

1 Natalia Vieira Santanna
CA Bar No. 337502
2 MI Bar No. P76443
SANTANNA LAW OFFICES
3 PO Box 7528, Oakland, CA 94601
(510) 922-0154 (Telephone)
4 natalia@santannalaw.com (Email)
Attorney for Petitioner
5

6 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
7

8 J.S.,

9 Petitioner,

10 v.

11 WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, et al.

12 Respondents.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

No. 1:25-cv-1693-DAD-JDP

**FIRST AMENDED PETITION FOR WRIT
OF HABEAS CORPUS AND COMPLAINT
FOR DECLARATORY AND INJUNCTIVE
RELIEF**

Challenge to Unlawful Incarceration Under
Color of Immigration Detention Statutes;
Request for Declaratory and Injunctive Relief

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES	3
INTRODUCTION	6
CUSTODY	6
JURISDICTION.....	7
VENUE	7
REQUIREMENTS OF 28 USC § 2243	7
EXHAUSTION	7
PARTIES	8
FACTUAL ALLEGATIONS	9
LEGAL ARGUMENT	111
I. Petitioner Has a Protected Liberty Interest in His Conditional Release	133
II. Petitioner’s Liberty Interest Mandates a Hearing Before Any Re-Arrest or Revocation of Release from Custody	155
III. Petitioner’s Private Interest in His Liberty is Profound	17
IV. The Government’s Interest in Re-Incarcerating Petitioner Without a Hearing is Low and the Burden on the Government to Refrain from Re-Arresting Him Unless and Until He is Provided a Hearing That Comports with Due Process is Minimal	18
V. Without a Due Process Hearing Prior to Any Re-Arrest, the Risk of an Erroneous Deprivation of Liberty is High, and Process in the Form of a Constitutionally Compliant Hearing Where ICE Carries the Burden Would Decrease That Risk	20
<u>CLAIMS FOR RELIEF</u>	21
FIRST CLAIM FOR RELIEF.....	21
Violation of Procedural Due Process Under U.S. Const. Amend. V	21
SECOND CLAIM FOR RELIEF	21
Violation of Substantive Due Process Under U.S. Const. Amend. V	211
<u>PRAYER FOR RELIEF</u>	222
<u>VERIFICATION PURSUANT TO 28 U.S.C. § 2242</u>	233

**TABLE OF AUTHORITIES
CASES**

1

2

3 *A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018)..... 10

4 *Bell v. Wolfish*, 441 U.S. 520, 538 (1979) 21

5 *Calderon v. Kaiser*, No. 25-CV-06695-AMO, 2025 WL 2430609, at *3 (N.D. Cal.
Aug. 22, 2025) 16

6 *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001)..... 21

7 *Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989) 21

8 *Cooper v. Oklahoma*, 517 U.S. 348 (1996) 18

9 *Diouf v. Napolitano* (“*Diouf II*”), 634 F.3d 1081, 1091-92 (9th Cir. 2011) 21

10 *Doe v. Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, *4 (E.D. Cal.
Mar. 3, 2025)..... 13

11 *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL 1382859, at *3 (N.D.
Cal. May 12, 2025) 13

12 *Fay v. Noia*, 372 U.S. 391, 400 (1963) 7

13 *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006) 21

14 *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)..... 18

15 *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973)..... 12, 13, 14

16 *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010)..... 14, 18

17 *Griffin v. Wisconsin*, 483 U.S. 868, 874 (1987)..... 18

18 *Haygood v. Younger*, 769 F.2d 1350, 1355-56 (9th Cir. 1985) 15, 17

19 *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110, at *4
(N.D. Cal. Sept. 3, 2025)..... 17

20 *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017)..... 7, 8, 12, 20

21 *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017)..... 14, 18

22 *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) 8

23 *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982) 14

24 *Jones v. Cunningham*, 371 U.S. 236, 243 (1963). 6, 17

25 *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *2 (N.D.
Cal. Mar. 1, 2021) 12

26 *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004)..... 8

1 *Lynch v. Baxley*, 744 F.2d 1452 (11th Cir. 1984) 17

2 *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976)..... 15, 18, 19

3 *Matter of Q. Li*, 29 I&N Dec. 66 (B.I.A. 2025) 8

4 *Matter of Sugay*, 17 I&N Dec. 637, 640 (BIA 1981)..... 11, 12

5 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) 8

6 *Meza v. Bonnar*, 2018 WL 2554572 (N.D. Cal. June 4, 2018)..... 12

7 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)passim

8 *Newman v. Sathyavaglswaran*, 287 F.3d 786, 797 (9th Cir. 2002) 13

9 *Ortega v. Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. 2019) 12

10 *Ortega v. Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. Nov. 22, 2019) 12

11 *Panosyan v. Mayorkas*, 854 F. App'x 787, 788 (9th Cir. 2021)..... 12

12 *Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972)..... 13

13 *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal.
14 July 24, 2025)..... 17

15 *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263, at *5
(N.D. Cal. Aug. 21, 2025)..... 16

16 *Reno v. Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142
17 L.Ed.2d 940 (1999) 8

18 *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at *3-4 (N.D. Cal.
May 6, 2022)..... 12

19 *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017) 10, 12, 13

20 *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011) 18

21 *Texas v. United States*, 136 S. Ct. 2271 (2016)..... 14

22 *U.S. v. Knights*, 534 U.S. 112, 119 (2001)..... 18

23 *United States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079, 1086 (2d
24 Cir. 1971) 19

