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21 **UNITED STATES DISTRICT COURT**

22 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

23 Ligia GARCIA,

24 Petitioner,

25 v.

26 SERGIO ALBARRAN, Field Office Director
of the San Francisco Immigration and Customs
Enforcement Office, KRISTI NOEM,
27 Secretary of the United States Department of
Homeland Security, TODD M. LYONS,
Acting Director of United States Immigration
and Customs Enforcement, PAMELA BONDI,
28 Attorney General of the United States, acting
in their official capacities,

Respondents.

Case No. 5:25-cv-10213-PCP

AMENDED PETITION FOR WRIT OF
HABEAS CORPUS

INTRODUCTION

2 1. Petitioner Ligia Garcia (“Ms. Garcia” or “Petitioner”) hereby files this amended
3 habeas petition in response to the Court’s Order Granting Motion to Sever, ECF 1. She filed her
4 original pleading on September 18, 2025, the day that ICE officers arrested her following her
5 immigration court hearing.¹

6 2. Ms. Garcia, who is originally from Columbia, arrived in the United States on or
7 around March 13, 2024, and timely applied for asylum within the one-year deadline. She lives
8 with her niece in Santa Clara, California. She obtained work authorization and works with an
9 agency that sends her to various jobs, including to wash dishes or work in restaurant kitchens. She
10 usually works Mondays through Fridays. Most Sundays, she attends church at the Cathedral
11 Basilica of St. Joseph in downtown San Jose. Ms. Garcia also helps take care of a five-year-old
12 U.S. citizen with special needs to enable her friends to attend church on Sundays.

13 3. Ms. Garcia appeared at the San Francisco Immigration Court at 630 Sansome Street
14 on September 18, 2025, for her master calendar hearing, where the Department of Homeland
15 Security made an oral motion to dismiss her removal proceedings. She had attended a prior March
16 2025 immigration court hearing and left without any problems. But on September 18, 2025, she
17 was shockingly and summarily arrested by ICE upon exiting her hearing. ICE agents took her to
18 the sixth floor in the same building. She told the agents that she needed medication for her high
19 blood pressure, as she takes prescription medication twice a day. The agents told her that she could
20 ask someone to bring medication, but she lives far away did not have anyone who could bring it.
21 When she began experiencing tachycardia and told ICE agents that she was not feeling well, they
22 said that they would take her to an infirmary, but they never did. She was forced to spend over 24
23 hours in a small, cold room with other women under constant bright illumination without any
24 proper bedding.

25 4. This Court granted a temporary restraining order on September 18, 2025, and later

²⁷ 1 Ms. Garcia's original pleading was part of an amended complaint in case number 25-cv-06487.
²⁸ That case number continues to relate to the litigation of her amended class action complaint, while the case number on this filing—25-cv-10213—relates to her severed habeas petition.

1 converted that order into a preliminary injunction, requiring Ms. Garcia's immediate release and
2 enjoining the government from re-detaining her absent prior notice and a hearing before a neutral
3 immigration judge at which the government must demonstrate a valid basis for her detention.
4 *Pablo Sequen v. Albarran*, No. 25-cv-06487-PCP, 2025 WL 2935630, at *1 (N.D. Cal. Oct. 15,
5 2025).

6 5. Ms. Garcia filed an opposition to DHS's motion to dismiss at her next master
7 calendar hearing, on October 9, 2025. The immigration judge subsequently granted DHS's motion
8 that same day. Ms. Garcia timely filed an appeal of that decision to the Board of Immigration
9 Appeals on November 6, 2025, which remains pending.

10 6. Immigration detention is civil and thus is permissible for only two reasons: to
11 ensure a noncitizen's appearance at immigration hearings and to prevent danger to the community.
12 But DHS did not arrest and detain Ms. Garcia—who demonstrably poses no risk of absconding
13 from immigration proceedings nor danger to the community—for either of these reasons. Instead,
14 Respondents have argued that their actions are justified by their novel reinterpretation of the
15 immigration detention statutes. Without regard for their having treated Ms. Garcia as amenable to
16 release pending her removal proceedings pursuant to 8 U.S.C. § 1226(a), *see* attached Exhibit 1 at
17 page 3 of 4, Department of Homeland Security Form I-213 (“Record of Deportable/Inadmissible
18 Alien”), dated September 18, 2025, Respondents now—erroneously—claim that she is subject to
19 mandatory detention under 8 U.S.C. § 1225(b).

