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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MICHAEL ZIMRAN

Plaintiff,

v.

KRISTI NOEM, et al.,

Defendant.

Case No. 5:25-CV-03143-JFW-KES

REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

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I.INTRODUCTION

Petitioner Michael Zimran, files this reply in support of his Petition for Writ of Habeas Corpus. *See* Dkt. 1. On December 16, 2025, Respondents filed a brief that they styled an Answer to the Petition, but which is substantially similar to their brief in opposition to the application for preliminary injunction and includes the same declarations as their only evidence. Dkt. 19. Because this case involves fundamental disputes of crucial facts, Petitioner respectfully requests that the Court conduct an evidentiary hearing to resolve his claims.

II. RESPONSE TO FACTUAL ALLEGATIONS IN ANSWER

Respondents do not respond to the Petition with allegations in numbered paragraphs but instead repeat many of the same arguments that were presented in opposition to the preliminary injunction application.[1] Per the Court's Order, Petitioner states whether he admits or denies each allegation of fact in the Answer. *See* Dkt. 18 at 3. Petitioner also incorporates all previously raised arguments and evidence in support of his Petition. Except for the specific admissions below, Petitioner denies the allegations in Respondents' Answer.

Respondents aver that no request has been made for Petitioner to be removed to a third country. Dkt. 19 at 2 n.1. Petitioner denies this allegation to the extent it implies that ICE does not plan to seek removal to a third country. On December 17, 2025, Deportation Office Jorge George Preciado told Petitioner that if Petitioner could not be removed to Pakistan, then ICE would explore third country options for his removal. Decl. of Michael Zimran (Zimran Decl.), ¶ 15.k.[2]

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[1] Indeed, the Answer contains multiple references to the law governing preliminary relief. *See, e.g.*, Dkt. 19 at 12. Of course, the law governing an application for preliminary relief is no longer applicable at this stage.

[2] As explained in the declarations submitted by Petitioner in support of this Reply, Petitioner authorized undersigned counsel to sign his declaration on his behalf.

Respondents allege that on September 20, 2024, DHS successfully obtained Petitioner's travel document from Pakistan. Dkt. 19 at 4. Petitioner denies this allegation, because neither of Respondents' declarants can properly authenticate the copy of the travel document submitted by Respondents. Additionally, Petitioner denies this allegation, because Petitioner checked in with ICE on March 12, 2025, but was not informed of the travel document and was not detained. Zimran Decl., ¶ 14.b. Petitioner was never called by ICE or sent a notice regarding the travel document even though ICE had both his contact number and his mailing address, which he checked regularly. *Id.* Additionally, when Petitioner called the Pakistani Consulate, they were not able to confirm whether a travel document had been issued. *Id.*, ¶15.e. Although undersigned counsel has reached out to the Pakistani Consulate via phone and email, it has not confirmed that travel documents were issued. Decl. of Estalyn Marquis (Marquis Decl.), ¶ 10.

Respondents allege that immediately after securing a travel document for Petitioner, DHS instructed Petitioner to report for removal. Dkt. 19 at 8. Petitioner denies this allegation. Despite this Court instructing the parties to submit documents referred to in declarations or to explain why those documents are not available, Respondents have failed to submit the G-56 Official Request for Appearance that they allege was sent to Petitioner. *See* Dkt. 19-2 at 2. Additionally, Petitioner did not receive any notice in the mail or by phone from ICE that a travel document had been issued for him. Zimran Decl., ¶ 14.b.ii. Petitioner checked in with ICE on March 12, 2025, but was not informed of the travel document or taken into custody. *Id.*, ¶14.c.

Respondents allege that on or about October 15, 2024, Petitioner absconded and remained in that status at least until after the TD had expired. Dkt. 19 at 8. Petitioner denies this allegation. Petitioner has never absconded and has checked in with ICE as

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Undersigned counsel also FedExed the Petition and Petitioner's declaration for him to sign personally and return to counsel via mail. Due to Petitioner's continued detention, It was not practicable to obtain Petitioner's signature before the deadline for this Reply.

required for all periods that he has been on supervised release. Zimran Decl., ¶¶ 12, 14.b. Within 72 hours of moving to Portland, Oregon, he checked in with the ICE office there—as instructed by the ICE officers in Denver. *Id.*, ¶ 14.c-d. Checking in within days of arrival in a new city is simply not the behavior of an absconder. Petitioner did not receive any notice in the mail or by phone from ICE that a travel document had been issued for him. *Id.*, ¶ 14.b.ii. Petitioner checked in with ICE on March 12, 2025, but was not informed of the travel document or taken into custody. *Id.*, ¶ 14.c.

