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11 UNITED STATES DISTRICT COURT

12 SOUTHERN DISTRICT OF CALIFORNIA

13 ADRIANA GONZALEZ SALAZAR,

Case No.: '25CV2784 JLS VET

14 Petitioner-Plaintiff,

Agency File No. 

15 v.

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

16 Jeremy CASEY, Warden at Imperial
17 Regional Detention Center, Imperial,
18 California;
19 Joseph FREDEN, Field Office Director of
20 San Diego Office of Detention and
21 Removal, U.S. Immigrations and Customs
22 Enforcement; U.S. Department of
23 Homeland Security;
24 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;

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

Respondents-Defendants.

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

4 **INTRODUCTION**

- 5
- 6 1. Petitioner Adriana Gonzalez Salazar (Ms. Gonzalez Salazar) is a nineteen-year-old
7 young woman detained at the Imperial Regional Detention Facility in Imperial,
8 California.
 - 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),
11 INA § 235(b)(2), despite lacking such authority. Ms. Gonzalez Salazar's parole
12 was not terminated in accordance with the law. As such, Ms. Gonzalez Salazar's
13 parole remains valid and she is unlawfully detained.
 - 14 3. Furthermore, because the government purports to hold her under § 1225(b)(2), it
15 has not provided her an individualized bond hearing to challenge her detention
16 under 8 U.S.C. § 1226(a), INA § 236(a), contravening her rights under the
17 Immigration and Nationality Act and the Fifth Amendment's Due Process Clause.
 - 18 4. Ms. Gonzalez Salazar seeks declaratory and injunctive relief to compel her
19 immediate release from the immigration jail where she has been held by the U.S.
20 Department of Homeland Security (DHS) since being unlawfully detained on
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1 October 16, 2025, without first being provided a due process hearing to determine
2 whether her incarceration is justified.

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

9 **CUSTODY**

10 6. Ms. Gonzalez Salazar is currently in Respondents' legal and physical custody.
11 They are detaining her at the Imperial Regional Detention Facility. She is under
12 Respondents' and their agents' direct control.
13

14 **PARTIES**

15 7. Petitioner Adriana Gonzalez Salazar is a citizen of Venezuela. She fled the country
16 due to the oppressive Maduro regime, as well as severe parental abuse, neglect and
17 abandonment. She arrived in the United States on July 16, 2024 to seek asylum and
18 was paroled into the U.S. pursuant to an appointment with the CBPOne
19 application. Petitioner was taken into custody on October 16, 2025 at an
20 appointment at the ICE office in downtown San Diego. Petitioner was taken into
21 custody with no warrant, notice or hearing.
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- 1 8. Ms. Gonzalez Salazar is currently in Respondents' legal and physical custody at
2 the Imperial Regional Detention Facility in Imperial, California. Management and
3 Training Corporation (MTC), a Utah corporation, operates that facility.
- 4
5 9. Respondent Joseph FREDEN is the Acting Field Office Director of ICE in San
6 Diego, California and is named in his official capacity. ICE is the component of
7 DHS that is responsible for detaining and removing noncitizens according to
8 immigration law and oversees custody determinations. In his official capacity, he is
9 the legal custodian 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
15 11. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official
16 capacity. DHS is the federal agency encompassing ICE, which is responsible for
17 the administration and enforcement of the INA and all other laws relating to the
18 immigration of noncitizens. In her capacity as Secretary, Respondent Noem has
19 responsibility for the administration and enforcement of the immigration and
20 naturalization laws pursuant to section 402 of the Homeland Security Act of 2002,
21 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a).
22 Respondent Noem is the ultimate legal custodian of Petitioner.
- 23
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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
6 and the BIA.

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8 13. Respondent Jeremy CASEY is the Warden of the Imperial Regional Detention
9 Facility where Petitioner is being held. Respondent Jeremy Casey oversees the
10 day-to-day operations of the Imperial Regional Detention Facility and acts at the
11 Direction of Respondents Freden, Lyons and Noem. Respondent Jeremy Casey is a
12 custodian of Petitioner and is named in their official capacity.

13 JURISDICTION AND VENUE

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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.
17 Gonzalez Salazar's detention under the INA and any inherent or plenary powers
18 the government 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. Gonzalez Salazar 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
23 limited by a petitioner's nationality, status as an immigrant, or any other
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1 classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may
2 grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII;
3 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), 2241 (habeas corpus).

4
5 16. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Ms.
6 Gonzalez Salazar's detention. Federal district courts possess broad authority to
7 issue writs of habeas corpus when a person is held "in custody in violation of the
8 Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and
9 this authority extends to immigration detention challenges that survived the REAL
10 ID Act's jurisdictional restrictions.

