

STEPTOE LLP

Michelle S. Kallen (CA SBN 271322)

mkallen@steptoe.com

Michel Paradis (NY SBN 4312443) (pro hac vice pending)

mparadis@steptoe.com

Jason Wright (VA SBN 68813) (pro hac vice pending)

jwright@steptoe.com

Patrick Fields (TX SBN 24146721) (pro hac vice pending)

pfields@steptoe.com

1330 Connecticut Ave, NW

Washington DC 20036

Tel.: (202) 429-6415

Fax: (202) 429-3902

Attorneys for Petitioner

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

R [REDACTED] K [REDACTED]

Petitioner,

vs.

JEREMY CASEY, in his official capacity
as Warden of the Imperial Regional
Detention Facility;

DAVID MARIN, in his official capacity as
Field Office Director of the Immigration
and Customs Enforcement, Enforcement
and Removal Operations Los Angeles
Field Office;

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security;

PAMELA BONDI, in her official capacity
as Attorney General of the United States,

Respondents.

Case No.: '25CV1926 DMS DEB

**PETITION FOR WRIT OF HABEAS
CORPUS**

Challenge to Unlawful Incarceration
Under Color of Immigration Detention
Statutes; Request for Declaratory and
Injunctive Relief

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

“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).

1. Petitioner, [REDACTED], came to the United States at the age of four as a refugee from Iran. Due to a felony drug conviction, Mr. [REDACTED] has been the subject of a final order for removal since 2005. After an initial period of detention pending removal, Mr. [REDACTED] was granted a deferral of deportation under the Convention Against Torture in 2006. He was released from federal custody in 2008 under an Order of Supervision that required him to, *inter alia*, annually report to an Immigration and Customs Enforcement (“ICE”) Field Office.

2. Mr. [REDACTED] has duly reported to ICE without issue for nearly the past 20 years and continued his life in the United States. He has established a successful business and is the primary caretaker of his mother, who recently suffered a stroke. Nevertheless, on July 10, 2025, when Mr. [REDACTED] duly reported to ICE’s Los Angeles Field Office pursuant to the terms of his Order of Supervision, he was brutally arrested and remains unlawfully detained.

3. Mr. [REDACTED] was not arrested for violating the terms of his Order of Suspension. Nor was he detained because Respondents designated a third country to which he could be removed in conformity with the Convention Against Torture. Instead, he was handed a generic “Notice” that informed him that “it has been determined that you will be kept in the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your immigration and criminal history.”

4. Mr. [REDACTED]’s detention is unlawful under the due process clause and under Respondents’ own regulations. Though the “notice” he was provided cited 8 C.F.R. § 241.4 as the legal authority for his detention, Respondents complied with none of its regulatory and due process requirements. They never provided Mr.

1 [REDACTED] actual notice of the reasons for the revocation of his release. They never
2 conducted an initial interview to evaluate the basis of that revocation. And they never
3 gave him an opportunity to be heard. 8 C.F.R. §§ 241.4(1), 241.13(i).

4 5. Moreover, Respondents have done nothing to terminate Mr. [REDACTED]'s
5 protections under the Convention Against Torture, which would be necessary before
6 he could be removed to Iran. Nor have they designated a third country to which his
7 removal is reasonably imminent. Respondents have no authority, under the
8 immigration laws or otherwise, to arbitrarily detain Mr. [REDACTED] indefinitely.

9 6. The conditions of Mr. [REDACTED]'s arbitrary detention also violate his
10 rights under the due process clause. Respondents have detained Mr. [REDACTED] in
11 unlawful conditions of confinement that cause him potentially serious medical needs.
12 The medical care Respondents have provided are deliberately indifferent to Mr.
13 [REDACTED]'s immediate medical needs.

14 7. Mr. [REDACTED] therefore petitions this Court for a writ of habeas corpus
15 ordering his release from custody and enjoining Respondents from unlawfully and
16 arbitrarily depriving him of his fundamental constitutional rights.

17 JURISDICTION

18 8. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general
19 grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S.
20 Constitution ("Suspension Clause"); 28 U.S.C. § 1331 (federal question jurisdiction),
21 and 28 U.S.C. §§ 2201, 2202 (Declaratory Judgment Act).