Respondents allege that Petitioner was required to assist with obtaining his travel documents to Pakistan and that Petitioner was served on three different occasions a Warning for Failure to Depart the United States. Dkt. 19 at 9. Petitioner admits these allegations. Respondents allege that Petitioner failed to meet the requirement to assist with obtaining his travel documents to Pakistan and that Petitioner never complied with the Warnings for Failure to Depart the United States. *Id.* Petitioner denies these allegations. Petitioner has made every effort to assist with his removal. He does not have a passport, birth certificate, national identification cards, or any other documents indicating his citizenship, nationality, place of birth, or place of residence before he entered the United States. Zimran Decl., ¶ 15.d. He has never refused to submit a passport application or application for a document. *Id.*, ¶ 15.f. Indeed, in 2020 or 2021, when ICE requested that he submit a passport application, he did. *Id.* During his time in custody at Adelanto, Petitioner has never been given any paperwork or applications by ICE to submit to the Pakistani Consulate. *Id.*, ¶ 15.h. Petitioner's only means of contacting the Pakistani Consulate while detained is by phone, and Petitioner has called the Consulate at least twice every week since he was detained. *Id.*, ¶15.g. In November, the Consulate informed Petitioner that it had received a travel document request packet from the Government but could not issue him a travel document because it had verified that it has no records showing Petitioner is a Pakistani national. *Id.*, ¶ 15.i. The

Consulate informed Petitioner that there was nothing else he needed to do and that they could not issue him a letter to that effect, since ICE was the requesting authority. *Id.*, ¶ 15.i. On December 5, 2025, Petitioner was told by the Consulate's Los Angeles Office that the verification investigation process was completed, that the Consulate could not verify his Pakistani citizenship, and that there was no reason for him to continue calling the Consulate. *Id.*, ¶ 15.g. What's more, on December 17, 2025, Deportation Officer Preciado informed Petitioner that there was nothing else for Petitioner to do but wait. *Id.*, ¶ 15.j.

Respondents allege that DHS intends to remove Petitioner to Pakistan. Dkt. 19 at 11. Petitioner denies this allegation to the extent it suggests that Respondents are not considering Petitioner's removal to a third country. On December 17, 2025, DO Preciado informed Petitioner that if he cannot be removed to Pakistan, ICE will explore a third country option near Pakistan for his removal. Zimran Decl., ¶ 15.k. Respondents allege that Petitioner's travel documents remain pending for active consideration by Pakistan. Dkt. 19 at 11. Petitioner denies this allegation. Petitioner was informed by the Pakistani Consulate that the verification investigation is complete and that Petitioner's status as a Pakistani national cannot be verified. Zimran Decl., ¶ 15.g.

Respondents allege that Petitioner submits no evidence that the government improperly revoked his order of supervision. Dkt. 19 at 11. Petitioner denies this allegation. As Petitioner was being arrested on June 2, 2025, he was shown several pages of documents, including a written notice that he was being re-detained. ICE officers instructed him to quickly sign some of these pages, threatening to press charged against him if he did not comply. He complied. Zimran Decl., ¶ 15.a. This did not comport with due process requirements.

Respondents allege that he has tried to subvert and prevent his removal to Pakistan by absconding and repeatedly refusing to cooperate in requesting travel

