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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Artyk Osmonaliev,
Petitioner,
v.
John Cantu, et. al.,
Respondents.

No. CV-25-03531-JJT (DMF)

REPORT AND RECOMMENDATION

TO THE HONORABLE JOHN J. TUCHI, UNITED STATES DISTRICT JUDGE:

This matter is on referral to the undersigned for further proceedings and a report and recommendation pursuant to Rules 72.1 and 72.2 of the Local Rules of Civil Procedure (Doc. 4 at 3).¹

I. PROCEDURAL HISTORY AND POSTURE

Through counsel, Petitioner Artyk Osmonaliev (“Petitioner” and/or “Osmonaliev”) filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 seeking release from immigration detention (“Petition”) (Doc. 1). The Petition names as Respondents: United States Immigration and Customs Enforcement (“ICE”) Officials John Cantu and Todd Lyons; the United States Department of Homeland Security (“DHS”); DHS Secretary Kristi Noem; and United States Attorney General Pam Bondi (*Id.*). With the Petition, Petitioner included a May 22, 2023, Notice to Appear identifying Petitioner as an “arriving

¹ Citation to the record as “Doc.” indicates documents as displayed in the official Court electronic document filing system maintained by the District of Arizona under Case No. CV-25-03531-JJT (DMF).

1 alien,” charging that Petitioner is subject to removal pursuant to Section 212(a)(7)(A)(i)(I)
2 of the Immigration and Nationality Act, and paroling Petitioner into the United States
3 pursuant to Section 212(d)(5) of the Immigration and Nationality Act² (*Id.* at 22, 23-26).
4 With the Petition, Petitioner also included a September 25, 2025, order of the immigration
5 judge denying Petitioner’s request for a change in custody status (*Id.* at 22, 27-28).

6 The Court screened the Petition and ordered Respondents Cantu, Lyons, Noem, and
7 Bondi to respond to the three grounds raised in the Petition (Doc. 4). In the Screening
8 Order, the Court observed:

9 Petitioner raises three grounds for relief. In Grounds One and Two, he asserts
10 he is being denied his Fifth Amendment procedural and substantive due
11 process rights. In Ground Three, he claims revoking his parole and detaining
12 him without consideration of his individualized facts and circumstances
violates the Administrative Procedures Act.

13 (Doc. 4 at 2).

14 On October 23, 2025, Respondents filed their Response to Petition for Writ of
15 Habeas Corpus (“Response”) (Doc. 11). Respondents included with their Response a
16 declaration by ICE Deportation Officer Christopher Apodaca attesting to Petitioner’s
17 immigration proceedings (“Apodaca Declaration”) (Doc. 11-1). On October 30, 2025,
18 Petitioner filed a reply in support of the Petition (“Reply”) (Doc. 12).

19 **II. PERTINENT BACKGROUND**

20 Petitioner is a native and citizen of Kyrgyzstan (Doc. 11-1 at 2 ¶ 4). On May 22,
21 2023, Petitioner applied for admission into the United States at the DeConcini Port of Entry
22 in Nogales, Arizona (*Id.* at 3 ¶ 5). According to the Apodaca Declaration, “Petitioner did
23 not possess valid entry documents” and was “served with a Notice to Appear (NTA)
24 placing the Petitioner in removal proceedings under section 212(a)(7)(A)(i)(I) of the
25 Immigration and Nationality Act (INA)” (*Id.* at 3 ¶¶ 5-6). Petitioner was subsequently
26 “paroled into the United States for two years” (*Id.* at 3 ¶ 6). The NTA attached to the
27 Petition reflects that “[o]n or about May 22, 2023, [Petitioner] w[as] paroled into the United

28 ² Section 212(d)(5) of the Immigration and Nationality Act is codified in 8 U.S.C.
§ 1182(d)(5).

1 States pursuant to Section 212(d)(5) of the Immigration and Nationality Act” (Doc. 1 at
2 23). The NTA also reflects that Petitioner was placed “[i]n removal proceedings under
3 section 240 of the Immigration and Nationality Act” (*Id.*).

