declaration ¶ 12, and that "[a]s I remain detained because of the [Secretary of State's] [d]etermination, . . . I am unable to protest." Id. ¶ 13.⁵

Again, the Respondents have not contested this factually. See Respondents' Letter (June 9, 2025).⁶

And per the Supreme Court, "chilling" of speech counts as irreparable harm. See Elrod v. Burns, 427 U.S. 347, 373 (1976) (plurality opinion); see also, e.g., Hartman v. Moore, 547 U.S. 250, 256 (2006); Riley v. Nat'l Fed'n of the Blind of N.C., Inc., 487 U.S. 781, 794 (1988); Wooley v. Maynard, 430 U.S. 705, 714 (1977).⁷

⁵ The Petitioner's speech-related activities concern political speech. See Petition ¶¶ 22-23, 26, 29; Khalil Declaration ¶¶ 12-14; Declaration of Noor Ramez Abdalla (Mar. 14, 2025) (ECF 55) ¶¶ 6-8; see also Khalil, 2025 WL 1232369, at *45-46. And political speech is entitled to special protection under the First Amendment. See id. at *45.

⁶ There is ample record evidence that the Petitioner engaged in speech-related activities. See Third Amended Petition (ECF 236) ("Petition") ¶¶ 22-29; Khalil Declaration ¶¶ 12-14; Declaration of Noor Ramez Abdalla (Mar. 14, 2025) (ECF 55) ¶¶ 6-8. And also that he would return to these activities if detention did not prevent him from doing so. See Khalil Declaration ¶¶ 13-14, 23; Petition ¶ 72; see also Khalil Declaration ¶¶ 9-12; Declaration of Veronica Salama, Exhibit B ("Abdalla June 4 Declaration") ¶ 26; Petition ¶ 22; cf. Falcone v. Dickstein, 92 F.4th 193, 210 (3d Cir. 2024). (The Petition has been verified. See Khalil Declaration ¶ 1. Therefore, the Court treats it as evidence. See, e.g., K-2 Ski Co. v. Head Ski Co., 467 F.2d 1087, 1088 (9th Cir. 1972); see also Bascom Food Prods. Corp. v. Reese Finer Foods, Inc., 715 F. Supp. 616, 624 n.14 (D.N.J. 1989).)

⁷ Three things. First, the underlying likely legal violation here relates to unconstitutional vagueness. See Khalil, 2025 WL

To be sure, it might be argued that the Petitioner would be detained anyway. After all, as noted above, the Department of Homeland Security is seeking to remove the Petitioner based not only on the Secretary of State's determination --- but also on a second basis, the Petitioner's alleged failure to accurately

1514713, at *52. But a chilling effect on speech can count as an irreparable harm even where the underlying legal violation is not itself a First Amendment violation. See, e.g., Reporters Comm. for Freedom of the Press v. Rokita, 751 F. Supp. 3d 931, 943-44, 947 (S.D. Ind. 2024) (so holding); Ctr. for Individual Freedom, Inc. v. Ireland, 2008 WL 1837324, at *5 (S.D. W. Va. Apr. 22, 2008) (same); Alexander v. Thornburgh, 713 F. Supp. 1278, 1287-88 (D. Minn. 1989) (same); cf. Walls v. Sanders, 733 F. Supp. 3d 721, 741 (E.D. Ark. 2024) (holding that a vague statute that assertedly chills teachers' classroom speech does not count as irreparable injury because "when . . . teachers speak in the course of carrying out . . . required employment obligations, they have no personal interest in the content of that speech") (cleaned up). To be sure, causation principles require a tight nexus between the underlying legal violation and the chilling impact on speech. Cf. Goldie's Bookstore v. Super. Ct. of Cal., 739 F.2d 466, 472 (9th Cir. 1984). Here, the Court finds, there is plainly that sort of close link. Second, the Petitioner seems to suggest that his detention may itself count as irreparable harm. See Petitioner's Letter (June 4, 2025) (ECF 280) at 1 & n.1. But there are cases that tug in different directions on this. Compare, e.g., Arevalo v. Hennessy, 882 F.3d 763, 767 (9th Cir. 2018), and United States v. Bogle, 855 F.2d 707, 710-11 (11th Cir. 1988), with Watkins v. Muhammad, 2024 WL 4524525, at *3 (7th Cir. Oct. 18, 2024) ("[T]he ordinary hardships [such as pretrial detention] experienced by criminal defendants do not rise to the level of irreparable harm."); see also Respondents' Letter (June 9, 2025) (ECF 288) at 2 (discussing this point in the immigration context). The Petitioner's legal briefs do not meaningfully discuss this or cite cases in support of his position. Third, as part of his irreparable-harm filing, the Petitioner put forward evidence to suggest the Secretary's determination has chilled the speech of third parties. But the Petitioner makes no legal argument as to how that can count as irreparable harm here. See, e.g., Kansas v. United States, 124 F.4th 529, 534 (8th Cir. 2024) ("The irreparable-harm analysis focuses on the moving party, not . . . [a] third party.") (cleaned up).

* * *

To sum up:

The Respondents have not contested the evidence put forward by the Petitioner, and in light of that the Court finds as a matter of fact that the Petitioner's career and reputation are being damaged and his speech is being chilled --- and this adds up to irreparable harm.

C. Equities

So far, the Court has held that the Petitioner is likely to succeed on the merits and would suffer irreparable harm without an injunction. See Part II.A and Part II.B.

Now the Court considers the third requirement for an injunction.¹² Has the Petitioner shown "that the balance of equities tips in his favor"? Winter, 555 U.S. at 20.

Yes.

The Respondents can have little or no interest in applying the relevant underlying statutes in what is likely an unconstitutional way. See A.C.L.U. v. Ashcroft, 322 F.3d 240, 251 n.11 (3d Cir. 2003), aff'd and remanded, 542 U.S. 656 (2004) ("[N]either the Government nor the public generally can claim an interest in the enforcement of an unconstitutional law.").

And "[w]hen a plaintiff is claiming the loss of a First Amendment right, courts commonly rule that even a temporary loss outweighs any harm to defendant and that a preliminary injunction should issue." 11A Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 2948.2 (3d ed. 2025) (citing Ramirez v. Collier, 595 U.S. 411, 433 (2022); Roman Cath. Diocese of Brooklyn v. Cuomo, 592 U.S. 14, 19 (2020); Yang v. Kosinski, 960 F.3d 119, 136 (2d Cir. 2020); Cnty. House, Inc. v. City of Boise, 490 F.3d 1041, 1059 (9th Cir. 2007)); accord

This is in part because of the vagueness associated with the determination's underlying approach. That makes it hard to know what speech might potentially be covered, see Khalil, 2025 WL 1514713, at *37-42, and more likely that a person will curb his speech. See id. at *41 n.63.

¹² This third requirement is less important than the first two. See Nken, 556 U.S. at 434.

preliminarily enjoined from detaining the Petitioner based on the Secretary of State's determination.¹⁴

The Court hereby stays its preliminary injunction for around 40 hours, until 9:30AM on June 13. This is to allow the Respondents to seek appellate review should they wish to.

In addition, the preliminary injunction shall not go into effect unless and until the Petitioner posts a nominal bond in the amount of \$1, consistent with the requirement of Federal Rule of Civil Procedure 65(c).¹⁵

* * *

¹⁴ The two holdings set out in the text have no impact on efforts to remove the Petitioner for reasons other than the Secretary of State's determination.

¹⁵ The Respondents have requested the posting of a bond. See Respondents' Opposition to Petitioner's Motion for a Preliminary Injunction (ECF 156) at 35. But they have not specified any costs associated with complying with a preliminary injunction that they would seek to get back if the injunction were undone on appeal. See id.; see generally Instant Air Freight Co. v. C.F. Air Freight, Inc., 882 F.2d 797, 804-05 (3d Cir. 1989) ("[T]he bond serves to inform the plaintiff of the price they can expect to pay if the injunction was wrongfully issued."); see also Frank's GMC Truck Ctr., Inc. v. Gen. Motors Corp., 847 F.2d 100, 103 (3d Cir. 1988). The Court is unaware of any such costs. See Zambelli Fireworks Mfg. Co. v. Wood, 592 F.3d 412, 426 (3d Cir. 2010); Siegel v. Platkin, 653 F. Supp. 3d 136, 161 (D.N.J. 2023); Koons v. Reynolds, 649 F. Supp. 3d 14, 45 (D.N.J. 2023); Beattie v. Line Mountain Sch. Dist., 992 F. Supp. 2d 384, 397 (M.D. Pa. 2014); Stilp v. Contino, 629 F. Supp. 2d 449, 468 (M.D. Pa. 2009), aff'd and remanded, 613 F.3d 405 (3d Cir. 2010). To be sure, if the Respondents opt to appeal, some of their attorneys' time would be occupied. But a Rule 65 bond does not typically aim to cover the costs associated with attorneys' fees. See Tullock v. Mulvane, 184 U.S. 497, 510-12 (1902) (quoting Oelrichs v. Spain, 82 U.S. (15 Wall.) 211, 230-31 (1872)); Nokia Corp. v. InterDigital, Inc., 645 F.3d 553, 560 (2d Cir. 2011); Fireman's Fund Ins. Co. v. S.E.K. Constr. Co., 436 F.2d 1345, 1351-52 (10th Cir. 1971); Sionix Corp. v. Moorehead, 299 F. Supp. 2d 1082, 1086 (S.D. Cal. 2003); Minn. Power & Light Co. v. Hockett, 105 F. Supp. 2d 939, 942 (S.D. Ind. 1999); 11A Charles Alan Wright & Arthur R. Miller, Fed. Prac. & Proc. Civ. § 2954 & n.1.

EXHIBIT B

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UNITED STATES DEPARTMENT OF JUSTICE
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OFFICE OF THE IMMIGRATION JUDGE
JENA, LOUISIANA

In the Matter of:

Mahmoud KHALIL,

Respondent,

In Removal Proceedings.



Hearing Date: N/A

Hearing Time: N/A

Before: Hon. Judge Jamee E. Comans

**MR. KHALIL'S MOTION TO RECONSIDER ORDER FINDING DHS SUSTAINED ITS
BURDEN TO ESTABLISH REMOVABILITY UNDER INA § 237(a)(4)(C)**

**On June 11, 2025, the Honorable Judge Farbiarz from the District Court for the District of
New Jersey Enjoined the Charge of Removability Under INA § 237(a)(4)(C) As
Unconstitutional**

Respondent, **Mr. Mahmoud KHALIL**, [REDACTED] through undersigned Counsel, respectfully submits this Motion to Reconsider the Court's Order dated April 11, 2025, finding that the U.S. Department of Homeland Security (DHS) sustained its burden to establish removability under Immigration and Nationality Act (INA) § 237(a)(4)(C).

On June 11, 2025, the Honorable Judge Farbiarz at the District Court for the District of New Jersey enjoined the government from "seeking to remove [Mr. Khalil] from the United States based on the Secretary of State's determination, as reflected in the Secretary's memorandum to the Secretary of Homeland Security." *Khalil v. Joyce*, 2:25-cv-01963-MEF-MAH, Dkt. 299 (D.N.J. June 11, 2025). A copy of the District Court Order is attached as Tab A. Based on finding the Rubio determination likely unconstitutional, Judge Farbiarz further preliminarily enjoined the government "from detaining [Mr. Khalil] based on the Secretary of State's determination." Tab A, District Court Order at 13. The Court must therefore reconsider its prior Order and issue a new ruling finding that DHS can not and thus has not sustained its burden to establish Mr. Khalil's removability under INA § 237(a)(4)(C).

RELEVANT PROCEDURAL HISTORY

On March 8, 2025, DHS arrested and detained Mr. Khalil. On March 9, 2025, DHS presented Mr. Khalil with a Notice to Appear (NTA) and initiated removal proceedings against him, scheduling him to appear for a Master Calendar Hearing before an immigration judge at the LaSalle Detention Facility on March 27, 2025. The NTA claimed Mr. Khalil is subject to removal under INA § 237(a)(4)(C)(i), in that "the Secretary of State has reasonable ground to believe that your presence or activities in the United States would have potentially serious adverse foreign policy consequences for the United States."

On March 17, 2025, DHS issued Mr. Khalil a Form I-261, Additional Charges of

Inadmissibility/Deportability, which asserted an additional charge of removability under INA § 237(a)(1)(a) (inadmissibility at the time of adjustment of status due to alleged fraud or misrepresentation).

On April 9, 2025, DHS filed four submissions with the Court in an attempt to establish its allegations and charges of removability against Mr. Khalil. The first DHS submission, which it believes supports Allegation 5 and the charge of removal under INA § 237(a)(4)(C)(i), is an undated, two-page memorandum (Memorandum) purportedly signed by Secretary of State Rubio. *See* Exhibit 7. The letter itself contains no recitation of facts pertaining to Mr. Khalil nor any explanation as to why his presence in the United States is counter to a compelling United States foreign policy objective. *Id.* Furthermore, although the Memorandum references five “Attachments,” none of those Attachments were provided to Mr. Khalil or the Court. *Id.* at p. 6 (citing “DHS Letter on Mahmoud Khalil” and “HSI Subject Profile of Mahmoud Khalil”).¹ Mr. Khalil submitted rebuttal evidence on April 11, 2025. Exhibit 13, Tab A.

At Mr. Khalil’s Master Calendar Hearing on April 11, 2025, the Court sustained DHS’s charge of removability under INA § 237(a)(4)(C)(i), finding that the letter from the Secretary of State explaining his purported determination that Mr. Khalil’s presence has potentially serious adverse foreign policy consequences for the United States was “facially reasonable and gives bona fide reasons for that determination.” The Court held in abeyance its decision on the INA § 237(a)(1)(a) charge of removability.

Mr. Khalil submitted additional rebuttal evidence relevant to the charge of removability

¹ In his motion to compel production of documents, Mr. Khalil argued that DHS must: disclose the Attachments relating to Mr. Khalil which allegedly support Secretary Rubio’s Memorandum; disclose prior versions of the Memorandum, as they will contain information to which Mr. Khalil is entitled; and submit evidence regarding when the unauthenticated and undated alleged Memorandum from Secretary Rubio was allegedly written and whether Secretary Rubio “personally” made the determination. *See* Exhibit 9. On April 11, 2025, the Court denied the Motion to Compel. *See* Exhibit 9A.

under INA § 237(a)(4)(C)(i) on April 23, 2025. Exhibit 14, Tabs A-D. On May 12, 2025, Mr. Khalil submitted further rebuttal evidence to the INA § 237(a)(4)(C)(i), noting that the Court had already sustained the charge but that he was including the evidence for purposes of appeal. Exhibit 19, Tabs A-F.

On May 22, 2025, Mr. Khalil appeared for his Individual Calendar Hearing (ICH) before this Court. The Court stated that DHS had not met its burden to sustain Allegation 7 on the Form I-261, and that it was still considering the evidence on the two remaining allegations—Allegations 6 and 8. At the close of the hearing, the Court directed both parties to submit written closing arguments regarding the alleged misrepresentation charge and Mr. Khalil’s eligibility for asylum, withholding of removal, and protection under the Convention Against Torture (CAT) by Monday, June 2, 2025, at 5:00 p.m. In its closing argument, DHS did not even attempt to argue it had met its burden to establish by clear convincing and unequivocal evidence—nor did it even address-- the alleged misrepresentation charge.

On June 11, 2025, Judge Farbiarz at the federal district court for the District of New Jersey issued a preliminary injunction enjoining the government from “seeking to remove [Mr. Khalil] from the United States based on the Secretary of State’s determination, as reflected in the Secretary’s memorandum to the Secretary of Homeland Security.” Tab A, District Court Order at 12. The District Court’s order went into effect on June 13, 2025, at 8:30 a.m. Central Time. *Id.* The government has not filed an appeal of the District Court Order.

ARGUMENT

Pursuant to 8 C.F.R. § 1003.23(b), the Court may, upon written motion, reopen or reconsider a matter in which a decision has been issued. *See also* INA § 240(c)(6)(A). Said motion must be filed within thirty days of the date of entry of a final administrative order. 8 C.F.R. §

1003.23(b)(1). This motion is timely filed, as no final administrative order has been entered on the charge of removability under INA § 237(a)(4)(C)(i).

Judge Farbiarz’s June 11 Order enjoins DHS, ICE, and the Attorney General (including the Executive Office for Immigration Review) from “seeking to remove [Mr. Khalil] from the United States based on the Secretary of State’s determination, as reflected in the Secretary’s memorandum to the Secretary of Homeland Security.” Tab A, District Court Order at 12. This injunction is based on the District Court’s conclusion that Mr. Khalil is likely to succeed on his argument that INA 237(a)(4)(C)(i) is unconstitutional as applied to him based on the Secretary of State’s determination—the only document that DHS has introduced to sustain its burden. *See id.* at 4 (citing *Khalil v. Trump*, 2025 WL 1514713, *56 (D.N.J. May 28, 2025)). That preliminary injunction went into effect at 8:30 a.m. Central Time on June 13, 2025, and remains in full effect.

The Secretary of State’s determination, as reflected in the Secretary’s memorandum to the Secretary of Homeland Security (Exhibit 7), has now been enjoined by the federal district court, which has found it to likely be unconstitutional. There is no other basis beside the Secretary’s memorandum to sustain the INA § 237(a)(4)(C) charge against Mr. Khalil. Accordingly, the Court must reconsider its oral decision on April 11, 2025, and find that the charge of removability under INA § 237(a)(4)(C) has not been sustained.

CONCLUSION

For all of the aforementioned reasons, Mr. Khalil and undersigned Counsel ask the Court to grant this Motion, reconsider its oral decision on April 11, 2025, and find that the charge of removability under INA § 237(a)(4)(C) has not been sustained.

Dated: June 17, 2025

Respectfully submitted,



Marc Van Der Hout

Johnny Sinodis
Oona Cahill
Van Der Hout LLP

Attorneys for Mr. Khalil

CERTIFICATE OF SERVICE

On June 17, 2025, I, Johnny Sinodis, caused the enclosed document to be served on the U.S. Department of Homeland Security via the EOIR Courts and Appeals System (ECAS). This document was electronically filed through ECAS and both parties are participating in ECAS. Therefore, there is no separate service completed.

Executed this 17th day of June 2025.



CERTIFICATE OF SERVICE

On June 17, 2025, I, Johnny Sinodis, caused the enclosed document to be served on the U.S. Department of Homeland Security via the EOIR Courts and Appeals System (ECAS). This document was electronically filed through ECAS and both parties are participating in ECAS. Therefore, there is no separate service completed.

Executed this 17th day of June 2025.



June 25, 2025

VIA ECF

Honorable Michael A. Hammer
United States Magistrate Judge
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Newark, New Jersey 07101

Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Hammer:

Petitioner writes to seek clarification from the Court as to one aspect of the conditions in its order on bail. ECF 317. Petitioner regrets the need for this filing, but Respondents' only very recent response to our meet-and-confer outreach leaves an open question about their understanding of the requirements of the Court's order.

The Court's order setting bail conditions, which the District Court ordered would be exclusively operative in this matter, ECF 316, does not require Mr. Khalil to do any reporting or check in with ICE. In fact, at the June 20 release hearing, this Court explicitly rejected the Government's request that Mr. Khalil be required to report to an ICE office following his release. *See* Tr. at 22 (June 20, 2025) (Judge Hammer: "I am not going to require Mr. Khalil to report to an ICE office. My understanding of Judge Farbiarz's ruling today, as reflected in his order, is that he did not see in the record evidence, any basis, for that degree of scrutiny."). And the Court's written order makes no mention of an obligation to report to ICE. *See* ECF 317.

Nevertheless, upon his release from the LaSalle Detention Facility on June 20, 2025, ICE officials handed Mr. Khalil an "Order of Release on Recognizance," which included a purported requirement that Mr. Khalil "report in (writing) (person) to [ICE] Duty officer . . . on 06/27/2025 10:00 as directed." (A copy of this form is attached as Exhibit A.)

Out of an abundance of caution, Petitioner's counsel emailed counsel for the Respondents this morning to confirm Petitioner's understanding that ICE could not, in light of the Court-ordered bail conditions, require Mr. Khalil to report to ICE, either in writing or in person. Further, Petitioner's immigration counsel wrote to the ICE Duty Officer at 26 Federal Plaza in New York City (copying Respondents' counsel) to explain that notwithstanding Petitioner's objections to any reporting requirement, "as a one-time courtesy, we will comply with the request in the form provided to Mr. Khalil upon release in writing by sending this email." We requested that Respondents' counsel respond to us today (a request also made by leaving a voicemail message), confirming meaning of the Court's order, in the event that any disputed interpretation would require seeking the Court's attention. Respondents' counsel responded by email at 5:24pm that counsel was "still running this down."

Petitioner is concerned that the government has unilaterally imposed new conditions on his release, and thus respectfully requests that the Court issue a written order clarifying that Petitioner is not required to undertake any reporting to ICE offices or officers unless and until any further order issues from this Court. While Petitioner's counsel has already provided the requested "report in writing" sought by ICE for tomorrow, June 26, at 10:00am, he nevertheless seeks clarification

to ensure that Respondents understand that ICE check-ins—either in writing or in person—are not a requirement of his release.

Petitioner thanks the Court for its consideration of this matter.

Respectfully submitted,

/s/ Baher Azmy

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Counsel for Petitioner

Exhibit A

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ORDER OF RELEASE ON RECOGNIZANCE

File No.: [REDACTED]

Name: KHALIL, MAHMOUD

Date: June 20, 2025

You have been arrested and placed in removal proceedings. In accordance with section 236 of the Immigration and Nationality Act and the applicable provisions of Title 8 of the Code of Federal Regulations, you are being released on your own recognizance provided you comply with the following conditions:

- ☒ You must report for any hearing or interview as directed by Immigration and Customs Enforcement or the Executive Office for Immigration Review.
- ☒ You must surrender for removal from the United States if so ordered.
- ☒ You must report in (writing) (person) to Duty officer at See I-831 on 06/27/2025 10:00 as directed.

If you are allowed to report in writing, the report must contain your name, alien registration number, current address, place of employment, and other pertinent information as required by the officer listed above.

- ☒ You must not change your place of residence without first securing written permission from the officer listed above.
- ☒ You must not violate any local, State or Federal laws or ordinances.
- ☒ You must assist Immigration and Customs Enforcement in obtaining any necessary travel documents.
- ☐ Other: Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.

If fitted with a U.S. Immigration and Customs Enforcement GPS tracking ankle bracelet, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. Damaging or attempting to damage the GPS tracking ankle bracelet or any of its associated equipment (including, but not limited to, the charging station, batteries, power cords, etc.) may result in your arrest, detention, and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten years imprisonment, or both.

- ☒ See attached sheet containing other specified conditions (Continue on separate sheet if required)

NOTICE: Failure to comply with the conditions of this order may result in revocation of your release and your arrest and detention by Immigration and Customs Enforcement.

HUMPHRIES, J 8887

(Name and Title of ICE Official)

Alien's Acknowledgement of Conditions of Release under an Order of Recognizance

I hereby acknowledge that I have (read) (had interpreted and explained to me in the English language) the contents of this order, a copy of which has been given to me. I understand that failure to comply with the terms of this order may subject me to a fine, detention, or prosecution.

[Signature]
(Signature of ICE Official Serving Order)

06/20/2025

Date

[Signature]
(Signature of Alien)

I hereby cancel this order of release because:

- ☐ The alien failed to comply with the conditions of release.
- ☐ The alien was taken into custody for removal.

[Signature]
(Signature of ICE Official Cancelling Order)

ICE Form I-220A (10/20)

Date

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAHMOUD KHALIL,	.
	.
Petitioner,	.
	. Case No. 25-cv-01963
vs.	.
	. Newark, New Jersey
JOYCE, et al.,	. June 20, 2025
	.
Respondents.	.
	.

TRANSCRIPT OF MOTION FOR BAIL
BEFORE THE HONORABLE MICHAEL A. HAMMER
UNITED STATES MAGISTRATE JUDGE

APPEARANCES (the parties appeared via teleconference):

For the Petitioner:	ALINA DAS, ESQ. New York University (NYU) School of Law NYU Immigrant Rights Clinic 245 Sullivan Street, 5th Floor New York NY 10012 (212) 998-6430
	BAHER AZMY, ESQ. Center For Constitutional Rights 666 Broadway, 7th Floor New York, NY 10012 (212) 614-6464

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Transcription Service:	KING TRANSCRIPTION SERVICES, LLC 3 South Corporate Drive, Suite 203 Riverdale, NJ 07457 (973) 237-6080
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Proceedings recorded by electronic sound recording; transcript
produced by transcription service.

1 (APPEARANCES continued)

2 For the Petitioner: JEANNE LOCICERO, ESQ.
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6 Newark, NJ 07102
7 (973) 854-1715

8 For the Respondents: DHRUMAN YOGESH SAMPAT, ESQ.
9 DOJ-CIV
10 Office of Immigration, General
11 Litigation & Appeals
12 P.O. Box 878
13 Ben Franklin Station
14 Washington DC, DC 20044
15 (202) 532-4281

16 Also present: Arthur Wilson and
17 Alanna Duong

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19
20
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1 (Commencement of proceedings)

2

3 THE COURT: All right. Good afternoon, everyone.

4 This is Judge Hammer.

5 We are on the record in Mahmoud Khalil v. Donald J.

6 Trump, et al., Civil No. 25-1963.

7 Who do I have on behalf of Petitioner?

8 MS. DAS: Good afternoon, Your Honor. This is

9 Alina Das from NYU Immigrant Rights Clinic on behalf of

10 Mr. Khalil.

11 And I'm joined by a couple of colleagues as well.

12 THE COURT: That's fine. If they want to put their

13 appearances on the record, they're certainly welcome to do

14 so, or, if not, that's fine too.

15 MS. LOCICERO: Good afternoon, Your Honor. This is

16 Jeanne Locicero from the --

17 THE COURT: All right. So --

18 (Simultaneous conversation)

19 THE COURT: I'm sorry.

20 Go ahead, Ms. Locicero. Sorry about that.

21 MS. LOCICERO: Good afternoon. I'm just putting my

22 name on the record. Jeanne Locicero from the ACLU of New

23 Jersey on behalf of Petitioner.

24 THE COURT: Thank you.

25 And do we have anybody else for Petitioner?

1 MR. AZMY: Yes, Your Honor. Baher Azmy, A-z-m-y,
2 from the Center for Constitutional Rights on behalf of
3 Petitioner. Thank Your Honor.

4 THE COURT: All right.

5 And then how about for Respondent?

6 MR. SAMPAT: Good afternoon, Your Honor. This is
7 Dhruvan Sampat on behalf of the Respondents.

8 I'm joined by my colleague Arthur Wilson and Alanna
9 Duong, but they won't be entering -- they don't need to enter
10 their appearance for the record. I'll be handling the
11 hearing.

12 THE COURT: All right. Thank you.

13 So I know the hearing was before Judge Farbiarz
14 earlier today. The order just went up on the docket. I've
15 spoken with Judge Farbiarz several times; so this should be a
16 relatively simple affair.

17 I understand Judge Farbiarz had directed the
18 parties to confer regarding release conditions.

19 Have the parties had an opportunity to confer? Do
20 we have joint recommendations?

21 MS. DAS: Your Honor, this is Alina Das for
22 Petitioner.

23 We sent a proposal to Mr. Sampat from earlier today
24 and are waiting to hear back.

25 THE COURT: All right. Since we're all together

1 now, just try and expedite this because Judge Farbiarz was
2 clear with me about two things: One, he does want Mr. Khalil
3 released today. Two, one of the conditions, which we'll have
4 to talk through the logistics, as a necessary precondition of
5 that, is the surrender of passports and travel documents.

6 So why don't we start -- since I don't have the
7 conditions that you propose, Ms. Das, why don't we start with
8 what Petitioner's proposing.

9 MS. DAS: Yes, Your Honor.

10 So our proposal would be that there would be no GPS
11 monitoring, which the Court had already ordered.

12 THE COURT: Right.

13 MS. DAS: And, further, we propose that his release
14 not include any reporting requirements and no travel
15 restrictions within the United States.

16 And we understand that Judge Farbiarz would like
17 the passport surrender to be part of these conditions, and so
18 on that basis, we would want our client's green card to be
19 returned to him and a certified copy of the passport or other
20 domestic travel document so that he is able to travel within
21 the United States.

22 THE COURT: So he would have the green card
23 returned to him, since that's his identity, but that doesn't
24 facilitate travel; right?

25 MS. DAS: That's right, Your Honor. And in our

1 experience, there would need to be some other type of travel
2 document, which ICE has produced for other clients in similar
3 situations in the past.

4 THE COURT: Okay.

5 I'm sorry. You said a certified copy of what?

6 MS. DAS: Of the passport, or it could be a similar
7 travel document.

8 THE COURT: Why does he need that?

9 MS. DAS: Either/or, in our experience, is required
10 for him to be able to board a plane, that the green card
11 isn't necessarily sufficient for him to be able to travel,
12 even within the U.S.

13 THE COURT: Well, why does he need to be able to
14 board a plane?

15 MS. DAS: Well, he's currently in Louisiana --

16 THE COURT: Right.

17 MS. DAS: -- and his home is in New York.

18 THE COURT: Right.

19 MS. DAS: Also, he has family in Michigan -- the
20 grandparents of his newborn son.

21 THE COURT: Okay. I spoke with Judge Farbiarz.
22 The issue of him having the ability to fly is, I think, a
23 real concern for Judge Farbiarz. He may need to take other
24 alternate arrangements to get home, such as a train. I
25 recognize that poses additional logistical concerns.

1 But His Honor was clear with me, he had real
2 concerns about the ability to fly and believed there should
3 at least be some measure of control over that.

4 So I think that is going to be problematic.

5 I agree with you, though, on the return of the
6 green card, because that's likely going to be necessary even
7 to -- for train travel, to return from Louisiana back to New
8 York.

9 What's the Government's position?

10 MR. SAMPAT: Good afternoon, Your Honor.

11 So our general -- our general procedures are that
12 Mr. Khalil wouldn't get his passport back now.

13 However, I do have it, on behalf of my client, that
14 we would be -- that we can have a certified copy of his
15 support provided --

16 (Simultaneous conversation)

17 THE COURT: Okay.

18 MR. SAMPAT: Let me just make sure I'm properly
19 representing their position.

20 That we can -- ICE can provide a certified copy of
21 the passport, which is what they've done in other cases.

22 THE COURT: Okay. So this has been done, and this
23 is something that the Government, understanding you're
24 reserving all rights concerning Judge Farbiarz's order, but
25 the Government would agreed to that release condition?

1 MR. SAMPAT: That it would be -- we wouldn't be
2 providing his passport back, yes.

3 THE COURT: Right.

4 MR. SAMPAT: And that we would provide a certified
5 copy instead, yeah, of course.

6 THE COURT: And I assume the Government has no
7 issue with the green card?

8 MR. SAMPAT: Could you give me one moment.

9 THE COURT: Sure.

10 MR. SAMPAT: Thanks.

11 Apologies for the delay, Your Honor.

12 So we just received a removal order from the
13 immigration judge, so we're trying to sort of pin down what
14 our normal procedures are with returning a green card in
15 these sorts of circumstances.

16 THE COURT: Okay.

17 MR. SAMPAT: So, unfortunately, we can't take a
18 position on that right now. We're have -- we'll confer with
19 our client to try to get back on that.

20 The other thing, understanding -- I'll just -- I
21 want to make the record on this is just that we continue to
22 object that there's no GPS monitoring. Obviously, we
23 understand Judge Farbiarz has said that no GPS monitoring is
24 required.

25 THE COURT: Understood.

1 MR. SAMPAT: And then the additional -- the
2 additional condition would be that Mr. Khalil would update
3 his address within 48 hours. Sorry. Give me one moment.

4 Oh, sorry.

5 Mr. Khalil -- we would ask that Mr. Khalil provide
6 an updated address for DHS before he's released. But then
7 upon his release and upon his return to New York, we would
8 ask that the Court impose a requirement that he report to an
9 ICE office within 48 hours.

10 THE COURT: What's the Petitioner's position on
11 reporting to the ICE office?

12 MS. DAS: We would object to that condition,
13 Your Honor. We don't think that that is necessary in terms
14 of any sort of showing that he needs to report to ICE,
15 particularly given the judge's previous findings about lack
16 of flight risk and danger.

17 It's also not something that has been required in
18 the other cases, such as -- or at least with respect to
19 Mahdawi and Khan Suri.

20 So we object to any sort of reporting requirements
21 here.

22 We would also, you know, note that in -- as a
23 substitute for that, certainly, the Petitioner is fine if the
24 order includes a specification that he attend all court
25 hearings in this case, you know, unless excused by the Court,

1 if that's the concern.

2 And we would also note on the travel question --
3 and I understand you've had the conversation with Judge
4 Farbiarz directly and would certainly know better than I, my
5 impression about the way he talked about the passport during
6 the hearing was a concern about international travel or
7 leaving the United States but not necessarily domestic
8 travel.

9 THE COURT: Okay.

10 MS. DAS: And so we would just want him to be
11 able -- to fly back home would be much safer for him and to
12 have that direct flight than being on a train.

13 So we hope that, unless we're misunderstanding, you
14 know, we think that would be helpful to clarify.

15 (Simultaneous conversation)

16 THE COURT: Hold on. Hold on one second, Ms. Das.
17 I'm sorry.

18 Somebody else is talking in the background. Can
19 you please put yourself on mute. Thank you.

20 I'm sorry, Ms. Das.

21 So, okay, understanding -- and the certified copy
22 would allow -- of the passport would allow domestic travel.
23 Is that right?

24 (Simultaneous conversation)

25 MS. DAS: That's my understanding that there are

1 some airlines that are fine with just a green card but some
2 will require the passport in addition.

3 THE COURT: My concern is whether that will
4 facilitate international travel.

5 (Simultaneous conversation)

6 THE COURT: I'm sorry. If somebody else -- if you
7 are not on mute, please put yourself on mute. I continue to
8 hear background noises, including as I'm speaking. Okay.

9 Will the certified copy of the passport allow
10 international travel? That's the concern I think -- more of
11 the concern which Judge Farbiarz had?

12 MS. DAS: If that is the concern, then we would
13 certainly take a domestic travel document. The Government
14 can provide a domestic travel letter.

15 THE COURT: Mr. Sampat, is that true?

16 MR. SAMPAT: I think we can. But I will just say I
17 think we're okay providing a certified copy of the passport
18 to facilitate travel for the purpose.

19 And obviously with geographic limitations saying
20 that he can't travel internationally, especially in light of
21 the fact that he now has an order --

22 THE COURT: All right.

23 MR. SAMPAT: -- or he has an order of removal, I
24 should say. Sorry. Let me be clear.

25 THE COURT: Okay. So it would be a certified copy

1 of the passport with a prohibition on international travel;
2 is that correct?

3 Mr. Sampat?

4 MR. SAMPAT: Sorry, Your Honor. Can you give me
5 one moment? I'm just conferring.

6 THE COURT: Of course. Of course.

7 MR. SAMPAT: Sorry, Your Honor.

8 So we would want a -- so what we would say is that
9 the certified copy should help facilitate Mr. Khalil's travel
10 back to New York. We would ask that the Court impose a
11 geographic limitation with no international travel with the
12 exception for requiring Mr. Khalil to self-deport upon a
13 final order of removal.

14 So if that -- so meaning if the certified copy
15 would facilitate the self-deportation or the self-removal
16 pursuant to that condition, we would have no objection to
17 that.

18 THE COURT: Ms. Das?

19 MS. DAS: Yes, Your Honor.

20 I think our concern is just to allow him to be able
21 to travel domestically.

22 And so we're fine with the prohibition on
23 international travel. And whether there's a specification
24 about self-deportation in the order or if it simply says that
25 the Government is free to, you know, seek a modification of

1 that condition in the future, we would be fine with that.

2 I did want to clarify that my co-counsel has
3 informed me that --

4 (Simultaneous conversation)

5 MALE SPEAKER: Why are you protecting Islamo
6 fascists?

7 MS. DAS: Hello?

8 (Simultaneous conversation)

9 THE COURT: Sir, I would ask you to please mute.
10 Thank you.

11 Go ahead, Ms. Das.

12 MS. DAS: Okay. Thank you, Your Honor.

13 So my co-counsel has just informed me that counsel
14 for Mr. Khalil has his passport. So we would need to
15 surrender it pursuant to the order --

16 (Simultaneous conversation)

17 MALE SPEAKER: He is an Islamo fascist. Why are
18 you protecting him? He is an Islamo fascist --

19 THE COURT: Please stop. Please stop.

20 MALE SPEAKER: -- and a Jew hater.

21 THE COURT: Sir. Sir.

22 MALE SPEAKER: -- who is still making discontent on
23 Columbia's campus.

24 THE COURT: Sir. Sir.

25 MALE SPEAKER: Why are you protecting Jew haters

25 THE COURT: Okay. All right.

1 To get Mr. Khalil?

2 MS. DAS: Yes, to meet him at the facility.

3 THE COURT: Okay. All right.

4 MS. DAS: Mr. Khalil also has local counsel from
5 New York, who is currently with him at the facility as well,
6 who can help facilitate things on the ground.

7 THE COURT: Okay. So let me ask, for both
8 Petitioner and Respondent, what's the most efficient way to
9 surrender Mr. Khalil's passport and surrender it to who? In
10 other words, let me give you my thinking on this. As long as
11 the lawyer has it and understands that it's not to be
12 provided to Mr. Khalil or any member of Mr. Khalil's
13 family -- in other words, the only time that the lawyer parts
14 with or tenders the passport is to an appropriate government
15 official, then that needn't -- that needn't delay the release
16 of Mr. Khalil, recognizing that it's Friday, almost
17 4:00 o'clock.

18 But I just want to talk through with the parties
19 and have a mutual understanding as to whom that lawyer will
20 be handing the passport off to and when.

21 MS. DAS: Yes, Your Honor. We are certainly fine
22 with that, to have counsel keep the passport and tender it to
23 whomever the Government would like to designate. That could
24 be an official in Louisiana if the Government prefers, or
25 certainly in New York --

1 (Simultaneous conversation)

2 THE COURT: Yeah, that's reasonable. That is very
3 reasonable.

4 Mr. Sampat, it's really your call. Mr. Khalil's
5 lawyer could surrender it to an ICE official at the facility
6 that they're on their way to now or to some other designated
7 official.

8 What's the Government's position?

9 MR. SAMPAT: Your Honor, we would ask that they
10 surrender the passport at the ERO office in New Orleans. I
11 think that's just standard operating procedure, and we've
12 gotten confirmation from our client that that would be
13 acceptable.

14 THE COURT: Okay.

15 Is that something -- I don't know the layout or
16 logistics of New Orleans.

17 Is that in the same building as where Mr. Khalil
18 is?

19 MR. SAMPAT: No, but --

20 (Simultaneous conversation)

21 THE COURT: -- I guess.

22 MR. SAMPAT: I'm sorry, Your Honor. I didn't mean
23 to cut you off.

24 THE COURT: No, no, no. That was on me.

25 I'm saying is this something that will happen today

1 as part of picking Mr. Khalil up? Or is this something we
2 should reasonably expect to happen, the attorney to do on
3 Monday as first item of business on Monday.

4 MR. SAMPAT: So I -- we would need it before he
5 travels outside of Louisiana.

6 THE COURT: Okay.

7 MR. SAMPAT: So this way he could be provided the
8 certified copy, so if that can happen today.

9 And this is also all pretty clear in terms of what
10 Mr. Khalil's travel plans are to return to New York,
11 obviously, and how quickly he would be moving.

12 THE COURT: Right. Okay.

13 All right. Any other conditions? I think I have
14 that in hand, then.

15 I'll start with you, Ms. Das, anything else for
16 Petitioner?

17 MS. DAS: Well, the one concern I have about --
18 we're perfectly fine getting this to an individual in
19 Louisiana. I just would like to confirm with the Government
20 that that -- that the New Orleans ERO or an official in
21 Jena -- because I understand them to be not that close to
22 each other -- that they would be available if it takes a
23 couple of hours to process him. If there's anyone that this
24 could be provided to in Jena, I think that would expedite,
25 you know, producing the certified copy and ensuring that he

1 can leave the facility and make a flight today.

2 THE COURT: Mr. Sampat, how about that? That seems
3 very reasonable to me.

4 And, obviously, Judge Farbiarz has been quite clear
5 about Mr. Khalil being released today.

6 MR. SAMPAT: Absolutely, Your Honor. My co-counsel
7 is currently on the phone with DHS right now to confirm
8 that's okay. So if you don't mind giving us a moment.

9 THE COURT: Yes, of course.

10 MR. SAMPAT: Thank you.

11 Your Honor, Jena -- Mr. Khalil and his attorneys
12 can submit the -- can surrender the passport at Jena. That's
13 perfectly acceptable to the Government.

14 THE COURT: Good. Thank you.

15 MS. DAS: And, Your Honor, to address whether any
16 other conditions --

17 THE COURT: Yes.

18 MS. DAS: -- are necessary, my understanding is
19 that upon surrendering that passport, ICE would be providing
20 a certified copy of the passport and his green card --

21 THE COURT: Right.

22 MS. DAS: -- so he'll be able to travel --

23 THE COURT: Yes.

24 MS. DAS: -- and that he would be able to travel to
25 New York by flight as needed.

1 THE COURT: Yes.

2 MS. DAS: And that the only other condition is that
3 he would need to update his address within -- I believe it
4 was 48 hours; is that correct?

5 THE COURT: On release, and then the other part
6 with the 48 hours was report to ICE, which I'll address in a
7 moment.

8 All right.

9 Mr. Sampat, anything else for the Government?

10 MR. SAMPAT: Yes, Your Honor.

11 We would just say on the green card piece, we
12 continue to object on returning that just because he's now
13 subject to an order of removal. It's only upon if he were to
14 win on appeal that that could be returned. So we would
15 continue to object that the Court require the Government to
16 return it.

17 MS. DAS: Well, Your Honor, just on that point, a
18 lawful permanent resident does not lose their green card
19 status until a final order of removal has been entered, which
20 is when the Board of Immigration Appeals rules on an
21 immigration matter. So even if the immigration judge has
22 entered a final -- an order of removal on her end, he still
23 hasn't lost his lawful permanent resident status or his right
24 to his green card until his plan for appeal has expired or he
25 appeals and the BIA affirms the immigration judge's order.

1 time to appeal the immigration judge has been exhausted,
2 there's been no final order of removal.

3 If, of course, there's a final order of removal
4 that is entered, then the Government will take that action
5 they deem appropriate vis-à-vis the green card.

6 I'm going to limit Mr. Khalil's travel within the
7 continental United States as follows: His travel shall be
8 limited to New York and Michigan -- New York, of course, is
9 where he lives; Michigan is where he has family -- as well as
10 New Jersey and Louisiana for any necessary attorney visits
11 and court appearances. As I said, no international travel.

12 I am not going to require Mr. Khalil to report to
13 an ICE office. My understanding of Judge Farbiarz's ruling
14 today, as reflected in his order, is that he did not see in
15 the record evidence, any basis, for that degree of scrutiny.

16 I will require, though, Mr. Khalil to update his
17 address to DHS within 48 hours of arriving in New York.

18 And then, finally, Mr. Khalil must attend all court
19 hearings, absent an order of the court for that particular
20 proceeding to the contrary.

21 All right.

22 What I would like is, once all of the conditions
23 have been met, when -- what time do we think that this will
24 happen where Mr. Khalil's counsel will surrender the passport
25 and he will have the certified copy of the passport and the

1 green card given back to Mr. Khalil? Do we have an estimate?

2 MS. DAS: Your Honor, from our end in terms of the
3 timeline, we believe counsel will be available for the
4 passport at 5:30. So if we could say that all of these
5 matters need to be concluded by 6:00, that would be best.

6 And one other thing, if you're willing to entertain
7 it, Your Honor --

8 (Simultaneous conversation)

9 THE COURT: I'm sorry. Wait, Ms. Das, before I
10 forget -- I'm so sorry.

11 6:00 o'clock Eastern Standard Time; right? I only
12 ask because Louisiana is --

13 MS. DAS: That's a great question. I believe -- I
14 believe that's the case.

15 Let me -- I will just quickly check with colleagues
16 so that we're not getting our wires crossed to make sure that
17 is feasible.

18 So -- sorry -- it would be 6:00 o'clock Central
19 Standard Time.

20 THE COURT: Okay.

21 MS. DAS: So 7:00 o'clock --

22 THE COURT: Understood.

23 MS. DAS: -- Eastern time.

24 Thank you for clarifying that. That was helpful.

25 And the other thing that our client is hoping

1 Your Honor would consider is including Washington, D.C. in
2 the list of places he can travel to because he's engaged
3 quite a bit with Congress and would like the ability to speak
4 with various representatives there.

5 THE COURT: Any objection by the Government? I
6 would limit it to travel to D.C. for congressional or
7 lobbying purposes.

8 Mr. Sampat, any objection?

9 MR. SAMPAT: I'll just note that the Government
10 objects. That's not -- we don't think that's what Judge
11 Farbiarz meant by his release order, but, you know, we
12 understand. If that's what the Court's inclined to order,
13 then, you know, we'll just note our objection.

14 THE COURT: All right. Fair enough. So noted.

15 All right. What I would appreciate is simply if
16 the parties could, once this has been completed, just filing
17 a short letter on the docket that tells the Court it's been
18 completed. All right?

19 MS. DAS: Yes, Your Honor.

20 MR. SAMPAT: Of course, Your Honor.

21 And if I may -- sorry -- I only meant to -- I
22 thought you -- I thought the Court wanted me to respond only
23 to the travel point.

24 But I did want to note that it may be difficult to
25 get things done by 6:00 P.M. We're not -- we're trying to

1 inquire as to when the certified copy of the passport can be
2 ready to be provided to Mr. Khalil. Obviously, we're going
3 to do -- we're moving expeditiously and noting that --
4 knowing that Judge Farbiarz wanted Mr. Khalil released today.

5 But --

6 (Simultaneous conversation)

7 THE COURT: Right. He was quite adamant about
8 that.

9 MR. SAMPAT: Yeah, of course.

10 My co-counsel's currently on the phone with our
11 client agency to try to figure out what we could obtain there
12 and what timeline we might be able to provide.

13 I also did want to note our continued objection to
14 providing Mr. Khalil his green card, again knowing that --

15 THE COURT: Yes.

16 MR. SAMPAT: -- Your Honor's willing to -- has
17 already ordered that it be provided. We don't think
18 that's -- again, we don't think that's contemplated by Judge
19 Farbiarz's order. We think it exceeds the scope --

20 THE COURT: Objection noted.

21 MR. SAMPAT: Yeah.

22 If you give me one moment, Your Honor, I'll confirm
23 with my co-counsel, and I'll get back to you on timing.

24 THE COURT: That's fine. Thank you very much.

25 MR. SAMPAT: Your Honor, and so I think we should

1 be able to get things done pretty quickly upon the passport
2 being surrendered.

3 So I would set maybe 6:30 to give a little bit of
4 buffer, just in case.

5 THE COURT: Fair enough.

6 MR. SAMPAT: The one thing I will also note on the
7 green card and returning Mr. Khalil's green card, we believe
8 that the green card may be onsite at Jena and could be
9 returned to him. If not, it may be in New York. So we're
10 running that down.

11 So if --

12 THE COURT: All right.

13 MR. SAMPAT: -- if the condition of returning the
14 green card doesn't precede his release, then I think we're
15 okay.

16 THE COURT: Yeah, right. And I think Ms. Das will
17 agree that the green card return itself is not a precondition
18 for his release.

19 Right, Ms. Das?

20 MS. DAS: That's correct, Your Honor.

21 THE COURT: And that the Government be required to
22 return it to --

23 (Simultaneous conversation)

24 THE COURT: Right. The Government be required to
25 return it to Mr. Khalil expeditiously.

1 I just see no reason why that would hold up his
2 release. I think that would be quite inconsistent with Judge
3 Farbiarz's order; right?

4 MS. DAS: Yes, and we would want to specify that it
5 would be returned to Mr. Khalil's counsel specifically.

6 THE COURT: The green card?

7 MS. DAS: Yes. If it's not in Jena. I think that
8 we would be able to come in, if it's in New York, to be able
9 to get it on his behalf.

10 But the -- our understanding is that the green card
11 is in -- and -- I'm sorry -- I think it's Jena. The green
12 card is in Jena.

13 THE COURT: All right.

14 I'm sorry. Forgive me one other thing.

15 How do you spell -- I want to make sure I get it
16 right in the order.

17 Jena is spelled -- how is -- I know it's an
18 acronym, but what is it? -- G-I-N -- it's not G-I-N-A. I
19 thought it was J-E-N-N-A?

20 MS. DAS: Oh, sorry. I think it's the city itself.
21 J-e-n-a. And the facility -- the name of the facility is I
22 believe Central Louisiana ICE Processing Center.

23 THE COURT: Is that correct, to your understanding,
24 Mr. Sampat?

25 MR. SAMPAT: Yeah, I believe that is correct. I

1 know the spelling is correct. I can confirm that.

2 THE COURT: Okay. Fair enough.

3 All right. Thank you very much.

4 Ms. Das, anything else for you today on behalf of
5 Mr. Khalil?

6 MS. DAS: No, Your Honor.

7 And just to confirm, it's New York, Michigan, and
8 D.C.; is that correct?

9 THE COURT: New York, Michigan, D.C. for
10 legislative lobbying, and then New Jersey, Louisiana, for
11 court appearances or attorney visits.

12 MS. DAS: All right. Thank you.

13 THE COURT: Right?

14 All right.

15 Mr. Sampat, anything else for the Government other
16 than that you object to the return of the green card?

17 MR. SAMPAT: The ongoing objection on the lack of
18 GPS monitoring and the travel to D.C.

19 THE COURT: Right.

20 MR. SAMPAT: But I think we've covered our
21 objections, Your Honor.

22 THE COURT: Noted.

23 All right. Thank you very much, everybody.

24 We'll adjourn.

25 I will -- I'm going to put an order that

1 memorializes this. Please give me -- in the interests of
2 efficiency and expedience, and recognizing it's after
3 4:00 o'clock on a Friday Eastern Standard Time, I'm going to
4 do it myself as a text order as opposed to, of course, a
5 formal order. I'm only doing that to get it up on the docket
6 as quickly as possible.

7 All right? Other than that, I wish everybody a
8 good weekend. Thank you very much. We're adjourned.

9 MS. DAS: Thank you, Your Honor.

10 MR. SAMPAT: Thank you, Your Honor.

11 (Conclusion of proceedings)
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Certification

I, SARA L. KERN, Transcriptionist, do hereby certify that the 30 pages contained herein constitute a full, true, and accurate transcript from the official electronic recording of the proceedings had in the above-entitled matter; that research was performed on the spelling of proper names and utilizing the information provided, but that in many cases the spellings were educated guesses; that the transcript was prepared by me or under my direction and was done to the best of my skill and ability.

I further certify that I am in no way related to any of the parties hereto nor am I in any way interested in the outcome hereof.

s/ *Sara L. Kern*

June 24, 2025

Signature of Approved Transcriber

Date

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July 1, 2025

VIA ECF

Honorable Michael E. Farbiarz
United States District Judge
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Farbiarz,

In keeping with the Court's instruction during the oral argument held on June 20, 2025, regarding Petitioner Mahmoud Khalil's motion for release on bail, Oral Arg. Tr. 52:19-53:3, Petitioner respectfully submits the instant letter to update the Court on Respondents' interpretation of the Court's preliminary injunction, ECF 299.

The relevant background is as follows: On June 11, this Court preliminarily enjoined Respondents "from seeking to remove the Petitioner from the United States based on the Secretary of State's determination" and from detaining him on that basis. ECF 299 at 12-13. On June 20, during oral argument on Petitioner's bail motion, Oral Arg. Tr. 51:4-6, the immigration judge denied Mr. Khalil a bond hearing in continued reliance on the Secretary of State's determination, Ex. A, IJ Bond Hearing Denial, and separately memorialized her finding that Mr. Khalil was removable based on the same determination, Ex. B, IJ Decision & Order at 4-5 (filed separately under seal).¹ The immigration judge also denied Mr. Khalil asylum based on the Secretary of State's determination and declined to find him eligible for—and set a hearing on—his request for a waiver of the misrepresentation charge pursuant to 8 USC § 1227(a)(1)(H), presumably also based on the Secretary of State's determination, which precludes the waiver.² *Id.* at 20-21.

¹ On April 11, the immigration judge had ruled from the bench that Mr. Khalil was removable based on the Secretary of State's determination. *See* ECF 214 at 4. On June 17, Mr. Khalil notified the immigration judge of this Court's June 11 order enjoining Respondents from seeking to remove Mr. Khalil based on the Secretary of State's determination and requested a bond hearing in light of Respondents' newly asserted discretionary detention premised on the second alleged ground of removability. *See* Oral Arg. Tr. 7:5-9 (June 20, 2025); ECF 304 at 1. In her June 20 order denying a bond hearing, the immigration judge stated that Mr. Khalil "remains subject to mandatory detention" based on the Secretary of State's determination. Ex. A. By separate order, the immigration judge reiterated that Mr. Khalil was removable "based on ... the letter from the Secretary of State explaining his determination that [Mr. Khalil's] presence here has potentially serious adverse foreign policy consequences for the United States." Ex. B at 5. On June 27, the immigration judge also denied Mr. Khalil's motion for reconsideration of her oral decision deeming Mr. Khalil removable based on the Secretary of State's determination, which Mr. Khalil had filed in the wake of this Court's preliminary injunction. Ex. C, IJ Reconsideration Denial. Barring further action by Respondents or this Court, the immigration judge will be divested of jurisdiction over her various decisions by July 18, and Mr. Khalil's removal case will proceed to the Board of Immigration Appeals with those decisions as they presently stand.

² The immigration judge did not directly address Mr. Khalil's waiver request in her decision, Ex. B, but during the April 11 hearing in which she found Mr. Khalil removable based on the Secretary of State's determination, the immigration judge stated that the waiver request was "irrelevant" due to that finding.

As directed, Petitioner’s counsel conferred with Respondents’ counsel following oral argument to ascertain Respondents’ understanding of this Court’s order. On June 27, Respondents’ counsel wrote the undersigned that while “[t]he Court’s order does preliminarily enjoin the Government from seeking to remove Petitioner from the United States based on the determination,” Respondents “understand that to mean actual physical removal from the United States,” and that nothing in the order prevents them from “continuing to litigate the removability charge [based on the Secretary of State’s determination] through the normal course of removal proceedings.” Ex. D, DOJ Email. Respondents also stated that “the Court’s PI order is prospective.” *Id.*

Petitioner respectfully submits that this interpretation cannot be squared with the plain terms of this Court’s order. “Seeking to remove” does not mean the same thing as “remove.” The former phrase encompasses any DHS pursuit of removal based on the Secretary of State’s determination and the immigration judge’s consideration of the determination, not just the final action of a removal based on the likely unconstitutional removal charge. *See, e.g.*, ECF 299 at 2 (“The Department of Homeland Security is seeking to remove him from the United States on two grounds.”). It is Petitioner’s position that both continued DHS reliance on the Secretary of State’s determination in removal proceedings and the immigration judge’s rulings based on that same determination impermissibly seek to remove Mr. Khalil based on the Secretary of State’s determination and are therefore inconsistent with this Court’s order. *See* Oral Arg. Tr. 36:22-23 (June 20, 2025) (“THE COURT: There are two charges here and one of them has been enjoined.”); *id.* at 5:4-8 (“What happened a week ago [is]... I preliminarily enjoined ... efforts to remove as to the Secretary of State’s determination as to the petitioner here.”).³

The Court’s separate, earlier order enjoining removal also supports Petitioner’s position. On March 19, the Court ordered that “Petitioner shall not be removed from the United States, unless and until the Court issues a contrary order.” ECF 81. That order still holds today and needs no repetition. Were the effect of this Court’s preliminary injunction as narrow as Respondents contend, it would be a redundant order.

In light of this update, Petitioner respectfully requests a status conference as soon as practicable to determine the appropriate next steps regarding the Court’s order. Mr. Khalil is prepared to file a motion to enforce if necessary and in advance of the upcoming July 18 date when the immigration judge will otherwise be divested of jurisdiction over the immigration proceedings.

Respectfully submitted,

s/ Liza Weisberg

AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY FOUNDATION
Jeanne LoCicero

CLEAR PROJECT
MAIN STREET LEGAL SERVICES, INC.
Ramzi Kassem*

³ The immigration judge is an employee of the Executive Office for Immigration Review, a component of the U.S. Department of Justice. She wields authority derived from—and answers to—Attorney General Pam Bondi, a respondent in this matter. Accordingly, the immigration judge is subject to this Court’s orders in this matter, including its June 11 preliminary injunction.

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* *Appearing Pro hac vice*



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LASALLE IMMIGRATION COURT**

Respondent Name:

KHALIL, MAHMOUD

To:

Van Der Hout, Marc
360 Post Street
Suite 800
San Francisco, CA 94108

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

06/20/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- ☒ Denied, because
the Respondent remains subject to mandatory detention. An alien is subject to mandatory detention if he is removable as charged under INA § 237(a)(4). 8 C.F.R. § 1003.19(h)(2)(i)(C). The Court has sustained the charge of removability pursuant to INA § 237(a)(4)(C)(i). Thus, this Court is without jurisdiction to redetermine his custody status according to the Code of Federal Regulations.
- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:
- ☐ Other:



Immigration Judge: COMANS, JAMEE 06/20/2025

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved

Appeal Due:

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Respondent Name : KHALIL, MAHMOUD | A-Number : [REDACTED]

Riders:

Date: 06/20/2025 By: MOOREHEAD, FELICIA, Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LASALLE IMMIGRATION COURT**

Respondent Name:

KHALIL, MAHMOUD

To:

Van Der Hout, Marc
360 Post Street
Suite 800
San Francisco, CA 94108

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

06/27/2025

ORDER OF THE IMMIGRATION JUDGE

☒ Respondent ☐ the Department of Homeland Security has filed a motion to reconsider.

Upon consideration of the motion, and any opposition from the non-moving party, the motion is
☐ granted ☒ denied for the following reason(s):

- ☐ The motion is numerically barred. *See* INA § 240(c)(6)(A); 8 C.F.R. § 1003.23(b)(1).
- ☐ The motion is untimely. *See* INA § 240(c)(6)(B); 8 C.F.R. § 1003.23(b)(1).
- ☒ The motion does not specify errors of law or fact in the previous order or is not supported by pertinent authority. *See* INA § 240(c)(6)(C); 8 C.F.R. § 1003.23(b)(2).
- ☐ Other:



Immigration Judge: COMANS, JAMEE 06/27/2025

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved

Appeal Due:

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Respondent Name : KHALIL, MAHMOUD | A-Number : [REDACTED]

Riders:

Date: 06/30/2025 By: NUGENT, MELISSA, Court Staff

From: Sampat, Dhruvan Y. (CIV)
To: Baher Azmy
Cc: Alina Das; Jeanne LoCicero; Liza Weisberg; Amy Greer; Duong, Alanna (CIV); McCroskey, Joshua C. (CIV); Browning, Rachel (CIV); edu"; [REDACTED]; Van Der Hout, Marc; Wilson, Sarah S. (CIV); Flentje, August (CIV)
Subject: RE: [EXTERNAL] Khalil v. Joyce - Release Conditions
Date: Friday, June 27, 2025 11:11:13 AM
Attachments: image002.png

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Good morning, Baher,

Thank you for your patience.

The Government disagrees with Petitioner's proposed reading of the preliminary injunction. We do not think that the Court's order prohibits the Government from continuing to defend the charge as it pertains to Petitioner's removability. The Court's order does preliminarily enjoin the Government from seeking to remove Petitioner from the United States based on the determination, and we understand that to mean actual physical removal from the United States. Third Circuit law supports that reading. The Court's own footnote does as well because it does not prohibit the Government from continuing its efforts to remove Petitioner on the fraud charge. The Court did not preliminarily vacate the removability charge nor did it direct DHS to not defend the charge or the immigration judge to not rely on it.

Moreover, the Court's PI order is prospective. The immigration judge sustained the foreign policy charge in April, and the Court had notice of the immigration judge's decision. Nevertheless, the Court preliminarily enjoined the Government from seeking to remove Petitioner on that ground rather than vacate the IJ's findings.

The Government does not read the PI order as prohibiting the relevant Respondents to defend and affirm Petitioner's removability charge. That is particularly true while Petitioner does not have a final order of removal. Therefore, continuing to litigate the removability charge through the normal course of removal proceedings (that is, before the Board of Immigration Appeals) is necessary to ensure that the relevant parties can develop a full record for appellate review.

Additionally, the PI order does not require the Government to join Petitioner in his request to reopen proceedings. Nothing in the text of the order suggests it. Moreover, there is no need to revisit the immigration judge's June 20 decision, which afforded Petitioner a full merits determination on his asylum and relief claims. The immigration judge explicitly provided an alternative holding, assuming that Petitioner was not barred from relief or protection from removal as a national security risk. On the waiver issue, nothing foreclosed Petitioner from filing one during his removal proceedings. The Government's position does not foreclose Petitioner from moving to reopen his proceedings himself. And the Government will respond accordingly.