documents. Dkt. 19 at 1l. Petitioner denies these allegations. He has made every effort to cooperate in removal efforts and comply with ICE requests. Petitioner has made every effort to assist with his removal. He does not have a passport, birth certificate, national identification cards, or any other documents indicating his citizenship, nationality, place of birth, or place of residence before he entered the United States. Zimran Decl., ¶ 15.d. He has never refused to submit a passport application or application for a document. *Id.*, ¶ 15.f. Indeed, in 2020 or 2021, when ICE requested that he submit a passport application, he did. *Id.* During his time in custody at Adelanto, Petitioner has never been given any paperwork or applications by ICE to submit to the Pakistani Consulate. *Id.*, ¶ 15.h. Petitioner's only means of contacting the Pakistani Consulate while detained is by phone, and Petitioner has called the Consulate at least twice every week since he was detained. *Id.*, ¶15.g. In November, the Consulate informed Petitioner that it had received a travel document request packet from the Government but could not issue him a travel document because it had verified that it has no records showing Petitioner is a Pakistani national. The Consulate informed Petitioner that there was nothing else he needed to do and that they could not issue him a letter to that effect, since ICE was the requesting authority. *Id.*, ¶ 15.i. On December 5, 2025, Petitioner was told by the Consulate's Los Angeles Office that the verification investigation process was completed, that the Consulate could not verify his Pakistani citizenship, and that there was no reason for him to continue calling the Consulate. *Id.*, ¶ 15.g. What's more, on December 17, 2025, Deportation Officer Preciado informed Petitioner that there was nothing else for Petitioner to do but wait. *Id.*, ¶ 15.j.

Respondents allege that Petitioner's release would impair or prevent the government's ability to timely remove him. Dkt. 19 at 11. Petitioner denies this allegation. Petitioner has attended all immigration check-ins as required, including checking in with ICE within 72 hours of his arrival in Portland in June 2025. Zimran Decl., ¶¶ 7, 14.b-d. Petitioner has made every effort to assist in removal efforts and has

always complied when requested by ICE to complete an application for passport or travel document. *Id.*, ¶ 15.d-j.

Respondents allege that upon Petitioner's arrest, they immediately provided Petitioner with a Notice of Revocation and an informal interview. Dkt. 19 at 11. Petitioner admits that he was provided a Notice of Revocation but denies that he was provided with a meaningful opportunity to read the Notice or to contest the reasons for revocation. As Petitioner was being arrested on June 2, 2025, he was shown several pages of documents, including a written notice that he was being re-detained. ICE officers instructed him to quickly sign some of these pages, threatening to press charged against him if he did not comply. He complied. Zimran Decl., ¶ 15.a.

Respondents allege that the Notice of Revocation of Release states that he absconded on October 15, 2024, and that he was issued a travel document. Dkt. 16 at 11. Petitioner admits that the Notice of Revocation of Release includes the following statements: "Per EARM, absconded on or about 10/15/2024 when TD was issued" and "Per EARM, TD issued on 9/20/2024, expired 12/19/2024." *See* Dkt. 19-1 at 7. Petitioner affirmatively alleges that "EARM" stands for ENFORCE Alien Removal Module, a software system that tracks deportation cases. Petitioner further alleges that there have been multiple recent cases of documented mistakes in deportation proceedings due to flawed data entry in EARM. *See, e.g.*, "Trump Administration Admits another Deportation Error," *Newsweek* (May 17, 2025), available at https://www.newsweek.com/trump-administration-deportation-error-2073586 (detailing admissions by ICE in two cases where deportations occurred by mistake due to an "administrative error" and "flawed data entry in a software system known as the ENFORCE alien removal module").

Respondents allege that Petitioner failed to submit any evidence or information to contest the Notice of Revocation of Release. Dkt. 19 at 12. Petitioner denies this allegation. Petitioner denies that he was provided any opportunity to respond to the

claims in the Notice of Revocation of Release. Zimran Decl., ¶ 15. Petitioner requested a copy of the written notice but was never provided with it or any other papers connected to the revocation of his supervised release. *Id.*, ¶ 15.b.

Respondents allege that two courts in the Central District recently denied applications for preliminary relief by individuals in immigration custody. Dkt. 19 at 12-13. Petitioner admits this allegation but denies that the rulings are relevant to this stage of litigation. Petitioner also notes that the same court that denied a TRO in one of the cases cited by Respondents, *Sanchez v. Bondi*, No. 5:25-cv-02530-AB-DTB, 2025 WL 3190816 (C.D. Cal. Oct. 3, 2025), recently revised its thinking and granted the *Sanchez* petitioner's application for a preliminary injunction. *See Sanchez v. Bondi*, No. 5:25-cv-02539-AB-DTB, Dkt. 22 (Dec. 5, 2025).

III.A HEARING IS NECESSARY TO RESOLVE DISPUTED FACTS

Because crucial disputes of fact exist, an evidentiary hearing is necessary to resolve Petitioner's claims.