4 “On September 9, 2025, the Petitioner was arrested by the Phoenix Police
5 Department” and the following day “Petitioner was taken into DHS custody” (Doc. 11-1
6 at 3 ¶¶ 7-8). “On September 23, 2025, the Petitioner filed a Bond Redetermination Request
7 with the immigration court” (*Id.* at 3 ¶ 10). On “September 25, 2025, the immigration court
8 denied the Petitioner’s Bond Redetermination Request” (*Id.* at 3 ¶¶ 10-11; *see also* Doc. 1
9 at 27-28). In doing so, the immigration court stated that because Respondents designated
10 Petitioner as an arriving alien, the immigration court lacked jurisdiction to reconsider
11 Petitioner’s in custody status; the immigration court therefore denied Petitioner’s request
12 for a custody redetermination and declined to determine bond (Doc. 1 at 27-28).

13 **III. CLAIMS IN THESE PROCEEDINGS**

14 In the Petition, Petitioner raises three grounds for relief (Doc. 1 at 15-19). In
15 Grounds One and Two, Petitioner argues that his detention violates his Fifth Amendment
16 right to procedural and substantive due process (*Id.* at 15-18). Petitioner argues that aliens
17 in removal proceedings are entitled to due process protections and contends that
18 Respondents revoked Petitioner’s release in an “arbitrary manner and not based on a
19 rational and individualized determination of whether he is a safety or flight risk” (*Id.* at
20 16). Petitioner further argues that his detention is unlawful because it bears no reasonable
21 relation to any legitimate government purpose (*Id.* at 17). In Ground Three, Petitioner
22 argues that Respondents violated the Administrative Procedures Act (“APA”) and abused
23 their discretion by detaining Petitioner without finding changes to facts or circumstances
24 to support detention (*Id.* at 18-19). For relief, Petitioner asks the Court to declare that
25 Petitioner’s re-detention without an individualized determination violates the Due Process
26 Clause of the Fifth Amendment, to grant a writ of habeas corpus ordering Respondents to
27 release Petitioner from custody, and to issue an order prohibiting Respondents from
28 transferring Petitioner from the District of Arizona without the Court’s approval (*Id.* at 20).

1 In their Response, Respondents argue that Petitioner's detention is required by law
2 because Petitioner is an applicant for admission inadmissible under 8 U.S.C.
3 § 1182(a)(7)(A)(i) (Doc. 11 at 2-7). Respondents argue that the Secretary of Homeland
4 Security may revoke the parole of an alien, like Petitioner, who is temporarily paroled into
5 the United States under 8 U.S.C. § 1182(d)(5)(A) and return the alien to the custody from
6 which he was paroled (*Id.* at 3). Respondents reason that Petitioner's parole did not alter
7 his status as an arriving alien thus Petitioner is subject to mandatory detention under 8
8 U.S.C. § 1225(b)(2)(A) (*Id.* at 4). Respondents also contend that 8 U.S.C. § 1226(e) bars
9 review of Respondents' decision to revoke Petitioner's parole (*Id.* at 4-5). Respondents
10 further argue that judicial review under the APA is not properly sought in habeas and an
11 adequate alternative exists to challenge his detention (*Id.* at 5-6). To the extent that
12 Petitioner's APA challenge is appropriate in these proceedings, Respondents argue that
13 Petitioner's claim fails because he was not prejudiced by the alleged procedural error (*Id.*
14 at 6). Respondents ask the Court to deny the Petition (*Id.* at 7).

15 In his Reply, Petitioner assumes that Respondents base their jurisdictional argument
16 on 8 U.S.C. § 1252(g) and argues that detention decisions are not rendered unreviewable
17 by § 1252(g) or any other provision of § 1252 (Doc. 12 at 6, 8). Petitioner notes that
18 "Respondents do not state that [Petitioner] is in expedited removal proceedings; he remains
19 in section 1229a proceedings through the conclusion of his administrative appeal" (*Id.* at
20 7). Alternatively, Petitioner argues that the Court has jurisdiction under the Suspension
21 Clause if any statute stripped the Court of jurisdiction over Petitioner's claims (*Id.* at 9-
22 12). Petitioner also argues that Respondents have asserted no lawful basis for Petitioner's
23 detention (*Id.* at 12-21). Petitioner asserts that Respondents do not argue that Petitioner is
24 in expedited removal proceedings and therefore concludes that 8 U.S.C.
25 § 1225(b)(1)(B)(iii)(IV) does not authorize Petitioner's detention (*Id.* at 13-14). Petitioner
26 also contends that his re-detention was unlawful because Respondents unlawfully
27 terminated his parole (*Id.* at 14-21). Petitioner reasons that his parole was unlawfully
28 terminated because Respondents failed to provide notice of the termination, an opportunity

1 to respond, an individualized assessment of the facts of his case, and did not evaluate the
2 purpose of Petitioner’s parole and whether it was served (*Id.* at 17-18).

