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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SAMIULLAH AHMADI,

Petitioner-Plaintiff,

v.

MOISES BECERRA, Acting Field Office Director of San Francisco Office of Detention and Removal, U.S. Immigrations and Customs Enforcement; U.S. Department of Homeland Security; Todd M. LYONS, Acting Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security; Kristi NOEM, in her Official Capacity, Secretary, U.S. Department of Homeland Security; Pam BONDI, in her Official Capacity, Attorney General of the United States; and Tonya ANDREWS, Facility Administrator at Golden State Annex, McFarland, California;

Respondents-Defendants.

Case No.: 1:25-at-709

Agency File No.: A[redacted]

**PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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

Petitioner SAMIULLAH AHMADI petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully, and states as follows:

## INTRODUCTION

1. Petitioner, Samiullah Amadi (Mr. Ahmadi) is a twenty-eight-year-old man detained at the Golden State Annex ICE Detention Center in McFarland, California. He submits this habeas petition under 28 U.S.C. § 2241 for a judicial check on Respondents' administrative decisions to detain him under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1), and then initiate expedited removal proceedings against him under 8 U.S.C. § 1225(b)(1)(A), INA § 235(b)(1)(A), despite lacking such authority because Mr. Ahmadi does not satisfy either threshold inadmissibility ground for expedited removal proceedings. And because the government purports to hold him under § 1225(b)(1), it has not provided him an individualized bond hearing to challenge his detention under 8 U.S.C. § 1226(a), INA § 236(a), contravening his rights under the Immigration and Nationality Act and the Fifth Amendment's Due Process Clause.

2. Mr. Ahmadi seeks declaratory and injunctive relief to compel his immediate release from the immigration jail where he has been held by the U.S. Department of Homeland Security (DHS) since being unlawfully re-detained

on June 18, 2025, without first being provided a due process hearing to determine whether his incarceration is justified.

3. Absent review in this Court, no other neutral adjudicator will examine Mr. Ahmadi's plight: Respondents will continue—unchecked—to detain him until they remove him to Afghanistan under authorities they do not have. He thus urges this Court to review the lawfulness of his detention and subjection to expedited removal; declare that his detention under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1), is unlawful; order either his immediate release or that Respondents provide him a bond hearing complying with the procedural requirements in *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); and, at a minimum, order the government to terminate expedited removal proceedings against him.

**CUSTODY**

4. Mr. Ahmadi is currently in Respondents' legal and physical custody. They are detaining him at. He is under Respondents' and their agents' direct control.

**PARTIES**

5. Petitioner Samiullah Ahmadi is a citizen of Afghanistan. He fled the country because he was in constant fear of his life from the Taliban, he has suffered past persecution, and fear future persecution there. He arrived in the United

States in September 2023 to seek asylum. Respondents have detained him since.

6. Mr. Ahmadi is currently in Respondents' legal and physical custody at the Golden State Annex ICE Detention Center in McFarland, California. The GEO Group Inc., a Florida corporation, operates that facility.

7. Respondent Moises BECERRA is the Acting Field Office Director of ICE, in San Francisco, California and is named in his official capacity. ICE is the component of the DHS that is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. In his official capacity, he is the legal custodian of Petitioner.

8. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is responsible for the administration and enforcement of the immigration laws, including the removal of noncitizens. In his official capacity as head of ICE,

9. he is the legal custodian of Petitioner.

10. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official capacity. DHS is the federal agency encompassing ICE, which is responsible for the administration and enforcement of the INA and all other laws relating to the immigration of noncitizens. In her capacity as Secretary, Respondent Noem has responsibility for the administration and enforcement of the immigration and naturalization laws pursuant to section 402 of the

Homeland Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a). Respondent Noem is the ultimate legal custodian of Petitioner.

11. Respondent Pam BONDI is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She has the authority to interpret the immigration laws and adjudicate removal cases. The Attorney General delegates this responsibility to the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA.

12. Respondent Tonya ANDREWS is the Facility Administrator of Golden State Annex where Petitioner is being held. Respondent Andrews oversees the day-to-day operations of Golden State Annex and acts at the Direction of Respondents Vitello, Noem, and Becerra. She is a custodian of Petitioner and is named in her official capacity.

## JURISDICTION AND VENUE

13. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Mr. Ahmadi's detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

14. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United States Constitution; and 28 U.S.C. § 1331, as Mr. Ahmadi is presently in

Respondents' custody under the United States' color of authority, and such custody violates the United States' Constitution, laws, or treaties. Its jurisdiction is not limited by a petitioner's nationality, status as an immigrant, or any other classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), 2241 (habeas corpus).

15. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Mr. Ahmadi's detention and his challenge to his placement in expedited removal proceedings. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held "in custody in violation of the Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions. Unlike challenges to the outcome of completed expedited removal proceedings, Mr. Ahmadi's claim that he was improperly subjected to expedited removal in the first instance falls within the narrow statutory exception permitting review of whether the noncitizen is eligible for such review. *See* 8 U.S.C. § 1252(e)(2), INA § 242(e)(2). Because Mr. Ahmadi seeks the traditional habeas remedy of release from allegedly unlawful detention rather than additional administrative review of his

underlying claims, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020) (citing *Singh*, 638 F.3d at 1211-12)). And no court has ruled on the legality of Mr. Ahmadi's detention.

16. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a substantial part of the events or omissions giving rise to this claim have happened here, Mr. Ahmadi is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Mr. Ahmadi's immediate custodian resides in this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J., concurring).

## STATEMENT OF FACTS

17. Mr. Ahmadi is a twenty-eight-year-old citizen of Afghanistan.

18. Mr. Ahmadi was born in Pakistan after his family fled from Afghanistan due to the Soviet invasion of Afghanistan in the late 1980s and the subsequent civil wars.

19. Mr. Ahmadi received his education in Pakistan and visited Afghanistan to see his extended family.

20. In 2015, Mr. Ahmadi finished his formal education in Pakistan and graduated from high school. He went to Afghanistan and began working with

ACCL International, a company which provided logistical support to the U.S. military and contractors.

21. Within the first week of employment, in August 2015, his car was stopped by Taliban members on his way to Bagram air base to offer logistical support. The Taliban had set up a checkpoint and told Mr. Ahmadi and his three colleagues to stop the vehicle.

22. Mr. Ahmadi and his colleagues hid their identification cards and did not mention their work because they knew if the Taliban discovered that they were working with the U.S. military that they would be killed immediately. Fortunately, they were able to get away with a cover story, saying they were going to visit a friend in Parwan, which was on the way to Bagram airbase.

23. In November 2015, Mr. Ahmadi's colleague, Hashmatullah was kidnapped by the Taliban while on a work mission in Wardak province. They tortured and interrogated him but he was released within the week and survived. The Taliban told Hashmatullah that if he continued to work with the Americans, they would kill him.

24. In September 2016, while traveling to Logar from Kabul to visit family for Eid Al Adha, Mr. Ahmadi took public transportation with four other individuals. When they entered Logar, a group of armed individuals stopped

the car and told everyone to get out and show their identification. They saw Mr. Ahmadi's work identification and kidnapped him.

25. They took Mr. Ahmadi to an empty room in a secluded location with eight to nine other men who also had been kidnapped in the room. They interrogated him and explained to him that he had been kidnapped by the Taliban and that they were all prisoners.

26. Other Taliban members entered the room and interrogated Mr. Ahmadi, accusing him of being their enemy for working with the U.S. military. They physically beat him and said if he did not stop working with these companies, they would murder him. They also told Mr. Ahmadi that they were aware that his brothers also worked for ACCL and how they had targeted his brothers in the past to kidnap and attempt to murder them. The Taliban members threatened to punish and kill Mr. Ahmadi if he continued to work for the company or any company that worked with the Americans. The following morning, the Taliban blindfolded Mr. Ahmadi, transported him and dumped him in the desert. Following this incident, Mr. Ahmadi has been in constant fear of his life and believed he would not survive if he was kidnapped again.

27. Then later in January 2017, Mr. Ahmadi was attacked and tortured again by the Taliban, and the threats, and in June 2021, the Taliban violently assaulted him again along with his three other colleagues at the EQUIP office

in Baraki Barak districting, detaining and torturing them for two days before they managed to escape amid escalating chaos. During the course of these attacks, Mr. Ahmadi sustained physical and psychological injuries that continue unhealed until today. He continues to feel the effects of his physical injuries. In addition, he was in the process of scheduling an appointment with a psychologist immediately prior to his re-detention.

28. Mr. Ahmadi arrived in the United States on September 24, 2023 and entered without inspection and without valid entry documents or a visa. Upon arrival, he was apprehended, reported to immigration officials that he left Afghanistan due his fear of persecution or torture if he remained there. After a brief detention, he was not referred to a credible fear interview, issued a Notice to Appear (NTA) ordering him to appear before the San Francisco Immigration Court, and since he was determined to present neither a flight risk nor a danger to the community, he was released on his own recognizance with ICE check-in requirements. The NTA stated that he was an "alien present in the United States who has not been admitted or paroled" under Section 212(a)(6)(A)(i). However, despite being issued an NTA and a future hearing date, the NTA was not filed with the Immigration Court and the hearing never took place.

29. Accordingly, since the Immigration Court did not have jurisdiction over Mr. Ahmadi due to the government's failure to file the NTA, on September 16, 2024, Mr. Ahmadi filed his asylum application with the United States Citizenship and Immigration Services (USCIS), meeting the one-year filing deadline. A receipt notice was issued, and USCIS reused the biometrics collected during Mr. Ahmadi TPS application which he had also filed. In February 2025, Mr. Ahmadi filed his Form I-765, Application for Employment Authorization Document, which was issued to him in March 2025, and he was simply waiting for his asylum interview with USCIS as the next step in his application process.

30. On June 2, 2025, Mr. Ahmadi attended his prescheduled ICE appointment where ICE took his passport and provided him with a copy. ICE also installed a phone app called BI Smart Link and scheduled follow-up appointments for June 16 and June 18, 2025. Mr. Ahmadi was instructed to take a selfie every Monday, which he complied with.

31. On June 18, 2025, Mr. Ahmadi attended his scheduled follow-up ICE appointment in San Francisco. At that appointment, he was detained and transferred to the Golden State Annex Detention Facility.

32. To date, Mr. Ahmadi had been maintaining residence at the address provided to ICE and USCIS, consistently complied with all scheduled

appointments, and to date, he had been regularly and timely checking into his ISAP appointments, and had been supporting himself by working as an Uber Driver. He has no criminal record and there has been no other changed circumstances from the time that he was initially apprehended and released. In fact, he has extended family members in the United States, including his siblings, and has expanded his community ties in the United States during this time.