Finally, the Government notes that its position and reading of the PI does not prejudice Petitioner. Rather, it favors him by allowing a full appellate record to be made. Now that the Government has appealed the PI order, if it is indeed reversed and vacated, Petitioner and the Government will not be prejudiced in the immigration proceedings, because the parties will not have to bounce between the immigration judge and the BIA.

We hope that this resolves any issues/disputes as to this issue. If Petitioner is contemplating filing a motion, we ask that the parties meet and confer beforehand to propose a briefing schedule. Government counsel has leave scheduled for various weeks and have other litigation deadlines. Therefore, we would want to propose a reasonable schedule that allows the Government to properly defend against Petitioner's motion.

On the issue regarding the order of release, the Government will respond with its position in its

filing on Monday.

Best regards,
Dhru

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[REDACTED]



July 9, 2025

VIA ECF

Honorable Michael E. Farbiarz
United States District Judge
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Newark, New Jersey 07101

Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Farbiarz,

As ordered by the Court during the status conference on July 7, 2025, Petitioner Mahmoud Khalil respectfully provides the following update regarding potentially relevant developments in immigration court.

As of the time of this filing, Mr. Khalil's Motion to Reconsider the June 20 decision and order of the Immigration Judge ("IJ"), ECF 341-1, filed on July 3, remains pending.¹ The U.S. Department of Homeland Security ("DHS") has not responded to the motion, to date.²

On July 8, the Executive Office for Immigration Review ("EOIR") rejected Mr. Khalil's Motion to Change Venue, filed concurrently with his Motion to Reconsider. *See* ECF 341-1 at 9 (noting in Motion to Reconsider that Motion to Change Venue was concurrently filed).

Mr. Khalil's Motion to Change Venue noted that he simultaneously filed a Motion to Reconsider and requested that—if the Immigration Judge ("IJ") grants the Motion to Reconsider and schedules an evidentiary hearing on the 8 U.S.C. § 1227(a)(1)(H) waiver—the IJ transfer the case to New York City where the evidentiary hearing would be held, as that is where Mr. Khalil and his witnesses reside.³

¹ Under 8 U.S.C. § 1229a(c)(6)(C), a motion to reconsider "shall specify the errors of law or fact in the previous order and shall be supported by pertinent authority." In addition, "(t)he motion must be filed within 30 days of a final administrative order of removal." 8 U.S.C. § 1229a(c)(6)(B). Mr. Khalil complied with both requirements. The IJ issued her final decision and order on June 20 and she committed an error of fact and of law when she overlooked this Court's preliminary injunction barring both the IJ (as a subordinate of Respondent Attorney General Bondi) and DHS from "seeking to remove" Petitioner based on the Secretary of State's determination.

² DHS has ten days, until July 13, to file any response to the Motion to Reconsider. Following this Court's preliminary injunction, on June 13, Petitioner's counsel wrote to ask that ICE formally withdraw all reliance on the Secretary of State's determination and the enjoined foreign policy charge. ECF 312-2 at 1, 4. ICE never replied. Meanwhile, it remains the Justice Department's position before this Court, and that of DHS in the removal proceedings, that this Court's June 11 preliminary injunction, ECF 299, does not prevent them from continuing to litigate and pursue Petitioner's removal based on the Secretary of State's determination. *See, e.g.*, ECF 332-3.

³ As Petitioner's counsel noted at the July 7 hearing, the setting of an evidentiary hearing is the normal course of events where, as here, the respondent in removal proceedings has stated their intent to pursue a waiver under 8 U.S.C. § 1227(a)(1)(H). There is no application form for this waiver. *See, e.g., In re Joan Arturo Castillo a.k.a. Joan Arturo Castillo Montiel*, 2020 WL 1244514 (BIA Jan. 15, 2020) ("There is no specific form to be filed or filing fee for a section 237(a)(1)(H) waiver, and thus, it is not clear which application for relief the Immigration Judge was referring

The EOIR rejection notice states Mr. Khalil has “no pending case.” This appears to be a clerical error because the IJ still has jurisdiction over Mr. Khalil’s case and his Motion to Reconsider remains pending. The IJ retains jurisdiction unless and until a notice of appeal is filed with the Board of Immigration Appeals. *In re Aviles*, 15 I. & N. Dec. 588, 588 (BIA 1976); *In re Mintah*, 15 I. & N. Dec. 540, 541 (BIA 1975); Board of Immigration Appeals Practice Manual § 4.2(a)(2) (“Once a party files an appeal with the Board, jurisdiction is vested with the Board, and the Immigration Judge is divested of jurisdiction over the case.”); *see also* 8 C.F.R. § 1003.23(b)(1) (“An immigration judge may upon the immigration judge’s own motion at any time, or upon motion of DHS or the noncitizen, reopen or reconsider any case in which the judge has rendered a decision, unless jurisdiction is vested with the Board of Immigration Appeals.”).

Respectfully submitted,

/s/ Naz Ahmad

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to as missing from the record in his January 16, 2018, decision.”). The Form I-601 Respondents’ counsel mentioned during the status conference does not apply to 1227(a)(1)(H) waivers sought by noncitizens within the United States facing removal on misrepresentation grounds, which are subject to a different statutory standard from the one set out in the official Form I-601 Instructions.

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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAHMOUD KHALIL,

Petitioner,

v.

DONALD TRUMP et al.,

Respondents.

No. 25-cv-01963 (MEF) (MAH)

OPINION and ORDER

* * *

For the purposes of this brief Opinion and Order, the Court assumes familiarity with the facts and procedural history of this case.

* * *

On June 11, the Court held that the “Respondents are preliminarily enjoined from seeking to remove the Petitioner from the United States based on the Secretary of State’s determination.” ECF 299 at 12.

The Petitioner has sought clarification as to the meaning of the preliminary injunction, see ECF 332 at 1-2, and it appears that the parties have different views of what it requires. Compare ECF 347 (setting out the Petitioner’s view), with ECF 349 (setting out the Respondents’).

The Court writes briefly (a) to ensure there is clarity, and (b) to outline next steps.

* * *

Clarification first.

The "Respondents are preliminarily enjoined from seeking to remove the Petitioner from the United States based on the Secretary of State's determination."

As a matter of plain meaning, "seeking" removal from the United States covers steps that come before physical removal from the United States. Detention is one example. Continuing to pursue charges is another.

Second, the "Respondents are preliminarily enjoined from seeking to remove the Petitioner from the United States based on the Secretary of State's determination."

Again as a matter of plain meaning, seeking removal "based on the Secretary of State's determination" includes all efforts to remove the Petitioner that are predicated on ("based on") the Secretary's determination.

This is not qualified. It covers all efforts. Those that are solely based on the Secretary's determination. And also those that as a practical matter meaningfully rely on the Secretary's determination. "Based" covers both.

* * *

But plain meaning may not be the whole story.¹

¹ Statutes and contracts are typically interpreted with a laser focus on text. See, e.g., United States v. Alvarez-Sanchez, 511 U.S. 350, 356 (1994) (statutes); Barila v. Bd. of Educ. of Cliffside Park, 241 N.J. 595, 616-17 (2020) (contracts). But consider some of the reasons why that approach does not apply to injunctions. Take statutes as an example. A text-only focus is often described as the right one because statutes are passed by legislatures --- and legislatures, as multi-member bodies, do not realistically have a discernible intent outside of the text. See, e.g., Merck & Co. v. Reynolds, 559 U.S. 633, 659 (2010) (Scalia, J., concurring in part). But injunctions are normally issued by a single judge, not by a large legislature. A text-heavy approach is also said to be required because only the words of the text pass through the "presentment" process, see U.S. Const. art. I, § 7, cl. 2, and become law. See, e.g., Amy Coney Barrett, Congressional Insiders & Outsiders, 84 U. Chi. L. Rev. 2193, 2210-11 (2017); Frank H. Easterbrook, Text, History & Structure in Statutory Interpretation, 17 Harv. J.L. & Pub. Pol'y 61, 65-66 (1994). But presentment has no bearing as to

Injunctions are generally interpreted and enforced with an eye to the underlying equities of a situation. See California v. Am. Stores Co., 495 U.S. 271, 294 (1990); Sys. Fed’n No. 91, Ry. Emps. Dep’t, AFL-CIO v. Wright, 364 U.S. 642, 647 (1961); Brown v. Bd. of Educ. of Topeka, 349 U.S. 294, 300 (1955); McComb v. Jack. Paper Co., 336 U.S. 187, 193 (1949); Milk Wagon Drivers Union of Chi., Loc. 753 v. Meadowmoor Dairies, Inc., 312 U.S. 287, 298 (1941); United States v. Swift & Co., 286 U.S. 106, 114 (1932); see also Salazar v. Buono, 559 U.S. 700, 761–62 (2010) (Breyer, J., dissenting); Schering Corp. v. Ill. Antibiotics Co., 62 F.3d 903, 906 (7th Cir. 1995); cf. Brown v. Plata, 563 U.S. 493, 542–43 (2011).²

And as to preliminary injunctions in particular, these are issued early in a case. They are not an end-of-the-line product, like a statute or a contract. Rather, they are preliminary --- and because they turn on what is “likely,” see Winter v. Nat. Res. Def. Council, 555 U.S. 7, 20 (2008), they are necessarily somewhat tentative.³

This may imply an added need for interpretive flexibility. See McCreary Cnty. v. ACLU of Ky., 545 U.S. 844, 874 (2005); Sys. Fed’n No. 91, 364 U.S. at 647; Swift & Co., 286 U.S. at 114; cf. Schering Corp., 62 F.3d at 908–09 (interpretation of an injunction depends on the type of injunction); Sprint Commc’ns Co. L.P. v. CAT Commc’ns Int’l, Inc., 335 F.3d 235, 243 (3d Cir. 2003); Marshall v. Bd. of Ed., 575 F.2d 417, 425 (3d Cir. 1978).

In short: the underlying equities and a need for flexibility --- these inform how injunctions are to be read and enforced, just

injunctions. See generally F. Andrew Hessick & Michael T. Morley, Interpreting Injunctions, 107 Va. L. Rev. 1059, 1083–84 (2021) (discussing the relevant issues).

² This approach has long been part of the law. See, e.g., St. John’s Coll., Oxford v. Carter (1839) 41 Eng. Rep. 191, 192; Bolt v. Stanway (1795) 145 Eng. Rep. 965, 965; Morrice v. Hankey (1732) 24 Eng. Rep. 1006, 1006; cf. Trump v. CASA, Inc., 606 U.S. ---, ---, 2025 WL 1773631, at *6 (2025) (looking to English equitable practice from the time of the Founding to fix the limits of federal courts’ equitable powers).

³ “Even so-called ‘permanent injunctions’ are actually provisional.” June Med. Servs. LLC v. Russo, 591 U.S. 299, 421 (2020) (Gorsuch, J., dissenting) (citing Glenn v. Field Packing Co., 290 U.S. 177, 179 (1933)), abrogated by Dobbs v. Jackson Women’s Health Org., 597 U.S. 215 (2022).

as they are touchstones for crafting an injunction in the first place.

* * *

Against this backdrop, walk through a set of three real-world circumstances. Each is plainly covered by the language of the Court's June 11 preliminary injunction. But how do these link up to the case's underlying equities?

Take three examples, each drawn from the parties' papers.

First, look to the removal charge that has been lodged against the Petitioner based on his alleged failures to accurately complete his lawful permanent resident application.

The Petitioner suggests that, "based on the Secretary of State's determination," he has been denied (a) a waiver of removability as to the LPR application charge and/or (b) the possibility of making a meaningful argument at an evidentiary hearing as to waiver, even though affording such a hearing would generally be routine. See ECF 347 at 3-4 (developing this argument).

If (a) is substantiated, it is hard to see how it would not add up to irreparable injury.⁴ If (b) is substantiated, it could also add up to irreparable injury, presumably depending in some part on how often waivers are granted in circumstances like this one.

But have (a) and (b) been substantiated? Neither appears rooted in sworn factual information that has been put before the Court.

Take a second example.

The Petitioner argues that, "based on the Secretary of State's determination," he has been prevented from meaningfully seeking asylum on the LPR application charge. See id. at 3.

But this argument does not seem to be factually substantiated at this point.

⁴ In contemporary case law, irreparable injury is one of the key yardsticks by which the underlying equities of a case are measured. See, e.g., Winter, 555 U.S. at 20; Amoco Prod. Co. v. Vill. of Gambell, 480 U.S. 531, 542 (1987); Weinberger v. Romero-Barcelo, 456 U.S. 305, 312 (1982).

And it does not reckon with the fact that the immigration judge conducted an extensive and close analysis here, ranging across six single-spaced pages, see ECF 333 at 21-26, and based on live testimony from experts put forward by the Petitioner, see id. at 14-16 --- and concluded that the Petitioner is not eligible for asylum for reasons the immigration judge explicitly stated that are not based on the Secretary of State's determination. See id. at 21.

Third and finally, the Petitioner suggests that the Respondents are continuing to press forward with affirmatively arguing in the immigration courts for his removal on the ground that the Secretary of State has so determined.

If this is indeed happening, it seems hard to square with the Court's June 11 preliminary injunction.

But as a factual matter, it is not clear whether this injures the Petitioner. After all, the Court has ordered the Respondents not to remove him from the United States. See ECF 81.

* * *

As to courses of conduct (like the three listed above) that are (a) covered by the language of the June 11 preliminary injunction but that (b) may not be directly supported by the Court's factual findings as to irreparable injury on which the preliminary injunction was based --- the Court might potentially hesitate to mechanically compel compliance with the strict language of the June 11 preliminary injunction unless and until the Court concludes that the underlying factual record has been persuasively filled out.⁵

⁵ Two things. First, as noted, irreparable injury is a way to think through a case's equities. See footnote 4. And, if as to a given course of conduct there is no factual support for the idea that that the conduct is irreparably injurious, then the Court might not have issued an injunction on June 11 to cover that conduct. ("Might not have" because the Court could have been permitted to do so. See United States v. Bausch & Lomb Optical Co., 321 U.S. 707, 724 (1944); Ethyl Gasoline Corp. v. United States, 309 U.S. 436, 461 (1940); accord FTC v. Nat'l Lead Co., 352 U.S. 419, 430 (1957); see also United States v. U.S. Gypsum Co., 340 U.S. 76, 89-90 (1950).) Second, the Court's powers here are broad. To construe its injunction, as

The parties will be permitted to supplement the record with factual information in the form of affidavits, and to make any legal arguments they may wish to.

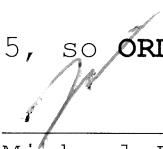
Per the Petitioner, there is a hard-stop deadline coming. See ECF 347 at 4, n.5.⁶

Therefore, the parties shall make their supplemental filings before 6:00am on July 17. Each party may then file a brief factual or legal reply, should they wish to, before 9:00am on July 17. If there is a need to resolve factual disputes through live testimony, that will be handled by phone on July 17.

The Court will rule on July 17.

If a party opts not to make a filing, the Court will rule based on the record as it currently exists as to the Petitioner's request for clarification of the June 11 preliminary injunction.⁷

IT IS on this 16th day of July, 2025, so **ORDERED.**



Michael E. Farbiarz, U.S.D.J.

the Petitioner has requested. See McComb, 336 U.S. at 192; United States v. Crescent Amusement Co., 323 U.S. 173, 188 (1944). To modify it, even sua sponte. See Chi. Bd. of Educ. v. Substance, Inc., 354 F.3d 624, 632 (7th Cir. 2003); W. Water Mgmt., Inc. v. Brown, 40 F.3d 105, 109 (5th Cir. 1994). Or to decline to enforce a remedy as to a violation of one part of it. See United States v. Armour & Co., 402 U.S. 673, 682 (1971); cf. Milk Wagon Drivers Union of Chi., Loc. 753, 312 U.S. at 298.

⁶ As to the issues discussed here, the Respondents' brief was filed during the evening of July 15 and this Opinion and Order is signed at approximately 9:15am on July 16.

⁷ The most substantial jurisdictional arguments raised by the Respondents in ECF 349 have been previously reached and resolved by this Court. They are before the Third Circuit. The Respondents at ECF 349 rightly note that this Court does not sit as an appellate tribunal over the immigration courts. Not at all. The concern here is solely to ensure the efficacy of an injunction issued last month by the Court. That is why the Court's focus is on the underlying standards related to injunctive relief (irreparable injury, etc.), and not on the basic standards that govern appellate review (de novo as to questions of law, clear error as to facts, etc.).

July 17, 2025

Honorable Michael E. Farbiarz, United States District Judge
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Newark, New Jersey 07101

Re: *Khalil v. Trump, et al.*, No. 2:25-cv-1963 (MEF) (MAH)

Dear Judge Farbiarz,

Petitioner Mahmoud Khalil writes in response to this Court’s Order permitting the parties “to supplement the record with factual information in the form of affidavits, and to make any legal argument they wish” regarding “clarification of the June 11 preliminary injunction.” ECF 350 at 6. Mr. Khalil now submits additional evidence that—along with the existing record in this case—demonstrates he will continue to suffer ongoing irreparable harm absent an order compelling Respondents’ immediate and full compliance with this Court’s preliminary injunction.

Summary of Factual Submissions

Mr. Khalil submits additional evidence of two forms of irreparable harm he is suffering based on the government’s continued pursuit of his removal on the basis of the Secretary of State’s Determination (also the “Foreign Policy Ground” or “FPG”). As this Court has already determined in large part, the first category of irreparable harms—relating to the speech-chilling, reputational, and practical effects of the Determination remaining an active basis for removal proceedings—is ongoing. *See* ECF 299 at 4-11. And the second category of irreparable harms—the altered, prejudicial course of his immigration proceedings based on a likely-unconstitutional charge—has been accruing and will be exacerbated imminently.

I. Ongoing Irreparable Harm Based on Chilled Speech, Practical, and Reputational Effects of the Determination

The government continues to rely on the Secretary of State’s Determination that Mr. Khalil’s presence in this country would compromise United States foreign policy interests, including in its ongoing filings in immigration court and through the immigration judge’s finding of removability. *See* Exhibit 1 (July 16 Declaration of Marc Van Der Hout) (“July 16 Van Der Hout Decl.”), Ex. A (DHS’s most recent opposition to Khalil’s Motion for reconsideration (filed in immigration court on July 14, 2025)); Ex. B (Khalil reply in support of motion to reconsider (filed in immigration court on July 15, 2025)); Exhibit C (IJ’s July 16 denial of motion to reconsider). So long as the government continues to move Mr. Khalil forward towards removal on the basis of that Determination, he is subject to severe reputational harm and harm to his employment prospects. Exhibit 2 (July 16 Declaration of Mahmoud Khalil) (“July 16 Khalil Decl.”) ¶¶ 4-11. The government’s ongoing reliance on the Rubio Determination also has a chilling effect on his speech, causing him to self-censor about topics that might implicate the Determination. *Id.* ¶¶ 4-6, 11.

II. Irreparable Harm Based on the Prejudicial Altered Course of Immigration Proceedings

The record also now demonstrates that the government’s continued pursuit of removal based on—and ongoing reliance on—the Rubio Determination will, without this Court’s intervention, cause irreparable harm with respect to the waiver process, further asylum proceedings, ongoing proceedings before the Board of Immigration Appeal (the “BIA”), and Mr. Khalil’s ability to sustain himself and his family and function in the United States.

First, based on the Secretary of State’s Determination, Mr. Khalil has been denied a waiver of removability (and even the opportunity to present evidence relevant to a waiver) as to the Post-Hoc Charge regarding his lawful permanent resident (LPR) application.

In immigration proceedings, someone like Mr. Khalil who is subject to a charge of misrepresentation or fraud in their LPR application, but who is married to a U.S. citizen (or LPR) or has a U.S. citizen (or LPR) child, can seek a waiver of removability. Exhibit 3 (July 16 Declaration of Kerry Doyle) (“July 16 Doyle Decl.”) ¶ 19; Exhibit 4 (July 16 Declaration of Stacy Tolchin) (“July 16 Tolchin Decl.”) ¶ 6; Exhibit 5 (July 16 Declaration of Ira Kurzban) (“July 16 Kurzban Decl.”) ¶ 15; Exhibit 7 (July 16 Declaration of Dana Leigh Marks) (“July 16 Marks Decl.”) ¶ 6. There is no application form for such a waiver. July 16 Doyle Decl. ¶ 23; July 16 Tolchin Decl. ¶ 9; July 16 Kurzban Decl. ¶ 17. The process to apply for and obtain such a waiver requires first requesting an evidentiary hearing for such a waiver from the immigration judge. July 16 Doyle Decl. ¶ 23; July 16 Tolchin Decl. ¶ 8; July 16 Kurzban Decl. ¶ 16. Such a request can be made orally during an immigration hearing or can also occur in writing. July 16 Tolchin Decl. ¶ 8; July 16 Kurzban Decl. ¶ 16. Following such a request, an immigration judge must then schedule a hearing, at which they will consider evidence and arguments regarding the noncitizen’s eligibility for such a waiver. July 16 Tolchin Decl. ¶¶ 10, 13; July 16 Kurzban Decl. ¶ 18. Such a hearing might involve testimony from the U.S. citizen spouse, family and community members, and others. July 16 Doyle Decl. ¶ 23; July 16 Tolchin Decl. ¶ 10; July 16 Kurzban Decl. ¶ 18.

In a situation such as Mr. Khalil’s, a waiver of removability would “almost certainly be granted” following such a hearing. July 16 Doyle Decl. ¶ 29; *see also* Exhibit 7 (July 16 Declaration of Dana Marks) (“July 16 Marks Decl.”) ¶ 12 (former IJ stating he “clearly merits” waiver). A waiver candidate has the requisite family relationship when they have a U.S. citizen spouse or a child, July 16 Doyle Decl. ¶ 19, and Mr. Khalil has both, July 16 Khalil Decl. ¶ 7. The only other relevant factor in granting the waiver is whether the person is otherwise inadmissible. July 16 Doyle Decl. ¶ 19. And, without the FPG charge, Mr. Khalil satisfies that factor as well. July 16 Doyle Decl. ¶ 29; July 16 Tolchin Decl. ¶ 16. In “the normal course,” in circumstances involving an LPR with a U.S. citizen spouse and child seeking such a waiver of removability, for someone with Mr. Khalil’s facts, a waiver would “almost certainly” be granted. July 16 Doyle Decl. ¶ 29.¹ And when a waiver is granted, an

¹ Charles L. B. Lowndes Distinguished Professor of Law and Professor of Sociology at Duke University School Emily Ryo, an empirical legal scholar, has analyzed EOIR data from 2012-2022, the most recent years for which data is available, showing that, of those removal proceedings involving individuals charged solely with INA § 237(a)(1)(A) based on § 212(a)(6)(C)(i), and who are seeking a

LPR's immigration proceedings are resolved in their favor. July 16 Doyle Decl. ¶ 23; July 16 Kurzban Decl. ¶ 22; July 16 Tolchin Decl. ¶¶ 14, 16.

On April 23, Mr. Khalil requested a waiver hearing before the immigration judge in writing. July 16 Van Der Hout Decl. ¶ 6. He renewed this request on May 22 orally, and again on June 2 in writing. *Id.* ¶¶ 7-8. Even though a hearing is the required procedure to follow a request for such a waiver, July 16 Doyle Decl. ¶¶ 22-23; July 16 Tolchin Decl. ¶¶ 10-11, 13; July 16 Kurzban Decl. ¶¶ 16, 18, the immigration judge did not schedule such a hearing, July 16 Van Der Hout Decl. ¶¶ 9-16. Instead, on June 20, the immigration judge issued a decision finding Mr. Khalil removable based on the Secretary of State's Determination, and on July 16 denied a motion for reconsideration of that decision and for reconsideration of its decision not to schedule a waiver hearing, July 16 Van Der Hout Decl., Exs. A-C. The immigration judge has therefore now denied Mr. Khalil a waiver of removability by denying him a hearing at which he would have established his waiver eligibility. While the immigration judge did not address Mr. Khalil's request for a waiver hearing explicitly in any decision, the judge presumably did not see the request as relevant in light of the court's finding of removability on FPG grounds. Were the FPG basis of removability valid, a waiver on the second, Post-Hoc Charge would be practically immaterial, because the FPG charge cannot be waived. July 16 Doyle Decl. ¶ 18; July 16 Kurzban Decl. ¶¶ 14-15; July 16 Tolchin Decl. ¶ 12. But (as mentioned above), in the absence of the FPG, it would be unheard of for an immigration judge to deny a waiver hearing request—and even a waiver itself—for an LPR with a U.S. citizen wife and child, without a criminal record, and who is facing only the misrepresentation or fraud charges that are the waiver's *raison d'être*. July 16 Doyle Decl. ¶ 29; July 16 Kurzban Decl. ¶¶ 20, 22; July 16 Tolchin Decl. ¶ 15.

Based on the Secretary of State's Determination, Mr. Khalil has therefore been deprived of both (1) the possibility of making a meaningful argument at an evidentiary hearing as to waiver, even though affording such a hearing is required, and (2) in fact obtaining such a waiver, which would “almost certainly” be granted in cases such as his. And if he were granted a waiver of removability, his immigration proceedings would be resolved in his favor. July 16 Doyle Decl. ¶ 23; July 16 Kurzban Decl. ¶ 22; July 16 Tolchin Decl. ¶ 16.

Second, due in part to the Secretary of State's Determination, Mr. Khalil has been denied asylum. *See* ECF 333 (June 20 IJ decision) at 20. While asylum was also denied on alternative grounds, he has the right to appeal those findings. However, Mr. Khalil will lose his opportunity to be heard if the Secretary of State's Determination remains in place, because the BIA need only affirm the

waiver under § 237(a)(1)(H), 85% were granted the waiver. Exhibit 6 (July 16 Declaration of Emily Ryo) (“July 16 Ryo Decl.”) ¶ 8. Because these figures include non-LPRs and those who, unlike Mr. Khalil, do not have either a U.S. citizen spouse or child, or who have criminal histories, the rate for people in Mr. Khalil's circumstances would likely be “significantly higher.” *Id.* ¶¶ 9-10. This analysis thus further supports the declarations of other experts stating that, for someone in Mr. Khalil's position, such a waiver would “almost certainly” be granted. July 16 Doyle Decl. ¶ 29; *see also* July 16 Tolchin Decl. ¶ 16 (stating that, were Mr. Khalil granted a waiver hearing, “proceedings would be resolved in his favor”); July 16 Marks Decl. ¶ 12 (former IJ stating he “clearly merits” waiver).

Immigration Judge’s decision on the basis of the Determination alone. *See* July 16 Tolchin Decl. ¶ 17; *see also* Exhibit 8 (Declaration of Homero Lopez) (“Lopez Decl.”) ¶ 4 (former BIA Appellate Immigration Judge stating the BIA would “have no need” to address any arguments beyond the FPG). Moreover, the only reason Mr. Khalil needed to seek asylum (which is a lesser form of status than lawful permanent resident status) is because he was precluded from being considered for the 237(a)(1)(H) waiver, which would allow him to maintain his lawful permanent resident status. July 16 Tolchin Decl. ¶ 14. If he is permitted to apply for a waiver and is granted the waiver, there would be no need to adjudicate his asylum application at all or pursue these issues on appeal. *Id.* ¶¶ 14, 16.

Third, Mr. Khalil now faces the imminent irreparable harm of litigating several issues at the Board of Immigration Appeals that he would not otherwise have to litigate but for the Secretary of State’s Determination, and ultimately of being subject to a final order of removal as soon as the BIA decides his appeal. Specifically, without this Court’s intervention, Mr. Khalil will be required by the appeal deadline to file by July 18, 2025, an appeal of the IJ’s determination to the BIA, *see* ECF 347 at 4 n.5, which will divest the IJ of jurisdiction and move his proceeding to the appeal stage, *see* July 16 Tolchin Decl. ¶ 17. On appeal, he will have to litigate several issues that should be off the table under this Court’s injunction: not only will he have to litigate on the merits against the Secretary of State’s Determination as a basis for his removal, July 16 Van Der Hout Decl. ¶ 18; July 16 Tolchin Decl. ¶ 17; July 16 Kurzban Decl. ¶ 23, but he will also have to litigate against the immigration judge’s denial of asylum, July 16 Van Der Hout Decl. ¶ 18. In the absence of the FPG charge, it is overwhelmingly likely that he would have obtained a waiver of removability in the ordinary course of proceedings and would not need to appeal anything at all to the BIA. July 16 Doyle Decl. ¶¶ 29, 34; July 16 Kurzban Decl. ¶ 22; July 16 Tolchin Decl. ¶ 16. Therefore, he is being forced to litigate entirely different issues on appeal than he otherwise would, if he would be required to file an appeal at all, because the Secretary of State’s Determination remains in play notwithstanding this Court’s preliminary injunction. July 16 Doyle Decl. ¶ 34.

Further, as a result of the FPG charge, and the immigration judge’s finding of removability on that ground, Mr. Khalil will be subject to a final order of removal as soon as the BIA renders a decision on his appeal. July 16 Doyle Decl. ¶ 35; Kurzban Decl. ¶ 24. On the record that is poised to go up on administrative appeal, the BIA will be bound by precedent to quickly affirm on the basis of the FPG and cannot consider Mr. Khalil’s constitutional challenges to that charge. Lopez Decl. ¶¶ 3-4; July 16 Doyle Decl. ¶¶ 31-32; July 16 Tolchin Decl. ¶ 17. There are important consequences to the final order of removal the BIA would then issue. At that point, critically, Mr. Khalil would no longer have LPR status. July 16 Doyle Decl. ¶¶ 35-36. July 16 Tolchin Decl. ¶ 18; July 16 Kurzban Decl. ¶ 24. The lack of LPR status (pursuant to issuance of a final order of removal) will have serious consequences for Mr. Khalil: he will no longer be able to lawfully work or engage in other daily transactions without proof of lawful status, July 16 Doyle Decl. ¶¶ 37-38; July 16 Tolchin Decl. ¶ 18.

Finally, having to litigate issues he otherwise would not face on appeal also imposes resource costs on Mr. Khalil that cannot be meaningfully remedied after the fact, including by imposing significant demands on limited attorney time that would otherwise be spent on other issues in his case,

July 16 Khalil Decl. ¶¶ 8-9; July 16 Van Der Hout Decl. ¶ 18, and by prejudicing his ability to fully address in any appeal briefing issues relevant to charges that are not related to the FPG, *see id.*

Legal Argument

Based on the factual submissions summarized above, along with the existing record in this case, Mr. Khalil has demonstrated ongoing irreparable harm flowing from the government “continuing to pursue charges” based on the Foreign Policy Ground or otherwise “meaningfully rely[ing] on the Secretary’s determination.” ECF 350 at 2. These include the concrete harms of his ongoing removal proceeding, chilled speech, damaged career prospects, and damaged reputation.

First, one of the primary harms flowing from the government’s likely-unconstitutional application of the Foreign Policy Ground to Mr. Khalil is being forced “to undergo the complained-of agency proceedings.” ECF 214 (Apr. 29 Order) at 99 (In the absence of federal court intervention, “the claimants ‘will lose their rights not to undergo the complained-of agency proceedings if they cannot assert those rights until the proceedings are over’ So too here.” (quoting *Axon Enter., Inc. v. Fed. Trade Comm’n*, 598 U.S. 175, 192 (2023))). As described above, if the government is permitted to continue relying on the Rubio Determination, Mr. Khalil will lose his right not to face unconstitutional charges before the immigration court and the BIA, and he will lose his right to obtain meaningful relief from removal that is otherwise immediately available to him—in particular a waiver which would “almost certainly be granted,” July 16 Doyle Decl. ¶ 29, and which, if granted, would fully resolve his immigration court proceedings “in his favor,” July 16 Tolchin Decl. ¶ 16; *see also supra* at 2-3.

On the issue of waiver specifically, the Court has noted that, if Mr. Khalil has been denied a waiver of removability, “it is hard to see how it would not add up to irreparable injury.” ECF 350 at 4. Here, Mr. Khalil has now been denied a waiver through the IJ’s latest denial of his motion to reconsider, which explicitly requested a waiver hearing. *See* July 16 Van Der Hout Decl., Ex. C (July 16 IJ decision); *see also* July 16 Tolchin Decl. ¶ 12; July 16 Doyle Decl. ¶¶ 27-28. The Court also noted that even the denial of “the possibility of making a meaningful argument” at a waiver hearing “could also add up to irreparable injury,” depending on the likelihood of success. ECF 350 at 4. Here again, Mr. Khalil has demonstrated that such a waiver should “almost certainly” be granted to him based on the relevant factors of his application, July 16 Doyle Decl. ¶ 29, and, even if that were not the case, being deprived of even a slim chance of having his immigration proceeding fully resolved in his favor at this time would constitute irreparable harm, *see, e.g., De Jesus Martinez v. Nielsen*, 341 F. Supp. 3d 400, 408–09 (D.N.J. 2018) (“Denying Mr. Martinez the opportunity to complete the waiver process would constitute . . . irreparable harm”); *M’Bagoyi v. Barr*, 423 F. Supp. 3d 99, 107 (M.D. Pa. 2019) (similarly finding “irreparable harm” based on a denial of “the opportunity to complete the waiver process,” emphasizing “the right to seek such a waiver” and not any guarantee of the ultimate relief of waiver).

Second, the government’s seeking to remove Mr. Khalil on the basis of the Secretary’s Determination also puts him at imminent risk of losing his lawful permanent resident status as soon as the BIA affirms the IJ’s decision. *See* July 16 Doyle Decl. ¶ 35; Kurzban Decl. ¶ 24. Losing his LPR status would result in the immediate loss of his ability to maintain employment authorization and to

otherwise engage in daily tasks that require valid proof of his lawful status. July 16 Doyle Decl. ¶¶ 37-38.

Third, the ongoing progress of the enjoined charge through the immigration court and BIA, “even ‘[b]eyond . . . detention,’” and even while removal remains enjoined, will continue to “chill[] his speech.” ECF 299 at 10 n.11. That chill arises directly from the vagueness of the Foreign Policy Ground, *id.*, and how the government’s continued application of that ground means, for Mr. Khalil, “that any expressive activity I undertake carries the risk of further punishment or surveillance,” ECF 281-1 (“June 4 Khalil Decl.”) ¶ 14; July 16 Khalil Decl. ¶¶ 4-7. As long as the government’s likely-unconstitutional charge remains live and proceeding through the immigration court, it achieves its purpose of deterring Mr. Khalil and others from engaging in protected expressive activity the government disfavors. *See, e.g., Dombrowski v. Pfister*, 380 U.S. 479, 487-89 (1965) (finding “sufficient irreparable injury” to warrant a preliminary injunction in part because “[t]he chilling effect upon the exercise of First Amendment rights may derive from the fact of the prosecution, unaffected by the prospects of its success or failure”).

Fourth, beyond any effect on speech, “serious long-term damage to career prospects can count as irreparable harm.” ECF 299 at 5 (citing *Kamdem-Ouaffo v. Task Mgmt. Inc.*, 792 F. App’x 218, 222 (3d Cir. 2019); *Morton v. Beyer*, 822 F.2d 364, 372 n.13 (3d Cir. 1987); *Acierno v. New Castle Cnty.*, 40 F.3d 645, 654 (3d Cir. 1994); *Carson v. Am. Brands, Inc.*, 450 U.S. 79, 89 & n.16 (1981); *Valley v. Rapides Parish Sch. Bd.*, 118 F.3d 1047, 1055-56 (5th Cir. 1997); *NAACP, Inc. v. Town of E. Haven*, 70 F.3d 219, 224 (2d Cir. 1995)). The government continuing to pursue charges, continuing to rely in immigration court on a determination that Mr. Khalil’s presence or activities in the United States would compromise a compelling United States foreign policy interest, and otherwise continuing to move through the formal removal process on these grounds is causing severe damage to Mr. Khalil’s ability to further his career. *See* July 16 Khalil Decl. ¶¶ 4, 7; *see also* ECF 299 at 5 (citing June 4 Khalil Decl. ¶¶ 3, 8-10, 16, 22). By pursuing the enjoined charges and obtaining regular affirmations of their underlying viability from the immigration court (and, soon, the BIA), the government continues to label Mr. Khalil a threat to the United States in the eyes of the government, undermining his credibility, both writ large and specifically in his field of diplomacy and international affairs. *See id.*; *see also* July 16 Khalil Decl. ¶¶ 4, 7.

Fifth, and similarly, “when it cannot be compensated through money damages, as cannot readily be done here, reputational injury can count as irreparable harm.” ECF 299 at 5 (citing *Guardian Life Ins. Co. of Am. v. Est. of Cerniglia*, 446 F. App’x 453, 456 (3d Cir. 2011); *Kos Pharms., Inc. v. Andrx Corp.*, 369 F.3d 700, 726 (3d Cir. 2004); *Pappan Enters., Inc. v. Hardee’s Food Sys., Inc.*, 143 F.3d 800, 805 (3d Cir. 1998); *Life Spine, Inc. v. Aegis Spine, Inc.*, 8 F.4th 531, 546 (7th Cir. 2021); *Register.com., Inc. v. Verio, Inc.*, 356 F.3d 393, 404 (2d Cir. 2004); *Rent-a-Center, Inc. v. Canyon Television & Appliance Rental, Inc.*, 944 F.2d 597, 603 (9th Cir. 1991); 11A Charles Alan Wright & Arthur R. Miller, *Federal Practice & Procedure* § 2948.1 (4th ed. 2025) (“Injury to reputation . . . is not easily measurable in monetary terms, and so often is viewed as irreparable.”); *Bennington Foods LLC v. St. Croix Renaissance, Grp., LLP*, 528 F.3d 176, 178–79 (3d Cir. 2008)). Here again, the government’s continued public reliance on the Rubio Determination causes ongoing irreparable harm to Mr. Khalil’s reputation: it designates him as

a threat to the United States, and it continues to subject him to the humiliating public statements of the highest government officials trumpeting the ongoing progress of his deportation proceedings. *See id.* (citing June 4 Khalil Decl. ¶¶ 3, 8-10, 16, 22); ECF July 16 Khalil Decl. ¶¶ 4-5, 7.

Respectfully submitted,

/s/ Naz Ahmad

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Exhibit 1

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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; Yolanda PITTMAN, in her official capacity as Warden of Elizabeth Contract Detention Facility; 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-01963
(MEF-MAH)

**DECLARATION OF
MARC VAN DER HOUT**

DECLARATION OF MARC VAN DER HOUT

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

1. I am a partner at Van Der Hout LLP, which is located at 360 Post Street, Suite 800, San Francisco, California 94108. I have personal knowledge of the matters stated herein. I am one of Mr. Khalil's attorneys who is representing him in the above captioned-matter before this Court and also the Immigration Court. I have been practicing immigration law since 1978.
2. I write this declaration to explain what steps Mr. Khalil's immigration counsel took to request that the Immigration Judge (IJ) consider Mr. Khalil's request for a waiver of the charge of removability related to his lawful permanent resident application (Form I-485), and that the IJ's denial of that request, based on her prior comments in the prior court proceedings, could only have been based on her finding that the charge under the Foreign Policy Ground, 8 U.S.C. § 1227(a)(4)(C), had to be sustained.
3. At the hearing on April 11, 2025, when the Court set an April 23, 2025, deadline for applications for relief from removal, I clarified that that deadline for applications due on

that date was only for applications for relief for the sole charge of removability that the Court had orally sustained that day—8 U.S.C. § 1227(a)(4)(C). *See* Exhibit B, at Tab A, Transcript of April 11 hearing, at 81:5-9 (“MR. VAN DER HOUT: The remov-, so the application for removabil-, I just want to be clear. You want anything submitted for relief on the ground that you found him removable on at this point. Is that right? JUDGE COMANS: That is correct.”). The Court was clear that the only applications for relief from removal due April 23 were those related to the 8 U.S.C. § 1227(a)(4)(C) charge, as that was the only charge of removal that had been sustained at that time. *See also* Decision and Order of Immigration Judge dated June 20, 2025, at 2 (“The Court set a call-up date for April 23, 2025, for the Department to respond to the Respondent’s Motion to Terminate, additional submissions related to the charge held in abeyance, and for any and all *applications for relief from removal on the charge sustained.*”) (emphasis added).

4. Unlike for a removability charge under 8 U.S.C. § 1227(a)(1)(A), no statutory waiver exists for a removal charge under 8 U.S.C. § 1227(a)(4)(C).
5. Accordingly, on April 23, 2025, Mr. Khalil submitted the only possible applications for relief for removal from the 8 U.S.C. § 1227(a)(4)(C) charge—applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT), which are sought via the filing of a Form I-589.
6. Out of an abundance of caution and despite the IJ’s instruction that the only applications for relief that needed to be submitted on April 23 were those relevant to the finding of removability under 8 U.S.C. § 1227(a)(4)(C), on April 23, Mr. Khalil preserved his right to seek an 8 U.S.C. § 1227(a)(1)(H) waiver should it become relevant by stating his intention to do so, in writing, if the Court were to ever find him removable under 8 U.S.C. § 1227(a)(1)(A). *See* Application for Relief, submitted April 23, 2025 (noting Mr. Khalil intends to seek relief in the form of “[a] waiver under Immigration and Nationality Act (INA) § 237(a)(1)(H), in the event that the Court finds him removable under the § 237(a)(1)(A) charge”).
7. At the hearing on May 22, I again preserved Mr. Khalil’s right to have an evidentiary hearing on the 8 U.S.C. § 1227(a)(1)(H) waiver if the 8 U.S.C. § 1227(a)(4)(C) charge were invalidated by the district court, or on appeal, and the IJ confirmed that “of course, in the event that something like that occurred there’s always the opportunity.” *See* Exhibit B, at Tab B, Declaration of Oona Cahill.
8. On June 2, in Mr. Khalil’s written closing argument submitted June 2, 2025, we once again requested the ability to seek an 8 U.S.C. § 1227(a)(1)(H) waiver and an evidentiary hearing, if the IJ were to find him removable on the second charge of removal under 8 U.S.C. § 1227(a)(1)(A). The written closing stated: “As discussed at the hearing on May 22, 2025, and agreed to by the Court, in the event that the Court does sustain the charge under INA § 237(a)(1)(A) and an INA § 237(a)(1)(H) waiver becomes relevant, Mr. Khalil reserves the right to submit evidence in support of that waiver and have a full evidentiary hearing

on the waiver request at a subsequent hearing.”).¹

9. Nevertheless, on June 20, 2025, the IJ’s written decision (1) sustained the charges under 8 U.S.C. § 1227(a)(4)(C) *and*, for the first time, 8 U.S.C. § 1227(a)(1)(A) and (2) failed to acknowledge Mr. Khalil’s repeated requests to set an evidentiary hearing on the § 1227(a)(1)(H) waiver. ECF 333.
10. On July 3, 2025, Mr. Khalil submitted a motion to reconsider the IJ’s June 20 decision with the immigration court. ECF 347-1.²
11. On July 14, 2025, DHS submitted an opposition to Mr. Khalil’s then pending motion to reconsider before the immigration court. A copy of DHS’s opposition is attached as Exhibit A. In its opposition, DHS asserts that this Court’s injunction “neither renders Secretary Rubio’s determination entirely invalid or ineffective.” *Id.* at 4. DHS also asserted that Mr. Khalil was required to file an INA § 237(a)(1)(H) [8 U.S.C. 1227(a)(1)(H)] waiver application³ on April 23, 2025—two months before the Court sustained the charge of removability under INA § 237(a)(1)(A) [8 U.S.C. 1227(a)(1)(A)].
12. On July 15, 2025, Mr. Khalil submitted a reply in support of his then pending motion to reconsider explaining that (1) the injunction prevented the IJ from relying on the Rubio Determination in her June 20 decision, and that her overlooking the injunction was an error of both law and fact warranting reconsideration, and (2) the failure to set an evidentiary hearing on the 8 U.S.C. § 1227(a)(1)(H) waiver, for which Mr. Khalil had already submitted prima facie evidence of his marriage to a U.S. citizen and had requested numerous times in writing and orally, was an error of law and fact. A copy of Mr. Khalil’s reply is attached as Exhibit B.
13. On July 16, 2025, the IJ denied Mr. Khalil’s motion to reconsider, checking off a box on a pre-printed form stating only: “The motion does not specify errors of law or fact in the previous order or is not supported by pertinent authority. *See* INA § 240(c)(6)(C); 8 C.F.R. § 1003.23(b)(2).” A copy of the IJ’s July 16 order is attached as Exhibit C. This order is identical to the IJ’s prior denial of Mr. Khalil’s first motion to reconsider on June 27, 2025. ECF 332-2.
14. The IJ has repeatedly declined to provide an explanation for her refusal to set an evidentiary hearing on the 8 U.S.C. § 1227(a)(1)(H) waiver, despite Mr. Khalil being clearly statutorily eligible for the waiver. The IJ’s prior statements in court and her written June 20th decision leads me to the conclusion that her refusal to set a hearing can only be due to her decision

¹ DHS’s opposition dated July 14, 2025 incorrectly states that Mr. Khalil’s written closing “makes no reference to seeking the waiver.” Exhibit A at 4.

² Mr. Khalil had previously submitted a motion to reconsider the IJ’s April 11, 2025 oral ruling sustaining the foreign policy charge on June 17, 2025, which the IJ denied on June 27, 2025. ECF 332-2.

³ There is no application form for a 8 U.S.C. § 1227(a)(1)(H) waiver. Rather a hearing is set after a respondent indicates their intent to file for such a waiver after removability has been found under 8 U.S.C. § 1227(a)(1)(A) and a call up date is given for the submission of evidence in support of the discretionary waiver. *See, e.g., In re Joan Arturo Castillo a.k.a. Joan Arturo Castillo Montiel*, 2020 WL 1244514 (BIA Jan. 15, 2020) (“There is no specific form to be filed or filing fee for a section 237(a)(1)(H) waiver, and thus, it is not clear which application for relief the Immigration Judge was referring to as missing from the record in his January 16, 2018, decision.”).

to sustain the charge of removability under 8 U.S.C. § 1227(a)(4)(C) and her belief that the waiver would be “irrelevant” due to her removability finding pursuant to § 1227(a)(4)(C). At the hearing on April 11, when the IJ orally sustained the charge of removability under § 1227(a)(4)(C), the IJ stated that the second charge under § 1227(a)(1)(A), and, implicitly, any potential waiver of that charge, was “irrelevant” at that time. *See Exhibit B at Tab A*, Transcript of April 11, 2025 Hearing, at 78:22-24 (“JUDGE COMANS: “Whether *or not* he’s removable under § 237(a)(1)(A), it’s irrelevant at this point *because* the Court has found that he is removable under § 237(a)(4)(C).”) (emphasis added); *see also id.* at 79:10-13 (“JUDGE COMANS : Is there a waiver for the §237 (a) (4) (C) charge, Mr. Van Der Hout? Let me answer it for you. No, there’s not. And, and the Court has ruled that ... your client is removable under §237 (a) (4)(C).”).

15. The IJ has never determined Mr. Khalil is ineligible for an 8 U.S.C. § 1227(a)(1)(H) waiver (because he clearly is not)—indeed, she said as much at the hearing on April 11, 2025. *See Exhibit B, Tab A* at 80:20-22 (“JUDGE COMANS: I didn’t say he wasn’t eligible for the waiver, because I haven’t determined if he’s removable under the § 237(a)(1)(A) charge.”). She has never subsequently addressed Mr. Khalil’s eligibility for a waiver. Instead, she has consistently treated the waiver as simply “irrelevant” because of the 8 U.S.C. § 1227(a)(4)(C) removability finding. There is no other plausible explanation for her failure to set the requested evidentiary hearing other than the fact she sustained the 8 U.S.C. § 1227(a)(4)(C) charge.⁴
16. In addition to depriving Mr. Khalil of the opportunity to seek the waiver, the IJ’s decision to sustain the foreign policy charge under 8 U.S.C. § 1227(a)(4)(C) would, in practical terms, deny Mr. Khalil the benefit of the 8 U.S.C. § 1227(a)(1)(H) waiver even if such a waiver were granted. This is because he would still have been found to be removable on a separate charge, 8 U.S.C. § 1227(a)(4)(C), for which no waiver exists, and the only form of relief is asylum, withholding of removal, or protection under the Convention Against Torture.
17. Importantly, if the 8 U.S.C. § 1227(a)(4)(C) charge could not have been sustained, Mr. Khalil would not have sought asylum, withholding of removal, and protection under the Convention Against Torture (CAT) as primary forms of relief. They would have been merely secondary. This is because he would 1) only need relief from the 8 U.S.C. § 1227(a)(1)(A) charge, and he is eligible for a waiver under 8 U.S.C. § 1227(a)(1)(H). The waiver is a preferable form of relief to asylum, withholding of removal, and protection under the CAT because, if Mr. Khalil is granted a waiver, he would retain his lawful permanent resident status and not need to reapply to become a permanent resident. In contrast, if granted asylum, Mr. Khalil would become an asylee and would have to then reapply for permanent residency after accruing one year of physical presence in the United States as an asylee. 8 U.S.C. § 1158. In addition to the administrative burden imposed by

⁴ DHS argued in its July opposition to Mr. Khalil’s July 3 motion to reconsider, Exhibit A, that he failed to submit any application or request for the § 1227(a)(1)(H) waiver by April 23, 2025 but, as pointed out above, no request for a waiver was due at that point and, in any event, Mr. Khalil did, out of an abundance of caution, so make again such a request in his submission of that date along with submitting evidence of the statutory qualifications of USC or lawful permanent resident spouse, parent, son or daughter.

having to reapply for lawful permanent resident status, Mr. Khalil would likely face delays/gaps in work authorization as his application remained pending and not be able to travel outside the U.S, nor even easily domestically, not to mention the stigma that would follow him for having lost his permanent residency.

18. Additionally, if Mr. Khalil is forced to relitigate the foreign policy charge on appeal to the BIA, it will materially impact his ability to appeal the other aspects of the IJ's June 20 decision on the merits. Mr. Khalil would be required to dedicate much of the limited briefing he is afforded on appeal to litigating a charge already enjoined by this Court. *See* BIA Practice Manual Chapter 4.6(b) ("Parties must limit the body of their briefs or motions to 30 pages unless otherwise directed by the Board. ... Motions to accept briefs that exceed the page limitation established by the Board are disfavored and will not be granted absent a showing of extraordinary and compelling circumstances."). Being forced to litigate the unconstitutional charge of removability would impair his ability to meaningfully challenge (1) the IJ's determination related to the 8 U.S.C. § 1227(a)(1)(A) charge and (2) the merits of her denial of his asylum, withholding of removal, and protection under the Convention Against Torture applications as well as a myriad of other issues he would be raising on appeal (e.g. denial of motion to terminate based on unlawful arrest, denial of motions to compel production of documents and for subpoenas, denial of motion for continuance, and more).

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge. Executed this 16th day of July 2025 at San Francisco, California.



Marc Van Der Hout
Declarant

EXHIBIT A

Alice Miller
 Chief Counsel
 Numa V. Metoyer
 Deputy Chief Counsel
 U.S. Immigration and Customs Enforcement
 U.S. Department of Homeland Security
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DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
 EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
 IMMIGRATION COURT
 JENA, LOUISIANA

_____)
 In the Matter)
 Khalil, Mahmoud)
)
 In Removal Proceedings)
)
 _____)

File No.: [REDACTED]

Immigration Judge: Jamee E. Comans Next Hearing: N/A

DEPARTMENT OF HOMELAND SECURITY OPPOSITION TO
RESPONDENT’S SECOND MOTION TO RECONSIDER

INTRODUCTION

The respondent filed a second motion to reconsider this Court’s removability determination, entered on April 11, 2025, and reiterated in a written decision on June 20, 2025. *See* I.J. at 5 (concluding that the Department of Homeland Security (DHS) “met its burden to establish removability by clear and convincing evidence, that the [r]espondent is removable under section 237(a)(4)(C)(i) of the [Immigration and Nationality Act (INA)] as charged in the [NTA]”).¹ DHS opposes the respondent’s second motion to reconsider because he failed to meet his burden of proof. Accordingly, the Court should deny the motion.

BACKGROUND

On April 11, 2025, this Court sustained the charge of removability under INA § 237(a)(4)(C)(i) contained in the respondent’s NTA. More than two months later—and three days prior to the Court’s written decision on the merits of the respondent’s application for relief from removal—the respondent filed a motion to reconsider the removability determination. *See generally* Resp’t’s Mot. to Reconsider Order Finding DHS Sustained Its Burden to Establish Removability Under INA § 237(a)(4)(C) (June 17, 2025) (First Mot.). DHS filed an opposition to this motion on June 27, 2025, *see* DHS’s Opp’n to Resp’t’s Mot. to Reconsider (June 27, 2025) (Opp’n), and the Court denied the motion the same day,² *see* I.J. Order at 1 (June 27, 2025) (concluding that “the motion does not specify errors of law or fact in the previous order or is not supported by pertinent authority. *See* INA § 240(c)(6)(C); 8 C.F.R. § 1003.23(b)(2)”).

The respondent filed a second motion to reconsider on July 3, 2025, mainly repeating his

¹ The Court reasoned that Secretary Rubio’s letter determining that the respondent’s “presence in this country would have potentially serious adverse foreign policy consequences for the United States,” was sufficient evidence to meet DHS’s burden of proof. *See* I.J. at 4 (citing *Matter of Ruiz-Massieu*, 22 I&N Dec. 833, 843–46 (BIA 1999)).

² The Order was uploaded into ECAS and served on the parties on June 30, 2025.

prior arguments and requesting a further hearing on his purported eligibility for a waiver under INA § 237(a)(1)(H). *See generally* Resp’t’s Mot. to Reconsider the Court’s June 20, 2025 Order (1) Finding Mr. Khalil Removable Under INA § 237(a)(4)(C), and That He is Statutorily Barred from Eligibility for Asylum and (2) Failing to Set an Evidentiary Hr’g on His Req. for a Waiver of Inadmissibility Under INA § 237(a)(1)(H) (July 3, 2025) (Second Mot.).

DHS respectfully asks the Court to deny the respondent’s second motion for the reasons stated below.

ARGUMENT

“The alien may file one motion to reconsider a decision that the alien is removable from the United States.” INA § 240(c)(6)(A); *see* 8 C.F.R. § 1003.23(b)(1) (“A motion to reconsider must be filed within 30 days of the date of entry of a final administrative order of removal . . .”). A motion to reconsider must specify errors of fact or law in the Court’s decision and be supported with pertinent authority. *See* INA § 240(c)(6)(C); 8 C.F.R. § 1003.23(b)(2). A motion to reconsider is a “request that the [agency] reexamine its decision in light of additional legal arguments, a change of law, or perhaps an argument or aspect of the case which was overlooked.” *Matter of O-S-G-*, 24 I&N Dec. 56, 57 (BIA 2006) (quoting *Matter of Ramos*, 23 I&N Dec. 336, 338 (2002)). “A motion to reconsider contests the correctness of the original decision based on the previous factual record, as opposed to a motion to reopen, which seeks a new hearing based on new or previously unavailable evidence.” *Id.* at 57–58.

For the second time, the respondent argues that, in light of the preliminary injunction issued in his habeas litigation, *see Khalil v. Trump*, 2025 WL 1649197, No. 25-cv-01963 (D.N.J. June 11, 2025), “the Court must reconsider its decision” that the respondent’s charge of removability under INA § 237(a)(4)(C)(i) has been sustained by clear and convincing evidence. *See* Second Mot. at 8.

DHS addressed this argument in its Opposition to the respondent's first motion to reconsider, *see* Opp'n at 1–3,³ and incorporates the relevant responses by reference.

Even assuming, *arguendo*, that any attachments to the respondent's first motion to reconsider may be construed as “evidence” for his case-in-chief, DHS maintains that a preliminary injunction in the respondent's habeas litigation does not materially affect the Court's removability decision in these removal proceedings. *Cf. O-S-G-*, 24 I&N Dec. at 59 (holding that the “motion should identify the material errors” in the underlying decision that were “overlooked” and “ultimately affected the disposition”). The preliminary injunction is a temporary measure. Indeed, “the ‘purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.’” *Benisek v. Lamone*, 585 U.S. 155, 161 (2018) (quoting *University of Tex. v. Camenisch*, 451 U.S. 390, 395 (1981)). As such, it neither renders Secretary Rubio's determination entirely invalid or ineffective, nor overrules *Ruiz-Massieu*, 22 I&N Dec. at 833. *Cf. Robinson v. Att'y Gen.*, 957 F.3d 1171, 1177 (11th Cir. 2020) (“The district court, in granting a preliminary injunction, did not definitively rule on the merits of the case.”). Thus, in disposing of the prior motion to reconsider, the Court correctly concluded the respondent did not present material errors of fact or law. *See* I.J. Order at 1. Similarly, the Court should deny the respondent's instant motion to reconsider the removability decision on the charge under INA § 237(a)(4)(C)(i).

The respondent also argues that he has stated orally and in written filings that “in the event . . . the Court does sustain the charge under INA § 237(a)(1)(A) and an INA § 237(a)(1)(H) waiver becomes relevant, [he] reserves the right to submit evidence in support of that waiver and have a full evidentiary hearing on the waiver request at a subsequent hearing.” *See* Second Mot. at 8.⁴ He

³ DHS explained that a preliminary injunction is neither a change in law nor materially impacts the Court's removability determination. *See* Opp'n at 2–3.

⁴ The respondent cites to his written closing; however, his written closing makes no reference to

argues that the Court now “must” set a hearing on the INA § 237(a)(1)(H) fraud waiver.

At a hearing on April 11, 2025, the respondent appeared represented by counsel. At that hearing, the Court ordered the parties to submit additional evidence by April 23, 2025, regarding the charge of removability under INA § 237(a)(1)(A)—the charge that the respondent claims he is eligible to waive under INA § 237(a)(1)(H). This was the Court’s firm deadline for filing all evidence or documents pertinent to this charge of removal, such as a section 237(a)(1)(H) waiver request. *Cf. Matter of R-C-R-*, 28 I&N Dec. 74, 77 (BIA 2020) (explaining that Immigration Judges “have authority to set filing deadlines for applications and related documents” (quoting *Matter of Interiano-Rosa*, 25 I&N Dec. 264, 265 (BIA 2010))). The respondent did not file the waiver request or the relevant documents; neither did he explain why he failed to do so. As such, the Immigration Judge did not “overlook” any aspect of the respondent’s reservation in pursuing a section 237(a)(1)(H) waiver. *Cf. O-S-G-*, 24 I&N Dec. at 57. Accordingly, the Court should deny the respondent’s motion to reconsider this issue.⁵

CONCLUSION

The respondent’s motion does not point to any errors of fact or law; neither does the preliminary injunction permanently invalidate the evidence submitted by DHS. Additionally, the respondent failed to comply with the Court’s firm deadline regarding the submission of a section 237(a)(1)(H) waiver request. Therefore, DHS respectfully requests that this Court deny the respondent’s motion.

seeking the waiver and full evidentiary hearing on the waiver.

⁵ The respondent’s request—that he “be provided a *hearing* and an opportunity to submit evidence and present witnesses in support of his application for a waiver of inadmissibility pursuant to INA § 237(a)(1)(H),” Second Mot. at 9 (emphasis added)—falls closer to a motion to reopen. *Cf. O-S-G-*, 24 I&N Dec. at 57–58 (clarifying that “a motion to reopen . . . seeks a new hearing based on new or previously unavailable evidence”). But he does not attempt to show that he meets the standard for a motion to reopen. *See* 8 C.F.R. § 1003.23(b)(3).

Respectfully submitted on this 14th day of July 2025,

NUMA V
METOYER III

Digitally signed by NUMA V
METOYER III
Date: 2025.07.14 09:49:38 -05'00'

Numa V. Metoyer
Deputy Chief Counsel



CERTIFICATE OF SERVICE

On July 14, 2025, I, Numa Metoyer, Deputy Chief Counsel, served a copy of the Department of Homeland Security Opposition to Respondent's Motion to Reconsider on the respondent's counsel via the Executive Office for Immigration Review (EOIR) Court & Appeals System (ECAS), in accordance with 8 C.F.R. § 1003.31. The electronic case record in ECAS includes a Form EOIR-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court, which indicates the respondent is represented by counsel for this proceeding. Pursuant to 8 C.F.R. § 1003.32, filing the foregoing via ECAS will effectuate service of the motion upon the respondent. *See* 8 C.F.R. § 1003.3(g)(6)(i).

NUMA V
METOYER III

Digitally signed by NUMA V
METOYER III
Date: 2025.07.14 09:50:38
-05'00'

Numa Metoyer
Deputy Chief Counsel

EXHIBIT B

Marc Van Der Hout
Johnny Sinodis
Oona Cahill
Van Der Hout LLP
360 Post Street, Suite 800
San Francisco, California 94108
Telephone: (415) 981-3000
Facsimile: (415) 981-3003

NOT DETAINED

Attorneys for Respondent
Mahmoud KHALIL

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE IMMIGRATION JUDGE
JENA, LOUISIANA

In the Matter of:

Mahmoud KHALIL,

Respondent,

In Removal Proceedings.