3 **IV. JURISDICTION**

4 A federal district court is authorized to grant a writ of habeas corpus under 28 U.S.C.
5 § 2241 where the petitioner is “in custody under or by color of the authority of the United
6 States . . . in violation of the Constitution or laws or treaties of the United States.” 28
7 U.S.C. § 2241(c)(1), (3). Generally, “challenges to the statutory framework that permits
8 the alien’s detention without bail,” *Jennings v. Rodriguez*, 583 U.S. 281, 295 (2018),
9 “questions of law” raised in the application or interpretation of detention statutes, *Leonardo*
10 *v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011), and “[c]laims that the discretionary bond
11 process itself was constitutionally flawed are cognizable in federal court on habeas because
12 they fit comfortably within the scope of § 2241.” *Hernandez v. Sessions*, 872 F.3d 976,
13 987 (9th Cir. 2017) (quoting *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011)).

14 Petitioner argues that Respondents’ termination of his parole and Petitioner’s
15 corresponding continuing custody violate his constitutional right to due process (Doc. 1 at
16 16-18). Respondents nevertheless contend that the Court lacks jurisdiction over the
17 Petition (Doc. 11 at 4-5). It is true that Title 8 United States Code Section 1226(e)
18 precludes judicial review of a discretionary judgment regarding “the detention of any alien
19 or the revocation or denial of bond or parole.” Yet, Petitioner does not challenge
20 Respondents’ exercise of discretion, but instead challenges “the legal ‘backdrop’ against
21 which Respondents may seek to detain him—namely, to find that Petitioner may not be
22 detained without written notice of the individualized revocation of his parole . . .” (Doc. 12
23 at 7). *See Hernandez*, 872 F.3d at 988 (Section 1226(e) “restricts jurisdiction only with
24 respect to the executive’s exercise of discretion. It does not limit habeas jurisdiction over
25 questions of law.” (quoting *Singh*, 638 F.3d at 1202)). Thus, 8 U.S.C. § 1226(e) does not
26 limit this Court’s jurisdiction over the Petition.

27 Under 8 U.S.C. § 1252(g) no court has jurisdiction to hear a case arising from a
28 decision to “commence proceedings, adjudicate cases, or execute removal orders”

1 The Supreme Court has construed 8 U.S.C. § 1252(g) as a narrow provision applying only
2 to the three specific discretionary actions mentioned in the text. *Reno v. Am.-Arab Anti-*
3 *Discrimination Comm.*, 525 U.S. 547, 482-83 (1999). Consistent with *American-Arab*
4 *Anti-Discrimination Committee*, the Ninth Circuit declined to apply the limit to jurisdiction
5 in 8 U.S.C. § 1252(g) to cases where aliens brought a “due process challenge[] . . . against
6 deportation procedures” and a challenge to “regulations promulgated by the INS.” *Cath.*
7 *Soc. Servs., Inc. v. INS*, 232 F.3d 1139, 1150 (9th Cir. 2000) (first citing *Walters v. Reno*,
8 145 F.3d 1032, 1051-53 (9th Cir. 1998); then citing *Barahona-Gomez v. Reno*, 167 F.3d
9 1228, 1234 (9th Cir. 1999)); *see also Ibarra-Perez v. United States*, No. 24-631, 2025 WL
10 2461663, at * 7 (9th Cir. Aug. 27, 2025) (“[W]e have been clear that § 1252(g) does not
11 prohibit challenges to unlawful practices merely because they are in some fashion
12 connected to removal orders.”). Here, Petitioner is not challenging one of the enumerated
13 discretionary actions mentioned in 8 U.S.C. § 1252(g). Rather, Petitioner makes a purely
14 legal challenge to the process by which Respondents exercised their discretion. *See Ibarra-*
15 *Perez v. United States*, 2025 WL 2461663, at * 7 (“We have jurisdiction to decide a ‘purely
16 legal question’ that ‘does not challenge the Attorney General’s discretionary authority.’”
17 (quoting *United States v. Hovsepian*, 359 F.3d 1144, 1155 (9th Cir. 2004))). Section
18 1252(g) does not limit this Court’s jurisdiction.

