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**Arneh Shanazar**  
~~XXXXXXXXXX~~  
Otay Mesa Detention Center  
P.O. Box 439049  
San Diego, CA 92143-9049

Pro Se<sup>1</sup>

**FILED**  
NOV 10 2025  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY ODE DEPUTY

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ARNEH SHANAZAR,  
Petitioner,

v.

KRISTI NOEM, Secretary of the  
Department of Homeland Security,  
PAMELA JO BONDI, Attorney General,  
TODD M. LYONS, Acting Director,  
Immigration and Customs Enforcement,  
JESUS ROCHA, Acting Field Office  
Director, San Diego Field Office,  
CHRISTOPHER LAROSE, Warden at  
Otay Mesa Detention Center,

Respondents.

CIVIL CASE NO.:

'25CV3054 JES BJW

**Petition for Writ  
of  
Habeas Corpus**

**[Civil Immigration Habeas,  
28 U.S.C. § 2241]**

**I. Introduction**

Arneh Shanazar is a U.S. citizen who has been detained at the Otay Mesa Detention Center since this June. He automatically derived citizenship because his mother naturalized on June 27, 1996, when Arneh was eleven years old; he

<sup>1</sup> Mr. Shanazar is filing this petition with the assistance of the Federal Defenders of San Diego, Inc., who drafted the instant petition. That same counsel also assisted the petitioner in preparing and submitting his request for the appointment of counsel and all other documents. Federal Defenders has consistently used this procedure in seeking appointment for immigration habeas cases.

1 remained in his mother’s legal and physical custody in Los Angeles throughout  
2 his childhood, including when the Child Citizenship Act of 2000 became  
3 effective in 2001; and he was in possession of a green card. *See* Exhibit A,  
4 Declaration of Armineh Shanazar (declaration of Mr. Shanazar’s mother attaching  
5 her naturalization certificate, Arneh’s old green card, and his Iranian identification  
6 document).

7 Arneh received derivative citizenship under the Child Citizenship Act of  
8 2000, 8 U.S.C. § 1431(a), which grants automatic derivative citizenship when all  
9 of the following conditions are met on or after February 27, 2001: (1) at least one  
10 parent of the child is a citizen, whether by birth or naturalization; (2) the child is  
11 under eighteen; and (3) the child is residing in the United States in the legal and  
12 physical custody of the parent pursuant to a lawful admission for permanent  
13 residence. *See* U.S. Citizenship and Immigration Service, *Policy Manual*, Chapter  
14 4–Automatic Acquisition of Citizenship after Birth (INA 320).<sup>2</sup> Because all of  
15 those conditions were met on February 27, 2001, when Arneh was 16 years old,  
16 he is a U.S. citizen. *See* Exhibit A.

17 Because detaining a U.S. citizen in immigration detention “violates the  
18 Non-Detention Act as well as the Due Process Clause of the Constitution,” this  
19 Court should grant this habeas petition and order Mr. Shanazar’s immediate  
20 release. *Flores-Torres v. Mukasey*, 548 F.3d 708, 712 (9th Cir. 2008).

21 Federal Defenders of San Diego, Inc., informed government counsel of  
22 Mr. Shanazar’s citizenship on Friday, November 7, 2025, at 1:43 p.m., attaching  
23 his mother’s naturalization certificate, a copy of his old green card from  
24 childhood, and his Iranian identification certificate, but Mr. Shanazar has  
25 remained in ICE custody.

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28 <sup>2</sup> Available at <https://www.uscis.gov/policy-manual/volume-12-part-h-chapter-4>.

1 **II. Statement of facts**

2 Arneh Shanazar was born to his mother, Armineh Shanazar, and his father,  
3 Roubik Shanazar, on [REDACTED] in Tehran. Exhibit A ¶ 1. The three of them  
4 immigrated as a family to the United States in 1990 and each received green cards  
5 soon after. *Id.* ¶ 2; *accord* Exhibit B, Declaration of Arneh Shanazar ¶ 1.

6 On June 27, 1996, Ms. Shanazar naturalized and became a U.S. citizen.  
7 Exhibit A ¶ 3. At that time, Arneh was in his mother’s legal and physical custody  
8 in Los Angeles. *Id.* He was eleven years old. *Id.* ¶¶ 1, 3. He had a green card. *Id.* ¶  
9 2. His family did not realize this ultimately made Arneh a citizen, too. *Id.* ¶ 4.