22 VENUE

23 9. Venue is proper in this district and division pursuant to 28 U.S.C. §
24 2241(d) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Mr. [REDACTED] is detained
25 within this district at Imperial Regional Detention Facility in Calexico, CA.
26
27
28

PARTIES

10. [REDACTED] Petitioner, is a forty-five-year resident of the United States and a citizen of Iran. At the time of this filing, he is unlawfully detained in the Imperial Regional Detention Facility in Calexico, CA.

11. Jeremy Casey, Respondent, is the Warden of the Imperial Regional Detention Facility, in which Mr. [REDACTED] remains incarcerated. Mr. Casey is sued in his official capacity.

12. David Marin, Respondent, is the Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Los Angeles Field Office. Mr. Marin is sued in his official capacity.

13. Kristi Noem, Respondent, is Secretary of the Department of Homeland Security. She is sued in her official capacity.

14. Pamela Bondi, Respondent, is the Attorney General of the United States. She is sued in her official capacity.

LEGAL FRAMEWORK

15. Federal law prohibits the removal of non-citizens, who are otherwise subject to a final order of removal, if doing so would violate the Convention Against Torture. There are no restrictions on an individual's eligibility for deferral of removal under the Convention Against Torture. 8 C.F.R. § 208.16.

16. To be granted deferral under the Convention Against Torture, a non-citizen must show that "it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 208.16(c)(2). An applicant for deferral under the Convention Against Torture must show a higher likelihood of torture than the likelihood of persecution an asylum applicant must demonstrate. *Id.*

17. When an immigration judge grants a non-citizen deferral under the Convention Against Torture, the immigration judge issues a removal order and simultaneously defers that order with respect to the country or countries for which the non-citizen demonstrated a sufficient risk of persecution or torture. *See Johnson*

1 *v. Guzman Chavez*, 141 S. Ct. 2271, 2283 (2021). Once granted, either party has the
2 right to appeal that decision to the Board of Immigration Appeals within 30 days. 8
3 C.F.R. § 1003.38(b). If both parties waive appeal or neither party appeals within the
4 30-day period, the deferral under the Convention Against Torture and the
5 accompanying removal order become administratively final. *See id.* § 1241.1.

6 18. When an individual's removal is deferred under the Convention Against
7 Torture, they cannot be removed to the country or countries for which they
8 demonstrated a sufficient likelihood of persecution or torture. 8 U.S.C. §
9 1231(b)(3)(A); 8 C.F.R. § 208.17(b)(2).

10 19. To terminate a deferral under the Convention Against Torture,
11 Respondents must file a motion in the Immigration Court and come forward with all
12 evidence "relevant to the possibility that the alien would be tortured" if his deferral is
13 terminated. *Id.* § 208.17(d). The non-citizen then has the right to notice of the "time,
14 place, and date of the termination hearing," as well as a right to supplement the
15 factual record. *Id.* And an immigration judge, not Respondents, would make a de
16 novo determination as to whether the deferral should be terminated. *Id.*

17 20. Alternatively, ICE may designate a third country that is prepared to
18 accept an individual's removal. 8 U.S.C. § 1231(b); 8 C.F.R. § 208.16(f). The
19 removal statute specifies restrictive criteria for identifying appropriate countries.
20 Non-citizens can be removed, for instance, to the country "of which the [non-citizen]
21 is a subject, national, or citizen" the country "in which the [non-citizen] was born,"
22 or the country "in which the [non-citizen] resided" immediately before entering the
23 United States. 8 U.S.C. § 1231(b)(2)(D)-(E).

24 21. Before acting on such a third country removal, ICE must provide the
25 non-citizen reasonable notice and undergo further proceedings in which the non-
26 citizen is given a meaningful opportunity to be heard. 8 U.S.C. § 1231(b)(3)(A); 8
27 C.F.R. § 1240.10(f) (stating that "immigration judge shall notify the [noncitizen]" of
28 proposed countries of removal); 8 C.F.R. § 1240.11(c)(1)(i) ("If the [noncitizen]