25 *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal.
Aug. 23, 2020) 12

26 *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000)..... 7

27 *Young v. Harper*, 520 U.S. 143, 146-47 (1997)..... 13

28 *Young v. Harper*, 520 U.S. at 152 14

1 *Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982) 17
 2 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) 13, 18, 19, 21
 3 *Zinermon v. Burch*, 494 U.S. 113, 127 (1990)..... 17

4 **STATUTES**

5 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002) 9
 6 28 U.S.C. § 1331 7
 7 28 U.S.C. § 1391 7
 8 28 U.S.C. § 1651 7
 9 28 U.S.C. § 2241 7
 10 28 U.S.C. § 2243 7
 11 28 U.S.C. §§ 2201–02 7
 12 28 USC § 2243 7
 13 5 U.S.C. §§ 701-706..... 7
 14 8 C.F.R. § 212.5 8
 15 8 C.F.R. § 236.1(c)(9) 11
 16 8 U.S.C. § 1103(a) 9
 17 8 U.S.C. § 1226(b) 11
 18 8 U.S.C. § 1229a 11
 19 8 U.S.C. 1226(b) 11

20 **CONSTITUTIONAL PROVISIONS**

21 U.S. Const. amend. V..... 6, 7, 21, 22
 22 U.S. Const. article I, § 9, cl. 2 7
 23 U.S. Const., amend IV 7

24
 25
 26
 27
 28

INTRODUCTION

1
2 1. Petitioner, J.S., has been civilly imprisoned by U.S. Immigration and Customs
3 Enforcement (ICE) at Mesa Verde ICE Processing Center (“Mesa Verde”) since October 15,
4 2025, after having complied with the conditions of his release from the custody of the Department
5 of Homeland Security (DHS) since he was granted a release on December 16, 2023. For over one
6 year, J.S. has appeared at appointments, and answered supervision calls from the Intensive
7 Supervision Appearance Program (ISAP), while diligently pursuing asylum before the Executive
8 Office of Immigration Review (EOIR). Throughout this time, J.S. has worked with DHS
9 authorization, leased an apartment, exercise his faith and built community in the United States.

10 2. J.S.’s current detention may be permitted under the Constitution and Immigration
11 and Nationality Act (INA) only if Respondents can demonstrate before a neutral decision-maker
12 that he is a flight risk or danger to the community, or if his removal is imminent. As a
13 hardworking and beloved community member with no criminal history, J.S. is not a flight risk or
14 danger. His asylum case remains pending before EOIR, and thus, removal is not imminent. Thus,
15 J.S.’s continued detention without a bond hearing before a neutral decision-maker violates his
16 rights under the INA and the Due Process Clause of the Fifth Amendment. U.S. Const. amend. V.

17 3. This Court should issue a writ of habeas corpus and determine that J.S. is entitled
18 to immediate release under reasonable conditions and pending further order of the Court.

19 4. Alternatively, this Court should order J.S.’s release unless he receives a bond
20 hearing before a neutral arbiter where: (1) to justify his continued detention, the government bears
21 the burden to establish by clear and convincing evidence that J.S. is a danger or flight risk; and
22 (2) if the government cannot meet its burden, J.S. must be ordered released on reasonable
23 conditions, taking into account his ability to pay bond.

CUSTODY

24
25 5. J.S. is currently in the custody of ICE at Golden State Annex in MacFarland,
26 California. J.S. is therefore in “‘custody’ of [the DHS] within the meaning of the habeas corpus
27 statute.” *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).



1 **JURISDICTION**

2 6. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal
3 question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act),
4 28 U.S.C. § 2241 (habeas corpus), U.S. Const. article I, § 9, cl. 2 (the Suspension Clause), U.S.
5 Const., amend IV and V, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

6 **VENUE**

7 7. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28
8 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

9 **REQUIREMENTS OF 28 USC § 2243**

10 8. The Court must grant the petition for writ of habeas corpus or issue an order to
11 show cause (OSC) to Respondents “forthwith,” unless the petitioner is not entitled to relief. 28
12 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within
13 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
14 (emphasis added).

15 9. Courts have long recognized the significance of the habeas statute in protecting
16 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
17 important writ known to the constitutional law of England, affording as it does a swift and
18 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400
19 (1963) (emphasis added).

20 10. Habeas corpus must remain a swift remedy. Importantly, “the statute itself directs
21 courts to give petitions for habeas corpus ‘special, preferential consideration to ensure expeditious
22 hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations
23 omitted). The Ninth Circuit warned against any action creating the perception “that courts are
24 more concerned with efficient trial management than with the vindication of constitutional
25 rights.” *Id.*

26 **EXHAUSTION**

27 11. For habeas claims, exhaustion of administrative remedies is prudential, not
28 jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). A court may waive the

1 prudential exhaustion requirement if “administrative remedies are inadequate or not efficacious,
2 pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the
3 administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000
4 (9th Cir. 2004) (citation and quotation marks omitted)). J.S. asserts that exhaustion should be
5 waived because administrative remedies are (1) futile and (2) his continued detention results in
6 irreparable harm.

7 12. It would be futile for J.S. to seek a bond hearing from an Immigration Judge. His
8 request would be summarily denied based on the current interpretation of the BIA’s recent
9 decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (B.I.A. 2025) and *Matter of Yajure Hurtado*, 29
10 I&N Dec. 216 (BIA 2025).

11 13. Further, no statutory exhaustion requirements apply to J.S.’s claim of unlawful
12 custody in violation of his due process rights, and there are no administrative remedies that he
13 needs to exhaust. *Reno v Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142
14 L.Ed.2d 940 (1999) (finding exhaustion to be a “futile exercise because the agency does not have
15 jurisdiction to review” constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098,
16 1099 (C.D. Cal. 2000) (same).