33. Mr. Ahmad was re-detained without any notice, a hearing, or an on-the-record determination. Neither Mr. Ahmadi nor his counsel were contacted or provided with any reason for his detention until June 18, 2025. Nor did the government file any motion for redetermination of custody, or any other motion or notice with the Court.

34. Therefore, on July 25, 2025, Petitioner, through his counsel of record moved the Adelanto Immigration Court for a custody redetermination order pursuant to 8 C.F.R §236.1(d)(1) and 1003.19(c)(1), and Chapter 9.1(d)(ii) of the Immigration Court Practice Manual. The Immigration Judge denied the motion based on a claimed lack of jurisdiction, stating in its order, "The Court lacks jurisdiction over Respondent's request for custody redetermination. See Matter of Q. Li.".

35. By statute and regulation, as interpreted by the Board of Immigration Appeals (BIA), ICE has the authority to re-arrest a noncitizen and revoke their bond, only where there has been a change in circumstances since the individual's release. 8 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9); *Matter of Sugay*, 17 I&N Dec. 647, 640 (BIA 1981). The government has further clarified in litigation that any change in circumstances must be "material." *Saravia v. Barr*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (emphasis added). That authority, however, is proscribed by the Due Process Clause because it is well-established that individuals released from incarceration have a liberty interest in their freedom. In turn, to protect that interest, on the particular facts of Petitioner's case, due process requires notice and a hearing, *prior to any revocation of his conditional release on bond*, at which he was afforded the opportunity to advance his arguments as to why his bond should not be revoked.

36. That basic principle—that individuals placed at liberty are entitled to process before the government imprisons them—has particular force here, where Petitioner's detention was *already* found to be unnecessary to serve its purpose. An Immigration Judge previously found that he need not be incarcerated to prevent flight or to protect the community. DHS was required

to afford Petitioner the opportunity to advance arguments in favor of his freedom before it robbed him of his liberty. Under federal law and ICE policy, DHS would have nevertheless found it impossible to re-arrest him following a pre-deprivation due process hearing because he is neither a flight risk nor a danger to the community. He must therefore be released from custody unless and until DHS proves to a neutral decisionmaker, by clear and convincing evidence, that he is a flight risk or a danger to the community. During any custody redetermination hearing that occurs, the neutral adjudicator must further consider whether, in lieu of incarceration, alternatives to detention exist to mitigate any risk that DHS may establish.

**REQUIREMENTS OF 28 U.S.C. § 2243**

37. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within *three days* unless for good cause additional time, *not exceeding twenty days*, is allowed." *Id.* (emphasis added).

38. 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).

39. Habeas corpus must remain a swift remedy. Importantly, "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). The Ninth Circuit warned against any action creating the perception "that courts are more concerned with efficient trial management than with the vindication of constitutional rights." *Id.*

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

40. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez*, 872 F.3d at 988. A court may waive the prudential exhaustion requirement if "administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Id.* (*quoting Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)). Petitioner asserts that exhaustion should be waived because administrative remedies are (1) futile and (2) his continued detention results in irreparable harm. Nevertheless, Mr.

Ahmadi has exhausted all administrative remedies, and no further ones are available.

41. No statutory exhaustion requirements apply to Petitioner's claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. *See Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a "futile exercise because the agency does not have jurisdiction to review" constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

42. More importantly, every day that Petitioner remains detained causes him harm that cannot be repaired. His continued detention puts his physical and mental health at greater risk, further warranting a finding of irreparable harm and the waiver of the prudential exhaustion requirement. The Court must consider this in its irreparable harm analysis of the effects on Petitioner as his detention continues. *See De Paz Sales v. Barr*, No. 19-CV-07221-KAW, 2020 WL 353465, at *4 (N.D. Cal. Jan. 21, 2020) (noting that the petitioner "continues to suffer significant psychological effects from his detention, including anxiety caused by the threats of other inmates and two suicide attempts," in finding that petitioner would suffer irreparable harm warranting waiver of exhaustion requirement).

## LEGAL FRAMEWORK

43. Respondents have purported to hold Mr. Ahmadi under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1), since June 18, 2025, despite lacking authority to hold him under § 1225(b)(1), and without giving him an individualized bail hearing before a neutral adjudicator under § 1226(a). That violates Mr. Ahmadi's rights under the INA and the Fifth Amendment's Due Process Clause.

44. On September 24, 2024, CBP officers apprehended Mr. Ahmadi near Otay Mesa, California, after he had already affected an entry into the United States. He then claimed a fear of persecution rather than apply for admission, and the CBP officers placed him in removal proceedings under 8 U.S.C. § 1229(a), INA § 240. Nearly two years later, in June 2025, ICE officers arrested and detained Mr. Ahmadi under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1); issued him Form I-860, Notice and Order of Expedited Removal; and then caused the San Francisco Asylum Office to dismiss Mr. Ahmadi's pending affirmative asylum application, asserting he was amenable to expedited removal.

**Expedited Removal Proceedings**

45. Mr. Ahmadi also lacks the threshold of inadmissibility necessary for expedited removal. Expedited removal is available only for those who are inadmissible under 8 U.S.C. §§ 1182(a)(6)(C) or (a)(7), INA §§ 212(a)(6)(C), (a)(7). *See* 8 U.S.C. § 1225(b)(1)(A)(i), INA § 235(b)(1)(A)(i).