The parties dispute whether Petitioner absconded. Respondents allege that Petitioner absconded, relying on a notation in an I-213 Form prepared on the day Petitioner reported to ICE in Portland. Although this Court cautioned that the parties should attach documentary evidence or explain why that documentary evidence is unavailable, Respondents failed to attach to their Answer the G-56 Official Request for Appearance that was allegedly sent to Petitioner—*i.e.*, the documentary evidence underlying the allegation that Petitioner absconded. *See* Dkt. 18 at 3-4. Petitioner attaches to this Reply his order of supervision, a government issued document provided to him by ICE officers in Denver, which included within it a report card documenting that he checked in with ICE as required during the time that Respondents allege he absconded. Zimran Decl., ¶ 14, Ex. C. In opposition to preliminary relief, Respondents argued that Petitioner's order of supervision, which included the report card—a government-prepared document provided to Petitioner by ICE— was unauthenticated

and could not be relied upon. Dkt. 16 at 3. At the same time, Respondents argued that the "government-prepared documents" that they submitted are "presumptively trustworthy and reliable." *Id.* It appears that in Respondents' view only the government-prepared documents that support *their* version of events should be considered reliable. Petitioner checked in with ICE as required, including within 72 hours of arriving in Portland. He was never provided notice that a travel document had been obtained for him. Quite simply, ICE could have reached Petitioner by phone, by letter, or at his check-in in March to inform him of the obtainment of a travel document, but they did not do so. Petitioner never absconded. An evidentiary hearing is required to resolve this factual dispute.

The parties also dispute whether there is a significant likelihood that the government will be able to deport Petitioner in the reasonably foreseeable future. In support of their assertion that Petitioner is likely to be deported in the reasonably foreseeable future, Respondents point to a travel document that they allege was issued in September 2024. *See* Dkt. 19 at 8. Although Respondents assert that the travel document is authenticated, neither declarant asserts that he was personally familiar with the attainment of the travel document. Petitioner has called the Pakistani Consulate on multiple occasions and was told on December 5, 2025, by a representative of the Pakistani Consulate that the verification process was "complete" and that Petitioner's identity as a national of Pakistan could not be verified. Zimran Decl., ¶ 15.g. Despite multiple attempts by undersigned counsel to confirm with the Pakistani Consulate whether a travel document was issued or will be issued for Petitioner in the near future, no confirmation has been provided. Marquis Decl., ¶ 10, Ex. A. In light of this information, there is not a significant likelihood that the government will be able to deport Petitioner to Pakistan in the reasonably foreseeable future. An evidentiary hearing is needed to resolve this issue.

The parties dispute whether Petitioner has cooperated with efforts to remove him. Respondents claim that Petitioner failed to cooperate and that he failed to comply with Warnings for Failure to Depart the United States, requiring him to apply for travel documents to Pakistan and otherwise cooperate with his removal procedure. Dkt. 19 at 9. But Petitioner has made every effort to cooperate. Indeed, it's not clear what else Petitioner could do. Since Petitioner was detained at Adelanto, he was never provided with an application for travel documents. What's more, Respondents had allegedly submitted an application for his travel document without any request for assistance in September 2024 and again in July 2025. Dkt. 19-2 at 2. The Warnings also required Petitioner to submit passports, birth certificates, national identification cards, and any other document indicating his citizenship, nationality, place of birth, and place of residence prior to entering the United States. Dkt. 19-1 at 3. Respondents fault Petitioner for not submitting those documents. But Petitioner does not have, and never did have, those documents in his possession. Zimran Decl, ¶ 15.d. He, therefore, is unable to do anything more to comply with this request for submission of documents. Indeed, in a conversation on December 17, 2025, Petitioner asked Deportation Officer Jorge Preciado what more he could do to demonstrate that he was cooperating with ICE. Zimran Decl., ¶ 15.j. DO Preciado informed Petitioner that at this point all he could do was wait. *Id.*

Finally, there is a dispute of fact as to whether a request for a removal to a third country has been or will be made. Respondents argue that Petitioner's due process claim related to third country removal is "mere speculation." Dkt. 19 at 2 n.1. But during Petitioner's conversation with DO Preciado on December 17, 2025, he told Petitioner that if Petitioner could not be removed to Pakistan, then ICE would explore third country options for removal. Zimran Decl., ¶ 15.k. If ICE is planning to remove Peitioner to a third country, then he must be given proper notice and an opportunity to contest the removal as argued in the Petition. *See* Dkt. 1 at 11.