20 7. Discretionary detention and release authority under 8 U.S.C. § 1226(a) is the
21 “default rule,” applicable to individuals who are “already in the country” and in removal
22 proceedings. *Jennings v. Rodriguez* 583 U.S. 281, 288-89 (2018). Certain individuals in the
23 interior are subject to well-defined exceptions that make detention mandatory—including, as
24 relevant here, if they entered the United States without admission or parole and have been arrested
25 for, charged with, or convicted of certain crimes. *See* 139 Stat. 3 (2025), codified at 8 U.S.C. §
26 1226(c)(1)(E). In contrast to the default rule of discretionary detention in the interior, Section
27 1225(b) makes available a mandatory detention scheme “at the Nation’s borders and ports of
28 entry” to detain certain noncitizens “seeking to enter the country.” *Jennings*, 583 U.S. at 287.

1 Section 1225(b)(2) provides that “in the case of an alien who is an applicant for admission, if the
2 examining immigration officer determines that an alien seeking admission is not clearly and
3 beyond a doubt entitled to be admitted, the alien shall be detained for a [full removal proceeding].”
4 8 U.S.C. § 1225(b)(2)(A). The government may release noncitizens detained under Section
5 1225(b) on temporary parole “for urgent humanitarian reasons or significant public benefit.” 8
6 U.S.C. § 1182(d)(5)(A). Respondents now argue that Section 1225(b)(2)(A)—despite its
7 limitation to those who are “seeking admission”—mandates the re-detention of Ms. Garcia, who is
8 now merely present in the interior while undergoing removal proceedings. This re-interpretation
9 not only contradicts the government’s consistent treatment of Ms. Garcia as subject to Section
10 1226, but it also is incorrect as a matter of straightforward statutory interpretation, as scores of
11 federal courts have held. *See, e.g., Pablo Sequen*, 2025 WL 2935630, at *7-10.

12 8. Ms. Garcia’s arrest and detention caused her substantial harm, including the
13 emotional trauma of being arrested like a criminal when she had been fully compliant with legal
14 requirements ever since her entry to the United States. The psychological toll of any future arrest
15 and confinement is considerable. Every day of unlawful detention would add to her immiseration
16 and subject her to further irreparable harm.

17 9. Moreover, further detention would prejudice her chance of success in her
18 immigration proceedings, in that it undermines access to legal help from the limited number of
19 nonprofit providers who take on detained cases. Those providers are already overwhelmed with
20 demand for their services. While making it much harder to access legal help, detention would also
21 make it much harder to go through all of the steps needed to prepare an asylum case – steps such
22 as having extensive communication with counsel, collecting evidence, and preparing testimony.

23 10. The Constitution protects Ms. Garcia—and every other person present in this
24 country—from arbitrary deprivations of her liberty, and guarantees her due process of law. The
25 government’s power over immigration is broad, but as the Supreme Court has declared, it “is
26 subject to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001).
27 “Freedom from bodily restraint has always been at the core of the liberty protected by the Due
28 Process Clause from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

1 11. Ms. Garcia respectfully seeks a permanent injunction prohibiting her re-arrest
2 without a hearing to contest that re-arrest before a neutral decision-maker. In addition, to preserve
3 this Court's jurisdiction and ensure effective relief, she also requests that this Court order the
4 government not to transfer her outside of the District, or deport her, for the duration of this
5 proceeding.

JURISDICTION AND VENUE

7 12. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction),
8 28 U.S.C. § 2201 *et seq.* (Declaratory Judgment Act), 5 U.S.C. §§ 701–706 (Administrative
9 Procedure Act), Art. I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause), the Fifth
10 Amendment to the U.S. Constitution, 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. § 2241 (habeas
11 corpus), and Fed. R. Civ. P. 65 (injunctive relief).

12 13. Venue is proper in the Northern District of California under 28 U.S.C.
13 § 1391(b)(2) and (e)(1) because the acts and omissions giving rise to this action occurred in this
14 judicial district, at least one Respondent resides in this district, Petitioner resides in this district, a
15 substantial part of the events or omissions giving rise to claims in this case occurred in this
16 district, and each Respondent is an officer of the United States sued in their official capacity.
17 Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) because Petitioner
18 was physically detained within this district.

