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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Abdulaziz Abduraimov

Petitioner,

v.

TONYA ANDREWS, Facility Administrator of Golden State Annex Detention Facility,

Respondent.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Abdulaziz Abduraimov ("Petitioner") has all of the ability, intellect, work ethic, and resilience to become a productive contributor to our society. Only twenty-four years old, he speaks five languages – Uzbek, English, Mandarin, Turkish and Russian – and he has received straight A's throughout his academic career. Petitioner has no criminal record, and it is all but certain that he would have graduated university with a degree in software engineering by now had it not been for the events that make this petition necessary.

2. Petitioner has been civilly incarcerated by Immigration and Customs Enforcement ("ICE") at Golden State Annex ("GSA") – a for-profit detention facility run by The GEO Group, Inc. ("GEO") – since October 20, 2023, without any justification. Petitioner's indefinite detention has taken not just his freedom from him, but also his ability to complete his education, to form meaningful friendships, and to receive necessary medical care and adequate nourishment.

3. Petitioner came to this country from Uzbekistan seeking asylum after having been detained and brutally tortured by Uzbek police for peacefully expressing his political opinions. Petitioner's detention is particularly troubling because he was paroled into this country lawfully in July 2023 after applying through the Customs and Border Patrol ("CBP") One Application. Despite his lack of a criminal record and numerous requests by his immigration counsel, Petitioner has never been granted a bond hearing.

4. In January of this year, an Immigration Judge ("IJ") ***granted Petitioner's asylum application***.

5. However, because the Department of Homeland Security ("DHS") shortly thereafter filed a Notice of Appeal with the Board of Immigration Appeals ("BIA"), Petitioner continues to languish in prison indefinitely while DHS's appeal remains pending.

6. Petitioner thus files this petition to remedy his prolonged and baseless civil detention without a bond hearing, in violation of his due process rights.

7. Petitioner is a survivor of political persecution in Uzbekistan. On November 17, 2022, while a student at Turin Polytechnic University in Tashkent, Uzbekistan, Petitioner was

detained by Uzbek police for peacefully participating in a demonstration against government policies and advocating for the breakup of the monopoly that controls the Uzbek government. During his multi-day detention, Petitioner was tortured in multiple ways, including being electrocuted and beaten. Wielding batons, Petitioner's captors beat him so severely that he suffered a skull fracture and cerebral edema (brain swelling) that nearly cost him his life. Realizing that Petitioner would likely die without medical intervention, his captors turned him out on the street. Through the help of a friend, Petitioner was sped to a hospital, where doctors rushed him into emergency brain surgery. It took a full month of hospitalization before Petitioner was well enough to return home to family.

8. Shortly after his release from Uzbek prison, Petitioner learned the Uzbek police sought to detain him again. He was forced into hiding – living with an uncle and forced to withdraw from his university.

9. Having learned that the United States was granting political asylum to persons from neighboring countries who – like him – had suffered political retribution, Petitioner made the difficult decision to leave Uzbekistan and come to the United States to seek safety.

10. In May 2023, Petitioner embarked on an intrepid journey by plane, bus, car, and truck that took him through six countries before entering the United States on July 10, 2023. He was granted parole upon entry, allowing him to enter the country legally and to remain indefinitely while he pursued asylum. Petitioner made his way to San Francisco, California, where he quickly found housing, made friends, and started the process of trying to transfer his university credits, so he could complete his degree.

11. Then, on October 10, 2023, Petitioner's journey to realizing the American dream abruptly came to an end. As he drove to meet a friend for dinner in San Francisco, he received a call from an ICE agent, who said he had a few questions for him. The agent told Petitioner that he should return to his house to meet him, and that the questioning would take no more than five minutes. Petitioner willingly complied with ICE's request and returned home where he was met by two ICE agents, who handcuffed him without explanation. He was then surrounded by close to a dozen ICE officers and taken to the San Francisco ICE office for processing. Petitioner had not

missed any immigration hearings and – to this date – has never been told why he was detained. With his feet shackled in chains and his wrists handcuffed behind his back, Petitioner was transferred to the GSA detention center. For almost two full years now, that is where he has remained.

12. On February 20, 2024, Petitioner's immigration counsel filed an Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture on Petitioner's behalf ("Asylum Application"). The IJ held several days of hearings on Petitioner's Asylum Application in early April 2024.

13. Petitioner's counsel also filed a motion for a bond hearing on April 18, 2024. The motion was denied for lack of jurisdiction. In the past sixteen months, Petitioner's counsel has filed five separate requests that ICE re-parole Petitioner with supporting documentation of a sponsor. Each request has been denied.

14. The IJ granted Petitioner's Asylum Application on January 23, 2025, after which the DHS promptly filed its Notice of Appeal with the BIA.

