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**UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

Islam DZHATDOEV;

Petitioner,

v.

Kristi NOEM, Secretary, Department of  
Homeland Security; Pam BONDI, Attorney  
General; IMMIGRATION AND  
CUSTOMS ENFORCEMENT; and Todd  
LYONS, Acting Los Angeles Field Office  
Director, Immigration and Customs  
Enforcement.

Respondents.

Civil Case No.:

**PETITION FOR WRIT OF HABEAS  
CORPUS AND COMPLAINT FOR  
DECLARATORY AND  
INJUNCTIVE RELIEF**

## **INTRODUCTION**

1. Petitioner and his three-year-old daughter were detained at their home in Irvine, California on or around July 29, 2025. Immigration and Customs Enforcement (ICE) separated Petitioner from child and is currently detaining him in Santa Ana, California.

2. He was detained without reasonable suspicion, without an arrest warrant, and in violation of the immigration regulations and due process.

3. Petitioner faces transfer outside of this judicial district and away from his young child and legal representation. He also faces imminent removal from the United States.

4. Petitioner seeks an order from this Court that he be released from custody and reunited with his daughter, and, in the interim, an order from the Court that he not be removed from this judicial district or removed from the United States, pending disposition of his petition for writ of habeas corpus.

## **JURISDICTION AND VENUE**

5. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); United States Constitution Article I, Section 9 (Suspension Clause).

6. Venue properly lies within the Central District of California under 28 U.S.C. § 1391, because this is a civil action in which Respondents are agencies of the United States, Petitioner is detained in this district, and because a substantial part of the events or omissions giving rise to this action occurred in the District.

## **PARTIES**

7. Petitioner resides in Irvine, California and is currently detained by ICE in Santa Ana, California.

8. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”) and is sued in her official capacity. The Secretary of Homeland Security

1 is charged with the administration and enforcement of immigration laws. 8 U.S.C. §  
2 1103(a).

3 9. Respondent Pam Bondi is the Attorney General of the United States and is  
4 sued in her official capacity as the head of the Department of Justice. The Attorney General  
5 is responsible for the fair administration of the laws of the United States.

6 10. Respondent Immigration and Customs Enforcement is the agency responsible  
7 for the detention of noncitizens, and the transfer or removal of Petitioner outside of this  
8 judicial district.

9 11. Respondent Todd Lyons is the Acting Director of the Los Angeles Field  
10 Office of the Immigration and Customs Enforcement, Department of Homeland Security,  
11 and is sued in his official capacity. Respondent Lyons is responsible for the detention of  
12 noncitizens in the Los Angeles district and for any transfer or removal of Petitioner outside  
13 of this judicial district.

### 14 FACTS

15 12. Petitioner and his three-year-old daughter were detained by immigration  
16 enforcement officers in Irvine, California, on or around July 29, 2025 around 8:00pm.

17 13. He and his daughter were at home when they were detained. He was not  
18 presented with an arrest warrant.

19 14. Respondents did not make an individualized finding of flight risk.

20 15. Respondents did not inform Petitioner of the basis for his arrest.

21 16. Petitioner and his child were briefly brought to a detention facility in Los  
22 Angeles, then flown to Texas to be detained in a family detention facility. However,  
23 Petitioner was informed that the family detention facility was full, and he was flown back  
24 to California, where his daughter was abruptly taken away from him. He did not have a  
25 chance to inform the officers his daughter speaks only Russian. Petitioner is now detained  
26 in Santa Ana. He does not know the whereabouts of his daughter.

27 17. ICE informed Public Counsel that his attorney could not visit him in person,  
28 and permitted his attorney only a five minute phone call with him on August 2, 2025.

18. Petitioner is being processed for removal proceedings to be removed from the United States.

19. Petitioner and his child are in consolidated removal proceedings before the non-detained immigration court in Santa Ana, with an individual hearing date set for February 2026.

20. Petitioner has representation in his removal proceedings. His counsel is located in San Diego, California.

21. Petitioner's habeas counsel is located in Los Angeles, California.

22. Petitioner's home is in Irvine, California. His lifelong friend and friend's family are also in Irvine. He has a strong community of support in Southern California.

