

1 Bashir Ghazialam (CA Bar No. 212724)  
2 Kirsten Zittlau (CA Bar No. 220809)  
3 LAW OFFICES OF BASHIR GHAZIALAM  
4 P.O. Box 928167  
5 San Diego, California 92192  
6 Tel: (619) 795-3370  
7 Fax: (866) 685-4543  
8 [bg@lobg.net](mailto:bg@lobg.net)  
9 [zittlaulaw@gmail.com](mailto:zittlaulaw@gmail.com)

10 Attorneys for Petitioner

11 UNITED STATES DISTRICT COURT  
12  
13 SOUTHERN DISTRICT OF CALIFORNIA

14 LUZ LOAIZA ARIAS,

15 Petitioner-Plaintiff,

16 v.

17 Christopher LAROSE, Facility  
18 Administrator at Otay Mesa Detention  
19 Center, San Diego, California; Joseph  
20 FREDEN, Field Office Director of San  
21 Diego Office of Detention and Removal,  
22 U.S. Immigrations and Customs  
23 Enforcement; U.S. Department of  
24 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;

Respondents-Defendants.

Case No.: **'25CV2595 BTM MMP**

Agency File No.: A 

**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

1 Petitioner Luz Loaiza Arias petitions this Court for a writ of habeas corpus under  
2 28 U.S.C. § 2241 to remedy Respondents' detaining her unlawfully, and states as  
3 follows:

4 **INTRODUCTION**

- 5
- 6 1. Petitioner Luz Loaiza Arias (Ms. Loaiza Arias) is a fifty-nine-year-old Colombian  
7 woman detained at the Otay Mesa ICE Detention Center in San Diego, California.  
8 Petitioner used the CBPOne application to schedule an appointment and was paroled  
9 into the U.S. on October 19, 2023.
- 10 2. She submits this habeas petition under 28 U.S.C. § 2241 for a judicial check on  
11 Respondents' administrative decisions to detain her under 8 U.S.C. § 1225(b)(2), INA  
12 § 235(b)(2), despite lacking such authority. Ms. Loaiza Arias's parole was not  
13 terminated in accordance with the law. As such, Ms. Loaiza Arias's parole remains  
14 valid and she is unlawfully detained.
- 15
- 16 3. Furthermore, because the government purports to hold her under § 1225(b)(2), it has  
17 not provided her an individualized bond hearing to challenge her detention under  
18 8 U.S.C. § 1226(a), INA § 236(a), contravening her rights under the Immigration and  
19 Nationality Act and the Fifth Amendment's Due Process Clause.
- 20
- 21 4. Ms. Loaiza Arias seeks declaratory and injunctive relief to compel her immediate  
22 release from the immigration jail where she has been held by the U.S. Department of  
23 Homeland Security (DHS) since being unlawfully detained on July 28, 2025, without

1 first being provided a due process hearing to determine whether her incarceration is  
2 justified.

3 5. Absent review in this Court, no other neutral adjudicator will examine Ms. Loaiza  
4 Arias's plight: Respondents will continue—unchecked—to detain her essentially  
5 indefinitely. She thus urges this Court to review the lawfulness of her detention;  
6 declare that her detention under 8 U.S.C. § 1225(b)(2), INA § 235(b)(2), is unlawful;  
7 and order her immediate release.  
8

### 9 CUSTODY

10 6. Ms. Loaiza Arias is currently in Respondents' legal and physical custody. They are  
11 detaining her at the Otay Mesa ICE Detention Center. She is under Respondents' and  
12 their agents' direct control.  
13

### 14 PARTIES

15 7. Petitioner Luz Loaiza Arias is a citizen of Colombia. She fled the country due to  
16 persecution at the hands of a large criminal organization that the Colombian  
17 government is unable to control. Ms. Loaiza Arias arrived in the United States on  
18 October 19, 2023 to seek asylum and was paroled into the U.S. pursuant to an  
19 appointment with the CBP One application. Petitioner was taken into custody on July  
20 28, 2025 after her court hearing at the San Diego Immigration Court. Petitioner was  
21 taken into custody with no warrant, notice or hearing.  
22  
23  
24