15. Petitioner's prolonged detention without a neutral hearing violates his right to procedural due process. Accordingly, Petitioner respectfully asks this Court to issue a writ of habeas corpus and order Respondents to afford him a bond hearing before an IJ, at which the government must justify his continued detention by clear and convincing evidence. Absent this Court's intervention, Petitioner's detention without review remains indefinite as he faces months, if not years of continued detention without a bond hearing—all after an IJ, following a multi-day hearing, ***granted*** Petitioner asylum precisely because he already has suffered persecution at the hands of another government.

JURISDICTION

16. Petitioner is currently detained in the custody of Respondent at the GSA facility in McFarland, California. Jurisdiction is proper over a writ of habeas corpus pursuant to Article 1 § 9, clause 2 of the United States Constitution (the Suspension Clause); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1331 (federal question). This action arises under the Due Process Clause of the Fifth Amendment of the United States Constitution. This Court may grant relief under the

habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

17. The federal habeas statute establishes this Court's power to decide the legality of Petitioner's detention and directs courts to "hear and determine the facts" of a habeas petition and to "dispose of the matter as law and justice require." 28 U.S.C. § 2243; *see also I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001) ("[A]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.").

VENUE

18. Venue for the instant habeas corpus petition properly lies in this District because it is the district with territorial jurisdiction over Respondent Tonya Andrews, the Facility Administrator and *de facto* warden of the ICE contract facility at which Petitioner is currently detained. *See Rasul v. Bush*, 542 U.S. 466, 478 (2004) (holding that "because 'the writ of habeas corpus does not act upon the prisoner who seeks relief, but upon the person who holds him in what is alleged to be unlawful custody,'" proper federal district is dependent on the location of the custodian); *accord Rumsfeld v. Padilla*, 542 U.S. 426, 444–45 (2004) (holding that jurisdiction must be obtained by service within the territorial jurisdiction of the district court); *id.* at 451 (Kennedy, J., concurring) (explaining petition "must be filed in the district court whose territorial jurisdiction includes the place *where the custodian is located*" (emphasis added)).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

19. Petitioner is not required to exhaust administrative remedies, and in any event, he has exhausted the *de minimis* administrative process available to him.

20. Exhaustion for habeas claims is prudential, not jurisdictional. *See Laing v. Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). Prudential exhaustion may be waived if "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, [or] irreparable injury will result." *Id.* at 1000 (citation and quotation marks omitted).

21. Here, Petitioner has exhausted administrative remedies, which have proven

inadequate, inefficacious, and futile. Requiring Petitioner to pursue additional administrative remedies would also result in ongoing irreparable injury. Petitioner qualified for and obtained humanitarian parole under 8 U.S.C. § 1182(d)(5)(A) when he first entered the country on July 10, 2023. But his parole was revoked three months later on October 10, 2023, with no explanation.

22. In addition, Petitioner pursued administrative remedies by requesting a bond hearing with the IJ in his immigration proceedings on April 18, 2024. The IJ denied the request based on the determination that the IJ lacked jurisdiction.

23. Petitioner's counsel has also filed five separate requests that ICE re-parole Petitioner with supporting documentation of a sponsor: on March 13, 2024, September 24, 2024, December 30, 2024, and January 23, 2025, and March 16, 2025. These requests were all denied.

24. Petitioner's experience epitomizes the Ninth Circuit's holding that "the discretionary parole system available to § 1225(b) detainees is not sufficient to overcome the constitutional concerns raised by prolonged mandatory detention." *Rodriguez v. Robbins*, 715 F.3d 1127, 1144 (9th Cir. 2013), *abrogated on other grounds sub. nom. Jennings v. Rodriguez*, 583 U.S. 281 (2018).

25. Requesting Petitioner to wait and continue pursuing administrative remedies without relief from this Court would be futile and additionally inflict irreparable injury. *See, e.g.*, *Rodriguez-Figueroa v. Barr*, 442 F. Supp. 3d 549, 560 (W.D.N.Y. 2020) (declining to dismiss a habeas petition on exhaustion grounds because requiring petitioner to request parole before considering his petition would be futile); *see also Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018) (habeas petitioner "suffers potentially irreparable harm every day that he remains in custody without a hearing, which could ultimately result in his release from detention"). Every day spent in detention subjects Petitioner to irreparable harm, as he is deprived of his liberty and remains in custody. Accordingly, the Court should decline to apply an exhaustion requirement and/or find that Petitioner has exhausted the administrative process available to him.