46. The government nowhere claims that § 1182(a)(6)(C) applies to Mr. Ahmadi and although he may be an "applicant for admission" under 8 U.S.C. § 1225(a)(1), INA § 235(a)(1), he at no time made the predicate "application for admission" for § 1182(a)(7)(A)(i) to apply to her. *See Matter of Y-N-P-*, 26 I. & N. Dec. 10, 13 (BIA 2012) ("[B]eing an 'applicant for admission' under section 235(a)(1) is distinguishable from 'applying . . . for admission to the United States.'" (quoting *Poveda v. United States AG*, 692 F.3d 1168 (11th Cir. 2012))).

47. Indeed, under the Ninth Circuit's en banc holding in *Torres v. Barr*, 976 F.3d 918 (9th Cir. 2020) (en banc), § 1182(a)(7)(A)(i), which applies "at the time of application for admission"—in contrast to 8 U.S.C. § 1182(a)(6)(A)(i), INA § 212(a)(6)(A)(i) (applying to those "present in the United States without being admitted or paroled")—cannot apply to Mr. Ahmadi because it applies only at "the time when a noncitizen seeks permission to physically enter United States territory." *Id.* at 924. And when Mr. Ahmadi encountered the CBP officers, he had already affected an entry by crossing into the territorial limits of the United States, while actually and intentionally evading inspection at the nearest inspection point and free from restraint. *See, e.g., Matter of Pierre*, 14 I. & N. Dec. 467, 468 (BIA 1973) (describing the traditional entry test).

48. Nor does *United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024), permit applying § 1182(a)(7)(A)(i) here. Mr. Ahmadi's request for asylum did not constitute an application for admission. *See, e.g., Matter of V-X-*, 26 I&N Dec. 147, 152 (BIA 2013) (holding asylum is not an admission); *id.* at 151 n.3 ("8 CFR § 1208.14(c) contemplates that an inspection for inadmissibility will occur only "[i]f the asylum officer does not grant asylum.").

49. Further, ICE itself elsewhere asserts that 8 U.S.C. § 1226(a), INA 236(a)—and not 8 U.S.C. § 1225(b), INA § 235(b)—governs the arrest and detention of noncitizens who entered without inspection and are later apprehended in the interior. In documenting the arrest of such noncitizens, ICE typically records that the person was arrested and detained under § 1226(a) (unless the person has committed an offense subjecting them to § 1226(c) detention).

50. And for its part, the BIA just recently published a precedent decision stating its new view that 8 U.S.C. § 1225(b)(2)(A), INA § 1225(b)(2)(A)—and not 8 U.S.C. § 1225(b)(1), INA § 1225(b)(1)—governs the detention of those whom, like Mr. Ahmadi, the government encounters shortly after they enter the United States and places in removal proceedings under 8 U.S.C. § 1229a, INA § 240, and that such statute controls "until certain proceedings have concluded." *See Matter of Q. LI*, 29 I. & N. Dec. 66, 69 (BIA 2025) (quoting

*Jennings v. Rodriguez*, 583 U.S. 281, 298 (2018)). Thus, even under the BIA's new reading of the statute, contrary to the government's contentions to an IJ, Mr. Ahmadi cannot lawfully be detained under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1).

51. Consequently, this Court should determine that Mr. Ahmadi's detention under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1), is unlawful, and order either his immediate release or that Respondents provide Mr. Ahmadi a bond hearing complying with the procedural requirements in *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011. And if this Court determines, consistent with the BIA's recent holding in *Matter of Q. LI*, that 8 U.S.C. § 1225(b)(2)(A), INA § 1225(b)(2)(A), authorizes her detention, it should still order the government to cease processing Mr. Ahmadi under the expedited removal authority, as that statute governs detention only for those in removal proceedings.

**Right to a Hearing Prior to Re-incarceration**

52. In Petitioner's particular circumstances, the Due Process Clause of the Constitution makes it unlawful for Respondents to re-arrest him without first providing a pre-deprivation hearing before the IJ to determine whether circumstances have materially changed since his release on an immigration judge bond in on April 22, 2020, such that detention would now be warranted.

53. The statute and regulations grant ICE the ability to unilaterally revoke any noncitizen's immigration bond and re-arrest the noncitizen at any time. 8

U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9). Notwithstanding the breadth of the statutory language granting ICE the power to revoke an immigration bond "at any time," 8 U.S.C. 1226(b), in *Matter of Sugay*, 17 I&N Dec. at 640, the BIA recognized an implicit limitation on ICE's authority to re-arrest noncitizens. There, the BIA held that "where a previous bond determination has been made by an immigration judge, no change should be made by [the DHS] absent a change of circumstance." *Id.* In practice, DHS "requires a showing of changed circumstances both where the prior bond determination was made by an immigration judge *and* where the previous release decision was made by a DHS officer." *Saravia*, 280 F. Supp. 3d at 1197 (emphasis added). The Ninth Circuit has also assumed that, under *Matter of Sugay*, ICE has no authority to re-detain an individual absent changed circumstances. *Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th Cir. 2021) ("Thus, absent changed circumstances ... ICE cannot re-detain Panosyan.").