- 1 8. Ms. Loaiza Arias is currently in Respondents' legal and physical custody at the Otay  
2 Mesa ICE Detention Center in San Diego, California. CoreCivic Inc., a Maryland  
3 corporation, operates that facility.
- 4 9. Respondent Joseph FREDEN is the Acting Field Office Director of ICE in San Diego,  
5 California and is named in his official capacity. ICE is the component of the DHS that  
6 is responsible for detaining and removing noncitizens according to immigration law  
7 and oversees custody determinations. In his official capacity, he is the legal custodian  
8 of Petitioner.
- 9 10. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his  
10 official capacity. Among other things, ICE is responsible for the administration and  
11 enforcement of the immigration laws, including the removal of noncitizens. In his  
12 official capacity as head of ICE, he is the legal custodian of Petitioner.
- 13 11. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official  
14 capacity. DHS is the federal agency encompassing ICE, which is responsible for the  
15 administration and enforcement of the INA and all other laws relating to the  
16 immigration of noncitizens. In her capacity as Secretary, Respondent Noem has  
17 responsibility for the administration and enforcement of the immigration and  
18 naturalization laws pursuant to section 402 of the Homeland Security Act of 2002,  
19 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a).  
20 Respondent Noem is the ultimate legal custodian of Petitioner.
- 21  
22  
23  
24

1 12. Respondent Pam BONDI is the Attorney General of the United States and the most  
2 senior official in the U.S. Department of Justice (DOJ) and is named in her official  
3 capacity. She has the authority to interpret the immigration laws and adjudicate  
4 removal cases. The Attorney General delegates this responsibility to the Executive  
5 Office for Immigration Review (EOIR), which administers the immigration courts and  
6 the BIA.  
7

8 13. Respondent Christopher LAROSE is the Warden of the Otay Mesa Detention Center  
9 where Petitioner is being held. Respondent Christopher LaRose oversees the day-to-  
10 day operations of the Otay Mesa Detention Center and acts at the Direction of  
11 Respondents Divver, Lyons and Noem. Respondent Christopher LaRose is a  
12 custodian of Petitioner and is named in their official capacity.  
13

### 14 JURISDICTION AND VENUE

15 14. This action arises under the United States Constitution and the Immigration and  
16 Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Ms. Loaiza  
17 Arias's detention under the INA and any inherent or plenary powers the government  
18 may claim to continue holding her.

19 15. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United  
20 States Constitution; and 28 U.S.C. § 1331, as Ms. Loaiza Arias is presently in  
21 Respondents' custody under the United States' color of authority, and such custody  
22 violates the United States' Constitution, laws, or treaties. Its jurisdiction is not limited  
23  
24

1 by a petitioner's nationality, status as an immigrant, or any other classification.

2 *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under  
3 U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361  
4 (mandamus), 1651 (All Writs Act), 2241 (habeas corpus).

5  
6 16. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Ms. Loaiza  
7 Arias's detention. Federal district courts possess broad authority to issue writs of  
8 habeas corpus when a person is held "in custody in violation of the Constitution or  
9 laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority  
10 extends to immigration detention challenges that survived the REAL ID Act's  
11 jurisdictional restrictions.

12  
13 17. Because Ms. Loaiza Arias seeks the traditional habeas remedy of release from  
14 allegedly unlawful detention rather than additional administrative review of her  
15 underlying claims, her petition presents precisely the type of threshold legality-of-  
16 detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533 U.S.  
17 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020)  
18 (citing *Singh*, 638 F.3d at 1211-12)). And no court has ruled on the legality of Ms.  
19 Loaiza Arias's detention.