[REDACTED]

Hearing Date: TBD
Hearing Time: TBD
Before: Hon. Judge Jamee E. Comans

REPLY IN SUPPORT OF MOTION TO RECONSIDER FILED ON JULY 3, 2025

inadmissibility under Immigration and Nationality Act (INA) § 237(a)(1)(H) in a timely manner, arguing that he needed to do so by April 23, 2025—nearly two months before the Court found him removable under INA § 237(a)(1)(A). DHS is wrong again. Applications for relief are filed only once an individual is found removable for a ground that can be addressed by that application. *See, e.g., EOIR, Forms of Relief from Removal* (Aug. 3, 2004), available at <https://www.justice.gov/sites/default/files/eoir/legacy/2004/08/05/ReliefFromRemoval.pdf> (“Once a[] [noncitizen] in proceedings is found to be removable, he or she, if eligible, may request one or more types of discretionary relief.”); *Matovski v. Gonzales*, 492 F.3d 722, 727 (6th Cir. 2007) (“Removal proceedings against a[] [noncitizen] are divided into two phases: (1) determination of the [noncitizen’s] removability; and (2) consideration of applications for discretionary relief.”).

Mr. Khalil did not become eligible to file an INA § 237(a)(1)(H) waiver until June 20. This is basic, fundamental immigration law and procedure. DHS’s misunderstanding is highlighted by this Court’s own statements to Mr. Khalil’s counsel on April 11 that for the April 23 submission, the Court was only asking for applications for relief for the ground of removability that the Court had found up to that point. *See Tab A* (Transcript of April 11 Hearing), at 81:6-9 (“MR. VAN DER HOUT: I just want to be clear. You want anything submitted for relief on the ground that you found him removable on at this point. Is that right? JUDGE COMANS: That is correct.”). Nonetheless, as set forth below, out of an abundance of caution, Mr. Khalil, through counsel, did specifically set forth in writing on April 23 that he intended to apply for a waiver under INA § 237(a)(1)(H) should the Court end up finding him removable on the INA § 237(a)(1)(A) charge. Exhibit 15.

The Court must therefore grant Mr. Khalil's Motion and vacate its June 20 order finding

him removable on the INA § 237(a)(4)(C) charge since it relies on the Rubio Determination to so find, and set an evidentiary hearing on Mr. Khalil’s request for an INA § 237(a)(1)(H) waiver.²

ARGUMENT

A. This Court was (and still is) bound by Judge Farbiarz’s June 11 preliminary injunction and DHS’s assertions to the contrary are wholly unfounded.

Contrary to DHS’s assertions, the district court’s preliminary injunction does in fact materially impact the Court’s removability determination. Opp. at 4. This Court was and remains enjoined from relying on the Rubio Determination in Mr. Khalil’s removal proceedings.³ DHS’s contention that the District Court Order “neither renders Secretary Rubio’s determination entirely invalid or ineffective”⁴ is wrong. As long as the preliminary injunction stands, the Determination is invalid as it pertains to Mr. Khalil, and neither this Court nor DHS can rely on it in “seeking to remove” Mr. Khalil. *See* District Court Order at 12.

DHS avers that a preliminary injunction is essentially meaningless until there is a final order on the merits of proceedings in district courts. Opp. at 4. DHS cites no authority for this proposition because there is none. As this Court and DHS are aware, preliminary injunctions are immediately enforceable and binding unless and until a stay is entered by a higher court or the preliminary injunction is overturned on appeal. That an injunction is “preliminary” or “permanent”

² The Court must also vacate that part of its decision that found Mr. Khalil ineligible for asylum based on the Determination.

³ DHS’s opposition notes the present motion was filed two months after the Court’s April 11 finding, seemingly implying there is some relevance to that statement, but DHS does not argue the motion is untimely. Opp. at 2. DHS could not assert the motion is untimely because the Court’s April 11 finding was not a final administrative order of removal. INA § 101(a)(47)(A); 8 C.F.R. § 1003.23(b)(1). The motion is clearly timely, as there is still not a final order in this case. An order does not become final until “the earlier of two points: (1) a determination by the [BIA] affirming such order; or (2) the expiration of the period in which the alien is permitted to petition the BIA for review of the order.” *Riley v. Bondi*, 145 S. Ct. 2190, 2198 (2025) (internal quotations omitted). But even if the “final administrative order” language could somehow also be applicable to the final appealable decision of an immigration judge, the motion to reconsider this Court’s June 20, 2025 decision was filed on July 3, 13 days after the decision.

⁴ It is unclear what DHS means by “entirely invalid,” Opp. at 3, as their position is that the District Court Order has no material effect.

been made. Mr. Khalil therefore could not submit a request for a waiver of inadmissibility under INA § 237(a)(1)(H) prior to June 20, which is when this Court—for the first time—found him removable under INA § 237(a)(1)(A).

Moreover, this Court’s own instructions on April 11 solidify that Mr. Khalil was not expected to file for an INA § 237(a)(1)(H) waiver on April 23. At the hearing on April 11, when the Court orally sustained the charge of removability under § 237(a)(4)(C), the Court stated that the second charge under § 237(a)(A) was “irrelevant” at that time. *See Tab A*, Transcript of April 11, 2025, Hearing, at 78:22-24 (“JUDGE COMANS: “Whether or not he’s removable under § 237(a)(1)(A), it’s irrelevant at this point because the Court has found that he is removable under § 237(a)(4)(C).”).

When the Court set an April 23 deadline for applications for relief from removal, Mr. Khalil’s counsel clarified that those applications for relief were exclusively for the sole charge of removability that the Court had orally sustained that day—INA § 237(a)(4)(C). *See id.* at 81:5-9 (“MR. VAN DER HOUT: The remov-, so the application for removabil-, I just want to be clear. You want anything submitted for relief on the ground that you found him removable on at this point. Is that right? JUDGE COMANS: That is correct.”). As the Court is aware, Mr. Khalil did not need to (and was unable to) file a § 237(a)(1)(H) waiver at that time because there was simply nothing to waive. The Court was clear that the only applications for relief from removal due April 23 related to the § 237(a)(4)(C) charge. *See also* Decision and Order of Immigration Judge dated June 20, 2025, at 2 (“The Court set a call-up date for April 23, 2025, for the Department to respond to the Respondent’s Motion to Terminate, additional submissions related to the charge held in abeyance, and for any and all *applications for relief from removal on the charge sustained.*”) (emphasis added).

Nonetheless, out of an abundance of caution and despite the Court’s instruction that the only applications for relief that needed to be submitted on April 23 were those relevant to the finding of removability under INA § 237(a)(4)(C), on April 23, Mr. Khalil preserved his right to seek a § 237(a)(1)(H) waiver *should it become relevant*. See Exhibit 15 (noting Mr. Khalil intends to seek relief in the form of “[a] waiver under Immigration and Nationality Act (INA) § 237(a)(1)(H), in the event that the Court finds him removable under the § 237(a)(1)(A) charge”).⁵ At the hearing on May 22, Mr. Khalil’s counsel again preserved the right to have an evidentiary hearing on the § 237(a)(1)(H) waiver if the § 237(a)(4)(C) charge were invalidated by the district court or on appeal, and the Court confirmed that “of course, in the event that something like that occurred there’s always the opportunity.” See Tab B, Declaration of Oona Cahill.

On June 2, in Mr. Khalil’s written closing argument, he once again requested the ability to seek a § 237(a)(1)(H) waiver and an evidentiary hearing. See Mr. Khalil’s Written Closing, submitted June 2, 2025, at 1. Yet, DHS bizarrely states that Mr. Khalil’s written closing “makes no reference to seeking the waiver.” Opp. n.4. To the contrary, the first page of Mr. Khalil’s closing argument states plainly:

As discussed at the hearing on May 22, 2025, and agreed to by the Court, in the event that the Court does sustain the charge under INA § 237(a)(1)(A) and an INA § 237(a)(1)(H) waiver becomes relevant, Mr. Khalil reserves the right to submit evidence in support of that waiver and have a full evidentiary hearing on the waiver request at a subsequent hearing.

Id. at 1.⁶

⁵ As the Court is aware, there is no application form for a waiver under § 237(a)(1)(H). Rather a hearing is set after a respondent indicates their intent to file for such a waiver after removability has been found under § 237(a)(1)(A) and a call up date is given for the submission of evidence in support of the discretionary waiver. See, e.g., *In re Joan Arturo Castillo a.k.a. Joan Arturo Castillo Montiel*, 2020 WL 1244514 (BIA Jan. 15, 2020) (“There is no specific form to be filed or filing fee for a section 237(a)(1)(H) waiver, and thus, it is not clear which application for relief the Immigration Judge was referring to as missing from the record in his January 16, 2018, decision.”).

⁶ DHS contends that the request for a hearing “falls closer” to a motion to reopen, but that is incorrect. Opp. n. 5. The Court overlooked in the record numerous instances where Mr. Khalil had preserved the right to seek a waiver (in the

In sum, the record is clear that Mr. Khalil—time and again—stated his intention to pursue a § 237(a)(1)(H) waiver if the Court were to sustain the second charge of removal under § 237(a)(1)(A), which did not occur until June 20.

CONCLUSION

For all the aforementioned reasons, the Court must grant this Motion, reconsider its decision dated June 20, 2025, and find that the charge of removability under INA § 237(a)(4)(C) has not been and cannot be sustained. The Court must also reconsider its decision finding that Mr. Khalil is barred from asylum as a result of the Secretary’s Determination. Finally, the Court must find that Mr. Khalil is statutorily eligible for an INA § 237(a)(1)(H) waiver in continued removal proceedings and a hearing is necessary to determine whether the waiver should be granted in the exercise of discretion.

Dated: July 15, 2025

Respectfully submitted:



Marc Van Der Hout
Johnny Sinodis
Oona Cahill
Van Der Hout LLP

Attorneys for Mr. Khalil

form of an evidentiary hearing) should the waiver become relevant, as well as evidence of his prima facie eligibility in the form of his marriage certification to a U.S. citizen and birth certificate for his U.S. citizen son, demonstrating his statutory eligibility for the waiver that he requested should removability be found under § 237(a)(1)(A). The Court’s failure to set a hearing was an error of both law and fact and is appropriately addressed through a motion to reconsider.

8

Reply In Support of Motion to Reconsider
Mr. Mahmoud KHALIL, [REDACTED]

TAB A

U.S. IMMIGRATION COURT

-----X

IN THE MATTER OF:

MAHMOUD KHALIL

Case No.:
[REDACTED]

-----X

DATE: April 11, 2025

HELD AT: LASALLE IMMIGRATION COURT
830 Pine Hill Road
Jena, LA 71342

BEFORE: HONORABLE JAMEE COMANS
IMMIGRATION JUDGE

APPEARANCES: NUMA METOYER, ESQ.
HEATHER COOLEY, ESQ.
BRITTANY TASSIN, ESQ.
Attorneys for Dept. of Homeland Security
MARC VAN DER HOUT, ESQ.
JOHNNY SINODIS, ESQ.
OONA CAHILL, ESQ.
NORA AHMED, ESQ.
Attorneys for Mahmoud Khalil

ALSO PRESENT: MAHMOUD KHALIL, Respondent

Digitally Recorded Proceeding, transcribed by:
Mary E. Golden, GENEVA WORLDWIDE INC.

W I T N E S S E S

PETITIONER: RE RE V.
 WITNESS DIRECT CROSS DIRECT CROSS D. J

RESPONDENT: RE RE V.
 WITNESS DIRECT CROSS DIRECT CROSS D. J

E X H I B I T S

PETITIONER:
 DESCRIPTION I.D. IN EV.
 4. Evidence - Part 1, 4/9/2025 8
 5. Evidence - Part 2, 4/9/2025 8
 6. Evidence - Part 3, 4/9/2025 8
 7. Evidence - Part 4, 4/9/2025 8

RESPONDENT:
 DESCRIPTION I.D. IN EV.
 8. Evidence Received 4/11/2025 12
 9. Motion to Continue 12
 10. Motion to Issue Subpoena to 13
 Secretary of State, Marco
 Rubio
 11. Motion to Compel Production of 13
 Prior Statements of Government
 Witnesses
 12. Motion Requesting Additional 13
 Legal Team Members to Observe
 Hearing
 13. Evidence Received 4/11/2025 48
 14. Motion to Terminate 50

PROCEEDINGS

1 JUDGE JAMEE COMANS: Good afternoon, Mr. Van Der
2 Hout. Can you hear me?

3 MR. MARC VAN DER HOUT: I can, Your Honor. Good
4 afternoon to you, also.

5 JUDGE COMANS: Alright.

6 MR. VAN DER HOUT: Can you hear me okay?

7 JUDGE COMANS: I can hear you. Thank you, sir.
8 We're getting ready to go on the record. Do you want to
9 bring in the observers?

10 COURT OFFICER: Do you want the attorneys?

11 JUDGE COMANS: If he has an attorney that's here
12 with him, yes. Good afternoon, counsel.

13 MS. NORA AHMED: Good afternoon.

14 JUDGE COMANS: And what is your name?

15 MS. AHMED: My name is Nora, N-O-R-A, last name
16 Ahmed, A-H-M-E-D.

17 JUDGE COMANS: Good afternoon, counsel. Have a
18 seat. I think we have your E-28 on file.

19 MS. AHMED: Yes, I filed it last night.

20 JUDGE COMANS: Okay, welcome.

21 MS. AHMED: Thank you.

22 JUDGE COMANS: Alright. Also, there's members
23 of the press and observers that are here. Officer Butler,
24 we can go ahead and allow them to come in, as well.

25 OFFICER BUTLER: We'll grab them, Your Honor.

PROCEEDINGS

1 MS. AHMED: Your Honor, would it be possible to
2 briefly address the Court [unintelligible] [00:01:27]?

3 JUDGE COMANS: I'm sorry, counsel, what was
4 that? You're going to have to speak into the microphone.

5 MS. AHMED: Yes. Would it be possible to
6 briefly address the Court?

7 JUDGE COMANS: We're not on the record yet, so I
8 don't know -- you want to --

9 MS. AHMED: Well, I guess --

10 JUDGE COMANS: -- address the Court before we go
11 on the record?

12 MS. AHMED: I, I would like to, Your Honor.

13 JUDGE COMANS: Okay.

14 MS. AHMED: I was not allowed to bring in my
15 cell phone or my, or my laptop to communicate with our co-
16 counsel. And our understanding was that I would have been
17 able to bring that in as counsel of record.

18 JUDGE COMANS: I don't have anything to do with
19 the security of the facility, so I have nothing to do with
20 that. You have to take that up with the facility.

21 MS. AHMED: But, Your Honor, just one question.
22 Because the Government's attorneys have laptops and
23 computers, it does seem unjust that Mr. Khalil's attorneys
24 are not allowed to benefit from that same --

25 JUDGE COMANS: Counsel, I have nothing to do

PROCEEDINGS

1 with the security of this facility. That's between you
2 and the facility.

3 MS. AHMED: Could I take a brief recess to talk
4 to the warden?

5 JUDGE COMANS: You cannot.

6 MS. AHMED: Okay.

7 JUDGE COMANS: We're about to go on the record.
8 Alright. This is Immigration Judge Jamee Comans presiding
9 over cases at the LaSalle Immigration Court. Today's date
10 is April 11, 2025. These are continued removal
11 proceedings, contested removability hearing in the Matter
12 of Mahmoud Khalil, [REDACTED]. The Respondent is
13 present in the courtroom. He is detained and represented
14 by several attorneys. Counsel for the Respondent, please
15 make your appearance.

16 MR. VAN DER HOUT: Thank you, Your Honor. I'm
17 Marc Van Der Hout of Van Der Hout, LLP. And from our
18 office, Johnny Sinodis and Oona Cahill, and they will
19 introduce themselves. And, then, Ms. Ahmed from ACLU will
20 introduce herself, also.

21 JUDGE COMANS: Thank you, counsel.

22 MR. JOHNNY SINODIS: Good afternoon, Your Honor.
23 Johnny Sinodis on behalf of Mr. Khalil.

24 JUDGE COMANS: Thank you, counsel. Any other
25 attorneys wish to enter their appearance on the record?

PROCEEDINGS

1 JUDGE COMANS: Thank you, Ms. Tassian. Alright.
2 Also, we have several observers from the media and the
3 community that have been allowed access into the courtroom
4 today. Welcome to every- everyone to the LaSalle
5 Immigration Court.

6 Before we get started with the actual hearing,
7 I'm going to notify all parties, witnesses, and observers
8 attending this hearing, either in person or virtually, you
9 are hereby notified that it is prohibited to use
10 photographic, video, electronic, or similar recording
11 devices to record any part of the proceeding.
12 Unauthorized or improper use of this system, including
13 unauthorized recording, is prohibited and may result in
14 criminal, civil, or administrative penalties. If you
15 would like a copy of the official record resulting from
16 this hearing, please consult Chapter 1.5(c) of the
17 Immigration Court Practice Manual for instructions on how
18 to obtain a copy of the record.

19 And, now, we set this matter over to today so
20 that the Department of Homeland Security could submit
21 their evidence in support of the removability charges
22 listed on the notice to appear in the I-261. The
23 Department has submitted their evidence. We're going to
24 mark that evidence. We last left off with --

25 MR. VAN DER HOUT: I think you left --

PROCEEDINGS

1 JUDGE COMANS: We -- just a minute, Mr. Van Der
2 Hout. Let me get through the evidence. We last left off
3 with Exhibit 7. Well, no, let's see. That's not true.
4 We last left off with Exhibit 3. Department of Homeland
5 Security filed documents on April 9th. They were
6 identified in the record as Evidence Part 1. It's been
7 marked as Exhibit 4. There is evidence identified as
8 Evidence Part 2, also submitted on April 9th, that's been
9 marked as Exhibit 5. Evidence Part 3 has been marked as
10 Exhibit 6. Evidence Part 4 by the Department on the same
11 date has been marked as Exhibit 7. I'm going to stop
12 right there.

13 Mr. Van Der Hout, do you have any objections to
14 the Department's submissions?

15 MR. VAN DER HOUT: We, we do, Your Honor. But
16 before we get to that, I would --

17 JUDGE COMANS: No. No, Mr. Van Der Hout, be--

18 MR. VAN DER HOUT: -- like to [unintelligible]
19 [00:06:40] a motion --

20 JUDGE COMANS: Mr. Van Der Hout, we're going to
21 do this in the order that the Court wants to do it today.
22 And the question is --

23 MR. VAN DER HOUT: Well, Your Honor --

24 JUDGE COMANS: -- the question now is, do you
25 have any objections to the Respondent's submissions?

PROCEEDINGS

1 MR. VAN DER HOUT: We do, Your Honor, and I'll
2 go through all those.

3 JUDGE COMANS: Okay. And what are they?

4 MR. VAN DER HOUT: But we've got a -- well, Your
5 Honor, can I please raise our preliminary matters?
6 Because we have got a motion before the Court for a
7 continuance in this matter, because we just received the
8 Government's submission less than 48 hours ago. And
9 before we go into, you know, objections, evidence, et
10 cetera, we've got a pending motion for continuance. The -
11 -

12 JUDGE COMANS: Mr. Van Der Hout --

13 MR. VAN DER HOUT: -- these proceedings --

14 JUDGE COMANS: Mr. Van Der Hout?

15 MR. VAN DER HOUT: Yes? Yes, Your Honor?

16 JUDGE COMANS: The question that you're asked
17 right now is do you have any objections to the exhibits
18 that I've identified? Please answer that question. Any
19 objections?

20 MR. VAN DER HOUT: We, we do, Your Honor.

21 JUDGE COMANS: Okay. What's your objections?

22 MR. VAN DER HOUT: We do, Your Honor, but --
23 well, Your Honor, could I please be heard, at least, on
24 our pending motions? Because we've got some preliminary
25 matters that I think are --

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1 [CROSSTALK] [00:07:34]

2 JUDGE COMANS: Mr. Van Der Hout, we'll get to
3 the, we'll get to your motion. I'm going to give you a
4 chance to say everything that you want to say today. I
5 understand you have an agenda. We'll get to it. Right
6 now, I would like to address the exhibits that the Court
7 has marked and ask you to state your objections.

8 MR. SINODIS: Your Honor, may I? Because it's
9 relevant to objections, if we're being forced to do them
10 right now. We just submitted documents to the Court, and
11 I'd like the Court to accept those documents --

12 JUDGE COMANS: Well --

13 MR. SINODIS: -- and mark them as Exhibit 8 --

14 JUDGE COMANS: Mr. Sin--

15 MR. SINODIS: -- so that when we go through our
16 objections, we can cite them for the Court and help the
17 Court understand what it is that we filed and why.

18 JUDGE COMANS: Okay, I understand that. That's
19 why I stopped with the Department's evidence to see if
20 there was any objections. And, then, I'm going to get to
21 your filings next. Alright?

22 MR. VAN DER HOUT: Yes, Your Honor. But I --

23 JUDGE COMANS: So, are there any objections to
24 what's been marked as Exhibit 4, 5, 6, and 7, the
25 Department's submission of evidence in support of the

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1 charges of removability that were submitted on April 9th?
2 Any objections?

3 MR. VAN DER HOUT: Yes, Your Honor. We object
4 to all of those. And the reason, Your Honor, that I'm
5 saying that the motion for continuance is relevant to that
6 is we haven't had an opportunity, we've had less than 48
7 hours to review the evidence, get, get evidence and to
8 respond to that. And even up through the objections, to
9 be able to adequately present objections to the Court.
10 Less than 48 hours ago, we were given the Secretary of
11 State's determination, first time, even though we've asked
12 for it for a month now. We were given, you know, over 100
13 pages of documents. We have had inadequate time, Your
14 Honor, to prepare for this hearing. We've, we have
15 motions before the Court, not only the continuance,
16 production of documents. And, and, Your Honor, we believe
17 that those should be addressed. We cannot adequately
18 present the objections. We will if the Court forces us to
19 and we will make some objections, but we believe that 48
20 hours is inadequate time to prepare for this hearing, Your
21 Honor.

22 JUDGE COMANS: Alright. The Court has also had
23 the same amount of time, counsel. Alright. So, I've
24 noted your objection.

25 MR. VAN DER HOUT: I understand that.

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1 JUDGE COMANS: And then, the next submission
2 that was filed with the Court on April 10th was the
3 Respondent's --

4 MR. SINODIS: Sorry, Your Honor, we, we --

5 JUDGE COMANS: Mr. Sinodis, please don't
6 interrupt me.

7 MR. VAN DER HOUT: Your Honor --

8 JUDGE COMANS: Please don't interrupt me, Mr.
9 Sinodis. Please don't interrupt me.

10 Alright. The next submission was received from
11 Respondent's counsel on April 10th. It's been marked as
12 Exhibit 8.

13 MR. VAN DER HOUT: And Your Honor, just to be
14 clear, we will make objections. We, we don't waive that.
15 So, we do object to each and every doc--

16 JUDGE COMANS: I understand. You're just not
17 ready to make them right now. I understand. There's a
18 motion to continue that was filed by Respondent's counsel
19 on today's date. It's been marked as Exhibit 9.

20 There was another motion that was filed by
21 Respondent's counsel. It's a motion to issue a subpoena
22 to the Secretary of State, Marco Rubio, to appear for
23 testimony and produce the attachment to the Rubio
24 memorandum, and alternative motions for depositions and
25 for interrogatories. That other motion is marked as

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1 Exhibit 10. It was also received on April the 11th,
2 today's date.

3 Second -- I'm sorry, third motion received today
4 from Respondent's counsel was a motion to compel
5 production of one prior statements of government
6 witnesses, including the attachments referenced in
7 Secretary Rubio's undated memorandum and prior versions of
8 the memorandum and exculpatory evidence. That's been
9 marked as Exhibit 11.

10 And then, additional evidence filed by
11 Respondent's counsel on today's date, it's a two-page
12 motion requesting additional legal team members to observe
13 today's hearing. That has been marked as Exhibit 12.

14 And, to date, that's all the evidence that's
15 been received in this matter. Mr. Metoyer --

16 [CROSSTALK] [00:11:54]

17 JUDGE COMANS: -- has the Department captured
18 all of the Department's evidence?

19 MR. METOYER: To my understanding, yes, Your
20 Honor.

21 JUDGE COMANS: Alright. Does the Department
22 have any additional evidence or arguments that it wishes
23 to make with regard to the removability charges?

24 MR. METOYER: Yes, Your Honor, we do.

25 JUDGE COMANS: Okay, let's hear those.

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1 MR. METOYER: Okay. My understanding, that for
2 the Department to remove a lawful permanent resident from
3 the United States, it has to prove, by clear and
4 convincing evidence, that the Respondent is deportable.
5 Alright? And that's under INA section §240(c)(3)(A). DHS
6 would satisfy this burden by presenting reasonable,
7 substantial, and probative evidence in support of
8 deportability pursuant to INA §240(c)(3)(A).

9 Our position initially, Your Honor, was that,
10 you know, in terms of framing what the argument is, it's
11 my understanding that under INA §237(a)(4)(C)(i), the
12 Respondent is deportable when the Secretary of State has
13 reasonable grounds to believe that his presence or
14 activities in the United States would have potentially
15 serious and adverse foreign policy consequences. You
16 know, there are exceptions, but we would point to Matter
17 of Ruiz-Massieu. That's 22 I&N, Dec. 833 (BIA 1999). And
18 the exception does not apply if the Secretary of State
19 personally determines that the alien's admission or
20 continued presence in the United States would compromise a
21 com-, a compelling United States foreign policy interest.
22 Please see INA §237(a)(4)(C)(ii), incorporating by
23 reference the exceptions listed in INA §212(a)(3)(C)(ii).

24 Our position, Your Honor, is that DHS is not
25 required to pro- provide additional evidence of

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1 removability per the plain language of Matter of Ruiz-
2 Massieu. The Secretary of State's reasonable
3 determination should be treated as conclusive evidence of,
4 of the Respondent's deportability.

5 Beyond that, the Secretary of State Rubio
6 provided a personal determination that the Respondent's
7 presence would have potentially serious adverse foreign
8 policy consequences for the United States and would
9 compromise compelling United States foreign policy
10 interests. This determination, on its own, contains
11 facially reasonable and bona fide reasons and is
12 sufficient to meet DHS's burden in this matter. So, just
13 on its own, the first charge is reasonable just by having
14 the letter, based on the case law under Matter of Ruiz-
15 Massieu.

16 When we move on to the other issues -- hang on,
17 Your Honor -- my understanding is that it's also alleged
18 that the Respondent misrepresented three materials facts
19 when he submitted his I-485, his application for
20 registration of permanent residence and, or to adjust
21 status, and that he signed on March 26, 2024, and mailed
22 to USCIS on March 29th, contrary to the INA §237(a)(1)(A).
23 Alright. And under that section, the respondent is
24 deportable who, at the time of adjustment of status, was
25 with- within one year of the classes of alien inadmissible

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1 by law existing at such time. The inadmissibility ground
2 at issue in the case is INA §212(a)(6)(C)(i), alright, an
3 alien who has misrepresented a material fact, seeking to
4 procure, has sought to procure, or has procured a visa or
5 other documentation or admission into the United States or
6 other benefit is inadmissible under INA §212(a)(6)(C)(1).

7 In the present case, the Respondent signed an I-
8 485 application to register permanent residence or to
9 adjust status on March 26, 2024. He subsequently mailed
10 it on March 29, 2024, to USCIS to apply for lawful
11 permanent resident status. The application required that
12 the Respondent, in Part A, general eligibility and
13 inadmissibility grounds, should disclose any occasion --
14 any association or organizations, foundations, or similar
15 groups, specify and ask:

16 Have you ever been a member of or involved in,
17 in any way associated with any organization,
18 association, fund, foundation, party, club, or
19 similar group in the United States or in any other
20 location that would, in word, including any military
21 service? If the applicant marks yes, he is required
22 to disclose the information about the organization.

23 In this case, evidence indicates that the
24 Respondent was part of the United Nations Relief Work
25 Agency for Palestinian Refugees, and it's listed as UNRWA,

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from June 23-November 23. Right, and that was on DHS's second submission of documents, and that would be under Tab E, Tab G, Tab H. The UNRWA provides assistance and protection to the Palestinian refugees in Jordan, Lebanon, Syria, and the Gaza Strip, and on the West Bank, including in East Jerusalem, for persons who lost their homes and means and livelihoods due to the 1948 war.

Alright. To note, the UNRWA was stripped of federal funding after a report that some of its members took part in the October 7, 2023, Hamas attack against Isreal. Right? And see that at Tab H. Not only was the Respondent a member and affiliate of the organization, but he also served as a po- political affairs officer. See DHS Second Submission Documents, Tabs E, Tabs G, and Tab H. However, his association with the UNRWA was not disclosed on his I-485 application at Tab A.

In addition, the Respondent did not disclose his association in Columbia Under-, Columbia University's Apartheid Divest, which is CUAD. Alright, the, the CUAD is a coalition of student organizations that was reactivated in October of 2023, that works towards achieving a liberated Palestine and the end of Israeli Apartheid by urging Columbia to divest-, to divest all economic or academic stakes in Israel. Not only was the Respondent a member of the association, but he also served

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1 in leadership roles, including as a lead negotiator with
2 the University's administration on numerous occasions, an
3 organizer of protests and the face of the organization
4 during nor- numerous public interviews discussing the
5 group's activities. And that's in Tabs H through L.

6 The same month the organization was reactivated,
7 the Respondent appeared in public protests at Columbia on
8 October 12, 2023. See Tab H. Alright, his involvement in
9 the organization continued until after October 23rd, when
10 he began publicly protesting by speaking into bullhorns,
11 taking part in dance cir- circles, and marching draped in
12 a keffiyeh [phonetic] headscarf. Additionally, the
13 Respondent spoke to the press conference on behalf of the
14 organization regarding the encampment of students on the
15 campus. The same month, Respondent also served as a
16 leader and negotiator on behalf of the protesters with the
17 University representatives.

18 Lastly, with the I-485, the applicant, it
19 requires the applicant to disclose the employment history
20 for the Part III, the past five years' history, whether
21 inside or outside of the United States. The Respondent
22 did, did disclose that he worked for the British Em-
23 Embassy in Beirut as a program manager; however, he
24 indicated that his employment ceased on December 1, 2022.
25 The Respondent, however, evidence indicates that his

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1 employment in the British Emba- Embassy extended beyond
2 2022. The Respondent schedule an a-, an appearance to
3 speak at the conference for the Society of International
4 Development on June 5, 2025, in Washington D-, in
5 Washington, D.C. That's on Tab D. The biological [sic]
6 page included a conference agenda that stated that Mah-,
7 Mr. Khalil worked as a program manager at the Syria Office
8 in the British Embassy in Beirut. The biographical page
9 also states that the Respondent leads the Syria, I believe
10 it's pronounced Chevening Program, which is a prestigious
11 UK government international scholarship scheme. Alright,
12 the continued work with the British Embassy should have
13 been disclosed in the I-485 application.

14 Therefore, the Respondent has made two material
15 omissions in his I-485 application and materious-
16 materially misrepresented the end date of his employment
17 with the British Em- Embassy. Thus, the removability
18 charge under INA §237(a) (1) (A) would be sustained.

19 JUDGE COMANS: Anything else?

20 MR. METOYER: No, I think that -- well, the only
21 other things, Your Honor, if we're addressing the other
22 issues with Respondent's counsels' filings, I, I don't
23 know if we're doing that now or we're, or if we're moving
24 on after they make argument.

25 JUDGE COMANS: I want to hear -- yes. If you

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1 want to, you have a response to the motion to continue and
2 the motion to compel?

3 MR. METOYER: To all of the motions that were
4 filed today, I think DHS would assert, assert the Apex
5 Doctrine, and it, it applies to prohibit in-court
6 testimony and in-person written depositions of Secretary
7 Rubio. And we would cite, Your Honor, United States v.
8 Morgan, 313 U.S. 409 (1941), which states:

9 But, in short, the business of the Secretary
10 should never have been subjected to this examination.
11 The proceeding before the Secretary has a quality
12 resembling that of a judicial proceeding, and such
13 examination of a judge would be destructive of, you
14 know, of his judicial responsibility.

15 Also, if we go back to Matter of Ruiz, it seems
16 clear, Your Honor, that all we need is the letter to
17 establish removability before we even get into the
18 misrepresentation charges. So, the letter itself stands
19 on its own, it's not subject to any of the things that
20 Respondent's counsel is alleging or asking for. We would
21 object to all those things for, in terms of relevancy
22 because they are not relevant to this proceeding to
23 establish removability.

24 Also, if we go on, Your Honor, my further
25 understanding is that if we -- hang on, I have another

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1 page here. One second, Your Honor. My computer is acting
2 up. There we go. I think a good deal of the arguments
3 that Respondent counsel is trying to allege kind of fall
4 on the First Amendment. And, obviously, the Immigration
5 Court nor the BIA is the place to make any arguments that
6 actually deal with the First Amendment in any way.

7 One second. I do have case law that I can cite
8 with that, as well. Where's the -- there was something
9 else, though. Hang on. That's not the one I'm looking
10 for. I think it's right here. My understanding is that
11 First Amendment violations cannot be adjudicated by an
12 Immigration judge or the Board of Immigration Appeals, as
13 neither body entertains constitutional challenges to the
14 statutes that they administer. And that's under Matter of
15 Patel. This is at 19, 19 I&N Dec. 774 through 785 (BIA
16 1988). The proper function of the immigration tribunal in
17 the administrative scheme does not encompass passing upon
18 constitutional questions. Matter of Santana, 13 I&N Dec.
19 362-365 (BIA 1969).

20 Alright. Then, I think that being said, along
21 with the fact that none of the requests for productions
22 that were actually put forward, I think several of the
23 things are already in the packet that was given to
24 Respondent counsel. It says there was a, they allege in
25 their motion that on April 3, 2025, DH- DHS failed to even

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1 acknowledge the two requests, right. And understandably,
2 Your Honor, DHS is not, well, DHS was not of the position
3 that we had to comply with the requests from a letter that
4 asked, because it's not a, it's not an actual motion. It
5 was just a letter that was sent via e-mail initially that
6 Respondent counsel filed, alright, which is not in any
7 court, including Immigration Court, considered a proper
8 motion for production of evidence. And they were saying
9 that there were no forms, I-213s, but they were included
10 in Packet 4 at Tab A, and it's EOIR [phonetic] page 4
11 through 8, the record of deportability and the alien
12 concerning Mr. Khalil, alright.

13 Number 2, any administrative or judicial warrant
14 relating to his arrest. I'm not sure if that is in the
15 packet. Any determination by Secretary Marco Rubio
16 regarding Mr. Khalil. Alright, that's in Packet 1, Tab A,
17 pages 4 through 6. However, Your Honor, my understanding
18 is the other thing that the documents of any kinds of the
19 alleged evidence backing up or in support of the alleged
20 determination by Secretary Rubio, DHS is not, does not
21 have to provide those things to, to establish
22 removability. And it's improper to ask the Immigration
23 Court for those things.

24 Next, we have any evidence that DHS intends to
25 utilize to attempt to establish that Mr. Khalil committed

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1 any fraud or misrepresentation during the statements of
2 the status process or the, to establish any charges in
3 this case. Tabs D through L, pages 34 through 42 of
4 Number 2; Packet 3 in its entirety, alright; the I-485 in
5 Packet 2, Tab A, pages 10 through 29; the, and also the
6 letter in Tab B, it looks like it's page 31; Tab C, the
7 envelope to USCIS.

8 We would also show, Your Honor, just within the,
9 the instructions that establish how one is to fill out the
10 I-485, and with the questions that are listed in the I-
11 485, some of them also point to the idea that there may
12 have been a mater-, mis-, material misrepresentation, as
13 well.

14 Let me look at the I-485. Hang on. Can I see
15 the file, just for a second?

16 [OFF MIC CONVERSATION]

17 MR. METOYER: Yes. Is that it over there? I
18 think this is what I'm looking for, right here. Excuse
19 me, Your Honor, this might take a quick second.

20 [OFF MIC CONVERSATION]

21 MR. METOYER: Okay, hang on. It's in Tab A,
22 Your Honor. But I believe on the I-485, it's in Part 8,
23 it says --

24 MS. COOLEY: Page 10.

25 MR. METOYER: It's page 10. It's, it would be

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1 question 71, saying:

2 Have you ever lied about, concealed, or
3 misrepresented any information on an application or
4 petition to obtain a visa or other documentation
5 required for entry into the United States admission -
6 - into the United States or any other kind of im-,
7 for any other kind of immigration benefit?

8 And, here, the, the Respondent answered no.
9 Have you ever falsely -- let me see.

10 MR. SINODIS: Your Honor, while counselor is
11 looking for that, may, may I ask if this is a new
12 allegation? And, if so, --

13 MR. METOYER: No.

14 MR. SINODIS: -- we get 10 days to respond to
15 it.

16 MR. METOYER: It's not a new allegation.

17 MR. VAN DER HOUT: Which allegation is this
18 going to?

19 JUDGE COMANS: And I hope -- no, we're going to
20 all, direct -- all questions are going to be directed at
21 the Court. Mr. Sinodis, --

22 MR. VAN DER HOUT: That's fine, Your Honor.

23 JUDGE COMANS: -- your question is acknowledged.
24 And Mr. Metoyer, it's not a new allegation. Is that
25 correct?

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1 MR. METOYER: It is not a new allegation.

2 JUDGE COMANS: Okay, please continue.

3 MR. VAN DER HOUT: Your Honor, while, can I say
4 something while he is looking for --

5 [CROSSTALK]

6 JUDGE COMANS: I'm going to, Mr. Van Der Hout,
7 I'm going to give you, I'm going to give you all the time
8 that you need to make whatever statements you'd like to
9 make, as soon as the Department finishes their argument.

10 MR. METOYER: I think that's it, Your Honor.

11 JUDGE COMANS: Alright. Thank you, Mr. Metoyer.
12 Mr. Van Der Hout, now, you have argument or evidence you'd
13 like to make in support of the removability charges?

14 MR. VAN DER HOUT: Well, Your Honor, before I do
15 that, I just want to sort of try to set some ground rules
16 in this. I took, and I'm sure not only I did, but many
17 people in the court- courtroom, including our client, took
18 offense to the racist comments that were made about
19 wearing a headscarf. I'm Jewish, Your Honor. If I wear a
20 yarmulke --

21 JUDGE COMANS: Mr. Van Der Hout, Mr. Van Der
22 Hout, I'm going to stop you right there, because this is
23 not the place for that. I don't have any control --

24 MR. VAN DER HOUT: I think it is, Your Honor.

25 JUDGE COMANS: -- over the facility. I'm not

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1 even sure what you're talking about, and I'm sure it's
2 being made for whatever agenda you have. Today, we are
3 here for a contested removability hearing. I want to hear
4 arguments --

5 MR. VAN DER HOUT: I'm, I'm --

6 JUDGE COMANS: -- that you have, Mr. Van Der
7 Hout, related to your client's removability, and that's
8 it. So, if you have an argument --

9 MR. VAN DER HOUT: I would like --

10 JUDGE COMANS: -- you would like to make related
11 to the removability issue, sir, please make that argument.

12 MR. VAN DER HOUT: I will, Your Honor. What I
13 was referring to was --

14 JUDGE COMANS: Any issue you have with the
15 facility or with their requirements --

16 MR. VAN DER HOUT: It wasn't --

17 JUDGE COMANS: -- for entry into the building,
18 you need to take up with the facility. It's outside the
19 scope of these proceedings.

20 MR. VAN DER HOUT: It was not, it had nothing to
21 do with the facility, Your Honor. It was the comment by
22 Mr. Metoyer when he talked about Mr. Khalil speaking at a
23 rally and made a reference to what he wore there. That is
24 completely irrelevant and it was a racist comment, Your
25 Honor. And that's what I'm referring to.

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1 JUDGE COMANS: Alright, Mr., alright, Mr. Van
2 Der Hout.

3 MR. VAN DER HOUT: And that was completely out
4 of line.

5 JUDGE COMANS: Okay.

6 MR. VAN DER HOUT: Completely out of line.

7 JUDGE COMANS: Alright. Now, can we get onto
8 the removability issue, please? Do you have an argument -
9 -

10 MR. VAN DER HOUT: Yes, Your Honor, we do, Your
11 Honor.

12 JUDGE COMANS: -- removability?

13 MR. VAN DER HOUT: Well, we have our motion,
14 Your Honor, before that, for continuance. And that takes
15 priority, we believe, and the Court can make what decision
16 she wants on that. But we have set forth the reasons for
17 it. We have had inadequate time to prepare for this.
18 Three day -- two days since we got the information. For
19 the first time, the Government submits this two-page
20 document from Marco Rubio, which is the main part of their
21 case. For the first time, they reveal that what this
22 alleged removability ground is speech and associations in
23 the United States. Nothing about foreign policy. And so,
24 Your Honor, we have all sorts of arguments to make about
25 why he is not removable under this.

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1 But just on the face of this document, we're
2 getting the discovery we have asked for, that we want to
3 cross examine Sec- Secretary of State Rubio. He hasn't,
4 we've got an unsigned -- an undated, excuse me --
5 document. It hasn't been properly authenticated. Under
6 the statute, he had to personally determine that Mr.
7 Khalil's presence in the United States would compromise a
8 compelling foreign policy initiative. The, on the face of
9 what the Government has submitted, this has nothing to do
10 with foreign policy. And so, Your Honor, we believe that
11 the letters that the DHS submitted attaching them are
12 crucial. We have to be presented with those, because we
13 need to know what those stated, what the allegation is,
14 what the evidence is. And we have a right to cross
15 examine Mist-, Secretary of State Rubio on what the basis
16 of his determination was, how much was based on DHS
17 letters, how much was based on other people's input,
18 because he had to personally determine, Your Honor.

19 And so, we, we are far away, in our opinion,
20 from any ruling the Court could make on removability on,
21 on, even on that particular issue. And so we have, have a
22 motion for continuance so we can gather more evidence on
23 the First Amendment issue, first of all, and on the, all
24 the evidence that we would be able to gather, if we had
25 sufficient time, on all the comments that the Respondent

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1 has made arg-, fighting against antisemitism, which is the
2 crucial part to what this thing is about. And we have a
3 right to present that. We have not had sufficient time.
4 But there are statement after statement that the
5 Respondent has made, speaking out against antisemitism.
6 And so, the statute, Your Honor, says there has
7 to be a reasonable ground for the Secretary of State's
8 determination. We have a right to explore whether there
9 is a reasonable ground, and we have the right to argue to
10 this Court, who has to make the decision of whether there
11 is a reasonable ground or not to support this
12 determination. The Government's position is all the Court
13 has to do is look at this two-page, undated letter and
14 that's it. That's the end of the inquiry. That's not the
15 law. The law is that it has to be facially legitimate and
16 bona fide and there has to be reasonable grounds. So, we
17 have the right, Your Honor, to explore whether this
18 assertion that (a) Mr. Khalil engaged in antisemitic
19 activity. We contest that strongly and vigorously, and we
20 want to present evidence on that. And whether or not this
21 is a valid foreign policy initiative. It is not. It says
22 this on its face. This is about U.S., United States
23 policy. This is the quote, Your Honor:

24 The Secretary of State, the foreign policy, this
25 says, of the United States champions core American

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interests and American citizens, and condoning antisemitic content and disruptive protests in the United States would severely undermine a significant foreign policy objective.

We don't believe, Your Honor, that that's what Congress intended, and we have the right to explore whether this is a reasonable ground. What the legislative history here says, Your Honor, when there's a compelling government interest, the example they used was when the Shah of Iran came to the United States and his presence in the United States provoked rebellions in Iran. That was a foreign policy consideration. That's what this was geared to.

Another example, Your Honor. I represented one of the first cases on this issue back in 1996. And that was a case where I was representing Osama bin Laden's brother-in-law, Jamal Khalifa. And there was a BIA case on this. The allegation there was Mr. Khalifa was wanted in Jordan for financing bombing in Jordan. That was the allegation. And the United States had a foreign policy interest in supporting Jordan in bringing that individual to trial. Regardless of the facts, that at least is articulated as a valid foreign policy reason. It doesn't implicate the First Amendment.

We have here a situation where the Government

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1 has admitted, admitted that they are only trying to deport
2 Respondent for his beliefs, statements, or associations.
3 They've admitted that.

4 MR. METOYER: Your Honor, I have to object.
5 Just, I'm sorry. I, because we're kind of droning on, but
6 I have to object --

7 MR. VAN DER HOUT: Your Honor --

8 MR. METOYER: -- as to relevance.

9 JUDGE COMANS: Hold, hold on, Mr. Metoyer. I
10 didn't allow them to interrupt you.

11 MR. METOYER: Yes, ma'am.

12 JUDGE COMANS: And, so, I'm not going to allow
13 the Department to interrupt Mr. Van Der Hout. I'm going
14 to allow Mr. Van Der Hout to finish, and then, Mr.
15 Metoyer, I'll give you an opportunity for additional
16 remarks.

17 MR. METOYER: Okay.

18 JUDGE COMANS: Continue, Mr. Van Der Hout,
19 please.

20 MR. VAN DER HOUT: Thank you, Your Honor.

21 JUDGE COMANS: I'm assuming, Mr. Sinodis, that
22 was what you were about to say?

23 MR. SINODIS: Actually, Your Honor, I, I just
24 wanted to flag for the Court again that there is a
25 submission with evidence that details that Mr. Khalil is

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1 against ant- antisemitism and hatred of all kinds, and
2 also pushes back on the allegations that there was any
3 fraud or material misrepresentation regarding when his
4 employment with the British Embassy ended, that regarding
5 his --

6 JUDGE COMANS: And you're talking about
7 allegation number 6, Mr. Sinodis? Is that correct?

8 MR. SINODIS: Yes, Your Honor, --

9 JUDGE COMANS: Okay.

10 MR. SINODIS: -- 6, 7, and 8. So, if the Court,
11 you know, once Mr. Van Der Hout is done, could process
12 that evidence that's still pending acceptance, we can walk
13 through its relevance. Again, that we were able to get
14 some evidence doesn't mean that we had sufficient time to
15 prepare. But the Court should, at a minimum, take into
16 account the documents that we were able to gather in less
17 than 48 hours.

18 JUDGE COMANS: I understand, Mr. Sinodis.

19 MR. SINODIS: And [unintelligible] [00:40:41] --

20 JUDGE COMANS: But I just want to make sure that
21 it's clear for this record that you're referring, right
22 now, to evidence that you submitted with regard to the
23 charge under §237(a)(1)(A). Is that correct?

24 MR. SINODIS: Well, no. Both charges, Your
25 Honor.

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1 JUDGE COMANS: Okay. Alright.

2 MR. SINODIS: And, and so, I, I can go through
3 the documents, but the Court doesn't have them, I don't
4 think, because they haven't been processed for acceptance.
5 So, I can hold further remarks until Mr. Van Der Hout is
6 done, but I do think it's important that we get to that
7 evidence at some point.

8 JUDGE COMANS: Alright. Let's let Mr. Van Der
9 Hout finish, and then I'm assuming you have your own
10 statement you'd like to make, Mr. Sinodis. Is that
11 correct?

12 MR. SINODIS: Yes, Your Honor. But once our
13 evidentiary packet is accepted, please.

14 JUDGE COMANS: Okay. Ms. Brown, go ahead and
15 look in the queue and see if you can locate an evidence
16 package. When was it submitted, Mr. Sinodis? Because
17 we've accepted several packages that were submitted by
18 your office today. And we're happy to --

19 MR. SINODIS: It was --

20 JUDGE COMANS: -- accept additional ones, if
21 they're there.

22 MR. SINODIS: Thank you, Your Honor. We
23 appreciate that. It was submitted two minutes before this
24 hearing.

25 JUDGE COMANS: Okay.

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1 MR. SINODIS: So, at 12:58.

2 JUDGE COMANS: Alright. We're, the clerk is
3 going to look for them while Mr. Van Der Hout finishes.
4 And if they're there, we'll mark them.

5 MR. SINODIS: Thank you.

6 MR. VAN DER HOUT: Thank you, Your Honor. So,
7 the Government has admitted that they're trying to deport
8 Mr. Khalil for First Amendment activity -- beliefs,
9 associations, and statements. And the reason they have
10 admitted that< our Honor, is that they have referenced in
11 their allegations that the Secretary of State determined
12 that there was a compelling, that his presence here would
13 compromise a compelling United States foreign policy
14 interest. You wouldn't get to that unless you're looking
15 at §212(a)(3)(C)(iii), because that says you cannot use
16 this ground unless there is a compelling government
17 interest. And so the Government, by stating that, has
18 admitted that they are only trying to go after Mr. Khalil
19 for his beliefs, statements, or associations.

20 And, Your Honor, they then, in the document by,
21 assuming it's by Secretary Rubio, and we, again, we do not
22 believe it was properly authenticate. It's an undoc-
23 undated two- two-page document that has not been
24 authenticated, it has not been certified, it's totally
25 inadmissible for that reason alone, Your Honor. And we

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1 have the right not only that, even if it was admissible,
2 even if authentication and certification was not a
3 problem, and even if it were dated, we would have the
4 right to cross examine him regarding how much he did
5 personally on this and how much was based on these DS- DHS
6 letters that are attached, that have not been revealed.
7 We have the right, and we briefed this in our motion, Your
8 Honor, to explore the underlying basis for that. And we
9 have a right to call him as a witness or, if the Court
10 chooses instead, to depose him, and cross examine him
11 about what the basis for this relief is, whether her
12 personally did it, whether he relied on DHS, et cetera.
13 And we've, we've set this forth in our moving papers for
14 the motion for production and, and, and to compel
15 Government evidence. And our motion for continuance is
16 based, in part, on that, Your Honor, that we have a right
17 to do that, and need a continuance in order to do that.

18 The continuance motion also is based on having
19 inadequate time to confront the evidence and respond to
20 the evidence as we're entitled to do on a reasonable
21 basis. And we would assert, Your Honor, that 48 hours is
22 not a reasonable amount of time to respond in this sort of
23 case at all, to all of the allegations. We've done the
24 best we can and we've, we've submitted evidence.

25 Now, we will make our individual objections to

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1 each of the documents once, once we get to that, Your
2 Hoor. But I think the first issue is whether the Court is
3 going to grant our motion for continuance, because the
4 rest would be not relevant. If the Court is going to deny
5 it, then we will continue and then we'll move forward on
6 the motion to compel and the, and the motion for the
7 subpoena, et cetera.

8 So, that's what we think the order -- and, Your
9 Honor, I would like to raise one other thing. And, and
10 this goes back to what I was trying to do at the very,
11 very beginning. Ms. Ahmed, who is here on behalf of the
12 ACLU, has written a letter and she wanted to be heard on
13 the public access to the hearing, Your Honor. And we,
14 we're not able to get to that because you wanted to go
15 right into the evidence. But I'd like to return this over
16 to Ms. Ahmed to raise the issues that she intended to
17 raise on behalf of Mr. Khalil.

18 JUDGE COMANS: We're here today for the
19 contested removability. That's the limited purpose of the
20 proceedings today. No other matters will be taken up.
21 And I'm not going to hear -- I, I don't know what you
22 mean, a statement. Is she arguing in support of the
23 Respondent's removability charges?

24 MR. VAN DER HOUT: No, Your Honor. She's doing
25 the right to a public --

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1 JUDGE COMANS: Then, no, I'm not going to hear
2 it.

3 MR. VAN DER HOUT: -- a public -- she's, just to
4 answer --

5 JUDGE COMANS: No.

6 MR. VAN DER HOUT: -- your question, these are --
7 - can I just say what the, what she was arguing? You've
8 asked that. She's arguing that --

9 JUDGE COMANS: Well, it doesn't matter.

10 MR. VAN DER HOUT: -- he has a right to --

11 JUDGE COMANS: If it's not related to the
12 removability issue, Mr. Van Der Hout, I'm not taking it up
13 today. I'm not.

14 MR. VAN DER HOUT: Okay.

15 JUDGE COMANS: That's not what we're here for
16 today.

17 MR. VAN DER HOUT: Yeah, I'll just state for the
18 record, Your Honor --

19 JUDGE COMANS: We have, we have the case
20 scheduled for contested removability. That's what we're
21 here for today, Mr. Van Der Hout, and I'd like to stay on
22 track. That's what we're here for. So, I'm going to hear
23 from the parties on removability, and that's it.

24 MR. VAN DER HOUT: But, Your Honor, could I --

25 JUDGE COMANS: Now, Mr. Sinodis, --

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1 [CROSSTALK] [00:46:54]

2 JUDGE COMANS: -- you had something you wanted
3 to say?

4 MR. METOYER: Well, and I do have an objection,
5 Your Honor.

6 JUDGE COMANS: I'm, I'm going to -- alright, Mr.
7 Metoyer, go ahead. And then, Mr. Sinodis, I'll, I'll come
8 to you.

9 MR. METOYER: Okay. My objection to what
10 opposing counsel was saying still goes back to the Apex
11 Doctrine, Your Honor, which says that, the Apex Doctrine,
12 there is a presumption against opposing high-ranking
13 government officials, and it serves several purposes: to
14 protect the integrity and independence of the government's
15 decision making process, which would be independent here;
16 to permit high-ranking government officials to perform
17 their official tasks without disruption and diversion; and
18 to limit indiscriminate depositions that would discourage
19 individuals from accepting posi- positions as public
20 service -- servants. But beyond that, we, there was a lot
21 of argument about all types of other areas, but we didn't
22 go back to the case in point from opposing counsel, which
23 would be Matter of Ruiz-Massieu, which basically, which
24 says, you know, it's a BIA case and it says that the
25 Secretary's letter is what stands here. And it stands on

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1 its own. They do not get to go behind it. And several of
2 the things that they're asking for inv-, there are law
3 enforcement sen- sensitive documentations. They would not
4 be produced, you know, we would certainly not agree to be
5 produced. I got a letter from opposing counsel at 1:39
6 this morning asking if we would agree to do same.

7 And not only that. I know that they're also
8 talking about, I guess the misrepresentation charge and
9 the other things from the I-261. Opposing counsel has had
10 that since March 17, 2025. Yet, they just filed something
11 two minutes before court that hasn't been given to the
12 Government, but they want to make an argument on that, as
13 well? I think that's improper, Your Honor.

14 JUDGE COMANS: Alright, thank you. Mr. Sinodis,
15 I still don't have your package. I'm going to refresh and
16 see. Ms. Brown, were you able to locate it?

17 MS. BROWN: Yes, ma'am.

18 JUDGE COMANS: Alright. It's been located and
19 we're trying to get it uploaded into the official record
20 now. So --

21 MR. SINODIS: Thank you, Your Honor.

22 JUDGE COMANS: I would ask that you --

23 MR. VAN DER HOUT: Your Honor, while you're
24 doing that --

25 JUDGE COMANS: Mr. Van Der Hout, go ahead.

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1 MR. VAN DER HOUT: Yeah. While you're doing
2 that, could we at least, even though you're not permitting
3 Ms. Ahmed to speak or address the Court on the public
4 access issue, but we would like to introduce and have it
5 into the record the letter she sent to the Court asking
6 for public access to the hearing. And, so, we'd like to
7 have that admitted into the record, Your Honor.

8 JUDGE COMANS: Well --

9 MR. VAN DER HOUT: And she, that is presented to
10 the Court.

11 JUDGE COMANS: Alright, Ms. Van Der Hout. Well,
12 you know how to present things to the record. You upload
13 them through ECAS. Same way you upload your evidence.
14 Have you uploaded the letter?

15 MR. VAN DER HOUT: Your Honor, that has not been
16 uploaded at this point in time, but we will do that, yes.

17 JUDGE COMANS: Alright, yes. So, I mean, you're
18 counsel of record. You can upload any document that you
19 would like to include in the record or proceedings, and
20 you do it the same way you upload all of your other
21 evidence, Mr. Van Der Hout. It's not for the Court to --

22 MR. VAN DER HOUT: We will do that, Your Honor.
23 She --

24 JUDGE COMANS: I mean, I'm, I'm going to receive
25 whatever you upload. If you upload it, I'm going to put

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1 it in the record and then we'll mark it for identification
2 and decide whether it will be admitted or not admitted.

3	Okay?
---	-------

4 MR. VAN DER HOUT: That's fine, Your Honor. She
5 will do that.

6 JUDGE COMANS: Alright.

7 MR. VAN DER HOUT: But so, Your Honor, again, I
8 know the Court is disinclined to grant these motions,
9 you've stated. But we do believe that prior to going
10 through the exhibits, and we will have objections to every
11 single document and I will speak to that, we have the
12 motion for continuance, the motion to subpoena Secretary
13 of State Rubio, or, for cross examination or deposition or
14 interrogatories, and we have the motion for production of
15 documents and to compel the --

16 JUDGE COMANS: Mr. Van Der Hout, I --

17 MR. VAN DER HOUT: -- delivery of the --

18 JUDGE COMANS: -- I appreciate you repeating
19 yourself.

20 MR. VAN DER HOUT: -- exculpatory evidence.

21 JUDGE COMANS: I mean, you, you're just
22 repeating yourself. I, I know the motions that are there.
23 I've marked them. They're 10, 11, and 12, respectively,
24 in the record. They've been identified. They've been
25 marked. So, I, I will address them, but, at this point,

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1 I'm trying to make sure that both parties have an
2 opportunity to present their arguments for the purpose
3 that this hearing was set for, which is contested
4 removability. So, your motions are marked.

5 MR. VAN DER HOUT: I understand.

6 JUDGE COMANS: They have been identified in the
7 record as 10, 11, and 12. I'm sorry, 9, 10, 11, and 12.
8 Okay? Mr. Sinodis, I, I still don't have this package.
9 I'm trying to refresh it and see if it's been submitted
10 into the record. The Clerk is saying she's uploaded it
11 into the official record.

12 MR. METOYER: Your Honor, the Government doesn't
13 have it either. We don't, we don't see it in ECAS.

14 JUDGE COMANS: No, I don't, I don't see it
15 either. So we're just, we're just trying. She's --.
16 Alright, Mr. Sinodis, I'm going to allow you to go ahead
17 and make your argument. And we don't have the documents
18 yet, though. We're still waiting for them to be brought
19 into the record.

20 MR. SINODIS: Okay, thank you, Your Honor. It
21 does show accepted on my end, so we'll just circle back to
22 this.

23 You know, the first thing I want to address is,
24 although DHS has argued that the alleged lack of
25 information in the I-485 constitutes a misrepresentation,

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1 we've heard absolutely no evidence as to why it was
2 material, if any of the allegations were, in fact, true.
3 And so I just want to point that out. Just saying that
4 it's a misrepresentation is insufficient. We're not sure
5 how any of it was material.

6 But from there, Your Honor, I'll go through the
7 evidence. Tab A of our submission today is a news article
8 of an interview with Mr. Khalil on CNN, where he
9 specifically denounces antisemitism, says that Jews are
10 integral to the movement, and that he is against hate of
11 all form.

12 As to allegation 6, Your Honor, Tabs B through E
13 show that Mr. Khalil was never an affairs officer at
14 UNRWA. He did an internship there for course credit at
15 Columbia University as part of his Master's program. And
16 his --

17 JUDGE COMANS: And Mr. Sinodis, I don't mean to
18 interrupt you, but you said that was Tabs B, as in boy,
19 through E, as in Edward?

20 MR. SINODIS: That is correct.

21 JUDGE COMANS: Okay.

22 MR. SINODIS: Tabs B through E.

23 JUDGE COMANS: Alright. Please continue.

24 MR. SINODIS: Okay. So, there is letters from
25 CEPA [phonetic], which is the program Mr. Khalil was in at

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1 Columbia, explaining that it was a school-approved
2 internship for course credit. He was not employed, he was
3 not a political affairs officer. He was an intern. There
4 are references in some of DHS's documents to him being
5 employed as a political affairs officer. That's not true.
6 They also allege that on his LinkedIn, he said that he was
7 a political affairs officer as an employee when, in fact,
8 his LinkedIn profile makes clear he was only an intern at
9 UNRWA. And DHS neglected to file the LinkedIn profile,
10 which would have been the best evidence and was totally
11 available to DHS.

12 Finally, UNRWA is a 501(c)(3) registered
13 organization in the United States, and comments by DHS
14 counsel about UNRWA, in general, are misplaced, and I
15 would just echo Mr. Van Der Hout's statements that they
16 have no room in this court to be espoused, period.

17 As to Tabs F through I, Your Honor, this goes to
18 allegation 7. The Government argues that Mr. Khalil was
19 employed at the UK Embassy beyond 2022, and they, they
20 attempt to utilize a printout from a webpage for a
21 conference that's happening this summer. I just want to
22 point out the annual conference that Mr. Khalil
23 participated in was in 2020. That the website did not
24 take down his profile is a technical error. He is not
25 scheduled to speak at the conference this summer. And

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1 we've provided evidence that his one speaking opportunity,
2 again, occurred in 2020.

3 We also have filed at Tab H the independent
4 contractor agreement between Mr. Khalil and the British
5 Embassy, showing that his employment ended in December
6 2022, and a letter from Mary Shockledge at the British
7 Embassy in Beirut confirming that, in fact, Mr. Khalil
8 left the British Embassy in Beirut in December 2022. DHS
9 did zero investigation on its own, other than file
10 tabloids to try to support the allegation number 7.

