

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the



FALLAHI FIROOZI ARSALAN  
Petitioner

Case No. 5:25-cv-01881-VBF-MAR  
(Supplied by Clerk of Court)

Department of Homeland Security (D.H.S.)

Adelanto ICE Processing Center, Warden  
Respondent  
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: FALLAHI FIROOZI ARSALAN  
(b) Other names you have used: n/a
2. Place of confinement:  
(a) Name of institution: Adelanto ICE Processing Center - West  
(b) Address: 10250 RANCHO ROAD,  
Adelanto, California, 92301  
(c) Your identification number: A# [REDACTED]
3. Are you currently being held on orders by:  
☒ Federal authorities ☐ State authorities ☐ Other - explain:  
Department of Homeland Security (D.H.S.)
4. Are you currently:  
☐ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☒ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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☐ Pretrial detention

☒ Immigration detention

☐ Detainer

☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)

☐ Disciplinary proceedings

☐ Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

(b) Docket number, case number, or opinion number:

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

(d) Date of the decision or action:

#### Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No



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If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 6/26/2025

(b) Date of the removal or reinstatement order: n/a

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

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If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: FOURTH Amendment

(a) Supporting facts (Be brief. Do not cite cases or law.):

PETITIONER WAS ARRESTED BY ICE AGENTS WITHOUT ADMINISTRATIVE WARRANT.

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

GROUND TWO: FIFTH Amendment

Under the DUE PROCESS Clause of the Fifth Amendment an Alien is entitled to a timely and meaningful opportunity

(a) Supporting facts (Be brief. Do not cite cases or law.):

TO DEMONSTRATE THAT S/he SHOULD NOT BE DETAINED. PETITIONER HAS BEEN DENIED THAT OPPORTUNITY. ICE DOES NOT MAKE DECISION CONCERNING ALIEN CUSTODY STATUS IN NEUTRAL AND IMPARTIAL MANNER. THE FAILURE OF RESPONDENT TO PROVIDE A NEUTRAL DECISION MAKER TO REVIEW THE CONTINUED CUSTODY OF PETITIONER VIOLATES

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

RIGHTS TO PROCEDURAL DUE PROCESS.

GROUND THREE: SIXTH Amendment

DOUBLE JEOPARDY PROTECTS PEOPLE FROM BEING TRIED FOR THE SAME CRIME TWICE IN COURT OF LAW. THE CLAUSE IS FOUND IN THE FIFTH

(a) Supporting facts (Be brief. Do not cite cases or law.):

AMENDMENTS OF THE UNITED STATES CONSTITUTION, WHERE IT WAS INCLUDED TO PREVENT THE GOVERNMENT ERRONEOUSLY OR MALICIOUSLY CONVICTING INNOCENT PEOPLE AND TO PROTECT PEOPLE FROM THE CONSEQUENCE OF SUCCESSIVE PROSECUTIONS. THE 1969 CASE BENTON V MARYLAND SET A PRECEDENT STATING THAT DOUBLE JEOPARDY LAW EXTENDS TO BOTH STATE AND FEDERAL CASES PRIOR TO U.S. SUPREME COURT RULING

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

THE DOUBLE JEOPARDY CLAUSE OF THE CONSTITUTION ONLY PROTECTED DEFENDANT'S FACING FEDERAL CHARGES.



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GROUND FOUR: Not in Accordance with Law Agencies must follow their own Regulations

IT IS CONTRARY TO LAW FOR AN AGENCY TO DISREGARD ITS OWN REGULATIONS AND POLICIES. See Nat'l Ass'n of Home Builders v. Dep't of Housing & Urban Dev., 544 U.S. 1, 12 (2005).

(a) Supporting facts (Be brief. Do not cite cases or law.): 340 F.3d 835, 852 (9th Cir. 2003);

WALLACE VS CRISTENSEN 802 F.2d 1539 n.8 (9th Cir. 1986) (an agency is bound to its own regulations as soon as they remain in force). As a District of Columbia has explained: In a series of decisions, the Supreme Court has entertained challenges to agency actions that failed to conform to agency regulations. In SEC v. Chenery Corp., 318 U.S. 80, 87-88 (1943), the Court held that the agency is bound to the standards by which it professes its actions to be judged.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

~~14~~ If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

In ACCARDI, a case involving habeas challenge to the denial of the suspension of deportation, the Court objected to the agency's alleged failure to exercise its own discretion contrary to existing valid regulations

#### Request for Relief

15. State exactly what you want the court to do: PETITIONER PRAY FOR IMMEDIATE RELEASE FROM UNLAWFUL DETENTION.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

7/20/2025

Arsenio Gallali

Signature of Petitioner

n/a

Signature of Attorney or other authorized person, if any



LAST name

ARSALE:9

FIRST name

Adelanto ICE Processing Center - West  
10250 Rancho Road,  
Adelanto, California, 92301

A#

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