

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

Riaz Sukhyani v. Pamela J. Bondi, et al.

Sukhyani · No. CIV-25-1243-J · Decided November 25, 2025

SUMMARY

The United States District Court for the Western District of Oklahoma adopted a magistrate judge's Report and Recommendation granting Riaz Sukhyani habeas relief under 28 U.S.C. § 2241. The court held that the respondents' general objection did not trigger de novo review and found no clear error in the recommendation that Sukhyani's continued immigration detention violated the principles established in *Zadvydas v. Davis*. Respondents were ordered to immediately release Sukhyani subject to an appropriate Order of Supervision.

OPINION

Sukhyani

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF OKLAHOMA

RIAZ SUKHYANI,)

) Petitioner,)) v.) Case No. CIV-25-1243-J) PAMELA J. BONDI, et. al.,)) Respondents.)

ORDER

Petitioner, a noncitizen and Pakistani national, filed a Verified Petition for Writ of Habeas Corpus challenging his detention with the United States Immigration and Customs Enforcement (ICE). The matter was referred for initial proceedings to United States Magistrate Judge Chris M. Stephens consistent with 28 U.S.C. § 636(b)(1)(B), (C). Judge Stephens has issued a Report and Recommendation recommending that the Court grant Petitioner's Petition to the extent it requests habeas relief under 28 U.S.C. § 2241 and order him released from ICE detention. (Rep. & Rec.) [Doc. No. 20]. Respondents filed an Objection. [Doc. No. 21].¹ For the reasons discussed below, the Report and Recommendation is ADOPTED and Respondents are ordered to RELEASE Petitioner. I. Background Petitioner was paroled into the United States in March 1993 but was taken into ICE custody in 2006 after a criminal conviction. However, because Petitioner could not be removed to Pakistan and other countries refused his entry (or ignored his request for the same), Petitioner was released from detention in 2008 on an Order of Supervision (OOS). Petitioner remained free on the OOS 1 Petitioner responded to Respondents' objection [Doc. No. 22] and filed a notice indicating he did not object to the Report and Recommendation. [Doc. No. 23]. until June 2025 when ICE re-detained him. Petitioner, through counsel, filed the instant habeas petition

in October 2025, arguing his detention is unlawful under 8 U.S.C. § 1231(a) and *Zadvydas v. Davis*, 533 U.S. 678 (2001). In *Zadvydas*, the Supreme Court held that a noncitizen ordered removed and detained under § 1231(a)(6) cannot be indefinitely detained without violating the Fifth Amendment of the United States Constitution. See 533 U.S. at 701. *Zadvydas* held that a six-month period of post-removal detention is presumptively reasonable, but “[a]fter this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.* On review, Judge Stephens agreed with Petitioner. Specifically, he found that Petitioner had met his initial burden of showing that his detention had surpassed six months² and there was no significant likelihood of removal in the reasonably foreseeable future. See Rep. & Rec. at 9-

13. He then concluded that Respondents had failed to meet their burden because they did not respond with any evidence to rebut Petitioner’s showings. See *id.* at 13-18. On this ground, Judge Stephens recommends that Petitioner be ordered released. See *id.* at 18-19. II. Standard of Review Respondents’ objection is three paragraphs long and two of those are dedicated to an introduction of the claims and a summary of Judge Stephens’ findings. See [Doc. No. 21 at 1-2]. In the only substantiative paragraph, Respondents state: Respondents respectfully object to the R&R entered on November 18, 2025, as to its finding that Petitioner is being unlawfully detained. Specifically, Respondents assert that Petitioner has not met his burden to establish a claim for relief under *Zadvydas*. Respondents further re-assert, adopt by reference, and do not waive the 2 Because Petitioner was detained after he was initially ordered removed, Respondents agree that he has been “in post order detention in excess of six months” [Doc. No. 18 at 20] despite the fact that his current detention has only lasted approximately five months. arguments presented in their Response in Opposition to Petitioner’s Petition for Writ of Habeas Corpus for purposes of appellate review. *Id.* at 2. The Court finds that this objection is insufficient to trigger de novo review. A proper objection to a report and recommendation triggers the Court’s de novo review. See Fed. R. Civ. P. 72(b)(3). An objection is “proper” if it is both timely and specific so that it “enables the district judge to focus attention on those issues – factual and legal – that are at the heart of the parties’ dispute.” *United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1059 (10th Cir. 1996). “[A] general objection is sufficient.” *Id.* at 1060. Although it was timely, Respondents’ objection is too general to trigger de novo review. That is, over nine pages, Judge Stephens documented numerous facts, analyzed many cases, and discussed why he believed Petitioner had carried his burden under *Zadvydas* and why Respondents had not. See Rep. & Rec. at 9-18. Respondents’ one-sentence statement that Petitioner failed to carry his burden under *Zadvydas* is wholly insufficient to alert this Court as to what errors they believe Judge Stephens made in reaching his conclusion. See *Hall v. Miller*, No. CIV-25-00518- JD, 2025 WL 2630738, at *1 (W.D. Okla. Sept. 12, 2025) (“Because Petitioner does not make a specific objection to any of the R. & R.’s findings or legal recommendations, Petitioner has not preserved any issue for de novo

