

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-00795-LTB

KAYUM ABDUL,

Applicant,

v.

LORETTA A. LYNCH, Attorney General,

Respondent.

ORDER FOR ADDITIONAL RESPONSE

Applicant, Kayum Abdul, is a citizen of Bangladesh. He has been ordered removed from the United States to his native country. In his Application for Writ of Habeas Corpus he complains that United States Immigration and Customs Enforcement (ICE) is holding him too long before removing him. On June 30, 2015, the Court ordered Respondent to show cause why the Application should not be granted. On July 21, 2015, Respondent filed a Response (ECF No. 19), which indicates that Mr. Abdul is the cause of the delay in his removal and, thus, his continued detention.

In her Response, Respondent references several Orders and documents that were not provided to the Court. Specifically, Respondent references an Order of Removal, see ECF No. 19, p. 2 referencing a "Doc. 6." In addition, many documents are referenced in the attached Declaration of Carl J. Zabat. However, none of these documents were attached or filed with the Response.

In addition, Respondents argument relies on the Supreme Court case of *Zadvydas v. Davis*, 533 U.S. 678 (2001). However, that case specifically provides.

We deal here with aliens who were admitted to the United States but subsequently ordered removed. Aliens who have not yet gained initial

admission to this country would present a very different question.

Zadvydas, 533 U.S. at 682.

Respondent asserts that “Petitioner is removable pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I) because he is an immigrant who is not in possession of a valid, unexpired immigrant visa, reentry permit, border crossing identification card, or other valid entry document as required, and a valid unexpired passport or other suitable travel document or document of identity and nationality.” Accordingly, it is

ORDERED that, on or before September 8, 2015, Respondent file a copy of all of the documents referenced in its initial Response (ECF No. 19), including, but not limited to, a copy of the order of Removal and copies of all of the documents referenced in the Declaration of Carl J. Zabat. It is

FURTHER ORDERED that, on or before September 8, 2015, Respondent file a Supplemental Response explaining whether Mr. Abdul is an alien who was admitted to the United States but subsequently ordered removed or whether he is an alien who has not yet gained initial admission to this country, including any relevant argument regarding his Application in regards to his status.

DATED August 25, 2015, at Denver, Colorado.

BY THE COURT:

/s Gordon P. Gallagher
United States Magistrate Judge