PARTIES

20 14. Ligia Garcia is an asylum seeker from Colombia. She timely filed an application
21 for asylum in February 2025, which remains pending. She has no criminal history and has
22 attended both of her two immigration court hearings. She appeared at the San Francisco
23 Immigration Court at 630 Sansome Street on September 18, 2025, for her master calendar hearing.
24 She was summarily arrested by ICE upon exiting the hearing and was held in a holding cell at the
25 same address. She suffers from high blood pressure, which the stress of her arrest and detention
26 exacerbated.

27 15. Respondent Sergio Albarran, sued in his official capacity, is the Field Office
28 Director for the San Francisco Enforcement and Removal Operations (“ERO”) field office. ERO is

1 a division of the U.S. office of Immigration and Customs Enforcement (“ICE”). Respondent
2 Albarran is responsible for all enforcement and removal operations in the San Francisco area.

3 16. Respondent Todd M. Lyons, sued in his official capacity, is the Acting Director of
4 ICE. As the highest-ranking officer for ICE, Respondent Lyons has authority over all policies
5 challenged in this action.

6 17. Respondent Kristi Noem, sued in her official capacity, is the Secretary of the
7 Department of Homeland Security. As the highest-ranking officer for DHS, Respondent Noem has
8 ultimate statutory authority over all of the policies challenged in this action. *See* 6 U.S.C. § 557
9 (transferring functions from the Attorney General).

10 18. Respondent Pamela Bondi is the Attorney General of the United States. She is sued
11 in her official capacity. In that capacity, Respondent Bondi is charged with overseeing the United
12 States Department of Justice (DOJ) and EOIR.

LEGAL BACKGROUND

14 19. The Constitution protects Petitioner from arbitrary deprivations of her liberty and
15 guarantees her due process of law. The government's power over immigration is broad, but as the
16 Supreme Court has declared, it "is subject to important constitutional limitations." *Zadvydas v.*
17 *Davis*, 533 U.S. 678, 695 (2001). "Freedom from bodily restraint has always been at the core of
18 the liberty protected by the Due Process Clause from arbitrary governmental action." *Foucha v.*
19 *Louisiana*, 504 U.S. 71, 80 (1992).

20 20. The Constitution establishes due process rights for “all ‘persons’ within the United
21 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
22 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533
23 U.S. at 693). These due process rights are both substantive and procedural.

24 21. *First*, “[t]he touchstone of due process is protection of the individual against
25 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the
26 exercise of power without any reasonable justification in the service of a legitimate governmental
27 objective.” *Cnty. of Sacramento v. Lewis*, 523. U.S. 833, 846 (1998).

22. These protections extend to noncitizens facing detention, as “[i]n our society liberty

1 is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United*
 2 *States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from imprisonment—from
 3 government custody, detention, or other physical restraint—lies at the heart of the liberty that [the
 4 Due Process] clause protects.” *Zadvydas*, 533 U.S. at 690.

5 23. Substantive due process thus requires that all forms of civil detention—including
 6 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
 7 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-
 8 punitive purposes for immigration detention: ensuring a noncitizen’s appearance at immigration
 9 proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690-92; *see also*
 10 *Demore v. Kim*, 538 U.S. 510, 519–20, 527–28, 531 (2003).

11 24. *Second*, the procedural component of the Due Process Clause prohibits the
 12 government from imposing even permissible physical restraints without adequate procedural
 13 safeguards.

14 25. Generally, “the Constitution requires some kind of a hearing *before* the State
 15 deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990) (emphasis
 16 in original). This is so even in cases where that “freedom is lawfully revocable.” *See Hurd v. D.C.*,
 17 *Gov’t*, 864 F.3d 671, 683 (D.C. Cir. 2017) (citing *Young v. Harper*, 520 U.S. 143, 152 (1997) (re-
 18 detention after pre-parole conditional supervision requires pre-deprivation hearing)); *Gagnon v.*
 19 *Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S.
 20 471, 484 (1972) (same, in parole context).