REQUIREMENTS OF 28 U.S.C. § 2243

26. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the Respondent "forthwith," unless it finds Petitioner is not entitled to relief. 28 U.S.C. § 2243. If the Court issues an OSC, it must require Respondent to file a return

"within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

27. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

28. Habeas corpus must remain a swift remedy. Accordingly, "the statute itself directs courts to give petitions for habeas corpus 'special, preferential consideration to insure expeditious hearing and determination.'" *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). In *Yong*, the court warned against any action creating the perception "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

PARTIES

29. Petitioner is currently detained by Respondent pending a ruling on DHS's appeal of an IJ's granting of Petitioner's Asylum Application. He was granted parole to enter and remain indefinitely, but after three months of being in the United States, his parole was suddenly and inexplicably revoked, and he was placed in detention on October 10, 2023. Petitioner's Asylum Application (filed on February 20, 2024) was granted on January 23, 2025, after which the DHS quickly appealed that ruling with the BIA. Petitioner remains detained at GSA where he has been placed since his arrest by ICE in October 2023 without any individualized inquiry into ICE's justification for his detention.

30. Respondent Tonya Andrews is the Facility Administrator (and *de facto* warden) of GSA in McFarland, California. She oversees operations at GSA, where Petitioner is detained. She is a corporate employee of The GEO Group, Inc., a private prison company that contracts with ICE to operate GSA. The Ninth Circuit has determined that the facility administrator is the "immediate" and legal custodian of noncitizens held by ICE at privately-run facilities in the Eastern District. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

STATEMENT OF FACTS

I. Petitioner's Life Prior to His Arrival in the United States

31. Petitioner was born on July 29, 2000, in Namanga, Uzbekistan. He had a happy childhood, marked by academic success. Throughout the eleven years of compulsory education he received in Uzbekistan (the equivalent of elementary school through high school in the United States), he received straight A's. Before entering university, Petitioner moved to China to learn Mandarin. When his stay in China was cut short by the COVID pandemic, he returned to Uzbekistan and entered Turin Polytechnic in the Fall of 2020 to study software engineering.

32. Petitioner is a survivor of political persecution in Uzbekistan. While in his third year of university, Petitioner was detained by the Uzbek police on November 17, 2022 for peacefully participating in a demonstration against government policies and advocating for the breakup of the monopoly that controls the Uzbek government. During his detention, Petition was electrocuted and beaten until he passed out. As a result of the torture, he sustained a traumatic brain injury that left him hospitalized for a month.

33. Shortly after his release from Uzbek prison, Petitioner learned the Uzbek police sought to detain him again, and he was forced into hiding – making him unable to continue his academic studies. Realizing that he would never be free of the risk of political retribution in his country, Petitioner made the difficult decision to leave Uzbekistan and come to the United States in the hope of building a better life.

II. Petitioner Lawfully Enters the United States to Apply for Political Asylum for His Own and Safety

34. In May 2023, Petitioner fled to the United States alone, travelling through six countries by plane, bus, car, and truck, finally entering the country on July 10, 2023. He was granted parole upon entry, allowing him to enter the country legally and remain indefinitely while he pursued asylum. He was served with a Notice to Appear ("NTA") in immigration court, and charged with removability based on his lack of a visa.

35. Prior to his detention, Petitioner was just beginning to build a life for himself in San Francisco, California. He had secured housing, made friends, and was working on transferring his university credits to a local college, so he could complete his education while he awaited grant of asylum.

III. Petitioner's Unconstitutional Prolonged Detention at a Private ICE Facility.

36. On October 10, 2023, just over three months after his arrival in the United States and for no stated reason, ICE officers summoned Petitioner to meet them at his home. He quickly complied with their request only to be detained by ICE and sent to the GSA ICE Detention Facility in McFarland, California. Petitioner has remained at GSA through this day, where he is being held pursuant to 8 U.S.C. § 1225(b).

37. Petitioner retained immigration counsel (Mario Valenzuela) on January 30, 2024. Petitioner filed an Asylum Application on February 20, 2024, and requested a bond hearing with the IJ on April 18, 2024. The Honorable Katie Mullins denied the motion that same day based on the finding that the IJ herself lacked jurisdiction.

38. Petitioner's Asylum Application requested safe haven in this country because, if removed to Uzbekistan, Petitioner feared he would be persecuted, targeted, tortured, or killed as a result of his political views. The IJ ultimately granted Petitioner's Asylum Application on January 23, 2025, after a multi-day hearing,

39. The DHS filed a timely Notice of Appeal to the BIA, which remains pending.

40. Detention has been especially difficult for Petitioner both mentally and physically. The detention center has become increasingly crowded and dangerous. Migrants with no criminal record – like Petitioner – are housed with prisoners who have been found guilty of various crimes. Many of the prisoners have mental problems or aggression issues, which makes them prone to fight with others for no reason.

41. Petitioner's health has also deteriorated dramatically since his arrival at GSA. During the time he has been detained, Petitioner has suffered from headaches, flu, eye problems, viral infection, and untreated dental issues that have caused him immense pain. It typically takes 8-9 days after a request for medical assistance is made by Petitioner to receive treatment. As a

result of the extreme stress he is under, Petitioner now has memory problems, which make it difficult for him to focus on the educational courses he is taking during his detention.