54. ICE has further limited its authority as described in *Sugay*, and "generally only re-arrests [noncitizens] pursuant to § 1226(b) after a *material* change in circumstances." *Saravia*, 280 F. Supp. 3d at 1197, *aff'd sub nom. Saravia for A.H.*, 905 F.3d 1137 (quoting Defs.' Second Supp. Br. at 1, Dkt. No. 90) (emphasis added). Thus, under BIA case law and ICE practice, ICE may re-arrest a noncitizen who had been previously released on bond only after a

material change in circumstances. *See Saravia*, 280 F. Supp. 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

55. ICE's power to re-arrest a noncitizen who is at liberty following a release on bond or conditional parole is also constrained by the demands of due process. *See Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017) ("the government's discretion to incarcerate non-citizens is always constrained by the requirements of due process"). In this case, the guidance provided by *Matter of Sugay*—that ICE should not re-arrest a noncitizen absent changed circumstances—is insufficient to protect Petitioner's weighty interest in his freedom from detention.

56. Courts in this circuit have routinely held that noncitizens on bond have a "protected liberty interest in remaining out of custody" and the demands of due process and the limitations on DHS's authority to revoke a noncitizen's bond or parole set out in DHS's stated practice and *Matter of Sugay* both require a pre-deprivation hearing for a noncitizen on bond, like Petitioner, *before* ICE re-detains him. *See, e.g., Meza v. Bonnar*, 2018 WL 2554572 (N.D. Cal. June 4, 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. 2019); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *2 (N.D. Cal. Mar. 1, 2021), *Victor Amado Rodriguez-Flores v. F.*

*Semaia et al;, CV 25-6900 JGB (JCx)* (C.D. Cal. August 14, 2025); *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025) (collecting cases); *Doe v. Becerra*, 2:25-cv-00647, (E.D. Cal. March 2025); *Maklad v. Murray et al*, No. 1:2025-cv-00946 - (E.D. Cal. August 8, 2025)

**Petitioner's Protected Liberty Interest in His Conditional Release**

57. Petitioner's liberty from immigration custody is protected by the Due Process Clause: "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).

58. For almost two years preceding his re-detention on June 18, 2025, Petitioner exercised that freedom under an immigration officer's order of release on his own recognizance "In accordance with Section 236 of the Immigration and Nationality Act...." conditioned on his compliance with ICE reporting and other requirements. Although he was released with conditions (and thus under government custody), he retained a weighty liberty interest under the Due Process Clause of the Fifth Amendment in avoiding re-incarceration. *See Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972).

59. In *Morrissey*, the Supreme Court examined the "nature of the interest" that a parolee has in "his continued liberty." 408 U.S. at 481-82. The Court noted that, "subject to the conditions of his parole, [a parolee] can be gainfully employed and is free to be with family and friends and to form the other enduring attachments of normal life." *Id.* at 482. The Court further noted that "the parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Id.* The Court explained 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." *Id.* In turn, "[b]y whatever name, the liberty is valuable and must be seen within the protection of the [Fifth] Amendment." *Morrissey*, 408 U.S. at 482.

60. This basic principle—that individuals have a liberty interest in their conditional release—has been reinforced by both the Supreme Court and the circuit courts on numerous occasions. *See, e.g., Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-parole program created to reduce prison overcrowding have a protected liberty interest requiring pre-deprivation process); *Gagnon v. Scarpelli*, 411 U.S. at 781-82 (holding that individuals released on felony probation have a protected liberty interest requiring pre-deprivation process). 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, e.g., Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) ("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).

61. In fact, it is well-established that an individual maintains a protectable liberty interest even where the individual obtains liberty through a mistake of law or fact. *See id.*; *Gonzalez-Fuentes*, 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) (noting that due process considerations support the notion that an inmate released on parole by mistake, because he was serving a sentence that did not carry a possibility of parole, could not be re-incarcerated because the mistaken release was not his fault, and he had appropriately adjusted to society, so it "would be inconsistent with fundamental principles of liberty and justice" to return him to prison) (internal quotation marks and citation omitted).

62. Here, when this Court "'compar[es] the specific conditional release in [Petitioner's case], with the liberty interest in parole as characterized by *Morrissey*,'" it is clear that they are strikingly similar. *See Gonzalez-Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, Petitioner's release "enables him to do a wide range of things open to persons'" who have never been in custody or convicted of any crime, including to live at home, work, advocate for his community, and "be with family and friends and to form the other enduring attachments of normal life." *Morrissey*, 408 U.S. at 482.

63. Since his release in September 2023, Petitioner has been focused on recovering from the effects of the persecution and torture he experienced in Afghanistan and addressing the lasting mental and physical scars of that trauma. Mr. Ahmadi repeatedly sustained physical and psychological injuries at the hands of the Taliban that continue unhealed until today. He continues to feel the effects of his physical injuries. In addition, he was in the process of scheduling an appointment with a psychologist immediately prior to his re-detention.

**Petitioner's Liberty Interest Mandated a Hearing Before any Re-Arrest and Revocation of Bond**

64. Petitioner asserts that, here, (1) where his detention is civil, (2) where he has diligently complied with ICE's reporting requirements on a regular basis, (3) where he has a substantial application for protection or relief

pending, (4) where ICE is unable to show any changed circumstances, and (5) where ICE officers claim that circumstances had not changed and they were taking the action because of the new administration, due process mandates that he was required to receive notice and a hearing before a neutral adjudicator prior to any re-arrest or revocation of a bond.