21 26. After an initial release from custody on conditions, even a person paroled following
 22 a conviction for a criminal offense for which they may lawfully have remained incarcerated has a
 23 protected liberty interest in that conditional release. *Morrissey*, 408 U.S. at 482. As the Supreme
 24 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be
 25 revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is
 26 valuable and must be seen within the protection of the [Constitution].” *Id.*

27 27. This reasoning applies with equal if not greater force to people released from civil
 28 immigration detention at the border. After all, noncitizens living in the United States have a

1 protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at
 2 690. And “[g]iven the civil context [of immigration detention], [the] liberty interest [of noncitizens
 3 released from custody] is arguably greater than the interest of parolees.” *Ortega v. Bonnar*, 415 F.
 4 Supp. 3d 963, 970 (N.D. Cal. 2019).

5 **FACTUAL ALLEGATIONS**

6 28. Ms. Garcia is an asylum seeker from Colombia. She entered the United States on or
 7 around March 13, 2024, and turned herself into border patrol agents. She was released from
 8 custody upon their finding that she posed neither a flight risk nor a danger to the community. She
 9 timely filed an application for asylum in February 2025. She has no criminal history and has
 10 attended both of her two immigration court hearings.

11 29. Ms. Garcia appeared at the San Francisco Immigration Court at 630 Sansome Street
 12 on September 18, 2025, for her master calendar hearing. She was summarily arrested by ICE upon
 13 exiting the hearing and is currently being held in a holding cell at the same address. She suffers
 14 from high blood pressure, which the stress of her arrest and detention exacerbated.

15 30. Ms. Garcia was never determined to be a flight risk or a danger to the community,
 16 and her arrest and detention is not rationally related to either of the permissible justifications for
 17 civil immigration detention. Her further confinement would not further any legitimate government
 18 interest.

19 31. The government has previously assessed and released Ms. Garcia on her own
 20 recognizance because she did not pose sufficient risk of flight or danger to the community to
 21 warrant detention.

22 32. That has not changed. She has no criminal record, and there is no basis to believe
 23 that she poses any public safety risk. Nor is she, having been arrested *while appearing in court for*
 24 *her immigration case*, conceivably a flight risk. To the contrary, she has complied with every
 25 requirement and court appearance that the government has asked of her.

26 33. Ms. Garcia respectfully seeks habeas relief prohibiting her re-arrest and re-
 27 detention by Respondents without a hearing to contest that re-arrest and re-detention before a
 28 neutral decision-maker. In addition, to preserve this Court’s jurisdiction and ensure prompt,

1 effective compliance with court-ordered relief, Ms. Garcia also requests that this Court order the
 2 government not to transfer her outside of the Northern District of California, or deport her, for the
 3 duration of this proceeding.

4 **CLAIMS FOR RELIEF**

5 **FIRST CLAIM FOR RELIEF**

6 **Violation of the Fifth Amendment to the United States Constitution
 (Substantive Due Process)**

7 34. Petitioner repeats and re-alleges the allegations contained in all preceding
 8 paragraphs as if fully set forth herein.

9 35. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
 10 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
 11 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
 12 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

13 36. Immigration detention is constitutionally permissible only when it furthers the
 14 government’s legitimate goals of ensuring the noncitizen’s appearance during removal
 15 proceedings and preventing danger to the community. *See id.*

16 37. Petitioner is not a flight risk or danger to the community. Respondents’ detention of
 17 Petitioner therefore would be unjustified and unlawful. Accordingly, Petitioner is at risk of being
 18 detained in violation of the Due Process Clause of the Fifth Amendment.

19 38. Moreover, Petitioner’s detention would be punitive as it would bear no “reasonable
 20 relation” to any legitimate government purpose. *Id.* (finding immigration detention is civil and
 21 thus ostensibly “nonpunitive in purpose and effect”). Here, the purpose of detention appears to be
 22 “not to facilitate deportation, or to protect against risk of flight or dangerousness, but to
 23 incarcerate for other reasons”—namely, to meet newly-imposed DHS quotas. *Demore*, 538 U.S. at
 24 532–33 (Kennedy, J., concurring).

25 **SECOND CLAIM FOR RELIEF**

26 **Violation of the Fifth Amendment to the United States Constitution
 (Procedural Due Process)**

27 39. Petitioner repeats and re-alleges the allegations contained in all preceding

1 paragraphs as if fully set forth herein.

2 40. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty
 3 liberty interest in avoiding re-incarceration after her initial release from DHS custody. *See Young*,
 4 520 U.S. at 146–47; *Gagnon*, 411 U.S. at 781–82; *Morrissey*, 408 U.S. at 482–83; *see also*
 5 *Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in
 6 remaining out of custody following an IJ’s bond determination).

