

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DOCKETING STATEMENT--CIVIL/AGENCY CASES**

**Directions:** Counsel must make a **docketing statement (civil/agency) filed** entry in CM/ECF within 14 days of docketing of the appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form with any extended answers and (2) any transcript order form. Parties proceeding pro se are not required to file a docketing statement. Opposing counsel who finds a docketing statement inaccurate or incomplete may file any objections within 10 days of service of the docketing statement using the ECF event-**docketing statement objection/correction filed**.

<b>Appeal No. &amp; Caption</b>	Badar Suri v. Donald Trump, No. 25-1560 (4th Cir.)
<b>Originating No. &amp; Caption</b>	Suri v. Trump, et al., No. 1:25-cv-00480 (E.D. Va.)
<b>Originating Court/Agency</b>	U.S. District Court for the Eastern District of Virginia

<b>Jurisdiction</b> (answer any that apply)		
Statute establishing jurisdiction in Court of Appeals	28 U.S.C. 1292(a)(1)	
Time allowed for filing in Court of Appeals	60 Days	
Date of entry of order or judgment appealed	March 20, 2025 & May 14, 2025	
Date notice of appeal or petition for review filed	May 15, 2025	
If cross appeal, date first appeal filed	N/A	
Date of filing any post-judgment motion	N/A	
Date order entered disposing of any post-judgment motion	N/A	
Date of filing any motion to extend appeal period	N/A	
Time for filing appeal extended to	N/A	
Is appeal from final judgment or order?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If appeal is not from final judgment, why is order appealable? The March 20 order enjoining Suri's removal and the May 14 order granting his release/enjoining his redetention are both appealable orders under 28 U.S.C. 1292(a)(1), or alternatively, under the collateral order doctrine.		

<b>Settlement</b> (The docketing statement is used by the circuit mediator in pre-briefing review and mediation conducted under Local Rule 33. Counsel may make a confidential request for mediation by calling the Office of the Circuit Mediator at 843-731-9099.)		
Is settlement being discussed?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

<b>Transcript</b> (transcript order must be attached if transcript is needed and not yet on file)		
Is transcript needed for this appeal?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Has transcript been filed in district court?	<input type="radio"/> Yes	<input checked="" type="radio"/> No *
Is transcript order attached?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

*\*Please see continuation page.*

<b>Case Handling Requirements</b> (answer any that apply)		
Case number of any prior appeal in same case	N/A	
Case number of any pending appeal in same case	N/A	
Identification of any case pending in this Court or Supreme Court raising similar issue	N/A	
	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
	If yes, motion to expedite must be filed.	
Is oral argument necessary?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does case involve question of first impression?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Does appeal challenge constitutionality of federal or state statute in case to which federal or state government is not a party	<input type="radio"/> Yes	<input checked="" type="radio"/> No
	If yes, notice re: challenge to constitutionality of law must be filed.	

<b>Nature of Case</b> (Nature of case and disposition below. Attach additional page if necessary.)
<p>Petitioner-Appellee, assigned to immigration detention in Texas and located in Louisiana at the time of his petition, filed a petition for a writ of habeas corpus in the Eastern District of Virginia alleging that the Secretary of State's finding that he is deportable under 8 U.S.C. 1227 (a)(4)(C)(i) and ICE's determination to detain of him under 8 U.S.C. 1226(a)(1) pending removal proceedings on that charge violates his First and Fifth Amendment rights because he alleges, inter alia, the determinations were retaliatory and violate his First Amendment right to reside in the United States with his spouse, to associate with his spouse and foreign father-in-law (Ahmed Yousef Saleh, a senior Hamas figure and adviser to former Hamas head Ismail Haniyeh) in the United States, and violate his alleged Fifth Amendment right to be free from immigration detention, which he alleges is unjustified and has no lawful purpose. On March 20, the district court issued an ex parte preliminary injunction enjoining the execution of any removal order against Suri. On May 14, the district court issued an order granting release under United States v. Eliely, 276 F. App'x 270 (4th Cir. 2008) on the claims described above,* pending a final determination on the merits of his habeas petition.</p> <p>* The court's ruling did not address some claims, which are omitted from the summary above.</p>