42. The poor conditions at GSA have caused a number of detainees to participate in hunger strikes. GSA officials have responded by violently removing hunger strikers to other housing. On occasion, guards have taken detainees away, and Petitioner has never seen them again. Petitioner is fearful that he too might be disappeared to an unknown location like other detainees.

43. Petitioner's prolonged detention has been extremely hard on him both mentally and physically. Detention conditions are harsh, mentally exhausting, and dehumanizing. Petitioner is housed in a cell block with about 87 other detainees, many of whom are mentally ill, constantly stressed and on edge, prone to angry outbursts, and do not speak any of the languages spoken by Petitioner.

44. At the GSA facility, Petitioner and the other detainees are served small portions of flavorless food. Petitioner would be malnourished on what he is fed – as many detainees are – if it were not for the small sums of money his family sends that allow him to buy supplemental meals such as instant noodles from the commissary.

45. Petitioner has also been unable to receive adequate medical care for the insomnia and frequent migraines he suffers as a result of his prior head injury. The medical team at GSA only dispenses ibuprofen and Tylenol for any and every ailment a detainee may present with. These over-the-counter medicines have done nothing to reduce Petitioner's headache pain, which has only worsened as a result of the stress and pressure of detention.

46. It is costly for Petitioner's family members to reach him by phone ($0.40 per minute) or video ($0.21 per minute), and his five-year relationship with his fiancée ended as a result of his prolonged detention. In addition, he can no longer continue his college studies, which are critically important to his future livelihood given his youth.

47. DHS and ICE have civilly incarcerated Petitioner for nearly two years without a neutral evaluation of whether his detention serves a valid civil purpose. And absent federal court

intervention, Petitioner will remain detained, separated from his friends, community, and educational opportunity, with no end in sight.

LEGAL FRAMEWORK

48. Petitioner has a profound liberty interest in freedom from physical confinement. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *see also id.* at 718 (Kennedy, J., dissenting) ("Liberty under the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention."). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 ("both removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious"). Moreover, individuals who have been granted parole possess a significant liberty interest in their conditional release and avoiding reincarceration. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *accord Young v. Harper*, 520 U.S. 143, 152 (1997).

49. Due process requires "adequate procedural protections" to ensure that the government's asserted justification for physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted). In the immigration context, due process requires that the government provide bond hearings to noncitizens facing prolonged detention. "The Due Process Clause foresees eligibility for bail as part of due process" because "[b]ail is basic to our system of law." *Jennings*, 583 U.S. at 330 (Breyer, J., dissenting) (citation modified) (citing *Schilb v. Kuebel*, 404 U.S. 357, 365 (1971)).

50. Where a noncitizen has been detained for a prolonged period or is pursuing a substantial defense to removal or claim for relief, due process requires an individualized determination that such a significant deprivation of liberty is warranted. *Demore*, 538 U.S. at 532 (Kennedy, J., concurring) ("individualized determination as to his risk of flight and dangerousness" may be warranted "if the continued detention became unreasonable or unjustified"); *see also Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the initial commitment requires additional

safeguards); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978) (in the Eighth Amendment context, "the length of confinement cannot be ignored in deciding whether [a] confinement meets constitutional standards").

51. In the context of parole revocation, due process requires that parolees receive an individualized hearing because they have a liberty interest in their conditional release. *See Morrissey*, 408 U.S. at 484 (holding that there is "no interest on the part of the State in revoking parole without any procedural guarantees at all"); *Young*, 520 U.S. at 152 (holding that individuals released into a pre-parole program created to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation process); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973) (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process).

52. Further, "the discretionary parole system available to § 1225(b) detainees is not sufficient to overcome the constitutional concerns raised by prolonged mandatory detention." *Rodriguez*, 715 F.3d at 1144; *see also Zadvydas*, 533 U.S. at 692 ("[T]he Constitution may well preclude granting an administrative body the unreviewable authority to make determinations implicating fundamental rights.") (internal quotation marks omitted); *Arechiga v. Archambeault,* No. 223CV00600CDSVCF, 2023 WL 5207589, at *1 (D. Nev. Aug. 11, 2023) (granting a bond hearing for an individual held in prolonged detention under § 1225(b)); *Leke v. Hott*, 521 F. Supp. 3d 597, 603–04 (E.D. Va. 2021) (same); *Mbalivoto v. Holt*, 527 F. Supp. 3d 838, 850, 852 (E.D. Va. 2020) (same).

ARGUMENT

I. Due Process Requires That the Government Afford Petitioner a Bond Hearing

53. Petitioner's prolonged detention since September 2023, without *any* individualized review, violates his right to procedural due process. *See Rodriguez v. Marin*, 909 F.3d 252, 257 (9th Cir. 2018). Further, since his abrupt parole revocation in September 2023, he has not been afforded a post-deprivation hearing under *Morrissey*, which further violates his right to procedural due process. *See* 408 U.S. at 484.

54. Since *Jennings*, courts have evaluated as-applied constitutional challenges to prolonged immigration detention using the *Mathews v. Eldridge* test, which balances (1) the private interest threatened by government action; (2) the risk of erroneous deprivation of such interest, and the probable

value of additional procedural safeguards; and (3) the government interest. 424 U.S. 319, 335 (1976); *see also Walter A.T. v. Facility Administrator, Golden State Annex*, No. 1:24-CV-01513-EPG-HC, 2025 WL 1744133 (E.D. Cal. June 24, 2025) (applying the *Mathews* test and granting bond hearing for individual held in prolonged detention); *A.E. v. Andrews*, No. 1:25-CV-00107-KES-SKO (HC), 2025 WL 1424382, at *4-6 (E.D. Cal. May 16, 2025) (same); *Sho v. Current or Acting Field Off. Dir.*, 1:21-cv-01812 TLN AC, 2023 WL 4014649, at *3–5 (E.D. Cal. June 15, 2023) (applying the *Mathews* test and granting bond hearing for individual held in prolonged detention under § 1226(c)); *I.E.S. v. Becerra*, No. 23-cv-03783-BLF, 2023 WL 6317617, at *8–9 (N.D. Cal. Sept. 27, 2023) (same); *Doe v. Becerra*, No. 23-cv-02382-DMR, 2023 WL 5672192, at *7–8 (N.D. Cal. Sept. 1, 2023) (same); *Rodriguez Picazo v. Garland*, No. 23-cv-02529-AMO, 2023 WL 5352897, at *3–6 (N.D. Cal. Aug. 21, 2023) (same); *J.P. v. Garland*, 685 F.Supp.3d 943, 946–49 (N.D. Cal. Aug. 7, 2023) (same); *Hernandez Gomez v. Becerra*, No. 23-cv-01330-WHO, 2023 WL 2802230, at *3–4 (N.D. Cal. Apr. 4, 2023) (same); *Salesh P. v. Kaiser*, No. 22-cv-03018-DMR, 2022 WL 17082375, *8–9 (N.D. Cal. Nov. 18, 2022) (same); *Jimenez v. Wolf*, No. 19-cv-07996-NC, 2020 WL 510347, *2–4 (N.D. Cal. Jan. 30, 2020) (same). Indeed, in a challenge to detention under the nonmandatory provision, the Ninth Circuit applied *Mathews* balancing because it "remains a flexible test" commonly applied by courts in the immigration context. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022).

55. Here, ICE continues to detain Petitioner without a bond hearing even though his Asylum Application was granted following a multiple-day hearing before an IJ. Indeed, throughout Petitioner's detention, ICE has never provided any justification as to why he should remain detained. Thus, the *Mathews* factors clearly weigh in Petitioner's favor.

A. Petitioner Has a Significant Private Interest in Liberty.

56. For the first prong of the *Mathews* test, the Court must consider the private interest threatened by the governmental action. 424 U.S. at 335. Here, Petitioner's private interest "is the most significant liberty interest there is—the interest in being free from imprisonment." *Black v. Decker*, 103 F.4th 133, 151 (2d Cir. 2024) (cleaned up). Petitioner has been detained without a single neutral review of his custody since September 2023, when ICE revoked his grant of parole. Petitioner has spent over a year in ICE detention and will remain imprisoned pending the appeal of

his grant of immigration relief. This length of detention without a hearing automatically "raises serious due process concerns." *Id.* at 150 ("[A]ny immigration detention exceeding six months without a bond hearing raises serious due process concerns.") (citing *Demore* and *Zadvydas*); *see Arechiga*, 2023 WL 5207589, at *2 ("[i]n general, as detention continues past a year, courts become extremely wary of permitting continued custody absent a bond hearing.") (quoting *Sibomana v. LaRose*, No.: 3:22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal. Apr. 20, 2023)). Further, should the BIA return an adverse decision, he faces an indeterminate period of future confinement during any remand proceedings before the immigration court and appeals to the Ninth Circuit. *See Diouf v. Napolitano*, 634 F.3d 1081, 1091-92 (9th Cir. 2011) ("When detention crosses the six-month threshold and release or removal is not imminent, the private interests at stake are profound."); *A.E.*, 2025 WL 1424382, at * 5 ("it is not clear when detention will end"); *Sho*, 2023 WL 4014649, at *4 (considering the "prospect of further extended detention" as part of the private interest).

57. Additionally, in the context of parole revocation, individuals retain a weighty liberty interest under the Due Process Clause of the Fifth Amendment in avoiding reincarceration. In *Morrissey v. Brewer*, a case involving parole revocation, the court held that "the liberty of a parolee, although indeterminate, includes many of the core values of unqualified liberty and its termination inflicts a grievous loss on the parolee and often others." 408 U.S. at 482. This is true even when the freedom may ultimately be revocable should circumstances materially change. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196-97 (N.D. Cal. 2017).

58. *Morrissey*'s basic principle—that individuals have a liberty interest in their conditional release—has been reinforced by both the Supreme Court and numerous circuit courts. *See Young*, 520 U.S. at 152 (holding that individuals released into a pre-parole program created to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation process); *Gagnon*, 411 U.S. at 781-82 (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process); *Zadvydas*, 533 U.S. at 693 (holding that due process protects "all 'persons' within the United States . . . whether their presence here is lawful, unlawful, temporary or permanent" who face immigration detention). As the First Circuit has

explained, when analyzing the issue of whether a specific conditional release rises to the level of a protected liberty interest, "[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey*." *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted); *see also Hurd v. Dist. of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (noting that "a person who is in fact free of physical confinement—even if that freedom is lawfully revocable—has a liberty interest that entitles him to constitutional due process before he is re-incarcerated") (citing *Young*, 520 U.S. at 152, *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

59. Here, Petitioner has a liberty interest in being free from confinement, which has been challenged by his indefinite and unjustified detention and revocation of his parole. The burden on Petitioner's liberty is substantial: for over twenty months, Petitioner has been separated from his community and deprived of his freedom. Like people on parole, individuals like Petitioner who await decisions in their immigration cases have a liberty interest in remaining out of custody on bond. *See Ortega v. Bonnar*, 415 F. Supp. 3d 963, 969–70 (N.D. Cal. 2019) (finding that the petitioner had a substantial private interest in remaining on bond and enjoining ICE from re- arresting petitioner until a hearing is held) (citing *Morrissey*, 408 U.S. at 482); *Ortiz Vargas v. Jennings*, No. 20-cv-5785-PJH, 2020 WL 5517277, at *2 (N.D. Cal. Sept. 14, 2020) (same); *Jorge M.F. v. Wilkinson*, No. 21-cv-14340JST, 2021 WL 783561, at *3–4 (N.D. Cal. Mar. 1, 2021) (same); *Meza v. Bonnar*, No. 18-cv-02708-BLF, 2018 WL 2554572, at *3–4 (N.D. Cal. June 4, 2018) (same). Petitioner was never afforded a pre-deprivation or post-deprivation hearing on the revocation of his parole and/or his detention.

60. Moreover, punitive conditions in ICE detention "multiply the burden" on Petitioner's liberty and strengthen his interest in being free. *Doe v. Becerra*, 732 F. Supp. 3d 1091, 1089 (N.D. Cal. 2024) ("[H]arsh conditions multiply the burden on liberty for any given period."). Petitioner is being held in a setting equivalent to criminal corrections at a detention center with

abusive conditions.[1] The conditions at GSA are inhumane—an assessment numerous courts (and reputable news organizations) have echoed.[2] Indeed, ICE and GEO, the company that operates GSA, have a history of inflicting abuse at the facility. For example, several immigrant rights organizations recently filed a complaint against the facility for excessive use of force, including retaliation against detainee-organizers.[3] "[T]he government's choice to detain noncitizens like Mr. Doe in a crowded facility, with operations outsourced to a private contractor, informs the due process consideration of how long is too long." *Doe*, 732 F. Supp. 3d at 1089.

61. Petitioner has personally experienced the mistreatment that GSA is known for. Detention has been especially difficult for Petitioner both mentally and physically given his youth. *See supra* ¶¶ 39-45.

B. The Value of the Procedural Safeguard of a Bond Hearing is High

62. The second prong of the *Mathews* test, the risk of erroneous deprivation of such interest through the procedures used and the probable value of additional procedural safeguards, weighs heavily in Petitioner's favor as well. 424 U.S. at 335.

63. "[T]he risk of an erroneous deprivation of liberty in the absence of a hearing before a neutral decisionmaker is substantial." *Diouf*, 634 F.3d at 1092. Since Petitioner was first taken

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[1] Immigrants at Golden State Annex have launched several labor and hunger strikes to protest the facility's inhumane conditions, such as the use of solitary confinement, inadequate medical care and food, and other forms of retaliation. See Press Release, California's Immigration Detention Facilities Plagued by Human Rights Abuse, New Report Finds, ACLU OF N. CAL., (Aug. 28, 2024), https://www.aclunc.org/news/californias-immigration-detention-facilities-plagued-human-rights-abuse-new-report-finds.