19 The Court concludes that neither 8 U.S.C. § 1226 nor 8 U.S.C. § 1252(g)³ limits this
20 Court’s jurisdiction over the Petition in this matter. As Respondents state in their
21 Response, “Petitioner’s challenge to the revocation of his parole is quintessentially a
22 challenge to his detention now that his parole has been revoked and the relief he seeks is
23 release from detention” (Doc. 11 at 6). Whether Respondents have violated the laws and
24 Constitution of the United States in terminating Petitioner’s parole and detaining Petitioner
25 is a question falling squarely within this Court’s habeas jurisdiction and, accordingly, the

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27 ³ Petitioner also correctly points out that 8 U.S.C. § 1252(a)(5) and 8 U.S.C. § 1252(b)(9)
28 do not limit this Court’s jurisdiction because Petitioner is not seeking review of a final
removal order or action taken to remove him from the United States (Doc. 12 at 8). Rather,
Petitioner challenges the legality of Respondents’ termination of Petitioner’s parole and
his corresponding detention.

1 Court has jurisdiction over the Petition. *See Hernandez*, 872 F.3d at 988 (concluding that
2 a claim that the “discretionary process itself was constitutionally flawed” was “cognizable
3 in federal court on habeas” (quoting *Singh*, 638 F.3d at 1202)).

4 Petitioner alternatively argues despite statutory language which Respondents urge
5 undermine the Court’s jurisdiction, the Court nonetheless has jurisdiction over his Petition
6 under the Suspension Clause (Doc. 12 at 9-12). The Suspension Clause provides that “[t]he
7 Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of
8 Rebellion or Invasion the public Safety may require it.” U.S. Const. Art. I § 9, cl. 2; *see*
9 *Rauda v. Jennings*, 55 F.4th 773, 780 (9th Cir. 2022) (recognizing that “the Suspension
10 Clause can only be triggered when a petitioner is requesting relief *from custody*” (quoting
11 *Hamama v. Adducci*, 912 F.3d 869, 880 (6th Cir. 2018))). The Court agrees that if any of
12 the cited statutes served to preclude the Court’s jurisdiction, the Suspension Clause would
13 still permit the Court to review Petitioner’s request of relief from custody in these
14 proceedings.

15 The Supreme Court in *Boumediene v. Bush* provided three factors for district courts
16 to consider when “determining the reach of the Suspension Clause.” *Boumediene v. Bush*,
17 553 U.S. 723, 766 (2008). The three factors are: “(1) the citizenship and status of the
18 detainee and the adequacy of the process through which that status determination was
19 made; (2) the nature of the sites where apprehension and then detention took place; and (3)
20 the practical obstacles inherent in resolving the prisoner’s entitlement to the writ.” *Id.*

21 Although Petitioner is not a citizen of the United States, he was paroled into the
22 United States under 8 U.S.C. § 1182(d)(5)(A) and has remained here for over two years
23 (Doc. 11-1 at 2-3 ¶¶ 4-7). Additionally, Petitioner was apprehended and detained within
24 the sovereign territory of United States (*Id.* at 3 ¶ 7-9). Finally, the record does not reflect
25 that any practical obstacles prevent Petitioner from entitlement to the writ of habeas.
26 Respondents do not assert or proffer evidence that Petitioner is dangerous or that Petitioner
27 is a flight risk; indeed, Petitioner was released under § 1182(d)(5)(A) parole after his arrival
28 and has remained in the United States for over two years (*Id.* at 3 ¶ 6; Doc. 1 at 23).

1 Accordingly, even if any statute precluded the Court from reviewing Respondents'
2 decision to terminate Petitioner's parole and detain Petitioner, the Court possesses
3 jurisdiction to review this decision under the Suspension Clause.