**Issues** (Non-binding statement of issues on appeal. Attach additional page if necessary)

1. Whether the district court properly applied the narrow "Unknown Custodian" exception to the district of confinement rule to retain jurisdiction in the district of arrest, where it was undisputed the Petitioner was not in the district at the time the Petition was filed?
2. Whether the district court properly enjoined Suri's removal ex parte, notwithstanding 8 U.S.C. 1252(a)(5); (b)(9); and (g), and without compliance with Fed. R. Civ. P. 65?
3. Whether the district court has jurisdiction over this habeas petition challenging his removal proceedings and his detention pending removal proceedings, notwithstanding 1226(e), 1252 (a)(2)(B)(ii), (a)(5), (b)(9), and (g)?

**Adverse Parties** (List adverse parties to this appeal and their attorneys; provide party's address if the party is not represented by counsel. Attach additional page if necessary.)

Adverse Party: Badar Khan Suri

Attorney: Vishal Mahendra Agraharkar

Address: AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF VIRGINIA  
P. O. Box 26464  
Richmond, VA 23261

E-mail: vagraharkar@acluva.org

Phone: 804-523-2151

Adverse Party: Badar Khan Suri

Attorney: Geri Greenspan

Address: AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF VIRGINIA  
P. O. Box 26464  
Richmond, VA 23261

E-mail: ggreespan@acluva.org

Phone: 804-491-8584

**Adverse Parties (continued)\***

Adverse Party: Badar Khan Suri

Attorney: Sophia Leticia Gregg

Address: AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF VIRGINIA  
P. O. Box 26464  
Richmond, VA 23261

E-mail: sgregg@acluva.org

Phone: 804-774-8242

Adverse Party: Badar Khan Suri

Attorney: Eden Brooke Heilman

Address: AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF VIRGINIA  
P. O. Box 26464  
Richmond, VA 23261

E-mail: eheilman@acluva.org

Phone: 804-532-2152

\*Please see continuation page for additional Appellees' counsel.

**Appellant** (Attach additional page if necessary.)

Name: Donald J. Trump, et al.

(all Federal Respondents)

Attorney: David J. Byerley

Address: U. S. DEPARTMENT OF JUSTICE  
P. O. Box 868  
Washington, DC 20044-0868

E-mail: david.byerley@usdoj.gov

Phone: 202-532-4523

Name: Donald J. Trump, et al.

Attorney: Tom B. Scott-Sharoni

Address: U. S. DEPARTMENT OF JUSTICE  
P. O. Box 868  
Washington, DC 20044-0868

E-mail: tom.scott-sharoni2@usdoj.gov

Phone: 202-538-3554

**Appellant (continued)**

Name: Donald J. Trump, et al.

Attorney: Brandon D. Zeller

Address: U. S. DEPARTMENT OF JUSTICE  
P. O. Box 868  
Washington, DC 20044-0868

E-mail: brandon.d.zeller@usdoj.gov

Phone: 771-217-8120

Name: Donald J. Trump, et al.

Attorney: Yamileth G. Davila

Address: U. S. DEPARTMENT OF JUSTICE  
P. O. Box 868  
Washington, DC 20044-0868

E-mail: yamileth.g.davila@usdoj.gov

Phone: 202-305-0137

**Signature:** /s/ David J. Byerley **Date:** June 2, 2025**Counsel for:** Appellants**Certificate of Service** (required for parties served outside CM/ECF): I certify that this document was served on \_\_\_\_\_ by ☐ personal delivery; ☐ mail; ☐ third-party commercial carrier; or ☐ email (with written consent) on the following persons at the addresses or email addresses shown:

Signature:

Date: