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5 UNITED STATES DISTRICT COURT
EASTERN DISTRICT COURT OF CALIFORNIA

6 Augusto RAMOS MENDOZA,

7 Petitioner,

Case No. 25-1170

8 v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

9 Todd LYONS, Acting Director,
Immigration and Customs Enforcement; Sergio
10 ALBARRAN, Field Office Director of
Enforcement and Removal Operations, San
11 Francisco Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
12 Secretary, U.S. Department of Homeland
Security; U.S. Department of Homeland
13 Security; Pamela BONDI, U.S. Attorney
General; Executive Office for Immigration
14 Review; Minga WOFFORD, Facility
Administrator of Mesa Verde ICE Processing
15 Center,

PETITIONER'S DHS NUMBER:



16 Respondents.
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1 INTRODUCTION

2 1. This case challenges the unlawful detention of Augusto Ramos Mendoza (“Petitioner”
3 or “Mr. Mendoza”), who is currently in the custody of Immigration and Customs Enforcement
4 (“ICE”) at the Mesa Verde ICE Processing Facility. Petitioner is neither a flight risk nor a
5 danger to the community. But on or about November 24, 2025, ICE detained him without notice
6 or opportunity to be heard, on the decision of an individual without authority to do so, without
7 findings required by law, and in violation of agency rules.

8 2. Petitioner was granted withholding of removal to Guatemala by the Immigration
9 Judge on October 24, 2012.

10 3. Upon information and belief, ICE is attempting to remove Petitioner to El Salvador.

11 4. ICE previously determined that Petitioner was neither a flight risk nor a danger to the
12 community when it released him from detention on an order of supervision following the grant
13 of withholding of removal. Since then, Petitioner has fully abided by the order’s terms, including
14 attending regularly scheduled check-ins with ICE.

15 5. Petitioner was taken into custody at the airport on November 24, 2025, while
16 traveling on a domestic flight, without any prior notice. There is no evidence that Respondents
17 revoked Petitioner’s order of supervision before arresting him. Petitioner has been detained at the
18 Mesa Verde ICE Processing Facility since that time.

19 6. Respondents’ actions violate the Due Process Clause of the Fifth Amendment to the
20 U.S. Constitution, the Immigration and Nationality Act and implementing regulations, the
21 Administrative Procedure Act, and the Accardi doctrine, which obligates administrative agencies
22 to follow their own rules, procedures, and instructions. Petitioner brings this action for
23 injunctive, habeas, and declaratory relief ordering Respondents to release him.

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JURISDICTION

7. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Mesa Verde ICE Processing Facility in Bakersfield, California.

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 and the Suspension Clause of the Constitution because this action is a habeas corpus petition and under 28 U.S.C. § 1331 because this action arises under federal law, including the Immigration and Nationality Act, 8 U.S.C. § 1101, et seq., and Administrative Procedure Act, 5 U.S.C. § 551, et seq.

9. Venue is proper in this district because Respondent Warden Christopher Chestnut is Petitioner's immediate custodian and under 28 U.S.C. § 1391(e)(1) because Respondents are officers of United States agencies, Petitioner currently resides within this District, and there is no real property involved in this action.

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VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the Eastern District of California, the judicial district in which Petitioner currently is detained.

11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in California.

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REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

1 19. Respondent Pamela Bondi is the Attorney General of the United States. She is
2 responsible for the Department of Justice, of which the Executive Office for Immigration Review
3 and the immigration court system it operates is a component agency. She is sued in her official
4 capacity.

5 20. Respondent Executive Office for Immigration Review (EOIR) is the federal
6 agency responsible for implementing and enforcing the INA in removal proceedings, including
7 for custody redeterminations in bond hearings.

8 21. Respondent Minga Wofford is the Facility Administrator of Mesa Verde ICE
9 Processing Center, where Petitioner is detained. She has immediate physical custody of
10 Petitioner. She is sued in his official capacity.

11 **STATEMENT OF FACTS AND PROCEDURAL HISTORY**

12 22. Petitioner is a forty-year-old native and citizen of Guatemala. He entered the
13 United States approximately fourteen years ago and has resided continuously in the United States
14 since that time.