65. "Adequate, or due, process depends upon the nature of the interest affected. The more important the interest and the greater the effect of its impairment, the greater the procedural safeguards the [government] must provide to satisfy due process." *Haygood v. Younger*, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must "balance [Petitioner's] liberty interest against the [government's] interest in the efficient administration of" its immigration laws in order to determine what process he is owed to ensure that ICE does not unconstitutionally deprive him of his liberty. *Id.* at 1357. Under the test set forth in *Mathews v. Eldridge*, this Court must consider three factors in conducting its balancing test: "first, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probative value, if any, of additional or substitute procedural safeguards; and finally the government's interest, including the function involved and the fiscal and administrative

burdens that the additional or substitute procedural requirements would entail." *Haygood*, 769 F.2d at 1357 (*citing Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)).

66. The Supreme Court "usually has held that the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original). Only in a "special case" where post-deprivation remedies are "the only remedies the State could be expected to provide" can post-deprivation process satisfy the requirements of due process. *Zinermon*, 494 U.S. at 985. Moreover, only where "one of the variables in the *Mathews* equation—the value of post deprivation safeguards—is negligible in preventing the kind of deprivation at issue" such that "the State cannot be required constitutionally to do the impossible by providing post deprivation process," can the government avoid providing pre-deprivation process. *Id.*

67. Because, in this case, the provision of a pre-deprivation hearing was both possible and valuable to preventing an erroneous deprivation of liberty, ICE was required to provide Petitioner with notice and a hearing *prior* to any re-incarceration and revocation of his conditional parole. *See Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones*, 393 F.3d at 932; *Zinermon*, 494 U.S. at 985; *see also Youngberg v. Romeo*, 457 U.S. 307, 321-24

(1982); *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) (holding that individuals awaiting involuntary civil commitment proceedings may not constitutionally be held in jail pending the determination as to whether they can ultimately be recommitted). Under *Mathews*, "the balance weighs heavily in favor of [Petitioner's] liberty" and required a pre-deprivation hearing before a neutral adjudicator, which ICE failed to provide.

**Petitioner's Private Interest in His Liberty is Profound**

68. Under *Morrissey* and its progeny, individuals conditionally released from serving a criminal sentence have a liberty interest that is "valuable." *Morrissey*, 408 U.S. at 482. In addition, the principles espoused in *Hurd* and *Johnson*—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—apply with even greater force to individuals like Petitioner, who have been released pending civil removal proceedings, rather than parolees or probationers who are subject to incarceration as part of a sentence for a criminal conviction. Parolees and probationers have a diminished liberty interest given their underlying convictions. *See, e.g., U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987). Nonetheless, even in the criminal parolee context, the courts have held that the parolee cannot be re-arrested without a due process hearing in which they can raise any claims

they may have regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes,* 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, Petitioner retains a truly weighty liberty interest even though he was under conditional release prior to his re-arrest.

69. What is at stake in this case for Petitioner is one of the most profound individual interests recognized by our legal system: whether ICE may unilaterally nullify a prior conditional parole decision and be able to take away his physical freedom, i.e., his "constitutionally protected interest in avoiding physical restraint." *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) (internal quotation omitted). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause." *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). *See also Zadvydas*, 533 U.S. at 690 ("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."); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

70. Thus, it is clear that there is a profound private interest at stake in this case, which must be weighed heavily when determining what process he is owed under the Constitution. *See Mathews*, 424 U.S. at 334-35.

**The Government's Interest in Keeping Petitioner in Detention Without a Hearing is Low and the Burden on the Government to Release Him from Custody Unless and Until He is Provided a Hearing is Minimal**

71. The government's interest in keeping Petitioner in detention without a due process hearing is low, and when weighed against Petitioner's significant private interest in his liberty, the scale tips sharply in favor of releasing Petitioner from custody unless and until the government demonstrates by clear and convincing evidence that he is a flight risk or danger to the community. It becomes abundantly clear that the *Mathews* test favors Petitioner when the Court considers that the process Petitioner seeks—release from custody pending notice and a hearing regarding whether his conditional parole should be revoked and, if so, whether a bond amount should be set—is a standard course of action for the government. In the alternative, providing Petitioner with a hearing before this Court (or a neutral decisionmaker) to determine whether there is clear and convincing evidence that Petitioner is a flight risk or danger to the community would impose only a *de minimis* burden on the government, because the government routinely provides this sort of hearing to detained individuals like Petitioner.

72. As immigration detention is civil, it can have no punitive purpose. The government's only interests in holding an individual in immigration detention can be to prevent danger to the community or to ensure a noncitizen's

appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690. In this case, the government cannot plausibly assert that it had a sudden interest in detaining Petitioner in June 2025 due to any alleged dangerousness or any flight risk concerns.

73. Petitioner was determined by an immigration officer not to be a danger to the community in September 2023 and has done nothing to undermine that determination. In fact, he has continued to appear before ICE for each and every appointment that has been scheduled. *See Morrissey*, 408 U.S. at 482 ("'It is not sophistic to attach greater importance to a person's justifiable reliance in maintaining his conditional freedom so long as he abides by the conditions on his release, than to his mere anticipation or hope of freedom'") (quoting *United States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079, 1086 (2d Cir. 1971).

