

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Shaher Khaddaj v. Scarlet Grant, et al.

Khaddaj · No. CIV-26-273-SLP · Decided May 21, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma grants in part Shaher Khaddaj’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that 8 C.F.R. § 241.13 governed ICE’s revocation of Khaddaj’s Order of Supervision and that ICE failed to satisfy the regulation’s changed-circumstances and informal-interview requirements. The court orders Khaddaj’s immediate release subject to the terms of his prior Order of Supervision.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Scott L. Palk
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	May 21, 2026
DOCKET	CIV-26-273-SLP
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought a writ of habeas corpus under 28 U.S.C. § 2241 challenging ICE's revocation of his Order of Supervision and his resulting detention. A magistrate judge recommended granting habeas relief and ordering immediate release; the respondents objected.
STANDARD OF REVIEW	De novo review of portions of the Report and Recommendation to which specific objections were made; unobjected-to issues were deemed waived under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3).
PRECEDENTIAL VALUE	Unpublished federal district court order; generally nonprecedential.
PARTIES	Shaher Khaddaj v. Scarlet Grant, et al.

TOPICS

- immigration detention
- federal habeas corpus
- administrative law
- due process
- remedies

PRACTICE AREAS

immigration detention

federal habeas corpus

administrative law

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether 8 C.F.R. § 241.13(i), rather than 8 C.F.R. § 241.4(l)(2), governed ICE's revocation of Petitioner's Order of Supervision and re-detention.
2. Whether ICE complied with the changed-circumstances, significant-likelihood-of-removal, and informal-interview requirements of 8 C.F.R. § 241.13(i) before re-detaining Petitioner.
3. Whether immediate release was an appropriate remedy for ICE's failure to comply with § 241.13.
4. Whether the court should reach Petitioner's due process claim.

HOLDINGS

1. On the record presented, 8 C.F.R. § 241.13 governed Petitioner's re-detention.
2. ICE failed to comply with § 241.13 because respondents did not establish changed circumstances showing a significant likelihood that Petitioner himself would be removed in the reasonably foreseeable future and did not show that ICE provided the required informal interview.
3. Immediate release was an appropriate remedy because ICE's failure to comply with its own regulations rendered the revocation of Petitioner's Order of Supervision unlawful.
4. The court adopted the magistrate judge's recommendation to decline to address Petitioner's due process claim.

KEY QUOTATIONS

“The Respondents cannot simply offer a post-hoc rationalization of § 241.4 divorced from any factual record.” (Discussion § II.a)

“Accordingly, ICE’s immediate release is appropriate.” (Discussion § II.c)

FACTUAL BACKGROUND

Petitioner, a Syrian national, entered the United States through a port of entry on April 28, 2024, and was subsequently ordered removed. ICE released him on an Order of Supervision on June 21, 2024, but revoked that order and re-detained him during a routine ICE check-in on January 14, 2026. ICE did not provide evidence that he violated the conditions of release, did not establish the required changed circumstances and significant likelihood of reasonably foreseeable removal, and conceded that it lacked evidence of the required informal interview.

PROCEDURAL HISTORY

Khaddaj filed a § 2241 petition after ICE revoked his Order of Supervision and re-detained him. The matter was referred to Magistrate Judge Amanda L. Maxfield, who issued a Report and Recommendation recommending habeas relief and immediate release. After reviewing the specific objections de novo, the district court adopted

the R&R in part, granted the petition in part, and ordered immediate release subject to the prior Order of Supervision.

DISPOSITION

other

CASES CITED

- Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991)
- United States v. 2121 E. 30th St., 73 F.3d 1057, 1060 (10th Cir. 1996)
- Pham v. Bondi, No. CIV-25-1157-SLP, 2025 WL 3243870, at *2 (W.D. Okla. Nov. 20, 2025)
- Gilbert v. United States Olympic Comm., 423 F. Supp. 3d 1112 (D. Colo. 2019)
- Virachak v. Baltazar, No. 26-CV-00391-STV, 2026 WL 746285, at *4 (D. Colo. Mar. 17, 2026)
- Ye v. Bondi, No. CIV-25-1230-D, 2025 WL 3485420, at *3
- Li v. Bondi, No. CIV-25-1480-J, 2026 WL 475133, at *3 (W.D. Okla. Feb. 19, 2026)

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