11 As to allegation 8 and Mr. Khalil's relationship
12 with CUAD, he was never a member, he never said he was a
13 member, he made explicitly clear that he was a negotiator
14 on behalf of all student pro- protesters in Columbia
15 University, because he was elected to fill that role. He
16 has stated in the media that he was never a member of the
17 CUAD, and Columbia University faculty and students have
18 provided letters confirming that he was not a member of
19 the CUAD, he was a negotiator for protesters with Columbia
20 University.

21 And I also want to point out that all of the,
22 the tabloid articles that DHS filed to show that he was a,
23 a protest organizer and leader and, you know, a member of
24 CUAD were, were written in late April 2024, a month after
25 he filed his I-485. How could he have disclosed even the

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1 fact that he was the negotiator between the protesters and
2 the school if that relationship didn't exist for another
3 month? It's preposterous, Your Honor.

4 And, and to, to Marc, to Mr. Van Der Hout's
5 point, the reason we have moved for exculpatory evidence
6 is because, no doubt, DHS has cherry picked tabloid
7 articles in an attempt to establish these allegations that
8 were filed late, after it became evident that its primary
9 allegation on the core pol-, foreign policy ground is
10 completely meritless. I'm sure, because we know HSI was
11 involved in investigation and supplied evidence to Mr.
12 Rubio, that DHS has interviewed journalists, friends,
13 acquaintances, and, again, did not disclose the
14 exculpatory evidence that would show Mr. Khalil (1) is not
15 antisemitic, (2) was never a member of the CUAD, (3) did
16 not remain employed at the U.S. -- at the British Embassy
17 beyond December 2022, and, and (4) was never a political
18 affairs officer.

19 Okay. There was nothing that was concealed by
20 Mr. Khalil. And, you know, I hear counsel saying that
21 there wasn't an attempt to file a new allegation today,
22 but bringing up the answer to question 71 on the I-485
23 that, you know, in fact, he has lied and by marking no,
24 it's a further misrepresentation is an attempt to file a
25 new allegation here, and we push back on all of that, Your

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1 Honor.

2 JUDGE COMANS: Understood, Mr. Sinodis. Thank
3 you. Anything further, Mr. Sinodis or Mr. Van Der Hout?

4 MR. SINODIS: Yes, Your Honor. If, if, if we're
5 being forced to move forward today, and, and if the Court
6 is not going to grant the motion to continue, we would
7 like to go through every single exhibit and, and put our
8 objections on the record. So, if the time to do that is
9 now, because the motion to continue is denied, we can do
10 that.

11 JUDGE COMANS: Alright. Mr. Sinodis, I want to
12 hear the arguments and the objections that you have on the
13 removability charges. That's what this hearing was
14 scheduled for today. Everyone knew that's what the
15 hearing was scheduled for today. It was no surprise to
16 anyone. It was scheduled for a contested removability
17 hearing today. So, if you have argument or evidence that
18 you would like to make related to the contested
19 removability, today is the day. So --

20 MR. SINODIS: Okay.

21 MR. VAN DER HOUT: Your Honor, we --

22 JUDGE COMANS: -- it's very likely that we will
23 have to continue it, because there's hundreds of pages of
24 evidence that your office submitted today, right before
25 the hearing. In fact, we just got them uploaded into the

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1 record. They're going to be marked as Exhibit 13. Now,
2 I'll hear from the Department on any objections that they
3 wish to make on that. So, it's very likely that we're, we
4 will have to continue it to some date in the future. But
5 we're here today to hear arguments and take evidence on
6 contested removability. That's what the hearing was
7 scheduled for, and that's what we're going to do today.
8 And, so, we'll see where we are at the end. So, any
9 arguments, evidence that you would like to make with
10 regard to contested removability, please do that now.

11 MR. SINODIS: Sure. I'll hand this over to Mr.
12 Van Der Hout to begin on that. One other thing, Your
13 Honor, because we are having to move forward today. We
14 just filed a written motion to terminate, and I will also
15 put orally on the record why we filed a motion to
16 terminate. DHS did not have an arrest warrant for Mr.
17 Khalil, it did not have a judicial warrant to enter his
18 apartment building, which is a private space. It's
19 student housing at Columbia University, which is a private
20 university. It did not have an arrest warrant,
21 administrative or judicial, when it took him into custody.
22 The regulations at 8 C.F.R. 287.8 make clear that an
23 arrest warrant has to be issued before an individual can
24 be arrested, unless DHS has reason to believe that the
25 individual is a flight risk. Mr. Khalil is not a flight

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1 risk. I've heard zero evidence or argument from counsel
2 that he was. And that was a, a violation of the
3 Department's own regulations which requires termination.

4 I also want to point out, and we, we, we will,
5 in support of our motion which has been accepted as of a
6 few seconds ago, the arrest warrant which Mr. Khalil asked
7 for during his arrest and which his counsel, Amy Greer,
8 asked to see during his arrest, was not issued until five
9 hours after he was taken into custody. And the, the time
10 and date stamp is on the face of the warrant. This was
11 done in, in an attempt to cover up the fact that the
12 arrest itself was unlawful. And again, the DHS acted in
13 contradiction to its own regulations. We believe that the
14 violation of the regulation itself, because it exists to
15 protect Mr. Khalil's rights, is enough to warrant
16 termination. We also believe that the violation was
17 egregious, given how the arrest was conducted in a private
18 area, in the presence of Mr. Khalil's U.S. citizen wife,
19 who is pregnant. Officers threatened to arrest her within
20 seconds of confronting the two. And, and for these
21 reasons, Your Honor, these proceedings should be
22 terminated. There's no, there is no need to show
23 prejudice to Mr. Khalil, because it's a clear violation of
24 Department regulations.

25 And I'll hand it over to Mr. Van Der Hout now to

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1 go through the evidence and any further objections.

2 MR. METOYER: Well, Your Honor, before we do
3 that, I would like to raise my objection for the record,
4 because he's obviously arguing things that the Department
5 would, at the very least, be given 10 days to look at and
6 respond to. Right? And this was just filed a moment ago
7 while we're in open court. I think that's improper that
8 they're arguing it, because we haven't even seen what they
9 filed. None of it.

10 JUDGE COMANS: Alright. So, Exhibit 13 is going
11 to be the evidence that they submitted today. The motion
12 to terminate will be marked as Exhibit 14.

13 MR. VAN DER HOUT: Your Honor, and I, if I could
14 just comment on that comment that Mr. Metoyer just said.
15 He says a party should be given at least 10 days to
16 respond. We were given less than 48 hours. And so --

17 JUDGE COMANS: That's not true, Mr. Van Der
18 Hout. This, this hearing was scheduled and you agreed to
19 this date. But go ahead with your argument.

20 MR. VAN DER HOUT: Your Honor --

21 JUDGE COMANS: Mr. Van Der Hout, I understand
22 your, I understand your objection. Go ahead and make your
23 argument with relat-, how it's related to removability,
24 please.

25 MR. VAN DER HOUT: Yeah, I will, but I want to

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1 correct the record, Your Honor, on that. The DHS
2 presented its evidence Wednesday afternoon, less than 48
3 hours ago. And, so, that's the amount of time that we've
4 had to respond.

5 JUDGE COMANS: Alright.

6 MR. VAN DER HOUT: And I wanted to --

7 [CROSSTALK] [01:05:07]

8 MR. METOYER: And Your Honor, DHS had less time
9 to respond.

10 JUDGE COMANS: Alright. Both counsels, just
11 stop. So, Mr. Van Der Hout, what is your argument on
12 removability?

13 MR. VAN DER HOUT: Well, as to the, the main
14 charge in this case, the foreign policy allegation, Your
15 Honor, our argument is that we have the right to examine
16 the basis for the determination by the Attorney General,
17 because this Court has to rule on whether there is a
18 reasonable ground for his, his position. The Government's
19 position is the Court can't look behind that. I
20 understand that the Court seems to be inclined to agree
21 with the Government on that. But our position is, Your
22 Honor, because it says there has to be a reasonable
23 ground, you have the right to examine whether the
24 Government's assertion here that there's a compelling
25 government interest in kicking Mr. Khalil out of the

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1 country because his, because of his First Amendment
2 beliefs, statements, or associations is not a reasonable
3 ground. And we think you have the right to do that, Your
4 Honor, and an obligation to do that. I understand the
5 Government takes a different position. It sounds like the
6 Court does, too. But that is our argument, Your Honor.

7 JUDGE COMANS: Well, Mr. Van Der Hout, I said --

8 MR. VAN DER HOUT: And that we have the right --

9 JUDGE COMANS: Mr. Van Der Hout, I, I don't know
10 how you could suppose that, because I've not given any
11 inclination that I, how the Court felt, one way or the
12 other.

13 MR. VAN DER HOUT: Oh, I'm sorry, Your Honor.

14 JUDGE COMANS: What I'm trying to do, what I've
15 been trying to do since 1:00 is get the arguments that the
16 parties have on removability so that the Court can make a
17 decision. That, that's what I'm trying to do.

18 MR. VAN DER HOUT: Okay. So, then -- okay. I
19 understand that.

20 JUDGE COMANS: That, that's what the hearing was
21 set for and that, that's what the Court is trying to
22 accomplish.

23 MR. VAN DER HOUT: Okay. Then, we will
24 continue, Your Honor.

25 JUDGE COMANS: Alright, thank you.

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1 MR. VAN DER HOUT: As I stated before, in order
2 to assess several things regarding the Rubio two-page,
3 undated letter, we have the right to cross examine him and
4 do discovery on what formed that basis. There are two
5 documents referred to here, a DHS letter on Mahmoud
6 Khalil, an HSI subject profile on Mahmoud Khalil. These
7 documents are attached. They presumably helped to form
8 the basis for the Secretary of State's determination. We
9 have the right to see those letters and cross examine him
10 and the makers of those statements. So, that's one point,
11 Your Honor.

12 The second thing is that, under the statute
13 itself, there has to be reasonable grounds for the
14 assertion. Our position is we have the right to explore
15 and the Court has an obligation to decide whether or not
16 Mr. Khalil's presence in the United States and his
17 statements, beliefs, or associations -- no activity, even
18 -- beliefs, statements, and associations is sufficient
19 grounds to say that there is a compelling U.S. foreign
20 policy interest in his deportation. And we believe the
21 Court has the, has an obligation to look into that and
22 make that determination.

23 And, so, we would ask Your Honor, as we have, to
24 cross examine the Secretary of State, or at least submit a
25 deposition, or interrogatories if the Court denies the

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1 first two. We have the right to compel the production of
2 exculpatory evidence, all the things that would show that
3 Mr. Khalil is not antisemitic in any way whatsoever. We
4 believe the Government is in possession of probably
5 numerous documents and evidence regarding that, and that
6 they have an obligation to turn over that exculpatory
7 evidence.

8 And, Your Honor, we even have the right to
9 explore whether or not the Secretary of State complied
10 with the obligation of the statute and notified Congress
11 in a timely fashion. There is no evidence whatsoever that
12 they have done that. That's a requirement under the
13 statute. And, on its face, Your Honor, because they
14 haven't presented evidence of that, they haven't met their
15 statutory obligation there and they can't sustain the
16 ground of removability on that basis alone, also.

17 And, Your Honor, the reason that it's important
18 to examine this and go behind it and for the Court to
19 assess, the Court has an independent duty under the due
20 process clause and under case law to examine whether or
21 not the Secretary of State's grounds are reasonable. The
22 Government argues you can't look behind that. We take
23 issue with that, Your Honor.

24 And for all of those reasons, we believe that we
25 should be able to depose or cross examine the Secretary as

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1 to his reasons, as to what formed the basis, as to whether
2 or not he informed Congress, what date he actually signed
3 this letter. This is an undat- undated, unautho- unautho-
4 , excuse me, unauthenticated, authenticated, sorry,
5 document and we have the right to explore that, Your
6 Honor. For all those reasons, we believe the Government
7 has not met its burden and we have the right to probe
8 behind the document, and the Court has an obligation to do
9 so, also. So, that's on, on that ground, Your Honor.

10 And on the, and if you want me to move onto the
11 other grounds, Your Honor, Mr. Sinodis has, has really
12 gone through those already. We've got evidence
13 contradicting that. We think those are baseless
14 allegations completely, for the reasons that Mr. Sinodis
15 stated on the CUAD thing and the, the, all the evidence
16 the Government submitted was after the submission of his
17 application, so he couldn't com-, it's completely
18 irrelevant to whether or not there was a misrepresentation
19 on his, misrepresentation on his application.

20 And for the other reasons that were stated,
21 there, the evidence shows that he did not misrepresent
22 anything about his, his internship as part of his school
23 program and UNRWA or his work at the British Embassy, and
24 the evidence will show that, Your Honor. So, we don't
25 think the Government, when, when you look at the

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1 Government's evidence and its unreliability and you look
2 at our evidence, the Court cannot sustain this.

3 JUDGE COMANS: And you're talking about --

4 MR. METOYER: And Your Honor, I --

5 JUDGE COMANS: -- you're now referring to, you
6 switched over to the 237(a)(1)(A) charge. Correct, Mr.
7 Van Der Hout?

8 MR. VAN DER HOUT: I did, Your Honor.

9 JUDGE COMANS: Okay. Alright. I just want to
10 make sure I'm --

11 MR. VAN DER HOUT: And --

12 JUDGE COMANS: -- I'm following. And I, and I
13 am. I'm tracking your argument. Okay.

14 MR. VAN DER HOUT: Okay. And, and we still
15 haven't gone through all the documents to state our
16 objections, but that's the overview.

17 JUDGE COMANS: For the 237(a)(1) charge,
18 correct?

19 MR. VAN DER HOUT: Yes.

20 JUDGE COMANS: The fraud charge.

21 MR. VAN DER HOUT: Mm-hmm.

22 JUDGE COMANS: That's what you're referring to?

23 MR. VAN DER HOUT: Correct. Well, for both,
24 actually.

25 JUDGE COMANS: Well, there's no evidence in the

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1 Exhibit 13 that I see that's related to the 237-
2 237(a)(4)(C) charge, unless I missed it.

3 MR. VAN DER HOUT: No, no, no. We have
4 objections to, we have objections to the Government's
5 evidence and we haven't had the opportunity to go through
6 document by document yet, just to state our objections to
7 each one.

8 JUDGE COMANS: Alright.

9 MR. SINODIS: So, Your Honor, if I may?

10 JUDGE COMANS: Okay.

11 MR. SINODIS: I can, I can assert the objections
12 for each individual document. And I just do want to point
13 out, Tab A of our submission does go to the, you know,
14 alleged and ostensible basis for the determination under
15 237(a)(4)(C).

16 JUDGE COMANS: Okay.

17 MR. SINODIS: Again, Mr. Khalil's own words
18 stating that he's against antisemitism, hate of all kind,
19 and that Jewish students are an integral part of the
20 movement. I'll move on.

21 DHS Evidence Part 2, as to their Tab E, the
22 Society for International Development, I, I mentioned it
23 earlier. You know, this document is not authenticated.
24 It's also inaccurate. As we set out in Tabs E and H of
25 today's submission, Mr. Khalil spoke at a conference in

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1 2020. He is not speaking at a conference this year. He,
2 he, he has not participated at all in, in that conference
3 or that organization for several years now. Those are at
4 Tabs E and H.

5 Government's Tab E, our response is that this
6 tabloid article from New York Post dated April 27, 2024,
7 post-dates the submission of Mr. Khalil's I-485 by more
8 than a month. He filed his I-485 on March 29, 2024. It's
9 not authenticated. We also raise that it's not the best
10 evidence. This tabloid says that Mr. Khalil says he's
11 employed on his LinkedIn profile at UNRWA when, in fact,
12 his LinkedIn profile showed it was an internship, and an
13 internship that was approved by his school at Columbia,
14 and he disclosed his Master's program and his work at
15 Columbia. Those are at Tabs B to D in our submission and
16 they contradict Tab E of Government's Evidence 2.

17 Furthermore, the statements in the tabloid are
18 all hearsay, and we assert our right to question or depose
19 the author of that statement or any statements in the
20 tabloid. That author or those authors have not been
21 presented by DHS today.

22 As to DHS Part, Evidence Part 3, specifically
23 Tab F, you know, this is really irrelevant. It's just
24 general background information on UNRWA. And, again,
25 we'll flag that UNRWA is a registered 501(c)(3) in the

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1 United States, as we explained in Tab E of our submission
2 today.

3 Tab G of the Government's Part 3, we object.
4 Again, they did not file the best evidence. Although the
5 tabloid, Times of India, says that he was employed as a
6 political affairs officer and that he failed to disclose
7 that on his I-485. Again, he had an internship approved
8 by Columbia. He, he disclosed on his application he was
9 going to school at Columbia. Our submission, at Tabs B
10 through D, contradicts Tab G of the Government's Part 3.
11 Again, that article is not authenticated. Its statements
12 are also hearsay, and the author or authors of that
13 tabloid article have not been presented to be examined.

14 JUDGE COMANS: Well, Mr. Sinodis, --

15 MR. SINODIS: [Unintelligible] [01:16:22] --

16 JUDGE COMANS: -- let me just stop you right
17 there and ask you a question.

18 MR. SINODIS: Sure.

19 JUDGE COMANS: So, we're in Immigration Court.
20 The Federal Rules of Civil Procedure, as you well know,
21 don't apply. Hearsay evidence is allowable in Immigration
22 Court. But you're making an argument that you object
23 based on hearsay when you know full well that hearsay
24 element -- evidence -- is allowed in Immigration Court.
25 Correct? Is hearsay evidence --

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1 MR. SINODIS: Your Honor, if --

2 JUDGE COMANS: -- is hearsay evidence allowed in
3 Immigration Court, Mr. Sinodis?

4 MR. SINODIS: Well, it depends, right? If, if
5 it's reliable, probative, and not unfairly prejudicial,
6 sure.

7 JUDGE COMANS: Okay.

8 MR. SINODIS: But it's all three of those
9 things. And, so, we object to its admission.

10 JUDGE COMANS: Okay. I just --

11 MR. SINODIS: The rules of evidence, although
12 they don't --

13 JUDGE COMANS: Okay. Alright, go ahead and
14 continue.

MR. SINODIS: Thank you, Your Honor. As to Tab H, Part 3 of DHS's submission, again, this tabloid article from New York Post was authored -- excuse me -- after Mr. Khalil took on his role as a negotiator on behalf of all students at Columbia and the Columbia University. The statements are hearsay. Again, we just went through this. The authors are not here to be examined or deposed. It's not reliable, probative, and it is prejudicial to Mr. Khalil if, if the Court were to take this into consideration. Our, our submission, at Tab D, again shows what he put on his LinkedIn profile. He did not say he

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1 was employed at UNRWA. He said he had an internship
2 there, and DHS should have filed that information.

3 Furthermore, there are statements, you know,
4 throughout that the Government has highlighted, stating
5 that he was present for violent campus protests, he's a
6 leader of CUAD, he's been a regular fixture of disruptive
7 efforts. You know, these are all inflammatory statements.
8 It brings up the fact that there was a dance circle and
9 people marching, draped in keffiyeh headscarves. Again,
10 as Mr. Van Der Hout pointed out, that's a racist remark in
11 the way that it's said in that tabloid article. And, so,
12 it should not be taken into consideration by this Court.

13 As to Tab I of Part 3 of DHS's evidence, again,
14 this article was written a month after Mr. Khalil filed
15 his I-485. It's not authenticated. We should be able to
16 depose the auth-, the author. Mr. Khalil was not a
17 negotiator on behalf of CUAD. He did not represent CUAD.
18 He was a negotiator for all student protestors. And Tabs
19 J and K of our submission on today's date solidify that
20 point.

21 As to Tab J of Government's evidence Part 3,
22 again, the article post-dates the submission of the I-485.
23 Mr. Khalil could not have disclosed his role as a
24 negotiator, because it did not exist at the time he filed
25 his application. I want to also point out for the Court

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1 Mr. Khalil was not interviewed as part of this
2 application, so there was no DHS officer that asked him,
3 for example, in late 2024 whether anything had changed.
4 And so, again, he couldn't disclose something that didn't
5 exist when he filed his I-485. I would point again the
6 Court to our submission at J and K, which confirms he was
7 not a CUAD member.

8 As to Tab k, the same objections, Your Honor.
9 Published after Mr. Khalil filed his I-485. Statements
10 are hearsay. We need to depose the author. Mr. Khalil
11 was not a negotiator on behalf of CUAD, he was not a
12 representative of CUAD, but instead a negotiator on behalf
13 of all students. And that's shown at our submission, J
14 through K.

15 At Tab L of the Government's submission, same,
16 same assertions, Your Honor. It's an article that post-
17 dates the I-485. It's not authenticated. The statements
18 therein are hearsay. We need to depose the author. And
19 Mr. Khalil was not a negotiator on behalf of CUAD, nor did
20 he represent CUAD or -- and he was not a member either,
21 Your Honor.

22 As to DHS Evidence Part 4, Tab A, the
23 regulations at 8 C.F.R. 1287.6(a), Your Honor, state that
24 a document is self-authenticated if it's offered as an
25 official publication or it's a copy certified by the

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1 official custodian of the document. There was no attempt
2 to authenticate this I-213 before it was submitted, Your
3 Honor. Permit me one second. There is case law that says
4 the presumption of regularity and self-authentication can
5 be rebutted when there's a conflict of interest or there's
6 some internally incorrect information in the I-213, which
7 there was. We should have the opportunity under Tashnizi
8 v. INS, 585 F.2d 781, n. 1 (5th Cir. 1978) to depose the
9 individual who offered this I-213 as evidence to the
10 Department and to question them about the contents of the
11 I-213. Specifically with the contents, the officer who
12 authored the I-213 says that Mr. Khalil was served with a
13 warrant at the time of his arrest. He was not. We know
14 he was not, because we have filed a copy of that arrest
15 warrant that shows it was issued five hours after he was
16 taken into custody. When he asked officers for the
17 warrant, they never informed him that it existed because
18 it did not exist.

19 The I-213 says officers confronted him outside
20 his apartment building. We think that's on purpose
21 because they did not have a judicial warrant to enter the
22 private space, though they did, to arrest him as he was
23 about to open up the door to his apartment.

24 We also wanted to highlight the officers state
25 that Mr. Khalil's U.S. citizen wife was informed that she

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1 would be arrested if she interfered with the arrest.
2 That's actually inaccurate. As soon as they confronted
3 them, in an attempt to intimidate her, they said that she
4 would be subject to arrest if she tried to interfere. She
5 had made zero attempt to try to interfere.

6 Officers initially told them they were arresting
7 Mr. Khalil because they had revoked his student visa and
8 were confused and flustered when he responded that he had
9 a green card and questioned whether they were there for
10 the right person.

11 All of these omissions and internal
12 inconsistencies, Your Honor, make the I-213 unreliable,
13 particularly when it's not authenticated at all, Your
14 Honor.

15 And I'll just finally note, you know, in an
16 attempt to show regularity, the I-213 states that Mr.
17 Khalil was informed of his rights, that he was afforded a
18 five-minute call with his attorney, that he was fed. None
19 of those things happened, Your Honor. And, in fact,
20 officers hung up on Mr. Khalil's attorney when she tried
21 to speak with them and ask for a warrant to be displayed
22 during the arrest.

23 We have no objection to Tabs B and C of DHS
24 Evidence Part 4. They're not relevant or probative, but
25 they're also not prejudicial.

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1 JUDGE COMANS: Alright. Thank you, Mr. Sinodis.
2 Anything further from Respondent's counsels, any of
3 Respondent's counsels for issues related to removability?

4 MR. VAN DER HOUT: We, other than what we've
5 already raised, Your Honor, about our pending motions, no.
6 We've already made our objections to date on the evidence
7 that Mr. Sinodis just did and we've got our motions that
8 are pending before the Court and we would like rulings on
9 those.

10 JUDGE COMANS: Alright. Thank you, Mr. Van Der
11 Hout. I understand. Mr. Metoyer?

12 MR. METOYER: Yes, Your Honor. On the I-485, it
13 says on question number 47, Part 8, it says:

14 Are you engaged in, upon your entry into the
15 United States, or do you intend to engage in any
16 activity that it could have, could have potentially
17 serious adverse foreign policy consequences for the
18 United States?

19 Where the Respondent answered no.

20 48(a) said:

21 Have you committed, threatened to commit,
22 attempted to commit, conspired to commit, incited,
23 endorsed, advocated, planned, or prepared any of the
24 following: Hijacking, sabotage, kidnapping,
25 political assassination, or use of a weapon or

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1 explosive to harm any other indivi- individual or cause
2 substantial damage of property?

3 He said no. It said:

4 Have you participated or been a member of a
5 group or organization that did any of the described
6 activities in item number 48?

7 He also said no.

8 Alright. Your Honor, if we look at --

9 MR. VAN DER HOUT: Your Honor, could I --

10 JUDGE COMANS: The article?

11 MR. VAN DER HOUT: -- make a statement?

12 MR. METOYER: Well, if we look at the article
13 that was issued by The New York Post -- hang on.

14 MR. VAN DER HOUT: Your Honor, could I just make
15 one statement while we're having this discussion? These
16 are new allegations --

17 JUDGE COMANS: Well, Mr. Van Der Hout, no. Mr.
18 Van Der Hout, I'm not going to allow counsel.

19 MR. METOYER: Right.

20 JUDGE COMANS: We've been through this. I will
21 come back to you if you have additional arguments you'd
22 like to make, but we're not going to interrupt each other.
23 We're going to allow --

24 MR. VAN DER HOUT: Okay.

25 JUDGE COMANS: -- courteous, professional, you

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1 know, allow him to finish his statement and then I'll come
2 back to you, --

3 MR. METOYER: Right.

4 JUDGE COMANS: -- Mr. Van Der Hout and be happy
5 to let you make additional remarks. Please continue, Mr.
6 Metoyer.

7 MR. METOYER: It said:

8 Khalil, who did his undergrad, undergraduate
9 degree in Be- Beirut, told the Columbia Daily
10 Spectator that he has not participated in any of the
11 protests over the past week and a half because he's
12 worried about losing his student visa that allows him
13 to remain in the United States.

14 And, Your Honor, my understanding, my
15 understanding is that on March 18th, that, of course, it's
16 not in evidence, Your Honor, at all. But Mr. Khalil also
17 stated, he, he made a statement saying that, basically, he
18 was doing these things, he had always intended to, to do
19 these things. Let me look at the --

20 JUDGE COMANS: Well, now, Mr. Metoyer, now we're
21 going a, a little bridge too far.

22 MR. METOYER: Yes, ma'am.

23 JUDGE COMANS: Right? Because hearsay --

24 MR. METOYER: Well --

25 JUDGE COMANS: -- is, is allowed, but now you're

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1 making argument. And counsel's argument, as you well
2 know, is not evidence.

3 MR. METOYER: Right, of course. It's not.

4 JUDGE COMANS: So, if it's not in evidence, --

5 MR. METOYER: It's not, but --

6 JUDGE COMANS: -- you, you're defeating your
7 effort by making an argument. Now, if you have additional
8 evidence -- do you have additional evidence?

9 MR. METOYER: Not unless I call the Respondent
10 himself to testify to, to it, Your Honor.

11 JUDGE COMANS: I'm sure Mr. Van Der Hout would
12 have something to say about that.

13 MR. VAN DER HOUT: Yes.

14 MR. METOYER: Yeah.

15 MR. VAN DER HOUT: Yes, Your Honor. I mean,
16 that, this is --

17 MR. METOYER: But, Your Honor, but, but it would
18 also go --

19 [CROSSTALK] [01:28:13]

20 JUDGE COMANS: Hold, hold on. I can't hear but
21 one at a time. I'm sorry.

22 MR. METOYER: It would also go to the point that
23 it's immaterial in terms of what Mr. Van Der Hout had said
24 about whether or not what, what was said when the I-485
25 was actually filed, because there was an ongoing

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1 obligation by the Respondent to update it if the, some of
2 these things had actually changed.

3 JUDGE COMANS: Okay, I understand your argument,
4 or your counter. Anything else, Mr. Metoyer?

5 MR. METOYER: No s-, no, ma'am.

6 JUDGE COMANS: Okay. Mr. Van Der Hout, now it's
7 your turn.

8 MR. VAN DER HOUT: Your Honor, these, what I
9 would say is baseless allegations, are, are brand new.
10 They were not, we were not put on notice of any of these.
11 There's three alleged statements in allegations 6, 7, and
12 8 that the Government alleged, that we have tried to
13 respond to. Now, they're coming up with some other, you
14 know, information that's completely outside the scope of
15 the notice to appear and the additional allegations. And,
16 so, all of those are completely irrelevant. And not only
17 that, they're completely untrue. But we don't need to
18 spend the time on that, Your Honor.

19 I mean, to say that he misrepresented when the
20 question is, are you coming to the United States to engage
21 in activities that are contrary to U.S. foreign policy
22 interests, and a compelling interest? I mean, give me a
23 break, Judge. I mean, this is really like off the charts.
24 He is now fishing, and that has no basis in a court of
25 law, Your Honor. We have the right to have notice of the

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1 charges and respond to them, and that wasn't done.

2 JUDGE COMANS: Well, he, he has given you
3 notice, Mr. Van Der Hout. We're not going into different
4 allegations. The only allegations this Court is going to
5 consider are the allegations that are listed in the I-261.
6 Rest assured, I won't be considering any additional
7 allegations unless they're brought forth in a charging
8 document. Right? So --

9 MR. VAN DER HOUT: Well, that's what I'm --

10 [CROSSTALK] [01:30:06]

11 JUDGE COMANS: -- none of the, none of
12 Respondent's counsel or Department's counsel argument is,
13 is really evidence. You're trying to persuade the Court
14 to make a decision based on the evidence that's in the
15 record, but your argument itself is not evidence. Right?
16 So, any allegations --

17 MR. VAN DER HOUT: But [unintelligible]
18 [01:30:22] the point here.

19 JUDGE COMANS: -- that the Department wishes to
20 bring against Mr. Khalil, they'll need to do so in a
21 charging document, or the Court's not going to consider
22 it. So, so no worries there, Mr. Van Der Hout.

23 MR. VAN DER HOUT: Okay. Thank you, Your Honor.

24 JUDGE COMANS: Alright. Anything else, Mr. Van
25 Der Hout?

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1 MR. VAN DER HOUT: Besides the pending motions
2 we have, Your Honor?

3 JUDGE COMANS: Right.

4 MR. VAN DER HOUT: No.

5 JUDGE COMANS: Understood. Mr. Metoyer,
6 anything further?

7 MR. VAN DER HOUT: Aight. Let me just, let me
8 just ask Mr., let me just ask Mr. Sinodis if --

9 JUDGE COMANS: Okay. Alright.

10 MR. VAN DER HOUT: -- he's got something he
11 wants to raise.

MR. SINODIS: The only thing I'll, I'll say, in our motion to terminate, that the arrest warrant is attached. We also filed photos at the end of our evidentiary submission, which the Court marked as Exhibit 13. So, the last tab on that shows photos of the sign and the entrance to the apartment building, the student housing building that Mr. Khalil lived in before he was unlawfully arrested and transferred away from his wife.

20 JUDGE COMANS: Alright.

21 MR. SINODIS: So, I just want to flag that, too.

22 JUDGE COMANS: Alright, thank you.

23 MR. VAN DER HOUT: And Your Honor, the one, let
24 me just add, Your Honor. The motion to terminate based on
25 the lack of a warrant is, we believe, something that

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1 should be dealt with in the very first instance. We think
2 it's clear, as Mr. Sinodis has said, it's a violation of
3 the regulation. And the case, this hearing should be
4 terminated and the charges dismissed. So, we do want the
5 Court to address that because all the rest is irrelevant
6 if the Court agrees with us that the violation of the
7 regulation warrants a termination of proceedings.

8 JUDGE COMANS: Well, you filed it after the
9 hearing started today, so the Department does have an
10 opportunity to respond, and I'll give them an opportunity
11 to respond on that. We're going to go back to what we're
12 actually here for today. Today, we were here for
13 contested removability on the charges listed in the notice
14 to appear in the I-261. And that is charges under
15 §237(a)(4)(C)(i) and charges under §237(a)(1)(A). Now,
16 pursuant to INA §237(a)(4)(C)(i), an alien whose presence
17 or activities in the United States, the Secretary of State
18 has reasonable grounds to believe would have potentially
19 serious adverse foreign policy consequences for the United
20 States, is deportable.

21 Now, before I get to that, I'm just going to say
22 to the objections that were made, all of the evidence that
23 was submitted today -- and Mr. Metoyer, I didn't give you
24 an opportunity to object to evidence submitted by the
25 Respondents. Do you have any objections to the

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1 Respondent's submissions?

2 MR. METOYER: We certainly do, Your Honor. We -
3 -

4 JUDGE COMANS: Alright, let's hear those.

5 MR. METOYER: I can't really object to -- well,
6 I do object, but I, to everything that was filed today,
7 Your Honor, because we haven't seen it at all. And,
8 certainly, we object to any of the, the statements that
9 were made by, by counsel pursuant to that evidence. And
10 we object to their interpretation of how the, the
11 Immigration Court or the B-, or the BIA would move forward
12 on this issue, because it's clearly stated in Matter of
13 Ruiz v. Massieu, so.

14 JUDGE COMANS: Alright. So, all of the
15 objections are overruled. All of the evidence submitted
16 in this case by all parties will be admitted into the
17 record of proceedings. As I noted earlier, we are not
18 subject to the Federal Rules of Civil Procedure in
19 Immigration Court. The admission of evidence here is
20 based on being probative and being relevant. And all of
21 the evidence that was submitted by both parties is both
22 probative and relevant. The objections that were made
23 will be taken into consideration and the Court will apply
24 the appropriate weight.

25 Now, to the removability charges. Section

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1 237(a)(4)(C)(i) states that an alien whose presence or
2 activities in the United States, if the Secretary of State
3 has reasonable grounds to believe would have a potentially
4 serious adverse foreign policy consequences for the United
5 States, is deportable. As every, at least every
6 immigration attorney that's here today knows, there is
7 long-standing published case law found at Matter of Ruiz-
8 Massieu, 22 I&N Dec. 833, where the Board has addressed
9 the very issue that we are faced with today. In support
10 of the 237(a)(4)(C)(i) charge of removability, the
11 Department of Homeland Security provided a letter from the
12 Secretary of State. The Board of Immigration Appeals has
13 held that a letter from the Secretary of State conveying
14 the Secretary's determination that an alien's presence in
15 this country would have potentially serious adverse
16 foreign policy consequences for the United States and
17 stating facially reasonable and bona fide reasons for that
18 determination is presumptive and sufficient evidence that
19 the alien is deportable under §237(a)(4)(C)(i) of the Act,
20 and the Department of Homeland Security is not required to
21 present additional evidence of removability.

22 Congress assigned the Secretary of State
23 unilateral judgment regarding adverse foreign policy
24 consequences. And I understand, counsel, that you would
25 like to challenge the authority of the Secretary of State

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1 and his ability to make that determination, but you will
2 need to take that up with Congress. This Court is
3 obligated to apply the laws, as written by Congress, and
4 is without jurisdiction to entertain challenges to the
5 validity of such laws under the Constitution. In the
6 scheme adopted by Congress, the Secretary of State's
7 determination, as outlined in the Immigration and
8 Nationality Act, is equivalent to a duly certified record
9 of criminal conviction by a state or criminal court. The
10 requirements of administrative due process are satisfied
11 once the Respondent is notified that the basis for the
12 charge against him is a determination by the Sec-
13 Secretary of State under the authority granted to him by
14 Congress. There is no indication that Congress
15 contemplated an Immigration Judge, or even the Attorney
16 General, overruling the Secretary of State on a question
17 of foreign policy. That standard of inquiry would
18 entangle the Immigration Court in matters of foreign
19 policy and involve the Court in weighing the importance of
20 various factors related to foreign policy. Such an in-
21 depth examination as we've heard today would well -- would
22 require the Department of Homeland Security to proffer
23 secret or confidential information and expert witnesses.
24 Or, as we've also heard today, could involve a deposition
25 of the Secretary of State, which this Court is neither

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1 inclined nor authorized to do.

2 Despite being urged to do so by the Respondent's
3 counsel, I will not, because I cannot under the laws of
4 the United States, expand the authority delegated to me by
5 the attorney general. That includes authority over
6 powers, functions, and duties expressly assigned to the
7 Secretary of State by Congress in the realm of foreign
8 policy.

9 Today, the Court finds that, based on Exhibit 4
10 of the record, the letter from the Secretary of State
11 explaining his determination that the Respondent's
12 presence here has potentially serious adverse foreign
13 policy consequences for the United States and setting
14 forth his reasons for those conclusions, is facially
15 reasonable and gives bona fide reasons for that
16 determination.

17 Thus, the Department has met its burden to
18 establish removability by clear and convincing evidence
19 that the Respondent is removable under §237(a)(4)(C)(i) of
20 the Act, as charged in the notice to appear, and the Court
21 will sustain that charge of removability.

22 The additional charge of removability under
23 §237(a)(1)(A) will be held in abeyance. The parties have
24 submitted evidence today and the parties are hereby
25 ordered, all parties are hereby ordered to submit any

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1 additional evidence related to that charge on or before
2 April 23, 2025.

3 The Respondent is also hereby ordered to submit
4 any and all applications for relief from removal on or
5 before April 23, 2025. Any relief applications not filed
6 on or before April 23, 2025, the deadline the Court is
7 setting for relief applications, will be deemed abandoned
8 and the Court will issue an order of removal to Syria or
9 Algeria, in the alternative.

10 That's the decision of the Court today. We are
11 adjourned.

12 MR. VAN DER HOUT: Your Honor, can I just ask?
13 The last part of your ruling, you said that you're holding
14 in abeyance the charge under, the second charge under
15 §237(a)(1)(A).

16 JUDGE COMANS: That's correct.

17 MR. VAN DER HOUT: So, that's being held in
18 abeyance to allow submission of additional documents? Or
19 what's the next hearing we're having on this?

20 JUDGE COMANS: Additional documents and
21 arguments. So, the order of the Court was for any
22 additional evidence that would be rebuttal to the evidence
23 that was submitted today by either party. So, all
24 evidence, and any arguments or briefs that the parties
25 would like to make will be due on or before April 23,

PROCEEDINGS

1 2025. And the Court will hold that charge of removability
2 in abeyance until I have all of the evidence and arguments
3 and I have had, myself, an opportunity to review all of
4 the evidence and arguments.

5 MR. VAN DER HOUT: So, Your Honor, as, as to
6 that -- and you said it's April 23rd for both? I thought
7 I heard April 25, but it's April 23rd for both?

8 JUDGE COMANS: April 23, 2025, is the deadline
9 for everything, Mr. Van Der Hout.

10 MR. VAN DER HOUT: Everything. Okay.

11 JUDGE COMANS: I want your evidence on the
12 §237(a)(1)(A) charge and any applications for relief from
13 removal that your client intends to seek.

14 MR. VAN DER HOUT: Well, Your Honor, on that,
15 since there hasn't been a finding of removability on the
16 second charge, I don't think it's appropriate at this
17 point in time to be filing applications for relief
18 regarding that, because you haven't made a final --

19 JUDGE COMANS: Well, Mr. Van Der Hout, the Court
20 disagrees with you, and that's the order of the Court.
21 The Court has made a finding, that your client is
22 removable. Whether or not he's removable under
23 §237(a)(1)(A), it's irrelevant at this point because the
24 Court has found that he is removable under §237(a)(4)(C).
25 So, the applications for relief from removability are due

PROCEEDINGS

1 on or before April 23, 2025. And that's the ruling of the
2 Court.

3 MR. VAN DER HOUT: So the -- and, Your Honor, so
4 just so I'm clear. You, you want a, if we were to assert
5 that he's eligible for a waiver under §237(a)(1)(H) for
6 the §237(a)(1)(C) charge, but you haven't found that yet,
7 it seems you should make a ruling on that before we're
8 required to submit a waiver for something you haven't even
9 found him removable on.

10 JUDGE COMANS: Is there a waiver for the
11 §237(a)(4)(C) charge, Mr. Van Der Hout? Let me answer it
12 for you. No, there's not. And, and the Court has ruled
13 that --

14 MR. VAN DER HOUT: Well, there's a waiver --

15 JUDGE COMANS: -- your client is removable under
16 §237(a)(4)(C).

17 MR. VAN DER HOUT: Okay. So, in other words,
18 Your Honor, am I understanding you correctly that
19 regardless of your finding under the second charge, even
20 if you found him removable on the second charge, your, the
21 Court's position would be that he's not eligible for any
22 waiver, including the §237(a)(1)(H). Is that correct?
23 Because --

24 [CROSSTALK] [01:42:19]

25 JUDGE COMANS: Well, Mr. Van Der Hout, you're

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1 his attorney. That's for you to determine. You can make
2 the argument and you can submit the application if you'd
3 like. The Court is not here to make that determination
4 today. We were here for the sole purpose of determining
5 removability on the two charges. One has been sustained,
6 the other has been held in abeyance. Anything else is,
7 we're not doing that today, so.

8 MR. VAN DER HOUT: Okay. Well, we'll, we'll
9 address that, Your Honor. Just to be clear, though, since
10 I understand where the Court is going with this, we'll
11 submit perhaps an application stating we want an
12 application for §237(a)(1)(H). I understand the Court's
13 legal position is it's irrelevant because --

14 JUDGE COMANS: It's irrelevant, correct.

15 MR. VAN DER HOUT: Yeah. And, so, we won't
16 spend the time and energy at this point in time in
17 litigating the waiver issue, because you're saying he's
18 not eligible for that waiver. So, I understand that, Your
19 Honor.

20 JUDGE COMANS: I didn't say he wasn't eligible
21 for the waiver, because I haven't determined if he's
22 removable under the §237(a)(1)(A) charge. The only thing
23 that the Court found today is exactly what I just read to
24 you, Mr. Van Der Hout, that he's removable under
25 §237(a)(4)(C), and that applications for relief from

PROCEEDINGS

1 removability are due April 23, 2025. I, I can't --

2 MR. VAN DER HOUT: Okay.

3 JUDGE COMANS: I mean, I've said it three times
4 now.

5 MR. VAN DER HOUT: The remov-, so the
6 application for removabil-, I just want to be clear. You
7 want anything submitted for relief on the ground that you
8 found him removable on at this point. Is that right?

9 JUDGE COMANS: That is correct.

10 MR. VAN DER HOUT: Okay, okay, I got it.

11 JUDGE COMANS: Alright. Alright. If there is
12 nothing further, then we'll be adjourned.

13 MR. MAHMOUD KHALIL: Can I address the Court,
14 Your Honor, on the record?

15 JUDGE COMANS: Yes, Mr. Khalil, go ahead.

16 MR. KHALIL: Thank you so much. And I would
17 like to quote what you said last time, when you said there
18 is nothing that's more important to this Court than Mr.
19 Khalil's due process rights and fundamental fairness.

20 Clearly, what we, what we witnessed today,
21 neither of these principles were present today, or in the
22 whole process, to be honest. And this is exactly why the
23 Trump Administration has sent me to this court 1,000 miles
24 away from my family. I just wish that the urgency that
25 you, you deemed fit is actually afforded to the hundreds

PROCEEDINGS

1 of people here without court, who have been here for
2 months without any court hearing. Thank you.

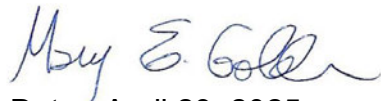
3 JUDGE COMANS: Thank you, Mr. Khalil. We're
4 adjourned.

5 (PROCEEDING CONCLUDED)

CERTIFICATE

I, Mary E. Golden, certify that the foregoing transcript of the proceeding in the matter of Mahmoud Khalil, Case No. [REDACTED] was prepared using the required transcription equipment and is a true and accurate record of the proceedings to the best of my ability. I further certify that I am not connected by blood, marriage or employment with any of the parties herein nor interested directly or indirectly in the matter transcribed.

Signature:



Date: April 29, 2025

TAB B

DECLARATION OF OONA CAHILL

I, Oona Cahill, under penalty of perjury, declare as follows:

1. I am an attorney at Van Der Hout LLP, which is located at 360 Post St., Suite 800, San Francisco, California 94108. I have personal knowledge of the matters stated herein because I am an attorney for Mahmoud Khalil and was present at Mr. Khalil's Individual Calendar Hearing (ICH) on May 22, 2025.
2. I have listened to the Digital Audio Recording (DAR) of Mr. Khalil's ICH on May 22, 2025 obtained from the LaSalle Immigration Court. The below is a true and accurate transcription of the relevant audio portion beginning approximately 3 minutes and thirty seconds before the end of the audio recording.
3. Mr. Van Der Hout: ...if there is an appeal and if the first charge is not sustained on appeal or whatever happens in district court means it can't be going forward-

Judge Comans: Just to be sure we're clear, when we're talking about the first charge, we're talking about the charge that the Court sustained.

Mr. Van Der Hout: 237(a)(4)(C).

Judge Comans: Okay I just want to be sure we're talking about the same charge.

Mr. Van Der Hout: Well, right, and then there was the first and then there was an additional charge eight days later--

Judge Comans: The fraud charge, okay.

Mr. Van Der Hout: If the first charge, the 237(a)(4)(C) is not ultimately sustained if there is an appeal and if the Court were to find that the additional charge sustained which we don't think the record would support but that will be decided by the Court after closing arguments are submitted, there might be the possibility of a necessity for the 237(a)(1)(H) waiver which we said we would do and reserve and so you said the record's closed but we just want to be clear that if those two ifs happen and there is a finding only of removability and its only on the additional charge, that's on the 261, then we would want to preserve our right to come back to Court and eventually file, or not file, but submit evidence on the hearing on the waiver, 237(a)(1)(H). We know that's premature now because the Court hasn't ruled on that but we're stating that so the record's clear.

Judge Comans: I understand Mr. Van Der Hout, it is a lot of ifs and a lot of speculation in there, I think, well, I don't think, I do understand exactly what you're saying, and of

course, in the event that something like that occurred there's always the opportunity and I'm quite certain that you and Mr. Sinodis will send many motions to that effect to let me know that we need to come back to Court, I have no doubt. For the record, we were still looking and doing some research and I did want to hear from Mr. Khalil today with regard to the additional allegations. The one allegation number 7 I already stated several times the Court found there was not sufficient evidence to sustain that allegation but there were still questions that I think you did a very good job covering today and I will include a decision on that fraud removability charge in the written decision no matter what that decision ends up being, we'll address that.

I declare under penalty of perjury that the foregoing is a true and correct description of the audio recording I reviewed.

Executed this 14th day of July 2025 in Oakland, California.



Oona Cahill
Declarant

CERTIFICATE OF SERVICE

On July 15, 2025, I, Johnny Sinodis, caused the enclosed document to be served on the U.S. Department of Homeland Security via the EOIR Courts and Appeals System (ECAS). This document was electronically filed through ECAS and both parties are participating in ECAS. Therefore, there is no separate service completed.

Executed this 15th day of July 2025.



EXHIBIT C



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LASALLE IMMIGRATION COURT**

Respondent Name:

KHALIL, MAHMOUD

To:

Van Der Hout, Marc
360 Post Street
Suite 800
San Francisco, CA 94108

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

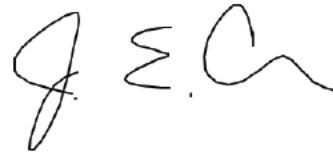
07/16/2025

ORDER OF THE IMMIGRATION JUDGE

☒ Respondent ☐ the Department of Homeland Security has filed a motion to reconsider.

Upon consideration of the motion, and any opposition from the non-moving party, the motion is
☐ granted ☒ denied for the following reason(s):

- ☐ The motion is numerically barred. *See* INA § 240(c)(6)(A); 8 C.F.R. § 1003.23(b)(1).
- ☐ The motion is untimely. *See* INA § 240(c)(6)(B); 8 C.F.R. § 1003.23(b)(1).
- ☒ The motion does not specify errors of law or fact in the previous order or is not supported by pertinent authority. *See* INA § 240(c)(6)(C); 8 C.F.R. § 1003.23(b)(2).
- ☐ Other:



Immigration Judge: COMANS, JAMEE 07/16/2025

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS
Respondent Name : KHALIL, MAHMOUD | A-Number : [REDACTED]

Riders:

Date: 07/16/2025 By: TAYLOR, ERIN, Court Staff

Exhibit 2

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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; Yolanda PITTMAN, in her official capacity as Warden of Elizabeth Contract Detention Facility; 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-01963

(MEF-MAH)

**DECLARATION OF
MAHMOUD KHALIL**

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

1. I am the Petitioner-Plaintiff in this action.
2. I submit this declaration as a supplement to my previous declarations in this matter dated June 4, 2025 and July 9, 2025 describing the ongoing, irreparable harms I am suffering as a result of the U.S. government's continued retaliation against me for engaging in speech that is supposed to be protected by the First Amendment (ECF 284-1, ECF 345-4)¹, and even supposed to be entitled to "special protection." (ECF 299 at 6 n. 5).
3. Despite this Court's June 11 ruling—which found that the government's use of the Foreign Policy Ground (FPG) charge against me, through the Rubio Determination, was likely unconstitutional; despite its finding that the Rubio Determination is causing me serious and irreparable harm, including to my speech, reputation, and professional career; and despite

¹ I also submitted a declaration in this matter on March 17, 2025 (ECF 73-1) wherein I described my arrest, detention, and transfer to Louisiana on March 8 and March 9.

this Court having preliminarily enjoined the government from continuing to rely on the FPG charge in its attempts to remove me from the country—the government has persisted in doing exactly that.

4. As I write this declaration, the Rubio Determination continues to hang over me—just as it has for the past 130 days since my arrest on March 8, 2025. Because of this, I continue to suffer the harms described in my previous declarations. As long as the FPG charge remains, and the government continues to rely on it in my immigration proceedings, the Rubio Determination will continue to cast a shadow over my life, causing ongoing and irreparable harm.
5. As it relates to my speech: even now, while I feel compelled to continue speaking out against the ongoing genocide of the Palestinian people and broader systemic injustices, I know that any expressive activity I undertake carries the risk of further punishment or surveillance. Because of the government’s retaliatory actions against me (including the FPG charge based on the Rubio Determination), whenever I speak, write, or protest, I do so under the heavy weight of fear that my protected expression will be mischaracterized, used against me, or taken as further evidence of wrongdoing. As I have stated in previous declarations, I remain in a constant state of hypervigilance. I censor myself before speaking on some topics that might provoke the administration further and result in yet another Rubio Determination or some other form of retaliatory action by the U.S. government, disguised as a pretextual immigration charge. I double- and triple-check everything I say or write because it is impossible for me to know which protected expression the U.S. government believes is the basis for my arrest and exile, and what is not.
6. And as I have previously stated, I have seen the chilling effect that the government’s attempts to remove me from this country because of my speech has had on others in my community of people who are pursuing justice and safety for Palestinians. Even as I try to encourage others to also keep speaking out against injustice, as I also feel compelled to do, I’m aware of the limits of that encouragement. How can any non-citizen feel truly safe when even I, whose case is so clearly retaliatory, still face real risk of detention and deportation? I see fear in members of my community who want to speak but hold back. The chilling effect and the message that I and so many others are internalizing from the government’s successful actions against me so far is clear: speaking out against Israel, this administration, or in support of Palestinian lives can cost you your future in this country.
7. The irreparable relational, reputational, and career-related harms persist as long as the FPG charge and the underlying Rubio Determination are in effect. I continue to be labeled a risk to U.S. foreign policy, just as I was on June 4, 2025 (ECF 284-1). So, the career-ending damage to my employment prospects and the serious long-term career harm caused by the Rubio Determination remains in place as I am still unable to pursue my career in diplomacy and international affairs. Relationally, people in my life continue to seek to distance themselves from me and my family (including my wife and infant son, who are both U.S. Citizens), out of concern for their own reputation, safety, and fear of being the target of the next Rubio Determination. And reputationally, the government’s inflammatory language, false accusations, and open celebration of my deportation (see ECF 281-1 ¶ 10) have only

intensified (*see* ECF 345-4 ¶ 11), emboldened by its ongoing reliance on the now-sustained FPG charge.

8. Beyond the ongoing irreparable harms I've already described, there are also new compounding harms that come from being forced to continue defending against the FPG charge before the Board of Immigration Appeals (BIA), even though this Court has found that the charge is likely unconstitutional as applied to me. It is difficult for me to reconcile how, in a country that claims to uphold democracy, the rule of law, and fairness, I must still fight an unlawful charge that, had the government complied with this Court's Order, would not even be before the BIA.
9. Because of this, my attorneys must now spend limited time and resources litigating a charge that should no longer exist, rather than focusing on other critical aspects of my case. This diverts energy, costs money, and increases the emotional toll on me and those supporting my defense.
10. I am also keenly aware that the BIA is bound by precedent regarding the FPG charge. I understand that, based on existing case law, the BIA has little choice but to rubber-stamp the IJ's decision sustaining that charge. This means I will likely receive a removal order very soon. In fact, as the IJ stated at my immigration court hearing, whatever happens in immigration proceedings with the Post-Hoc charge is essentially "irrelevant" since I am already removable under the FPG charge. On top of that, I understand that it is very rare for the Fifth Circuit to issue a stay of removal. That all terrifies me and I am deeply afraid of what it means for my future in this country, and for my safety more broadly.
11. Just because this Court has issued an order stating that I "shall not be removed from the United States, unless and until" it orders otherwise (ECF 81), does not guarantee that I will not, in fact, be removed once there is a final removal order. This Court has already prohibited the government from relying on the FPG charge, and yet, for the past 26 days, it has continued to do exactly that. Just as quickly and aggressively the government moved to arrest, detain, and make an example out of me for exercising my right to free speech, I am certain it will move just as quickly to remove me the moment I have a removal order. And beyond my own case, I have seen how swiftly this administration acts, defying federal court orders² to advance its anti-immigrant agenda, and deport noncitizens with terrifying speed.
12. Even if the government does not immediately defy this Court's ECF 81 order and quickly deport me, the issuance of a removal order, which strips me of my lawful permanent resident (LPR) status, is itself deeply and irreparably harmful. For example, once I lose my LPR status, I will no longer be legally authorized to work in the United States and I lose all prospects of being able to successfully submit a U.S. citizenship application in the future.

² Maria Sacchetti, *Judge says Trump administration violated court order with South Sudan deportations*, The Washington Post (May 21, 2025) available at <https://www.washingtonpost.com/immigration/2025/05/21/trump-south-sudan-deportations-judge/>; Josh Gersten, *He was protected from deportation by a legal settlement. Trump deported him anyway*, Politico (May 5, 2025) available at <https://www.politico.com/news/2025/05/05/daniel-lozano-camargo-el-salvador-deportation-00330300>.

Executed on July 16, 2025
New York, New York

Salimou Khali

Mahmoud Khalil

Exhibit 3

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Mahmoud KHALIL,

Petitioner,

v.

No. 25 Civ. 1963

Donald J. TRUMP, *et al.*,

Respondents.

DECLARATION OF KERRY E. DOYLE

I, KERRY E. DOYLE, hereby declare and state:

1. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated, and, if called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind to declare to the facts stated herein.

2. I am currently Of Counsel with Green and Spiegel, LLC, an immigration firm based in Philadelphia, Pennsylvania. I graduated *cum laude* from American University, Washington College of Law with a J.D. and The George Washington University with a B.A. in Political Science. I am a member of the Commonwealth of Massachusetts Bar, the Supreme Court Bar and the bars of Several Federal Courts of Appeals and U.S. District Courts.

3. I served as Principal Legal Advisor (PLA), for Immigration Customs Enforcement (ICE) from September 2021 through September 2024. In that role, I oversaw the more than 1,500 attorneys and staff who work for the Office of the Principal Legal Advisor (OPLA) across the country. As PLA, I was responsible for establishing the direction and priorities of our office in alignment with the Office of General Counsel (OGC), ICE, and DHS leadership. During that time, I also served on detail as Acting Deputy General Counsel, Office of General Counsel (OGC), Department of Homeland Security (DHS) from February 2024 through May 2024 and in September 2024 and as Deputy General Counsel from October 2024 through December 2024. I

was appointed as an Immigration Judge and served in that position from mid-December 2024 through mid-February 2025.

4. In private practice, I have represented many hundreds, if not thousands, of noncitizens in removal proceedings. I am a recognized expert in complex immigration issues, including immigration court removal proceedings. I have been a frequent speaker at immigration conferences and national lawyer trainings, including previously recurring trainings co-hosted by the Boston Immigration Court (part of the Executive Office for Immigration Review (EOIR)) and the New England Chapter of the American Immigration Lawyers Association, with a specific focus on training pro-bono attorneys volunteering to represent noncitizens in immigration bond hearings. I have been recognized as an expert witness on immigration law topics before both state and federal courts. In light of my expertise, while in private practice, I was selected by the Immigration Court to represent detained individuals who have been deemed incompetent through the National Qualified Representative Program. In the past, I worked closely with the Massachusetts Immigrant and Refugee Advocacy Coalition and the Massachusetts Law Reform Institute providing technical assistance and public testimony on various immigration-related policy issues before the state legislature and the Boston City Council. More recently, I have testified before the Federal Law Enforcement subcommittee of the Government Oversight Committee in the U.S. House of Representatives.

5. I am providing this declaration in my personal capacity. The opinions herein should not be construed to represent the position of DHS or any components therein, the Department of Justice, or Green and Spiegel, LLC. Moreover, while the views I express herein are generally based on my over twenty-five years of immigration law practice, including extensive experience in both private practice and government service, no part of this declaration includes, references, reflects, draws upon, confirms, or denies privileged, confidential, deliberative, sensitive, or classified

information.

6. As I have previously stated in a prior declaration, I have reviewed Mahmoud Khalil's Third Amended Petition for Writ of Habeas Corpus and Complaint, ECF 236 ("Petition"). I also reviewed the Decision and Order of the Immigration Judge dated June 20, 2025, ECF 333, the Declaration of Johnny Sinodis, ECF 284-3, and the transcript of the status conference held on July 7, 2025 before Judge Michael E. Farbiarz in the United States District Court for the District of New Jersey, ECF 340. I have also reviewed the Order of the Immigration Judge dated June 27, 2025 and the Order dated July 16, 2025. While I do not represent Mr. Khalil and I have no first-hand knowledge of the facts from this case, I understand from the Petition that Mr. Khalil was confined at the Central Louisiana ICE Detention Facility in Jena, Louisiana. I also understand from the Petition that Mr. Khalil has never been convicted of a crime nor arrested (prior to his apprehension by ICE on March 8, 2025).

7. I understand that Mr. Khalil was placed in removal proceedings and has been charged with two grounds of removability, one of which (8 U.S.C. § 1227(a)(4)(C)) has been enjoined by the federal district court. I understand that, a few hours after the federal district court's injunction went into effect, DHS informed Mr. Khalil's counsel and the federal district court that it was now detaining Mr. Khalil solely on the basis of the other charged ground of inadmissibility (8 U.S.C. § 1227(a)(1)(A), on the basis of 8 U.S.C. § 1182(a)(6)(C)(1)), specifically, willful misrepresentation of a material fact based on allegedly missing information from an immigration application.

8. There are usually two phases to removal proceedings. The first phase involves establishing that a non-citizen is removable. In this part of removal proceedings, the burden is on the Department of Homeland Security (the "Department") to prove removability by clear and convincing evidence. 8 C.F.R. § 1240.08(a).

9. If the Department brings multiple charges of removability against a non-citizen, an Immigration Judge may proceed to a finding on one or all of the removability charges. An Immigration Judge may choose to do this for efficiency's sake. For example, if one of the charges in the Notice to Appear is that the non-citizen has been convicted of an aggravated felony, 8 U.S.C. § 1227(a)(2)(A)(iii), an Immigration Judge may make a finding as to only this charge. This is because an individual who is removable for having been convicted of an aggravated felony at any time after admission is barred from most forms of relief from removal. In cases where the Department brings multiple charges against an individual, if the Immigration Judge does not sustain one of the charges, she will proceed to consideration of the other removability charges.

10. If an Immigration Judge determines that a non-citizen is removable as charged, then the second phase begins. In that second phase, commonly known as the "relief" phase, the non-citizen may apply for relief from removal. It is only after a finding of removability is sustained that an Immigration Judge will ask a non-citizen in removal proceedings what form(s) of relief from removal she may seek. The Immigration Judge then will set filing deadlines and a hearing date at which the non-citizen's application(s) for relief from removal will be considered. The burden is on the non-citizen to establish eligibility for relief from removal. 8 C.F.R. § 1240.08(d).

11. Not all non-citizens are eligible for all forms of relief from removal. More common forms of relief from removal include: asylum, withholding of removal, cancellation of removal for non-lawful permanent residents, cancellation of removal for lawful permanent residents, and adjustment of status.