17 PARTIES

18 14. J.S. is a 21-year-old male citizen of India and national of India who entered the
19 U.S. in December of 2023 and has remained in the country since. *See* Affidavit of J.S. (“J.S.
20 Aff.”). DHS detained J.S. upon entry and shortly released him, likely on parole pursuant to 8
21 C.F.R. § 212.5. *Id.* J.S. established a life in the Sacramento/Stockton, California. J.S. Aff. ¶ 6. He
22 is gainfully employed and a beloved community member. ¶ 6. *Id.*

23 15. Respondent Tonya ANDREWS is the Field Office Director of ICE, Golden Gate
24 Annex, MacFarland, CA, and is named in her official capacity. ICE is the component of the DHS
25 that is responsible for detaining and removing noncitizens according to immigration law and
26 oversees custody determinations. In her official capacity, she is the legal custodian of J.S.

27 16. Respondent Sergio ALBARRAN is the Acting Field Office Director of the San
28 Francisco ICE Field Office. In this capacity, he is responsible for the administration of

1 immigration laws and the execution of immigration enforcement and detention policy within
2 ICE's San Francisco Area of Responsibility, including the detention of Petitioner. Respondent
3 Albarran maintains an office and regularly conducts business in this district. Respondent Albarran
4 is sued in his official capacity.

5 17. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his
6 official capacity. Among other things, ICE is responsible for the administration and enforcement
7 of the immigration laws, including the removal of noncitizens. In his official capacity as head of
8 ICE, he is the legal custodian of J.S.

9 18. Respondent Kristi NOEM is the Secretary of DHS and is named in her official
10 capacity. DHS is the federal agency that encompasses ICE, which is responsible for administering
11 and enforcing the INA and all other laws related to the immigration of noncitizens. In her
12 capacity as Secretary, Respondent Noem has responsibility for the administration and
13 enforcement of the immigration and naturalization laws pursuant to section 402 of the Homeland
14 Security Act of 2002, 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. §
15 1103(a). Respondent Noem is the ultimate legal custodian of J.S.

16 19. Respondent Pam BONDI is the Attorney General of the United States and the most
17 senior official in the U.S. Department of Justice (DOJ) and is named in her official capacity. She
18 has the authority to interpret immigration laws and adjudicate removal cases. The Attorney
19 General delegates this responsibility to the EOIR, which administers the immigration courts and
20 the BIA.

21 **FACTUAL ALLEGATIONS**




22 20. Since mid-May 2025, DHS has initiated an aggressive new enforcement campaign
23 targeting people who are in regular removal proceedings in immigration court, many of whom
24 have pending applications for asylum or other relief. This "coordinated operation" is "aimed at
25 dramatically accelerating deportations" by arresting people at the courthouse or at the ICE office
26 and placing them into expedited removal. Arelis R. Hernández & Maria Sacchetti, *Immigrant*
27 *Arrests at Courthouses Signal New Tactic in Trump's Deportation Push*, Wash. Post, May 23,
28 2025, <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice->

1 trump/; *see also* Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to*
2 *Ramp Up Deportations Through Courthouse Arrests*, N.Y. Times, May 30, 2025,
3 <https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>. The Trump
4 administration implemented a policy to drastically increase immigration arrests to a target of at
5 least 3,000 per day. According to White House officials like Stephen Miller, this directive
6 prioritized arrest numbers over the individuals' criminal history, encouraging agents to conduct
7 mass round-ups in public spaces rather than targeted investigations.

8 21. As a result, arrests of non-citizens with no criminal record surged by over 800%,
9 and two-thirds of those deported had no criminal history. This focus on quantity over public
10 safety led to a new and aggressive tactic: systematically arresting immigrants at courthouses and
11 ICE appointments, regardless of the status of their legal cases. This has created a climate of fear,
12 discouraging people from attending their mandatory hearings or ICE appointments.

13 22. In addition, individuals are now held for extended periods, sometimes days, in
14 temporary holding cells that are not designed for overnight or prolonged detention, often under
15 inhumane conditions. Government officials have justified these harsh conditions not as a matter
16 of necessity, but as an intentional deterrent, which is not a constitutionally permissible reason for
17 detention.

18 23. The government's new campaign is also a significant shift from the previous DHS
19 practice of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*
20 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v.*
21 *Sessions*, 905 F.3d 1137 (9th Cir. 2018), (describing prior practice).

22 24. J.S. fled India in 2023 because of persecution he suffered on account of 
23  and  *See Affidavit*. On or around
24 December 15, 2023, J.S. presented him at the San Ysidro port-of-entry with the intention of
25 seeking asylum. J.S. Aff. DHS admitted J.S. into their custody for one day before determining
26 that he is not a danger to the community nor a flight risk and releasing him pursuant to 8 C.F.R. §
27 212.5. *see also* J.S. Aff..

28 25. Upon his release, J.S. established a life in the Stockton/Sacramento Area. *Id.* DHS

1 granted him employment authorization, enabling him to obtain employment at Amazon. J.S. has
2 never committed any crimes, nor been arrested for any reason. *Id.*

3 26. J.S. diligently complied with all requirements imposed by DHS through the
4 Intensive Supervision Appearance Program (ISAP). *Id.* He wore a GPS monitor. *Id.* Throughout
5 this time, J.S. never received any warnings, threats of arrest, or notices of non-compliance. *Id.*

6 27. On October 15, 2025, J.S. appeared at the Stockton ICE field office to change his
7 address. *Id.* At this appointment, DHS detained J.S. While detained at Golden Gate Annex, J.S.
8 lost his job and apartment, cannot be with his faith community, has become depressed, and is
9 unable to be outside due to a prolonged facility lockdown. *Id.*

10 28. J.S.'s asylum case remains pending. *See Exhibit 2- Automated Case Information.*

11 LEGAL ARGUMENT

12 29. J.S.'s removal proceedings before the San Francisco Immigration Judge are
13 governed by INA § 240 ("section 240 proceedings"). Section 240 proceedings provide important
14 statutory protections, including hearings before an Immigration Judge. *See* 8 U.S.C. §
15 1229a(a)(1), (a)(4).