15 23. Petitioner entered the United States without inspection on or about February 8,
16 2011, near the United States–Mexico border. He filed an affirmative asylum application with the
17 asylum office, and after his interview, the asylum office referred his case to the Immigration
18 Court.

19 24. On October 24, 2012, the Immigration Judge granted Petitioner’s application for
20 withholding of removal. On November 20, 2012, ICE issued an order of supervision and released
21 Petitioner under that order. After his release, Petitioner complied with every condition of
22 supervision, including periodic check-ins with ICE. No facts indicate that Petitioner now
23 presents a flight risk or danger to the community.
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2 25. On November 24, 2025, Petitioner traveled on a domestic flight. ICE officers
3 arrested him at the airport despite his valid and active order of supervision.

4 26. ICE transferred Petitioner to the Mesa Verde ICE Processing Facility, where he
5 remains detained.

6 27. Upon information and belief, ICE has never informed Petitioner that it revoked his
7 order of supervision, nor has ICE provided any reasons or allowed him an opportunity to
8 respond.

9 **LEGAL FRAMEWORK**

10 **Due Process Governs Decisions to Revoke an Order of Supervision**

11 28. “The Due Process Clause applies to all persons within the United States,
12 including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”
13 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). “Freedom from
14 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
15 the heart of the liberty that Clause protects.” *Id.* at 690 (2001).

16 29. Under substantive due process doctrine, a restraint on liberty like revocation of a
17 non-citizen’s order of supervision is only permissible if it serves a “legitimate nonpunitive
18 objective.” *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has only
19 recognized two legitimate objectives of immigration detention: preventing danger to the
20 community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92
21 (discussing constitutional limitations on civil detention).

22 30. “Procedural due process imposes constraints on governmental decisions which
23 deprive individuals of liberty,” like the decision to revoke a non-citizen’s order of supervision.
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1 *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). “The fundamental
2 requirement of [procedural] due process is the opportunity to be heard at a meaningful time and
3 in a meaningful manner.” *Id.* at 333 (citation modified).

4 **Statute and Regulation Govern Procedures for Revoking an Order of Supervision**

5 31. A non-citizen with a final order of removal “who is not removed within the
6 [90-day] removal period . . . shall be subject to [an order of] supervision under regulations
7 prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3) (titled “Supervision after 90-day
8 period”).

9 32. A non-citizen may only be detained past the 90-day removal period following a
10 removal order if found to be “a risk to the community or unlikely to comply with the order of
11 removal” or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

12 33. But even where initial detention past the 90-day removal period is authorized, if
13 “removal is not reasonably foreseeable, the court should hold continued detention unreasonable
14 and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien’s release may and
15 should be conditioned on any of the various forms of supervised release that are appropriate in
16 the circumstances...” *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

17 34. Regulations purport to give additional reasons, beyond those listed at § 1231(a)(6),
18 that an order of supervision may be revoked and a non-citizen may be re-detained past the
19 removal period: “(1) the purposes of release have been served; (2) the alien violates any
20 condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the
21 alien, or any other circumstance, indicates that release would no longer be appropriate.” 8 C.F.R.
22 § 241.4(l)(2); see also *id.* § 241.13(i) (permitting revocation of an order of supervision only if a
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1 non-citizen “violates any of the conditions of release”). Because “[r]egulations cannot
2 circumvent the plain text of the statute[,]” courts question whether these regulations are ultra
3 vires of statutory authority. *See, e.g., You v. Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018)
4 (comparing regulations to 8 U.S.C. § 1231(a)(6), which authorizes detention past the removal
5 period only if person is a risk to the community, unlikely to comply with the order of removal, or
6 was ordered removed on specified grounds).

7 35. It is clear, however, that regulations permit only certain officials to revoke an
8 order of supervision: the ICE Executive Associate Director, a field office director, or an official
9 “delegated the function or authority . . . for a particular geographic district, region, or area.”
10 *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2,
11 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles
12 listed in § 241.4). If the field office director or a delegated official intends to revoke an order of
13 supervision, they must first make findings that “revocation is in the public interest and
14 circumstances do not reasonably permit referral of the case to the Executive Associate
15 [Director].” 8 C.F.R. § 241.4(l)(2). And for a delegated official to have authority to revoke an
16 order of supervision, the delegation order must explicitly say so. *See Ceesay v. Kurzdorfer*, 781
17 F.Supp. 3d 137, 161 (finding a delegation order that “refers only to a limited set of powers under
18 part 241 that do not include the power to revoke release” insufficient to grant authority to revoke
19 an order of supervision).