10 When Arneh Shanazar was in his mid-20s, and appearing in immigration  
11 court *pro se*, an immigration judge also apparently did not realize he was a U.S.  
12 citizen. He was ordered removed to Iran for a drug conviction. Exhibit B ¶ 2.  
13 Because the U.S. could not remove him to Iran, he was released, and he has lived  
14 in the U.S. ever since. *Id.* ¶¶ 2–3.


15 On June 22 or 23, 2025, Arneh Shanazar was arrested by ICE outside his  
16 home in Burbank. *Id.* ¶ 4. He has been in ICE custody since. *Id.* Since he has been  
17 in custody, he has not been able to assist his father, with whom he lives, and who  
18 has significant cardiovascular conditions that require a number of surgeries and do  
19 not allow him to walk. *Id.* ¶ 7.

20 **III. Legal claims: Mr. Shanazar’s detention violates the Immigration and**  
21 **Nationality Act, the Non-Detention Act, and substantive and**  
22 **procedural due process, requiring his immediate release.**

23 Under the INA, the Attorney General’s authority to detain an individual in  
24 immigration custody is solely restricted to “aliens.” 8 U.S.C. § 1226(a). The Non-  
25 Detention Act states that “[n]o citizen shall be imprisoned or otherwise detained  
26 by the United States except pursuant to an Act of Congress.” 18 U.S.C. § 4001(a).  
27 Since the Non-Detention Act requires that a citizen may only be detained by an  
28 act of Congress, and since the INA only authorizes the detention of “aliens,” no

1 statutory authority permits the government to detain a U.S. citizen in ICE custody.  
2 And, of course, under substantive and procedural due process, “In our society  
3 liberty is the norm, and detention prior to trial or without trial is the carefully  
4 limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987).

5 As the Ninth Circuit has held, if a petitioner “is a citizen the government  
6 has no authority under the INA to detain him, as well as no interest in doing so,  
7 and his detention would be unlawful under the Constitution and under the Non-  
8 Detention Act.” *Flores-Torres*, 578 F.3d at 710. It has also held that 8 U.S.C.  
9 § 1252 “does not” preclude “the district court from exercising jurisdiction over”  
10 habeas petitions raising these sets of claims. *Id.*

11 Arneh Shanazar is a citizen of the United States. He was 16 years old at the  
12 time the Child Citizenship Act of 2000 became effective, on February 26, 2001.  
13 See Exhibit A ¶ 1 (declaring Arneh’s birthdate is in  and including  
14 proof of that birthdate via a copy of his old green card and his Iranian  
15 identification document). On that date, he “automatically be[came] a citizen of the  
16 United States” because “all of the following conditions ha[d] been fulfilled:”

17 “(1) At least one parent of the child [wa]s a citizen of the United States,  
18 whether by birth or naturalization.” 8 U.S.C. § 1431(a). Arneh’s mother,  
19 Armineh, had naturalized in 1996. Exhibit A ¶ 3 (declaring that, and including  
20 proof via her naturalization certificate).

21 “(2) The child [wa]s under the age of eighteen years.” 8 U.S.C. § 1431(a).  
22 Arneh was 16 in February 2001. Exhibit A ¶ 1.

23 “(3) The child [wa]s residing in the United States in the legal and physical  
24 custody of the citizen parent pursuant to a lawful admission for permanent  
25 residence.” 8 U.S.C. § 1431(a). Arneh’s mother Armineh had legal and physical  
26 custody of him the whole time he was under 18, and they lived (and have  
27 continued to live) in Los Angeles. Exhibit A ¶ 3. Arneh had a legal permanent  
28 residence card. Exhibit A ¶ 2 (declaring that, and also including a copy of Arneh’s

1 childhood green card, which expired in 2002).

2 Arneh automatically derived citizenship at age 16, and “ICE is therefore  
3 without authority to detain him.” *Flores-Torres*, 548 F.3d at 709.

4 **IV. Prayer for relief**

5 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 6 1. Order and enjoin Respondents to immediately release Petitioner from  
7 custody;
- 8 2. Enjoin Respondents from re-detaining Petitioner; and
- 9 3. Order all other relief that the Court deems just and proper.

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**Conclusion**

For those reasons, this Court should grant this habeas petition.

DATED: 11-06-25

Respectfully submitted,



A handwritten signature in black ink, appearing to be "A. [unclear]", written over a horizontal line.

Petitioner