For the foregoing reasons, an evidentiary hearing is necessary to resolve the crucial disputes of fact and Petitioner's claims. Petitioner respectfully requests that the Court hold an evidentiary hearing on his Petition. Additionally, Petitioner requests that Respondents provide him with a copy of his A-file to allow him to provide evidence in support of his allegations. At this point, the majority of relevant documents are in Respondents' possession. In order to properly resolve the Petition, Petitioner should also be provided with a copy of his A-file.

IV. PETITIONER SHOULD BE RELEASED ON BAIL PENDING RESOLUTION OF THESE HABEAS PROCEEDINGS

The Court ordered the parties to address whether Petitioner is a danger to the community or a flight risk, and whether this case involves "a high probability of success on the merits of [the] habeas petition or special circumstances that would warrant [Petitioner's] release on bail" pending resolution of these habeas proceedings. *See* Dkt. 18 at 2 (citing *United States v. McCandless*, 841 F.3d 819, 822 (9th Cir. 2016)). Respondents failed to comply with the Court's order and did not present any argument on this point despite the Court's instruction. Respondents have, therefore, forfeited any argument as to whether release on bail is warranted in this case. *See Hebrard v. Nofziger*, 90 F.4th 1000, 1006 (9th Cir. 2024) (noting that the failure to raise an argument in a timely fashion is a forfeiture of that argument).

Petitioner should be released on bail pending resolution of these habeas proceedings. Petitioner has already been held significantly longer than six months, and his detention is, therefore, presumed to be unreasonable. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). It is now the Government's burden to rebut that showing. *Id.* As discussed in detail above, Petitioner has submitted evidence that the Pakistani Consulate has completed its verification investigation and cannot verify Petitioner as a Pakistani national. Zimran Decl., ¶ 15.g. Although Respondents allege that they were able to obtain a travel document in 2024, they have not presented sufficient evidence to

demonstrate that Petitioner is likely to be removed in the reasonably foreseeable future. In light of the strong showing made by Petitioner that he is not likely to be removed in the reasonably foreseeable future and that he did not receive sufficient due process during his re-detention, he is highly likely to succeed on the merits of his Petition.

Petitioner is not a danger to the community or a flight risk. As Petitioner's check-in sheet demonstrates, he has complied with ICE requirements to check in regularly for years. Zimran Decl., ¶¶ 7, 14. Indeed, that's why he checked in with ICE within 72 hours of his arrival in Portland. *Id.*, ¶ 14.d. Although Petitioner has struggled with substance abuse disorder in the past, which led to DUI convictions, he is no longer engaging in the use of substances and has developed better coping strategies for maintaining his mental health. The trespassing conviction he sustained was the result of a dispute with a neighbor. Petitioner is in no way a danger to the community.

In terms of special circumstances, Petitioner has been prevented from earning any wages during his time in ICE detention—at a time when he was making diligent efforts to contribute to society and earn a living wage. Continued detention would continue to prevent him from earning a livelihood, which was his goal in moving to Portland in the first place. Because Petitioner is highly likely to succeed on his claims and is not a danger to the community or a flight risk, bail should be granted pending resolution of this action. To the extent any additional factual determinations are necessary to resolve the issue of bail, Petitioner would request an evidentiary hearing to address those issues and to provide additional evidence in support of bail.

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V.CONCLUSION

For all the foregoing reasons, Petitioner requests that the Court hold an evidentiary hearing to resolve his claims and that the Court grant the relief requested by the Petition.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

Dated: December 22, 2025

By: *Estalyn Marquis*
ESTALYN MARQUIS
Deputy Federal Public Defender
Attorneys for Petitioner Michael Zimran

Certificate of Compliance

The undersigned, proposed counsel of record for Petitioner Michael Zimran, certifies that this brief contains 3,623 words, which complies with the word limit of L.R. 11-6.1.

Dated: December 22, 2025

By: *Estalyn Marquis*
ESTALYN MARQUIS
Deputy Federal Public Defender
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