20 36. Upon revocation of an order of supervision, ICE must give a non-citizen notice of
21 the reasons for revocation and a prompt interview to respond. 8 C.F.R. § 241.4(l)(1).

22 **The APA Sets Minimum Standards for Final Agency Action**

23 37. The Administrative Procedure Act authorizes judicial review of final agency
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1 action. 5 U.S.C. § 704.

2 38. Final agency actions are those (1) that “mark the consummation of the agency’s
3 decision making process” and (2) “by which rights or obligations have been determined, or from
4 which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation
5 modified).

6 39. ICE’s revocation of an order of supervision is a final agency action subject to this
7 Court’s review.

8 40. The revocation here marked the consummation of ICE’s decision-making process
9 regarding Petitioner’s custody.

10 41. The revocation was also an action by which rights or obligations have been
11 determined or from which legal consequences flowed because it led ICE to detain Petitioner in
12 violation of his rights under the Constitution, statute, and regulation.

13 **The *Accardi* Doctrine Requires Agencies to Follow Internal Rules**

14 42. Under the *Accardi* doctrine, a foundational principle of administrative law,
15 agencies must follow their own procedures, rules, and instructions. *See United States ex rel.*
16 *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where
17 the Board of Immigration Appeals failed to follow procedures governing deportation
18 proceedings); *see also Morton v. Ruiz*, 415 U.S. 199, 235 (1974) (“Where the rights of
19 individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even
20 where the internal procedures are possibly more rigorous than otherwise would be required.”).

21 43. *Accardi* is not “limited to rules attaining the status of formal regulations.” *Montilla v.*
22 *INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for violation of
23 unpublished rules and instructions to agency officials. *See Morton v. Ruiz*, 415 U.S. 235
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1 (affirming reversal of agency denial of public assistance made in violation of internal agency
2 manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under *Accardi*, reversing decision to
3 admit evidence obtained by IRS agents for violating instructions on investigating tax fraud).

4 44. Where a release notification issued alongside an order of supervision instructs that
5 a non-citizen with a final order of removal will be given an opportunity to prepare for an
6 “orderly departure,” ICE’s failure to follow that instruction is an *Accardi* violation. *See Ceesay v.*
7 *Kurzdorfer*, 781 F. Supp. 3d 137, 169; *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29,
8 2018), vacated and remanded on other grounds sub nom. *Ragbir v. Barr*, 2019 WL 6826008 (2d
9 Cir. July 30, 2019); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (ordering release of
10 petitioners to give an opportunity to prepare for orderly departure).

11 **CLAIMS FOR RELIEF**

12 **COUNT I**

13 **Violation of the Fifth Amendment of the U.S. Constitution**
14 **Substantive Due Process**

15 45. Petitioner incorporates by reference the allegations of fact set forth in the
16 preceding paragraphs.

17 46. When ICE issued Petitioner an order of supervision, it found that he is neither a
18 danger to the community nor a flight risk.

19 47. When Respondents revoked the order of supervision, Petitioner had complied
20 with every condition of the order. No change in circumstances warranted the order’s revocation.

21 48. Petitioner’s detention therefore does not bear a reasonable relationship to the two
22 regulatory purposes of immigration detention: preventing danger to the community or flight prior
23 to removal.

24 49. Petitioner must be given an opportunity to speak to an asylum officer or

1 Immigration Judge before Respondents are allowed to remove him to a third-country such as El
2 Salvador. Otherwise, his third-country removal would be unlawful.

3 50. Because Respondents had no legitimate, non-punitive objective in revoking
4 Petitioner's order of supervision, Petitioner's detention violates substantive due process under
5 the Fifth Amendment to the U.S. Constitution.

6 51. Respondents have also failed to provide Petitioner with any meaningful
7 opportunity to present his fear of removal to El Salvador to an asylum officer or the Immigration
8 Court.