expresses fear of persecution or harm upon return to any of the countries to which the [noncitizen] might be removed pursuant to § 1240.10(f) ... the immigration judge shall ... [a]dvice [the noncitizen] that he or she may apply for asylum in the United States or withholding of removal to those countries[.]”); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999). This is to ensure that the individual is being removed to a third country “where he or she is not likely to be tortured.” 8 C.F.R. §§ 208.17(b)(2), 1208.17(b)(2); *see also* Execution of Removal Orders; Countries to Which Aliens May Be Removed, 70 Fed. Reg. 661, 671 (Jan. 5, 2005) (codified at 8 C.F.R. pts. 241, 1240, 1241) (supplementary information) (“[a noncitizen] will have the opportunity to apply for protection as appropriate from any of the countries that are identified as potential countries of removal under [8 U.S.C. § 1231].”).

22. Providing such notice and opportunity to be heard is also required under the United States’ obligations under international law. *See* United Nations Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150; United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223, 606 U.N.T.S. 267; Refugee Act of 1980, Pub. L. 96-212, § 203(e), 94 Stat. 102, 107 (codified as amended at 8 U.S.C. § 1231(b)(3)); *INS v. Stevic*, 467 U.S. 407, 421 (1984) (noting that the Refugee Act of 1980 “amended the language of [the predecessor statute to § 1231(b)(3)], basically conforming it to the language of Article 33 of the United Nations Protocol”); *see also* United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *opened for signature* Dec. 10, 1984, art. III, S. Treaty Doc. No. 100-20 (1988), 1465 U.N.T.S. 85, 114; FARRA at 2681–822 (codified at Note to 8 U.S.C. § 1231) (“It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.”); United Nations Committee Against Torture, General Comment No. 4 ¶ 12, 2017, Implementation of

1 Article 3 of the Convention in the Context of Article 22, CAT/C/GC/4

2 (“Furthermore, the person at risk [of torture] should never be deported to another
3 State from which the person may subsequently face deportation to a third State in
4 which there are substantial grounds for believing that the person would be in danger
5 of being subjected to torture.”).

6 23. 8 U.S.C. § 1231 governs the detention of non-citizens “during” and
7 “beyond” the “removal period.” 8 U.S.C. § 1231(a)(2)-(6). The “removal period”
8 typically begins once a non-citizen’s removal order “becomes administratively
9 final.” 8 U.S.C. § 1231(a)(1)(B). The removal period lasts for 90 days, during which
10 ICE “shall remove the [non-citizen] from the United States” and “shall detain the
11 [non-citizen]” as it carries out the removal. 8 U.S.C. § 1231(a)(1)-(2). If ICE does
12 not remove the non-citizen within the 90-day removal period, the non-citizen “*may*
13 be detained beyond the removal period” if they meet certain criteria, such as being
14 inadmissible or deportable under specified statutory categories. 8 U.S.C. §
15 1231(a)(6) (emphasis added).

16 24. Aware of the constitutional problems with indefinite detention—even of
17 removable non-citizens—the Supreme Court has expressly held that Section
18 1231(a)(6) “limits an alien’s post-removal-period detention to a period reasonably
19 necessary to bring about that alien’s removal from the United States. *It does not*
20 *permit indefinite detention.*” *Zadvydas*, 533 at 689 (emphasis added). “[I]ndefinite
21 detention,” the Court reasoned, would raise “serious constitutional concerns.” 533
22 U.S. at 682 (addressing the cases of two non-citizens who could not be removed to
23 their home country or country of citizenship).

24 25. By regulation, before the end of the 90-day removal period that ensues
25 upon a non-citizen’s removal order becoming final, the local ICE field office with
26 jurisdiction over the non-citizen’s detention must conduct a custody review to
27 determine whether the non-citizen should remain detained. *See* 8 C.F.R. §
28 241.4(c)(1), (h)(1), (k)(1)(i). If the non-citizen is not released following the 90-day

1 custody review, jurisdiction transfers to ICE Headquarters (ICE HQ), *id.* §
2 241.4(c)(2), which must conduct a custody review before or at 180 days, *id.* §
3 241.4(k)(2)(ii).