16 30. In J.S.'s particular circumstances, the Due Process Clause of the Constitution
17 makes it unlawful for Respondents to re-arrest him without first providing a pre-deprivation
18 hearing before a neutral decision maker to determine whether circumstances have materially
19 changed since his release from custody in December 2023, such that detention would now be
20 warranted on the basis that he is a danger or a flight risk by clear and convincing evidence.

21 31. By statute and regulations, ICE has the ability to unilaterally revoke any
22 noncitizen's immigration bond determination or parole, and re-arrest the noncitizen at any time. 8
23 U.S.C. § 1226(b); 8 C.F.R. § 236.1(c)(9). Notwithstanding the breadth of the statutory language
24 granting ICE the power to revoke an immigration bond "at any time," 8 U.S.C. 1226(b), in *Matter*
25 *of Sugay*, 17 I&N Dec. 637, 640 (BIA 1981), the BIA has recognized an implicit limitation on
26 ICE's authority to re-arrest noncitizens. There, the BIA held that "where a previous bond
27 determination has been made by an immigration judge, no change should be made by [the DHS]
28 absent a change of circumstance." *Id.* In practice, DHS "requires a showing of changed

1 circumstances both where the prior bond determination was made by an immigration judge and
2 where the previous release decision was made by a DHS officer.” *Saravia*, 280 F. Supp. 3d at
3 1197 (emphasis added). The Ninth Circuit has also assumed that, under *Matter of Sugay*, ICE has
4 no authority to re-detain an individual absent changed circumstances. *Panosyan v. Mayorkas*, 854
5 F. App’x 787, 788 (9th Cir. 2021) (“Thus, absent changed circumstances ... ICE cannot redetain
6 Panosyan.”).

7 32. ICE has further limited its authority as described in *Sugay*, and “generally only re-
8 arrests [noncitizens] pursuant to § 1226(b) after a material change in circumstances.” *Saravia*,
9 280 F. Supp. 3d at 1197, aff’d sub nom. *Saravia for A.H.*, 905 F.3d 1137 (quoting Defs.’ Second
10 Supp. Br. at 1, Dkt. No. 90) (emphasis added). Thus, under BIA case law and ICE practice, ICE
11 may re-arrest a noncitizen who had been previously released on bond only after a material change
12 in circumstances. See *Saravia*, 280 F. Supp. 3d at 1176; *Matter of Sugay*, 17 I&N Dec. at 640.

13 33. ICE’s power to re-arrest a noncitizen who is at liberty following a release from
14 custody is also constrained by the demands of due process. See *Hernandez*, 872 F.3d at 981 (“the
15 government’s discretion to incarcerate non-citizens is always constrained by the requirements of
16 due process”). See also *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (Due Process requires pre-
17 deprivation hearing before revocation of probation); *Morrissey v. Brewer*, 408 U.S. 471, 482
18 (1972) (same, in parole context). Petitioner’s release from custody in June of 2021 and ties to his
19 family and community provide him with a protected liberty interest. See *Ortega v. Bonnar*, 415
20 F. Supp. 3d 963 (N.D. Cal. Nov. 22, 2019).

21 34. Federal district courts in California have repeatedly recognized that the demands
22 of due process and the limitations on DHS’s authority to revoke a noncitizen’s release from
23 custody set out in DHS’s stated practice and *Matter of Sugay* both require a pre-deprivation
24 hearing for a noncitizen on ICE’s supervision, like J.S. before ICE re-detains him. See, e.g., *Meza*
25 *v. Bonnar*, 2018 WL 2554572 (N.D. Cal. June 4, 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963
26 (N.D. Cal. 2019); *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *3 (N.D. Cal.
27 Aug. 23, 2020); *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *2 (N.D.
28 Cal. Mar. 1, 2021); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at *3-4 (N.D.

1 Cal. May 6, 2022) (Petitioner would suffer irreparable harm if re-detained, and required notice
2 and a hearing before any re-detention); *Enamorado v. Kaiser*, No. 25-CV-04072-NW, 2025 WL
3 1382859, at *3 (N.D. Cal. May 12, 2025) (temporary injunction warranted preventing re-arrest at
4 plaintiff's ICE interview when he had been on bond for more than five years). *See also Doe v.*
5 *Becerra*, No. 2:25-cv-00647-DJC-DMC, 2025 WL 691664, *4 (E.D. Cal. Mar. 3, 2025) (holding
6 the Constitution requires a hearing before any re-arrest).

7 **I. Petitioner Has a Protected Liberty Interest in His Conditional Release**

8 35. The Due Process Clause protects J.S.'s liberty from immigration custody:
9 "Freedom from imprisonment—from government custody, detention, or other forms of physical
10 restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v.*
11 *Davis*, 533 U.S. 678, 690 (2001).

12 36. Since December 2023, J.S. exercised that freedom under ICE's order releasing him
13 from custody. As he was released from custody, he retains a weighty liberty interest under the
14 Due Process Clause of the Fifth Amendment in avoiding unlawful re-incarceration. *See Young v.*
15 *Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon*, 411 U.S. at 781-82; *Morrissey*, 408 U.S. at 482-
16 483. Respondents created a reasonable expectation that J.S. would be permitted to live and work
17 in the United States without being subject to arbitrary arrest and removal.