9 **Count Two**
10 **Violation of the Fifth Amendment of the U.S. Constitution**
11 **Procedural Due Process**

12 52. Petitioner realleges all paragraphs above as if fully set forth here.

13 53. *Mathews v. Eldridge*, 424 U.S. 319, 333, instructs courts to balance three factors
14 to determine whether procedural due process is satisfied: (1) the private interest at issue; (2) the
15 risk of erroneous deprivation of that interest through the procedures used, and the probable value,
16 if any, of additional procedural safeguards; and, (3) the government's interest, including fiscal
17 and administrative burdens that additional or substitute procedural requirements entail.

18 54. The first factor, the private interest at issue, favors Petitioner. "Freedom from
19 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
20 the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects."
21 *Zadvydas v. Davis*, 533 U.S. 678, 690.

22 55. The second factor, the risk of erroneous deprivation of liberty and the probable
23 value of procedural safeguards, favors Petitioner. To safeguard against erroneous deprivations of
24 liberty, statute specifies the limited number of reasons that an order of supervision can be

1 revoked. Regulations specify who may lawfully revoke the order and the procedures that must be
2 followed when doing so, including giving notice and an opportunity to be heard. Respondents
3 violated those laws here, leaving the risk of erroneous deprivation of liberty not just high, but
4 certain. Requiring Respondents to give notice and an opportunity to respond prior to revoking an
5 order of supervision is of great value because it reduces the probability of needless detention of a
6 person, like Petitioner, who is neither dangerous nor a flight risk.

7 56. The third factor, the government's interest, also favors Petitioner. When the
8 government ignores law that ensures notice and an opportunity to respond to a person at risk of
9 revocation of an order of supervision, it is more likely to waste limited financial and
10 administrative resources on unnecessary detention of people who are neither flight risks nor
11 dangerous. This waste drags down the efficiency of the entire immigration system. And because
12 the government must also spend resources defending against a habeas corpus petition in federal
13 court to compel Respondents to comply with law, requiring Respondents to instead provide
14 notice and a meaningful opportunity to respond prior to revoking an order of supervision reduces
15 fiscal and administrative burdens on the government.

16 57. For these reasons, revoking Petitioner's order of supervision without providing
17 notice and a meaningful opportunity to respond violated procedural due process under the Fifth
18 Amendment to the U.S. Constitution.

19 58. Furthermore, Respondents have provided no opportunity for Petitioner to present
20 his fear of removal to El Salvador. Therefore, Respondents' action violated Petitioner's
21 procedural due process under the Fifth Amendment of the Constitution.

1 **Count Three**
2 **Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)**
3 **Contrary to Law and Constitutional Right**

4 59. Petitioner realleges all paragraphs above as if fully set forth here.

5 60. Under the APA, a court shall “hold unlawful and set aside agency
6 action . . . found to be . . . not in accordance with law” or “contrary to constitutional right, power,
7 privilege, or immunity.” 5 U.S.C. § 706(2)(A), (B).

8 61. The APA’s reference to “law” in the phrase “not in accordance with law,”
9 “means, of course, any law, and not merely those laws that the agency itself is charged with
10 administering.” *FCC v. NextWave Pers. Commc’ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in
11 original).

12 62. Respondents’ revocation of Petitioner’s order of supervision was contrary to the
13 agency’s constitutional power under the Fifth Amendment’s Due Process Clause, as explained
14 above.

15 63. The revocation was also not in accordance with the INA and implementing
16 regulations governing who may lawfully revoke an order of supervision and under what
17 circumstances, as cited and discussed in the Statutory Framework section above.

18 64. Petitioner’s order of supervision was not revoked by the ICE Field Office
19 Director. The officer who revoked the order did not first make findings that revocation was in the
20 public interest and that circumstances did not reasonably permit referral to the Field Office
21 Director.

22 65. Before revoking the order, Respondents did not make findings that Petitioner is
23 dangerous or unlikely to comply with a removal order, as required by statute.