23. Petitioner has been a single parent to his child since around October 2024, when his wife was detained by ICE. His wife won her asylum claim and the Department of Homeland Security (DHS) appealed the decision.

24. Petitioner faces imminent transfer outside of this judicial district and removal from the United States.

## **CAUSES OF ACTION**

### **COUNT ONE**

#### ***Violation of 8 U.S.C. § 1357(a)(2):***

##### ***Warrantless Arrests Without Probable Cause of Flight Risk***

25. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

26. Respondents ICE arrested Petitioner without probable cause and without a warrant. Before the arrest, Respondents failed to make an individualized finding of flight risk. The failure to meet these requirements is a violation of 8 U.S.C. § 1357(a)(2).

### **COUNT TWO**

#### ***Violation of 8 C.F.R. § 287.8(c)(2)(ii):***

***Warrantless Arrests Without Probable Cause of Flight Risk***

27. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

28. Respondent ICE arrested Petitioner without a judicial warrant and without “reason to believe” that he was “likely to escape before a warrant can be obtained” in violation of 8 C.F.R. § 287.8(c)(2)(ii). The reason to believe standard meets the probable cause standard of the Fourth Amendment. *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

29. Arrest in violation of the regulation is unlawful. *See Sanchez v. Sessions*, 904 F.3d 643, 650 (9th Cir. 2018); *Perez Cruz v. Barr*, 926 F.3d 1128, 1137 (9th Cir. 2019).

**COUNT THREE**

***Fourth Amendment: Arrests Without Probable Cause***

30. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

31. The Fourth Amendment prohibits Respondents from arresting an individual for an immigration violation without probable cause.

32. Petitioner was complying with immigration court requirements, he did not present as a flight risk or a danger, and his arrest by Respondents was unreasonable and constitutes a violation of the Fourth Amendment.

**COUNT FOUR**

***(Violation of Due Process)***

33. Petitioner incorporates the allegations in the paragraphs above as though fully set forth here.

34. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from

1 government custody, detention, or other forms of physical restraint—lies at the heart of  
2 the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct.  
3 2491, 150 L.Ed.2d 653 (2001).

4 35. The government’s detention of Petitioner without notice and without a  
5 hearing violates his right to due process. He has attended all immigration court hearings,  
6 complied with court requirements, and demonstrated he is not a flight risk nor danger to  
7 the community.

8  
9 **COUNT FIVE**

10 ***Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)***

11 ***Arbitrary & Capricious***

12 ***Violation of Agency Directive 11005.4***

13 36. The allegations in the above paragraphs are realleged and incorporated  
14 herein.

15 37. Under the APA, a court shall “hold unlawful and set aside agency action”  
16 that is arbitrary and capricious. 5 U.S.C. § 706(2)(A).

17 38. An action is arbitrary and capricious if the agency “entirely failed to  
18 consider an important aspect of the problem, offered an explanation for its decision  
19 that runs counter to the evidence before the agency, or is so implausible that it could  
20 not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n*  
21 *of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor*  
22 *Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43  
23 (1983)).

24 39. To survive an APA challenge, the agency must articulate “a satisfactory  
25 explanation” for its action, “including a rational connection between the facts found  
26 and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019)  
27 (citation omitted).



40. By deciding to detain and transfer Petitioner, who is in active removal proceedings before the Santa Ana immigration court and in compliance with court requirements, Respondents act arbitrarily and capriciously in violation of the APA.

**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Declare that Petitioner is detained in violation of law;
- (3) Enjoin Respondents from transferring Petitioner outside of this judicial district during the pendency of removal proceedings;
- (4) Enjoin Respondents from removing Petitioner from the United States without the procedures for removal identified in the Immigration and Nationality Act;
- (5) Order the immediate release of Petitioner pending these proceedings;
- (6) Order the reunification of Petitioner with his young child;
- (7) Award costs and reasonable attorney fees incurred under this action under 28 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and
- (8) Grant any further relief that this Court may deem fit and proper.

Dated: August 2, 2025

Respectfully Submitted,

/s/ Jana Whalley

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