7 41. Accordingly, “[i]n the context of immigration detention, it is well-settled that due
 8 process requires adequate procedural protections to ensure that the government’s asserted
 9 justification for physical confinement outweighs the individual’s constitutionally protected interest
 10 in avoiding physical restraint.” *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at
 11 127 (Generally, “the Constitution requires some kind of a hearing *before* the State deprives a
 12 person of liberty or property.”) (emphasis in original). In the immigration context, for such
 13 hearings to comply with due process, the government must bear the burden to demonstrate, by
 14 clear and convincing evidence, that the noncitizen poses a flight risk or danger to the community.
 15 *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th
 16 775, 785–786 (9th Cir. 2024).

17 42. Re-detention without a pre-deprivation hearing violates due process. Respondents
 18 seek to re-detain Petitioner with no notice after her prior release, with no explanation of the
 19 justification for re-detention and no opportunity to contest her re-detention before a neutral
 20 adjudicator before being taken into custody.

21 43. Petitioner has a profound personal interest in her liberty. Because she received no
 22 procedural protections, the risk of erroneous deprivation is high, and the government has no
 23 legitimate interest in detaining her without a hearing. Bond hearings are conducted as a matter of
 24 course in immigration proceedings, and nothing in Petitioner’s records suggests that she would
 25 abscond or endanger the community before a bond hearing could be carried out. *See, e.g., Jorge*
 26 *M.F. v. Wilkinson*, No. 21-cv-01434-JST, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021);
 27 *Vargas v. Jennings*, No. 20-cv-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020)
 28 (“the government’s concern that delay in scheduling a hearing could exacerbate flight risk or

1 danger is unsubstantiated in light of petitioner's strong family ties and his continued employment
2 during the pandemic as an essential agricultural worker").

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner requests that the Court grant the following relief:

- 5 1. Assume jurisdiction over this matter;
- 6 2. Declare that the Petitioner's arrest and detention violated the Due Process Clause of
7 the Fifth Amendment;
- 8 3. Enjoin Respondents from transferring Petitioner outside this District or deporting
9 the Petitioner pending these proceedings;
- 10 4. Enjoin Respondents from re-detaining Petitioner unless her re-detention is ordered
11 at a custody hearing before a neutral arbiter in which the government bears the burden of proving,
12 by clear and convincing evidence, that she is a flight risk or danger to the community;
- 13 5. Award Petitioner all costs incurred in maintaining this action, including reasonable
14 attorneys' fees under the Equal Access to Justice Act, as amended, 5 U.S.C. § 504, and on any
15 other basis justified by law; and
- 16 6. Grant any other further relief this Court deems just and proper.

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1 Respectfully submitted,

2 DATED: December 1, 2025

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LAWYERS' COMMITTEE FOR CIVIL RIGHTS OF
THE SAN FRANCISCO BAY AREA

By:

/s/ Jordan Wells

MARISSA HATTON
ANDREW NTIM
VICTORIA PETTY
JORDAN WELLS
NISHA KASHYAP
Attorneys for Petitioner

DATED: December 1, 2025

CARECEN SF

By:

/s/ Laura Victoria Sanchez

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TALA BERARDI HARTSOUGH
Attorneys for Petitioner

DATED: December 1, 2025

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA

By:

/s/ Neil K. Sawhney

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DATED: December 1, 2025

COBLENTZ PATCH DUFFY & BASS LLP

By:

/s/ Mark L. Hejinian

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EVAN G. CAMPBELL
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Attorneys for Petitioner

Verification Pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner because I am her counsel in the instant habeas petition. Acting on her behalf, I hereby verify that the factual statements made in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

DATED: December 1, 2025

/s/ Jordan Wells

Jordan Wells

Attorney for Petitioner

1 **ATTESTATION**

2 I, Mark L. Hejinian, am the ECF user whose identification and password are being used to
3 file the AMENDED PETITION FOR WRIT OF HABEAS CORPUS. In compliance with LR 5-
4 1(i)(3), I hereby attest that all parties have concurred in this filing.

5
6 DATED: December 1, 2025

COBLENTZ PATCH DUFFY & BASS LLP

7 By: /s/ Mark L. Hejinian
8 MARK L. HEJINIAN
9 Attorneys for Petitioner

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