

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

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FEDERICO NAVARRO PEREZ,

Petitioner-Plaintiff,

v.

Christopher LAROSE, Facility
Administrator at Otay Mesa Detention
Center, San Diego, California; Joseph
FREDEN, Field Office Director of San
Diego 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;

Respondents-Defendants.

Case No.: '25CV2620 BEN JLB

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 FEDERICO NAVARRO PEREZ petitions this Court for a writ of
2 habeas corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully,
3 and states as follows:

4
5 **INTRODUCTION**

- 6 1. Petitioner Federico Navarro Perez (Mr. Navarro Perez) is an indigenous Guatemalan
7 national who applied for entry to the U.S. to seek asylum through the CBPOne
8 application. He is currently detained at the Otay Mesa ICE Detention Center in San
9 Diego, California.
- 10 2. Mr. Navarro Perez submits this habeas petition under 28 U.S.C. § 2241 for a judicial
11 check on Respondents' administrative decisions to detain him under 8 U.S.C.
12 § 1225(b)(2), INA § 235(b)(2), despite lacking such authority. Mr. Navarro Perez's
13 parole was not terminated in accordance with the law. As such, Mr. Navarro Perez's
14 parole remains valid and he is unlawfully detained.
- 15 3. Furthermore, because the government purports to hold him under § 1225(b)(2), it has
16 not provided him an individualized bond hearing to challenge his detention under
17 8 U.S.C. § 1226(a), INA § 236(a), contravening his rights under the Immigration and
18 Nationality Act and the Fifth Amendment's Due Process Clause.
- 19 4. Mr. Navarro Perez seeks declaratory and injunctive relief to compel his immediate
20 release from the immigration jail where he has been held by the U.S. Department of
21 Homeland Security (DHS) since being unlawfully detained on July 30, 2025, without
22
23
24

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

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

9 CUSTODY

10 6. Mr. Navarro Perez is currently in Respondents' legal and physical custody. They are
11 detaining him at the Otay Mesa ICE Detention Center. He is under Respondents' and
12 their agents' direct control.
13

14 PARTIES

15 7. Petitioner Federico Navarro Perez is an indigenous man from Guatemala. He fled the
16 country due to extortion and death threats by one of the transnational criminal
17 organizations in Guatemala that the corrupt Guatemalan government cannot and/or
18 will not control.
19

20 8. He arrived in the United States on December 12, 2024 to seek asylum and was paroled
21 into the U.S. pursuant to an appointment with the CBPOne application. Petitioner was
22 taken into custody on July 30, 2025 after his court hearing at the San Diego
23 Immigration Court. DHS counsel moved to dismiss Petitioner's proceedings to
24

1 purportedly subject the Petitioner to expedited removal, yet even though proceedings
2 were not dismissed by the immigration judge, Petitioner was taken into custody with
3 no warrant, notice or hearing. Counsel for DHS has since withdrawn their motion to
4 dismiss yet the Petitioner remains detained.

5
6 9. Mr. Navarro Perez is currently in Respondents' legal and physical custody at the Otay
7 Mesa ICE Detention Center in San Diego, California. CoreCivic Inc., a Maryland
8 corporation, operates that facility.

9 10. Respondent Joseph FREDEN is the Acting Field Office Director of ICE in San Diego,
10 California and is named in his official capacity. ICE is the component of the DHS that
11 is responsible for detaining and removing noncitizens according to immigration law
12 and oversees custody determinations. In his official capacity, he is the legal custodian
13 of Petitioner.

14
15 11. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his
16 official capacity. Among other things, ICE is responsible for the administration and
17 enforcement of the immigration laws, including the removal of noncitizens. In his
18 official capacity as head of ICE, he is the legal custodian of Petitioner.

19 12. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official
20 capacity. DHS is the federal agency encompassing ICE, which is responsible for the
21 administration and enforcement of the INA and all other laws relating to the
22 immigration of noncitizens. In her capacity as Secretary, Respondent Noem has
23

1 responsibility for the administration and enforcement of the immigration and
2 naturalization laws pursuant to section 402 of the Homeland Security Act of 2002,
3 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a).

4 Respondent Noem is the ultimate legal custodian of Petitioner.

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

12
13 14. Respondent Christopher LAROSE is the Warden of the Otay Mesa Detention Center
14 where Petitioner is being held. Respondent Christopher LaRose oversees the day-to-
15 day operations of the Otay Mesa Detention Center and acts at the Direction of
16 Respondents Freden, Lyons and Noem. Respondent Christopher LaRose is a
17 custodian of Petitioner and is named in their official capacity.