12. Additional forms of relief from removal include waivers of certain grounds of inadmissibility and/or deportability. Some of the removability grounds incorporate the separate inadmissibility provisions by reference. *See, e.g.*, 8 U.S.C §§ 1227(a)(4)(B) (referring to 8 U.S.C. § 1182(a)(3)(B)), 1227(a)(2)(F) (referring to 8 U.S.C. § 1182(a)(2)(H)). The grounds of

inadmissibility apply to applicants for admission, either at a port of entry, in visa application proceedings, or in applications to adjust status to that of a permanent resident.

13. If an Immigration Judge sustains a charge of removability, she must consider all forms of relief that the non-citizen has sought as to that charge of removability, unless the non-citizen is statutorily barred from such relief.

14. The type of removability charges will affect what form of relief from removal an individual may seek, if the removability charges are sustained.

15. It is only after an Immigration Judge has sustained removability charge(s), permitted the non-citizen to apply for all forms of relief for which he is eligible, considered those applications including all evidence and testimony and determined that relief from removal should be denied that a non-citizen is subject to an administrative order of removal.

16. In this matter, the Department first charged Mr. Khalil with removability under 8 U.S.C. § 1227(a)(4)(C) (the Foreign Policy Ground), and then later, 8 U.S.C. § 1227(a)(1)(A) (alleging omissions on Mr. Khalil's permanent resident status application).

17. Based on my experience and understanding of the matter at hand, Mr. Khalil could seek asylum, withholding of removal, or protection under the Convention Against Torture as relief from removal on the Foreign Policy Ground.

18. Based on my experience and understanding of the matter at hand, Mr. Khalil could seek relief from removal on the 8 U.S.C. § 1227(a)(1)(A) charge through either (1) a waiver via 8 U.S.C. § 1227(a)(1)(H); or, as a secondary claim, (2) asylum, withholding, or protection under the Convention Against Torture. The waiver at § 1227(a)(1)(H) would not provide Mr. Khalil relief from removal if he were only charged under the Foreign Policy Ground.

19. Eligibility for the 1227(a)(1)(H) waiver depends on: (1) a finding of removability under §1227(a)(1); (2) that the non-citizen must be the "spouse, parent, son or daughter" of a U.S.

citizen or lawful permanent resident; and (3) the non-citizen was otherwise admissible to the United States at the time of adjustment of status to lawful permanent residency but for the fraud and/or misrepresentation finding.

20. Not all non-citizens charged under § 1227(a)(1)(A) will be eligible for the 1227(a)(1)(H) waiver. For example, a specific non-citizen may not be the spouse, parent, or child of a U.S. citizen or lawful permanent resident, or there may be another inadmissibility issue dating to the time of adjustment to lawful permanent resident status other than the fraud charges that may be waived under 1227(a)(1)(H).

21. It is my understanding that Mr. Khalil is eligible for the § 1227(a)(1)(H) waiver and notified the Court of his intent to seek the waiver if the 8 U.S.C. § 1127(a)(1)(A) charge were sustained.

22. In a case involving solely a charge on 8 U.S.C. § 1227(a)(1)(A), the Immigration Judge may set deadlines and an evidentiary hearing first *solely* as to the 1227(a)(1)(H) waiver, even if the non citizen has indicated intent to apply for other forms of relief. If the Immigration Judge denies the 1227(a)(1)(H) waiver, she would set further deadlines and a hearing date on any other form of relief the non-citizen indicated an intent to seek. An Immigration Judge must allow a non-citizen to present requests for relief from removal for which she is eligible.

23. The process for seeking this particular waiver does not involve the filing of any form or the paying of a fee. I have personally and successfully represented a number of individuals requesting a waiver under this section of the immigration law before the immigration court. There is no form associated with a waiver pursuant to 8 U.S.C. § 1227(a)(1)(H), as opposed to any number of other waivers in immigration law that do require either a Form I-601 or another specific immigration form. Instead, a person indicates their eligibility to apply for a 1227(a)(1)(H) fraud waiver by noting eligibility for the waiver to the immigration court if DHS has included the

requisite fraud charge in the Notice to Appear making a 1227(a)(1)(H) fraud waiver necessary to obtain relief. Once the immigration court finds that the charge of 8 U.S.C. § 1227(a)(1)(A) is sustained, the immigration court would schedule an evidentiary hearing and a call-up date to file supportive documentation in relation to any applications or eligibility for relief including for a 1227(a)(1)(H) fraud waiver. The immigration court then decides, after an individual or merits hearing on the requested relief, whether to grant the (a)(1)(H) fraud waiver, thus cancelling the noncitizen's removal.

24. I understand that the District Court has enjoined the original Foreign Policy Ground of removability. I would take that to mean that the only charge that the Immigration Judge may consider against Mr. Khalil is the 8 U.S.C. §1227(a)(1)(A) charge.

25. I understand from the materials that I have reviewed that the Immigration Judge sustained this charge.

26. The Immigration Judge's June 20, 2025 Decision and Order sustaining two counts of the misrepresentation charge under 8 U.S.C. § 1227(a)(1)(A) against Mr. Khalil appears highly unusual, particularly given the scant nature of the evidence presented against him to support the charge, that DHS neither cross examined Mr. Khalil's testimony addressing these allegations during his hearing before the Immigration Judge, nor raised any argument in support of those allegations in their closing written brief. Additionally, Mr. Khalil was not put under oath and interviewed by the United States Citizenship and Immigration Services before his application for lawful permanent resident status was granted, which significantly weakens the argument that any information on the I-485 Application to Register Permanent Residence or Adjust Status can be the basis for a fraud or removability finding. This is particularly true as the form is complicated and confusing to the noncitizens completing the form.

27. I understand that in her Decision and Order dated June 20, 2025, the Immigration

Judge did not address Mr. Khalil's request for a 1227(a)(1)(H) waiver if the 1227(a)(1)(A) charge was sustained. I have reviewed Orders from June 27, 2025 and July 16, 2025 from the Immigration Judge, refusing to reconsider her ruling on the Foreign Policy Ground, despite this Court's injunction. I am also aware that on July 16, 2025, the Immigration Judge refused to set a hearing for Mr. Khalil to seek a §1227(a)(1)(H) waiver. This is highly unusual given that the Immigration Judge sustained a finding on the § 1227(a)(1)(A) charge.

28. I can only surmise that the Immigration Judge determined that because she has sustained and continues to apply the Foreign Policy Ground (8 U.S.C. § 1227(a)(4)(C)) to Mr. Khalil, that she is not required to consider the waiver because the waiver does not provide relief from removal under the Foreign Policy Ground. I cannot think of any other reason why the Immigration Judge would have denied an evidentiary hearing following a finding that Mr. Khalil is removable under 8 U.S.C. § 1227(a)(1)(A) and his request to apply for a 1227(a)(1)(H) waiver.

29. In the normal course, as the spouse of a U.S. citizen, and the father of a U.S. citizen child, without any criminal history, or other history of immigration violations, Mr. Khalil would be an excellent candidate for the 1227(a)(1)(H) waiver. While Immigration Judges may consider other positive and negative discretionary factors in considering waiver applications, most lawful permanent residents with a U.S. citizen spouse and/or child, who were not otherwise inadmissible at time of adjustment to lawful permanent resident status will be granted the waiver, particularly for such a minor type of alleged fraud. In the normal course, given my experience, Mr. Khalil would almost certainly be granted the waiver after a hearing.

30. If the Immigration Judge's decision as to the sustaining of the Foreign Policy Ground is not vacated, and Mr. Khalil is not permitted to seek a waiver before July 20, 2025, and his attorneys timely file a Notice of Appeal with the Board of Immigration Appeals, Mr. Khalil runs the risk that he will soon lose his permanent resident status, without having had a meaningful

opportunity to seek relief from removal that he is eligible for and that he is entitled to seek.

31. In any proceedings on appeal, the Board of Immigration Appeals (BIA) will only consider the record below that formed the basis of the June 20, 2025 Decision and Order of the Immigration Judge, meaning the BIA will only consider the Immigration's findings: (1) sustaining the Foreign Policy Ground; (2) sustaining the § 1227(a)(1)(A) charge (related to his permanent resident status application); (3) barring him from asylum; and (4) otherwise denying his application for asylum.

32. The BIA will also be bound by its precedent as to application of the Foreign Policy Ground. *See Matter of Ruiz Massieu*, 22 I. & N. Dec. 833 (BIA 1999). The BIA is precedent bound, absent further order, to uphold the Foreign Policy Ground of removal as to Mr. Khalil.

33. If, however, the IJ were to set a hearing and issue a decision on the waiver, Mr. Khalil would also be able to appeal any negative determination to the BIA.

34. Without further action from the Immigration Judge, Mr. Khalil will be forced to litigate a very different appeal before the BIA, than if the Immigration Judge were to vacate her order on the Foreign Policy Ground and set a hearing on the waiver and issue a decision on the waiver. If the Immigration Judge were to cease reliance on the Foreign Policy Ground, set a hearing, and grant the waiver, Mr. Khalil would not need to appeal any order at all.

35. If the BIA upholds the § 1227(a)(1)(A) charge but no waiver has been considered, as is currently contemplated given that the Immigration Judge refused to set a hearing, then Mr. Khalil will be subject to a final order of removal and will be considered to have lost his permanent resident status.

36. The Immigration Judge's failure to reconsider upholding the Foreign Policy Ground of removal and her failure to consider Mr. Khalil's request for a waiver therefore puts him at risk of losing his permanent resident status, without having had a meaningful opportunity to

seek protection from such a result.

37. Even if effectuation of the removal order were stayed, loss of permanent resident status would mean that Mr. Khalil no longer has authorization to work in the United States, and he cannot seek employment or work without proof thereof.

38. Fundamentally, Mr. Khalil will no longer have proof of lawful status in the United States. Given my experience representing non-citizens, I am aware that lacking proof of lawful status can negatively affect an individual's ability to conduct and complete otherwise routine transactions.

39. I am also aware that Mr. Khalil's removal proceedings were venued within the Fifth Circuit. If the BIA dismisses any appeal of his, I am generally aware that the Fifth Circuit is unlikely to grant him a stay of removal while he pursues a Petition for Review.

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

DATED: July 16, 2025

/s/ Kerry E. Doyle

KERRY E. DOYLE

Exhibit 4

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Mahmoud KHALIL,

Petitioner,

v.

Donald J. TRUMP, et al.,

Respondents.

Case No. 25-cv-01963
(MEF-MAH)

**THIRD DECLARATION
OF STACY TOLCHIN**

I, Stacy Tolchin, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge.

1. I am an attorney licensed to practice law before the State of California. I have been practicing immigration law since 2002. This document supplements my previously submitted declarations dated June 4, 2025, and June 18, 2025.
2. I provide this declaration in response to the Court's order issued on July 16, 2025.
3. In Immigration Court, there are typically two phases under which a removal case proceeds. The first phase is colloquially referred to as the "removability phase," where the Immigration Judge determines whether, as a preliminary matter, the noncitizen is removable from the United States per charges lodged by the U.S. Department of Homeland Security (DHS) under 8 U.S.C. §§ 1227 or 1182. Once removability is determined, the case proceeds to what is known as the "relief stage," where the noncitizen informs the Immigration Judge that they intend to pursue "relief" from the finding of removability and an evidentiary hearing is scheduled on the noncitizen's application for relief.
4. In this case, DHS first charged Petitioner with removability under 8 U.S.C. § 1227(a)(4)(C) and later added a new charge of removability under 8 U.S.C. § 1227(a)(1)(A).
5. My understanding is that, in Petitioner's case, the Immigration Judge made an interim finding of removability under 8 U.S.C. § 1227(a)(4)(C) on April 11, 2025, and held in abeyance DHS's second charge of removability under 8 U.S.C. §

1227(a)(1)(A). The Immigration Judge then conducted an evidentiary hearing as to his applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT) on May 22, 2025. About a month later, on June 20, 2025, the Immigration Judge denied Petitioner’s applications for asylum, withholding of removal, and protection under the CAT. In that decision, the Immigration Judge also—for the first time—found Petitioner removable pursuant to DHS’s second charge, 8 U.S.C. § 1227(a)(1)(A). I also understand that, after June 20, Petitioner has filed two motions asking the Immigration Judge to reconsider her decision, but she has denied both motions, thereby declining to provide Petitioner an evidentiary hearing on a waiver under 8 U.S.C. § 1227(a)(1)(H).

6. Lawful permanent residents in Petitioner’s circumstances who are found removable under 8 U.S.C. § 1227(a)(1)(A)—for having been inadmissible at the time that they adjusted status to a lawful permanent resident—are eligible to seek a waiver pursuant to 8 U.S.C. § 1227(a)(1)(H) if they were: (1) inadmissible at the time of adjustment for fraud or misrepresentation under 8 U.S.C. § 1182(a)(6)(C)(i); (2) are “the spouse, parent, son, or daughter” of a U.S. citizen or lawful permanent resident; and (3) were otherwise admissible to the United States when they obtained lawful permanent residency but for the fraud and/or misrepresentation finding.
7. In order to pursue a waiver under 8 U.S.C. § 1227(a)(1)(H), a lawful permanent resident must first be found removable by the Immigration Judge pursuant to 8 U.S.C. § 1227(a)(1)(A). This is the removability phase referenced above at paragraph 3. Prior to a finding of removability under 8 U.S.C. § 1227(a)(1)(A), the individual cannot pursue a § 1227(a)(1)(H) waiver because there would be nothing to “waive.”
8. Once the noncitizen is found removable under 8 U.S.C. § 1227(a)(1)(A), they should inform the Immigration Judge that they will be applying for a § 1227(a)(1)(H) waiver. This is the relief phase referenced above at paragraph 3. The noncitizen can do that by either informing the Immigration Judge on the record during a hearing that they wish to seek a waiver or they can do that in writing.
9. Importantly, unlike other types of relief in immigration court, there is no actual form or application to file with the Immigration Judge when a noncitizen seeks a waiver under 8 U.S.C. § 1227(a)(1)(H).
10. Upon being informed by the noncitizen that they wish to pursue a waiver under 8 U.S.C. § 1227(a)(1)(H), the Immigration Judge must schedule an evidentiary hearing on the waiver. Immigration Judges also typically set a deadline for the submission of documents establishing eligibility for the waiver. The Immigration Judge will subsequently conduct a hearing where the noncitizen is able to put on their evidence, including witness testimony and their own testimony. Following the hearing, the

Immigration Judge will then render their ruling as to the waiver.

11. I am aware that, in Petitioner's case, the Immigration Judge did not schedule an evidentiary hearing for his 8 U.S.C. § 1227(a)(1)(H) waiver after denying Petitioner's applications for asylum, withholding of removal, and protection under the Convention Against Torture, and finding him removable under 8 U.S.C. § 1227(a)(1)(A) on June 20, 2025, even though Petitioner had informed the Immigration Judge, both orally and in writing, of his intention to seek a waiver if he were ever found removable under DHS's second charge, 8 U.S.C. § 1227(a)(1)(A). This is highly unusual and cuts against all immigration court procedure that I have ever known.
12. It appears that the Immigration Judge did not schedule an evidentiary hearing for Petitioner's 8 U.S.C. § 1227(a)(1)(H) waiver because she separately found him removable under 8 U.S.C. § 1227(a)(4)(C) and therefore constructively denied his waiver application. I cannot think of any other reason why the Immigration Judge would not have scheduled an evidentiary hearing following her June 20 order where she found him removable under 8 U.S.C. § 1227(a)(4)(C). Scheduling an evidentiary hearing on the waiver should have been the procedure the Immigration Judge followed, but she did not. Simply put, the Immigration Judge's actions are confusing to me.
13. To reiterate, under normal circumstances, where a noncitizen is found removable under 8 U.S.C. § 1227(a)(1)(A), meet the eligibility criteria set forth above at paragraph 6, and has stated their intention to pursue a § 1227(a)(1)(H) waiver, an evidentiary hearing must be scheduled, as stated above.
14. Furthermore, in an ordinary case where a lawful permanent resident is charged with removability under 8 U.S.C. § 1227(a)(1)(A) only—and not also under 8 U.S.C. § 1227(a)(4)(C)—they would seek a waiver pursuant to 8 U.S.C. § 1227(a)(1)(H) as their primary form of relief. Depending on the circumstances, they could also pursue applications for asylum, withholding of removal, and protection under the Convention Against Torture, but those would be secondary forms of relief to be presented and adjudicated only if the waiver were denied. This is because, if a lawful permanent resident is granted an 8 U.S.C. § 1227(a)(1)(H), they retain their lawful permanent resident status. Whereas, if a lawful permanent resident is granted asylum (or withholding of removal or protection under the Convention Against Torture), that means that they have been stripped of their lawful permanent residency. If granted asylum, the noncitizen would have to wait to accrue a year of physical presence in the United States as an asylee before they could file for lawful permanent residency again. 8 U.S.C. § 1159(a)(1)(B); 8 C.F.R. § 209.2(a)(1).

15. In my experience, if the sole charge of removal against a noncitizen were under 8 U.S.C. § 1227(a)(1)(A), due to what is perceived to be fraud and/or misrepresentation at the time that they adjusted their status, the likelihood of obtaining a waiver under § 1227(a)(1)(H) would be high where the noncitizen has close relationships to U.S. citizen and/or lawful permanent resident family members and they lack any criminal history. This is particularly true in situations where the fraud was not perpetuated in a variety of settings over a number of years and does not stem from what is considered to be a “sham” marriage—one that was entered into only for the purpose of the noncitizen gaining immigration status.
16. Having reviewed documents to prepare my declarations in this matter, and based on what I know of Petitioner’s immigration case, my experience tells me that Petitioner easily would be granted that waiver given his relationship to his U.S. citizen wife and minor U.S. citizen son, as well as his lack of criminal history. I stated that in my June 4 declaration and continue to stand by that assessment. Were Petitioner granted a waiver, his immigration court proceedings would be resolved in his favor.
17. As things currently stand, given that the Immigration Judge has declined to provide Petitioner an evidentiary hearing on a § 1227(a)(1)(H) waiver and continued to rely on the Secretary of State’s Determination to find him removable under § 1227(a)(4)(C), Petitioner will have to appeal the Immigration Judge’s June 20 to the Board of Immigration Appeals and continue to litigate the propriety of that charge despite this Court’s preliminary injunction order. However, the Board of Immigration Appeals would follow *Matter of Ruiz-Massien*, 22 I&N Dec. 833 (BIA 1999), and affirm the Immigration Judge’s finding of removability under 8 U.S.C. § 1227(a)(4)(C). As a result, the Board of Immigration Appeals is unlikely to address the Immigration Judge’s other reasons for denying Petitioner’s applications for asylum, withholding of removal, or protection under the Convention Against Torture because it would not need to. Petitioner would therefore not have a meaningful opportunity to contest the Immigration Judge’s (1) other reasons for denying asylum, withholding of removal, and protection under the Convention Against Torture and (2) finding that he is removable pursuant to DHS’s second charge, 8 U.S.C. § 1227(a)(1)(A).
18. In the event that the Board of Immigration Appeals were to affirm the Immigration Judge’s June 20 order, Petitioner would lose his status as a lawful permanent residency and all the attendant benefits that flow from that status.
19. I have practiced in the Fifth Circuit and it is my understanding that, unlike other circuit courts of appeal, it is exceedingly rare to obtain a stay of removal on a petition for review. Absent a stay of removal, DHS could effectuate Petitioner’s removal from the United States.

Dated: July 16, 2025
Pasadena, CA

Signed:



STACY TOLCHIN

Exhibit 5

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Mahmoud KHALIL,

Petitioner,

v.

Donald J. TRUMP, et al.,

Respondents

Case No. 25-cv-01963

(MEF-MAH)

DECLARATION OF IRA J. KURZBAN

I, Ira J. Kurzban, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge:

1. I am an immigration practitioner and have been a partner in the law firm of Kurzban, Kurzban, Tetzeli, & Pratt P.A. of Coral Gables, Florida for over four decades, and serve as chair of the firm's immigration department.
2. Since 1977, I have been active in all aspects of immigration law. I and the attorneys I supervise regularly practice in immigration courts across the country, as well as in federal courts in immigration-related matters.
3. I am the author of *Kurzban's Immigration Law Sourcebook*, one of the most widely used immigration-law secondary sources in the United States. The book is in its Nineteenth Edition (2024) and is regularly cited by federal courts. *See, e.g., Al Otro Lado v. EOIR*, 120 F.4th 606, 627 n.16 (9th Cir. 2024); *Gonzalez Hernandez v. Garland*, 9 F.4th 278, 289 (5th Cir. 2021) (Costa, J., dissenting); *De La Paz v. Coy*, 786 F.3d 367, 376 (5th Cir. 2015); *Gonzalez v. Holder*, 771 F.3d 238, 243 (5th Cir. 2014); *United States v. Juarez*, 672 F.3d 381, 389 (5th Cir. 2012); *Gonzalez v. Reno*, 212 F.3d 1338, 1355 (11th Cir. 2000); *Viveiros v. Holder*, 692 F.3d 1, 3 (1st Cir. 2012); *Patel v. Ashcroft*, 378 F.3d 610, 612 (7th Cir. 2004); *Socop-Gonzalez v. INS*, 208 F.3d 838, 842 n.3 (9th Cir. 2000).
4. As a practicing attorney, I am actively involved in the immigration bar. I am the Past President of the South Florida Chapter of the American Immigration Lawyers Association. I was the national president of the American Immigration Lawyers Association in 1987-88, and I thereafter served as its General Counsel. The American Immigration Lawyers

Association is an affiliate organization of the American Bar Association. It has over 14,000 members in 35 chapters in the United States and four international chapters. I am also certified by the Florida Bar as a specialist in immigration law and served on the first committee to draft and grade the certification exam for Florida lawyers.

5. Since 1977, I have litigated a variety of immigration-related cases and over 75 published decisions in the federal courts. Among other cases, I have been counsel of record in the United States Supreme Court in *Patel v. Garland*, 596 U.S. 328 (2022); *McNary v. Haitian Refugee Center, Inc.*, 495 U.S. 479 (1991); *Commissioner v. Jean*, 496 U.S. 154 (1990); and *Jean v. Nelson*, 472 U.S. 846 (1985).
6. Through my over four decades of experience as a practitioner in both the federal courts and immigration courts, I am well qualified to opine on how the immigration-court system differs from the federal courts and the other matters addressed below.

Seeking a Waiver Pursuant to 8 U.S.C. § 1227(a)(1)(H)

7. I provide this declaration in response to the Court's order issued on July 16, 2025, ECF 350, which I have reviewed. I have also reviewed Mahmoud Khalil's Third Amended Petition for Writ of Habeas Corpus and Complaint, ECF 236 ("Petition"). I also reviewed the Decision and Order of the Immigration Judge dated June 20, 2025, ECF 333, the Declaration of Johnny Sinodis, ECF 284-3, and the transcript of the status conference held on July 7, 2025 before Judge Michael E. Farbiarz in the United States District Court for the District of New Jersey, ECF 340.
8. There are typically two phases under which a case proceeds in immigration court.
9. During the first phase, (the "removability" phase) the Immigration Judge determines whether the noncitizen is removable from the United States under the charges lodged by the U.S. Department of Homeland Security ("DHS") on the Notice to Appear.
10. If removability is determined, the case proceeds to the second stage (the "relief" phase), where the noncitizen informs the Immigration Judge of any relief or protection from removal the noncitizen wishes to seek.
11. The Immigration Judge will then schedule an evidentiary "merits" hearing on the noncitizen's application(s) for relief.
12. If DHS lodges more than one removability charge, an Immigration Judge can find the noncitizen removable on one charge of removability and hold in abeyance the remaining charge. When that occurs, the Immigration Judge can proceed to the relief stage as to the first charge of removability—the one that has been sustained up to that point—and then, depending on the outcome of the relief stage as to the first ground of removability, return to the remaining charge of removability to determine whether DHS has established its burden and, if so, whether the noncitizen is eligible for relief from *that* second charge.


13. In this case, DHS first charged Petitioner with removability under 8 U.S.C. § 1227(a)(4)(C) and later added a new charge of removability under 8 U.S.C. § 1227(a)(1)(A).
14. My understanding is that, in Petitioner's case, the Immigration Judge issued an interim ruling on April 11, 2025 finding him removable under 8 U.S.C. § 1227(a)(4)(C) and holding in abeyance DHS's second charge of removability under 8 U.S.C. § 1227(a)(1)(A). The Immigration Judge then proceeded to the "relief" stage and conducted an evidentiary hearing as to his applications for asylum, withholding of removal, and protection under the Convention Against Torture (CAT) on May 22, 2025. About a month later, on June 20, 2025, the Immigration Judge denied Petitioner's applications for asylum, withholding of removal, and protection under the CAT. In that decision, the Immigration Judge also—for the first time—found Petitioner removable pursuant to DHS's second charge, 8 U.S.C. § 1227(a)(1)(A). I also understand that, after June 20, Petitioner filed two motions asking the Immigration Judge to reconsider her decision, but she denied both motions, thereby declining to provide Petitioner an evidentiary hearing on a waiver under 8 U.S.C. § 1227(a)(1)(H).
15. Lawful Permanent Residents ("LPRs") in Petitioner's circumstances who are found removable under 8 U.S.C. § 1227(a)(1)(A) are eligible to seek a waiver pursuant to 8 U.S.C. § 1227(a)(1)(H) if they were: (1) inadmissible at the time of adjustment for fraud or misrepresentation under 8 U.S.C. § 1182(a)(6)(C)(i); (2) are "the spouse, parent, son, or daughter" of a U.S. citizen or LPR; and (3) were otherwise admissible to the United States when they obtained lawful permanent residency but for the fraud and/or misrepresentation finding. Prior to a finding of removability under 8 U.S.C. § 1227(a)(1)(A), the individual cannot obtain a § 1227(a)(1)(H) waiver because there would be nothing to "waive."
16. Once the noncitizen is found removable under 8 U.S.C. § 1227(a)(1)(A), a noncitizen can seek a § 1227(a)(1)(H) waiver as a form of "relief" from the 8 U.S.C. § 1227(a)(1)(A) removability charge. The noncitizen can do this by either informing the Immigration Judge on the record during a hearing, or they can do so in writing.
17. Unlike other types of relief in immigration court, there is no actual form or application to file with the Immigration Judge when a noncitizen applies for a waiver under 8 U.S.C. § 1227(a)(1)(H).
18. If the noncitizen is statutorily eligible for a waiver under 8 U.S.C. § 1227(a)(1)(H), the Immigration Judge will schedule an evidentiary hearing (known as a "merits" hearing) on the waiver. Immigration Judges also typically set a deadline for the submission of documents in support of the waiver. The Immigration Judge will subsequently conduct a hearing where the noncitizen is able to put on their evidence, including witness testimony, and their own testimony. Following the hearing, the Immigration Judge will render their

ruling as to the waiver, either orally on the record immediately following the hearing, or later in written form (a “reserved” decision).

19. I am aware that, in Petitioner’s case, the Immigration Judge did not schedule an evidentiary hearing for his 8 U.S.C. § 1227(a)(1)(H) waiver after denying Petitioner’s applications for asylum, withholding of removal, and protection under the Convention Against Torture, and finding him removable under 8 U.S.C. § 1227(a)(1)(A) on June 20, 2025, even though Petitioner had informed the Immigration Judge, both orally and in writing, of his intention to file for a waiver if he were ever found removable under DHS’s second charge, 8 U.S.C. § 1227(a)(1)(A).
20. An Immigration Judge’s refusal to hold an evidentiary hearing on a waiver for an individual who is statutorily eligible for the waiver is highly unusual and is contrary to the normal conduct of immigration court procedure.
21. In an ordinary case where a LPR is found removable under 8 U.S.C. § 1227(a)(1)(A) only—and not also under 8 U.S.C. § 1227(a)(4)(C)—they would seek a waiver pursuant to 8 U.S.C. § 1227(a)(1)(H) as their primary form of relief. Depending on the circumstances, they could also pursue applications for asylum, withholding of removal, and protection under the Convention Against Torture, but those would be secondary forms of relief to be presented and adjudicated only if the waiver were denied. This is because if a LPR is granted an 8 U.S.C. § 1227(a)(1)(H) waiver, they retain their LPR status. But if they are granted asylum (or withholding of removal or protection under the Convention Against Torture), that means that they have been stripped of their lawful permanent residency. If granted asylum, the noncitizen would have to wait to accrue a year of physical presence in the United States as an asylee before they could file for lawful permanent residency again. 8 U.S.C. § 1159(a)(1)(B); 8 C.F.R. § 209.2(a)(1).
22. In my experience, waivers pursuant 8 U.S.C. § 1227(a)(1)(H) are regularly granted to LPRs who satisfy the statutory requirements for such relief. And when a waiver is granted, an LPR’s immigration proceedings are resolved in their favor.
23. As things currently stand, given that the Immigration Judge has declined to provide Petitioner an evidentiary hearing on a § 1227(a)(1)(H) waiver and has continued to rely on the Secretary of State’s Determination to find him removable under § 1227(a)(4)(C), Petitioner will have to appeal the Immigration Judge’s June 20 order to the Board of Immigration Appeals (“BIA”) and continue to litigate the propriety of that charge despite the District Court’s preliminary injunction order.
24. In the event that the BIA were to affirm the Immigration Judge’s June 20 order, Petitioner would lose his status as a lawful permanent residency and all the attendant benefits that flow from that status.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORGOING IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated: July 16, 2025



Ira J. Kurzban

Exhibit 6

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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; Yolanda PITTMAN, in her official capacity as Warden of Elizabeth Contract Detention Facility; 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-01963
(MEF-MAH)

**SECOND
DECLARATION OF
EMILY RYO**

I, Emily Ryo, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge.

1. My name is Emily Ryo. The facts set forth in this declaration are based on my personal knowledge, unless otherwise indicated, and, if called as a witness, I could and would testify thereto. I am over eighteen years of age and of sound mind to declare to the facts stated herein.
2. I am the Charles L. B. Lowndes Distinguished Professor of Law and Professor of Sociology at Duke University School of Law. Prior to teaching at Duke, I held teaching positions at University of Southern California Gould School of Law and Stanford University. Prior to entering academia, I clerked for the Hon. M. Margaret McKeown of the United States Court of Appeals for the Ninth Circuit and practiced as a lawyer with Cleary, Gottlieb, Steen & Hamilton. I am a graduate of University

of Illinois, Urbana-Champaign (B.A. in History), Harvard Law School (J.D.), and Stanford University (Ph.D. in Sociology).

3. I am an empirical legal scholar and my current research focuses on immigration enforcement, immigration court decision-making, and the criminal justice system. I use both quantitative and qualitative methods in my research and publish widely in both sociology and law journals. My article with Ian Peacock, “A Study of Pandemic and Stigma Effects in Removal Proceedings,” *Journal of Empirical Legal Studies* 19(3): 560-593, received the 2023 Article Prize from the Law and Society Association. I have been awarded the National Science Foundation Research Grant, the ABF/JPB Access to Justice Fellowship, and the Andrew Carnegie Fellowship, among others, to support my research and scholarship.

Summary of Data and Findings

4. As part of my research, I have analyzed datasets released by the Executive Office of Immigration Review (EOIR Data). The EOIR Data is available on the EOIR’s website (<https://www.justice.gov/eoir/foia-library-0>).
5. The EOIR Data contains information on immigration court proceedings, including information on the filing date and the charges listed on the notice to appear (NTA) filed by the Department of Homeland Security (DHS) to commence the proceedings, the individual’s custody status at the time of their proceedings, and the type of legal relief that the individual sought. The EOIR Data includes decision data, including whether relief was granted.
6. EOIR does not make underlying source information available (such as the charging documents themselves). I have accepted the records in the EOIR Data as true for the purposes of my analysis. Only essential steps were taken to clean and prepare the data for analyses, such as correcting formatting and related errors present in the data tables, merging relevant individual data tables across record types and years using unique identifiers, and selecting observations only with complete records. I examined the data for the ten-year time period of 2012-2022, as these are the years for which I have the data cleaned and prepared for analysis.
7. The EOIR Data allows one to estimate the percentage of removal proceedings that involve a particular charge and relief application, in which relief is granted. I examined the EOIR Data to determine the percentage of those removal proceedings involving individuals charged solely with INA § 237(a)(1)(A) based on § 212(a)(6)(C)(i), and who are seeking relief in the form of a waiver under § 237(a)(1)(H), in which relief was granted. I excluded cases where a decision code was missing.

8. Of those removal proceedings commenced between 2012 and 2022 involving individuals charged solely with INA § 237(a)(1)(A) based on § 212(a)(6)(C)(i), and who are seeking relief in the form of a waiver under § 237(a)(1)(H), excluding cases where a decision code was missing, 85% were granted relief.
9. This figure likely underestimates the percentage of these cases in which relief is granted where the applicant is a lawful permanent resident whose qualifying relative is a U.S. citizen. The EOIR Data does not specify the legal status of the individual or their relatives, if any. The figure above thus includes individuals of all statuses (i.e., lawful permanent resident, asylee, refugee, or other) facing this particular charge whose qualifying relative for purposes of the waiver under § 237(a)(1)(H) may be either a lawful permanent resident or a U.S. citizen.
10. Mr. Khalil is a lawful permanent resident who is seeking a waiver based on his U.S. citizen wife and son. He has no criminal arrest history. He has work and educational history and community ties. Having lawful permanent resident status and having U.S. citizen relatives are considered strong equities for purposes of granting relief. So too are other factors not captured in the EOIR Data, such as the absence of criminal arrest history, the presence of work and educational history, and similar factors. Were it possible to narrow the data sample to noncitizens who share Mr. Khalil's lawful permanent resident status, U.S. citizen family ties, and other equities, the grant rate could be significantly higher than 85%.
11. Based on these results, I conclude that it is extremely likely for an individual similarly situated as Mr. Khalil to be granted a waiver under INA § 237(a)(1)(H).

Dated: July 16, 2025
Durham, NC

Signed:



Emily Ryo, J.D., Ph.D.

Exhibit

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Mahmoud KHALIL,

Petitioner,

v.

No. 25 Civ. 1963

Donald J. TRUMP, *et al.*,

Respondents.

SECOND DECLARATION OF DANA LEIGH MARKS

I, DANA LEIGH MARKS, hereby declare and state:

1. The facts set forth in this declaration are based on my personal knowledge, and if called as a witness, I would testify thereto. I am over eighteen years of age and of sound mind to declare the facts stated herein.

2. I am providing this declaration in my personal capacity. The opinions expressed should not be construed to represent the positions or opinions of any individual, governmental or organizational entity with whom I am currently or previously have been affiliated.

3. I submitted a prior declaration in this case on July 9, 2025. This declaration addresses additional issues though my experience and expertise set out in the prior declaration should be considered in conjunction with this one.

4. I have carefully reviewed pertinent materials regarding Mr. Khalil's cases, including the Order and Opinion of this Court issued June 11, 2025, the Decision and Order of the Immigration Judge dated June 20, 2025, ECF 333, and the Declaration of Johnny Sinodis, ECF 284-3. Since making my previous declaration, I have additionally reviewed the transcript of Immigration Court proceedings held on April 11, 2025, evidence submitted in Mr. Khalil's

removal and bond proceedings demonstrating his equities in the United States, Mr. Khalil's Motion to Reconsider the June 20, 2025 Decision and Order of the Immigration Judge dated July 3, 2025, the Department of Homeland Security's Opposition to the Respondent's Second Motion to Reconsider, Mr. Khalil's Reply in Support of the Motion to Reconsider Filed on July 3, 2025, and two Summary Orders of the Immigration Judge on the Motions to Reconsider dated June 27, 2025 and July 16, 2025.

5. In my expert professional opinion based on the materials I reviewed, the record in this case does not support a finding that Mr. Khalil is removable under Immigration and Nationality Act ("INA") § 237(a)(1)(A) [8 U.S.C. § 1227(a)(1)(A)] due to inadmissibility under INA § 212(a)(6)(C)(i) [8 U.S.C. § 1182(a)(6)(C)(i)] for fraud or misrepresentation. Nevertheless, should removability be found to have been proven, the record does support his statutory eligibility for a waiver of that ground of removal under INA § 237(a)(1)(H) [8 U.S.C. § 1227(a)(1)(H)]. Additionally, careful review of the above materials fails to contain any adverse factors that would militate against a discretionary grant of that relief. Mr. Khalil possesses favorable factors which outweigh the single adverse factor.

6. A waiver under INA § 237(a)(1)(H) is available to immigrants who obtained permanent resident status despite the fact that they were inadmissible because of fraud or misrepresentation if they are otherwise admissible.¹ To qualify, the applicant must have a qualifying relative which Mr. Khalil possesses by virtue of his relationship with his United States citizen wife and infant son. Additionally, eligibility for the waiver exists whether or not the disqualifying misrepresentation which gives rise to the need for it was willful or innocent.

¹ In light of the questionable constitutionality of the ground of removability under Secretary of State's assertion that Mr. Khalil's activities and presence in the U.S. compromise compelling foreign policy interests, the interaction of that ground with a § 237(a)(1)(H) waiver will not be addressed.

7. A § 237(a)(1)(H) waiver does not require any application form or filing fee. It seems somewhat obvious, but to be clear, a judge cannot waive a ground of inadmissibility until the removability ground has been held to have been proven by clear, convincing and unequivocal evidence. If the DHS fails to meet its burden of establishing removability, the removal proceedings are terminated. If removability is established, and prima facie eligibility for the waiver exists, the next step is to schedule a hearing on the merits of a waiver which would include a date for the submission of evidence in support of the waiver Request. If the waiver is denied, and the denial is upheld on appeal the applicant loses his lawful permanent resident status rendering him removable, a drastic result.

8. The § 237(a)(1)(H) waiver is discretionary. Caselaw mandates the traditional balancing of adverse and favorable factors used in countless immigration cases to guide the exercise of that discretion. Favorable factors have been held to include family ties in the U.S., evidence of hardship to the family if deportation occurs, stable employment history, evidence of value and service to the community, residence of long duration and any other evidence demonstrating good moral character. The adverse factors which have been held as relevant include the nature and underlying circumstances of the underlying ground of removability, whether willful or unintentional, the nature, seriousness, and recency of any criminal record, and any evidence of bad moral character. *See Matter of Mendez*, 21 I&N Dec.296 (BIA 1996).

9. Mr. Khalil has demonstrated statutory eligibility for the waiver based on the immigration judge's finding of removability under INA § 237(a)(1)(A) asserting inadmissibility based on fraud or misrepresentation and the fact that he is married to a native born U.S. citizen. He is also the father of an infant U.S. citizen son.

10. Mr. Khalil possesses multiple strong favorable factors, most importantly his U.S. citizen wife and infant son, family members who would suffer direct hardship were he to be removed. He has a stable employment and educational history, rising to the high level of a master's program. He has lived in the U.S. for several years, and took the necessary steps to maintain legal status by obtaining lawful permanent resident status in a timely and conscientious manner. Evidence of his good moral character has been presented in the form of many declarations from fellow students and faculty members supporting him. They attest to his positive contributions to their academic community.

11. If any misrepresentation is found to have occurred, it is minimal at most. Mr. Khalil has no history of criminal activity. There is no evidence of any other acts demonstrating bad moral character. The sole adverse factor is the very ground of inadmissibility itself. While that must be considered as an adverse factor, it is minor and does not outweigh the favorable factors in this case. Mr. Khalil's uncontroverted testimony is that any mischaracterization regarding for whom he worked as an intern was an innocent misinterpretation of the question asked on the form. The DHS has not produced any evidence of Mr. Khalil's membership in any group, thus his testimony is uncontroverted on that aspect as well. Moreover, even if taken as established, neither of these innocent "misrepresentations" are material. To the contrary, they are quite trivial. Additionally, no evidence of willfulness been shown, which further diminishes the adverse weight this factor should be accorded.

12. Mr. Khalil clearly merits the favorable exercise of discretion to grant the waiver based on the record I reviewed. Simply put, the favorable factors in his case greatly outweigh the single adverse factor of the nature and circumstances regarding the asserted misrepresentations.

13. I can also attest that the most important consideration when evaluating whether or not favorable discretion should be exercised to grant a § 237(a)(1)(H) waiver are close family ties. In my 35 years on the bench, I cannot recall a single case where I denied a waiver when such equities existed. In my informal legal discussions with colleagues on this point, I learned I was not alone in viewing family ties, particularly to spouses and young children, as the most weighty factor to consider and one which was rarely, if ever, found to be insufficient to warrant a grant of the waiver absent egregious adverse factors

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

DATED: July 16, 2025

/s/ Dana Leigh Marks

Dana Leigh Marks

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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; Yolanda PITTMAN, in her official capacity as Warden of Elizabeth Contract Detention Facility; 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-01963
(MEF-MAH)

**DECLARATION OF
HOMERO LOPEZ, JR.**

DECLARATION OF HOMERO LOPEZ, JR.

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

1. I have been practicing immigration law, with a focus on detention and removal defense, in Louisiana for over 14 years. Since 2018, I have served as an adjunct professor teaching courses on detention and removal defense at both Tulane University Law School and Loyola University New Orleans College of Law. Between April of 2024 and February of 2025, I served as an Appellate Immigration Judge (AIJ) at the Board of Immigration Appeals (BIA) within the Executive Office of Immigration Review (EOIR).
2. I have reviewed Mr. Khalil's July 3, 2025, Motion to Reconsider as well as the Department of Homeland Security's (DHS) opposition, Mr. Khalil's subsequent reply to that opposition, and the Immigration Judge's (IJ) July 16 order denying the motion.
3. The BIA is very likely to affirm the finding of removability on the foreign policy ground (FPG) charge, 8 U.S.C. § 1227(a)(4)(C), because it has no jurisdiction to consider any of Mr. Khalil's constitutional challenges to the statute or regulations nor would it be likely to consider any other constitutional challenge to the use of the FPG against him. Bound by precedent under *Matter of Ruiz-Massieu*, 22 I&N Dec. 833 (BIA 1999), and unable to consider constitutional arguments regarding the FPG, the BIA would affirm the decision as it relates to the FPG.

4. If the BIA affirmed the IJ's decision that Mr. Khalil was barred from asylum based on the FPG charge, the BIA would then have no need to reach the merits of Mr. Khalil's appeal of the denial of his asylum application. He would therefore not have a meaningful opportunity to contest the Immigration Judge's other reasons for denying asylum nor the finding that he is removable pursuant to DHS's second charge, 8 U.S.C. § 1227(a)(1)(A) as the BIA would not have to reach the second charge.
5. Importantly, the BIA would also have no need to reach the merits of Mr. Khalil's argument that he is entitled to a waiver of the second charge under 8 U.S.C. § 1227(a)(1)(H). This is because, once the FPG basis of removability is affirmed by the BIA, a waiver on the second, post-hoc charge would be as a practical matter, immaterial.
6. In contrast, if the FPG were not sustained because the IJ were to follow this Court's preliminary injunction order, there may be no need for an appeal at all if Mr. Khalil were in fact granted a waiver on the sole remaining charge. Even if Mr. Khalil had a hearing on the waiver and was then denied that waiver, the nature of his appeal would be drastically different. The BIA would be required to address (1) the merits of the IJ's decision on the second charge under 8 U.S.C. § 1227(a)(1)(A), (2) the merits of Mr. Khalil's application for a waiver under 8 U.S.C. § 1227(a)(1)(H), and (3) the merits of Mr. Khalil's asylum application.
7. The BIA requires that an issue be meaningfully raised on appeal or it will be deemed waived. *See Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012). Further, BIA appellate procedure sets a 30-page limit for briefs which will only be extended upon the granting of a motion to extend page limit. *See* BIA Practice Manual Chap. 4.6(b). Due to the BIA's case flow, where an AIJ will not see the matter until after all briefing has been carried out and a decision has been drafted, a decision on a motion to extend page limit will not be made prior to briefing. As such, should the IJ be allowed to sustain the FPG charge, Mr. Khalil, to preserve the issue for further appeal, would have to meaningfully raise and brief the issue before the BIA. Given that Mr. Khalil would already be litigating the IJ's decision on the second charge under 8 U.S.C. § 1227(a)(1)(A), the merits of his waiver application, and the merits of his asylum application, litigating this additional charge would place Mr. Khalil in the untenable position of having to limit at least one of his arguments or file a brief which surpasses the BIA's page limit hoping the adjudicating AIJ will grant the motion to extend the limit after the fact.
8. In addition, from my extensive experience in the Fifth Circuit Court of Appeals litigating BIA decisions, I can attest that, unlike many other circuit courts of appeal, obtaining a stay of removal in conjunction with a petition for review is extremely rare and uncommon, particularly where a petitioner is not detained. Absent a stay of removal, DHS could effectuate Mr. Khalil's removal from the United States even as his petition for review of the BIA's decision is pending before the Court of Appeals.

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my own personal knowledge. Executed this 16th day of July 2025, at New Orleans, Louisiana.



Homero López, Jr.
Declarant

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MAHMOUD KHALIL,

Petitioner,

v.

DONALD TRUMP et al.,

Respondents.

No. 25-cv-01963 (MEF) (MAH)

OPINION and ORDER

* * *

For the purposes of this brief Opinion and Order, the Court assumes familiarity with the facts and procedural history of this case.

* * *

On June 11, the Court preliminarily enjoined the Respondents “from seeking to remove the Petitioner from the United States based on the Secretary of State’s determination.” Khalil v. Trump, 2025 WL 1649197, at *6 (D.N.J. June 11, 2025).

The Petitioner sought clarification as to how the June 11 preliminary injunction applies in certain circumstances. See Petitioner’s Letter (July 1, 2025) (ECF 332).

As to that question, the parties filed briefs, see Petitioner’s Letter (July 11, 2025) (ECF 347), Respondents’ Letter (July 15, 2025) (ECF 349); the Court issued an Opinion and Order, see Khalil v. Trump, 2025 WL 1981392 (D.N.J. July 16, 2025); the parties filed supplemental materials, see Petitioner’s Brief (July 17, 2025) (ECF 352), Respondents’ Brief (July 17, 2025) (ECF 353); Petitioner’s Reply Brief (July 17, 2025) (ECF 354); and the Court issued a clarifying Opinion and Order, on July 17. See Khalil v. Trump, 2025 WL 1983755 (D.N.J. July 17, 2025).

The clarifying order required the Respondents to take certain steps on July 18. See id. at *5.

The Respondents did not fully do so. Rather, after the close of business on July 18, see Motion to Stay (July 18, 2025) (ECF 360), they filed a motion for a stay. See id. at 1-2.

The motion became fully briefed a few hours ago. See ECF 366.

It is denied.

* * *

The Respondents carry the burden of persuasion as to their stay application. See Landis v. N. Am. Co., 299 U.S. 248, 255 (1936); see also Hertz Corp. v. Gator Corp., 250 F. Supp. 2d 421, 424-25 (D.N.J. 2003).

And in analyzing the Respondents' application, the Court must consider four things:

- (1) whether the stay applicant has made a strong showing that it is likely to succeed on the merits;
- (2) whether the applicant will be irreparably injured absent a stay;
- (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and
- (4) where the public interest lies.

In re Revel AC, Inc., 802 F.3d 558, 568 (3d Cir. 2015) (cleaned up); see also Jazz Pharms., Inc. v. Avadel CNS Pharms., LLC, 2022 WL 17735952, at *1 (D. Del. Dec. 5, 2022); Blue Gentian v. Tristar Prods., Inc., 2021 WL 3561215, at *4 (D.N.J. Aug. 12, 2021).

Walk through these here.

* * *

The first thing: likelihood of success on the merits.

As to this, the Respondents focus all but exclusively on the argument that the Court did not have jurisdiction to enter the June 11 preliminary injunction that was then clarified by the Court's July 17 Opinion and Order.

The Respondents are not likely to succeed on these arguments.

The Respondents argue that jurisdiction was stripped by 8 U.S.C. § 1252(b)(9). See Motion to Stay at 4-5. But as the Court has previously set out, see Khalil v. Joyce, --- F. Supp. 3d ---, 2025 WL 1232369, at *6-29 (D.N.J. Apr. 29, 2025), the Respondents' proposed interpretation of Section 1252(b)(9) runs aground on the plain text of the statute, see id. at *13-16, and is at odds with a Third Circuit decision. See id. at *21-23 (citing EOHC v. Sec'y U.S. Dep't of Homeland Sec., 950 F.3d 177 (3d Cir. 2020)).

And if anything, the Court's approach to Section 1252(b)(9) is now on sturdier footing.

In decisions handed down after the Court's ruling, the Second Circuit and the Fourth Circuit have taken the same approach to interpreting the statute. See Suri v. Trump, 2025 WL 1806692, at *8-9 (4th Cir. July 1, 2025); Ozturk v. Hyde, 136 F.4th 382, 399-401 (2d Cir. 2025).

The Respondents also seem to argue that there is a lack of jurisdiction here because the Court's "new directive[]," Motion to Stay at 3 --- that is, the July 17 clarification of the June 11 preliminary injunction --- is (a) too far removed from the Court's habeas jurisdiction, and (b) is inconsistent with Section 1252(g). See id. at 2-4.

These arguments are not persuasive for a range of reasons, ably set out by the Petitioner. See Opposition Brief (ECF 362) at 16-25.¹

¹ Two things here. First, the Respondents specifically requested a rapid decision. See Respondents' Letter (July 25, 2025) at 1. So the Court does not work through each point they raise. And in general, it relies on the Petitioner's papers, even when it does not say so explicitly. Second, as to jurisdiction, it bears noting that some of what the Respondents argue is surprising. They seem to suggest, for example, that habeas relief is no longer available here because the Petitioner is no longer detained; he has been granted bail. See Motion to Stay at 2-3. But habeas relief is available to people operating under various restraints on their liberty well short of detention. See Jones v. Cunningham, 371 U.S. 236, 240 (1963) ("History, usage, and precedent can leave no doubt that, besides physical imprisonment, there are other restraints on a man's liberty, restraints not shared by the public generally, which have been thought sufficient in the English-speaking world to

But for now, note only one point.

The July 17 Opinion and Order was not a “new directive[],” as the Respondents suggest. Rather, on July 17 the Court only clarified its earlier June 11 preliminary injunction. See Khalil, 2025 WL 1983755, at *1 (saying this).

To see why this is so, look back for a moment --- and then consider the implications for the Court’s jurisdiction.

As the Court previously explained, entry by the immigration judge of her June 20 decision was, as to the Secretary of State’s determination, directly at odds with the plain language of this Court’s June 11 preliminary injunction. See id.

But before making any final determinations, the Court sought further information as to familiar equitable factors like irreparable harm. See Khalil, 2025 WL 1981392, at *3-4.

This was not because the Court aimed to issue a new injunction, for which a showing of irreparable harm would be needed. Not at all. Rather, it was because the Court’s view is that interpretation of a pre-existing injunction should focus on more than plain text. It should also take account of broader equitable factors. See id. at *3 n.5 (explaining this).

Seeking equities-related information was not a tell that the Court was considering a “new” injunction.

It was what the Court said it was: an effort to ensure that interpretation of the old injunction, the June 11 one, was itself grounded in equitable concerns.

The Court was “hesitat[ing]” pending receipt and review of equities-related information, id. at *3 --- not in order to issue a new injunction, but rather to consider whether it made

support the issuance of habeas corpus.”); accord Maleng v. Cook, 490 U.S. 488, 491 (1989); R v. Clarkson, 93 Eng. Rep. 625 (K.B. 1722). And while courts have issued bail in habeas cases for well over a century, see, e.g., Mapp v. Reno, 241 F.3d 221, 225 n.4 (2d Cir. 2001) (collecting cases), there is no suggestion in the case law that habeas courts lose their habeas jurisdiction when they grant bail.

sense to interpret the July 11 preliminary injunction against the Respondents for all its plain text was worth.²

Why does this matter?

Because when the July 17 Opinion and Order is properly understood --- as what it said it was, solely a clarification of the June 11 preliminary injunction --- then the Respondents' jurisdictional arguments melt away.

Whatever else might be said, see footnote 1, there can be no meaningful suggestion that the June 11 preliminary injunction

² Two points here. First, the more searching interpretive look undertaken by the Court could have only benefited the Respondents --- because, as the Court noted, see Khalil, 2025 WL 1983755, at *1, their relevant actions violated the plain text of the June 11 preliminary injunction. Possibly whittling back a bit on an injunction is a long way from "expanding" it, as the Respondents repeatedly suggest. (And note that the more searching look did indeed aid the Respondents. The Court interpreted the June 11 decision in accord with the dictates of its plain text as to the immigration judge's June 20 reliance on the Secretary of State's determination. See id. But with an eye to the equities, the Court did not hold the Respondents to the just-plain-text meaning of the June 11 preliminary injunction as to the immigration judge's asylum approach. See id. at *2.) A second point. The fact that the Court's July 17 clarifying Opinion and Order was more detailed and more specific than the operative language of the June 11 preliminary injunction does not suggest that the July 17 clarification was an entirely "new" injunction. Greater detail was necessary because the Respondents did not comply with the June 11 preliminary injunction. Imagine that at Time 1 a court orders a bailed criminal defendant: "do not apply for new travel documents." And then imagine that the Court learns at Time 2 that the defendant has applied for a visa to a particular country. The visa is no passport. But should it count as a "new travel document," as the plain meaning of those words suggests? If the Court answers "yes," and issues a Time 3 injunction ("the visa counts as a travel document, and the visa must be surrendered to the United States Marshals Service") no one would think the greater detail of the Time 3 injunction somehow makes it a "new directive[]." It is an interpretation of the old injunction, packaged with an instruction to comply with it.

(as clarified on July 17) pushed beyond this Court's core habeas jurisdiction. The Petitioner was detained then.

And there can be no suggestion that Section 1252(g), which limits federal courts' involvement in immigration courts' "adjudicat[ing] [of] cases," strips away jurisdiction.

The Court's June 11 preliminary injunction was not barred by Section 1252(g) for interference with immigration judge adjudication. See Khalil, 2025 WL 1232369, at *56-58 (explaining why).

And the Court's June 11 preliminary injunction (as clarified on July 17) now requires alterations to the immigration court's June 20 "adjudicat[ion]" only because the June 11 preliminary injunction was not complied with in the first place.

A jurisdictional problem cannot be created after the fact by failing to comply with an earlier federal court order as to which there was jurisdiction. This is obvious, and the Respondents, who bear the burden here, see Landis, 299 U.S. at 255, have made no showing to the contrary.

* * *

Second, as to irreparable injury, the Respondents press a grab bag of arguments.

But again, they do not carry their burden, for reasons well stated by the Petitioner. See Opposition Brief at 8-14. Those will not be repeated here.

Some quick points, though.

[1]

If a stay is not entered, the Respondents vaguely gesture at arguments they "may" one day be barred from making. Motion to Stay at 6. And they point in tentative fashion to litigation developments that "could raise . . . complicated [preclusion] issues." Id.

These arguments are better developed in the Respondents' brief of yesterday. See Reply Brief (ECF 363) at 4-5.

But the Petitioner plainly has the better of them. See Opposition Brief at 8-10.

And the Respondents' arguments are not remotely strong enough to carry their burden.

[2]

The Respondents also say that a stay should be granted because of the "absurd inefficiencies," Motion to Stay at 6, that would be generated if: no stay is granted; this Court's June 11 preliminary injunction is vacated; and the Respondents would then be forced to "reinstate the foreign policy ground," *id.*, that is currently reflected in the immigration judge's June 20 decision.

But this is exaggerated.

The immigration judge's decision on the foreign policy ground is written. Indeed, it was issued on June 20. It is on the shelf. If the Third Circuit undoes this Court's undoing of the immigration judge's June 20 foreign-policy-ground decision --- then reinstatement is simple. It is no meaningful inefficiency, let alone something that veers toward the irreparable.

[3]

More generally, the Respondents repeatedly invoke the "inefficiencies" associated with the Court's June 11 preliminary injunction, as clarified by the Court's July 17 Opinion and Order, and the problems of "piecemeal" litigation and the "additional strain" that will put on "an already overburdened system." Motion to Stay at 6-7.

But the Respondents, who have the burden, make no real factual or legal effort to show that the costs of litigating on two tracks in this case (here, and in immigration court) adds up to irreparable injury.

And more fundamentally, it is the Congress that decides where jurisdiction is allocated. And Congress has opted for (a) leaving in place the habeas jurisdiction of the federal courts while also (b) allowing for proceedings before immigration courts.

That may cause some arguable inefficiencies.

But operating within that system is not the stuff of irreparable harm, any more than it is irreparable harm to have to follow the rules of evidence or to litigate tort cases as to which Congress has waived the federal government's sovereign immunity.

[4]

Finally, the Respondents invoke Maryland v. King, 567 U.S. 1301 (2012) (Roberts, C.J., in chambers), for the proposition that “[a]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury.” Id. at 1303 (cleaned up).

But this is to ignore the context of the Chief Justice’s words, as the Fourth Circuit has recently suggested. See Suri, 2025 WL 1806692, at *9.

In King, the implication of the lower-court ruling was that Maryland would not be able to use its DNA Collection Act, which allowed state officials to collect DNA from arrestees suspected of certain serious crimes. See 567 U.S. at 1303-04.

Here, the Court did something markedly narrower.

It did not enjoin the Respondents from generally using a statute, Section 1227(a)(4)(C). And it took no step that even suggested that the statute might not be usable across the board.

Rather, it held that, given what was within the four corners of the Secretary of State’s determination in this case, Section 1227(a)(4)(C) was likely vague as applied to the Petitioner’s case. See Khalil v. Trump, --- F.Supp.3d ---, 2025 WL 1514713, at *14 (D.N.J. May 28, 2025).

This does not disable the Respondents more generally. It only disables them, for now, in this case.

If this sort of impact --- in a single case, as to a single litigant, on a preliminary basis --- can count as irreparable injury, on the theory that it disables the government from “effectuating” a statute, King, 567 U.S. at 1303, then the government will be able to show irreparable injury virtually every time it loses in a lower court.

That is not the law.

* * *

The third and fourth factors here are less important than the first two.

But the Court has closely balanced them, and they, too, show that the Respondents have not carried their burden.

Most fundamentally, the balance of the equities and the public interest strongly favors the Petitioner.

The Court issued a preliminary injunction, and nine days later the immigration judge issued a decision that was at odds with it. Those are the critical facts here; in light of them, the Respondents do not have the equities on their side and the public interest does not favor their position.

If there was doubt as to the meaning of the Court's June 11 preliminary injunction, the Respondents could have sought clarification before the June 20 decision issued. They did not do so.

Instead, they now argue that "[a]ny . . . uncertainty is directly traceable to [the] Petitioner's decision to challenge th[is] removal charges through . . . collateral proceeding[s] in [the] district court, rather than through the streamlined review process that Congress crafted by statute." Reply Brief at 6.

But this does not work.

Parties are free to use the litigation paths that Congress has created. One of those is a "collateral proceeding in [the] district court." And when a district court issues a preliminary injunction, as here, it must be complied with. The fault for non-compliance is on the party that did not comply. Not the party that brought the case.

* * *

The application for a stay is denied.

The Respondents must comply with the directives reflected in Khalil, 2025 WL 1983755, by August 1 at 10:00am.

This added time is to afford the opportunity for appellate consideration that the Respondents have today suggested they will promptly seek.

IT IS on this 25th day of July, 2025, so **ORDERED**.



Michael E. Farbiarz, U.S.D.J.

EXHIBIT A

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
JENA, LOUSIANA

IN THE MATTER OF) IN REMOVAL PROCEEDINGS
)
Mahmoud KHALIL)
Respondent)
_____)

File No.: A [REDACTED]

DECISION AND ORDER OF THE IMMIGRATION JUDGE

Pursuant to the order of the District Court for New Jersey (District Court), *Khalil v. Trump*, No. 25-CV-01963 (MEF)(MAH), 2025 WL 1983755 (D.N.J. July 17, 2025), the Court, hereby vacates, its decision of April 11, 2025¹, finding the Respondent removable as charged pursuant to INA § 237(a)(4)(C)(i).^{2 3 4}

JAMEE COMANS

Digitally signed by JAMEE
COMANS

Date: 2025.07.31 15:54:46 -05'00'

July 31, 2025
Date

Jamee E. Comans
United States Immigration Judge

¹ The District Court for New Jersey erroneously found that this Court’s determination on removability under INA § 237(a)(4)(C)(i) was decided on June 20, 2025 in its written decision. This is wholly untrue. This Court issued an oral decision on April 11, 2025 at the contested removability hearing to specifically address the sustainability of the charge pursuant to INA § 237(a)(4)(C)(i). The Court’s oral decision of April 11, 2025 is documented in the procedural history of the Court’s written decision on the Respondent’s (Mr. Khalil) application for relief from removal dated June 20, 2025.

² The District Court for New Jersey acknowledges that Mr. Khalil “persuasively argues that if the Section 1227 [237(a)(4)(C)(i)] finding remains in the immigration judge’s June 20 decision, the Board of Immigration Appeals would simply have no choice under existing case law but to affirm it. *See Khalil v. Joyce*, 2025 WL 1232369, at *41–42 (D.N.J. Apr. 29, 2025); Petitioner’s Brief (July 17, 2025) at 4 (citing declarations).” *Khalil v. Trump*, No. 25-CV-01963 (MEF)(MAH), 2025 WL 1983755 (D.N.J. July 17, 2025).