74. As to flight risk, the immigration officer already determined that release on no bond amount and frequent check-ins were sufficient to guard against any possible flight risk, to "assure [his] presence at the moment of removal." *Zadvydas*, 533 U.S. at 699. Furthermore, Petitioner, who has two of his siblings in the United States, active in his Afghan community as well as his mosque, and has a meritorious claim for protection based on persecution and torture he experienced in Afghanistan and eagerly awaits a prompt decision on his

asylum application. It is difficult to see how the government's interest in ensuring his presence at the moment of removal has materially changed since he was released in September 2023. Petitioner (1) was already deemed to not be a flight risk or a danger to the community and thus released without any bond amount, and (2) attended regular check-ins with ICE, *see id.* Petitioner's post-release conduct in the form of full compliance with his check-in requirements further confirms that he is not a flight risk and that he is likely to present himself at any future hearings or ICE appearances. The government's interest in detaining Petitioner at this time is therefore low. That ICE has a new policy to make a minimum number of arrests each day under the new administration does not constitute a material change in circumstances or increase the government's interest in detaining him.[1]

75. Moreover, the "fiscal and administrative burdens" that release from custody unless and until a pre-deprivation bond hearing is provided would impose are nonexistent in this case. *See Mathews*, 424 U.S. at 334-35. Petitioner does not seek a unique or expensive form of process, but rather his release from custody until a routine hearing regarding whether his bond should be revoked and whether he should be re-incarcerated takes place.

[1] *See* "Trump officials issue quotas to ICE officers to ramp up arrests," *Washington Post* (January 26, 2025), available at: https://www.washingtonpost.com/immigration/2025/01/26/ice-arrests-raids-trump-quota/.

76. In the alternative, providing Petitioner with an immediate hearing before this Court (or a neutral decisionmaker) regarding bond is a similarly routine procedure that the government provides to those in immigration jails on a daily basis. At that hearing, the Court would have the opportunity to determine whether circumstances have changed such that Petitioner is more of a danger to the community or flight risk. But there was no justifiable reason to re-incarcerate Petitioner and ship him to Golden State Annex Detention Facility prior to such a hearing taking place. As the Supreme Court noted in *Morrissey*, even where the State has an "overwhelming interest in being able to return [a parolee] to imprisonment without the burden of a new adversary criminal trial if in fact he has failed to abide by the conditions of his parole . . . the State has no interest in revoking parole without some informal procedural guarantees." 408 U.S. at 483.

77. Release from custody until ICE (1) moves for a bond re-determination before an Immigration Judge and (2) demonstrates by clear and convincing evidence that Petitioner is a flight risk or danger to the community is far *less* costly and burdensome for the government than keeping him detained. As the Ninth Circuit noted in 2017, which remains true today, "[t]he costs to the public of immigration detention are 'staggering': $158 each day per detainee, amounting to a total daily cost of $6.5 million." *Hernandez*, 872 F.3d at 996. If,

in the alternative, the Court chooses to order a hearing for Petitioner at which the government bears the burden of justifying his continued detention, the government would bear no additional cost if the hearing is scheduled within seven days, rather than allowing Petitioner to sit in detention for days or weeks awaiting a hearing. This is particularly true where, as here, DHS has been in possession of the only information it has relied on to justify a dangerousness determination for months on end without taking any action.

**Without Release from Custody until the Government Provides a Due Process Hearing, the Risk of an Erroneous Deprivation of Liberty is High, and Process in the Form of a Constitutionally Compliant Hearing Where ICE Carries the Burden Would Decrease That Risk**

78. Releasing Petitioner from custody until he is provided a pre-deprivation hearing would decrease the risk of him being erroneously deprived of his liberty. Before Petitioner can be lawfully detained, he must be provided with a hearing before a neutral adjudicator at which the government is held to show that there has been sufficiently changed circumstances such that the April 22, 2020 immigration judge bond determination should be altered or revoked because clear and convincing evidence exists to establish that Petitioner is a danger to the community or a flight risk.

79. Under the process that ICE maintains is lawful—which affords Petitioner no process whatsoever—ICE can simply re-detain him at any point if the agency desires to do so, as ICE did on June 18, 2025. Petitioner has

already been erroneously deprived of his liberty, and the risk he will continue to be deprived is high if ICE is permitted to keep him detention after making a unilateral decision to re-detain him. Pursuant to 8 C.F.R. § 236.1(c)(9), an arrest of Petitioner automatically revokes his bond. Thus, the regulations permit ICE to unilaterally nullify a bond order without oversight of any kind. After re-arrest, ICE makes its own, one-sided custody determination and can decide whether the agency wants to hold Petitioner without a bond or grant him a new bond. 8 C.F.R. § 236.1(c)(9). In this instance, the immigration judge has declined to assume jurisdiction over bond for Petitioner and he was not granted a bond by the Immigration Court. ICE's new custody determination will be subject to review by the IJ. 8 U.S.C. § 1226(a). Therefore, the actual *revocation* of Petitioner's bond evades any review by the IJ or any other neutral arbiter.

80. By contrast, the procedure Petitioner seeks—release from custody and reinstatement of his prior bond until he is provided a hearing in front of a neutral adjudicator at which the government proves by clear and convincing evidence that circumstances have changed to justify his detention—is much more likely to produce accurate determinations regarding factual disputes, such as whether a certain occurrence constitutes a "changed circumstance." *See Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir.1989) (when

"delicate judgments depending on credibility of witnesses and assessment of conditions not subject to measurement" are at issue, the "risk of error is considerable when just determinations are made after hearing only one side"). "A neutral judge is one of the most basic due process protections." *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has noted that the risk of an erroneous deprivation of liberty under *Mathews* can be decreased where a neutral decisionmaker, rather than ICE alone, makes custody determinations.