review by this Court or for appellate review.”); *Jones v. Dish Network Corp.*, No. 22-CV-00167-CMA-STV, 2023 WL 2796943, at *17 (D. Colo. Jan. 31, 2023) (“A general objection that does not put the district court on notice of the basis for the objection will not preserve the objection for de novo review.”), adopted, 2023 WL 2644081 (D. Colo. Mar. 27, 2023); *Pierce v. Kobach*, No. 23-4028-JWB, 2023 WL 3948597, at *1 (D. Kan. June 12, 2023) (finding petitioner’s objection, wherein he simply expressed disagreement with the recommendation, left “him with no entitlement to appellate review”), *aff’d*, No. 23-3121, 2023 WL 5216937 (10th Cir. Aug. 15, 2023). Additionally, Respondents’ attempt to relitigate its arguments raised in response to the Petition – particularly through incorporation by reference – fails to trigger de novo review. See *Cisneros v. Gomez*, No. CIV-21-825-PRW, 2023 WL 2543435, at *1 (W.D. Okla. Mar. 16, 2023) (“An objection that merely reargues the underlying motion is little different than an objection that simply refers the District Court back to the original motion papers; both are insufficiently specific to preserve the issue for de novo review.” (cleaned up)); *O’Neil v. Hill*, No. 1:21-CV-4173-AT, 2024 WL 4665553, at *2 (N.D. Ga. Sept. 17, 2024) (“[A] party does not state a valid objection to an R&R by merely incorporating by reference previous filings.”), *aff’d*, No. 24-13408, 2025 WL 1892449 (11th Cir. July 9, 2025); *Dickerson v. Conway*, No. 08 CIV. 8024 PAE FM, 2013 WL 3199094, at *1–2 (S.D.N.Y. June 25, 2013) (holding that plaintiff’s objection to the report and recommendation, wherein he attempted to incorporate his underlying pleadings by reference, was “simply a recapitulation” of the prior arguments and insufficient to trigger de novo review). III. Analysis Having determined that Respondents’ objection did not trigger de novo review, the Court reviews Judge Stephens’ Report and Recommendation only to “confirm that there is no clear error on the face of the record.” *Barnett v. Oklahoma State Reformatory*, No. CIV-25-248-J, 2025 WL 2205827, at *1 (W.D. Okla. Aug. 4, 2025). With that review, the Court ADOPTS the Report and Recommendation [Doc. No. 20]. It is thorough and well-reasoned, and the Court agrees with Judge Stephens’ conclusion that Petitioner met his burden under *Zadvydas* and Respondents did not. Accordingly, Petitioner’s Verified Petition for Writ of Habeas Corpus [Doc. No. 1] is GRANTED to the extent it requests habeas relief under 28 U.S.C. § 2241 and Respondents are ordered to immediately RELEASE Petitioner, subject to the terms of an appropriate OOS. IT IS SO ORDERED this 25th day of November, 2025.

BERNARD M. JONES

UNITED STATES DISTRICT JUDGE