20  
21 18. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a  
22 substantial part of the events or omissions giving rise to this claim have happened  
23 here, Ms. Loaiza Arias is detained here, and her custodian resides here. Venue is also

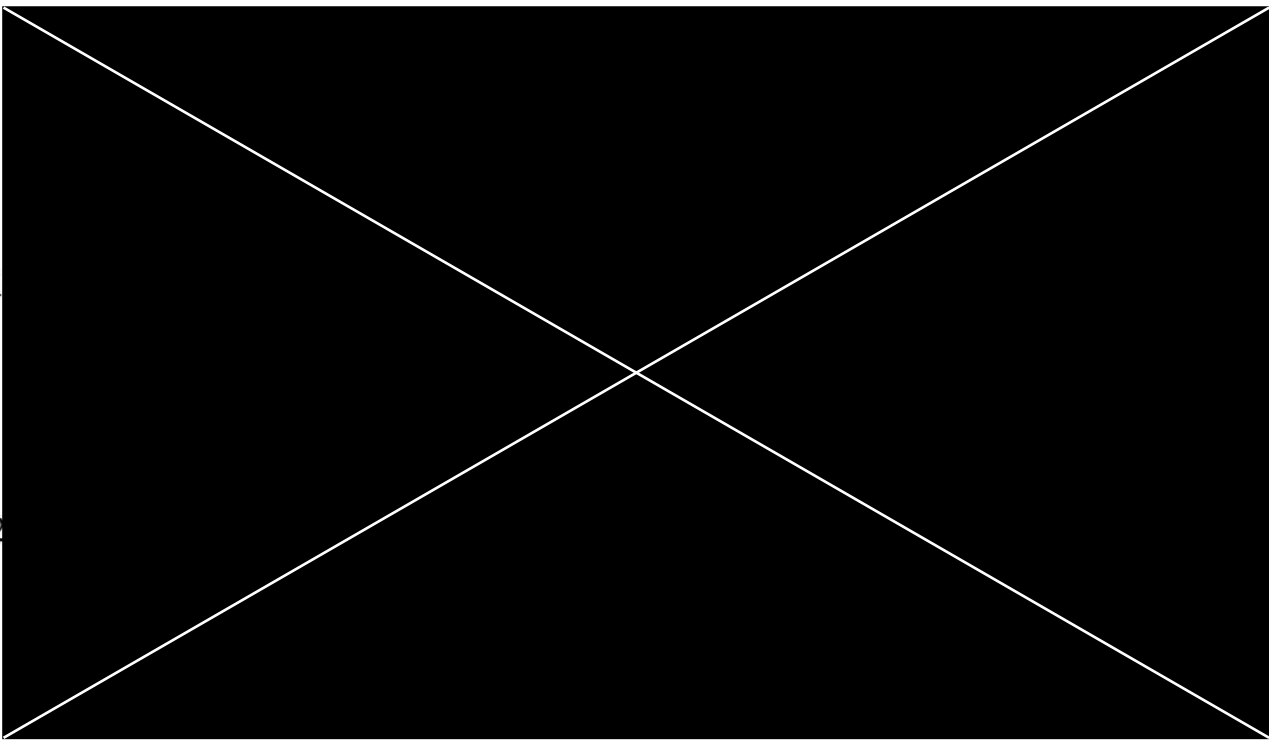


proper under 28 U.S.C. § 2243 because Ms. Loaiza Arias's immediate custodian resides in this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J., concurring).

### **STATEMENT OF FACTS**

19. Ms. Loaiza Arias is a fifty-nine-year-old citizen of Colombia.

20. Ms. Loaiza Arias fled Colombia with her daughter and son-in-law because of persecution 



21

22

 In July 2023 Ms. Loaiza Arias, her daughter and her son-in-law fled Colombia to seek asylum in the U.S.

23. Ms. Loaiza Arias arrived in the United States on October 19, 2023 and was inspected after having made an appointment at the Port of Entry with the CBPOne application.

