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Attorneys for the Petitioner

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

IMRAN HOSSAIN
Petitioner

v.

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

Case No. I:25-cv-01710-JLT-SAB-HC

**STATUS REPORT FOR PETITIONER'S
PENDING HABEAS PETITION**

On December 2, 2025, Petitioner filed a pro se Petition for Writ of Habeas Corpus seeking relief from continuing immigration detention in violation of the Due Process Clause of the Fifth Amendment. On December 3, 2025, the Court issued an order directing Respondents to do one of the following within sixty (60) days of service of the Order:

(A) file an answer addressing the merits of the Petition, including any arguments that Petitioner has procedurally defaulted a claim, which must be raised in the answer and must also address the merits of the claims asserted; or (B) file a motion to dismiss.

That deadline has now lapsed. Respondents' sixty-day period to file an answer or motion

1 to dismiss expired on February 1, 2026. To date, Respondents has not filed a response and has
2 not sought an extension of time. As a result, the Petition remains unanswered, and the Court has
3 not been provided with any justification for Petitioner's continued detention.

4 Because habeas proceedings are entitled to special solicitude and prompt resolution,
5 Respondents' noncompliance is significant. As the Ninth Circuit has explained, "The application
6 for the writ usurps the attention and displaces the calendar of the judge or justice who entertains
7 it and receives prompt action from him within the four corners of the application." *Ruby v.*
8 *United States*, 341 F.2d 585, 587 (9th Cir. 1965). The writ is intended to be a "swift and
9 imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391,
10 400 (1963). Under these circumstances, Respondent's failure to comply with the Court's Order
11 warrants the Court's attention.

12 Consequently, Petitioner remains detained. At the time the Petition was filed, Petitioner
13 had already been detained for more than eleven months. As of the date of this Status Report,
14 Petitioner has now been confined in immigration custody for more than one year.

15 Against this backdrop, the governing legal principles are well settled. "The Due Process
16 Clause of the Fifth Amendment prohibits the Government from depriving individuals of their
17 life, liberty, or property, without due process of law." *Hernandez v. Sessions*, 872 F.3d 976, 990
18 (9th Cir. 2017). The Due Process Clause applies to "all persons within the United States,
19 including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas*
20 *v. Davis*, 533 U.S. 678, 679 (2001). As the Supreme Court has explained, "Freedom from
21 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
22 the heart of the liberty that Clause protects." *Id.* at 690.

1 Civil immigration detention is limited by the Constitution. As the Supreme Court
2 explained, "A statute permitting indefinite detention of an alien would raise a serious
3 constitutional problem." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Court further
4 observed that Congress itself had reason to doubt the constitutionality of detention lasting more
5 than six months. Accordingly, detention exceeding six months is presumptively unreasonable
6 absent a present, individualized justification. Petitioner's detention has far exceeded that period.

7 Importantly, this delay is not attributable to Petitioner. Petitioner timely filed his habeas
8 petition and has taken no action to prolong these proceedings. The continued deprivation of
9 liberty results from Respondents' failure to respond to the Petition or to comply with the Court's
10 December 3, 2025 Order. Respondents' failure to file an answer addressing the merits of
11 Petitioner's Petition leaves the record devoid of any articulated basis for Petitioner's continued
12 confinement.

13 In addition, Petitioner faces an imminent risk of transfer or removal to a third country
14 while his habeas petition remains pending before this Court. Petitioner has been informed that
15 DHS intends to remove him to a third country on the February 20, 2026. Petitioner would have
16 no lawful immigration status, no lawful employment authorization, and no ties in that country.
17 Removal under these circumstances, while his habeas petition is pending, would interfere with
18 Petitioner's ability to pursue his immigration case, consult with counsel, and effectively litigates
19 his pending habeas petition.

20 Additionally, such transfer or removal would materially impair this Court's ability to
21 adjudicate the Petition and grant effective relief. Absent interim relief, custody-altering
22 enforcement action risks defeating this Court's jurisdiction and mooted the habeas proceedings.

1 For the reasons set forth above, Petitioner remains detained without justification while his
2 Petition for Writ of Habeas Corpus is pending before this Court. Respondents' has failed to
3 comply with the Court's December 3, 2025 Order, and Petitioner's continued confinement
4 exceeds constitutional limits and continues to violate the Due Process Clause of the Fifth
5 Amendment.

6 Under these circumstances, prompt judicial intervention is warranted.
7 Accordingly, Petitioner respectfully requests that the Court grant relief and order his immediate
8 release from custody.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Petitioner respectfully requests that this Court:

- 11 1. Assume jurisdiction over this action pursuant to 28 U.S.C. § 2241;
- 12 2. Grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release
13 from immigration custody;
- 14 3. Enjoin Respondents, during the pendency of this habeas action, from transferring
15 Petitioner outside this District, including between facilities or to any facility outside this
16 judicial district, in any manner that would materially impair this Court's ability to
17 adjudicate the habeas petition, maintain jurisdiction, or grant effective relief;
- 18 4. Enjoin Respondents, during the pendency of this habeas action, from effecting removal to
19 a third country or engaging in any custody-altering enforcement action that would moot
20 or defeat this Court's jurisdiction over the pending habeas petition;
- 21 5. Enjoin Respondents, during the pendency of this habeas action, from re-arresting or
22 re-detaining Petitioner absent compliance with applicable statutory and constitutional
23

1 requirements or further order of this Court; and

2 6. Grant such other and further relief as the Court deems just and proper to preserve its
3 jurisdiction and ensure meaningful judicial review pending resolution of the habeas
4 petition

5 7. Award reasonable attorney's fees and costs, to the extent authorized by law, including
6 under the Equal Access to Justice Act, 28 U.S.C. § 2412, if applicable.

7 Dated: February 5, 2026

Respectfully Submitted,

8 */s/ Theodora E. Adoghe*

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VERIFICATION

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under the penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpus are true and correct.

Executed this 5th day of February 2026.

/s/ Theodora E. Adoghe

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