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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 ZOLFIA HEKMAT,
11 ROYA MOHAMMADI,
12 Petitioners,
13 v.
14 CHRISTOPHER CHESTNUT, et al.,
15 Respondents.

CASE NO. 1:25-CV-01674-DAD-SCR

**OBJECTIONS TO FINDINGS AND
RECOMMENDATION**

COURT: Hon. Dale A. Drozd

16
17 The respondents stand by their position that should the court determine that any relevant
18 regulations were not followed in this case, the appropriate remedy for any such procedural deficiency is
19 not automatic release from custody. Rather, the specific procedural deficiency should be remedied in a
20 more focused way. Injunctive relief must be *narrowly tailored* to the wrong. *See Rodriguez Diaz v.*
21 *Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022) (“And we note that even when there are deficiencies in
22 individual § 1226(a) proceedings, they may be redressable through means short of major changes to the
23 burden of proof.”). Here a more appropriate remedy would be for the agency to issue written notice of
24 the reasons for termination of parole with an opportunity to challenge that action before a neutral arbiter.

25 Nor did ICE violate the Administrative Procedure Act by terminating each petitioner’s parole and
26 placing them back into custody while their applications for asylum are adjudicated. The administrative
27 arrest warrants informed petitioners what they already knew: each failed to comply with the important
28 provisions of each alien’s Intensive Supervision Appearance Program (ISAP) agreement implemented

1 with the decision to grant them parole into the United States. Making one appearance at an immigration
2 proceeding after repeatedly missing five or six mandated agency check in appointments does not render
3 the agency's decision to detain the petitioners arbitrary, irrational, or an abuse of discretion.

4 Petitioners concede that any Fourth Amendment reasonableness inquiry must be guided by facts
5 specific to each challenged action. Here immigration authorities graciously permitted petitioners to pursue
6 asylum applications while at liberty if they agreed to abide by important obligations outlined in an ISAP
7 agreement. Each petitioner repeatedly failed to abide by terms of the ISAP and this justifiably heightened
8 the agency's concern that the petitioners were a greater risk of flight should their applications for asylum
9 be denied. Both petitioners are scheduled for asylum hearings on February 13 and February 23, 2026.
10 Attachment A, Declaration of Patrick J. Cruz at ¶ 13; Attachment B, Declaration of Ana. L. Juarez at ¶
11 11. The petitioners are far more likely to have their applications for asylum adjudicated more quickly if
12 they remain detained than if they are released and pursue their applications out of custody.

13 For the reasons set forth above, the court should deny the petition for a writ of habeas corpus for
14 each petitioner.

15 Dated: January 16, 2026

ERIC GRANT
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17 By: /s/ DAVID L. GAPPA
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