1 Ms. Loaiza Arias was paroled into the U.S. that same day and issued a Form I-94  
2 valid for two years.

3 24. Although Ms. Loaiza Arias does not recall receiving the email, in April of 2025, a  
4 mass form email was sent to the CBPOne parolees by the Department of Homeland  
5 Security stating that their parole would be terminated within 7 days. No reason was  
6 provided for the purported termination of the parole. Instead, the CBPOne parolees  
7 were told to depart the U.S. “immediately,” without regard to the fact that the vast  
8 majority had pending asylum cases in immigration court.  
9

10 25. Ms. Loaiza Arias attended all of her immigration court hearings and at her court  
11 hearing on July 28, 2025 she was detained by ICE after DHS moved for dismissal of  
12 her removal proceedings and the immigration judge dismissed proceedings. On that  
13 date, ICE unlawfully took Ms. Loaiza Arias into custody without a warrant, notice or  
14 opportunity to be heard – and despite her parole not having been lawfully terminated.  
15

16 26. Ms. Loaiza Arias is suffering greatly in detention. Ms. Loaiza Arias has high blood  
17 pressure and hypothyroidism requiring medical monitoring and medication. Despite  
18 advocating for herself, Ms. Loaiza Arias is not receiving a sufficient dose of her  
19 required medication in detention and is experiencing dizziness and hair loss as a  
20 result. Furthermore, since being detained Ms. Loaiza has experienced depression,  
21 anxiety and difficulty sleeping.  
22  
23  
24



1 27. Ms. Loaiza Arias has no criminal history and was attending her court hearing when  
2 she was apprehended. As such, there is no indication of Ms. Loaiza Arias being a  
3 danger to the community or a flight risk.

4 **REQUIREMENTS OF 28 U.S.C. § 2243**

5  
6 28. The Court must grant the petition for writ of habeas corpus or issue an order to show  
7 cause (OSC) to Respondents “forthwith,” unless the petitioner is not entitled to relief.  
8 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a  
9 return “within *three days* unless for good cause additional time, *not exceeding twenty*  
10 *days*, is allowed.” *Id.* (emphasis added).

11 29. Courts have long recognized the significance of the habeas statute in protecting  
12 individuals from unlawful detention. The Great Writ has been referred to as “perhaps  
13 the most important writ known to the constitutional law of England, affording as it  
14 does a *swift* and imperative remedy in all cases of illegal restraint or confinement.”  
15 *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

16  
17 30. Habeas corpus must remain a swift remedy. Importantly, “The statute itself directs  
18 courts to give petitions for habeas corpus ‘special, preferential consideration to insure  
19 expeditious hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir.  
20 2000) (internal citations omitted). The Ninth Circuit warned against any action  
21 creating the perception “that courts are more concerned with efficient trial  
22 management than with the vindication of constitutional rights.” *Id.*

**EXHAUSTION OF ADMINISTRATIVE REMEDIES**

31. 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) her continued detention results in irreparable harm.

32. Exhausting administrative remedies here is futile because Respondents contend Ms. Loaiza Arias is subject to mandatory detention. As such, no request to release her from custody would be considered by ICE. Moreover, immigration judges in this district claim to have no jurisdiction to conduct a custody redetermination hearing as to individuals procedurally situated like Ms. Loaiza Arias. Indeed, in contravention to the INA and long-standing precedent and practice, the Board of Immigration Appeals and Attorney General have deemed that no noncitizen is eligible for a bond hearing before an immigration judge (with the exception of only noncitizens who entered the U.S. on a visa). As such, any attempts to exhaust administrative remedies would be entirely futile.



33. Moreover, no statutory exhaustion requirements apply to Petitioner's claim of unlawful custody in violation of her due process rights, and there are no administrative remedies that she 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).

34. More importantly, every day that Petitioner remains detained causes her harm that cannot be repaired. Her continued detention puts her 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 her 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**

35. When an asylum seeker comes to the border to seek asylum in the U.S., the Department of Homeland Security has the option of detaining them and placing them in expedited removal proceedings or releasing them into the U.S. on parole.