18 37. This reasonable expectation creates constitutionally protected liberty and property
19 interests. *Perry v. Sindermann*, 408 U.S. 593, 601-03 (1972) (reliance on policies and practices
20 may establish a legitimate claim of entitlement to a constitutionally-protected interest); *see also*
21 *Texas v. United States*, 136 S. Ct. 2271 (2016) (explaining that "DACA involve[s] issuing
22 benefits" to certain applicants). These benefits are entitled to constitutional protections no matter
23 how they may be characterized by Respondents. *See, e.g., Newman v. Sathyavaglswaran*, 287
24 F.3d 786, 797 (9th Cir. 2002) ("[T]he identification of property interests under constitutional law
25 turns on the substance of the interest recognized, not the name given that interest by the state or
26 other independent source.") (internal quotations omitted).

27 38. In *Morrissey*, the Supreme Court examined the "nature of the interest" that a
28 parolee has in "his continued liberty." 408 U.S. at 481-82. The Court noted that, "subject to the

1 conditions of his parole, [a parolee] can be gainfully employed and is free to be with family and
2 friends and to form the other enduring attachments of normal life.” *Id* at 482. The Court further
3 noted that “the parolee has relied on at least an implicit promise that parole will be revoked only
4 if he fails to live up to the parole conditions.” *Id*. The Court explained that “the liberty of a
5 parolee, although indeterminate, includes many of the core values of unqualified liberty and its
6 termination inflicts a grievous loss on the parolee and often others.” *Id*. In turn, “[b]y whatever
7 name, the liberty is valuable and must be seen within the protection of the [Fifth] Amendment.”
8 *Id* at 482.

9 39. This basic principle—that individuals have a liberty interest in their conditional
10 release—has been reinforced by both the Supreme Court and the circuit courts on numerous
11 occasions. *See, e.g., Young v. Harper*, 520 U.S. at 152 (holding that individuals placed in a pre-
12 parole program created to reduce prison overcrowding have a protected liberty interest requiring
13 pre-deprivation process); *Gagnon v. Scarpelli*, 411 U.S. at 781-82 (holding that individuals
14 released on felony probation have a protected liberty interest requiring pre-deprivation process).
15 As the First Circuit has explained, when analyzing the issue of whether a specific conditional
16 release rises to the level of a protected liberty interest, “[c]ourts have resolved the issue by
17 comparing the specific conditional release in the case before them with the liberty interest in
18 parole as characterized by *Morrissey*.” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir.
19 2010) (internal quotation marks and citation omitted). *See also, e.g., Hurd v. District of*
20 *Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (“a person who is in fact free of physical
21 confinement—even if that freedom is lawfully revocable—has a liberty interest that entitles him
22 to constitutional due process before he is re-incarcerated”) (citing *Young*, 520 U.S. at 152,
23 *Gagnon*, 411 U.S. at 782, and *Morrissey*, 408 U.S. at 482).

24 40. In fact, it is well-established that an individual maintains a protectable liberty
25 interest even where the individual obtains liberty through a mistake of law or fact. *See id.*;
26 *Gonzalez-Fuentes*, 607 F.3d at 887; *Johnson v. Williford*, 682 F.2d 868, 873 (9th Cir. 1982)
27 (noting that due process considerations support the notion that an inmate released on parole by
28 mistake, because he was serving a sentence that did not carry a possibility of parole, could not be

1 re-incarcerated because the mistaken release was not his fault, and he had appropriately adjusted
2 to society, so it “would be inconsistent with fundamental principles of liberty and justice” to
3 return him to prison) (internal quotation marks and citation omitted).

4 41. Here, when this Court compares the specific release in J.S.’s case “with the liberty
5 interest in parole as characterized by *Morrissey*,” they are strikingly similar. *See Gonzalez-*
6 *Fuentes*, 607 F.3d at 887. Just as in *Morrissey*, J.S.’s release “enables him to do a wide range of
7 things open to persons” who have never been in custody or convicted of any crime, including to
8 live at home, practice his faith, care for his grandmother, and “be with family and friends and to
9 form the other enduring attachments of normal life.” *Morrissey*, 408 U.S. at 482.

10 **II. Petitioner’s Liberty Interest Mandates a Hearing Before Any Re-Arrest or**
11 **Revocation of Release from Custody**

12 42. J.S. asserts that, here, (1) where his detention would be civil; (2) where he has
13 been at liberty for over one year; (3) where no change in circumstances exist that would justify
14 his lawful detention; and (4) where the only circumstance was ICE’s move to arrest as many
15 people as possible because of the new administration, due process mandates that he be released
16 from his unlawful custody and receive notice and a hearing before a neutral adjudicator prior to
17 any re-arrest or revocation of his custody release.