18 JURISDICTION AND VENUE

19 15. This action arises under the United States Constitution and the Immigration and
20 Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Mr. Navarro
21 Perez's detention under the INA and any inherent or plenary powers the government
22 may claim to continue holding him.
23

1 16. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United
2 States Constitution; and 28 U.S.C. § 1331, as Mr. Navarro Perez is presently in
3 Respondents' custody under the United States' color of authority, and such custody
4 violates the United States' Constitution, laws, or treaties. Its jurisdiction is not limited
5 by a petitioner's nationality, status as an immigrant, or any other classification.
6 *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may grant relief under
7 U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII; 28 U.S.C. §§ 1361
8 (mandamus), 1651 (All Writs Act), 2241 (habeas corpus).

10 17. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Mr. Navarro
11 Perez's detention. Federal district courts possess broad authority to issue writs of
12 habeas corpus when a person is held "in custody in violation of the Constitution or
13 laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and this authority
14 extends to immigration detention challenges that survived the REAL ID Act's
15 jurisdictional restrictions.

17 18. Because Mr. Navarro Perez seeks the traditional habeas remedy of release from
18 allegedly unlawful detention rather than additional administrative review of his
19 underlying claims, his petition presents precisely the type of threshold legality-of-
20 detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533 U.S.
21 289, 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. Navarro Perez's detention.

19. 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. Navarro Perez is detained here, and his custodian resides here. Venue is also proper under 28 U.S.C. § 2243 because Mr. Navarro Perez's immediate custodian resides in this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J., concurring).

STATEMENT OF FACTS

20. Mr. Navarro Perez is an indigenous man from Guatemala who fled the country due to extortion and death threats by one of the transnational criminal organizations in Guatemala that the corrupt Guatemalan government cannot and/or will not control.

21. Mr. Navarro Perez arrived in the United States on December 12, 2024 and was inspected after having made an appointment at the Port of Entry with the CBP One application. Mr. Navarro Perez was paroled into the U.S. that same day and issued a Form I-94 valid for two years (through December 12, 2026).

22. On April 11, 2025, the CBP One parolees like Mr. Navarro Perez were sent a mass form email by the Department of Homeland Security stating that their parole would be terminated within 7 days. No reason was provided for the purported termination of the parole. Instead, the CBP One parolees were told to depart the U.S. "immediately,"

1 without regard to the fact that the vast majority had pending asylum cases in
2 immigration court.

3 23.Mr. Navarro Perez is indigenous and cannot read or write, so he does not use email for
4 this reason. He therefore does not know whether he was sent the aforementioned
5 email. Regardless of whether he actually received the email, however, as discussed
6 further below, the mass email did not constitute lawful termination of his or anyone
7 else's parole.
8

9 24.Mr. Navarro Perez attended all his immigration court hearings and at his third court
10 hearing on July 30, 2025, he was detained by ICE after counsel for DHS moved to
11 dismiss Mr. Navarro Perez' removal proceedings with the intent to place him in
12 expedited removal proceedings. Mr. Navarro was detained on that date despite the
13 immigration judge allowing time for Petitioner's counsel to brief the issue. Mr.
14 Navarro Perez remains detained presently despite counsel for DHS moving to
15 withdraw their motion to dismiss Mr. Navarro Perez's case.
16

17 25.On July 30, 2025, ICE unlawfully took Mr. Navarro Perez into custody without a
18 warrant, notice or opportunity to be heard.

19 26. Mr. Navarro Perez is suffering greatly in detention. Mr. Navarro Perez is very
20 depressed, has anxiety, difficulty sleeping and has lost a significant amount of weight.
21 Moreover, due to the unnecessarily invasive and traumatizing practice at the Otay
22 Mesa Detention Center of conducting strip searches of every detainee after every visit
23
24

1 by family / friends, Mr. Navarro Perez has not been able to have a single in-person
2 visit by any of his family or friends.

3 27. Mr. Navarro Perez has no criminal history and was attending his third court hearing
4 when he was apprehended. As such, there is no indication of Mr. Navarro Perez being
5 a danger to the community or a flight risk.

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

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

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

18 30. Habeas corpus must remain a swift remedy. Importantly, “The statute itself directs
19 courts to give petitions for habeas corpus ‘special, preferential consideration to insure
20 expeditious hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir.
21 2000) (internal citations omitted). The Ninth Circuit warned against any action
22
23
24

1 creating the perception “that courts are more concerned with efficient trial
2 management than with the vindication of constitutional rights.” *Id.*

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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

13
14 32. Exhausting administrative remedies here is futile because Respondents contend Mr.
15 Navarro Perez is subject to mandatory detention. As such, no request to release him
16 from custody would be considered by ICE. Moreover, immigration judges in this
17 district claim to have no jurisdiction to conduct a custody redetermination hearing as
18 to individuals procedurally situated like Mr. Navarro Perez. Indeed, in contravention
19 to the INA and long-standing precedent and practice, the Board of Immigration
20 Appeals and Attorney General have deemed no noncitizen eligible for bond before an
21 immigration judge (with the exception of only noncitizens who entered the U.S. on a
22
23
24

1 visa). As such, any attempts to exhaust administrative remedies would be entirely
2 futile.