[2] Detainees at Golden State Annex have reported medical neglect and poor food quality that has resulted in food poisoning. Access to running water has also been sparse: detainees report that water is unavailable for up to 12 hours and that the tap water is unpalatable. Unsanitary conditions have led to detainees contracting infections, such as ringworm. *See* Victoria Valenzuela, *More Than 60 ICE Detainees on Hunger Strike Over "Inhumane" Living Conditions*, GUARDIAN (Aug. 26, 2024), https://www.theguardian.com/us-news/article/2024/aug/26/immigration-customs-enforcement-ice-hunger-strike-california. Golden State Annex was also fined $100,000 in 2023 for unsafe working conditions: detainees were forced to clean the facility, including wiping black mold from showers, without protective equipment and proper instructions for using cleaning solutions. *See* Andrea Castillo, *California Fines Detention Center Operator $100,000 Over Immigrants' Working Conditions*, L.A. TIMES (Jan. 30, 2023), https://www.latimes.com/politics/story/2023-01-30/detained-immigrants-alleged-unsafe-working-conditions-at-california-facility-fine.

[3] Officers physically and psychologically assaulted an entire dormitory of detainees who had protested unlivable conditions at the facility, using brute force and pepper spray. Golden State Annex failed to provide medical care following this incident. *See* ACLU of N. Cal., Cal. Collaborative for Immigrant Just., & Lawyer's Comm. for Civ. Rts. of S.F. Bay Area, *Complaint re Abuses Against People Detained at GSA* (Aug. 15, 2024), https://www.ccijustice.org/gsa-a4-raid-crcl.

into custody by ICE and during the twenty months that he has been detained, he has never had a bond hearing, and thus he has never been afforded process to evaluate or the opportunity to contest the necessity of his arrest and ongoing detention. *See Rajnish v. Jennings*, No. 3:20-CV-07819-WHO, 2020 WL 7626414, at *9 (N.D. Cal. Dec. 22, 2020) (finding that the value added by a hearing is "great" where petitioner had been held for nine months since an "unconstitutional" initial bond hearing that "assigned the risk of error to him, not to the government"); *Jimenez*, 2020 WL 510347, at *3–4 (finding that a writ of habeas corpus was warranted for an immigrant who had been detained for a year without a bond hearing). Furthermore, despite Petitioner's lack of criminal history and diligent compliance with all orders to appear before immigration officials, ICE has repeatedly declined to grant Petitioner discretionary parole. *See supra* ¶ 21.

64. Here, there is a clear substantial risk that Petitioner's detention and deprivation of liberty is erroneous as there has been no hearing or justification for his incarceration. Thus, additional procedural safeguards, including a neutral, third-party review, would hold ICE to tangible justifications for Petitioner's prolonged detention.

C. Respondent Has No Valid Interest that a Bond Hearing Would Harm

65. The third *Mathews* factor also supports granting Petitioner's petition. Respondent has not and cannot articulate any legitimate interest served by Petitioner's indefinite detention without a hearing. *See Lopez-Reyes v. Bonnar*, 362 F. Supp. 3d 762, 777 (N.D. Cal. 2019); *Henriquez v. Garland*, No. 5:22-CV-00869-EJD, 2022 WL 2132919, at *5 (N.D. Cal. June 14, 2022) ("[T]he Government's interest in detaining Petitioner without providing an individualized bond hearing is low."). While the government has legitimate interests in ensuring a noncitizen's appearance in court and protecting the community, providing a bond hearing would "do nothing to undercut those interests." *Black*, 104 F.4th at 153. At any ordered bond hearing, "the IJ would assess on an individualized basis whether the noncitizen presents a flight risk or danger to the community, as IJs routinely do for other noncitizen detainees." *Id.* at 153–54.

66. Nor can the minimal cost of providing a bond hearing override the public interest in avoiding needless civil detention. As the Second Circuit reasoned in *Black*, "having to do something instead of nothing imposes an administrative and fiscal burden of some kind. But the

Department of Justice reported an average cost of detaining noncitizens, in 2019, of $88.19 per prisoner per day … So, retaining and housing detainees imposes substantial costs as well. And, as far as we can tell, ICE may readily access the records of other law enforcement agencies for information bearing on its case for detention where necessary." *Id.* at 154; *see also Singh v. Garland*, No. 1:23-cv-01043-EPG-HC, 2023 WL 5836048, at *6 (E.D. Cal. Sept. 8, 2023) (finding that the cost of providing a bond hearing is relatively minimal); *Lopez Reyes*, 362 F. Supp. 3d at 777 (finding that requiring the government to provide petitioner with another bond hearing does not significantly undermine the government's interest in evaluating the evidence and making credibility determinations).

67. Moreover, requiring Respondent to justify Petitioner's detention "promotes the Government's interest—one [courts] believe to be paramount—in minimizing the enormous impact of incarceration in cases where it serves no purpose." *Black*, 104 F.4th at 154 (noting that "the public interest drives analysis of the third factor" under *Mathews*).