4 **V. GROUNDS ONE AND TWO: DUE PROCESS**

5 In Grounds One and Two, Petitioner argues that Respondents terminated his parole
6 and have detained him in violation of his constitutional right to procedural and substantive
7 due process. Petitioner avers that "[d]uring his nearly two years of residence in the United
8 States, he has built strong community relationships, complied with all parole conditions,
9 and appeared at every immigration court hearing" and insists that Respondents "have failed
10 to articulate any coherent justification for taking into custody a law-abiding individual who
11 had been lawfully released on parole" (Doc. 12 at 12, 21). Respondents contend that
12 because an alien has no liberty interest in 8 U.S.C. § 1182(d)(5) parole, termination of such
13 parole does not implicate due process concerns (Doc. 11 at 5). Respondents insist that
14 "[i]nadmissible parolees '[have] no right to be at large' in the United States, so Petitioner
15 cannot claim that he has any liberty interest in remaining outside of immigration custody"
16 (*Id.* at 4-5). *See Ofosu v. McElroy*, 98 F.3d 694, 700 (2d Cir. 1996).

17 The Fifth Amendment guarantees that "[n]o person shall be . . . deprived of life,
18 liberty, or property, without due process of law." U.S. Const. amend. V. "[T]he Due
19 Process Clause applies to all 'persons' within the United States, including aliens, whether
20 their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533
21 U.S. 678, 693 (2001). "[I]t is well established that the Fifth Amendment entitles aliens to
22 due process of law in deportation proceedings." *Reno v. Flores*, 507 U.S. 292, 306 (1993).
23 The Due Process Clause generally "requires some kind of a hearing *before* the State
24 deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).
25 While the initial decision to detain or release an individual may be within the government's
26 discretion, the government's decision to release an individual from custody creates "an
27 implicit promise," upon which that individual may rely, that their liberty will be revoked
28 only if the individual fails to live up to the conditions of release. *Morrissey v. Brewer*, 408

1 U.S. 471, 482 (1972). “Thus, even when ICE has the initial discretion to detain or release
2 a noncitizen pending removal proceedings, after that individual is released from custody
3 she has a protected liberty interest in remaining out of custody.” *Pinchi v. Noem*, No. 5:25-
4 cv-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025) (citing *Romero v.*
5 *Kaiser*, No. 22-cv-02508, 2022 WL 1443250, at *2 (N.D. Cal. May 6, 2022)); *see also*
6 *Noori v. Larose*, No. 25-cv-1328-GPC-MSB, 2025 WL 2800149, *9-10 (S.D. Cal. Oct. 1,
7 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D.
8 Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25- 02157-PHX-DLR
9 (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Ramirez Tesara v. Wamsley*, No.
10 2:25-cv-01723-MJP-TLF, 2025 WL 2637663, at *3 (W.D. Wash. Sep. 12, 2025); *Mata*
11 *Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, 2025 WL 1953796, *11-16 (W.D.N.Y. July
12 16, 2025).

13 Because Petitioner has a protected liberty interest arising from his previous release
14 on parole pursuant to 8 U.S.C. § 1182(d)(5), the Due Process Clause requires procedural
15 protections before Petitioner can be deprived of that interest. *See Mathews v. Eldridge*,
16 424 U.S. 319, 335 (1976). To determine which procedures are constitutionally sufficient
17 to satisfy the Due Process Clause, courts must consider: (1) “the private interest that will
18 be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest
19 through the procedures used, and the probable value, if any, of additional or substitute
20 procedural safeguards”; and (3) “the Government’s interest, including the function
21 involved and the fiscal and administrative burdens that the additional or substitute
22 procedural requirement would entail.” *Id.* Here, all three factors support a finding that the
23 Government’s revocation of Petitioner’s parole without adequate notification, reasoning as
24 to any change in individualized facts or circumstances, or a meaningful opportunity to be
25 heard denied Petitioner of his due process rights.

26 First, Petitioner has a significant liberty interest in remaining out of custody
27 pursuant to his humanitarian parole. “Freedom from imprisonment—from government
28 custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the