³ The District Court of New Jersey also acknowledged that “district courts such as this do not have appellate jurisdiction over the Executive’s immigration tribunals.” However, despite the District Court’s acknowledgement, in dicta, that it does not intend to interfere with the important work of immigration tribunals, the orders issued by the District Court of New Jersey have departed from providing remedies in a habeas petition and embarked on interfering with the legal process and the authority of the immigration court bestowed upon it by Congress—based largely on unreliable affidavits from nonparties.

⁴ This Court out of respect for the judiciary, the rule of law, and in compliance with the District Court of New Jersey’s order in Mr. Khalil’s habeas case, vacates its decision of April 11, 2025, sustaining removability pursuant to INA § 237(a)(4)(C)(i), but respectfully notes the following: (1) the District’s Court’s June 11, 2025 order was issued two months after this Court’s April 11, 2025 decision on removability under INA § 237(a)(4)(C)(i); (2) the undisputed fact (*see supra*, footnote 2) that the immigration court’s April 11, 2025 decision was based on the law established by Congress that currently exists and is binding on the immigration court; and (3) the District Court’s acknowledged lack of appellate jurisdiction over the immigration courts’ decisions, and the disregard for the appropriate appeals process through the Board of Immigration Appeals, the Fifth Circuit Court of Appeals (in which this Court sits), and the Supreme Court of the United States.

Order of the Immigration Judge



Immigration Judge: COMANS, JAMEE 07/31/2025

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

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;
Yolanda PITTMAN, in her official capacity
as Warden of Elizabeth Contract Detention
Facility; 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-01963
(MEF-MAH)

**PETITIONER'S SUPPLEMENTAL BRIEF REGARDING
VAGUENESS CLAIMS**

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INTRODUCTION

Pursuant to this Court’s order, ECF 228, the petitioner submits this supplemental briefing solely regarding his due process void-for-vagueness claims. These claims focus on the government’s announced policy to arrest, detain, and seek to deport noncitizens who engage in protected expression in support of Palestinian rights or critical of Israel (the “Policy”), and its use of 8 U.S.C. § 1227(a)(4)(C) (the “Foreign Policy Ground”) to effectuate the Policy. Mr. Khalil raises two independent but related vagueness arguments.

First, he argues that the government has adopted a Policy that is impermissibly vague and should be enjoined for the same reasons courts routinely find that *policies*, both written and unwritten, run afoul of due process: this Policy provides no notice to noncitizens regarding which of their otherwise-lawful expressive activity will result in the government targeting them for arrest, detention and removal, and it gives government officials unfettered discretion to target disfavored speech.

Second, Mr. Khalil argues that the Foreign Policy Ground is itself impermissibly vague as applied to him through the Rubio Determination because neither the statute, past executive practice, nor the legislative history gave Mr. Khalil any notice, in advance of the government’s enforcement, that he could possibly be subject to detention and removal for participating—alongside thousands of others—

in protests. The Rubio Determination only confirms the application of the Foreign Policy Ground here was standardless and arbitrary.

Before turning to these arguments, the petitioner clarifies that these Fifth Amendment void-for-vagueness claims are wholly distinct from the four other claims on which he has moved for preliminary relief, namely: 1) his First Amendment claim that the Policy is viewpoint discriminatory; 2) his First Amendment claim that the Rubio Determination is retaliatory; 3) his First Amendment claim that the decision to apprehend and detain Mr. Khalil was retaliatory; and 4) his Fifth Amendment due process claim that his ongoing detention is unrelated to any legitimate government justification. Because none of these claims implicate the vagueness doctrine, they are not addressed below.

ARGUMENT

I. The Policy is unconstitutionally vague.

Mr. Khalil has moved for preliminary relief on his claim that the government’s Policy—to “arrest, detain, and seek the removal of noncitizens who engage in protected expressive activity in support of Palestinian rights or critical of Israeli policies,” ECF 124 (“Am. PI MOL”) at 1—“does not satisfy due process, because it is void for vagueness,” *id.* at 23; *see also id.* at 23–31; ECF 67 at 15–19. In response, the government acknowledged Mr. Khalil’s “void for vagueness” challenge against its “policy,” ECF 156 (“PI Opp.”) at 28, misidentified it as a “First Amendment claim,” *id.*, and otherwise failed to dispute it or even discuss the vagueness standard,

see id. at 28–32; ECF 175 (“PI Reply”) at 16 (noting government “effectively conceded[ed]” issue).

Mr. Khalil is likely to succeed on the merits of his claim. Courts routinely consider the constitutionality of policies—whether or not those policies are spelled out in writing—and strike them down as vague where they fail to provide sufficient notice of prohibited conduct or where they give officials discretion to engage in arbitrary or discriminatory enforcement. The standard is particularly stringent where speech is implicated. Here, Mr. Khalil has demonstrated the existence of the Policy through facts undisputed in the record, and that Policy both fails to give noncitizens fair notice of what speech could subject them to arrest, detention and removal and gives government officials unbounded discretion to target disfavored speech.

A. Courts, including the Supreme Court, routinely consider vagueness challenges to government policies.

The due process vagueness analysis applies in the same manner across statutes, regulations, ordinances, and policies. In *F.C.C. v. Fox Television Stations, Inc.*, 567 U.S. 239 (2012), the Supreme Court considered a vagueness challenge to the FCC’s “indecentcy policy,” which was set out in a series of directives, letters, and orders applying the policy to certain broadcasts, and held the “policy in place at the time of the broadcasts” was unconstitutionally vague, *id.* at 254–58. It laid out the vagueness analysis straightforwardly: “first . . . regulated parties should know what is required of them so they may act accordingly; second, precision and guidance are

necessary so that those enforcing the law do not act in an arbitrary or discriminatory way.” *Id.* at 253. And “[w]hen speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.” *Id.* at 253–54. Applying this standard, the Court held the FCC’s policy was vague because it “gave no notice” of what “could be actionably indecent,” because it “fail[ed] to provide a person of ordinary intelligence fair notice of what is prohibited,” and because it “touch[ed] upon ‘sensitive areas of basic First Amendment freedoms.’” *Id.* at 254 (quoting *Baggett v. Bullitt*, 377 U.S. 360, 372 (1964)); *cf. Scavone v. Pennsylvania State Police*, 501 F. App’x 179, 181–82 (3d Cir. 2012) (applying the same standard and holding “tattoo removal policy” was not “void for vagueness” because state employee “was fairly put on notice” his tattoo would have to be removed).

That a policy may not exist in written form or in a single document does not mean it cannot be challenged as vague. To the contrary, in *Fox*, the Court looked to evidence of concurrent statements, guidance documents, decisions, and letters from the agency to determine what the agency’s “then-existing policies” were, 567 U.S. at 257–58, before finding them vague. In *Gilles v. Garland*, the Sixth Circuit considered a public university’s “unwritten policy” regarding campus speakers, 281 F. App’x 501, 507 (6th Cir. 2008). It held that the plaintiff stated a “due process vagueness claim” because the policy was, as alleged, “devoid of standards,” *id.* at

508, and it further held the district court should “define the contours of the unwritten speech policy and its operation” based on a factual record in order to rule, *id.* at 512.

Similarly, the Eighth Circuit considered a vagueness challenge to “unwritten, informal rules” regarding access to a public fairground in *Powell v. Noble*, 798 F.3d 690, 698 (8th Cir. 2015), and it remanded for consideration of whether the plaintiff was entitled to “preliminary injunctive relief,” *id.* at 704. This was because, while an “unwritten rule or policy is not automatically vague,” it still “must give the person of ordinary intelligence a reasonable opportunity to know what is prohibited and provide explicit standards for those who apply it,” and in that case the claim “warrant[ed] consideration, particularly given” the policy implicated “protected” speech. *Id.* at 703–04 (internal citations omitted). *See also Abdullah v. St. Louis, Mo.*, 52 F. Supp. 3d 936, 946 (E.D. Mo. 2014) (issuing preliminary injunction enjoining a police department’s “unwritten policy, given to officers . . . instructing them to order people to keep moving,” and holding it was likely void for vagueness because it “provided no notice to citizens of what conduct was unlawful, and its enforcement was entirely arbitrary and left to the unfettered discretion of the officers”).

The government will likely point to *Am. Assn. of U. Professors v. Rubio* (“*AAUP*”), No. 25-CV-10685, 2025 WL 1235084 (D. Mass. Apr. 29, 2025), where, in a decision otherwise holding that a challenge to the same policy at issue here stated claims under the First Amendment and the APA, the court dismissed the

plaintiffs’ vagueness challenge solely because it found “Due Process-based vagueness challenges have not been extended beyond the statutory sphere or, at most, to written rules and regulations,” *id.* at *20. But the very short discussion in that case is incorrect, cites no authority supporting its sweeping conclusion, and asserts that the relevant argument appeared only in “a footnote” in briefing that did not identify any vagueness challenges to “policies” specifically. *Id.*

As demonstrated above, courts, including the Supreme Court and the Third Circuit, routinely consider vagueness challenges to policies, and they apply the same test that would apply to any other government action that carries the possibility of imposing harm or legally cognizable consequences on an individual or group. *See supra*; *see also, e.g., Faustin v. Denver, Colo.*, 423 F.3d 1196 (10th Cir. 2005) (considering “the precise parameters of Denver’s unwritten policy” regarding signs on overpasses and applying standard vagueness analysis); *Families Achieving Indep. and Respect v. Nebraska Dept. of Soc. Services*, 111 F.3d 1408, 1415-18 (8th Cir. 1997) (noting unwritten policy can be made “explicit by ‘well-established practice’” and can be challenged for vagueness pursuant to standard analysis); *NAACP v. City of Philadelphia*, 39 F. Supp. 3d 611, 634 (E.D. Pa. 2014) (“If a plaintiff can show the existence of an unconstitutional unwritten policy, a court will invalidate the policy as unconstitutional.”), *aff’d*, 834 F.3d 435 (3d Cir. 2016).

This makes sense, since adopting *AAUP*’s rule would permit the government

to avoid review of an unconstitutional policy by simply declining to put it in writing. But courts rule on the lawfulness of unwritten policies all the time, and they treat both the question of whether such a policy exists and the parameters of that policy as factual questions to be determined on the record presented by the parties. *See Gilles*, 281 F. App'x at 512; *see also Hassan v. City of New York*, 804 F.3d 277, 295 n.5 (3d Cir. 2015) (“[T]he primary—indeed, perhaps only—difference between a suit involving a written and unwritten policy is an evidentiary one.”) (cleaned up); *Hisp. Affs. Project v. Acosta*, 901 F.3d 378, 387 (D.C. Cir. 2018) (conducting APA review of unwritten “policy and practice”); *R.I.L-R v. Johnson*, 80 F. Supp. 3d 164, 184–85 (D.D.C. 2015) (“Denying review of agency action that is . . . unwritten would fly in the face of the Supreme Court’s instruction that finality be interpreted pragmatically”) (cleaned up); *Velesaca v. Decker*, 458 F. Supp. 3d 224, 242-43 (S.D.N.Y. 2020) (enjoining contested unwritten policy and noting a policy “can be gleaned from agency action”). Here, as discussed below, the uncontested record demonstrates both the existence of Respondents’ Policy and its vagueness.

B. Mr. Khalil is likely to succeed in demonstrating the existence of the Policy and that it is impermissibly vague.

- i. The undisputed preliminary injunction record confirms the government has adopted the Policy, and the government does not deny it exists.

Through un rebutted allegations in his petition, declarations and exhibits in support of his preliminary injunction motion, and further exhibits submitted to this

Court as part of the immigration court record, Mr. Khalil is likely to succeed in demonstrating the government has implemented a policy to “arrest, detain, and seek the removal of noncitizens who engage in protected expressive activity in support of Palestinian rights or critical of Israeli policies.”¹ Am. PI MOL at 1. The record evidence is consistent, overwhelming, and undisputed.

It includes Respondents’ and other senior officials’ “public statements, multiple Executive Orders, and . . . legal documents” chronicling the announcement and implementation of the Policy. *Id.* at 4; *see also id.* at 4-9 (summarizing Policy evidence and citing First Am. Pet. ¶¶ 29-44, 73-82); Exec. Order 14161 (Jan. 20, 2025) (instructing agencies to target noncitizens who “espouse hateful ideology”); Exec. Order 14188 (Jan. 29, 2025) (instructing agencies to investigate “campus anti-Semitism”); Exec. Order 14188 “Fact Sheet” (Jan. 30, 2025) (describing the order as a “promise” to “deport Hamas sympathizers and revoke student visas,” sending a message to all “resident aliens who participated in pro-jihadist protests” that the government “will find you . . . and deport you”), available at <https://perma.cc/9EGD-T9P7>; ECF 68 (“Salama PI Decl.”) Exs. A-D (collecting interviews, public statements, and reporting where the government conflates any participation in pro-

¹ This memorandum is primarily submitted in further support of Mr. Khalil’s motion for a preliminary injunction, ECF 66, and so he focuses on the preliminary injunction standard here. For all the same reasons discussed here, he also satisfies the standard relevant to his “Motion for Release.” *See* ECF 93 at 14.

Palestinian advocacy or protest with being “pro-jihadist,” “pro-Hamas,” and antisemitic); ECF 175-2 (“Linhorst PI Decl.”) Exs. A-S (same, plus multiple court documents from suits related to other individuals subjected to the Policy).

In response, the government has submitted no record evidence on the issue. It has not challenged the accuracy or authenticity of any of Mr. Khalil’s submissions. In its legal arguments, the government notably has *not* denied the existence of the Policy. *See* PI Opp. The entirety of the government’s argument on this issue has been to place the word “Policy” in quotation marks and refer to it as “undefined,” but without actually contesting Mr. Khalil’s definition of the policy, let alone identifying any deficiencies or inconsistencies in that definition. *See id.* at 6, 21, 22, 28, 32.²

To the contrary, Mr. Khalil has consistently defined Respondents’ Policy as

² The government glancingly cites *Lujan v. Nat’l Wildlife Federation*, 497 U.S. 871 (1990), and *Bennett v. Spear*, 520 U.S. 154 (1997), without discussion beyond brief parenthetical summaries, *see* PI Opp. at 32, seemingly to suggest that the Policy may not constitute reviewable “final agency action” under the APA. But—leaving aside that these cases would only be relevant to Mr. Khalil’s APA claims, on which he has not moved—any “analogy to *Lujan*, where the plaintiffs challenged a constellation of [agency] actions announcing its intent to grant permission to certain activities, to decline to interfere with others, and to take other action if requested, is inapposite, because the Plaintiffs allege a specific ‘policy of revoking the visas and green cards of [noncitizens] engaged in pro-Palestinian advocacy,’ not a constellation of independent decisions or a general drift in agency priorities.” *AAUP*, 2025 WL 1235084, at *21 (also holding “[t]his case is closer to [*R.I.L-R v.*] *Johnson* than *Lujan*,” since “Plaintiffs allege that the Public Officials are targeting noncitizens who engage in pro-Palestinian advocacy for visa revocation and deportation, not that they have become anti-Palestinian or suppressive of speech in some general way”); *see also R.I.L-R*, 80 F. Supp. 3d at 184 (finding unwritten agency policy regarding immigration detention was final agency action).

being to arrest, detain, and seek to deport noncitizens who engage in protected expression in support of Palestinian rights or critical of Israel—including by invoking the Foreign Policy Ground to effectuate its Policy. *See* Th. Am. Pet. ¶¶ 2, 3, 8, 44, 98; *id.* at p. 28; Am. PI MOL at 1, 4-7, 40. And, as discussed above, he has created an undisputed preliminary-injunction record confirming its existence. *See supra*. Furthermore, both shortly before and since Mr. Khalil filed his petition, at least six additional noncitizens have been subjected to the same Policy, and several of them—along with one putative class—have filed suits identifying and challenging aspects of it. *See AAUP*, 2025 WL 1235084, at *2-4, *4 n.6 (describing the cases of Mr. Khalil, Mohsen Mahdawi, Rümeyssa Öztürk, Ranjani Srinivasan, Yunseo Chung, Badar Khan Suri, Momodou Taal). In light of these developments, the court in *AAUP* has already held that “the Plaintiffs have plausibly alleged the existence of . . . an ideological-deportation policy.”³ *Id.* at *20. Here, on the undisputed record relevant to his preliminary injunction motion, Mr. Khalil has plainly shown he is likely to succeed in demonstrating the existence of the Policy he challenges.

ii. The Policy is unconstitutionally vague.

As discussed in Mr. Khalil’s prior briefing, the Policy is impermissibly vague

³ The “ideological-deportation policy” is defined as a “policy of targeting noncitizens who engage in pro-Palestinian or anti-Israel speech and association for arrest, detainment, and deportation.” *AAUP*, 2025 WL 1235084, at *1. In other words, it is the same Policy at issue in this case.

both because it “does not give proper notice to anyone residing in the country which of their otherwise-lawful speech, opinions, beliefs, or advocacy will result in the government targeting them for detention and removal,” and because “it provides government officials with unfettered discretion to target disfavored speech.” Am. PI MOL at 24; *see also id.* at 23-31 (discussing, *inter alia*, *F.C.C. v Fox*). The government acknowledges the argument but does not address or dispute it. *See* PI Opp. at 28. As such, the government does not articulate how any noncitizen could be on notice as to what pro-Palestinian expressive activity would result in their arrest or deportation—because they can’t—and it otherwise concedes that “there is simply no manageable standard” to prevent the arbitrary or discriminatory application of a key aspect of its Policy, the use of the Foreign Policy Ground. *Id.* at 24.

Mr. Khalil does not repeat his arguments here but notes that the Supreme Court’s analysis in *F.C.C. v. Fox*—another vagueness case analyzing a policy that “touch[ed] upon ‘sensitive areas of basic First Amendment freedoms,’” 567 U.S. at 254 (quoting *Baggett*, 377 U.S. at 372, and *Reno v. ACLU*, 521 U.S. 844, 870–871 (1997) (“The vagueness of [a content-based regulation of speech] raises special First Amendment concerns because of its obvious chilling effect.”))—is particularly instructive for two reasons.

First, in *Fox* the Court considered a series of contemporaneous and preceding FCC opinions, directives, guidance, and letters to glean the indecency “policy in

place at the time” the plaintiffs were punished for broadcasting fleeting expletives or brief nudity. 567 U.S. at 254. The Court found the FCC had painted a confusing picture of what material was prohibited and that the “broad language” the FCC relied on to justify its fines did not resolve that confusion. *Id.* at 254–58 (holding, as a result, the FCC “failed to give . . . fair notice prior to the broadcasts in question that fleeting expletives and momentary nudity” were “indecent”). Similarly, here, the government announced a Policy that “promise[s]” noncitizens “who participated in pro-jihadist protests” the government will “find you and deport you,” Exec. Order 14188 Fact Sheet—but its guidance regarding what specific expressive activity is prohibited is even more confusing than the FCC’s statements in *Fox*, see, e.g., Salama Decl. Ex. C (ECF 68-3) at 3 (Deputy DHS Secretary Troy Edgar refusing to provide a direct answer when asked if “any criticism of the Israeli government,” “any criticism of the U.S,” “any criticism of the government,” or “protesting” are deportable offenses), and it ultimately justifies its actions in this instance through the breathtakingly “broad language,” *Fox*, 567 U.S. at 257, of the Foreign Policy Ground, which it concedes has “no manageable standard,” PI Opp. at 24. Nor does the Policy appear to impose any temporal limit on what expression might be captured. For these reasons, as in *Fox*, the Policy is vague both because it fails to give notice of prohibited expression and because it leaves people subject to arbitrary enforcement—“at the mercy of *noblesse oblige*.” 567 U.S. at 255 (internal quotation

omitted); *see also Sessions v. Dimaya*, 584 U.S. 148, 174 (2018) (finding provision vague when interpreting key terms “necessarily ‘devolv[ed] into guesswork and intuition’”) (quoting *Johnson v. United States*, 576 U.S. 591, 600 (2015)).

Second, the Court in *Fox* found it particularly relevant that the challenged policy included key provisions whose “interpretation had changed” because the agency abruptly “changed course” and started targeting content that had previously gone unpunished. 567 U.S. at 254 (describing how these changes contributed to lack of notice of prohibited expression). Similarly, here the government’s interpretation of the key terms it invokes to implement its Policy—the Foreign Policy Ground’s “serious adverse foreign policy consequences,” and expression that compromises “compelling” foreign policy interests, 8 U.S.C. §§ 1227(a)(4)(C)(i), 1182(a)(3)(C)(iii)—reflect an abrupt change from every previously reported use of the Foreign Policy Ground, none of which, on information and belief, involved the punishment of speech, protestors, or those engaging in expressive activity within the United States. *See* Th. Am. Pet. ¶¶87;⁴ *see also Matter of Ruiz-Massieu*, 22 I&N Dec. 833 (BIA 1999) (describing *Matter of Khalifah*, 21 I&N Dec. 107 (BIA 1995), as “the only published Board case involving” the Foreign Policy Ground)). As in *Fox*,

⁴ Noting the Foreign Policy Ground, according to all published records, appears to have been “reserved for cases involving high-ranking government officials or an alleged terrorist removable on other grounds and subject to high-profile prosecutions in their country of origin.”

these abrupt changes to the government’s practice and interpretation further support the conclusion that, as a result, there is no “fair notice of what has been prohibited.”

For all these reasons, and for those discussed in his previous briefing, *see* Am. PI MOL at 23-31; PI Reply at 16, Mr. Khalil is likely to succeed on the merits of his claim that Respondents’ Policy is unconstitutionally vague.

II. The Foreign Policy Ground is unconstitutionally vague as applied to Mr. Khalil through the Rubio Determination.

In separately challenging the Rubio Determination as unconstitutionally vague, *see* Am. PI MOL at 26-31, Mr. Khalil brings an as-applied challenge to the Foreign Policy Ground—the statutory basis for that Determination. The government’s application of the Foreign Policy Ground to Mr. Khalil is impermissibly vague because the statutory text failed to provide fair notice to him and failed to provide standards for its application. The historical application of the statute is further evidence of that failure, as is the text of the Determination itself.⁵

In an as-applied challenge, the plaintiff must show that the statute was “vague as applied to him.” *Borden v. Sch. Dist. of Twp. of E. Brunswick*, 523 F.3d 153, 167 (3d Cir. 2008). When a statute involves “removal,” courts will apply “the most

⁵ At a hearing on May 2, the Court asked whether Mr. Khalil is making a separate claim challenging the Rubio Determination itself as a vague “explanation” of the alleged violation. May 2 Tr. (ECF 229) at 8:23-25. He does not do so, and clarifies here that text of the Determination’s explanation is evidence in support of his as-applied void-for-vagueness claim challenging the government’s application of the Foreign Policy Ground to him.

exacting vagueness standard” because of the consequences that flow from a violation, *Dimaya*, 584 U.S. at 156 (citing *Jordan v. De George*, 341 U.S. 223, 229 (1951)), and “[w]hen speech is involved,” the analysis is also more “rigorous . . . to ensure that ambiguity does not chill protected speech,” *Fox*, 567 U.S. at 253–54.

Here, the Foreign Policy Ground states that a noncitizen “whose presence or activities in the United States the Secretary of State has reasonable ground to believe would have potentially serious adverse foreign policy consequences for the United States is deportable.” 8 U.S.C. § 1227(a)(4)(C)(i). Where a person’s lawful, past, current, or even “expected” beliefs, statements, or associations are cited as the basis for their deportation, removal is barred unless the Secretary of State personally determines that the noncitizen’s continued presence or activities would compromise a “compelling” foreign policy interest. 8 U.S.C. § 1182(a)(3)(C)(iii).

The text of the Foreign Policy Ground does not identify what past, current, or future activities would make someone subject to it or how that person could conform their expression or activities to its requirements. *See Massieu v. Reno*, 915 F. Supp. 681, 699 (D.N.J. 1996) (reviewing facial challenge to the Foreign Policy Ground and concluding “the statute provides absolutely no notice to aliens as to what is required of them under the statute”), *rev’d on other grounds*, 91 F.3d 416 (3d Cir. 1996). The requirement that a noncitizen’s presence or activities would compromise a “compelling” U.S. foreign policy interest does not provide any further clarity or

discernable standard for enforcement. *Massieu*, 915 F. Supp. at 702 n.21 (noting “the phrase ‘compelling United States foreign policy interest’ lacked definite standards” and “gives absolutely no guidance” as to how it “should be interpreted”).

The Supreme Court’s decision in *Dimaya*, 584 U.S. 148, is instructive with respect to this type of qualitative provision. In that case, the Court analyzed the definition of the term “crime of violence” as used in the statutory residual clause, 18 U.S.C. § 16(b), and incorporated in the definition of an “aggravated felony” in the INA, 8 U.S.C. §1101(a)(43)(F). The residual clause defined a “crime of violence” as one that, “by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.” *Dimaya*, 584 U.S. at 153. The Court held that this formulation was unconstitutionally vague for two reasons. First, because it required a court to identify a crime’s “ordinary case” without any standards for doing so. *Id.* at 160. And most relevant here, the “second fatal feature” of the law was the uncertainty of what constitutes a “substantial risk” that physical force may be used. *Id.* at 161. Such a “fuzzy risk” standard will necessarily devolve into judicial “guesswork.” *Id.* at 171, 174.

So too here, where what is “potentially serious” or “compelling” to one administration at one point in time will not necessarily be serious or compelling to another or even the same administration at a later point, leading to conjecture and guesswork as to what expression could be subject to the Foreign Policy Ground. *See*

Am. PI MOL at 25–26. These concerns are heightened where attempts to divine how the “fuzzy” provision could have applied to Mr. Khalil’s expressive activity are currently chilling protected speech. *See Fox*, 567 U.S. at 253–54.

The historical application of the Foreign Policy Ground—specifically the absence of any history of applying the statute or of Congress intending to apply the statute to students engaged in routine political speech in the United States on a matter of public concern—is further evidence that Mr. Khalil could not have been on notice that the government would or could apply the Foreign Policy Ground to his expressive activity. *See id.* at 254 (evidence of “changed course” in application of a standard, particularly an “abrupt” change involving “sensitive areas of basic First Amendment Freedoms,” demonstrated lack of notice) (cleaned up). Here, as *amici* describe, in the 35 years since the Foreign Policy Ground’s enactment, out of 11.7 million cases, DHS has invoked it approximately fifteen times, and never based on any conduct or expression that was anything like Mr. Khalil’s.⁶ *See* Amicus Br. of Immigration Lawyers, Law Professors, and Scholars (ECF 110-1) at 7–8 (“It may well be that Mr. Khalil’s case is unprecedented in the history of this provision and in

⁶ Of those few cases, only two are publicly identifiable. The first is *Massieu*, (ECF 214 at V.D), involving a former senior Mexican official under investigation by the Mexican government whose continued “presence [in the United States] had become a thorn in the side of U.S.-Mexico relations.” *Id.* at 81. The second is Mohammed Khalifah, a relative of Osama Bin Laden, where the government invoked the Foreign Policy Ground based on the Jordanian government’s allegations of his involvement in terrorist attacks. *See Matter of Khalifah*, 21 I&N Dec. 107 (BIA 1995).

the history of the United States.”). In light of this history, when Mr. Khalil was engaging in speech and expressive activity alongside thousands of other students during 2023 and 2024, *see* Th. Am. Pet ¶¶ 22-24, he could not possibly have been on notice that the Foreign Policy Ground would apply to his actions. *See United States v. Ferriero*, No. 13-CV-592, 2015 WL 225806, at *16–17 (D.N.J. Jan. 15, 2015) (noting the “touchstone” of the fair notice prong is “whether the statute, either standing alone or as construed” gives the individual “fair warning”) (cleaned up).

Similarly, even if he had studied the statute’s legislative history, he would have had no notice the government here could one day apply it to him via the Rubio Determination. When Congress amended the INA to add the Foreign Policy Ground in its current form, it was *removing* McCarthy-era ideological exclusion grounds and made clear its intent “to take away the executive branch’s authority” to target “political beliefs” and “speech in the United States,” and to “[affirm] the principles of the First Amendment.” S. Rep. No. 100–75, at 11, 100th Cong., 1st Sess. (1987), reprinted in 133 Cong. Rec. S2326 (1987). Congressional conference reports indicated the provision would be used “sparingly and not merely because there is a likelihood that an alien will make critical remarks about the United States or its policies.” H.R. Rep. No. 101-955, at 35417 (1990) (Conf. Rep.)⁷ (giving as examples

⁷ Available at <https://www.congress.gov/101/crecb/1990/10/26/GPO-CRECB-1990-pt24-1-1.pdf>.

high-level individuals implicated in the “violat[ion of] a treaty or international agreement,” and the admission of the Shah of Iran, which precipitated the Iranian Hostage Crisis). To the extent the respondents here have adopted “new principle[s],” *see Fox*, 567 U.S. at 254, untethered to this legislative history, Mr. Khalil plainly had “no notice” that his expressive activity could be swept up as a result, *id.*; *see also Wright v. State of Ga.*, 373 U.S. 284, 291–93 (1963) (noting when a “generally worded statute” is “construed to punish conduct which cannot be constitutionally punished,” that application “is unconstitutionally vague”) (cleaned up).

Finally, the text of the Rubio Determination itself further demonstrates the lack of notice and arbitrary and discriminatory enforcement that render this application of the statute impermissibly vague. It generically alleges the “participation” of Mr. Khalil in unnamed “antisemitic protests and disruptive activities,” which it further alleges “undermine U.S. policy to combat anti-Semitism around the world.” *See* ECF 198-1 at 7. These terms are versions of the same ambiguous, standardless language employed by the government in its public statements about the Policy and discussed in Section I(B) of this memorandum, *see supra* at 7–14; Am. PI MOL at 23–31, and they do not reflect any narrowing principle as to what specific protected activity is prohibited or rises to the level of compromising a compelling foreign policy interest. The Determination makes plain the government has given itself absolute discretion to apply similar language

arbitrarily and to any noncitizen engaging in pro-Palestinian expressive activity. *See* Am. PI. MOL 26–27; *cf. Carolina Youth Action Project; D.S. by & through Ford v. Wilson*, 60 F.4th 770, 783 (4th Cir. 2023) (holding disorderly conduct statute vague as applied to students because the terms “disorderly,” “boisterous,” “obscene” or “profane” do not “explain the law’s scope or limit the discretion with enforcing it”).

For all these reasons, and those discussed in Mr. Khalil’s earlier briefing on this issue, *see* Am. PI MOL at 26–30, the Court should find that Mr. Khalil is likely to succeed on his claim that the Foreign Policy Ground, as applied to him through the Rubio Determination, is unconstitutionally vague.

CONCLUSION

For the foregoing reasons, and for all the reasons discussed in his submissions in support of his motion for a preliminary injunction and for release, those motions should be granted.

Dated: May 7, 2025
Newark, NJ

Respectfully submitted,

/s/Jeanne LoCicero

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing filing was served on counsel of record via this Court's CM/ECF system on May 7, 2025.

/s/Jeanne LoCicero

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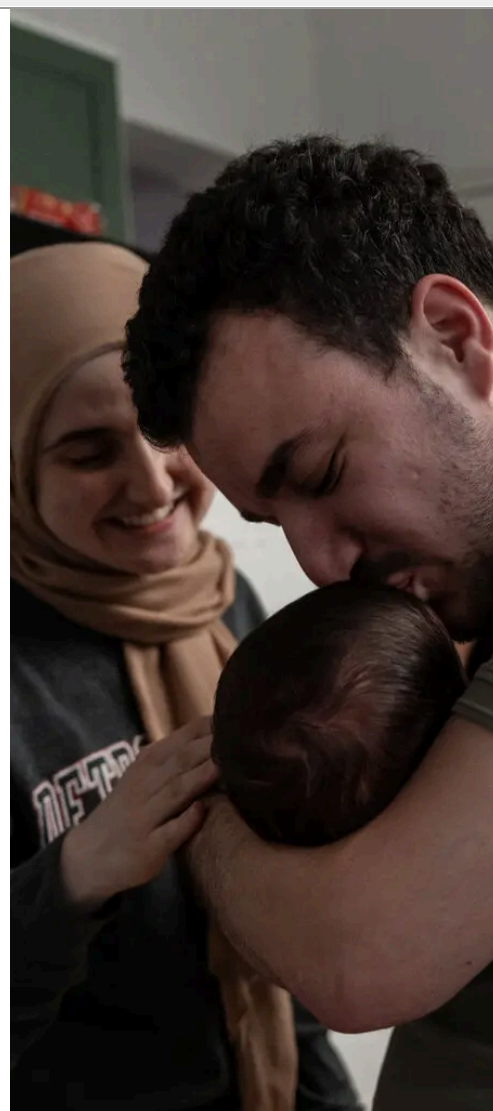
EXHIBIT G



The New York Times

‘It Felt Like Kidnapping,’ Khalil Says in First Interview Since Release

The Columbia graduate and pro-Palestinian activist returned to New York after more than three months in detention. The Trump administration is seeking to deport him.



Mahmoud Khalil said nothing can compensate the loss of missing the birth of his son. Todd Heisler/The New York Times



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By **Jonah E. Bromwich**

June 22, 2025

Mahmoud Khalil sat in a Manhattan apartment dotted with posters and signs calling for his freedom and described the moment 105 days before when plainclothes immigration agents had handcuffed him in the building lobby.

“All the ‘Know Your Rights’ information and fliers I read and familiarized myself with were useless,” Mr. Khalil said. “There are

no rights in such situations.”

“It felt like kidnapping,” he said.

Mr. Khalil, a 30-year-old Columbia University graduate and U.S. permanent resident, was the first student protester targeted and detained by the Trump administration. On Friday, after having spent more than three months in detention in Jena, La., he was released on bail.

He traveled most of the night to return to New York City, and on Saturday evening turned off a television newscast on America’s attack on Iran to speak publicly for the first time about his arrest, his detention and his plans now that he is free.

He said that if President Trump’s goal had been to suppress pro-Palestinian speech, the president had “absolutely failed.”

When he was in prison, he had received hundreds of letters from people whose interest in the Palestinian movement had been catalyzed by his case, he said.



On Columbia’s campus, Mahmoud Khalil became an interlocutor between protesters and the administration. Bing Guan for The New York Times

Citing President Trump's reported [promise to donors during the 2024 campaign](#) to set the Palestinian cause back decades, Mr. Khalil said he believed that Mr. Trump had done the opposite. "He actually advanced the movement 20 years," he said.

In a statement, a White House spokeswoman, Abigail Jackson, said Mr. Khalil's case was "not about 'free speech.'"

"This is about individuals who don't have a right to be in the United States siding with Hamas terrorists and organizing group protests that made college campuses unsafe and harassed Jewish students," she said. Allegations that Mr. Khalil expressed support for Hamas have not been substantiated in court.

"The Trump administration won't hesitate to hold Khalil, and others who mimic his tactics, accountable," she added. The administration is still seeking to deport Mr. Khalil, whose case is wending its way through immigration court.

Tricia McLaughlin, a spokeswoman for the Department of Homeland Security, said in a statement that Mr. Khalil should "self-deport" by using a [government app](#) to schedule his departure from the United States.

Mr. Khalil was never accused of a crime. Instead, Secretary of State Marco Rubio invoked a rarely cited law from the mid-20th century to deport him on the grounds that he had undermined American foreign policy. The administration argued that he had contributed to the spread of antisemitism through his role in the protests at the university.

But Mr. Khalil, a Palestinian born in a Syrian refugee camp, rejected the idea that protesting against Israel is inherently antisemitic.

"I was not doing anything antisemitic," he said. "I was literally advocating for the right of my people. I was literally advocating for an end of a genocide. I was advocating that the tuition fees that I and other students pay don't go toward investing in weapons manufacturers. What's antisemitic about this?"

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Mr. Khalil's arrest made him the focus of protests. Signs from them decorate his apartment. Dave Sanders for The New York Times

Even operating on a few hours of sleep, Mr. Khalil spoke in fluid paragraphs as he related his personal history.

He was born and raised in a small refugee camp in southern Damascus to Palestinian parents and was taught, he said, to exercise his inherent right to free speech, even in a country with a repressive government, which he opposed. He fled Syria for Lebanon a week after his 18th birthday, having learned that two friends had been disappeared by government agents.

He studied computer science part time at the Lebanese American University in Beirut. In 2016, he met Noor Abdalla, an American woman of Syrian descent with whom he fell in love.

Around 2022, Mr. Khalil began applying to schools in the United States.

While he did not romanticize America, he believed that the country had strong institutions and a robust rule of law and that his speech would be protected.

"I came here with a clear understanding of freedom of expression," he said. "Even when it comes to Palestine. I never had any sort of

concern that speaking up for Palestine would actually get me in jail.”



Dr. Noor Abdalla spoke to rallies and protests in support of her husband. Todd Heisler/The New York Times

He enrolled at Columbia University in January 2023. Even before Hamas’s attacks on Israel on Oct. 7 of that year, he felt that the school practiced anti-Palestinian discrimination. When he sought to organize a lecture by a Human Rights Watch official focused on what he called apartheid in Israel, he said that the university administration gave him and the Palestinian Working Group, an organization for Palestinian students, a difficult time.

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By Oct. 7, he said, he felt he had a clear view of where the university stood. But he had also grown familiar with its administrators. In the spring of 2024, when students formed an encampment on a campus lawn, he negotiated with the administration on behalf of protesters demonstrating against a war that [has now killed more than 55,000 people in Gaza, according to the Gaza health ministry](#).

“Columbia is deeply committed to combating all forms of harassment and discrimination on our campus and ensuring all students feel safe and welcome,” a spokesman for the school said in a statement.

That spring, as protests and counterprotests disrupted campus life, Mr. Khalil began to feel concern for his safety. Though there appears to be no public record of his having expressed support for Hamas, whose attack on Israel began the war and killed more than 1,200 people, pro-Israeli websites began to portray him as “pro-Hamas” for his use of phrases such as [“from the river to the sea.”](#)

In the meantime, Mr. Khalil had married Dr. Abdalla, a dentist, and applied for permanent residency. In the summer of 2024, Dr. Abdalla became pregnant, and in November his green card came through.

Mr. Khalil’s fear for himself and his family spiked after President Trump’s election. After the president signed an executive order promising to combat campus antisemitism, groups that had targeted Mr. Khalil, including [Canary Mission and Betar](#), began to post about him again.

On March 8, he was returning from dinner at a friend’s house with Dr. Abdalla. According to court documents, when he unlocked the door to the building, two men wearing plainclothes followed them inside. Mr. Khalil was told he was being placed under arrest and Dr. Abdalla, who was then eight months pregnant, was threatened with arrest.



Footage filmed by Noor Abdalla, Mahmoud Khalil's wife, and posted by the American Civil Liberties Union shows the moment Khalil was detained by agents wearing plain clothes and badges. American Civil Liberties Union

"I asked for a warrant" Mr. Khalil recalled. The agents never showed him one.

The whole episode reminded him of the way government agents in Syria operated outside the law. "That's literally what made me flee," he said.

Initially, the agents told Mr. Khalil that his student visa had been canceled, which made no sense given that he was a permanent resident. He felt that he would be released as soon as the confusion was cleared up. But about five hours later, he was shown Mr. Rubio's determination that he was a foreign policy threat.

“It was very ironic. I literally laughed,” he said, adding, “What did I do that I’m a foreign policy threat to the United States? Did I, like, damage, the U.S.-Israeli relationship? Because it doesn’t appear so.”

Mr. Khalil was quickly transferred to New Jersey and then taken back to New York, told only that he was headed to Kennedy International Airport. He felt sure that he was being deported. Only when he was boarding a plane was he told he was being taken to Louisiana, more than 1,000 miles from his home.



After a judge granted him bail, Mr. Khalil was freed from a detention center in Jena, La. Annie Flanagan for The New York Times

Once in Jena, Mr. Khalil said he shared a room with more than 70 other men. He had no privacy and no knowledge of what would happen next. He was racked with concern for his wife and unborn child.

Mr. Khalil was “tortured by the uncertainty,” he said. “I tried my best to make a meaning out of my suffering there. I didn’t want to just sit around and wait for my fate to be decided.”

He began to spend his time helping other detainees communicate their needs to the authorities. He spent a few hours each day

translating questions into proper English about what had happened to the money in someone's commissary account, or why they hadn't received their medications.

He read "Man's Search for Meaning" by Viktor Frankl — a chronicle of life in a Nazi concentration camp — and "Unbuild Walls" by Silky Shah, a book describing the history of immigration policy and mass incarceration in the United States, as well as a few novels.

He felt joyful when he saw other pro-Palestinian students who had been detained go free. But the person who most occupied his mind was Dr. Abdalla, before and after she gave birth to a boy on April 21. Mr. Khalil's [requests to attend the delivery were denied.](#)



Mr. Khalil met his wife, Noor Abdalla, in Lebanon. The New York Times

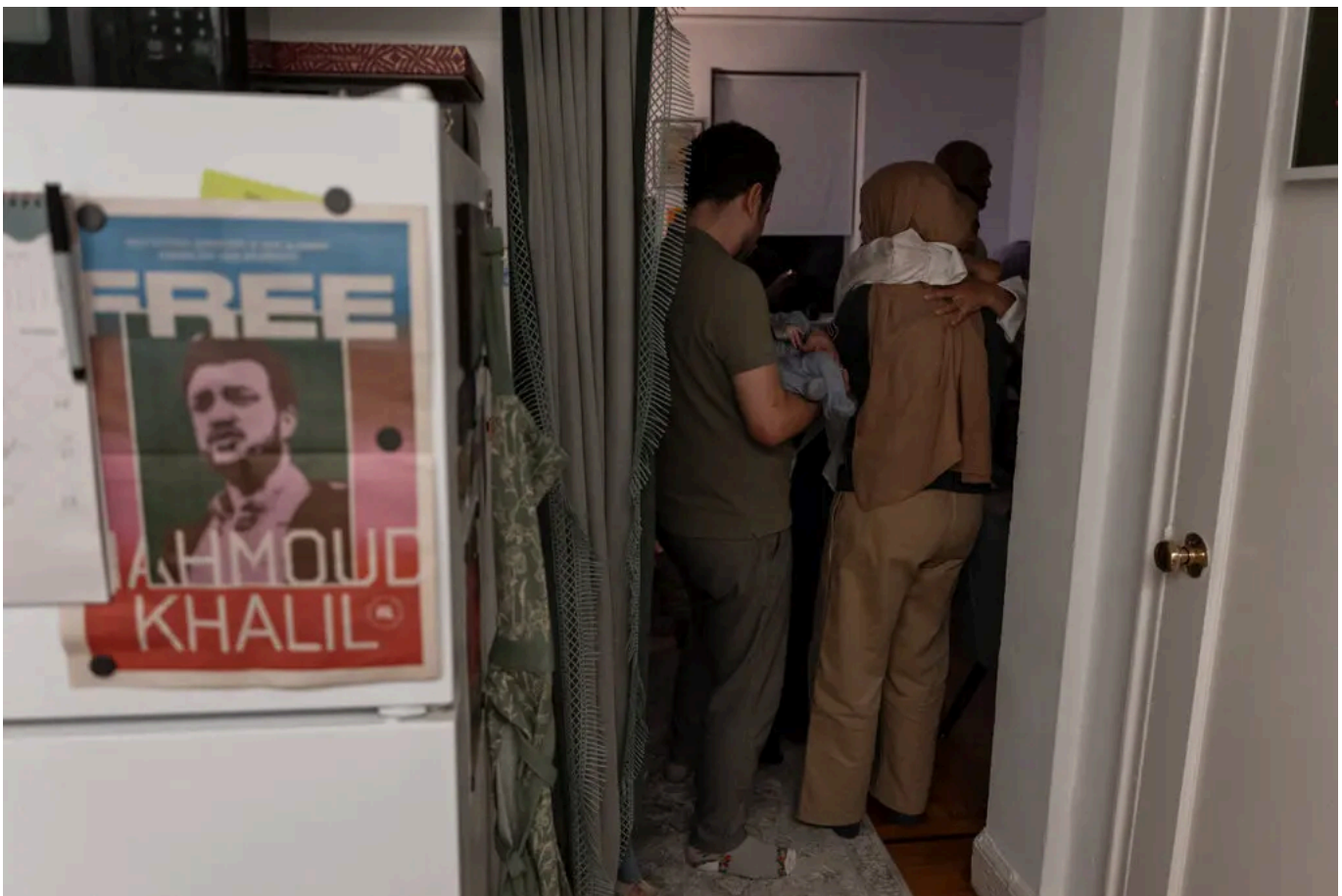
"I know how much Noor wanted me to be next to her while delivering the baby," he said, his voice catching. He said he tried to prepare himself for missing the birth, "but it was never enough in terms of managing my emotions, my thoughts about it."

He said that there was "nothing in this world that would compensate me for the time I lost with my family and witnessing the birth of my child."

In late May, the New Jersey federal judge overseeing his case, Michael E. Farbiarz, determined that the law Secretary Rubio had invoked was likely to be unconstitutional. This month, the judge barred the Trump administration from detaining Mr. Khalil on that basis and on Friday granted him bail.

Still, Mr. Khalil's detention broke his belief in American justice.

"If you have money, there is rule of law," he said. "If you are abiding by the very narrow definition of what this administration is defining an American value to be, you may get rule of law. Otherwise you have to fight tooth and nail to get your due process and your rights."



Mr. Khalil and Dr. Abdalla are at home together with their son after 105 days apart. Todd Heisler/The New York Times

He said that his having been freed in no way represented justice. "I'm free," he said, "but those who made me go through hell are still free outside and actually emboldened."

He intends to immediately resume his advocacy for Palestinian rights, as well as immigrant rights.

“I don’t think what happened to me would stop me,” he said. “If anything, it’s actually reinforced my belief that what we’re doing is right.”

A correction was made on June 22, 2025: An earlier version of this article misspelled the given name of the author of “Man’s Search for Meaning.” He is Viktor Frankl, not Victor.

When we learn of a mistake, we acknowledge it with a correction. If you spot an error, please let us know at nytnews@nytimes.com. [Learn more](#)

Jonah E. Bromwich covers criminal justice in the New York region for The Times. He is focused on political influence and its effect on the rule of law in the area’s federal and state courts.

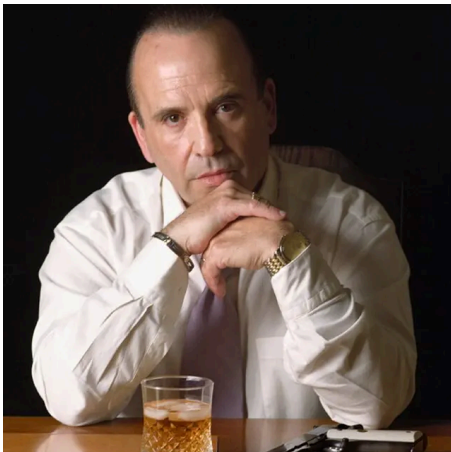
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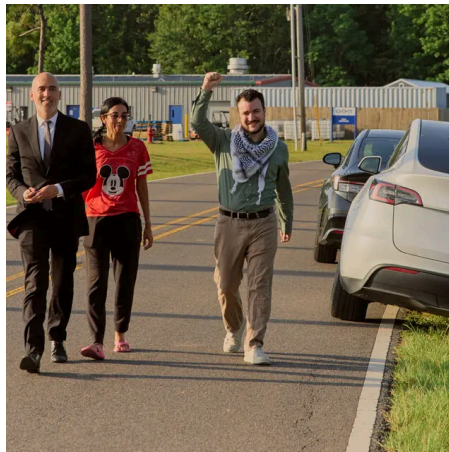
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After 104 days in a Louisiana immigration detention center, Columbia graduate student Mahmoud Khalil has been released on bail.



IMMIGRATION

Columbia activist Mahmoud Khalil released on bail

Khalil, a legal permanent resident married to a U.S. citizen, has become the face of the Trump administration's crackdown on student protesters opposing Israel's war in Gaza. He was the first of several students across the U.S. who were detained and threatened with deportation. Khalil was taken by immigration agents outside his New York City home in early March and detained in Louisiana.

While other students were released from detention, the Trump administration kept Khalil behind bars in Louisiana. During this time, he missed the birth of his first child. When he flew back to New Jersey over the weekend, Khalil was met with cheers as he pumped his fist into the air.

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AdChoices

Today he's reunited with his family in New York. He spoke to *Morning Edition* host Leila Fadel about his arrest, his time in detention and why he believes the government targeted him for protesting U.S. support for the war in Gaza.

This interview was lightly edited for length and clarity.

Interview highlights

Mahmoud Khalil: It felt like kidnapping, to be honest. You have plainclothes agents in unmarked cars, not identifying themselves, claiming to have an arrest warrant that they did not show. At no point did I know where I was going. I only knew that I was flying to Louisiana the moment we boarded the plane. It was a very difficult experience, being disconnected from everything, being shackled all the time during transport, except on the airplane, where I had two ICE agents basically surrounding me, making sure I didn't look at the news, didn't communicate with anyone, surveilling me the entire time. For almost 30 hours, until I arrived in Louisiana, I was fully disconnected from the world.

Fadel: What were the conditions like at the detention facility where you were being held all this time?

Khalil: The conditions inside were very dire. For the first week, I believe, I did not eat much. The food is inedible. It was very cold. Back in March, you get only one blanket while it is, I believe, around 60 degrees. You have no privacy whatsoever, sort of sleeping with over 70 men in the room, and no one explaining to you what's happening or what will happen. Many of them are confused about why they ended up in such a place. Although, I mean, most of them are in the country without documentation. But still, does that warrant their indefinite arrest?

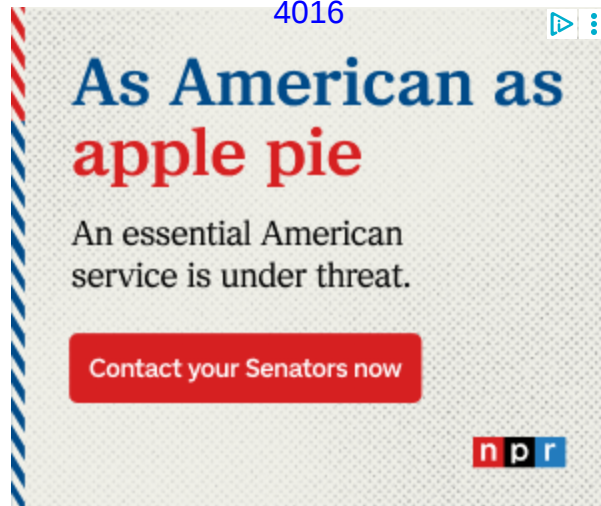


NATIONAL

'I think he knew': Mahmoud Khalil's wife on his detention and her search for answers

Fadel: You missed the birth of your son, your first child. What was it like reuniting with your wife Noor and holding your son for the first time?

Khalil: Missing the birth of Deen, I believe that was the most tragic event that happened to me in my life, and last month, after so much pressure, they allowed me to hold him for an hour. So this time felt, of course, different. It's just very mixed feelings, to be honest.



Fadel: What do you mean? Mixed feelings?

Khalil: I was in shock, like, is this really happening? Am I daydreaming? I also had mixed feelings about the hundreds of fathers in the detention center, there is absolutely no reason why they cannot hold their children in some way. I felt that I had defeated Trump. This is what they wanted to do, they wanted to separate me from my family, but they failed.

Fadel: Can you say more about that? I mean, this is an administration that has said very clearly that they think that the protests are bad, that they're antisemitic and that they will continue to deport and detain students.

Khalil: They want the protests to stop because they expose this administration's and this government's hypocrisy when it comes to human rights, when it comes to self-determination. That's why they wanted them to stop. But of course, it's not only about Palestine. In my case, they weaponized the immigration system to achieve what they wanted to, which is to chill speech. And Trump basically thinks that he creates the law and people should follow. So the fact that the federal judge ordered my release meant that Trump is basically no king.



INTERVIEW HIGHLIGHTS

DHS official defends Mahmoud Khalil arrest, but offers few details on why it happened

Fadel: The administration, the Department of Homeland Security, has already tweeted that they filed an appeal of your release. So far, the government has not accused you of breaking any laws in court documents. But administration officials

have repeatedly said on our air, on other broadcast media outlets, and in newspapers that you were involved in antisemitic activities, that you were agitating and supporting Hamas. Have they shown you or told you specifically what you said or did that they claim constitutes supporting Hamas or inciting antisemitism?

Khalil: They absolutely showed me nothing. They had over 100 days to do that, and I dare Trump, [Marco] Rubio, and their administration to substantiate these claims with anything, because they did not refer to anything. Even when they say I distributed the flyers, okay, show us the photos of me doing that. Just the bare minimum. What they're relying on is hateful rhetoric, trying to portray me as a villain, as a violent person, so that people don't actually look at what I was doing, what I was saying, what my values are, what my speech is about. And that's why they used the immigration system — because if they had a case, they would have gone through the criminal system or the civil system. But they know they don't have a case. They entirely control the immigration system. They had to go all the way back to 1952 to justify my deportation.

Fadel: Which is this immigration act that says, the Secretary of State, can remove a person that they deem adverse to foreign policy.

Where does your case stand?

Khalil: My release is just the first step. The legal fight is still very, very long. The administration appealed the decision about my release, but we will prove our case

– that what happened to Mahmoud Khalil was textbook retaliation against the First Amendment, that I was targeted because of speech the government did not like, and that there was nothing wrong with the speech I was engaged in. I want to make sure that everyone who contributed to my arrest will be held accountable. That's something I'm also looking forward to because now I can defend myself. While in detention, the administration refused any opportunity for me to speak to the media, because they knew they had no case. They were basically afraid of my voice.

Fadel: You mean they actively stopped you from speaking to journalists while in detention.

Khalil: Yes, they did. A number of media outlets reached out to the facility asking for interviews with me, but they basically either denied or ignored those requests. So I had to rely on reciting op-eds over the phone in order to get my voice out. Because what was happening is, the administration was talking about me, telling people who Mahmoud Khalil supposedly is, but they weren't giving me the chance to actually tell my story.

Fadel: Do you think you'll be able to stay with your family?

Khalil: I will fight to do that, as everyone should be with their families. That's why I'm standing up against this administration: to remain with my family, but also to give other children a chance to be with theirs. U.S. tax dollars are now being used to kill fathers and babies back in Palestine. They're being used to separate families here in the United States, under the watch of everyone. That's what I will continue fighting.

Homeland Security Assistant Secretary for Public Affairs Tricia McLaughlin said in a statement that Khalil's detention was legal. That's currently being battled out in court.

She also wrote that Khalil, a legal permanent resident, "should use the CBP Home app to self-deport. The United States is offering illegal aliens \$1,000 apiece and a free flight to self-deport now."

White House spokeswoman Abigail Jackson said in a statement "we expect to be vindicated on appeal, and look forward to removing Khalil from the United States."

The government is accusing Khalil in court of lying on his green card application, something Khalil disputes.

The White House, the State Department and the Department of Homeland Security did not address our questions on why Khalil was not allowed to speak to reporters while in detention nor did they provide evidence for their claims that Khalil supports anti-American causes, the Palestinian militant group Hamas or that he incited antisemitism.

The White House is one step closer to defunding public radio.

The House has voted to claw back all federal funding for public media, and the proposal now moves to the Senate.

We're running out of time to protect public radio's essential news, music, and emergency broadcast services to communities across the nation.

Those in rural areas — with few other options to get their news and information — will likely be the hardest hit.

But you can still stand up for public radio.

Spend 10 seconds at the link below.

The consequences of this vote fall directly on the Americans who rely on local, independent stations serving communities across the country. Take action.

**SAVE PUBLIC
MEDIA**

More Stories From NPR

2:25cv1963, Khalil V. Joyce, Et Al.

US District Court Docket
United States District Court, New Jersey
(Newark)

This case was retrieved on 08/19/2025

Header

Case Number: 2:25cv1963

Date Filed: 03/19/2025

Assigned To: Judge Michael E. Farbiarz

Referred To: Magistrate Judge Michael A. Hammer

Nature of Suit: Prisoner - General (530)

Cause: Petition for Writ of Habeas Corpus (federa

Lead Docket: None

Other Docket: New York Southern, 1:25-cv-01935, Third Circuit, 25-02162, Third Circuit, 25-02357

Jurisdiction: U.S. Government Defendant

Class Code: Open

Statute: 28:2241

Jury Demand: None

Demand Amount: \$0

NOS Description: Prisoner - General

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Petitioner

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Proceedings

#	Date	Proceeding Text	Source
1	03/09/2025	NOTICE OF APPEARANCE by Kyle Barron on behalf of M.K...(Barron, Kyle) (Entered: 03/09/2025)	
2	03/09/2025	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241. (Filing Fee \$ 5.00, Receipt Number ANYSDC-	

2:25cv1963, Khalil V. Joyce, Et Al.

#	Date	Proceeding Text	Source
		30735794)Document filed by M.K...(Greer, Amy) (Entered: 03/09/2025)	
3	03/09/2025	CIVIL COVER SHEET filed..(Greer, Amy) (Entered: 03/09/2025)	
4	03/10/2025	NOTICE OF APPEARANCE by Baher Azmy on behalf of M.K...(Azmy, Baher) (Entered: 03/10/2025)	
5	03/10/2025	NOTICE OF APPEARANCE by Samah Mcgona Sisay on behalf of M.K...(Sisay, Samah) (Entered: 03/10/2025)	
6	03/10/2025	NOTICE OF APPEARANCE by Diala Shamas on behalf of M.K...(Shamas, Diala) (Entered: 03/10/2025)	
	03/10/2025	***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Kyle Barron. The party information for the following party/parties has been modified: all defendants. The information for the party/parties has been modified for the following reason/reasons: party text was omitted. (gp) (Entered: 03/10/2025)	
	03/10/2025	CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Jesse M. Furman. Please download and review the Individual Practices of the assigned District Judge, located at https://nysd.uscourts.gov/judges/district-judges . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at https://nysd.uscourts.gov/rules/ecf-related-instructions.. (gp) (Entered: 03/10/2025)	
	03/10/2025	Magistrate Judge Sarah Netburn is designated to handle matters that may be referred in this case. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf . (gp) (Entered: 03/10/2025)	
	03/10/2025	Case Designated ECF. (gp) (Entered: 03/10/2025)	
7	03/10/2025	NOTICE OF APPEARANCE OF PRO BONO COUNSEL by Ramzi Kassem on behalf of M.K...(Kassem, Ramzi) (Entered: 03/10/2025)	
8	03/10/2025	NOTICE OF APPEARANCE OF PRO BONO COUNSEL by Shezza Abboushi Dallal on behalf of M.K...(Abboushi Dallal, Shezza) (Entered: 03/10/2025)	
9	03/10/2025	NOTICE OF CONFERENCE, It is hereby ORDERED that counsel for all parties appear for a conference with the Court on March 12, 2025 at 11:30 a.m. in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. Counsel must confer in advance of the conference and submit a joint letter, no later than March 11, 2025, at 5:00 p.m., indicating whether the conference is necessary and addressing how the Court should handle the present Petition. If counsel do not believe a conference is required, and that briefing is appropriate, counsel should propose a briefing schedule (expedited or otherwise) in the joint letter. No later than today, March 10, 2025, Petitioner's counsel is directed (1) to serve Respondents with a copy of the petition and accompanying papers, along with a copy of this Order, by e-mail to the United States Attorney's Office for the Southern District of New York and by overnight mail, and (2) to promptly file proof of such service on the docket. Counsel for Respondents shall promptly enter notices of appearance. SO ORDERED. (Status Conference set for 3/12/2025 at 11:30 AM in Courtroom 1105, 40 Centre Street, New York, NY 10007 before Judge Jesse M. Furman.) (Signed by Judge Jesse M. Furman on 3/10/25) (yv) (Entered: 03/10/2025)	
10	03/10/2025	NOTICE OF APPEARANCE by Jeffrey Stuart Oestericher on behalf of William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Oestericher, Jeffrey) (Entered: 03/10/2025)	
11	03/10/2025	MOTION to Compel Respondents to Return Petitioner to this District .	

2:25cv1963, Khalil V. Joyce, Et Al.