18 43. “Adequate, or due, process depends upon the nature of the interest affected. The
19 more important the interest and the greater the effect of its impairment, the greater the procedural
20 safeguards the [government] must provide to satisfy due process.” *Haygood v. Younger*, 769 F.2d
21 1350, 1355-56 (9th Cir. 1985) (en banc) (citing *Morrissey*, 408 U.S. at 481-82). This Court must
22 “balance [J.S.’s] liberty interest against the [government’s] interest in the efficient administration
23 of” its immigration laws in order to determine what process he is owed to ensure that ICE does
24 not unconstitutionally deprive him of his liberty. *Id.* at 1357. Under the test set forth in *Mathews v.*
25 *Eldridge*, this Court must consider three factors in conducting its balancing test: “first, the private
26 interest that will be affected by the official action; second, the risk of an erroneous deprivation of
27 such interest through the procedures used, and the probative value, if any, of additional or
28 substitute procedural safeguards; and finally the government’s interest, including the function

1 involved and the fiscal and administrative burdens that the additional or substitute procedural
2 requirements would entail.” *Haygood*, 769 F.2d at 1357 (citing *Mathews v. Eldridge*, 424 U.S.
3 319, 335 (1976)). Several district courts have applied the *Mathews* factors in similar cases, and
4 found that those in Petitioner’s position, noncitizens granted the liberty of release pending
5 removal proceedings, have due process rights. *See e.g., Calderon v. Kaiser*, No. 25-CV-06695-
6 AMO, 2025 WL 2430609, at *3 (N.D. Cal. Aug. 22, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-
7 CV-06248-BLF, 2025 WL 2419263, at *5 (N.D. Cal. Aug. 21, 2025); *Pinchi v. Noem*, No. 5:25-
8 CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025); *Hernandez Nieves v. Kaiser*,
9 No. 25-CV-06921-LB, 2025 WL 2533110, at *4 (N.D. Cal. Sept. 3, 2025).

10 44. The Supreme Court “usually has held that the Constitution requires some kind of a
11 hearing before the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
12 113, 127 (1990) (emphasis in original). Only in a “special case” where post-deprivation remedies
13 are “the only remedies the State could be expected to provide” can post-deprivation process
14 satisfy the requirements of due process. *Zinerman*, 494 U.S. at 985. Moreover, only where “one
15 of the variables in the *Mathews* equation—the value of predeprivation safeguards—is negligible
16 in preventing the kind of deprivation at issue” such that “the State cannot be required
17 constitutionally to do the impossible by providing predeprivation process,” can the government
18 avoid providing pre-deprivation process. *Id.*

19 45. Because, in this case, ICE is required to release J.S. from his unlawful custody and
20 provide J.S. with notice and a hearing prior to any re-incarceration and revocation of his liberty.
21 *See Morrissey*, 408 U.S. at 481-82; *Haygood*, 769 F.2d at 1355-56; *Jones*, 393 F.3d at 932;
22 *Zinerman*, 494 U.S. at 985; *see also Youngberg v. Romeo*, 457 U.S. 307, 321-24 (1982); *Lynch v.*
23 *Baxley*, 744 F.2d 1452 (11th Cir. 1984) (holding that individuals awaiting involuntary civil
24 commitment proceedings may not constitutionally be held in jail pending the determination as to
25 whether they can ultimately be recommitted). Under *Mathews*, the balance weighs heavily in
26 favor of J.S.’s liberty and requires a pre-deprivation hearing before a neutral adjudicator.

27
28

1 **III. Petitioner’s Private Interest in His Liberty is Profound**

2 46. Under *Morrissey* and its progeny, individuals conditionally released from serving a
3 criminal sentence have a liberty interest that is “valuable.” *Morrissey*, 408 U.S. at 482. In
4 addition, the principles espoused in *Hurd* and *Johnson*—that a person who is in fact free of
5 physical confinement, even if that freedom is lawfully revocable, has a liberty interest that entitles
6 him to constitutional due process before he is re-incarcerated—apply with even greater force to
7 individuals like J.S., who have been released pending civil removal proceedings, rather than
8 parolees or probationers who are subject to incarceration as part of a sentence for a criminal
9 conviction. Parolees and probationers have a diminished liberty interest given their underlying
10 convictions. *See, e.g., U.S. v. Knights*, 534 U.S. 112, 119 (2001); *Griffin v. Wisconsin*, 483 U.S.
11 868, 874 (1987). Nonetheless, even in the criminal parolee context, the courts have held that the
12 parolee cannot be re-arrested without a due process hearing in which they can raise any claims
13 they may have regarding why their re-incarceration would be unlawful. *See Gonzalez-Fuentes*,
14 607 F.3d at 891-92; *Hurd*, 864 F.3d at 683. Thus, J.S. retains a truly weighty liberty interest even
15 though he is under conditional release.

16 47. What is at stake in this case for J.S. is one of the most profound individual
17 interests recognized by our legal system: whether ICE may unilaterally nullify a prior decision
18 releasing him from custody and to take away—without a lawful basis—his physical freedom, i.e.,
19 his “constitutionally protected interest in avoiding physical restraint.” *Singh v. Holder*, 638 F.3d
20 1196, 1203 (9th Cir. 2011) (internal quotation omitted). “Freedom from bodily restraint has
21 always been at the core of the liberty protected by the Due Process Clause.” *Foucha v. Louisiana*,
22 504 U.S. 71, 80 (1992). *See also Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment—
23 from government custody, detention, or other forms of physical restraint—lies at the heart of the
24 liberty that [the Due Process] Clause protects.”); *Cooper v. Oklahoma*, 517 U.S. 348 (1996).

25 48. Thus, there is a clear profound private interest at stake in this case, which must be
26 weighed heavily when determining what process he is owed under the Constitution. *See Mathews*,
27 424 U.S. at 334-35.