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

19
20 18. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a
21 substantial part of the events or omissions giving rise to this claim have happened
22 here, Ms. Gonzalez Salazar is detained here, and her custodian resides here. Venue
23 is also proper under 28 U.S.C. § 2243 because Ms. Gonzalez Salazar's immediate
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1 days. No reason was provided for the purported termination of the parole. Instead,
2 she and the other CBPOne parolees were told to depart the U.S. “immediately,”
3 without regard to the fact that Ms. Gonzalez Salazar and her family members had
4 pending asylum cases in immigration court.
5

6 24. Ms. Gonzalez Salazar attended her only court hearing to date on September 29,
7 2025. Ms. Gonzalez Salazar also received a call-in letter from ICE for her to come
8 to the downtown San Diego ICE office on October 16, 2025. At that appointment,
9 Ms. Gonzalez Salazar was taken into custody despite the fact that she had attended
10 her court hearing and the ICE appointment, had otherwise complied with all the
11 terms of her parole, and has no criminal history in any part of the world.
12

13 25. As such, there is no indication Ms. Gonzalez Salazar is a danger to the community
14 or a flight risk. In fact, she is even less of a flight risk currently than she was when
15 she was paroled into the United States.

16 26. Ms. Gonzalez Salazar is already suffering greatly in detention. Prior to being
17 detained, Ms. Gonzalez Salazar was diagnosed with severe panic disorder (with
18 agoraphobia), severe major depressive disorder, severe Post-Traumatic Stress
19 Disorder (PTSD) and psychogenic seizures. Ms. Gonzalez Salazar had a mental
20 health intake appointment scheduled for October 21, 2025 to start therapy, which
21 she will now have to forego due to having been detained.
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1 27. Moreover, Ms. Gonzalez Salazar has a November 5, 2025 hearing in the San Diego
2 probate court at which her presence is required. At this hearing, her aunt will be
3 appointed Ms. Gonzalez Salazar’s legal guardian. This predicate order from the
4 probate court is necessary so that the Form I-360 Special Immigrant Juvenile visa
5 petition can be filed on Ms. Gonzalez Salazar’s behalf with USCIS. If Ms.
6 Gonzalez Salazar is not released prior to November 5, 2025, she will be forced to
7 postpone the probate court hearing, delaying her Special Immigrant Juvenile visa.
8

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

10 28. The Court must grant the petition for writ of habeas corpus or issue an order to
11 show cause (OSC) to Respondents “forthwith,” unless the petitioner is not entitled
12 to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require
13 Respondents to file a return “within *three days* unless for good cause additional
14 time, *not exceeding twenty days*, is allowed.” *Id.* (emphasis added).
15

16 29. Courts have long recognized the significance of the habeas statute in protecting
17 individuals from unlawful detention. The Great Writ has been referred to as
18 “perhaps the most important writ known to the constitutional law of England,
19 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
20 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).
21

22 30. Habeas corpus must remain a swift remedy. Importantly, “The statute itself directs
23 courts to give petitions for habeas corpus ‘special, preferential consideration to
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1 insure expeditious hearing and determination.” *Yong v. INS*, 208 F.3d 1116, 1120
2 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned against any
3 action creating the perception “that courts are more concerned with efficient trial
4 management than with the vindication of constitutional rights.” *Id.*

5
6 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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

16
17 32. Exhausting administrative remedies here is futile because Respondents contend
18 Ms. Gonzalez Salazar is subject to mandatory detention. As such, no request to
19 release her from custody would be considered by ICE. Moreover, immigration
20 judges in this district claim to have no jurisdiction to conduct a custody
21 redetermination hearing as to individuals procedurally situated like Ms. Gonzalez
22 Salazar. Indeed, in contravention to the INA and long-standing precedent and
23

1 practice, the Board of Immigration Appeals and Attorney General have deemed no
2 noncitizen eligible for bond before an immigration judge (with the exception of
3 noncitizens who entered the U.S. on a visa). As such, any attempts to exhaust
4 administrative remedies would be entirely futile.
5

6 33. Moreover, no statutory exhaustion requirements apply to Petitioner's claim of
7 unlawful custody in violation of her due process rights, and there are no
8 administrative remedies that she needs to exhaust. *See Am.-Arab Anti-*
9 *Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding
10 exhaustion to be a "futile exercise because the agency does not have jurisdiction to
11 review" constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098,
12 1099 (C.D. Cal. 2000) (same).
13

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

3 **LEGAL FRAMEWORK**

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

7
8 36. The INA provides that DHS “may . . . in [the Secretary’s] discretion parole” an
9 arriving asylum seeker into the United States on a “case-by-case basis for urgent
10 humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A).