4 26. To comply with *Zadvydas*, DHS issued additional regulations in 2001
5 that established “special review procedures” to determine whether detained non-
6 citizens with final removal orders are likely to be removed in the reasonably
7 foreseeable future. *See Continued Detention of Aliens Subject to Final Orders of*
8 *Removal*, 66 Fed. Reg. 56,967 (Nov. 14, 2001). While 8 C.F.R. § 241.4’s custody
9 review process remained largely intact, subsection (i)(7) was added to include a
10 supplemental review procedure that ICE must initiate when “the [non-citizen]
11 submits, or the record contains, information providing a substantial reason to believe
12 that removal of a detained [non-citizen] is not significantly likely in the reasonably
13 foreseeable future.” *Id.* § 241.4(i)(7).

14 27. Under this procedure, ICE evaluates the foreseeability of removal by
15 analyzing factors such as the history of ICE’s removal efforts to third countries. *See*
16 *id.* § 241.13(f). If ICE determines that removal is not reasonably foreseeable but
17 nonetheless seeks to continue detention based on “special circumstances,” it must
18 justify the detention based on narrow grounds such as national security or public
19 health concerns, *id.* § 241.14(b)-(d), or by demonstrating by clear and convincing
20 evidence before an immigration judge that the non-citizen is “specially dangerous.”
21 *Id.* § 241.14(f).

22 28. “[I]f the alien does not leave or is not removed within the removal
23 period, the alien, pending removal, shall be subject to supervision under regulations
24 prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3) (emphasis added). Per
25 the statute, those regulations must include requirements for the alien “to appear
26 before an immigration officer periodically,” *id.* § 1231(a)(3)(A), and “to obey
27 reasonable written restrictions on [his] conduct or activities,” *id.* § 1231(a)(3)(D). In
28 making these custody determinations, ICE considers several factors, including

1 whether the non-citizen is likely to pose a danger to the community or a flight risk if
2 released. 8 C.F.R. § 241.4(e). If the factors in § 241.4(e) are met, ICE must release
3 the non-citizen under conditions of supervision, which in practice are memorialized
4 in an Order of Supervision. *Id.* § 241.4(j)(2).

5 29. Once released, the non-citizen has a due process liberty interest against
6 the arbitrary revocation of their release. *See, e.g., Morrissey v. Brewer*, 408 U.S. 471
7 (1972); *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (“The
8 Supreme Court has repeatedly held that in at least some circumstances, a person who
9 is in fact free of physical confinement—even if that freedom is lawfully revocable
10 — has a liberty interest that entitles him to constitutional due process before he is re-
11 incarcerated.”).

12 30. ICE itself recognizes that due process interest with three minimal due
13 process requirements before it can revoke a non-citizen’s release pending
14 deportation. Under its own regulations, ICE must: 1) provide the individual notice of
15 the reasons for the revocation; 2) conduct an interview to review the revocation at the
16 time the individual is taken into custody; and 3) give the individual a meaningful
17 opportunity to be heard on the reasons for the revocation. 8 C.F.R. § 241.4(l).

18 STATEMENT OF FACTS

19 31. Mr. [REDACTED] was born in Iran in 1972 and came to the United States as a
20 legal permanent resident at the age of four. Mr. [REDACTED] is now 53 years old and has
21 spent nearly 50 years — almost his entire life — in the United States. Mr. [REDACTED]
22 does not have any known family in Iran; does not speak, read, or write Farsi, the
23 dominant language in Iran; and does not practice Islam, the dominant religion in Iran
24 whose tents are rigidly imposed by the government. The United States is the only
25 home Mr. [REDACTED] has ever known.

26 32. In 2004, Mr. [REDACTED] pled guilty in the United States District Court for
27 the Northern District of Texas to a drug-related felony violation under 21 U.S.C. §
28 846. Shortly thereafter, ICE initiated removal proceedings against Mr. [REDACTED] and

1 in April 2005, an immigration judge ordered Mr. [REDACTED] removed to Iran despite his
2 claim to protection under the Convention Against Torture.