28

1
2 **IV. The Government's Interest in Re-Incarcerating Petitioner Without a Hearing is**
3 **Low and the Burden on the Government to Refrain from Re-Arresting Him Unless**
4 **and Until He is Provided a Hearing That Comports with Due Process is Minimal**

4 49. The government's interest in detaining J.S. without a due process hearing is low,
5 and when weighed against J.S.'s significant private interest in his liberty, the scale tips sharply in
6 favor of enjoining Respondents to release J.S. from his unlawful custody and refrain from re-
7 arresting J.S. unless and until the government demonstrates by clear and convincing evidence that
8 he is a flight risk or danger to the community. It becomes abundantly clear that the *Mathews* test
9 favors J.S. when the Court considers that the process he seeks—notice and a hearing regarding
10 whether he has violated any conditions of his release, and, if so, providing J.S. with a hearing
11 before this Court (or a neutral decisionmaker) to determine whether there is clear and convincing
12 evidence that J.S. is a flight risk or danger to the community would impose only a *de minimis*
13 burden on the government, because the government routinely provides this sort of hearing to
14 individuals like J.S.

15 50. As immigration detention is civil, it can have no punitive purpose. The
16 government's only interest in holding an individual in immigration detention can be to prevent
17 danger to the community or to ensure a noncitizen's appearance at immigration proceedings. *See*
18 *Zadvydas*, 533 U.S. at 690. In this case, the government cannot plausibly assert that it has any
19 lawful basis for detaining J.S. has lived at liberty complying with the conditions of his release
20 since June 2021.

21 51. ICE determined J.S. not to be a danger to the community or a flight risk in
22 December 2023 and has done nothing to undermine that determination. To the contrary, he
23 complied with the terms of his release. *See Morrissey*, 408 U.S. at 482 (“It is not sophistic to
24 attach greater importance to a person's justifiable reliance in maintaining his conditional freedom
25 so long as he abides by the conditions on his release, than to his mere anticipation or hope of
26 freedom”) (quoting *United States ex rel. Bey v. Connecticut Board of Parole*, 443 F.3d 1079,
27 1086 (2d Cir. 1971)).

28 52. It is difficult to see how the government's interest in ensuring his presence at the

1 moment of removal has materially changed since he was released in June 2021, when he has
2 appeared at every ISAP and ICE appointment. The government’s interest in detaining J.S. at this
3 time is therefore low. That ICE has a new policy to make a minimum number of arrests each day
4 under the new administration does not constitute a material change in circumstances or increase
5 the government’s interest in detaining him.

6 53. Moreover, the “fiscal and administrative burdens” that his immediate release and a
7 lawful pre-detention hearing would impose is nonexistent in this case. *See Mathews*, 424 U.S. at
8 334-35. J.S. does not seek a unique or expensive form of process, but rather a routine hearing
9 regarding whether his order of release should be revoked and whether he should be re-
10 incarcerated.

11 54. As the Ninth Circuit noted in 2017, which remains true today, “[t]he costs to the
12 public of immigration detention are ‘staggering’: \$158 each day per detainee, amounting to a total
13 daily cost of \$6.5 million.” *Hernandez*, 872 F.3d at 996. ICE’s unlawful action of placing him in
14 custody is more of a financial burden than releasing him and providing a pre-custody hearing
15 before any future re-arrest occurs.

16 55. In addition, providing J.S. with a hearing before this Court (or a neutral
17 decisionmaker) regarding release from custody is a routine procedure that the government
18 provides to those in immigration jails on a daily basis. At that hearing, the Court would have the
19 opportunity to determine whether circumstances have changed sufficiently to justify his re-arrest.
20 But there is no justifiable reason to re-incarcerate J.S. prior to such a hearing taking place. As the
21 Supreme Court noted in *Morrissey*, even where the State has an “overwhelming interest in being
22 able to return [a parolee] to imprisonment without the burden of a new adversary criminal trial if
23 in fact he has failed to abide by the conditions of his parole . . . the State has no interest in
24 revoking parole without some informal procedural guarantees.” *Morrissey*, 408 U.S. at 483.

25 56. Releasing J.S. from unlawful custody and enjoining his re-arrest until ICE (1)
26 moves for a pre-deprivation bond hearing before an Immigration Judge and (2) demonstrates by
27 clear and convincing evidence that J.S. is a flight risk or danger to the community. *Hernandez*,
28 872 F.3d at 996.

1 **V. Without a Due Process Hearing Prior to Any Re-Arrest, the Risk of an Erroneous**
2 **Deprivation of Liberty is High, and Process in the Form of a Constitutionally**
3 **Compliant Hearing Where ICE Carries the Burden Would Decrease That Risk**

4 57. Releasing J.S. from unlawful custody and providing J.S. a pre-deprivation hearing
5 would decrease the risk of J.S. being erroneously deprived of his liberty. Before J.S. can be
6 lawfully detained, he must be provided with a hearing before a neutral adjudicator at which the
7 government is held to show that there has been sufficiently changed circumstances such that
8 ICE's December 2023 release from custody determination should be altered or revoked because
9 clear and convincing evidence exists to establish that J.S. is a danger to the community or a flight
10 risk.

11 58. On October 15, 2025, J.S. did not receive this protection. Instead, he was detained
12 by ICE, without notice, as he attended his appointment with ICE, demonstrating compliance, and
13 there have been no material changes in his circumstances.

14 59. By contrast, the procedure J.S. seeks—a hearing in front of a neutral adjudicator
15 at which the government must prove by clear and convincing evidence that circumstances have
16 changed to justify his detention before any re-arrest—is much more likely to produce accurate
17 determinations regarding factual disputes, such as whether a particular occurrence constitutes a
18 “changed circumstance.” See *Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir. 1989)
19 (when “delicate judgments depending on credibility of witnesses and assessment of conditions
20 not subject to measurement” are at issue, the “risk of error is considerable when just
21 determinations are made after hearing only one side”). “A neutral judge is one of the most basic
22 due process protections.” *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), abrogated
23 on other grounds by *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth Circuit has
24 noted that the risk of an erroneous deprivation of liberty under *Mathews* can be decreased where a
25 neutral decisionmaker, rather than ICE alone, makes custody determinations. *Diouf v. Napolitano*
26 (“*Diouf IP*”), 634 F.3d 1081, 1091-92 (9th Cir. 2011).