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

17
18 38. Release on parole is an “express exception” to detention and is a “specific
19 provision authorizing release.” Jennings v. Rodriguez, 583 U.S. 231, 300 (2018).
20 The plain language of the statute establishes that parole must be both granted and
21 revoked on an individual, case-by-case basis: 8 U.S.C. § 1182(d)(5)(A) directs that
22 parole may be granted “only on a case-by-case basis” and may be terminated
23

1 “when the purposes of such parole shall . . . have been served.” See also Doe v.
2 Noem, 2025 WL 1505688, at *1 (1st Cir. May 5, 2025) (observing that “[c]ommon
3 sense suggests . . . that parole given only on a case-by-case basis is to be
4 terminated only on such a basis” and pointing to individualized statutory language
5 of Section 1182(d)(5)).

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

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

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

1 42. Parolees in particular have a weighty liberty interest under the Due Process Clause.

2 The Supreme Court has noted that, “subject to the conditions of his parole, [a
3 parolee] can be gainfully employed and is free to be with family and friends and to
4 form the other enduring attachments of normal life.” Morrissey v. Brewer, 408
5 U.S. 471, 482 (1972).

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

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

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FIRST CAUSE OF ACTION

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

45. Ms. Gonzalez Salazar re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

46. 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.

47. Here, neither Ms. Gonzalez Salazar nor undersigned counsel were advised by DHS that they sought to detain her and claim that she is subject to mandatory detention. Moreover, Ms. Gonzalez Salazar was detained despite there being no evidence that she is a danger to the community or a flight risk.

48. 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).

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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

49. Ms. Gonzalez Salazar re-alleges and incorporates by reference, as if fully set forth herein, the allegations in the paragraphs above.

50. 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).

51. 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)).

52. 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).

53. 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,

1 which must include a cogent description of the reasons therefore. Under the APA,
2 immigration parolees are entitled to determinations related to their parole
3 revocations that are not arbitrary, capricious or an abuse of discretion. *Id.* at *10.
4 54. By categorically purporting to revoke Petitioner's parole without any description
5 of the reasons therefore and detaining the Petitioner without consideration of her
6 individualized facts and circumstances, Respondents have violated the APA.
7 55. Respondents have made no finding that Petitioner, an individual with no criminal
8 history anywhere in the world, is a danger to the community.
9 56. Respondents have also made no finding that Petitioner is a flight risk because, in
10 fact, she was arrested while attending an appointment with ICE.
11 57. By detaining the Petitioner categorically, Respondents have further abused their
12 discretion because there have been no changes to her facts or circumstances since
13 the agency made its initial determination to parole her into the United States that
14 support detention.
15 58. Respondents have already considered Petitioner's facts and circumstances and
16 determined that she was not a flight risk or danger to the community. There have
17 been no changes to the facts or any materially changed circumstances that justify
18 this revocation of her parole and/or being detained.
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22 **PRAYER FOR RELIEF**

23 WHEREFORE, the Petitioner prays that this Court grant the following relief:
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- 1 (1) Assume jurisdiction over this matter;
- 2 (2) Issue the writ of habeas corpus and order Respondents to show cause,
3 within three days of Ms. Gonzalez Salazar's filing this petition, why the
4 relief she seeks should not be granted; and set a hearing on this matter
5 within five days of Respondents' return on the order to show cause (*see*
6 28 U.S.C. § 2243);
- 7 (3) Declare that Petitioner's detention without an individualized
8 determination violates the Due Process Clause of the Fifth Amendment;
- 9 (4) Declare that Petitioner's parole was not lawfully terminated, her parole
10 remains active and she is unlawfully detained;
- 11 (5) Issue a Writ of Habeas Corpus ordering Respondents to release
12 Petitioner from custody;
- 13 (6) In the alternative, order a constitutionally adequate bond hearing
14 complying with the procedural requirements in Singh where DHS bears
15 the burden of justifying Petitioner's continued detention by clear and
16 convincing evidence and the neutral adjudicator takes into consideration
17 alternatives to detention and Petitioner's ability to pay a bond;
- 18 (7) Issue an Order prohibiting the Respondents from transferring Petitioner
19 from the district without the court's approval;
- 20 (8) Award Petitioner attorney's fees and costs under the Equal Access to
21 Justice Act, and on any other basis justified under law; and
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1 (9) Grant any further relief this Court deems just and proper.

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3 Dated: October 20, 2025

Respectfully submitted,

4 By: /s/ Bashir Ghazialam
5 Bashir Ghazialam
6 Attorney for Petitioner
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