1 36. The INA provides that DHS “may . . . in [the Secretary’s] discretion parole” an  
2 arriving asylum seeker into the United States on a “case-by-case basis for urgent  
3 humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A).

4 37. If the Department exercises the option of paroling the noncitizen into the U.S. under 8  
5 U.S.C. § 1182(d)(5), said parole may only be terminated (prior to the expiration of  
6 time for which the parole was authorized) “upon accomplishment of the purpose for  
7 which parole was authorized or when . . . neither humanitarian reasons nor public  
8 benefit warrants the continued presence of the alien in the United States . . .” 8 C.F.R.  
9 § 212.5(e)(2)(i).

10 38. Release on parole is an “express exception” to detention and is a “specific provision  
11 authorizing release.” Jennings v. Rodriguez, 583 U.S. 231, 300 (2018). The plain  
12 language of the statute establishes that parole must be both granted and revoked on an  
13 individual, case-by-case basis: 8 U.S.C. § 1182(d)(5)(A) directs that parole may be  
14 granted “only on a case-by-case basis” and may be terminated “when the purposes of  
15 such parole shall . . . have been served.” See also Doe v. Noem, 2025 WL 1505688, at  
16 \*1 (1st Cir. May 5, 2025) (observing that “[c]ommon sense suggests . . . that parole  
17 given only on a case-by-case basis is to be terminated only on such a basis” and  
18 pointing to individualized statutory language of § 1182(d)(5)).

19 39. Moreover, under the Administrative Procedures Act (“APA”), an agency must act in a  
20 manner that is not arbitrary or capricious. See 5 U.S.C. § 706(2)(A) (directing courts  
21

1 to “hold unlawful and set aside agency action” that is arbitrary and capricious); Dep’t  
2 of Com. v. New York, 139 S. Ct. 2551, 2569 (2019) (requiring an agency to articulate  
3 a “satisfactory explanation” for its action, “including a rational connection between  
4 the facts found and the choice made”).

5  
6 40. Furthermore, immigration detention should not be used as a punishment and should  
7 only be used when, under an individualized determination, a noncitizen is a flight risk  
8 because they are unlikely to appear for immigration court or a danger to the  
9 community. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

10 41. “Freedom from imprisonment—from government custody, detention, or other forms  
11 of physical restraint—lies at the heart of the liberty that [the Due Process] Clause  
12 protects.” Zadvydas v. Davis, 533 U.S. at 690. “[T]he Due Process Clause applies to  
13 all ‘persons’ within the United States, including aliens, whether their presence here is  
14 lawful, unlawful, temporary, or permanent.” Id. at 693.

15  
16 42. Parolees in particular have a weighty liberty interest under the Due Process Clause.  
17 The Supreme Court has noted that, “subject to the conditions of his parole, [a parolee]  
18 can be gainfully employed and is free to be with family and friends and to form the  
19 other enduring attachments of normal life.” Morrissey v. Brewer, 408 U.S. 471, 482  
20 (1972).

21  
22 43. “[T]he parolee has relied on at least an implicit promise that parole will be revoked  
23 only if he fails to live up to the parole conditions.” Morrissey v. Brewer, 408 U.S. at

1 482. The Court explained that “the liberty of a parolee, although indeterminate,  
2 includes many of the core values of unqualified liberty and its termination inflicts a  
3 grievous loss on the parolee and often others.” Id. In turn, “[b]y whatever name, the  
4 liberty is valuable and must be seen within the protection of the [Fifth] Amendment.”  
5 Id.

6  
7 44. “Adequate, or due, process depends upon the nature of the interest affected. The more  
8 important the interest and the greater the effect of its impairment, the greater the  
9 procedural safeguards the [government] must provide to satisfy due process.”  
10 Haygood v. Younger, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing  
11 Morrissey, 408 U.S. at 481-82).