1 Due Process Clause] protects.” *Zadvydas*, 533 U.S. at 690. Second, the risk of an
2 erroneous deprivation of such interest is high as Petitioner’s parole was revoked without
3 providing him an individualized reason for revocation. The absence of such ran afoul of
4 the regulation regarding termination of parole. *See* 8 C.F.R. § 212.5(e)(2). Further,
5 Petitioner was given no opportunity to be heard other than a post-detention denial of his
6 bond redetermination request wherein the immigration court concluded it lacked
7 jurisdiction based on Respondent’s change in position on whether Petitioner even could be
8 released. Indeed, Petitioner’s original release required a finding that Petitioner posed
9 neither a security risk nor a risk of absconding. *See* 8 C.F.R. § 212.5(b). Third, the
10 Government’s interest in detaining Petitioner without notice, reasoning, and a hearing is
11 “low.” *See Pinchi*, 2025 WL 2084921, at *5; *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970
12 (N.D. Cal. Nov. 22, 2019) (“If the government wishes to re-arrest [Petitioner] at any point,
13 it has the power to take steps toward doing so; but its interest in doing so without a hearing
14 is low.”); *see also* 8 C.F.R. § 212.5(e)(2). Respondents fail to point to any burdens on the
15 Government if it were to have provided proper notice, individualized reasoning, and a pre-
16 deprivation hearing.

17 Respondents urge that 8 U.S.C. § 1225(b)(2) mandates Petitioner’s detention
18 because Petitioner is an arriving alien, but all parties agree that Petitioner was previously
19 paroled while designated as an arriving alien (Doc. 1 at 23-26; Doc. 11-1 at 3 ¶ 6). *See* 8
20 C.F.R. § 212.5. The record before the Court reflects that Respondents violated Petitioner’s
21 constitutional due process rights by failing to provide Petitioner with proper notice,
22 individualized reasoning, and a meaningful hearing regarding termination of Petitioner’s
23 parole and detention of Petitioner.

24 VI. GROUND THREE

25 In Ground Three, Petitioner argues that Respondents’ actions were arbitrary and
26 capricious under the APA when Respondents terminated Petitioner’s parole and arrested
27 and detained him (Doc. 1 at 18-19; Doc. 12 at 14-15). Respondents argue that judicial
28 review under the APA is not properly sought through a habeas petition (Doc. 11 at 5-6).

1 Respondents further argue that Petitioner’s habeas petition is an adequate alternative to his
2 APA challenge thus there exists no APA jurisdiction to challenge his detention (*Id.* at 6).
3 In addition, Respondents argue that Petitioner’s APA claim fails because he was not
4 prejudiced by any alleged procedural error (*Id.*).

5 Because the Court will recommend granting habeas relief based on violation of the
6 Due Process Clause of the United States Constitution as set forth above, the Court need not
7 address the parties’ arguments regarding application of the APA.

8 **VII. CONCLUSION**

9 The summary revocation of Petitioner’s parole and corresponding detention without
10 adequate notice, individualized justification, or consideration of Petitioner’s particular
11 circumstances violate the Due Process Clause of the Fifth Amendment of the United States
12 Constitution.

13 Accordingly,

14 **IT IS RECOMMENDED** that the Petition (Doc. 1) be granted forthwith.

15 **IT IS FURTHER RECOMMENDED** that Petitioner be ordered immediately
16 released from immigration custody subject to the same conditions and other requirements
17 which preceded his recent immigration detention in September 2025.

18 **IT IS FURTHER RECOMMENDED** that Respondents be prohibited from re-
19 detaining Petitioner absent a material change in circumstances, individualized notice of
20 such, and a meaningful opportunity for Petitioner to be heard.

21 This recommendation is not an order that is immediately appealable to the Ninth
22 Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1) of the Federal
23 Rules of Appellate Procedure should not be filed until entry of the District Court’s
24 judgment. The parties shall have fourteen days from the date of service of a copy of this
25 recommendation within which to file specific written objections with the Court. *See* 28
26 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. The parties shall have fourteen days within which
27 to file responses to any objections. Failure to file timely objections to the Magistrate
28 Judge’s Report and Recommendation may result in the acceptance of the Report and

1 Recommendation by the District Court without further review. *See United States v. Reyna-*
2 *Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure to file timely objections to any factual
3 determination of the Magistrate Judge may be considered a waiver of a party's right to
4 appellate review of the findings of fact in an order or judgment entered pursuant to the
5 Magistrate Judge's recommendation. *See Fed. R. Civ. P. 72*. In addition, LRCiv 7.2(e)(3)
6 provides that "[u]nless otherwise permitted by the Court, an objection to a Report and
7 Recommendation issued by a Magistrate Judge shall not exceed ten (10) pages."

8 Dated this 13th day of November, 2025.

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13 **Honorable Deborah M. Fine**
14 **United States Magistrate Judge**
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