27 60. Due process also requires consideration of alternatives to detention at any custody
28 determination hearing that may occur. The primary purpose of immigration detention is to ensure
a noncitizen's appearance during removal proceedings. *Zadvydas*, 533 U.S. at 697. Detention is

1 not reasonably related to this purpose if there are alternatives to detention that could mitigate risk
2 of flight. *See Bell v. Wolfish*, 441 U.S. 520, 538 (1979). Accordingly, alternatives to detention
3 must be considered in determining whether J.S.'s reincarceration is warranted.

4 **CLAIMS FOR RELIEF**

5 **FIRST CLAIM FOR RELIEF**

6 **Violation of Procedural Due Process Under U.S. Const. Amend. V**

7 61. J.S. re-alleges and incorporates herein by reference, as is set forth fully herein, the
8 allegations in all the preceding paragraphs.

9 62. The Due Process Clause of the Fifth Amendment forbids the government from
10 depriving any "person" of liberty "without due process of law." U.S. Const. amend. V.

11 63. J.S. has a vested liberty interest in his lawful conditional release. Due Process does
12 not permit the government to strip him of that liberty without a hearing before this Court. *See*
13 *Morrissey*, 408 U.S. at 487-488.

14 64. The Court must therefore order that ICE release J.S. from his current unlawful
15 custody.

16 65. Prior to any re-arrest, the government must provide him with a hearing before a
17 neutral adjudicator. At the hearing, the neutral adjudicator would evaluate, inter alia, whether
18 clear and convincing evidence demonstrates, taking into consideration alternatives to detention,
19 that J.S. is a danger to the community or a flight risk, such that his reincarceration is warranted.
20 During any custody determination hearing that occurs, this Court or, alternatively, a neutral
21 adjudicator must consider alternatives to detention when determining whether J.S.'s re-
22 incarceration is warranted.

23 **SECOND CLAIM FOR RELIEF**

24 **Violation of Substantive Due Process Under U.S. Const. Amend. V**

25 66. J.S. re-alleges and incorporates herein by reference, as is set forth fully herein, the
26 allegations in all the preceding paragraphs.

27 67. The Due Process Clause of the Fifth Amendment forbids the government from
28 depriving individuals of their right to be free from unjustified deprivations of liberty. U.S. Const.

1 amend. V.

2 68. J.S. has a vested liberty interest in his conditional release. Due Process does not
3 permit the government to strip him of that liberty without it being tethered to one of the two
4 constitutional bases for civil detention: to mitigate against the risk of flight or to protect the
5 community from danger. Since December 2023, J.S. has attended all his appointments, thus
6 demonstrating that he is neither a flight risk nor a danger. Re-arresting him now would be
7 punitive and violate his constitutional right to be free from the unjustified deprivation of his
8 liberty.

9 69. For these reasons, J.S.'s continued unlawful custody and any subsequent re-arrest
10 without first being provided a pre-deprivation hearing would violate the Constitution.

11 70. The Court must therefore order that he be released from custody.

12 71. The Court must order the government to not re-arrest him in any subsequent action
13 without a hearing before a neutral adjudicator. At the hearing, the neutral adjudicator would
14 evaluate, inter alia, whether clear and convincing evidence demonstrates, taking into
15 consideration alternatives to detention, that J.S. is a danger to the community or a flight risk, such
16 that his reincarceration is warranted. During any custody determination hearing that occurs, this
17 Court or, in the alternative, a neutral adjudicator must consider alternatives to detention when
18 determining whether J.S.'s reincarceration is warranted.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, J.S. prays that this Court grant the following relief:

- 21 (1) Assume jurisdiction over this matter;
- 22 (2) Declare that ICE's October 15, 2025 , apprehension and detention of J.S. was an
23 unlawful exercise of authority because the ICE officer provided no reason that he
24 presents a danger to the community or is flight risk;
- 25 (3) Order ICE to immediately release J.S. from his unlawful detention;
- 26 (4) Enjoin re-arresting J.S. unless and until a hearing can be held before a neutral
27 adjudicator to determine whether his re-incarceration would be lawful because the
28 government has shown that he is a danger or a flight risk by clear and convincing

- 1 evidence;
- 2 (5) Declare that J.S. cannot be re-arrested unless and until he is afforded a hearing on
- 3 the question of whether his re-incarceration would be lawful—i.e., whether the
- 4 government has demonstrated to a neutral adjudicator that he is a danger or a flight
- 5 risk by clear and convincing evidence;
- 6 (6) Award reasonable costs and attorney fees; and
- 7 (7) Grant such further relief as the Court deems just and proper.

8 Respectfully submitted this 13th day of December, 2025.

9 By counsel,

10 /s/ Natalia Vieira Santanna

11 Natalia Vieira Santanna, Esq.
12 Attorney for Petitioner
13 Bar #P76443 (Michigan)/ Bar #337502 (California)
14 PO Box 7528
15 Phone: (510) 922-0154
16 Fax: (510) 903-4211
17 Email: natalia@santannalaw.com

18 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

19 I am submitting this verification on behalf of the Petitioner because I am one of
20 Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition.

21 Based on those discussions, I hereby verify that the factual statements made in the attached
22 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

23 Executed on December 13, 2025, in Oakland, CA.

24 /s/ Natalia Vieira Santanna

25 Natalia Vieira Santanna, Esq.
26 Attorney for Petitioner