3 33. On administrative review, the Board of Immigration Appeals reversed
4 the immigration judge's denial of relief under the Convention Against Torture,
5 explicitly finding that "[Mr. [REDACTED]] *demonstrated that it is more likely than not*
6 *that he would suffer torture*" if returned to Iran. The Board noted Mr. [REDACTED] was
7 a "non-practicing Muslim man, who is unfamiliar with the rigid religious tenets of
8 Islam"; left Iran at the age of four; "cannot read or write" Farsi; "has had a long
9 residency in the United States"; and was "being deported due to a drug trafficking
10 conviction, which is punishable by death in Iran." To this day, Mr. [REDACTED] remains
11 fearful of being removed to Iran for the same reasons noted by the Board nearly 20
12 years ago. If returned to Iran today, Mr. [REDACTED] believes he would likely be tortured
13 and even executed.

14 34. On remand from the Board, the immigration court ordered that Mr.
15 [REDACTED] was still to be removed to Iran but that such removal was deferred under the
16 Convention Against Torture. Mr. [REDACTED] was subsequently released by ICE from
17 detention under an Order of Supervision that, among other things, required Mr.
18 [REDACTED] to regularly report in person to an ICE officer.

19 35. Over the next 17 years, until today, Mr. [REDACTED] pursued life much like
20 any other resident of the United States, living, working, and taking care of his family
21 and community. Mr. [REDACTED] in fact, operates a small business and takes care of his
22 elderly mother, who recently suffered a stroke and lives with Mr. [REDACTED].

23 36. Throughout this time, Mr. [REDACTED] duly reported to ICE without
24 incident. When Mr. [REDACTED] however, recently reported to ICE on July 10, 2025,
25 ICE advised Mr. [REDACTED] that his release from detention was revoked, and ICE
26 detained Mr. [REDACTED] immediately. Mr. [REDACTED] had no opportunity to prepare for his
27 detention or even speak with his family before being placed in an ICE holding cell.
28

1 37. When Mr. [REDACTED] asked ICE officials why his release was revoked, he
2 was told that generally anyone with a deferral order under the Convention Against
3 Torture is being detained.

4 38. Mr. [REDACTED] was also provided with a one-page document titled “Notice
5 of Revocation of Release.” The Notice is a pro forma recitation that states in
6 relevant part: “it has been determined that you will be kept in the custody of . . . ICE
7 . . . This decision has been made based on a review of your immigration and criminal
8 history.” The legal authority cited in the Notice is 8 C.F.R. § 241.4. The Notice
9 points to no language in the cited regulation and gives no rationale or details
10 regarding Mr. [REDACTED]’s detention.

11 39. Aside from this Notice, Mr. [REDACTED] has not received any explanation or
12 detail as to why he was detained. ICE has also not advised Mr. [REDACTED] regarding any
13 potential removal to Iran or another country; provided Mr. [REDACTED] with any
14 information regarding potential release, processing, or time frame; or granted Mr.
15 [REDACTED] any opportunity to ask questions or respond to the putative bases for the
16 revocation of his release. Additionally, contrary to the explicit language of the
17 regulation ICE cited in the Notice, Mr. [REDACTED] has not participated in any interview,
18 discussion, or other procedure despite being detained for nearly three weeks. Mr.
19 [REDACTED] has been detained with no notice, no explanation, no hearing, no time limit,
20 no indication of next steps, and no ability to rebut or counter his detention — in sum,
21 no due process.

22 40. After he was detained, ICE took Mr. [REDACTED] to a holding facility in Los
23 Angeles where Mr. [REDACTED] remained for around 24 hours. During this time, Mr.
24 [REDACTED] was kept in a cell with approximately 80 other detainees without bedding
25 and with only one sink and one toilet that were not separated from the rest of the cell.
26 The detainees sat and slept on the floor of the cell, including some at the foot of the
27 toilet. Mr. [REDACTED] received only one meal, which consisted of a burrito and a bottle
28 of water.

COUNT II
VIOLATION OF 8 C.F.R. §§ 241.4(1), 241.13(i)

46. Petitioner hereby incorporates by reference the allegations made in paragraphs 31-42 *supra*.

47. Before revoking an individual's release from immigration custody, Respondents must: 1) provide the individual notice of the reasons for the revocation; 2) conduct an interview to review the revocation at the time the individual is taken into custody; and 3) give the individual a meaningful opportunity to be heard on the reasons for the revocation. 8 C.F.R. § 214.4(l). Respondents must comply with their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267 (1954). Yet here, Respondents did none of those things.