24 66. Even assuming that regulations purporting to offer additional justifications for

1 revocation of an order of supervision are not ultra vires, respondents did not comply with them.
2 Respondents could not make findings that Petitioner's conduct indicated release would no longer
3 be appropriate or that Petitioner violated any condition of release, because he had not. Nor could
4 Respondents make findings that the purposes of release had been served or that it was
5 appropriate to enforce a removal order, because it had yet to make final arrangements for
6 Petitioner's removal.

7 67. Nor did the Respondents give Petitioner notice of the reasons for revocation and
8 opportunity to be heard.

9 68. The revocation should be held unlawful and set aside because it was contrary to
10 the agency's constitutional power and not in accordance with the INA and implementing
11 regulations.

12 **Count Four**
13 **Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)**
14 **Arbitrary and Capricious**

14 69. Petitioner realleges all paragraphs above as if fully set forth here.

15 70. Under the APA, a court shall "hold unlawful and set aside agency action . . .
16 found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

17 71. Respondents' revocation of Petitioner's order of supervision was arbitrary and
18 capricious because it violated statute, regulation, and the Constitution, as described above.

19 72. An agency decision that "runs counter to the evidence before the agency" is also
20 arbitrary and capricious. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29,
21 43 (1983).

22 73. Respondents' decision to revoke Petitioner's order of supervision ran counter to
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1 the evidence before the agency that Petitioner would comply with a demand to appear for
2 removal without detention. Petitioner has never violated a condition of his order of supervision
3 and no new facts or changed circumstances suggest he would.

4 74. The revocation also “failed to consider important aspects of the problem” before
5 Respondents, making it arbitrary and capricious for multiple other reasons. *Dep’t of Homeland*
6 *Sec. v. Regents of the Univ. of California*, 140 S. Ct. 1891, 1910 (2020).

7 75. First, Respondents failed to consider the serious constitutional concerns raised by
8 revoking Petitioner’s order of supervision without notice and opportunity to respond.

9 76. Second, Respondents failed to consider the increased administrative burden to the
10 agency caused by revoking the order of supervision of Petitioner, who is neither a flight risk nor
11 a danger to the community, including financial and administrative costs incurred by the agency
12 due to unnecessary detention.

13 77. Third, Respondents failed to consider reasonable alternatives to revoking
14 Petitioner’s order of supervision that were before the agency, like simply continuing release
15 under the order of supervision and scheduling a future time and date to appear for removal. This
16 alternative would vindicate the government’s interests in effectuating a removal order and save it
17 the expense of detention not needed to guarantee Petitioner’s appearance.

18 78. Fourth, Respondents failed to consider Petitioner’s substantial reliance interest,
19 created by its instruction on Petitioner’s release notification, the agency would give an
20 opportunity to arrange for an orderly departure once it obtained travel documents.

21 79. For these and other reasons, Respondents’ revocation of Petitioner’s order of
22 supervision was arbitrary and capricious and should be held unlawful and set aside.

Count Six
Ultra Vires Action

86. Plaintiffs reallege all paragraphs above as if fully set forth here.

87. There is no statute, constitutional provision, or other source of law that authorizes Respondents to detain Petitioner.

88. Petitioner has a non-statutory right of action to declare unlawful, set aside, and enjoin Respondents' ultra vires actions.

Count Seven
Violation of the *Accardi* Doctrine

89. Petitioner realleges all paragraphs above as if fully set forth here.

90. Under the *Accardi* doctrine, Petitioner has a right to set aside agency action that violated agency procedures, rules, or instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (“If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing”).

91. Respondents violated agency regulations governing who and upon what findings it may properly revoke an order of supervision when it revoked Petitioner's order. “As a result, this Court cannot conclude that [the revoking officer] had the authority to revoke release” and Petitioner “is entitled to release on that basis alone.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (citing *Rombot v. Moniz*, 296 F. Supp. 3d 386, 386-89); *see also, e.g., Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); *M.S.L. v. Bostock*, 2025 WL 2430267 (D. Or. Aug. 21, 2025) (releasing habeas petitioner where revocation of an ICE order of supervision was ordered by someone without regulatory authority to do so).