#	Date	Proceeding Text	Source
		Document filed by M.K.. (Attachments: # 1 Exhibit Declaration of Amy Greer, Esq.)(Kassem, Ramzi) Modified on 3/24/2025 (mxw,). (Entered: 03/10/2025)	
12	03/10/2025	NOTICE OF APPEARANCE by Brandon Matthew Waterman on behalf of William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/10/2025)	
13	03/10/2025	CERTIFICATE OF SERVICE of Summons and Petition for Writ of Habeas Corpus. Pamela Bondi served on 3/10/2025, answer due 3/31/2025; William P. Joyce served on 3/10/2025, answer due 3/31/2025; Kristi Noem served on 3/10/2025, answer due 3/31/2025; Caleb Vitello served on 3/10/2025, answer due 3/31/2025. Service was made by Email. Document filed by M.K...(Azmy, Baher) (Entered: 03/10/2025)	
	03/11/2025	NOTICE: The conference scheduled for March 12, 2025, at 11:30 a.m. will be held in Courtroom 110 (NOT Judge Furman's usual courtroom.) - - Alexandra Smallman, Courtroom Deputy to the Hon. Jesse M. Furman. (Entered: 03/11/2025)	
14	03/11/2025	AFFIDAVIT OF SERVICE of petition and accompanying papers served on United States Attorney's Office for the Southern District of New York on 3/11/2025. Service was accepted by Gary Dowling. Document filed by M.K.. (Attachments: # 1 Exhibit Stamped copy of cover lever).(Sisay, Samah) (Entered: 03/11/2025)	
15	03/11/2025	NOTICE OF APPEARANCE by Robert Andrew Hodgson on behalf of M.K...(Hodgson, Robert) (Entered: 03/11/2025)	
16	03/11/2025	NOTICE OF APPEARANCE by Molly Knopp Biklen on behalf of M.K...(Biklen, Molly) (Entered: 03/11/2025)	
17	03/11/2025	NOTICE OF APPEARANCE by Amy Belsher on behalf of M.K...(Belsher, Amy) (Entered: 03/11/2025)	
18	03/11/2025	NOTICE OF APPEARANCE by Veronica Salama on behalf of M.K...(Salama, Veronica) (Entered: 03/11/2025)	
19	03/11/2025	NOTICE OF APPEARANCE by Esha Bhandari on behalf of M.K...(Bhandari, Esha) (Entered: 03/11/2025)	
20	03/11/2025	NOTICE OF APPEARANCE by Vera Eidelman on behalf of M.K...(Eidelman, Vera) (Entered: 03/11/2025)	
21	03/11/2025	NOTICE OF APPEARANCE by Brett Max Kaufman on behalf of M.K...(Kaufman, Brett) (Entered: 03/11/2025)	
22	03/11/2025	NOTICE OF APPEARANCE by Noor Zafar on behalf of M.K...(Zafar, Noor) (Entered: 03/11/2025)	
23	03/11/2025	NOTICE OF APPEARANCE by Omar C. Jadwat on behalf of M.K...(Jadwat, Omar) (Entered: 03/11/2025)	
24	03/11/2025	LETTER addressed to Judge Jesse M. Furman from Baher Azmy dated 3/11/25 re: Joint Letter. Document filed by M.K., William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Azmy, Baher) (Entered: 03/11/2025)	
25	03/11/2025	NOTICE OF APPEARANCE by Brian Matthew Hauss on behalf of M.K...(Hauss, Brian) (Entered: 03/11/2025)	
26	03/12/2025	NOTICE OF APPEARANCE by Joshua Lewis Dratel on behalf of M.K...(Dratel, Joshua) (Entered: 03/12/2025)	
27	03/12/2025	NOTICE OF APPEARANCE by Lindsay Anne Lewis on behalf of M.K...(Lewis, Lindsay) (Entered: 03/12/2025)	
28	03/12/2025	LETTER addressed to Judge Jesse M. Furman from Robert J. Tolchin, Esq. dated 3-12-25 re: seeking review of public access restrictions for documents filed in this proceeding. Document filed by Shurat HaDin - Israel Law Center..(Tolchin, Robert) (Entered: 03/12/2025)	
29	03/12/2025	ORDER As stated on the record during the conference held earlier today: With the consent of both parties, the Court orders that the limitations on remote access to electronic files otherwise applicable in this case, see	

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		Fed. R. Civ. P. 5.2(c), are lifted. Accordingly, the Clerk of Court is directed to lift all viewing restrictions on the docket - i.e., to make all prior filings electronically available to the public - and to update the docket to conform with the caption of this Order. All future filings shall be publicly available unless the Court grants leave to file something under seal or in redacted form. Any application to file a document in such a manner shall be made in accordance with the Court's Individual Rules and Practices for Civil Cases, available at https://nysd.uscourts.gov/hon-jesse-m-furman . The Government shall file its Motion to Transfer or Dismiss for Improper Venue by 11:59 p.m. tonight. Briefing on that motion and Petitioner's Motion to Compel Respondents to Return Petitioner to this District, see ECF No. 11, shall then proceed as follows: The parties shall file their oppositions by March 14, 2025, at 11:59 p.m.; and the parties shall file their replies by March 17, 2025, at 5:00 p.m. Petitioner shall file an Amended Petition no later than March 13, 2025, at 9:00 p.m. After the Amended Petition is filed, the parties shall confer and then file a joint letter, no later than March 14, 2025, at 12:00 p.m., proposing next steps, including an expedited schedule for any additional motion practice. With the consent of the Government, Petitioner shall be granted at least one privileged attorney-client call (of at least one hour) today and at least one such call (also of at least one hour) tomorrow. The Government raised no objection to the temporary relief that the Court granted in its Notice of Conference entered on March 10, 2025. See ECF No. 9, at 1 ("To preserve the Courts jurisdiction pending a ruling on the petition, Petitioner shall not be removed from the United States unless and until the Court orders otherwise." (citing cases)). Accordingly, that order remains in effect. SO ORDERED. (Amended Pleadings due by 3/13/2025., Motions due by 3/12/2025., Replies due by 3/17/2025., Responses due by 3/14/2025) (Signed by Judge Jesse M. Furman on 3/12/2025) (jca) (Entered: 03/12/2025)	
	03/12/2025	Minute Entry for proceedings held before Judge Jesse M. Furman: Conference held on 3/12/2025. Court reporter present. (ab) (Entered: 03/12/2025)	
30	03/12/2025	MOTION to Dismiss or Transfer. Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/12/2025)	
31	03/12/2025	MEMORANDUM OF LAW in Support re: 30 MOTION to Dismiss or Transfer. . Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi. (Attachments: # 1 Exhibit Transcript from Suraiya v. Cioppa).(Waterman, Brandon) (Entered: 03/12/2025)	
32	03/12/2025	DECLARATION of Acting Field Office Director William P. Joyce in Support re: 30 MOTION to Dismiss or Transfer.. Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/12/2025)	
33	03/13/2025	MOTION for Kyle Barron to Withdraw as Attorney . Document filed by Mahmoud Khalil. (Attachments: # 1 Proposed Order Granting Motion to Withdraw as Counsel).(Barron, Kyle) (Entered: 03/13/2025)	
34	03/13/2025	ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL FOR PETITIONER granting 33 MOTION for Kyle Barron to Withdraw as Attorney. IT IS HEREBY ORDERED that Kyle Barron is withdrawn as counsel for Petitioner and shall be removed from the Case Management/Electronic Case Files (CM/ECF) notification in the above-captioned proceeding. The Clerk of Court is directed to terminate ECF No. 33. SO ORDERED. Attorney Kyle Barron terminated (Signed by Judge Jesse M. Furman on 3/13/2025) (jca) (Entered: 03/13/2025)	
35	03/13/2025	ORDER By Order entered yesterday, the Court directed the Clerk of Court to lift the restrictions otherwise applicable under Rule 5.2(c) of the Federal Rules of Civil Procedure. See ECF No. 29. The Court has been	

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		advised by the Clerk of Court that the only (or easiest) way to accomplish that for filings going forward is to change the nature of suit code. Accordingly, the Clerk of Court is directed to change the nature of suit code to No. 530, "Habeas Corpus," thereby lifting the limitations on remote electronic access to the docket imposed by Rule 5.2(c). SO ORDERED. (Signed by Judge Jesse M. Furman on 3/13/2025) (jca) (Entered: 03/13/2025)	
36	03/13/2025	DECLARATION of Acting Field Office Director William P. Joyce (SUPPLEMENTAL) in Support re: 30 MOTION to Dismiss or Transfer.. Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/13/2025)	
37	03/13/2025	LETTER addressed to Judge Jesse M. Furman from Brandon M. Waterman dated March 13, 2025 re: Supplemental Declaration of William P. Joyce. Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/13/2025)	
38	03/13/2025	FIRST AMENDED COMPLAINT against Pamela Bondi, William P. Joyce, Kristi Noem, Shurat HaDin - Israel Law Center, Caleb Vitello, Donald J. Trump, Marco Rubio.Document filed by Mahmoud Khalil..(Belsher, Amy) (Entered: 03/13/2025)	
39	03/13/2025	LETTER addressed to Judge Jesse M. Furman from Robert Hodgson dated March 13, 2025 re: Redline pursuant to Individual Rule 1B. Document filed by Mahmoud Khalil. (Attachments: # 1 Exhibit Redline (Amended and Original Petitions) pursuant to Individual Rule 1B).(Hodgson, Robert) (Entered: 03/13/2025)	
40	03/14/2025	JOINT LETTER addressed to Judge Jesse M. Furman from AUSA Jeffrey Oestericher dated 03/14/2025 re: Parties' competing proposed briefing schedules. Document filed by Donald J. Trump, Marco Rubio, William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Oestericher, Jeffrey) (Entered: 03/14/2025)	
41	03/14/2025	REQUEST FOR ISSUANCE OF SUMMONS as to Donald J. Trump, re: 38 Amended Complaint. Document filed by Mahmoud Khalil..(Biklen, Molly) (Entered: 03/14/2025)	
42	03/14/2025	REQUEST FOR ISSUANCE OF SUMMONS as to Marco Rubio, re: 38 Amended Complaint. Document filed by Mahmoud Khalil..(Biklen, Molly) (Entered: 03/14/2025)	
43	03/14/2025	MEMO ENDORSEMENT on 40 Letter re Parties' competing proposed briefing schedules: The Court hereby adopts Petitioner's proposed briefing schedule for the motion for a preliminary injunction. Petitioner shall file his motion for bail by tonight at 11:59 p.m. Respondents shall file any opposition to that motion by 11:59 p.m. one business day after the Court rules on Respondents' Motion to Dismiss or Transfer or by 11:59 p.m. on Wednesday, March 19, 2025, whichever is sooner. Petitioner shall file any reply by 11:59 p.m. one business day after Respondents file their opposition. SO ORDERED. (Signed by Judge Jesse M. Furman on 3/14/2025) (ab) (Entered: 03/14/2025)	
44	03/14/2025	TRANSCRIPT of Proceedings re: CONFERENCE held on 3/12/2025 before Judge Jesse M. Furman. Court Reporter/Transcriber: Amy Walker, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/4/2025. Redacted Transcript Deadline set for 4/14/2025. Release of Transcript Restriction set for 6/12/2025..(McGuirk, Kelly) (Entered: 03/14/2025)	
45	03/14/2025	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 3/12/2025 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no	

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		such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days....(McGuirk, Kelly) (Entered: 03/14/2025)	
46	03/14/2025	NOTICE OF APPEARANCE OF PRO BONO COUNSEL by Alina Das on behalf of Mahmoud Khalil.(Das, Alina) (Entered: 03/14/2025)	
47	03/14/2025	MEMORANDUM OF LAW in Opposition re: 11 MOTION to Compel Respondents to Return Petitioner to this District . . Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/14/2025)	
48	03/14/2025	DECLARATION of Acting Field Office Director, New York City Field Office, William P. Joyce in Opposition re: 11 MOTION to Compel Respondents to Return Petitioner to this District .. Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/14/2025)	
49	03/14/2025	DECLARATION of Field Office Director, New Orleans Field Office, Mellissa Harper in Opposition re: 11 MOTION to Compel Respondents to Return Petitioner to this District .. Document filed by William P. Joyce, Caleb Vitello, Kristi Noem, Pamela Bondi..(Waterman, Brandon) (Entered: 03/14/2025)	
50	03/14/2025	MEMORANDUM OF LAW in Opposition re: 30 MOTION to Dismiss or Transfer. . Document filed by Mahmoud Khalil. (Attachments: # 1 Exhibit Declaration of Veronica R. Salama).(Kaufman, Brett) (Entered: 03/14/2025)	
51	03/14/2025	NOTICE OF APPEARANCE OF PRO BONO COUNSEL by Mudassar Hayat Toppa on behalf of Mahmoud Khalil.(Toppa, Mudassar) (Entered: 03/14/2025)	
52	03/14/2025	NOTICE of of Motion. Document filed by Mahmoud Khalil. (Attachments: # 1 Proposed Order for release).(Sisay, Samah) Modified on 3/24/2025 (mxw,). (Entered: 03/15/2025)	
53	03/15/2025	MOTION for release . Document filed by Mahmoud Khalil..(Sisay, Samah) (Entered: 03/15/2025)	
54	03/15/2025	LETTER MOTION to Seal addressed to Judge Jesse M. Furman from Alina Das dated March 14, 2025. Document filed by Mahmoud Khalil..(Sisay, Samah) (Entered: 03/15/2025)	
55	03/15/2025	DECLARATION of Noor Ramez Abdalla in Support re: 53 MOTION for release .. Document filed by Mahmoud Khalil..(Sisay, Samah) (Entered: 03/15/2025)	
56	03/15/2025	DECLARATION of Samah Sisay in Support re: 54 LETTER MOTION to Seal addressed to Judge Jesse M. Furman from Alina Das dated March 14, 2025.. Document filed by Mahmoud Khalil. (Attachments: # 1 Exhibit B, # 2 Exhibit C, # 3 Exhibit D, # 4 Exhibit E, # 5 Exhibit F, # 6 Exhibit G).(Sisay, Samah) (Entered: 03/15/2025)	
57	03/15/2025	***SELECTED PARTIES***DECLARATION of Samah Sisay in Support re: 54 LETTER MOTION to Seal addressed to Judge Jesse M. Furman from Alina Das dated March 14, 2025.. Document filed by Mahmoud Khalil, Pamela Bondi, William P. Joyce, Kristi Noem, Marco Rubio, Donald J. Trump, Caleb Vitello. (Attachments: # 1 Exhibit B, # 2 Exhibit C, # 3 Exhibit D, # 4 Exhibit E, # 5 Exhibit F, # 6 Exhibit G)Motion or Order to File Under Seal: 54 .(Sisay, Samah) (Entered: 03/15/2025)	
58	03/15/2025	DECLARATION of Samah Sisay in Support re: 53 MOTION for release .. Document filed by Mahmoud Khalil. (Attachments: # 1 Exhibit H).(Sisay, Samah) (Entered: 03/15/2025)	
59	03/15/2025	LETTER MOTION for Leave to File delayed filing of Petitioner's Motion for Release addressed to Judge Jesse M. Furman from Samah Sisay dated March 15, 2025. Document filed by Mahmoud Khalil. (Attachments: # 1 Exhibit A).(Sisay, Samah) (Entered: 03/15/2025)	
60	03/15/2025	LETTER addressed to Judge Jesse M. Furman from Samah Sisay dated	

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		March 15, 2025 re: Respondents Consent to Petitioner's Motion For Leave to File. Document filed by Mahmoud Khalil..(Sisay, Samah) (Entered: 03/15/2025)	
61	03/15/2025	ORDER temporarily granting 54 Letter Motion to Seal: The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/15/2025)	
62	03/15/2025	ORDER granting 59 Letter Motion for Leave to File delayed filing of Petitioner's Motion for Release: The motion is granted on consent. See ECF No. 60 . (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/15/2025)	
63	03/16/2025	ORDER with respect to 30 Motion to Dismiss or Transfer: Per the attached Order, the parties are directed to address (in Respondents' forthcoming reply and in a supplemental submission by Petitioner) the import, if any, of certain statutes. SEE ORDER FOR DETAILS. (Signed by Judge Jesse M. Furman on 3/16/25) (Furman, Jesse) (Entered: 03/16/2025)	
	03/17/2025	***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Amy Belsher. The party information for the following party/parties has been modified: Donald J. Trump, Marco Rubio. The information for the party/parties has been modified for the following reason/reasons: party role was entered incorrectly;. (pc) (Entered: 03/17/2025)	
64	03/17/2025	ELECTRONIC SUMMONS ISSUED as to Marco Rubio..(pc) (Entered: 03/17/2025)	
65	03/17/2025	ELECTRONIC SUMMONS ISSUED as to Donald J. Trump..(pc) (Entered: 03/17/2025)	
66	03/17/2025	MOTION for Preliminary Injunction . Document filed by Mahmoud Khalil..(Hodgson, Robert) Modified on 3/24/2025 (mxw,). (Entered: 03/17/2025)	
67	03/17/2025	MEMORANDUM OF LAW in Support re: 66 MOTION for Preliminary Injunction . . Document filed by Mahmoud Khalil..(Hodgson, Robert) (Entered: 03/17/2025)	
68	03/17/2025	DECLARATION of Veronica Salama in Support re: 66 MOTION for Preliminary Injunction .. Document filed by Mahmoud Khalil. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D).(Hodgson, Robert) (Entered: 03/17/2025)	
69	03/17/2025	PROPOSED ORDER. Document filed by Mahmoud Khalil. Related Document Number: 66 ..(Hodgson, Robert) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 03/17/2025)	
70	03/17/2025	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: 30 MOTION to Dismiss or Transfer. In Response to Court's March 16 Order. Document filed by Mahmoud Khalil..(Kaufman, Brett) (Entered: 03/17/2025)	
	03/17/2025	***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 69 Proposed Order was reviewed and approved as to form. (nd) (Entered: 03/17/2025)	
71	03/17/2025	REPLY MEMORANDUM OF LAW in Support re: 30 MOTION to Dismiss or Transfer. . Document filed by Pamela Bondi, William P. Joyce, Kristi Noem, Marco Rubio, Donald J. Trump, Caleb Vitello..(Waterman, Brandon) (Entered: 03/17/2025)	
72	03/17/2025	DECLARATION of Second Supplemental Declaration of Acting New York City Field Office Director William P. Joyce in Support re: 30 MOTION to Dismiss or Transfer.. Document filed by Pamela Bondi, William P. Joyce, Kristi Noem, Marco Rubio, Donald J. Trump, Caleb Vitello..(Waterman, Brandon) (Entered: 03/17/2025)	
73	03/17/2025	REPLY MEMORANDUM OF LAW in Support re: 11 MOTION to	

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		Compel Respondents to Return Petitioner to this District . . Document filed by Mahmoud Khalil. (Attachments: # 1 Exhibit Declaration of Mahmoud Khalil, # 2 Exhibit Declaration of Katherine Kim, Esq., # 3 Exhibit Declaration of Laura Rodriguez, Esq.)(Kassem, Ramzi) (Entered: 03/17/2025)	
74	03/17/2025	CONSENT LETTER MOTION for Leave to File Excess Pages addressed to Judge Jesse M. Furman from Brandon M. Waterman dated March 17, 2025. Document filed by Pamela Bondi, William P. Joyce, Kristi Noem, Marco Rubio, Donald J. Trump, Caleb Vitello..(Waterman, Brandon) (Entered: 03/17/2025)	
75	03/17/2025	ORDER granting 74 CONSENT LETTER MOTION for Leave to File Excess Pages. (HEREBY ORDERED by Judge Jesse M. Furman)(Text Only Order) (Furman, Jesse) (Entered: 03/17/2025)	
76	03/18/2025	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Sidra Mahfooz to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-30786736. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Mahmoud Khalil. (Attachments: # 1 Affidavit Affidavit of Sidra Mahfooz, # 2 Supplement Certificate of Good Standing - Sidra Mahfooz, # 3 Proposed Order Proposed Order Granting Pro Hac Vice).(Mahfooz, Sidra) Modified on 3/19/2025 (bc). (Entered: 03/18/2025)	
77	03/18/2025	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Tyler Takemoto to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-30787082. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Mahmoud Khalil. (Attachments: # 1 Affidavit Affidavit of Tyler Takemoto, # 2 Supplement Certificate of Good Standing - Tyler Takemoto, # 3 Proposed Order Proposed Order Granting Pro Hac Vice).(Takemoto, Tyler) Modified on 3/19/2025 (bc). (Entered: 03/18/2025)	
78	03/19/2025	OPINION AND ORDER granting in part and denying in part 30 MOTION to Dismiss or Transfer: For the reasons explained in the Opinion, the Court DENIES the Government's motion to dismiss the Petition but GRANTS its motion to transfer, albeit to the District of New Jersey, not to the Western District of Louisiana. The Court's 9 March 10, 2025 Order barring the Government from removing Petitioner (to which the Government has never raised an objection and which the Government has not asked the Court to lift in the event of transfer) shall remain in effect unless and until the transferee court orders otherwise. The Clerk of Court is directed to transfer the case to the United States District Court for the District of New Jersey forthwith, without regard for Local Civil Rule 83.1, which provides that "the Clerk [of Court], unless otherwise ordered, shall upon the expiration of seven (7) days effectuate the transfer of the case to the transferee court." (Signed by Judge Jesse M. Furman on 3/19/2025) (tro) (Entered: 03/19/2025)	
	03/19/2025	>>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 76 MOTION for Sidra Mahfooz to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-30786736. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): Wrong Judges name on Proposed Order;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (bc) (Entered: 03/19/2025)	
	03/19/2025	>>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 77 MOTION for Tyler Takemoto to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-30787082. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s):	

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		Wrong Judges Name on proposed order;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (bc) (Entered: 03/19/2025)	
	03/19/2025	CASE TRANSFERRED OUT ELECTRONICALLY from the U.S.D.C. Southern District of New York to the United States District Court - District of District of New Jersey. (tro) (Entered: 03/19/2025)	
79	03/19/2025	Certified Copy of Transfer Order and docket received, Case transferred in from District of New York Southern; Case Number 1:25-cv-01935. Original file certified copy of transfer order and docket sheet received. (Entered: 03/19/2025)	
80	03/19/2025	NOTICE of Appearance by NAZ AHMAD on behalf of Mahmoud Khalil (AHMAD, NAZ) (Entered: 03/19/2025)	
81	03/19/2025	ORDER that the Petitioner shall not be removed from the United States unless and until the Court issues a contrary Order. Signed by Judge Michael E. Farbiarz on 3/19/2025. (mxw,) (Entered: 03/19/2025)	
82	03/19/2025	NOTICE of Appearance by DHRUMAN YOGESH SAMPAT on behalf of PAMELA BONDI, William P. Joyce, KRISTI NOEM, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO (SAMPAT, DHRUMAN) (Entered: 03/19/2025)	
83	03/19/2025	NOTICE of Appearance by JEANNE LOCICERO on behalf of Mahmoud Khalil (LOCICERO, JEANNE) (Entered: 03/19/2025)	
84	03/19/2025	Letter from Respondents with a Joint Request to Vacate Current Briefing Schedule and Proposed Competing Briefing Schedules for Future Briefing. (SAMPAT, DHRUMAN) (Entered: 03/19/2025)	
85	03/20/2025	SCHEDULING ORDER. Signed by Judge Michael E. Farbiarz on 3/20/2025. (ro,) (Entered: 03/20/2025)	
86	03/20/2025	MOTION for Leave to Appear Amicus Curiae by FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION. (Attachments: # 1 Brief, # 2 Text of Proposed Order, # 3 Brief of Amici Curiae Foundation for Individual Rights and Expression, The Rutherford Institute, the First Amendment Lawyers Association, the National Coalition Against Censorship, and PEN American Center, Inc. in Support of Petitioner's Motion for Preliminary Injunction, # 4 Certificate of Service)(GREUBEL, GREG) (Entered: 03/20/2025)	
87	03/20/2025	MOTION for Leave to Appear Pro Hac Vice Shezza Abboushi Dallal by Mahmoud Khalil. (Attachments: # 1 Certification, # 2 Certification, # 3 Text of Proposed Order, # 4 Exhibit)(AHMAD, NAZ) (Entered: 03/20/2025)	
88	03/20/2025	MOTION for Leave to Appear Pro Hac Vice Mudassar Hayat Toppa by Mahmoud Khalil. (Attachments: # 1 Certification, # 2 Certification, # 3 Text of Proposed Order, # 4 Exhibit, # 5 Certification)(AHMAD, NAZ) (Entered: 03/20/2025)	
	03/20/2025	Set Deadlines as to 86 MOTION for Leave to Appear Amicus Curiae . Motion set for 4/21/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (ld,) (Entered: 03/20/2025)	
	03/20/2025	Set Deadlines as to 88 MOTION for Leave to Appear Pro Hac Vice Mudassar Hayat Toppa, 87 MOTION for Leave to Appear Pro Hac Vice Shezza Abboushi Dallal. Motion set for 4/21/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk`s Office and does not supersede any previous or subsequent orders from the Court. (ld,)	

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		(Entered: 03/20/2025)	
89	03/20/2025	MOTION for Leave to Appear Pro Hac Vice of Samah Sisay by Mahmoud Khalil. (Attachments: # 1 Declaration Declaration of Samah Sisay, # 2 Exhibit Certificate of Good Standing, # 3 Declaration Declaration of Baher Azmy, # 4 Text of Proposed Order Proposed Order Granting Pro Hac Vice Admission of Samah Sisay, # 5 Certification Certificate of Service)(AZMY, BAHER) (Entered: 03/20/2025)	
90	03/20/2025	MOTION to Transfer Case to Western District of Louisiana by PAMELA BONDI, William P. Joyce, KRISTI NOEM, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO. (Attachments: # 1 Exhibit A)(SAMPAT, DHRUMAN) (Entered: 03/20/2025)	
91	03/20/2025	MEMORANDUM in Support filed by Mahmoud Khalil re 90 MOTION to Transfer Case to Western District of Louisiana (Attachments: # 1 Exhibit Supplemental Letters of Support, # 2 Certificate of Service Certificate of Service)(AZMY, BAHER) (Entered: 03/20/2025)	
92	03/20/2025	Exhibit to 52 Notice (Other) Supplemental Letters of Support by Mahmoud Khalil. (AZMY, BAHER)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 03/20/2025)	
93	03/20/2025	Amended Memorandum of Law in Support of Motion for Release (Attachments: # 1 Exhibit Ex. I: Supplemental Letters of Support, # 2 Certificate of Service Certificate of Service)(AZMY, BAHER) Modified on 3/21/2025 (nic). (Entered: 03/20/2025)	
	03/20/2025	Set Deadlines as to 89 MOTION for Leave to Appear Pro Hac Vice of Samah Sisay, 90 MOTION to Transfer Case to Western District of Louisiana . Motion set for 4/21/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (ld,) (Entered: 03/20/2025)	
	03/21/2025	Case Assigned to Magistrate Judge Michael A. Hammer. (ak,) (Entered: 03/21/2025)	
94	03/21/2025	TEXT ORDER: There are several motions for pro hac vice admission pending before the Court, D.E. 87, 88, and 89. In view of the briefing deadlines set forth in the March 20, 2025 Scheduling Order [D.E. 85], any opposition to the pro hac vice motions must be filed by 5:00 p.m. on March 24, 2025. So Ordered by Magistrate Judge Michael A. Hammer on 3/21/2025. (Hammer, Michael) (Entered: 03/21/2025)	
95	03/21/2025	MOTION for Leave to Appear Pro Hac Vice of Conor T. Fitzpatrick by FOUNDATION FOR INDIVIDUAL RIGHTS AND EXPRESSION. (Attachments: # 1 Certification of Greg H. Greubel, # 2 Certification of Conor T. Fitzpatrick, # 3 Exhibit Certificates of Good Standing, # 4 Text of Proposed Order, # 5 Certificate of Service)(GREUBEL, GREG) (Entered: 03/21/2025)	
96	03/21/2025	BRIEF Supplemental Memorandum of Law in Further Support of Motion to Compel Respondents to Return Petitioner to this District (Attachments: # 1 Certificate of Service Certificate of Service)(AZMY, BAHER) (Entered: 03/21/2025)	
97	03/21/2025	BRIEF Supplemental Opposition to Petitioner's Motion Seeking Return (SAMPAT, DHRUMAN) (Entered: 03/21/2025)	
98	03/21/2025	Letter from J. LoCicero regarding Pro Hac Vice submissions on behalf of Petitioner. (Attachments: # 1 Text of Proposed Order Admitting Counsel Pro Hac Vice, # 2 Certification of Omar Jadwat ISO PHV Admission, # 3 Certification of J. LoCicero ISO O. Jadwat PHV, # 4	

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#	Date	Proceeding Text	Source
		Certification of Noor Zafar ISO PHV Admission, # 5 Certification of J. LoCicero ISO N. Zafar PHV, # 6 Certification of Sidra Mahfooz ISO PHV Admission, # 7 Certification of J. LoCicero ISO S. Mahfooz PHV, # 8 Certification of Brian Hauss ISO PHV Admission, # 9 Certification of J. LoCicero ISO B. Hauss PHV, # 10 Certification of Brett Max Kaufman ISO PHV Admission, # 11 Certification of J. LoCicero ISO B. Kaufman PHV, # 12 Certification of Esha Bhandari ISO PHV Admission, # 13 Certification of J. LoCicero ISO E. Bhandari PHV, # 14 Certification of Vera Eidelman ISO PHV Admission, # 15 Certification of J. LoCicero ISO V. Eidelman PHV, # 16 Certification of Tyler Takemoto ISO PHV Admission, # 17 Certification of J. LoCicero ISO T. Takemoto PHV, # 18 Certification of Amy Belsher ISO PHV Admission, # 19 Certification of J. LoCicero ISO A. Belsher PHV, # 20 Certification of Molly Biklen ISO PHV Admission, # 21 Certification of J. LoCicero ISO M. Biklen PHV, # 22 Certification of Robert Hodgson ISO PHV Admission, # 23 Certification of J. LoCicero ISO R. Hodgson PHV, # 24 Certification of Veronica Salama ISO PHV Admission, # 25 Certification of J. LoCicero ISO V. Salama PHV)(LOCICERO, JEANNE) (Entered: 03/21/2025)	
99	03/23/2025	BRIEF in Opposition to Petitioner's Motion for Release under Lucas v. Hadden and Mapp v. Reno (SAMPAT, DHRUMAN) (Entered: 03/23/2025)	
100	03/23/2025	Letter from Petitioner, Mahmoud Khalil re 85 Order. (AHMAD, NAZ) (Entered: 03/23/2025)	
	03/24/2025	Set Deadlines as to 95 MOTION for Leave to Appear Pro Hac Vice of Conor T. Fitzpatrick. Motion set for 4/21/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (and) (Entered: 03/24/2025)	
101	03/24/2025	NOTICE of Appearance by MOLLY KC LINHORST on behalf of Mahmoud Khalil (LINHORST, MOLLY) (Entered: 03/24/2025)	
102	03/24/2025	TEXT ORDER: The Court is in receipt of the motion for the pro hac vice admission of Conor T. Fitzpatrick, 95 . In view of the briefing deadlines set forth in the March 20, 2025 Scheduling Order 85 , and consistent with this Court's prior order, 94 , any opposition to this pro hac vice motion must be filed by 5:00 p.m. on March 25, 2025. So Ordered by Magistrate Judge Michael A. Hammer on 3/24/25. (tad) (Entered: 03/24/2025)	
103	03/24/2025	NOTICE of Appearance by FARRIN R. ANELLO on behalf of Mahmoud Khalil (ANELLO, FARRIN) (Entered: 03/24/2025)	
104	03/24/2025	ORDER granting Petitioner's 98 Letter application for Pro Hac Vice admissions. Signed by Magistrate Judge Michael A. Hammer on 3/24/2025. (mxw,) (Entered: 03/24/2025)	
105	03/24/2025	STANDING ORDER regarding Pro Hac Vice, Amicus Curiae, and Intervenor Applications. Signed by Magistrate Judge Michael A. Hammer on 3/24/2025. (mxw,) (Entered: 03/24/2025)	
106	03/24/2025	Cross MOTION to Transfer Case to Southern District of New York by Mahmoud Khalil. (Attachments: # 1 Text of Proposed Order Proposed Order)(AZMY, BAHAR) (Entered: 03/24/2025)	
107	03/24/2025	MEMORANDUM in Opposition filed by Mahmoud Khalil re 90 MOTION to Transfer Case to Western District of Louisiana , 106 Cross MOTION to Transfer Case to Southern District of New York Memorandum of Law in Opposition to Respondents' Renewed Motion to Dismiss or Transfer & in Support of Petitioner's Cross-Motion for Re-Transfer (AZMY, BAHAR) (Entered: 03/24/2025)	
108	03/24/2025	REPLY BRIEF to Opposition to Motion filed by Mahmoud Khalil re 52 MOTION FOR RELEASE UNDER LUCAS V. HADDEN AND MAPP	

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#	Date	Proceeding Text	Source
		V. RENO (AHMAD, NAZ) (Entered: 03/24/2025)	
109	03/24/2025	NOTICE of Appearance by ELORA MUKHERJEE on behalf of Immigration Lawyers, Law Professors, and Scholars (MUKHERJEE, ELORA) (Entered: 03/24/2025)	
110	03/24/2025	MOTION for Leave to File Amici Brief by Immigration Lawyers, Law Professors, and Scholars. (Attachments: # 1 Brief BRIEF OF OVER 150 IMMIGRATION LAWYERS, LAW PROFESSORS, AND SCHOLARS AS AMICI CURIAE IN SUPPORT OF PETITIONER, # 2 Appendix DECLARATION OF GRAEME BLAIR, Ph.D. AND DAVID HAUSMAN, J.D., Ph.D., # 3 Appendix LIST OF AMICI)(MUKHERJEE, ELORA) (Entered: 03/25/2025)	
111	03/25/2025	ORDER granting 87 Motion for Leave for Shezza Abboushi Dallal to Appear Pro Hac Vice. Signed by Magistrate Judge Michael A. Hammer on 3/25/2025. (mxw,) (Entered: 03/25/2025)	
	03/25/2025	Pro Hac Vice fee received as to AMY BELSHER, ROBERT HODGSON, VERONICA SALAMA, and MOLLY BIKLEN: \$ 1000, receipt number TRE143219 (dmr3) (Entered: 03/25/2025)	
112	03/25/2025	TEXT ORDER: The legal briefs associated with the motion at ECF 90 will be fully submitted by the close of business on March 26. Oral argument on that motion will be held on March 28 at 10:00am, in person. So Ordered by Judge Michael E. Farbiarz on 3/25/2025. (ro,) (Entered: 03/25/2025)	
113	03/25/2025	ORDER granting 88 Motion for Leave for Mudassar Hayat Toppa to Appear Pro Hac Vice. Signed by Magistrate Judge Michael A. Hammer on 3/25/2025. (mxw,) (Entered: 03/25/2025)	
114	03/25/2025	Notice of Request by Pro Hac Vice Shezza Abboushi Dallal to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16116427.) (AHMAD, NAZ) (Main Document 114 replaced on 3/27/2025) (wh,). (Entered: 03/25/2025)	
115	03/25/2025	ORDER granting 89 Motion for Leave for Samah Sisay to Appear Pro Hac Vice. Signed by Magistrate Judge Michael A. Hammer on 3/25/2025. (mxw,) (Entered: 03/25/2025)	
116	03/25/2025	MOTION for Leave to Appear Pro Hac Vice Ramzi Kassem by Mahmoud Khalil. (Attachments: # 1 Certification, # 2 Certification, # 3 Text of Proposed Order, # 4 Exhibit)(AHMAD, NAZ) (Entered: 03/25/2025)	
117	03/25/2025	TEXT ORDER: The Court is in receipt of the Foundation for Individual Rights and Expression's motion for leave to appear amicus curiae 86 . Any opposition to this motion must be filed by 5:00 p.m. today. To make clear, all other motions for admission pro hac vice, to appear as amicus curiae, and/or to intervene filed after the Court's entry of the March 24, 2025 Order, D.E. 105, will be governed by that Order. So Ordered by Magistrate Judge Michael A. Hammer on 3/25/25. (tad) (Entered: 03/25/2025)	
118	03/25/2025	Notice of Request by Pro Hac Vice Amy Belsher to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Entered: 03/25/2025)	
119	03/25/2025	Notice of Request by Pro Hac Vice Molly Biklen to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Entered: 03/25/2025)	
120	03/25/2025	Notice of Request by Pro Hac Vice Robert Hodgson to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Entered: 03/25/2025)	
121	03/25/2025	Notice of Request by Pro Hac Vice Veronica Salama to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Entered: 03/25/2025)	
122	03/25/2025	MOTION for Leave to Appear Pro Hac Vice of Diala Shamas by Mahmoud Khalil. (Attachments: # 1 Declaration Declaration of Diala Shamas, # 2 Exhibit Certificate of Good Standing, # 3 Declaration Declaration of Baher Azmy, # 4 Text of Proposed Order Proposed Order, # 5 Certificate of Service Certificate of Service)(AZMY, BAHER) (Entered: 03/25/2025)	

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#	Date	Proceeding Text	Source
123	03/25/2025	Notice of Request by Pro Hac Vice Samah Sisay to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16117243.) (AZMY, BAHER) (Entered: 03/25/2025)	
	03/25/2025	Pro Hac Vice counsel, SAMAH SISAY, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (pm,) (Entered: 03/25/2025)	
124	03/25/2025	MEMORANDUM in Support filed by Mahmoud Khalil re 66 MOTION for Preliminary Injunction . (Amended) (Attachments: # 1 Text of Proposed Order, # 2 Certificate of Service)(LOCICERO, JEANNE) (Entered: 03/25/2025)	
125	03/26/2025	Letter from Naz Ahmad regarding Pro Hac Vice Admission on behalf of Petitioner. (Attachments: # 1 Certification of N. Ahmad ISO Alina Das PHV Admission, # 2 Certification of Alina Das ISO PHV Admission, # 3 Text of Proposed Order Admitting Counsel Pro Hac Vice)(AHMAD, NAZ) (Entered: 03/26/2025)	
126	03/26/2025	ORDER granting 86 Motion for Leave to File Brief as Amicus Curiae. Signed by Magistrate Judge Michael A. Hammer on 3/26/2025. (mxw,) (Entered: 03/26/2025)	
127	03/26/2025	ORDER granting 95 Motion for Leave for Conor T. Fitzpatrick to Appear Pro Hac Vice. Signed by Magistrate Judge Michael A. Hammer on 3/26/2025. (mxw,) (Entered: 03/26/2025)	
128	03/26/2025	ORDER granting 110 Motion for Leave to File Amici Brief. Signed by Magistrate Judge Michael A. Hammer on 3/26/2025. (mxw,) (Entered: 03/26/2025)	
129	03/26/2025	NOTICE of Appearance by AUGUST FLENTJE on behalf of PAMELA BONDI, William P. Joyce, KRISTI NOEM, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO (FLENTJE, AUGUST) (Entered: 03/26/2025)	
130	03/26/2025	REPLY BRIEF to Opposition to Motion filed by All Defendants re 90 MOTION to Transfer Case to Western District of Louisiana (SAMPAT, DHRUMAN) (Entered: 03/26/2025)	
	03/26/2025	Set Deadlines as to 106 Cross MOTION to Transfer Case to Southern District of New York . Motion set for 4/21/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (mxw,) (Entered: 03/26/2025)	
131	03/26/2025	First MOTION for Leave to Appear Amicus Curiae of Petitioner's Motion for a Temporary Restraining Order by Mahmoud Khalil. (Attachments: # 1 Brief Brief of Amici Curiae, # 2 Appendix List of Amici, # 3 Text of Proposed Order Proposed Order)(KHANDWALA, LEENA) (Entered: 03/26/2025)	
	03/27/2025	Pro Hac Vice counsel, SHEZZA ABBOUSHI DALLAL, AMY BELSHER, MOLLY BIKLEN, ROBERT HODGSON and VERONICA SALAMA, have been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (wh) (Entered: 03/27/2025)	
	03/27/2025	Set Deadlines as to 122 MOTION for Leave to Appear Pro Hac Vice of Diala Shamas, 116 MOTION for Leave to Appear Pro Hac Vice Ramzi Kassem. Motions set for 4/21/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, these motions will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (wh) (Entered: 03/27/2025)	

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#	Date	Proceeding Text	Source
	03/27/2025	CLERK'S QUALITY CONTROL MESSAGE - The 114 Notice of Request by Pro Hac Vice Shezza Abboushi Dallal to receive Notices of Electronic Filings filed by NAZ AHMAD on 3/25/2025 was uploaded prior to being flattened. Before uploading fillable forms to ECF you must flatten the file to prevent other users from manipulating or editing the information. The easiest way to flatten a PDF form is by selecting Print to PDF and saving the flattened form, other PDF software may differ. Please visit our website under Flattening PDF Forms for guidance. Your document has been corrected. This message is for informational purposes only. (wh) (Entered: 03/27/2025)	
132	03/27/2025	ORDER granting 122 Motion for Leave to Appear Pro Hac Vice of Diala Shamas. Signed by Magistrate Judge Michael A. Hammer on 3/27/2025. (mxw,) (Entered: 03/27/2025)	
133	03/27/2025	ORDER granting 125 Letter application for leave for Alina Das to appear pro hac vice. Signed by Magistrate Judge Michael A. Hammer on 3/27/2024. (mxw,) (Entered: 03/27/2025)	
134	03/27/2025	ORDER granting 116 Motion for Leave to Appear Pro Hac Vice of Ramzi Kassem. Signed by Magistrate Judge Michael A. Hammer on 3/27/2025. (mxw,) (Entered: 03/27/2025)	
135	03/27/2025	Notice of Request by Pro Hac Vice Ramzi Kassem to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16125262.) (AHMAD, NAZ) (Entered: 03/27/2025)	
136	03/27/2025	Notice of Request by Pro Hac Vice Diala Shamas to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16125370.) (AZMY, BAHAR) (Entered: 03/27/2025)	
	03/28/2025	Pro Hac Vice counsel, DIALA SHAMAS, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (pm,) (Entered: 03/28/2025)	
137	03/28/2025	ORDER granting 131 Motion to Appear Amicus Curiae. Signed by Magistrate Judge Michael A. Hammer on 3/28/2025. (jqb,) (Entered: 03/28/2025)	
138	03/28/2025	Notice of Request by Pro Hac Vice CONOR T. FITZPATRICK to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16125919.) (GREUBEL, GREG) (Entered: 03/28/2025)	
139	03/28/2025	Minute Entry for proceedings held before Judge Michael E. Farbiarz: Motion Hearing held on 3/28/2025 re 90 MOTION to Transfer Case to Western District of Louisiana filed by KRISTI NOEM, DONALD J. TRUMP, CALEB VITELLO, William P. Joyce, MARCO RUBIO, PAMELA BONDI. (ro,) (Entered: 03/28/2025)	
	03/28/2025	Pro Hac Vice counsel, CONOR T. FITZPATRICK, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (pm,) (Entered: 03/28/2025)	
140	03/28/2025	Letter from the Government Responding to the Court's questions. (SAMPAT, DHRUMAN) (Entered: 03/28/2025)	
141	03/28/2025	Letter from the Government Requesting a consented-to extension. (SAMPAT, DHRUMAN) (Entered: 03/28/2025)	
142	03/28/2025	Notice of Request by Pro Hac Vice Mudassar Hayat Toppa to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16128917.) (AHMAD, NAZ) (Entered: 03/28/2025)	
143	03/30/2025	NOTICE of Appearance by IAN HINONANGAN on behalf of Immigration Lawyers, Law Professors, and Scholars (HINONANGAN, IAN) (Entered: 03/30/2025)	
144	03/31/2025	ORDER. Signed by Judge Michael E. Farbiarz on 3/31/2025. (ro,) (Entered: 03/31/2025)	
	03/31/2025	Pro Hac Vice counsel, MUDASSAR HAYAT TOPPA, has been added	

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#	Date	Proceeding Text	Source
		to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (wh) (Entered: 03/31/2025)	
	03/31/2025	Pro Hac Vice fee: \$1,250.00, receipt number NEW51750 as to BRIAN HAUSS, BRETT MAX KAUFMAN, ESHA BHANDARI, VERA EIDELMAN & TYLER TAKEMOTO. (ps) (Entered: 03/31/2025)	
	03/31/2025	Pro Hac Vice fee: \$750.00, receipt number NEW51753 as to OMAR JADWAT, NOOR ZAFAR & SIDRA MAHFOOZ. (ps) (Entered: 03/31/2025)	
145	03/31/2025	Notice of Request by Pro Hac Vice Brian Hauss to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 145 replaced on 4/1/2025) (mxw,). (Entered: 03/31/2025)	
146	03/31/2025	Notice of Request by Pro Hac Vice Brett Max Kaufman to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 146 replaced on 4/1/2025) (and,). (Entered: 03/31/2025)	
147	03/31/2025	Notice of Request by Pro Hac Vice Esha Bhandari to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 147 replaced on 4/1/2025) (and,). (Entered: 03/31/2025)	
148	03/31/2025	Notice of Request by Pro Hac Vice Noor Zafar to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 148 replaced on 4/1/2025) (and,). (Entered: 03/31/2025)	
149	03/31/2025	Notice of Request by Pro Hac Vice Omar Jadwat to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 149 replaced on 4/1/2025) (and,). (Entered: 03/31/2025)	
150	03/31/2025	Notice of Request by Pro Hac Vice Sidra Mahfooz to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 150 replaced on 4/1/2025) (and,). (Entered: 03/31/2025)	
151	03/31/2025	Notice of Request by Pro Hac Vice Tyler Takemoto to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 151 replaced on 4/1/2025) (and,). (Entered: 03/31/2025)	
152	03/31/2025	Notice of Request by Pro Hac Vice Vera Eidelman to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Main Document 152 replaced on 4/1/2025) (and,). (Entered: 03/31/2025)	
	04/01/2025	CLERK'S QUALITY CONTROL MESSAGE - Please be advised 145 , 146 , 147 , 148 , 149 , 150 , 151 , and 152 filed by JEANNE LOCICERO on 3/31/2025 was uploaded prior to being flattened. Before uploading fillable forms to ECF you must flatten the file to prevent other users from manipulating or editing the information. The easiest way to flatten a PDF form is by selecting Print to PDF and saving the flattened form, other PDF software may differ. Please visit our website under Flattening PDF Forms for guidance. Your document has been corrected. This message is for informational purposes only. (and) (Entered: 04/01/2025)	
	04/01/2025	Pro Hac Vice counsel, BRETT MAX KAUFMAN, ESHA BHANDARI, NOOR ZAFAR, OMAR JADWAT, SIDRA MAHFOOZ, TYLER TAKEMOTO and VERA EIDELMAN, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (and) (Entered: 04/01/2025)	
	04/01/2025	Pro Hac Vice counsel, BRIAN HAUSS, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (mxw,) (Entered: 04/01/2025)	
153	04/01/2025	OPINION & ORDER. Signed by Judge Michael E. Farbiarz on 4/1/2025. (ro,) Modified on 4/4/2025 (km). (Entered: 04/01/2025)	
154	04/01/2025	TEXT ORDER: The Respondents shall file a succinct letter stating their position as to the waiver issue noted in Part VIII of the Opinion and	

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#	Date	Proceeding Text	Source
		Order at ECF 153 . The letter shall be no more than one paragraph, and shall be filed on or before April 2 at 3:30pm. So Ordered by Judge Michael E. Farbiarz on 4/1/2025. (ro,) (Entered: 04/01/2025)	
155	04/02/2025	NOTICE of Appearance by JOHN MICHAEL MIANO on behalf of Immigration Reform Law Institute (MIANO, JOHN) (Entered: 04/02/2025)	
156	04/02/2025	BRIEF in Opposition filed by PAMELA BONDI, William P. Joyce, KRISTI NOEM, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO re 66 MOTION for Preliminary Injunction . (Opposition to 124 Amended PI Motion (Attachments: # 1 Declaration of Field Office Director Melissa Harper)(SAMPAT, DHRUMAN) (Entered: 04/02/2025)	
157	04/02/2025	Letter from the Government Responding to Court's Order re 153 Order on Motion to Transfer Case, 154 Order.. (SAMPAT, DHRUMAN) (Entered: 04/02/2025)	
158	04/02/2025	MOTION for Leave to File Amicus Brief by Immigration Reform Law Institute. (Attachments: # 1 Brief Proposed Amicus Brief, # 2 Text of Proposed Order)(MIANO, JOHN) (Entered: 04/02/2025)	
159	04/02/2025	ORDER that the parties shall state their views on the appropriateness of an interlocutory appeal in letters to be filed by 2:30pm on 4/3/2025. Signed by Judge Michael E. Farbiarz on 4/2/2025. (mxw,) (Entered: 04/02/2025)	
	04/03/2025	Set Deadlines as to 158 MOTION for Leave to File Amicus Brief. Motion set for 5/5/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (wh) (Entered: 04/03/2025)	
160	04/03/2025	CERTIFICATE OF SERVICE by Mahmoud Khalil of Petitioner's [First] Amended Complaint on Respondents Donald J. Trump and Marco Rubio (LINHORST, MOLLY) (Entered: 04/03/2025)	
161	04/03/2025	MOTION for Leave to Appear Pro Hac Vice by Immigration Reform Law Institute. (Attachments: # 1 Certification John M. Miano, # 2 Certification Matt A. Crapo, # 3 Certification Matt A Crapo Good Standing, # 4 Text of Proposed Order)(MIANO, JOHN) (Entered: 04/03/2025)	
162	04/03/2025	AMENDED COMPLAINT (Second Amended Complaint) against PAMELA BONDI, William P. Joyce, KRISTI NOEM, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO, YOLANDA PITTMAN, filed by Mahmoud Khalil. (Attachments: # 1 Exhibit)(LOCICERO, JEANNE) (Entered: 04/03/2025)	
163	04/03/2025	Letter from the Government re 159 Order. (SAMPAT, DHRUMAN) (Entered: 04/03/2025)	
164	04/03/2025	Letter from Petitioner re: Certification of Interlocutory Appeal re 153 Order on Motion to Transfer Case, 159 Order. (AZMY, BAHER) (Entered: 04/03/2025)	
165	04/03/2025	CERTIFICATION in Support filed by Immigration Lawyers, Law Professors, and Scholars re 11 MOTION to Compel Respondents to Return Petitioner to this District ., 66 MOTION for Preliminary Injunction . (HINONANGAN, IAN) (Entered: 04/03/2025)	
181	04/03/2025	Transcript of Motion Hearing held on March 28, 2025, before Judge Michael E. Farbiarz. Court Reporter: Lisa Larsen (973-776-7741). NOTICE REGARDING (1) REDACTION OF PERSONAL IDENTIFIERS IN TRANSCRIPTS AND (2) MOTION TO REDACT AND SEAL: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript to comply with Fed.R.Civ.P.5.2(a) (personal identifiers). Parties seeking to	

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#	Date	Proceeding Text	Source
		redact and seal this Transcript, or portions thereof, pursuant to L.Civ.R. 5.3(g) must e-file a Motion to Redact and Seal utilizing the event `Redact and Seal Transcript/Digital Recording`. Redaction Request to Court Reporter due, but not filed, by 4/24/2025. Redacted Transcript Deadline set for 5/5/2025. Release of Transcript Restriction set for 7/2/2025. (adc) (Entered: 04/08/2025)	
	04/04/2025	CLERK'S QUALITY CONTROL MESSAGE - The 161 MOTION for Leave to Appear Pro Hac Vice submitted by JOHN MICHAEL MIANO on 4/03/2025 contains an improper signature. Only Registered Users are permitted to sign electronically filed documents with an s/. This document contains an s/ signature for Attorney MATT A. CRAPO, applying for admission Pro Hac Vice. PLEASE RESUBMIT THE SIGNATURE PAGE OF HIS CERTIFICATION WITH A PROPER WET/SCANNED SIGNATURE USING THE EVENT "EXHIBIT TO DOCUMENT", TYING IT BACK INTO THE 161 MOTION. This submission will remain on the docket unless otherwise ordered by the court.(wh) (Entered: 04/04/2025)	
	04/04/2025	Set Deadlines as to 161 MOTION for Leave to Appear Pro Hac Vice. Motion set for 5/5/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (wh) (Entered: 04/04/2025)	
166	04/04/2025	Exhibit to 161 Motion for Leave to Appear Pro Hac Vice, by Immigration Reform Law Institute. (MIANO, JOHN) (Entered: 04/04/2025)	
167	04/04/2025	ORDER granting 158 Motion for Leave to File Amicus Brief by Immigration Reform Law Institute. Signed by Magistrate Judge Michael A. Hammer on 4/4/2025. (mxw,) (Entered: 04/04/2025)	
168	04/04/2025	Letter from the Government With Unopposed Request to Accept Brief of Overlength Nunc Pro Tunc re 156 Brief in Opposition to Motion,. (SAMPAT, DHRUMAN) (Entered: 04/04/2025)	
169	04/04/2025	Letter from Petitioner requesting leave to file overlength reply. (LOCICERO, JEANNE) (Entered: 04/04/2025)	
170	04/04/2025	OPINION AND ORDER. Signed by Judge Michael E. Farbiarz on 4/4/2025. (mxw,) (Entered: 04/04/2025)	
171	04/04/2025	ORDER as to letter request filed at DE168. Signed by Judge Michael E. Farbiarz on 4/4/2025. (ro,) (Entered: 04/04/2025)	
172	04/04/2025	ORDER as to letter request filed at DE169. Signed by Judge Michael E. Farbiarz on 4/4/25. (ro,) (Entered: 04/04/2025)	
173	04/04/2025	Letter from Petitioner. (AHMAD, NAZ) (Entered: 04/04/2025)	
174	04/05/2025	MOTION for Leave to File Brief of Amicus Curiae by National Jewish Advocacy Center. (Attachments: # 1 Brief, # 2 Text of Proposed Order)(BROWN, DAVID) (Entered: 04/05/2025)	
175	04/06/2025	REPLY BRIEF to Opposition to Motion filed by Mahmoud Khalil re 66 MOTION for Preliminary Injunction . (Attachments: # 1 Declaration of Ira J. Kurzban, # 2 Declaration of Molly K.C. Linhorst, # 3 Exhibit A of Linhorst Declaration, # 4 Exhibit B of Linhorst Declaration, # 5 Exhibit C of Linhorst Declaration, # 6 Exhibit D of Linhorst Declaration, # 7 Exhibit E of Linhorst Declaration, # 8 Exhibit F of Linhorst Declaration, # 9 Exhibit G of Linhorst Declaration, # 10 Exhibit H of Linhorst Declaration, # 11 Exhibit I of Linhorst Declaration, # 12 Exhibit J of Linhorst Declaration, # 13 Exhibit K of Linhorst Declaration, # 14 Exhibit L of Linhorst Declaration, # 15 Exhibit M of Linhorst Declaration, # 16 Exhibit N of Linhorst Declaration, # 17 Exhibit O of Linhorst Declaration, # 18 Exhibit P of Linhorst Declaration, # 19 Exhibit Q of Linhorst Declaration, # 20 Exhibit R of Linhorst	

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#	Date	Proceeding Text	Source
		Declaration, # 21 Exhibit S of Linhorst Declaration, # 22 Certificate of Service)(LOCICERO, JEANNE) (Entered: 04/06/2025)	
176	04/06/2025	Letter from Naz Ahmad regarding Pro Hac Vice Admission on behalf of Petitioner. (Attachments: # 1 Declaration, # 2 Certification, # 3 Declaration, # 4 Certification, # 5 Declaration, # 6 Certification, # 7 Exhibit, # 8 Exhibit, # 9 Exhibit, # 10 Text of Proposed Order)(AHMAD, NAZ) (Entered: 04/06/2025)	
177	04/07/2025	ORDER granting 161 Motion for Leave for Matt A. Crapo to Appear Pro Hac Vice. Signed by Magistrate Judge Michael A. Hammer on 4/7/2025. (mxw,) (Entered: 04/07/2025)	
178	04/08/2025	ORDER. Signed by Judge Michael E. Farbiarz on 4/8/2025. (ro,) (Entered: 04/08/2025)	
179	04/08/2025	ORDER granting 174 Motion for Leave to File Brief of Amicus Curiae by National Jewish Advocacy Center. Signed by Magistrate Judge Michael A. Hammer on 4/8/2025. (mxw,) (Entered: 04/08/2025)	
180	04/08/2025	ORDER granting Petitioner's 176 Letter application for Marc Van Der Hout, Esq., Johnny Sinodis, Esq., and Oona Cahill, Esq. to appear pro hac vice. Signed by Magistrate Judge Michael A. Hammer on 4/8/2025. (mxw,) (Entered: 04/08/2025)	
182	04/08/2025	Notice of Request by Pro Hac Vice Matt A. Crapo to receive Notices of Electronic Filings. (Pro Hac Vice fee \$ 250 receipt number ANJDC-16158730.) (MIANO, JOHN) (Entered: 04/08/2025)	
	04/09/2025	Pro Hac Vice counsel, MATT CRAPO, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (lag,) (Entered: 04/09/2025)	
183	04/10/2025	Letter from Petitioner in response to ECF 178 Order. (LOCICERO, JEANNE) (Entered: 04/10/2025)	
184	04/10/2025	Notice of Request by Pro Hac Vice Marc Van Der Hout to receive Notices of Electronic Filings. (AHMAD, NAZ) (Entered: 04/10/2025)	
185	04/10/2025	Letter from the Government re 178 Order. (SAMPAT, DHRUMAN) (Entered: 04/10/2025)	
186	04/10/2025	Letter from the Government with Unopposed Request to Accept Filing re 185 Letter. (SAMPAT, DHRUMAN) (Entered: 04/10/2025)	
187	04/10/2025	TEXT ORDER: The Petitioner's filing at ECF 183 alludes to matters that took place before the Immigration Judge. See ECF 183 at 1 n.2. Transcripts that have been prepared as to the proceedings that have taken place before the Immigration Judge shall be promptly provided to chambers. So Ordered by Judge Michael E. Farbiarz on 4/10/2025. (ro,) (Entered: 04/10/2025)	
188	04/10/2025	LETTER ORDER granting Respondents' 186 Letter request that the Court accept Respondents' 185 letter as within time. Signed by Judge Michael E. Farbiarz on 4/10/2025. (mxw,) (Entered: 04/10/2025)	
189	04/11/2025	Letter from Petitioner in response to ECF 178 Order. (LOCICERO, JEANNE) (Entered: 04/11/2025)	
190	04/11/2025	Letter from the Government re 178 Order. (SAMPAT, DHRUMAN) (Entered: 04/11/2025)	
	04/11/2025	Pro Hac Vice fee for Marc Van Der Hout, Johnny Sinodis, and Oona Cahill: \$ 750, receipt number NEW51811 (jr) (Entered: 04/11/2025)	
	04/11/2025	Pro Hac Vice counsel, MARC VAN DER HOUT, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (jr) (Entered: 04/11/2025)	
191	04/11/2025	TEXT ORDER: Immediately upon completion of today's proceeding in Louisiana, the parties shall contact chambers. At that point, a telephone conference will be held. At the telephone conference, the parties shall	

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#	Date	Proceeding Text	Source
		describe what transpired at the hearing. So Ordered by Judge Michael E. Farbiarz on 4/11/2025. (ro,) (Entered: 04/11/2025)	
192	04/11/2025	Letter from Petitioner in response to ECF 187. (LOCICERO, JEANNE) (Entered: 04/11/2025)	
193	04/11/2025	Notice of Request by Pro Hac Vice Johnny Sidonis to receive Notices of Electronic Filings. (AHMAD, NAZ) (Entered: 04/11/2025)	
194	04/11/2025	Letter from Petitioner re Public Access To Telephone Conference. (LOCICERO, JEANNE) (Entered: 04/11/2025)	
195	04/11/2025	TEXT ORDER: A telephone conference will be held at 4:45pm today, April 11. So Ordered by Judge Michael E. Farbiarz on 4/11/2025. (ro,) (Entered: 04/11/2025)	
	04/11/2025	Pro Hac Vice counsel, JOHNNY SIDONIS, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (mj) (Entered: 04/11/2025)	
196	04/11/2025	CERTIFICATION in Support filed by Immigration Lawyers, Law Professors, and Scholars re 66 MOTION for Preliminary Injunction . A CHARGE OF REMOVABILITY UNDER SECTION 237(a)(4)(C)(i) AND 237(a)(1)(A) OF THE INA DOES NOT SANCTION MANDATORY DETENTION OF PETITIONER UNDER 8 U.S.C. SECTION 1226 (HINONANGAN, IAN) (Entered: 04/11/2025)	
197	04/11/2025	Minute Entry for proceedings held before Judge Michael E. Farbiarz: Telephone Conference held on 4/11/2025. (Court Reporter, Lisa Larsen (973-776-7741)) (ro,) (Entered: 04/11/2025)	
198	04/12/2025	Letter from from Petitioner. (Attachments: # 1 Exhibit (Rubio Determination))(LOCICERO, JEANNE) (Entered: 04/12/2025)	
199	04/14/2025	Letter from Petitioner. (ANELLO, FARRIN) (Entered: 04/14/2025)	
200	04/15/2025	Letter from Petitioner re 199 Letter. (ANELLO, FARRIN) (Entered: 04/15/2025)	
201	04/15/2025	Letter from the Government. (SAMPAT, DHRUMAN) (Entered: 04/15/2025)	
202	04/19/2025	NOTICE by Mahmoud Khalil Supplemental Authority (AZMY, BAHER) (Entered: 04/19/2025)	
203	04/20/2025	NOTICE by Mahmoud Khalil For Urgent Bail Relief (AZMY, BAHER)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 04/20/2025)	
204	04/20/2025	NOTICE by Mahmoud Khalil re 203 Notice (Other),, ICE Furlough (AZMY, BAHER)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 04/20/2025)	
205	04/20/2025	Letter from the Government re 204 Notice (Other),, 203 Notice (Other),, (SAMPAT, DHRUMAN)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 04/20/2025)	
206	04/20/2025	TEXT ORDER: The Petitioner filed today under seal a motion [ECF 203], and made a follow-up sealed filing [ECF 204]. The Respondents	