12  
13 45. On August 29, 2025, a district court in Washington D.C. issued Make The Road New  
14 York v. Noem, 1:25-cv-00190, (D.D.C.) affirming that parolees have a liberty interest  
15 and in the country’s interior, the Constitution requires the Government to “turn square  
16 corners.” See Dep’t of Homeland Sec. v. Regents of the Univ. of Cal., 591 U.S. 1, 24  
17 (2020). The court stated that means affording due process to such parolees. As such,  
18 the district court in Make the Road New York v. Noem enjoined the administration’s  
19 memos of earlier this year purporting to expand expedited removal to apply to  
20 parolees without affording them due process.

21  
22 ///

23  
24 ///



**FIRST CAUSE OF ACTION**

**Violation of Due Process  
U.S. Constitution Amendment V**

46. Ms. Loaiza Arias re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

47. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” Zadvydas, 533 U.S. at 693.

48. Here, neither Ms. Loaiza Arias nor undersigned counsel were advised by DHS that they sought to detain her and claim that she is subject to mandatory detention. Moreover, Ms. Loaiza Arias was detained despite there being no evidence that she is a danger to the community or a flight risk. Indeed, Ms. Loaiza Arias was detained without any opportunity to even be heard on these issues.

49. Because of her profound legal interest in her liberty as a noncitizen with valid parole, her detention violates her due process rights. See generally Mathews v. Eldridge, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before deprivation of a legally protected interest).

**SECOND CAUSE OF ACTION**

**Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in Accordance with Law and in Excess of Statutory Authority Unlawful Detention**

50. Ms. Loaiza Arias re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

51. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

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

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

54. In *Y-Z-H-L v Bostock*, 2025 WL 1898025, at \*10-12 (D. Or. July 9, 2025) the court explained the parole process in immigration cases and noted that before parole may be revoked, the parolee must be given written notice of the impending revocation, which must include a cogent description of the reasons therefore. Under the APA,

1 immigration parolees are entitled to determinations related to their parole revocations  
2 that are not arbitrary, capricious or an abuse of discretion. *Id.* at \*10.

3 55. By categorically revoking Petitioner's parole without any description of the reasons  
4 therefore and detaining the Petitioner without consideration of her individualized facts  
5 and circumstances, Respondents have violated the APA.

6  
7 56. Moreover, Respondents also acted arbitrarily and capriciously in detaining the  
8 Petitioner.

9 57. Respondents have made no finding that Petitioner, an individual with no criminal  
10 history anywhere in the world, is a danger to the community.

11 58. Respondents have also made no finding that Petitioner is a flight risk because, in fact,  
12 she was arrested while appearing at her immigration proceedings.

13  
14 59. By detaining the Petitioner categorically, Respondents have further abused their  
15 discretion because there have been no changes to her facts or circumstances since the  
16 agency made its initial determination to parole her into the United States that support  
17 detention.

18 60. Respondents have already considered Petitioner's facts and circumstances and  
19 determined that she was not a flight risk or danger to the community. There have been  
20 no changes to the facts or any materially changed circumstances that justify this  
21 revocation of her parole and/or being detained.  
22

23 ///



**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 Ms. Loaiza Arias'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) Declare that Petitioner's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
- (4) Declare that Petitioner's parole was not lawfully terminated, her parole remains active and she is unlawfully detained;
- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;
- (6) 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;

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

6 (8) Issue an Order prohibiting the Respondents from transferring Petitioner  
7 from the district without the court's approval;

8 (9) Award Petitioner attorney's fees and costs under the Equal Access to  
9 Justice Act, and on any other basis justified under law; and

10 (10) Grant any further relief this Court deems just and  
11 proper.  
12

13 Dated: October 1, 2025

Respectfully submitted,

15 By: /s/ Bashir Ghazialam  
16 Bashir Ghazialam  
17 Attorney for Petitioner  
18  
19  
20  
21  
22  
23  
24

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

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney in this action. 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 October 1, 2025, in San Diego, California.

/s/ Kirsten Zittlau  
Kirsten Zittlau  
Attorney for Petitioner