92. Courts have determined that where ICE fails to follow its own regulations in revoking release, the detention is unlawful and the petitioner's release must be ordered. *See, e.g., Orellana v. Baker*, No. 25-1788-TDC, 2025 WL 2444087, at *25-26 (D. Md. Aug. 25, 2025);

1 *M.S.L. v. Bostock*, No. 6:25-cv-1204-AA, 2025 WL 2430267, at *10 (D. Or. Aug. 21, 2025);
2 *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 163 (W.D.N.Y. 2025); *Rombot v. Souza*, 296 F.
3 Supp. 3d 383, 387 (D. Mass. 2017).

4 93. Respondents also violated agency instructions in Petitioner's release notification
5 to give an opportunity to prepare for an orderly departure when they revoked Petitioner's order
6 without advance notice.

7 94. Under *Accardi*, Respondents' revocation of the order of supervision and decision
8 to ignore instructions in the release notification should be set aside for violating agency
9 procedures, rules, or instructions.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and
14 the United States pending its adjudication of this petition;
- 15 c. Declare that Petitioner's detention violates the Due Process Clause of the Fifth
16 Amendment, the INA and implementing regulations, the APA, and the *Accardi*
17 doctrine;
- 18 d. Order Petitioner's immediate release;
- 19 e. Enjoin Respondents from removing Petitioner from this District or, at least,
20 removing Petitioner from the United States via a third-country deportation
21 without providing him and his counsel meaningful notice and opportunity to
22 assert a fear-based claim: (1) a minimum of ten (10) days to raise a fear-based
23 claim for protection prior to removal; (2) if Petitioner demonstrates reasonable
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1 fear of removal to the third country, Respondents must move to reopen
2 Petitioner's removal proceedings; (3) if Petitioner is not found to have
3 demonstrated a reasonable fear of removal to the third country, Respondents must
4 provide a meaningful opportunity, and a minimum of fifteen (15) days for
5 Petitioner to seek reopening of his immigration proceedings;

6 f. Notify Petitioner's counsel and the Court of any anticipated or planned transfer of
7 Petitioner outside of the Eastern District of California at least five days before any
8 such transfer;

9 g. Enjoin Respondents from imposing any additional restrictions or conditions on
10 Petitioner, including but not limited to electronic monitoring or home visits;

11 h. Enjoin and restrain Respondents from re-detaining Petitioner without notice and a
12 pre-deprivation hearing before a neutral decisionmaker to evaluate whether
13 Petitioner's re-detention is warranted based on flight risk or a danger to the
14 community;

15 i. Award Petitioner costs and reasonable attorneys' fees; and

16 j. Order such other relief as this Court may deem just and proper.

17 DATED this 26th Day of November, 2025.

/s/ Arash Yasrebi
Attorney for Petitioner

PROOF OF SERVICE

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2 I, the undersigned, declare that my office is in San Francisco, California. I am over the
3 age of eighteen (18) years and not a party to the action within. My business address is One
4 Sansome Street, Suite 3500, San Francisco, CA 94104. On November 26, 2025, I served the
5 following documents: PETITION FOR WRIT OF HABEAS CORPUS by placing a true and
6 correct copy in a sealed envelope, each addressed as follows:

7 Kristi Noem
U.S. Department of Homeland Security
8 2801 Nebraska Avenue NW
Washington, D.C. 20528

9 Todd Lyons
10 U.S. Immigration and Customs Enforcement is:
500 12th Street SW
11 Washington, DC 20536

12 Sergio Albarran
San Francisco Field Office
13 U.S. Immigration and Customs Enforcement
630 Sansome Street
14 Rm 590
San Francisco, CA 94111

15 Minga Wofford
16 Mesa Verde ICE Processing Facility
425 Golden State Ave
17 Bakersfield, CA 93301

18 Pamela Bondi
950 Pennsylvania Avenue, NW
19 Washington, DC 20530-0001

20 United States Attorney's Office
501 I Street
21 Suite 10-100
Sacramento, CA 95814

22
23 **By mail.** I am readily familiar with the business for collection and processing of
24 correspondence for mailing in the United States Postal Service and that this document, with

1 postage fully prepaid, will be deposited with the United States Postal Service this date in the
2 ordinary course of business.

3 I declare under the penalty of perjury that the foregoing is true and correct. Executed on
4 November 26, 2025, at San Francisco, California.

5 /s/ Arash Yasrebi
6 Arash Yasrebi
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