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#	Date	Proceeding Text	Source
		opposed the motion, by a sealed filing this evening [ECF 205]. The motion is denied. Among other things, the second Lucas/Landano factor is not satisfied. See generally Ozturk v. Trump, 25 Civ. 374 (WKS), Document 104 at 63-64. So Ordered by Judge Michael E. Farbiarz on 4/20/2025. (ro,) (Entered: 04/20/2025)	
207	04/21/2025	Letter from Naz Ahmad regarding sealed filings. (Attachments: # 1 Exhibit Redacted ECF No. 204)(AHMAD, NAZ) (Entered: 04/21/2025)	
	04/22/2025	Pro Hac Vice counsel, RAMZI KASSEM, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (wh) (Entered: 04/22/2025)	
208	04/23/2025	TEXT ORDER: The Petitioner shall file a succinct letter before 4:00pm today. It shall provide the Court with an update as to (a) when the Petitioner has his next appearance before the immigration judge and (b) the earliest moment when, in the Petitioner's judgment, the immigration judge may make a decision as to the second ground of removability. Tomorrow, before noon, the parties shall file a joint letter that attaches all immigration court filings that have not previously been conveyed to the Court. So Ordered by Judge Michael E. Farbiarz on 4/23/2025. (ro,) (Entered: 04/23/2025)	
209	04/23/2025	Letter from Petitioner re 208 Order,.. (AZMY, BAHER) (Entered: 04/23/2025)	
210	04/24/2025	NOTICE by Mahmoud Khalil, KRISTI NOEM, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO re 208 Order,, Filings in Immigration Court (Attachments: # 1 Exhibit Addn'l Evid Refuting Charges, # 2 Exhibit DHS Opp Mtn Terminate re 4A Violations, # 3 Exhibit Ptr Reply ISO Mtn Terminate re 4A Violations)(AZMY, BAHER) (Entered: 04/24/2025)	
211	04/24/2025	NOTICE by Mahmoud Khalil, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, CALEB VITELLO Filing in Immigration Court (Attachments: # 1 Exhibit)(AZMY, BAHER)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 04/24/2025)	
212	04/25/2025	Letter re 208 Order,.. (Attachments: # 1 Exhibit Redacted Reply Mtn Terminate)(AZMY, BAHER) (Entered: 04/25/2025)	
213	04/28/2025	Letter from Petitioner re 208 Order,.. (Attachments: # 1 Exhibit Exhibit A - Order Denying Motion to Terminate, # 2 Exhibit Exhibit B - Order Scheduling Hearing)(AZMY, BAHER) (Entered: 04/28/2025)	
214	04/29/2025	OPINION. Signed by Judge Michael E. Farbiarz on 4/29/2025. (ro,) (Entered: 04/29/2025)	
215	04/29/2025	ORDER. Signed by Judge Michael E. Farbiarz on 4/29/2025. (ro,) (Entered: 04/29/2025)	
216	04/29/2025	ORDER. Signed by Judge Michael E. Farbiarz on 4/29/2025. (ro,) (Entered: 04/29/2025)	
217	04/29/2025	ORDER. Signed by Judge Michael E. Farbiarz on 4/29/2025. (ro,) (Entered: 04/29/2025)	
218	04/30/2025	Letter from the Government re 215 Order. (SAMPAT, DHRUMAN) (Entered: 04/30/2025)	
219	04/30/2025	Letter from the Government re 216 Order. (SAMPAT, DHRUMAN) (Entered: 04/30/2025)	
220	05/01/2025	TEXT ORDER: The filing at ECF 203 is hereby unsealed. So Ordered by Judge Michael E. Farbiarz on 5/1/2025. (ro,) (Entered: 05/01/2025)	
221	05/01/2025	Letter from Petitioner in Response to Court's Order at ECF 215. (LOCICERO, JEANNE) (Entered: 05/01/2025)	

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#	Date	Proceeding Text	Source
222	05/01/2025	OPINION and ORDER denying the motion for certification of interlocutory appeal at entry 218 . Signed by Judge Michael E. Farbiarz on 5/1/2025. (mxw,) (Entered: 05/01/2025)	
223	05/01/2025	Letter from Petitioner re Proposed Amended Petition. (Attachments: # 1 Exhibit Proposed Third Amended Petition and Complaint, # 2 Exhibit Redline Comparing Proposed Amended Petition to Operative Petition)(LOCICERO, JEANNE) (Entered: 05/01/2025)	
224	05/02/2025	TEXT ORDER: The Court will conduct a brief telephone conference today at 12:30. There are two purposes. The first is to rule on the motion at ECF 223, the opposition to which is due today at noon, per ECF 217. The second is to discuss going-forward briefing. So Ordered by Judge Michael E. Farbiarz on 5/2/2025. (ro,) (Entered: 05/02/2025)	
225	05/02/2025	Letter from Petitioner re Supplemental Authority. (LOCICERO, JEANNE) (Entered: 05/02/2025)	
226	05/02/2025	Letter from the Government re 223 Letter, 217 Order. (SAMPAT, DHRUMAN) (Entered: 05/02/2025)	
227	05/02/2025	Minute Entry for proceedings held before Judge Michael E. Farbiarz: Telephone Conference held on 5/2/2025. (Court Reporter, Lisa Larsen (973-776-7741)) (ro,) (Entered: 05/02/2025)	
228	05/02/2025	TEXT ORDER: As discussed at today's telephone conference, the Petitioner shall file his brief on or before May 7 at 11:59pm, and the Respondents shall file theirs on or before May 12 at 11:59pm. Each brief shall be no more than 20 pages. So Ordered by Judge Michael E. Farbiarz on 5/2/2025. (ro,) (Entered: 05/02/2025)	
229	05/02/2025	Transcript of Status held on May 2, 2025, before Judge Michael E. Farbiarz. Court Reporter: Lisa Larsen (973-776-7741). NOTICE REGARDING (1) REDACTION OF PERSONAL IDENTIFIERS IN TRANSCRIPTS AND (2) MOTION TO REDACT AND SEAL: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript to comply with Fed.R.Civ.P.5.2(a) (personal identifiers). Parties seeking to redact and seal this Transcript, or portions thereof, pursuant to L.Civ.R. 5.3(g) must e-file a Motion to Redact and Seal utilizing the event `Redact and Seal Transcript/Digital Recording`. Redaction Request to Court Reporter due, but not filed, by 5/23/2025. Redacted Transcript Deadline set for 6/2/2025. Release of Transcript Restriction set for 7/31/2025. (and) (Entered: 05/05/2025)	
230	05/05/2025	Letter from the Government re 223 Letter, 217 Order. (SAMPAT, DHRUMAN) (Entered: 05/05/2025)	
231	05/07/2025	TEXT ORDER: The Respondents shall file a letter on or before 9:30am on May 8. It shall list each instance, other than this one, in which federal officials have invoked 8 U.S.C. 1227(a)(4)(C) to seek the removal or deportation of a person from the United States. As to each case, the United States shall include (a) a description of the underlying facts of the case, and (b) a copy of the Secretary of State's determination as to the case, whether reflected in a memorandum, in a letter to the Attorney General or the Secretary of Homeland Security, or in some other form. In addition, the Respondents shall file a letter on or before noon on May 8. It shall list each instance, other than this one, in which federal officials have invoked a predecessor statute to 8 U.S.C. 1227(a)(4)(C) to seek the removal or deportation of a person from the United States. As to each case, the United States shall include (a) a description of the underlying facts of the case, and (b) a copy of the Secretary of State's determination as to the case, whether reflected in a memorandum, in a letter to the Attorney General or the Secretary of Homeland Security, or in some other form. For the purposes of the second May 8 letter, the Respondents shall focus only on the period from 1975 to the present. The text of all asserted predecessor statutes shall be included in the letter. The relevant predecessor statutes shall include the statute invoked by the United	

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#	Date	Proceeding Text	Source
		States in the Massieu case; that statute was then at 8 U.S.C. 1251(a)(4)(C)(i). So Ordered by Judge Michael E. Farbiarz on 5/7/2025. (ro,) (Entered: 05/07/2025)	
232	05/07/2025	Letter from the Government Requesting Extension of May 8 Deadlines re 231 Order,,,,,, (SAMPAT, DHRUMAN) (Entered: 05/07/2025)	
233	05/07/2025	BRIEF (Supplemental) Regarding Vagueness Claims (LOCICERO, JEANNE) (Entered: 05/07/2025)	
235	05/07/2025	Letter from LAWRENCE L. CRAWFORD Seeking to Intervene in Case No. 25-cv-1963 for the purposes of consolidating with 24-cv-3934. (Notice of Mail) (adc) Modified on 5/8/2025 (adc). (Entered: 05/08/2025)	
234	05/08/2025	TEXT ORDER: As to the letters due today, the issue they concern was, as noted by the Respondents, raised by the Court on May 2. Moreover, it is apparent from the Respondents' May 7 letter that they were already gathering and considering at least some of the relevant materials. The Respondents do not describe the possible scope of the materials, and so they afford the Court only a limited basis for understanding the possible scale of their task. Against this backdrop, as to the letter due today at 9:30, its scope is narrow and does not seem to implicate any paper files. The Respondents shall expeditiously gather information, and provide their response, even if partial, on or before May 9 at 9:30am. As to the letter due today at noon, the Respondents shall expeditiously gather information, and provide their response, even if partial, on or before May 9 at 5:00pm. If either letter provides a partial response, that letter shall include an overall update, that explains what remains to be done as to the relevant task and how much time, in the Respondents' judgment, it will take to complete the work. As to either letter, if there is a particular case that may be sensitive, the Respondents may make their filing as to that case under seal and explain why sealing is appropriate; if that does not obviate the Respondents' concerns, they shall explain why, and propose another way forward. So Ordered by Judge Michael E. Farbiarz on 5/8/2025. (ro,) (Entered: 05/08/2025)	
236	05/08/2025	AMENDED COMPLAINT (Third Amended Complaint) against PAMELA BONDI, William P. Joyce, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO, filed by Mahmoud Khalil.(LOCICERO, JEANNE) (Main Document 236 replaced on 5/8/2025) (pm,). (Entered: 05/08/2025)	
	05/08/2025	CLERK'S QUALITY CONTROL MESSAGE - The AMENDED COMPLAINT filed by JEANNE LOCICERO on 5/8/2025 was uploaded prior to being flattened. Before uploading fillable forms to ECF you must flatten the file to prevent other users from manipulating or editing the information. The easiest way to flatten a PDF form is by selecting Print to PDF and saving the flattened form, other PDF software may differ. Please visit our website under Flattening PDF Forms for guidance. Your document has been corrected. This message is for informational purposes only. (pm,) (Entered: 05/08/2025)	
237	05/08/2025	Letter from Petitioner re: Notice of Supplemental Authority. (Attachments: # 1 Exhibit Exhibit A - Mohammed H. Order, # 2 Exhibit Exhibit B - Khan Suri Opinion, # 3 Exhibit Exhibit C - Ozturk Opinion)(AZMY, BAHAR) (Entered: 05/08/2025)	
238	05/08/2025	MOTION to Seal Document 204, 207-1, 210-1, 210-2, 210-3, 211, 211-1, 212-1 by MAHMOUD KHALIL. (Attachments: # 1 Declaration, # 2 Index, # 3 Text of Proposed Order)(AHMAD, NAZ) (Entered: 05/08/2025)	
239	05/09/2025	TEXT ORDER: The Petitioner's motion to seal at ECF 238 is granted. So Ordered by Judge Michael E. Farbiarz on 5/9/2025. (ro,) (Entered: 05/09/2025)	
240	05/09/2025	TEXT ORDER: The Court's inclination is to deny the motion to intervene at ECF 235. If a party has a potentially different view, it shall	

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#	Date	Proceeding Text	Source
		file a succinct letter seeking a briefing schedule, on or before 10:00am on May 12. So Ordered by Judge Michael E. Farbiarz on 5/9/2025. (ro,) (Entered: 05/09/2025)	
241	05/09/2025	Letter from the Government re 234 Order,,,,, (SAMPAT, DHRUMAN) (Entered: 05/09/2025)	
242	05/09/2025	TEXT ORDER: As to the "continu[ing] review" being conducted of databases and files, see ECF 241, the Respondents shall file a succinct update at approximately 5:00pm today --- as to other instances that have been located, and also as to further clarity on "the full universe," so that an appropriate deadline can be set. So Ordered by Judge Michael E. Farbiarz on 5/9/2025. (ro,) (Entered: 05/09/2025)	
243	05/09/2025	Letter from Petitioner re 217 order. (AHMAD, NAZ) (Entered: 05/09/2025)	
244	05/09/2025	Letter from Petitioner re 217 order (corrected). (AHMAD, NAZ) (Entered: 05/09/2025)	
245	05/09/2025	Letter from Petitioner re Addn'l Supp. Authority. (AZMY, BAHER) (Entered: 05/09/2025)	
246	05/09/2025	Letter from the Government re 234 Order,,,,, (SAMPAT, DHRUMAN) (Entered: 05/09/2025)	
247	05/09/2025	Letter from the Government re 242 Order,. (SAMPAT, DHRUMAN) (Entered: 05/09/2025)	
248	05/09/2025	TEXT ORDER: On April 29, the Court afforded the Respondents an opportunity to unpack any venue arguments. See ECF 217. Doing so, see ECF 230, the Respondents have not moved the needle. They have not explained whether and when the background jurisdictional rules --- applied here by the Court in its Opinion and Order at ECF 153 --- might be superseded in any habeas case by venue considerations. And they have not persuasively explained why such venue considerations would favor dismissal in this particular case; here, venue considerations weigh on balance in favor of going forward in the New Jersey area, for reasons that are alluded to by the Petitioner, see ECF 243 at page 3, and that have previously been alluded to by the Court, see ECF 78 at page 26. The Respondents have also used their venue letter, see ECF 230, to renew various jurisdictional challenges. The substance of those has been reached and resolved. (And the Court notes that its holdings on the two key jurisdictional questions --- as to habeas jurisdiction and as to jurisdiction-stripping --- now find added support in the Second Circuit's decision of this week. See Ozturk v. Hyde, 2025 WL 1318154 (2d Cir. May 7, 2025).) To the extent the Respondents' letter at ECF 230 is focused specifically on arguments for lack of jurisdiction as to the newly-added aspects of the Third Amended Petition, the Court will reach and resolve those in due course. For now, ECF 230, construed as a motion to dismiss for want of venue, is denied. So Ordered by Judge Michael E. Farbiarz on 5/9/2025. (ro,) (Entered: 05/09/2025)	
249	05/09/2025	Letter from the Government Requesting Extension of Supplemental Briefing Deadline. (SAMPAT, DHRUMAN) (Entered: 05/09/2025)	
250	05/12/2025	TEXT ORDER: As conveyed by e-mail over the weekend, the Respondents' request for an extension, see ECF 249, is granted. So Ordered by Judge Michael E. Farbiarz on 5/12/2025. (ro,) (Entered: 05/12/2025)	
251	05/12/2025	Letter from Petitioner re Additional Supplemental Filings_Ercelik&Ozturk. (AZMY, BAHER) (Entered: 05/12/2025)	
252	05/12/2025	Letter from Petitioner re Lve File Khalifa Secretary State Determination re 246 Letter. (AZMY, BAHER) (Entered: 05/12/2025)	
253	05/13/2025	TEXT ORDER: The motion to intervene at ECF 235 is denied. So Ordered by Judge Michael E. Farbiarz on 5/13/25. (ro,) (Entered: 05/13/2025)	
	05/14/2025	Pro Hac Vice fee received as to Alina Das \$ 250, receipt number	

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#	Date	Proceeding Text	Source
		TRE144016 (jal,) (Entered: 05/14/2025)	
254	05/14/2025	Notice of Request by Pro Hac Vice Alina Das to receive Notices of Electronic Filings. (AHMAD, NAZ) (Entered: 05/14/2025)	
255	05/14/2025	Letter from Petitioner re Addn'l Supp Auth_Khan Suri&Mahdawi. (AZMY, BAHER) (Entered: 05/14/2025)	
256	05/14/2025	BRIEF (Supplemental) Regarding Petitioner's Vagueness Claims (SAMPAT, DHRUMAN) (Entered: 05/14/2025)	
257	05/14/2025	Letter from Petitioner re: Additional Supplemental Authority (Corrected) re 255 Letter. (AZMY, BAHER) (Entered: 05/14/2025)	
	05/15/2025	Pro Hac Vice counsel, ALINA DAS, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (mxw,) (Entered: 05/15/2025)	
258	05/21/2025	Letter from Petitioner re: Family Contact Visit. (Attachments: # 1 Exhibit Exhibit A: Correspondence with Facility, # 2 Exhibit Exhibit B: Elizabeth Detention Center FAQ)(AZMY, BAHER) (Entered: 05/21/2025)	
259	05/21/2025	TEXT ORDER: The Petitioner filed a letter this afternoon and the Court received it a few moments ago. The letter represents that the Petitioner's wife, currently in Louisiana, is aware of certain facts that would be of assistance to counsel in their current habeas representation of the Petitioner before this Court. The Court credits this representation. In this circumstance, the Court is inclined to issue an order today in aid of its jurisdiction, under the All Writs Act, at Title 8, United States Code, Section 1651, to permit the Petitioner, his wife, and the Petitioner's lawyers to meet together tomorrow morning at the facility where the Petitioner is held. It is apparent from the attachments to this letter that this issue was not teed up for the first time today. And it is apparent from the letter that in response to the Petitioner's request, the Respondents have been actively thinking through various issues, including with respect to facility security. Should the Respondents wish to be heard in general, or as to how an order might be appropriately tailored, they should make a filing before 4:30 pm today. So Ordered by Judge Michael E. Farbiarz on 5/21/2025. (ro,) (Entered: 05/21/2025)	
260	05/21/2025	NOTICE of Appearance by LIZA FREEDMAN WEISBERG on behalf of MAHMOUD KHALIL (WEISBERG, LIZA) (Entered: 05/21/2025)	
261	05/21/2025	MOTION for Leave to Appear Pro Hac Vice of Michael K.T. Tan by MAHMOUD KHALIL. (Attachments: # 1 Certification of Michael K.T. Tan, # 2 Certification of Jeanne LoCicero, # 3 Text of Proposed Order, # 4 Certificate of Service)(LOCICERO, JEANNE) (Entered: 05/21/2025)	
262	05/21/2025	ORDER. Signed by Judge Michael E. Farbiarz on 5/21/2025. (ro,) (Entered: 05/21/2025)	
263	05/21/2025	Letter from the Government re 259 Order,,,,. (Attachments: # 1 Declaration of Acting Field Office Director Brian Acuna)(SAMPAT, DHRUMAN) (Entered: 05/21/2025)	
264	05/21/2025	TEXT ORDER: The Respondents indicated to the Court's deputy late this afternoon that they were working to meet the Court's filing deadline but would likely not make it. But enough time was provided. This issue is a highly narrow one. And it has, per the Petitioner's letter at ECF 258, been brewing for long enough --- the lawyers have been well aware of it, and so have officials at the relevant detention facility. In addition, the Respondents have indicated they need time to explain certain "security concerns" to the Court. But the Court's Order at ECF 262 allows for reasonable security measures to be taken. So Ordered by Judge Michael E. Farbiarz on 5/21/2025. (ps) (Entered: 05/21/2025)	
265	05/21/2025	TEXT ORDER: Construing the Respondents' letter at ECF 263 as a motion for reconsideration of the Court's Order at ECF 262, the motion is denied. So Ordered by Judge Michael E. Farbiarz on 5/21/2025. (ps)	

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#	Date	Proceeding Text	Source
		(Entered: 05/21/2025)	
266	05/21/2025	MOTION for Leave to Appear Amicus Curiae by Interfaith Leaders. (Attachments: # 1 Brief in Support, # 2 Amici Curiae Brief, # 3 Text of Proposed Order, # 4 Certificate of Service)(DROUBI, LUNA) (Entered: 05/21/2025)	
267	05/22/2025	Letter from Petitioner re Update to PHV Counsel's Contact Information. (LOCICERO, JEANNE) (Entered: 05/22/2025)	
	05/23/2025	Set Deadlines as to 261 MOTION for Leave to Appear Pro Hac Vice of Michael K.T. Tan. Motion set for 6/16/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (sm) (Entered: 05/23/2025)	
	05/23/2025	Set Deadlines as to 266 MOTION for Leave to Appear Amicus Curiae . Motion set for 6/16/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (sm) (Entered: 05/23/2025)	
268	05/23/2025	ORDER granting 261 Motion for Leave to Appear Pro Hac Vice of MICHAEL K.T. TAN. N/M. Signed by Magistrate Judge Michael A. Hammer on 5/23/2025. (wh) (Main Document 268 replaced on 5/23/2025) (wh). Modified on 5/23/2025 (wh). (Entered: 05/23/2025)	
269	05/23/2025	ORDER granting 266 Motion for Leave to File Brief as Amici Curiae. The proposed amici curiae brief is hereby deemed FILED. N/M. Signed by Magistrate Judge Michael A. Hammer on 5/23/2025. (wh) Modified on 5/23/2025 (wh). (Entered: 05/23/2025)	
270	05/23/2025	Letter to Judge Farbiarz from Danielle Dalton. (sm) Modified on 5/27/2025 (sm). (Entered: 05/23/2025)	
271	05/27/2025	Letter from Petitioner. (AHMAD, NAZ) (Entered: 05/27/2025)	
272	05/28/2025	OPINION AND ORDER. Signed by Judge Michael E. Farbiarz on 5/28/25. (ro,) (Entered: 05/28/2025)	
273	05/28/2025	TEXT ORDER: Earlier today, the Court issued an Opinion and Order addressing the Petitioner's motion for a preliminary injunction. See ECF 272 . The Opinion and Order indicates that the Petitioner may supplement the record factually and/or legally, if he chooses, as to a particular point. See Opinion and Order at footnote 88. On or before May 29 at noon, the Petitioner shall file a succinct letter indicating how much time he will need to make a complete filing. Based on the Petitioner's timeline, the Court will then set a deadline by which the Respondents shall respond. So Ordered by Judge Michael E. Farbiarz on 5/28/2025. (ro,) (Entered: 05/28/2025)	
274	05/29/2025	Letter from Petitioner re Deadline for Filing Pursuant to ECF 273. (WEISBERG, LIZA) (Entered: 05/29/2025)	
275	05/29/2025	TEXT ORDER: The Petitioner has sought until June 4 at 11:59pm to make his follow-on filing. This is about 6.5 days. The Petitioner's request is granted. The Respondents shall have approximately 4.5 days to respond. Their papers shall be filed on or before noon on June 9. In light of the Court's likelihood of success holding, the Petitioner shall explain his position as to why he is entitled to entry of a preliminary injunction as to the Secretary of State's determination. The Petitioner shall file a legal brief, in the form of a letter of no more than 3 single-spaced pages. And the Petitioner may file any evidence that is directly relevant to the preliminary injunction issue, including affidavits. In response, the Respondents shall file a legal brief, in the form of a letter of no more than 3 single-spaced pages, and any evidence that is directly relevant to	

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#	Date	Proceeding Text	Source
		the preliminary injunction issue. The Petitioner may file a reply of no more than one page on or before June 10 at 9:00am. If the Petitioner seeks to go beyond this, including by attaching any new evidence in his reply, the Petitioner shall first seek permission from the Court. So Ordered by Judge Michael E. Farbiarz on 5/29/2025. (ro,) (Entered: 05/29/2025)	
276	06/02/2025	Letter from Petitioner Requesting Additional 2 Pages For Letter Brief (ECF 275). (WEISBERG, LIZA) (Entered: 06/02/2025)	
	06/03/2025	Pro Hac Vice fee for MICHAEL K.T. TAN: \$ 250, receipt number NEW52073 (jr) (Entered: 06/03/2025)	
277	06/03/2025	Notice of Request by Pro Hac Vice Michael K.T. Tan to receive Notices of Electronic Filings. (LOCICERO, JEANNE) (Entered: 06/03/2025)	
278	06/04/2025	LETTER ORDER granting Petitioner's request. Signed by Judge Michael E. Farbiarz on 6/4/25. (ro,) (Entered: 06/04/2025)	
279	06/04/2025	First MOTION for Protective Order for Medical Report by MAHMOUD KHALIL. (Attachments: # 1 Text of Proposed Order Re Attorneys Eyes Only Designation)(AZMY, BAHAR) (Entered: 06/04/2025)	
280	06/04/2025	Letter from Petitioner In Further Support of Motion for Preliminary Injunction. (WEISBERG, LIZA) (Entered: 06/04/2025)	
281	06/04/2025	DECLARATION of Veronica Salama by MAHMOUD KHALIL. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q)(WEISBERG, LIZA)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 06/04/2025)	
282	06/05/2025	TEXT ORDER: As a follow-on to the Court's order at ECF 275, the Petitioner has made various factual submissions to the Court. See ECF 281. The Respondents' response is due next week. In their response, the Respondents may seek to contest the accuracy or reliability of some or all of the referenced factual submissions. If they chose to do so, the Respondents shall file a supplemental letter of no more than one page on or before noon on June 9. It shall indicate whether the Court is legally prohibited from resolving any material factual disputes based solely on the parties' written filings, without a virtual or in-person hearing. The Petitioner shall answer this same question in a letter of no more than one page, to be filed on or before June 9 at 5:00pm.. So Ordered by Judge Michael E. Farbiarz on 6/5/2025. (ro,) (Entered: 06/05/2025)	
283	06/05/2025	TEXT ORDER terminating 279 Motion for Protective Order: The Undersigned has reviewed Petitioner's motion for a protective order and proposed confidentiality order filed on June 4, 2025 [D.E. 279]. Any objection by the Government to the Petitioner's proposal to file the Rasmussen assessment under an Attorneys' Eyes Only designation shall be filed by the close of business on June 6, 2025. Further, the parties will meet and confer on a proposed confidentiality order and jointly submit same to the Undersigned by June 9, 2025. Finally, Petitioner has filed D.E. 281 under seal. Accordingly, by June 9, 2025, Petitioner must file an appropriate motion or consent order that satisfies Local Civil Rule 5.3(c) in support of the sealing. If the parties cannot agree on sealing, any opposition shall be filed by June 12, 2025. So Ordered Magistrate Judge Michael A. Hammer on 6/5/2025. (Hammer, Michael) (Entered: 06/05/2025)	
284	06/05/2025	DECLARATION of Veronica Salama (redacted for public filing) by MAHMOUD KHALIL. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8	

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#	Date	Proceeding Text	Source
		Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q)(WEISBERG, LIZA) (Entered: 06/05/2025)	
285	06/06/2025	Letter from the Government re 283 Order on Motion for Protective Order,,,, (SAMPAT, DHRUMAN) (Entered: 06/06/2025)	
286	06/09/2025	TEXT ORDER: The Court has reviewed the Government's June 6, 2025 status letter [D.E. 285]. It appearing that the Government does not, in principal, object to the AEO designations to the Rasmussen assessment, and that the parties are meeting and conferring on the designations, the parties will file, by the close of business today, a joint stipulation and confidentiality order, or status report regarding same.. So Ordered by Magistrate Judge Michael A. Hammer on 6/9/2025. (Hammer, Michael) (Entered: 06/09/2025)	
287	06/09/2025	Letter from the Government re 282 Order,,,, (SAMPAT, DHRUMAN) (Entered: 06/09/2025)	
288	06/09/2025	Letter from the Government re 280 Letter, 275 Order,,,, (Attachments: # 1 Exhibit A, Declaration of Brian Acuna, # 2 Exhibit B, Automated Case Information System)(SAMPAT, DHRUMAN) (Entered: 06/09/2025)	
289	06/09/2025	Exhibit to 288 Letter Declaration of Jennifer Huff by PAMELA BONDI, WILLIAM P. JOYCE, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO. (SAMPAT, DHRUMAN)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 06/09/2025)	
290	06/09/2025	Letter from Petitioner Requesting One-Page Extension on Reply Letter Brief. (WEISBERG, LIZA) (Entered: 06/09/2025)	
291	06/09/2025	Letter from Petitioner re 282 Order. (WEISBERG, LIZA) (Entered: 06/09/2025)	
292	06/09/2025	MOTION to Seal ECF 281 by MAHMOUD KHALIL. (Attachments: # 1 Declaration of Liza Weisberg in Support of Motion to Seal, # 2 Index of Redactions in Support of Motion to Seal, # 3 Text of Proposed Order)(WEISBERG, LIZA) (Entered: 06/09/2025)	
293	06/09/2025	TEXT ORDER: The request filed at DE290 is denied. So Ordered by Judge Michael E. Farbiarz on 6/9/2025. (ro,) (Entered: 06/09/2025)	
294	06/09/2025	Proposed Order re Attny's Eyes Only Stipulation by MAHMOUD KHALIL, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO re 282 Order,,,, (AZMY, BAHER) (Entered: 06/09/2025)	
295	06/10/2025	Letter from Petitioner - Reply In Further Support of Motion for PI. (WEISBERG, LIZA) (Entered: 06/10/2025)	
	06/10/2025	Pro Hac Vice counsel, MICHAEL K.T. TAN, has been added to receive Notices of Electronic Filing. Pursuant to L.Civ.R. 101.1, only local counsel are entitled to sign and file papers, enter appearances and receive payments on judgments, decrees or orders. (and) (Entered: 06/10/2025)	
296	06/10/2025	STIPULATION AND CONFIDENTIALITY ORDER. Signed by Magistrate Judge Michael A. Hammer on 6/10/2025. (ld) (Entered: 06/10/2025)	
297	06/10/2025	CERTIFICATION in Support filed by IMMIGRATION LAWYERS, LAW PROFESSORS, AND SCHOLARS re 66 MOTION for Preliminary Injunction . (HINONANGAN, IAN) (Entered: 06/10/2025)	
298	06/11/2025	Letter from Petitioner. (AHMAD, NAZ) (Entered: 06/11/2025)	
299	06/11/2025	OPINION AND ORDER staying Preliminary Injunction until 6/13/2025, 9:30 AM. Signed by Judge Michael E. Farbiarz on 6/11/2025. (N/M) (adc) Modified on 6/11/2025 (adc). (Entered: 06/11/2025)	

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#	Date	Proceeding Text	Source
	06/12/2025	Set Deadlines as to 292 MOTION to Seal ECF 281. Motion set for 7/7/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (ld) (Entered: 06/12/2025)	
300	06/12/2025	Clerk's Certificate of Cash Deposit in the amount of \$ 1.00, Receipt Number NEW52146 filed by MAHMOUD KHALIL (Finance Notified) (bmk) (Entered: 06/12/2025)	
301	06/13/2025	Letter from Petitioner re Release. (WEISBERG, LIZA) (Entered: 06/13/2025)	
302	06/13/2025	Exhibit to 301 Letter re Release by MAHMOUD KHALIL. (WEISBERG, LIZA) (Entered: 06/13/2025)	
303	06/13/2025	TEXT ORDER: The Petitioner shall file the Exhibit A alluded to in its filing at ECF 301. The Respondents shall respond to the Petitioner's ECF 301 filing today, at or before 1:30pm. So Ordered by Judge Michael E. Farbiarz on 6/13/2025. (ro,) (Entered: 06/13/2025)	
304	06/13/2025	Letter from Respondents re 301 Letter, 303 Order. (FLENTJE, AUGUST) (Entered: 06/13/2025)	
305	06/13/2025	CERTIFICATION in Support filed by IMMIGRATION LAWYERS, LAW PROFESSORS, AND SCHOLARS re 66 MOTION for Preliminary Injunction . (HINONANGAN, IAN) (Entered: 06/13/2025)	
306	06/13/2025	ORDER denying petitioner's requested relief in 301 letter. Signed by Judge Michael E. Farbiarz on 6/13/2025. (lag,) (Entered: 06/13/2025)	
307	06/13/2025	TEXT ORDER: The declarations filed by "Immigration Lawyers, Law Professors, and Scholars" on June 10, 2025 [D.E. 297] and June 13, 2025 [D.E. 305] are hereby stricken from the record. The filings were not previously authorized by the Court. Further, although posed as declarations, both filings appear to improperly present legal argument similar to a motion for reconsideration concerning prior rulings by the District Court. The Court strikes these filings from the record without prejudice to the filer making an appropriate application for leave of the Court to file an amicus brief. Any such application must explain the specific purpose of the filing, how it will better inform or educate the Court on an issue before it, and why it is appropriate as an amicus submission, including citations to applicable legal authority. So Ordered by Magistrate Judge Michael A. Hammer on 6/13/2025. (Hammer, Michael) (Entered: 06/13/2025)	
	06/16/2025	NOTICE: The Court's Text Order [D.E. 307] was mailed to Ian Hinonangan via regular mail. (jqb,) (Entered: 06/16/2025)	
308	06/16/2025	Letter from Petitioner. (Attachments: # 1 Exhibit A)(AHMAD, NAZ) (Entered: 06/16/2025)	
309	06/16/2025	TEXT ORDER: The Respondent shall file a response to the Petitioner's filing at ECF 308 on or before June 17 at 3:00pm. The response shall be in the form of a letter brief. So Ordered by Judge Michael E. Farbiarz on 6/16/2025. (ro,) (Entered: 06/16/2025)	
310	06/17/2025	Letter from the Government re 309 Order, 308 Letter. (Attachments: # 1 Declaration of Arthur J. Wilson, Jr.)(SAMPAT, DHRUMAN) (Entered: 06/17/2025)	
311	06/17/2025	TEXT ORDER: Should the Petitioner wish to file a reply to the Respondents' letter brief at ECF 310, the reply may be no longer than one page and shall be filed on or before June 18 at 1:30pm. So Ordered by Judge Michael E. Farbiarz on 6/17/2025. (ro,) (Entered: 06/17/2025)	
312	06/18/2025	Letter from Petitioner re 311 Order, in Reply to 310 Letter. (Attachments: # 1 Exhibit Email Thread re Release, # 2 Exhibit Release Request, # 3 Exhibit Motion for Bond Redetermination)(LOCICERO, JEANNE) (Entered: 06/18/2025)	
313	06/18/2025	TEXT ORDER: As to the Petitioner's June 16 bail filing, at ECF 308, the	

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#	Date	Proceeding Text	Source
		briefing became fully submitted this afternoon, June 18. The Court will conduct oral argument on the motion on June 20 at noon. The argument will be conducted by phone. Court staff will be in touch with the parties today as to logistics. As is in every case, members of the public can listen in should they wish to by going to the Court's website; clicking on menu in the upper left hand corner; going from there to case information; and then following the instructions. So Ordered by Judge Michael E. Farbiarz on 6/18/2025. (ps) (Entered: 06/18/2025)	
314	06/20/2025	TEXT ORDER: Pursuant to the ruling of District Judge Farbiarz that the Petitioner be released today, and that the parties meet and confer on the release terms, there will be a telephone conference with the Undersigned at 3:30 p.m. today to address the release terms. That will include the manner and logistics by which the Petitioner will surrender his passport and any other travel documents to the Government as a precondition of release. The parties will dial 855-244-8681 and enter 2302-026-0103# to join the conference.. So Ordered by Magistrate Judge Michael A. Hammer on 6/20/2025. (Hammer, Michael) (Entered: 06/20/2025)	
315	06/20/2025	Minute Entry for proceedings held before Judge Michael E. Farbiarz: Telephonic hearing on the petitioner's motion for bail pending the adjudication of his habeas petition (D.E.# 308) held of 6/20/25. Ordered motion granted. Hearing on the respondent's application for a seven day stay of the release order. Ordered application denied. Ordered petitioner to be released today. (Court Reporter: Lisa Larsen (973-776-7741)) (ps,) (Entered: 06/20/2025)	
316	06/20/2025	ORDER that the Petitioner's motion at ECF 308 is granted to the extent the motion seeks release on bail from immigration custody. The motion at ECF 308 is denied as moot to the extent it seeks transfer to New Jersey. The ECF 308 motion is granted and denied for the reasons stated in court today. Signed by Judge Michael E. Farbiarz on 6/20/2025. (ps) (Entered: 06/20/2025)	
317	06/20/2025	TEXT ORDER: As addressed on the record during the June 20, 2025 release hearing with the Undersigned, the Government shall release the Petitioner subject to the following conditions: (1) Petitioner shall surrender any and all passports and travel documents to the Central Louisiana ICE Processing Facility in Jena, Louisiana. Respondent shall issue to Petitioner a certified copy of his passport and green card. These conditions shall be completed by 6:30 p.m. CST today. If the Respondent cannot provide the green card to Petitioner at the time of release, then Respondent shall provide it to his counsel on or by June 23, 2025; (2) Petitioner's travel shall be restricted to New York and Michigan, as well as New Jersey and Louisiana for court appearances and attorney visits only, and Washington D.C. for lobbying/legislative purposes only. Petitioner may not travel beyond the restrictions noted in this Order. Petitioner may not travel internationally; (3) Petitioner shall attend all court hearings, absent an order to the contrary issued by the court convening the hearing; (4) Petitioner shall provide his most current address to the Department of Homeland Security within 48 hours of his release; (5) At or by 6:30 p.m. CST, the parties MUST must file a letter on the docket confirming that Condition #1 has been completed. So Ordered by Magistrate Judge Michael A. Hammer on 6/20/2025. (Hammer, Michael) (Entered: 06/20/2025)	
318	06/20/2025	NOTICE OF APPEAL as to 316 Order., Terminate Motions, 299 Order by PAMELA BONDI, WILLIAM P. JOYCE, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (SAMPAT, DHRUMAN) (Entered: 06/20/2025)	
319	06/20/2025	TEXT ORDER: By Order entered earlier today that set the Petitioner's bail conditions [D.E. 317], the parties were directed to file, by 6:30 p.m.	

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#	Date	Proceeding Text	Source
		CST, a letter indicating that Bail Condition #1 had been completed. As of this Order, the parties have not done so. The parties shall file the letter forthwith.. So Ordered by Magistrate Judge Michael A. Hammer on 6/20/2025. (Hammer, Michael) (Entered: 06/20/2025)	
320	06/20/2025	Letter from Both Parties re Fulfillment of Conditions of Release re 317 Order,,,,,. (AZMY, BAHER) (Entered: 06/20/2025)	
321	06/20/2025	TEXT ORDER: The parties having reported by letter filed on June 20, 2025 [D.E. 320] that Mr. Khalil has surrendered his passport to the Central Louisiana ICE Processing Facility, and Respondents have provided Mr. Khalil with a certified copy of his passport and green card, the Court's release order is now effective. Petitioner shall comply with all conditions of release as set forth in the June 20th Order [D.E. 317]. So Ordered by Magistrate Judge Michael A. Hammer on 6/20/2025. (Hammer, Michael) (Entered: 06/20/2025)	
	06/20/2025	Minute Entry for proceedings held before Magistrate Judge Michael A. Hammer: Telephone Conference re Release Terms held on 6/20/2025. (ECR) (jqb,) (Entered: 06/24/2025)	
322	06/23/2025	USCA Case Number 25-2162 for 318 Notice of Appeal (USCA), filed by WILLIAM P. JOYCE, KRISTI NOEM, DONALD J. TRUMP, CALEB VITELLO, YOLANDA PITTMAN, MARCO RUBIO, PAMELA BONDI. USCA Case Manager Timothy McIntyre (Document Restricted - Court Only) (ca3tmm) (Entered: 06/23/2025)	
323	06/24/2025	ORDER granting 292 Motion to Seal. Signed by Magistrate Judge Michael A. Hammer on 6/24/2025. (ld) (Entered: 06/24/2025)	
329	06/24/2025	Transcript of Motion for Bail held on June 20, 2025, before Judge Michael A. Hammer. Transcriber: King Transcription Services (973-237-6080). NOTICE REGARDING (1) REDACTION OF PERSONAL IDENTIFIERS IN TRANSCRIPTS AND (2) MOTION TO REDACT AND SEAL: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript to comply with Fed.R.Civ.P.5.2(a) (personal identifiers). Parties seeking to redact and seal this Transcript, or portions thereof, pursuant to L.Civ.R. 5.3(g) must e-file a Motion to Redact and Seal utilizing the event `Redact and Seal Transcript/Digital Recording`. Redaction Request to Transcription Agency due, but not filed, by 7/15/2025. Redacted Transcript Deadline set for 7/25/2025. Release of Transcript Restriction set for 9/22/2025. (and) Modified on 7/1/2025 (and,). (Entered: 07/01/2025)	
330	06/25/2025	Transcript of Oral Argument held on June 20, 2025, before Judge Michael E. Farbiarz. Court Reporter: Lisa Larsen (973-776-7741). NOTICE REGARDING (1) REDACTION OF PERSONAL IDENTIFIERS IN TRANSCRIPTS AND (2) MOTION TO REDACT AND SEAL: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript to comply with Fed.R.Civ.P.5.2(a) (personal identifiers). Parties seeking to redact and seal this Transcript, or portions thereof, pursuant to L.Civ.R. 5.3(g) must e-file a Motion to Redact and Seal utilizing the event `Redact and Seal Transcript/Digital Recording`. Redaction Request to Court Reporter due, but not filed, by 7/16/2025. Redacted Transcript Deadline set for 7/28/2025. Release of Transcript Restriction set for 9/23/2025. (and) (Entered: 07/01/2025)	
324	06/26/2025	Letter from Petitioner Seeking Clarification Re Release Conditions. (AZMY, BAHER) (Entered: 06/26/2025)	
325	06/27/2025	TEXT ORDER: The Court is in receipt of Petitioner's June 26, 2025 letter, 324 . The government will respond to Petitioner's letter on or before June 30, 2025, at 9:00 a.m. So Ordered by Magistrate Judge Michael A. Hammer on 6/27/25. (tad) (Entered: 06/27/2025)	
326	06/27/2025	Consent MOTION to Seal Redacted Information in ECF 302, ECF 308-1, ECF 312-1, ECF 312-2, ECF 312-3 by MAHMOUD KHALIL.	

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#	Date	Proceeding Text	Source
		(Attachments: # 1 Declaration Declaration of Liza Weisberg in Support of Motion to Seal, # 2 Index of Redactions, # 3 Text of Proposed Order)(WEISBERG, LIZA) (Entered: 06/27/2025)	
	06/27/2025	Set Deadlines as to 326 Consent MOTION to Seal Redacted Information in ECF 302, ECF 308-1, ECF 312-1, ECF 312-2, ECF 312-3. Motion set for 7/21/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (arm) (Entered: 06/27/2025)	
327	06/30/2025	Letter from the Government Requesting Two-Day Extension re 325 Order. (SAMPAT, DHRUMAN) (Entered: 06/30/2025)	
328	06/30/2025	ORDER GRANTING 326 Motion to Seal. Signed by Magistrate Judge Michael A. Hammer on 6/30/2025. (adc,) (Entered: 06/30/2025)	
331	06/30/2025	Mail Returned as Undeliverable. Mail sent to LYNNAE KISA CRAWFORD. (wh) (Entered: 07/01/2025)	
332	07/01/2025	Letter from Petitioner re Update on Respondents' Interpretation of Preliminary Injunction. (Attachments: # 1 Exhibit A, # 2 Exhibit C, # 3 Exhibit D)(WEISBERG, LIZA) (Entered: 07/01/2025)	
333	07/01/2025	Exhibit to 332 Letter (Exhibit B) by MAHMOUD KHALIL. (WEISBERG, LIZA)NOTICE TO COUNSEL: Counsel is advised that pursuant to Local Civil Rule 5.3(c)(2), a single, consolidated motion to seal shall be filed within 14 days following the completed briefing of the materials sought to be sealed, or within 14 days following the date on which the last of such materials was filed under temporary seal if the motion is resolved, unless otherwise directed by the Court. (Entered: 07/01/2025)	
334	07/02/2025	TEXT ORDER: The Respondents shall file a letter in response to ECF 332 on or before July 3 at 10:00am. So Ordered by Judge Michael E. Farbiarz on 7/2/2025. (ro,) (Entered: 07/02/2025)	
335	07/02/2025	Letter from the Government re 327 Letter, 325 Order. (SAMPAT, DHRUMAN) (Entered: 07/02/2025)	
336	07/02/2025	NOTICE of Appearance by ALANNA THANH DUONG on behalf of PAMELA BONDI, WILLIAM P. JOYCE, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO (DUONG, ALANNA THANH) (Entered: 07/02/2025)	
337	07/03/2025	Letter from Respondents re 332 Letter, 334 Order. (DUONG, ALANNA THANH) (Entered: 07/03/2025)	
338	07/03/2025	TEXT ORDER: The parties shall appear at a telephonic status conference at 10:30am on July 7, so that the Court can better understand the issue raised in the Petitioner's letter at ECF 332. During the conference, the Court will determine how much time the parties might be afforded to file legal papers; the Court will determine the amount of time that might be afforded for briefing in light of (a) how broad or narrow the relevant issue is and (b) any bona fide time pressures. This said, the parties have apparently been discussing the relevant issue with each other, including in writing. The Court is therefore likely to afford the parties a very limited number of days for any briefing it might permit; the parties should begin to prepare accordingly, should they wish to. So Ordered by Judge Michael E. Farbiarz on 7/3/2025. (ps) (Entered: 07/03/2025)	
339	07/07/2025	TEXT ORDER: The Court has reviewed the Petitioner's June 26, 2025 letter [D.E. 324] and the Government's July 2, 2025 response [D.E. 335]. As discussed on the record during the June 20, 2025 hearing before the Undersigned, and reflected in the June 20, 2025 Order [D.E. 317] that set Mr. Khalil's release conditions, he is not required to report to an ICE office as a condition of release. If the Government seeks to amend the release conditions, it shall file an appropriate application, on notice to	

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		Mr. Khalil's counsel, who will have seven days to respond. The Government will include any new information or developments that, it believes, warrant the change in release conditions. Finally, to the extent that Mr. Khalil will vacate, or has vacated, his student housing at Columbia University, he must, within three days, provide the Government with his new residential address.. So Ordered by Magistrate Judge Michael A. Hammer on 7/7/2025. (Hammer, Michael) (Entered: 07/07/2025)	
340	07/07/2025	Minute Entry for proceedings held before Judge Michael E. Farbiarz: Status Conference held on 7/7/2025 re: Petitioner's letter ECF 332 . Parties are directed to file on the court docket by July 9, 2025, at 9 a.m. letters regarding any developments in Immigration case. A briefing schedule may or may not be set at that time. (Court Reporter: Lisa Larsen {973-776-7741}). (ijf) (Entered: 07/07/2025)	
341	07/07/2025	Letter from Petitioner regarding motion to reconsider. (Attachments: # 1 Exhibit A)(AHMAD, NAZ) (Entered: 07/07/2025)	
357	07/08/2025	Transcript of Proceedings of a Status Conference held on 7/7/2025, before Judge Michael E. Farbiarz. Court Reporter/Transcriber Lisa Larsen (973-776-7741). NOTICE REGARDING (1) REDACTION OF PERSONAL IDENTIFIERS IN TRANSCRIPTS AND (2) MOTION TO REDACT AND SEAL: The parties have seven (7) calendar days to file with the Court a Notice of Intent to Request Redaction of this Transcript to comply with Fed.R.Civ.P.5.2(a) (personal identifiers). Parties seeking to redact and seal this Transcript, or portions thereof, pursuant to L.Civ.R. 5.3(g) must e-file a Motion to Redact and Seal utilizing the event `Redact and Seal Transcript/Digital Recording`. Redaction Request to Court Reporter/Transcription Agency due, but not filed, by 7/29/2025. Redacted Transcript Deadline set for 8/8/2025. Release of Transcript Restriction set for 10/6/2025. (sm) (Entered: 07/18/2025)	
342	07/09/2025	Letter from Respondents re 340 Status Conference.. (DUONG, ALANNA THANH) (Entered: 07/09/2025)	
343	07/09/2025	Letter from Petitioner re 340 status conference. (AHMAD, NAZ) (Entered: 07/09/2025)	
344	07/09/2025	TEXT ORDER: A review of the parties' papers suggests there are two questions before the Court. First, does the preliminary injunction of June 11 require the immigration judge to reverse or vacate her decision that the Petitioner is removable under Section 237(a)(4)(C)? And second, may the immigration judge rely on the Secretary of State's determination in ruling on the Petitioner's requests for asylum and for a waiver under Section 237(a)(1)(H)? The Petitioner shall file a letter brief answering these questions, and the Respondents shall file a letter brief in response. The letter briefs may be no longer than four single-spaced pages each. The Petitioner's shall be filed on or before July 11 at 11:59pm. The Respondents' shall be filed on or before July 15 at 11:59pm. So Ordered by Judge Michael E. Farbiarz on 7/9/2025. (ro,) (Entered: 07/09/2025)	
345	07/09/2025	MOTION for Preliminary Injunction by MAHMOUD KHALIL. (Attachments: # 1 Memorandum in support of Preliminary Injunction, # 2 Text of Proposed Order, # 3 Declaration Salama Declaration, # 4 Exhibit A - Khalil Declaration, # 5 Exhibit B - Sinodis Declaration, # 6 Exhibit C - Executive Order, # 7 Exhibit D - Doyle Declaration, # 8 Exhibit E - Marks Declaration, # 9 Exhibit F - Ryo Declaration, # 10 Exhibit G - NYT Article, # 11 Exhibit H - NPR Interview, # 12 Certificate of Service)(WEISBERG, LIZA) (Entered: 07/09/2025)	
346	07/10/2025	ORDER that the Petitioner shall explain in a letter brief why the Court should now consider his new motion; the Respondents shall respond in their own letter brief; the Petitioner's is due on July 17, the Respondents' on July 24. Signed by Judge Michael E. Farbiarz on 7/10/2025. (mj) (Entered: 07/10/2025)	
347	07/11/2025	Letter from Petitioner re 344 order. (Attachments: # 1 Exhibit	

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#	Date	Proceeding Text	Source
		A)(AHMAD, NAZ) (Entered: 07/11/2025)	
	07/15/2025	Set Deadlines as to 345 MOTION for Preliminary Injunction . Motion set for 8/4/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (ld) (Entered: 07/15/2025)	
348	07/15/2025	Consent MOTION to Seal re ECF 332- 1, ECF 332-2, ECF 332-3, ECF 333, ECF 341-1, and ECF 347-1 by MAHMOUD KHALIL. (Attachments: # 1 Declaration of Liza Weisberg in Support of Motion to Seal, # 2 Index of Redactions, # 3 Text of Proposed Order)(WEISBERG, LIZA) (Entered: 07/15/2025)	
349	07/15/2025	Letter from Respondents re 344 Order,,,, (DUONG, ALANNA THANH) (Entered: 07/15/2025)	
350	07/16/2025	OPINION AND ORDER. Signed by Judge Michael E. Farbiarz on 7/16/2025. (ro,) (Entered: 07/16/2025)	
351	07/16/2025	TEXT ORDER: A litigant in another case has sought to intervene in this case and to consolidate this case with his own. The parties are directed to the docket in case number 24-cv-3934 for more information. If a party wishes to be heard on this issue, and in particular as to the motion for reconsideration discussed in the Court's text order at ECF 25, it shall make an appropriate filing on the public docket of the instant case or before July 18 at noon. So Ordered by Judge Michael E. Farbiarz on 7/16/2025. (ro,) (Entered: 07/16/2025)	
352	07/17/2025	Letter from Petitioner re 350 order with accompanying exhibits. (Attachments: # 1 Exhibit 1 Declaration of Marc Van Der Hout and exhibits, # 2 Exhibit 2 Declaration of Mahmoud Khalil, # 3 Exhibit 3 Declaration of Kerry Doyle, # 4 Exhibit 4 Declaration of Stacy Tolchin, # 5 Exhibit 5 Declaration of Ira Kurzban, # 6 Exhibit 6 Declaration of Emily Ryo, # 7 Exhibit 7 Declaration of Dana Marks, # 8 Exhibit 8 Declaration of Homero Lopez)(AHMAD, NAZ) (Entered: 07/17/2025)	
353	07/17/2025	Letter re 350 Opinion. (DUONG, ALANNA THANH) (Entered: 07/17/2025)	
354	07/17/2025	Letter from Petitioner reply re 350 order. (AHMAD, NAZ) (Entered: 07/17/2025)	
	07/17/2025	Set Deadlines as to 348 Consent MOTION to Seal re ECF 332- 1, ECF 332-2, ECF 332-3, ECF 333, ECF 341-1, and ECF 347-1. Motion set for 8/18/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (arm) (Entered: 07/17/2025)	
355	07/17/2025	OPINION AND ORDER. Signed by Judge Michael E. Farbiarz on 7/17/2025. (ro,) (Entered: 07/17/2025)	
356	07/17/2025	Letter from Petitioner re 346 Order,. (WEISBERG, LIZA) (Entered: 07/17/2025)	
358	07/18/2025	NOTICE OF APPEAL as to 355 Opinion by PAMELA BONDI, WILLIAM P. JOYCE, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (DUONG, ALANNA THANH) (Entered: 07/18/2025)	
359	07/18/2025	USCA Case Number 25-2357 for 358 Notice of Appeal (USCA), filed by WILLIAM P. JOYCE, KRISTI NOEM, DONALD J. TRUMP, CALEB VITELLO, YOLANDA PITTMAN, MARCO RUBIO, PAMELA BONDI. USCA Case Manager Timothy McIntyre (Document	

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#	Date	Proceeding Text	Source
		Restricted - Court Only) (ca3tmm,) (Entered: 07/18/2025)	
360	07/18/2025	MOTION to Stay re 355 Opinion by PAMELA BONDI, WILLIAM P. JOYCE, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO. (Attachments: # 1 Memorandum)(DUONG, ALANNA THANH) (Entered: 07/18/2025)	
361	07/18/2025	TEXT ORDER: On July 17, the Court ordered the Respondents to take certain actions on July 18. The Respondents have now moved for a stay of the Court's July 17 order. The stay motion was filed at 6:18pm on July 18. The Court became aware of the filing approximately 90 minutes after it was filed. As of 9:15pm, there was no response on the docket from the Petitioner, and so at that point the Court's law clerk contacted the parties by email and indicated that the Petitioner should provide his position by 9:30pm. The Petitioner then emailed the law clerk and the Respondents, to indicate that he opposes the stay application --- and that should the Court wish to review briefing on the stay application, the Petitioner would propose to file it on July 23 by 11:59pm. That schedule is acceptable. And a brief reply may be filed on July 24 by 3:00pm. The Court will be especially interested in a detailed analysis of the difference, if any, made by the apparent re-opening of the immigration judge's decision, and also the various assertions about "bar[s]" and preclusion referenced at page 6 of the Respondents' stay application, which at this point are not substantially developed. So Ordered by Judge Michael E. Farbiarz on 7/18/2025. (ro,) (Entered: 07/18/2025)	
	07/21/2025	Set Deadlines as to 360 MOTION to Stay re 355 Opinion . Motion set for 8/18/2025 before Judge Michael E. Farbiarz. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (ld) (Entered: 07/21/2025)	
	07/22/2025	360 MOTION to Stay re 355 Opinion no longer referred to the Magistrate Judge. Motion to be decided by the District Judge. (jqb,) (Entered: 07/22/2025)	
362	07/23/2025	BRIEF in Opposition filed by MAHMOUD KHALIL re 360 MOTION to Stay re 355 Opinion (AHMAD, NAZ) (Entered: 07/23/2025)	
363	07/24/2025	REPLY BRIEF to Opposition to Motion filed by PAMELA BONDI, WILLIAM P. JOYCE, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO re 360 MOTION to Stay re 355 Opinion (DUONG, ALANNA THANH) (Entered: 07/24/2025)	
364	07/24/2025	Letter from Respondents re 346 Order, 356 Letter. (DUONG, ALANNA THANH) (Entered: 07/24/2025)	
365	07/24/2025	TEXT ORDER: The Court entered an order requiring the Respondents to take certain actions on July 18. See ECF 355 . After business hours on July 18, the Respondents filed a motion for a stay of the order; the motion was backed by an eight-page memorandum of law. See ECF 360 . Still later in the evening on July 18, the Court set a briefing schedule as to the Respondents' stay motion, and specifically indicated two narrow areas of special interest, each of which had been raised by the Respondents in their July 18 memorandum. See ECF 361 . These areas were called out to allow the parties to focus their energies on particularly salient areas. The Respondents did not seek an adjustment of the schedule set by the Court. Instead, they have today timely filed their reply brief. But the Respondents' reply brief says, among other things, that "[t]he Court's deadline makes any fulsome analysis of the issues impossible." ECF 363 at 1 n.1. If the Respondents wanted an extension, they should have asked for one. There was plenty of time to do so between July 18 and July 24. This said, should the Respondents require more time, they should make an application to the Court and it will be considered. Any application for more time should be made on or before	

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#	Date	Proceeding Text	Source
		July 25 at 1:00pm. So Ordered by Judge Michael E. Farbiarz on 7/24/2025. (ro,) (Entered: 07/24/2025)	
366	07/25/2025	Letter from Respondents re 365 Order,,,,, (DUONG, ALANNA THANH) (Entered: 07/25/2025)	
367	07/25/2025	OPINION AND ORDER. Signed by Judge Michael E. Farbiarz on 7/25/2025. (ro,) (Entered: 07/25/2025)	
368	07/29/2025	AMENDED NOTICE OF APPEAL as to 272 Opinion, 214 Opinion, 355 Opinion, 299 Order by PAMELA BONDI, WILLIAM P. JOYCE, KRISTI NOEM, YOLANDA PITTMAN, MARCO RUBIO, DONALD J. TRUMP, CALEB VITELLO. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (DUONG, ALANNA THANH) (Entered: 07/29/2025)	
369	07/30/2025	NOTICE of Appearance by KYLE BARRON on behalf of MAHMOUD KHALIL (BARRON, KYLE) (Entered: 07/30/2025)	
370	07/30/2025	ORDER of USCA as to 368 Notice of Appeal (USCA), filed by WILLIAM P. JOYCE, KRISTI NOEM, DONALD J. TRUMP, CALEB VITELLO, YOLANDA PITTMAN, MARCO RUBIO, PAMELA BONDI, 358 Notice of Appeal (USCA), filed by WILLIAM P. JOYCE, KRISTI NOEM, DONALD J. TRUMP, CALEB VITELLO, YOLANDA PITTMAN, MARCO RUBIO, PAMELA BONDI, 318 Notice of Appeal (USCA), filed by WILLIAM P. JOYCE, KRISTI NOEM, DONALD J. TRUMP, CALEB VITELLO, YOLANDA PITTMAN, MARCO RUBIO, PAMELA BONDI. Appellants' motion to stay pending appeal the District Court's June 20, 2025, Order that Appellee shall be released from immigration custody is DENIED. Appellants have not demonstrated irreparable harm. Appellee's motion to dismiss Appeal No. 25-2357 for lack of jurisdiction is referred to the merits panel pursuant to 3d Cir. I.O.P. 10.3.5. Appellants' motion to stay pending appeal the District Court's July 17, 2025, Order is GRANTED IN PART AND DENIED IN PART. The District Court's Order is stayed only insofar as it requires Appellants to cause the Immigration Judge to consider Appellee's request for waiver of removability. Appeal Nos. 25-2162 and 25-2357 are consolidated for all purposes, including briefing and disposition. The Court issues the following briefing schedule for the consolidated appeals: Appellants shall file their Brief and the parties Joint Appendix on or before August 20, 2025. Appellee shall file his Brief on or before September 10, 2025. Appellants shall file their Reply Brief, if any, on or before September 24, 2025. The consolidated appeals will be submitted to a merits panel on October 20, 21, or 22, 2025. The parties are expected to adhere to the briefing schedule. Extensions of time, even if limited in duration, will not be granted absent extraordinary circumstances. The parties are reminded that the deadline for filing a brief is 5:00 pm ET if the brief is submitted on the last day for filing. (ca3jk,) (Entered: 07/30/2025)	
371	07/31/2025	Consent MOTION to Seal Redacted Information in ECF 352-1 by MAHMOUD KHALIL. (Attachments: # 1 Declaration of Liza Weisberg, # 2 Index of Redactions, # 3 Text of Proposed Order)(WEISBERG, LIZA) (Entered: 07/31/2025)	
372	08/01/2025	Letter from the Government. (Attachments: # 1 Exhibit A)(SAMPAT, DHRUMAN) (Entered: 08/01/2025)	
	08/01/2025	Set Deadlines as to 371 Consent MOTION to Seal Redacted Information in ECF 352-1. Motion set for 9/2/2025 before Magistrate Judge Michael A. Hammer. Unless otherwise directed by the Court, this motion will be decided on the papers and no appearances are required. Note that this is an automatically generated message from the Clerk's Office and does not supersede any previous or subsequent orders from the Court. (arm) (Entered: 08/01/2025)	
373	08/05/2025	ORDER Granting 348 Motion to Seal. Signed by Magistrate Judge	

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#	Date	Proceeding Text	Source
		Michael A. Hammer on 8/5/2025. (kes,) (Entered: 08/05/2025)	
374	08/08/2025	OPINION and ORDER denying 345 Motion for Preliminary Injunction. Signed by Judge Michael E. Farbiarz on 8/8/2025. (dmr3) (Entered: 08/08/2025)	
375	08/13/2025	Letter from Petitioner. (AHMAD, NAZ) (Entered: 08/13/2025)	

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