68. Further, courts have granted a more burdensome remedy in parole revocation cases—pre-deprivation hearings. *See Ortega*, 415 F. Supp. 3d at 969–70 (finding that the petitioner had a substantial private interest in remaining on bond and enjoining ICE from re- arresting petitioner until a hearing is held); *Ortiz Vargas*, 2020 WL 5517277, at *2 (same); *Jorge M.F.*, 2021 WL 783561, at *3–4 (same); *Meza*, 2018 WL 2554572, at *3–4 (same). Here, Petitioner is requesting a lesser remedy—a post-deprivation hearing, which has less impact on the government's detention prerogative than the pre-deprivation hearings other courts have ordered.

69. As noted, the government has not articulated any interest in detaining Petitioner without an individualized bond hearing. The government has not given any reason to justify Petitioner's continued prolonged detention and has not shown that he presents a flight risk or danger to the community. Indeed, the government has at least once determined the opposite—that it could be sure of Petitioner's safety towards the community and appearance at all immigration court hearings. Thus, applying the *Mathews* factors, this Court should find that due process entitles Petitioner to an individualized bond hearing by an IJ.

II. Standards for Bond Hearing to Comply with Due Process

70. Petitioner requests a prolonged detention bond hearing before a neutral adjudicator in which the government bears the burden of proving his flight risk or danger by a clear and convincing evidence standard. *See Singh v. Holder,* 638 F.3d 1196, 1204 (9th Cir. 2011) ("[D]ue process places a heightened burden of proof on the State in civil proceedings in which the individual interests at stake…are both particularly important and more substantial than mere loss of money.") (internal quotation marks omitted), *abrogated on other grounds by Rodriguez Diaz*, 53 F.4th 1189; *see also Ixchop Perez v. McAleenan*, 435 F. Supp. 3d 1055, 1062 (N.D. Cal. 2020) (noting the "consensus view" among District Courts concluding that after *Jennings* "where ... the government seeks to detain an alien pending removal proceedings, it bears the burden of proving that such detention is justified); *Gonzalez*, 2019 WL 330906, at *6 (collecting cases applying *Singh* burden of proof for prolonged detention hearings post-*Jennings*); *Singh v. Barr,* 400 F. Supp. 3d 1005, 1018–19 (S.D. Cal. 2019) (finding due process requires the government to bear the burden in immigration bond proceedings).

71. Due process also requires consideration of conditions to mitigate potential flight risk. The primary purpose of immigration detention is to ensure a noncitizen's appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is not reasonably related to this purpose if there are alternative conditions of release that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538–39 (1979). ICE's alternatives to detention program—the Intensive Supervision Appearance Program—have achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing that ISAP "resulted in a 99% attendance rate at all EOIR hearings and a 95% attendance rate at final hearings"). Alternatives to detention must be considered in determining whether prolonged incarceration is warranted.

72. Finally, due process requires consideration of a noncitizen's ability to pay a monetary bond. "Detention of an indigent 'for inability to post money bail' is impermissible if the individual's 'appearance at trial could reasonably be assured by one of the alternate forms of release.'" *Id.* at 990 (citation omitted). It follows that—in determining the appropriate conditions

of release for immigration detainees—due process requires "consideration of financial circumstances and alternative conditions of release" to prevent against detention based on poverty. *Id.* at 991.

CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

73. Petitioner re-alleges and incorporates by reference the paragraphs above.

74. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person" of liberty "without due process of law." U.S. CONST. AMEND. V.

75. To justify Petitioner's ongoing prolonged re-detention, due process requires that the government establish, at an individualized hearing before a neutral decisionmaker, that Petitioner's detention is justified by clear and convincing evidence of flight risk or danger, even after consideration whether alternatives to detention could sufficiently mitigate that risk.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1) Assume jurisdiction over this matter;

2) Issue a Writ of Habeas Corpus and order Respondent, unless she elects to release Petitioner, to schedule a hearing before an immigration judge where: (1) to continue detention, the government must establish by clear and convincing evidence that Petitioner presents a risk of flight or danger, even after consideration of conditions of supervision; and (2) if the government cannot meet its burden, the immigration judge order Petitioner's release on appropriate conditions of supervision, taking into account Petitioner's ability to pay a bond;

3) Issue a declaration that Petitioner's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment;

4) Award reasonable costs and attorney fees under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

5) Grant such further relief as the Court deems just and proper.

Respectfully submitted on July 11, 2025,

By: */s/ Monica M. Eno*
Monica Mucchetti Eno

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Verification Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Abdulaziz Abduraimov because I am one of his attorneys. As Mr. Abduraimov's attorney, I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge. Dated: July 11, 2025.

/s/ Monica M. Eno
Monica Mucchetti Eno