48. Because Respondents failed to follow their own rules in revoking Petitioner's entitlement to release, his continued detention is arbitrary, capricious, and unlawful.

COUNT III
VIOLATION OF 8 U.S.C. § 1231

49. Petitioner hereby incorporates by reference the allegations made in paragraphs 31-42 *supra*.

50. Congress specifically directed that "if the alien does not leave or is not removed within the removal period, the alien, pending removal, *shall* be subject to supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3). While § 1231(a)(6) permits detention beyond the removal period in certain situations, "once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Zadvydas*, 533 U.S. at 699. No statute permits Defendants to re-detain an individual who has been released under § 1231(a)(3) without evidence that removal is now reasonably foreseeable.

51. Because Petitioner's removal is not reasonably foreseeable, his detention is contrary to § 1231.

**COUNT IV
VIOLATION OF DUE PROCESS
(ARBITRARY DETENTION)**

52. Petitioner hereby incorporates by reference the allegations made in paragraphs 31-42 *supra*.

53. “Freedom from imprisonment—from government custody, detention, or other forms physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects.” *Zadvydas*, 533 U.S. at 690. Indefinite detention, in particular, raises a “serious constitutional problem” and violates the Due Process Clause. *Id.* at 689–90. The Due Process Clause requires that the deprivation of Petitioner’s liberty must be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding that due process “forbids the government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest”). Detention must bear a reasonable relationship to its two regulatory purposes — to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690–691; *Diop v. ICE*, 656 F.3d 221, 233–34 (3d Cir. 2011).

54. Because Respondents have proffered no explanation or new basis for why Petitioner is now subject to detention — after eighteen years of liberty — his continued detention is arbitrary, capricious, and unlawful.

**COUNT V
VIOLATION OF DUE PROCESS
(CONDITIONS OF CONFINEMENT)**

55. Petitioner hereby incorporates by reference the allegations made in paragraphs 31-42 *supra*.

56. Respondents have an affirmative constitutional duty to meet the “basic human needs” of the people it confines, including the provision of “food, clothing, shelter, medical care, and reasonable safety.” *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 200 (1989); *see also Brown v. Plata*, 563 U.S. 493 (2011);

1 *Youngberg v. Romeo*, 457 U.S. 307, 315–16 (1982). The constitution further forbids
2 Respondents from exhibiting “deliberate indifference to [a person’s] serious medical
3 needs” in confinement. *Estelle v. Gamble*, 429 U.S. 97, 103–04 (1976). Because
4 immigration detention is civil in nature, Respondents are not permitted to create
5 conditions of confinement that are “express[ly] inten[ded] to punish,” not rationally
6 related to a legitimate government objective, or excessive to that objective. *Bell v.*
7 *Wolfish*, 441 U.S. 520, 538 (1979) (quoting *Kennedy v. Mendoza-Martinez*, 372 U.S.
8 144, 168–69 (1963)). Respondents are also required, by statute, to ensure to “arrange
9 for appropriate places of detention.” 8 U.S.C. § 1231(g)(1).

10 57. Because Respondents continue to subject Petitioner to punitive
11 conditions of confinement, characterized by unlawful degrees of overcrowding and
12 medical neglect, his detention is arbitrary, capricious, and unlawful.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioner respectfully asks that this Court:

- 15 1. Issue a Writ of Habeas Corpus directing Petitioner’s immediate release;
16 2. Declare that Respondents have violated Petitioner’s constitutional,
17 statutory, and regulatory rights against arbitrary and unlawful detention;
18 3. Enjoin Respondents from detaining Petitioner in the future without
19 reasonable notice and an opportunity to be heard; and
20 4. Order such other relief as this Court determines is just and proper.

21 Respectfully submitted,

22
23 Dated: July 30, 2025

STEPTOE LLP

24 /s/Michelle S. Kallen

25 Michelle S. Kallen

26 Michel Paradis

27 Jason Wright

28 Patrick Fields

Attorneys for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of Petitioner's attorneys. I have talked and corresponded with Petitioner regarding the events described in the Petition. Based on these communications, I hereby verify that the factual statements made in the Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on July 30, 2025 in Washington D.C.

/s/Michelle S. Kallen

Michelle S. Kallen

Attorney for Petitioner 