*Diouf v. Napolitano* ("*Diouf II*"), 634 F.3d 1081, 1091-92 (9th Cir. 2011).

81. Due process also requires consideration of alternatives to detention at any custody redetermination hearing that may occur. 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 alternatives to detention that could mitigate risk of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly, alternatives to detention must be considered in determining whether Petitioner's re-incarceration is warranted.

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**FIRST CAUSE OF ACTION**
**Statutory Violation**

82. Mr. Ahmadi re-alleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1-81 above.

83. Respondents lack statutory authority to detain Mr. Ahmadi under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1), because that statute requires that the individual be an "arriving alien" (8 U.S.C. § 1225(b)(1)(A)(i), INA § 235(b)(1)(A)(i)) or fall within specific designations (8 U.S.C. § 1225(b)(1)(A)(iii), INA § 235(b)(1)(A)(iii)), and be inadmissible under 8 U.S.C. §§ 1182(a)(6)(C) or 1182(a)(7), INA §§ 212(a)(6)(C), (a)(7).

84. As Mr. Ahmadi does not meet these criteria, his detention must be governed by 8 U.S.C. § 1226(a), INA § 236(a), which provides discretionary detention authority and requires ICE to make an individualized custody determination.

85. Under § 1226(a), individuals may be detained as a matter of discretion, released on their own recognizance, or released on bond of at least $1,500.

86. Respondents' failure to apply the correct statutory framework violates the INA and exceeds the government's detention authority.

87. Thus, Mr. Ahmadi respectfully requests that this Court order his release from detention under 8 U.S.C. § 1226(a), INA § 236(a), for the duration of his

removal proceedings under 8 U.S.C. § 1229a, INA § 240. Alternatively, he requests that this Court order a constitutionally adequate bond hearing complying with the procedural requirements in *Singh*. And at a minimum, Mr. Ahmadi requests that this Court order the government to terminate expedited removal proceedings under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1).

**SECOND CAUSE OF ACTION**
**Due Process**
**U.S. Const. amend. V**

88. Mr. Ahmadi re-alleges and incorporates by reference, as if fully set forth herein, the allegations in paragraphs 1-87 above.

89. Mr. Ahmadi's continued detention without any bond hearing violates his right to due process under the Fifth Amendment.

90. 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.

**91.** Petitioner had a vested liberty interest in his conditional release. Due Process does not permit the government to strip him of that liberty without a hearing before this Court. *See Morrissey*, 408 U.S. at 487-488.

92. For these reasons, Petitioner's re-arrest without a hearing violated the Constitution. The only remedy of this violation is his immediate release from immigration jail unless and until DHS proves to this Court or, in the alternative, a neutral adjudicator, by clear and convincing evidence, and

taking into consideration alternatives to detention and Petitioner's ability to pay a bond, that he is a danger to the community or a flight risk, such that his re-incarceration is warranted. During any custody redetermination hearing that occurs, this Court or, in the alternative, the neutral adjudicator must consider alternatives to detention when determination whether Petitioner's re-incarceration is warranted.

93. Mr. Ahmadi respectfully requests that this Court order his release from detention under 8 U.S.C. § 1226(a), INA § 236(a), for the duration of his removal proceedings under 8 U.S.C. § 1229a, INA § 240. Alternatively, he requests that this Court order a constitutionally adequate bond hearing complying with the procedural requirements in *Singh*. And at a minimum, Mr. Ahmadi requests that this Court order the government to terminate expedited removal proceedings under 8 U.S.C. § 1225(b)(1), INA § 235(b)(1).

**PRAYER FOR RELIEF**

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

(1) Assume jurisdiction over this matter;

(2) Issue the writ of habeas corpus and order Respondents to show cause, within three days of Mr. Ahmadi's filing this petition, why the relief she seeks should not be granted; and set a hearing on this matter within five days of Respondents' return on the order to show cause (*see* 28 U.S.C. § 2243);

(3) Enjoin Respondents from transferring Petitioner outside the jurisdiction of the San Francisco Field Office and/or the Eastern District of California pending the resolution of this case;

(4) Order Mr. Ahmadi's immediate release; or, in the alternative, order a constitutionally adequate bond hearing complying with the procedural requirements in *Singh* where DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence and the neutral adjudicator takes into consideration alternatives to detention and Petitioner's ability to pay a bond; or, in the alternative, order the government to terminate expedited removal proceedings;

(5) In the alternative, conduct an immediate bond hearing before this Court where DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence and the Court takes into consideration alternatives to detention and Petitioner's ability to pay a bond;

(6) In the alternative, order an immediate bond hearing before a neutral decisionmaker where DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence and the neutral adjudicator takes into consideration alternatives to detention and Petitioner's ability to pay a bond;

(7) Award reasonable costs and attorney fees; and

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

Dated: August 19, 2025

Respectfully submitted,

By: /s/ Bashir Ghazialam
Bashir Ghazialam
Attorneys for Petitioner

**VERIFICATION PURSUANT TO 28 U.S.C. 2242**

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this August 19, 2025, in San Diego, California.

*/s/ Bashir Ghazialam*
Bashir Ghazialam
Attorney for Petitioner