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

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

21 //
22

23 //
24

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.

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

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

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

1 given only on a case-by-case basis is to be terminated only on such a basis” and
2 pointing to individualized statutory language of § 1182(d)(5)).

3 39. Moreover, under the Administrative Procedures Act (“APA”), an agency must act in a
4 manner that is not arbitrary or capricious. See 5 U.S.C. § 706(2)(A) (directing courts
5 to “hold unlawful and set aside agency action” that is arbitrary and capricious); Dep’t
6 of Com. v. New York, 139 S. Ct. 2551, 2569 (2019) (requiring an agency to articulate
7 a “satisfactory explanation” for its action, “including a rational connection between
8 the facts found and the choice made”).
9

10 40. Furthermore, immigration detention should not be used as a punishment and should
11 only be used when, under an individualized determination, a noncitizen is a flight risk
12 because they are unlikely to appear for immigration court or a danger to the
13 community. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).
14

15 41. “Freedom from imprisonment—from government custody, detention, or other forms
16 of physical restraint—lies at the heart of the liberty that [the Due Process] Clause
17 protects.” Zadvydas v. Davis, 533 U.S. at 690. “[T]he Due Process Clause applies to
18 all ‘persons’ within the United States, including aliens, whether their presence here is
19 lawful, unlawful, temporary, or permanent.” Id. at 693.
20

21 42. Parolees in particular have a weighty liberty interest under the Due Process Clause.
22 The Supreme Court has noted that, “subject to the conditions of his parole, [a parolee]
23 can be gainfully employed and is free to be with family and friends and to form the
24

1 other enduring attachments of normal life.” Morrissey v. Brewer, 408 U.S. 471, 482
2 (1972).

3 43. “[T]he parolee has relied on at least an implicit promise that parole will be revoked
4 only if he fails to live up to the parole conditions.” Morrissey v. Brewer, 408 U.S. at
5 482. The Court explained that “the liberty of a parolee, although indeterminate,
6 includes many of the core values of unqualified liberty and its termination inflicts a
7 grievous loss on the parolee and often others.” Id. In turn, “[b]y whatever name, the
8 liberty is valuable and must be seen within the protection of the [Fifth] Amendment.”
9 Id.

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

16
17 45. On August 29, 2025, a district court in Washington D.C. issued Make The Road New
18 York v. Noem, 1:25-cv-00190, (D.D.C.) affirming that parolees have a liberty interest
19 and in the country’s interior, the Constitution requires the Government to “turn square
20 corners.” See Dep’t of Homeland Sec. v. Regents of the Univ. of Cal., 591 U.S. 1, 24
21 (2020). The court stated that means affording due process to such parolees. As such,
22 the district court in Make the Road New York v. Noem enjoined the administration’s
23
24

1 memos of earlier this year purporting to expand expedited removal to apply to
2 parolees without affording them due process.

3 **FIRST CAUSE OF ACTION**

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

6 46.Mr. Navarro Perez re-alleges and incorporates by reference, as if fully set forth herein,
7 the allegations in the paragraphs above.

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

13 48.Here, neither Mr. Navarro Perez nor undersigned counsel were advised by DHS that
14 they sought to detain him and claim he is subject to mandatory detention. Moreover,
15 Mr. Navarro Perez was detained despite there being no evidence that he is a danger to
16 the community or a flight risk. Indeed, Mr. Navarro Perez was detained without any
17 opportunity to even be heard on these issues.

18 49.Because of his profound legal interest in his liberty as a noncitizen with valid parole,
19 his detention violates his due process rights. See generally Mathews v. Eldridge, 424
20 U.S. 319, 333 (1976) (requiring notice and an opportunity to be heard before
21 deprivation of a legally protected interest).
22
23
24

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. Mr. Navarro Perez 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 his 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 he 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 his facts or circumstances since the
16 agency made its initial determination to parole him into the United States that support
17 detention.

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

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. Navarro Perez's filing this petition, why the relief he 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, his parole remains active and he 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;
- (7) In the alternative, conduct an immediate bond hearing before this Court where DHS bears the burden of justifying Petitioner's continued

1 detention by clear and convincing evidence and the Court takes into
2 consideration alternatives to detention and Petitioner's ability to pay a
3 bond;

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

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

8 (10) Grant any further relief this Court deems just and
9 proper.
10

11 Dated: October 3, 2025

Respectfully submitted,

12
13 By: /s/ Bashir Ghazialam
14 Bashir Ghazialam
15 Attorney for Petitioner
16
17
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 3, 2025, in San Diego, California.

/s/ Kirsten Zittlau
Kirsten Zittlau
Attorney for Petitioner