

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

7 Attorneys for Petitioner

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 LUZ LOAIZA ARIAS,

11 Petitioner-Plaintiff,  
12 v.  
13 Christopher LAROSE, Facility  
14 Administrator at Otay Mesa Detention  
15 Center, San Diego, California; Joseph  
16 FREDEN, Field Office Director of San  
17 Diego Office of Detention and Removal,  
18 U.S. Immigrations and Customs  
19 Enforcement; U.S. Department of  
20 Homeland Security; Todd M. LYONS,  
21 Acting Director, Immigration and Customs  
22 Enforcement, U.S. Department of  
23 Homeland Security; Kristi NOEM, in her  
24 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 1. Petitioner Luz Loaiza Arias (Ms. Loaiza Arias) is a fifty-nine-year-old Colombian  
6 woman detained at the Otay Mesa ICE Detention Center in San Diego, California.  
7 Petitioner used the CBPOne application to schedule an appointment and was paroled  
8 into the U.S. on October 19, 2023.

9 2. She submits this habeas petition under 28 U.S.C. § 2241 for a judicial check on  
10 Respondents' administrative decisions to detain her under 8 U.S.C. § 1225(b)(2), INA  
11 § 235(b)(2), despite lacking such authority. Ms. Loaiza Arias's parole was not  
12 terminated in accordance with the law. As such, Ms. Loaiza Arias's parole remains  
13 valid and she is unlawfully detained.

14 3. Furthermore, because the government purports to hold her under § 1225(b)(2), it has  
15 not provided her an individualized bond hearing to challenge her detention under  
16 8 U.S.C. § 1226(a), INA § 236(a), contravening her rights under the Immigration and  
17 Nationality Act and the Fifth Amendment's Due Process Clause.

18 4. Ms. Loaiza Arias seeks declaratory and injunctive relief to compel her immediate  
19 release from the immigration jail where she has been held by the U.S. Department of  
20 Homeland Security (DHS) since being unlawfully detained on July 28, 2025, without  
21

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 CBPOne 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.

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.

10 10. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his  
11 official capacity. Among other things, ICE is responsible for the administration and  
12 enforcement of the immigration laws, including the removal of noncitizens. In his  
13 official capacity as head of ICE, he is the legal custodian of Petitioner.

14 11. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official  
15 capacity. DHS is the federal agency encompassing ICE, which is responsible for the  
16 administration and enforcement of the INA and all other laws relating to the  
17 immigration of noncitizens. In her capacity as Secretary, Respondent Noem has  
18 responsibility for the administration and enforcement of the immigration and  
19 naturalization laws pursuant to section 402 of the Homeland Security Act of 2002,  
20 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a).  
21  
22 Respondent Noem is the ultimate legal custodian of Petitioner.

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

#### **JURISDICTION AND VENUE**

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

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

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

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

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

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  
7  
8  
persecution [REDACTED]

21

22

17

19

In July 2023 Ms. Loaiza

18  
19  
20  
Arias, her daughter and her son-in-law fled Colombia to seek asylum in the U.S.

21  
22  
23  
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 25. Ms. Loaiza Arias attended all of her immigration court hearings and at her court  
10 hearing on July 28, 2025 she was detained by ICE after DHS moved for dismissal of  
11 her removal proceedings and the immigration judge dismissed proceedings. On that  
12 date, ICE unlawfully took Ms. Loaiza Arias into custody without a warrant, notice or  
13 opportunity to be heard – and despite her parole not having been lawfully terminated.  
14

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

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

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

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

1 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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

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

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

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

17  
18  
19 **LEGAL FRAMEWORK**

20 35. When an asylum seeker comes to the border to seek asylum in the U.S., the  
21 Department of Homeland Security has the option of detaining them and placing them  
22 in expedited removal proceedings or releasing them into the U.S. on parole.  
23

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

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

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

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

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 44. “Adequate, or due, process depends upon the nature of the interest affected. The more  
7 important the interest and the greater the effect of its impairment, the greater the  
8 procedural safeguards the [government] must provide to satisfy due process.”

9  
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 45. On August 29, 2025, a district court in Washington D.C. issued Make The Road New  
13 York v. Noem, 1:25-cv-00190, (D.D.C.) affirming that parolees have a liberty interest  
14 and in the country’s interior, the Constitution requires the Government to “turn square  
15 corners.” See Dep’t of Homeland Sec. v. Regents of the Univ. of Cal., 591 U.S. 1, 24  
16 (2020). The court stated that means affording due process to such parolees. As such,  
17 the district court in Make the Road New York v. Noem enjoined the administration’s  
18 memos of earlier this year purporting to expand expedited removal to apply to  
19 parolees without affording them due process.

20 ///

21 ///

1

2 **FIRST CAUSE OF ACTION**

3

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

5 46. Ms. Loaiza Arias re-alleges and incorporates by reference, as if fully set forth herein,

6 the allegations in the paragraphs above.

7 47. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the

8 federal government from depriving any person of “life, liberty, or property, without

9 due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’

10 within the United States, including [non-citizens], whether their presence here is

11 lawful, unlawful, temporary, or permanent.” Zadvydas, 533 U.S. at 693.

13 48. Here, neither Ms. Loaiza Arias nor undersigned counsel were advised by DHS that

14 they sought to detain her and claim that she is subject to mandatory detention.

15 Moreover, Ms. Loaiza Arias was detained despite there being no evidence that she is a

16 danger to the community or a flight risk. Indeed, Ms. Loaiza Arias was detained

17 without any opportunity to even be heard on these issues.

19 49. Because of her profound legal interest in her liberty as a noncitizen with valid parole,

20 her detention violates her due process rights. See generally Mathews v. Eldridge, 424

21 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before

22 deprivation of a legally protected interest).

1 **SECOND CAUSE OF ACTION**

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

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

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

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

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

17 54. In *Y-Z-H-L v Bostock*, 2025 WL 1898025, at \*10-12 (D. Or. July 9, 2025) the court  
18 explained the parole process in immigration cases and noted that before parole may be  
19 revoked, the parolee must be given written notice of the impending revocation, which  
20 must include a cogent description of the reasons therefore. Under the APA,  
21  
22

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 ///

1

2 **PRAYER FOR RELIEF**

3

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

5

6 (1) Assume jurisdiction over this matter;

7 (2) Issue the writ of habeas corpus and order Respondents to show cause,

8 within three days of Ms. Loaiza Arias's filing this petition, why the relief

9 she seeks should not be granted; and set a hearing on this matter within

10 five days of Respondents' return on the order to show cause (*see* 28

11 U.S.C. § 2243);

12 (3) Declare that Petitioner's detention without an individualized

13 determination violates the Due Process Clause of the Fifth Amendment;

14 (4) Declare that Petitioner's parole was not lawfully terminated, her parole

15 remains active and she is unlawfully detained;

16 (5) Issue a Writ of Habeas Corpus ordering Respondents to release

17 Petitioner from custody;

18 (6) In the alternative, order a constitutionally adequate bond hearing

19 complying with the procedural requirements in Singh where DHS bears

20 the burden of justifying Petitioner's continued detention by clear and

21 convincing evidence and the neutral adjudicator takes into consideration

22 alternatives to detention and Petitioner's ability to pay a bond;

23

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.

13 Dated: October 1, 2025

14 Respectfully submitted,

15 By: /s/ Bashir Ghazialam  
16 Bashir Ghazialam  
17 Attorney 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 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