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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **DIVISION**

11 D.J.R.G.,
12 Petitioner,
13 v.

14 Christopher CHESTNUT, Administrator,
15 California City Detention Facility; Sergio
16 ALBARRAN, Acting Field Office Director,
17 San Francisco Immigration and Customs
18 Enforcement; Todd LYONS, Acting Director,
19 United States Immigration and Customs
20 Enforcement; Kristi NOEM, Secretary of the
21 United States Department of Homeland
Security; Pamela BONDI, Attorney General of
the United States, acting in their official
capacities,

22 Respondents.
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Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1
2 1. Petitioner D.J.R.G. (“Petitioner”) is a 28-year-old asylum seeker from Venezuela.
3 He came to the United States on September 23, 2022, fleeing persecution. Upon his arrival in
4 the United States, he was detained by the U.S. Border Patrol and then released the next day
5 pursuant to a grant of humanitarian parole. Since then, he has been diligent about complying
6 with the government’s demands. He reported every year to the Orlando, FL office of
7 Immigration and Customs Enforcement (“ICE”), as instructed, checking in at an automated
8 kiosk.

9
10 2. A Notice to Appear was never filed in immigration court, and as a result he never
11 was required to attend any court hearings. Nonetheless, he diligently acted to avail himself of
12 immigration relief. He timely applied for asylum with U.S. Citizenship and Immigration
13 Services (“USCIS”), and attended a scheduled biometrics appointment; and has been waiting to
14 be called for an asylum interview. He applied for, and was granted, Temporary Protected Status
15 (“TPS”).

16
17 3. On information and belief, he has been living a law-abiding life, with no criminal
18 arrests. He studied English. He was granted work authorization, and has been lawfully working
19 for Amazon, Inc. He has multiple family members in the United States, including siblings,
20 uncles and aunts, and cousins.

21
22 4. At his last check-in at Orlando ICE, a year ago, he informed ICE that he wanted
23 to move San Francisco, CA. An ICE official said that he was allowed to make the move. The
24 automated kiosk gave him a receipt telling him to next report on December 1, 2025. It did not
25 list a location for that scheduled check-in. He subsequently moved to San Francisco.

26
27 5. Believing that he should check in at Orlando on December 1, 2025, he bought a
28 round-trip plane ticket from San Francisco to Orlando for that purpose. Appearing at the
Orlando ICE office on December 1, 2025, the staff there told him that he needed to complete his

1 check-in in San Francisco, and that he should go to San Francisco ICE and explain the situation
2 there. They did not provide him with written proof of his appearance that day.

3 6. He quickly flew back to San Francisco. He tried to make an online appointment at
4 San Francisco ICE, but there were no appointments available for a significant time. He made an
5 online appointment for December 3, 2025 at the ICE field office in Sacramento, CA.

6 7. Early on the morning of December 3, 2025, he drove from San Francisco to
7 Sacramento to present himself at the Sacramento ICE office. There, he was told that he needed
8 to go to the San Francisco ICE office.

9 8. He immediately drove back to San Francisco and reported at the San Francisco
10 ICE office. There, on the afternoon of December 3, 2025, he was detained.

11 9. The day after he was detained, his arrest was referred to undersigned counsel,
12 who hurried to immediately prepare the instant habeas petition.

13 10. From San Francisco, Petitioner was transferred to the ICE office in Stockton, CA.
14 On December 4, 2025, at approximately 5:00 p.m., a colleague of undersigned Counsel spoke to
15 an ICE officer in Stockton, who related that Petitioner had departed the facility about one hour
16 earlier, headed to the California City Detention Facility.

17 11. This arrest is part of a new, nationwide Department of Homeland Security (“DHS”) strategy of arresting people at ICE check-in appointments as well as court hearings. For the past
18 several months, DHS has implemented a coordinated practice of leveraging immigration
19 detention to strip people like Petitioner of their substantive and procedural rights and seek their
20 swift deportation. Immigration detention is civil, and thus is permissible for only two reasons: to
21 ensure a noncitizen’s appearance at immigration hearings and to prevent danger to the
22 community. But DHS did not arrest and detain Petitioner—who poses no risk of absconding nor
23 danger to the community—for either of these reasons. Instead, as part of its broader enforcement
24 campaign, DHS likely detained Petitioner to constrain his procedural rights, pressure him to
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1 forfeit any claims to relief, pressure him into fast-track removal, and meet their own internal
2 quotas for arrests.

3 12. Petitioner's arrest and detention have already caused him substantial harm,
4 including the emotional trauma of being arrested like a criminal when he had been making every
5 effort with legal requirements. The psychological toll of confinement is considerable, and
6 conditions in California City Detention Facility – a recently repurposed prison, not built for civil
7 detention – are notoriously bleak.¹ In September, more than 100 detainees went on a hunger strike
8 to protest their conditions of confinement.² Three weeks ago, a class action lawsuit was filed that
9 excoriated the facility for filth, enforced isolation, deficient medical care, lack of access to
10 counsel, restrictions on freedom of religion, and lack of attention to people with disabilities. *Ruiz*
11 *et al. v. U.S. Immigration & Customs Enforcement et al.*, 3:25-CV-009757, N.D. Cal, November
12 12, 2025.

13
14 Every additional day of unlawful detention will add to his immiseration and subject him to further
15 irreparable harm.

16
17 13. Moreover, detention is highly prejudicial to his chance of success in his
18 immigration proceedings. He will very likely be placed into detained immigration proceedings,
19 where his lack of income will take away his ability to pay for immigration counsel, limiting him
20 to seeking help from the limited number of nonprofit providers who take on detained cases. Those
21 providers are already overwhelmed with demand for their services. While making it much harder
22 to access legal help, detention will also make it much harder to go through all of the steps needed
23 to prepare an asylum case – steps such as having extensive communication with counsel,
24 collecting evidence, and preparing testimony.

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27 ¹ See Rachel Uranga, *Immigrants decry conditions at former prison, ICE's largest detention center in California*, Los Angeles Times, September 29, 2025, <https://www.latimes.com/california/story/2025-09-29/detainees-protest-at-californias-largest-and-newest-immigration-detention-center>

28 ² *Id.*

1 14. The Constitution protects Petitioner —and every other person present in this
2 country—from arbitrary deprivations of liberty, and guarantees him due process of law. The
3 government’s power over immigration is broad, but as the Supreme Court has declared, it “is
4 subject to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001).
5 “Freedom from bodily restraint has always been at the core of the liberty protected by the Due
6 Process Clause from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80
7 (1992).

8
9 15. Petitioner respectfully seeks a writ of habeas corpus ordering the government to
10 immediately release him from ongoing, unlawful detention, and prohibiting his re-arrest without
11 a hearing to contest that re-arrest before a neutral decision-maker. In addition, to preserve this
12 Court’s jurisdiction, Petitioner also requests that this Court order the government not to transfer
13 him outside of the District, or deport him, for the duration of this proceeding.
14

15 **JURISDICTION AND VENUE**

16 16. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal
17 question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act),
18 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension
19 Clause), the Fourth and Fifth Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706
20 (Administrative Procedure Act).
21

22 17. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28
23 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner was processed at the ICE facility in Stockton,
24 CA and was subsequently transferred to the California City Detention Facility; both of those
25 locations are within this district.

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PARTIES

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2 18. Petitioner is a 28-year-old asylum seeker from Venezuela. He timely filed an
3 application for asylum, which remains pending; he also was granted Temporary Protected Status,
4 which has since elapsed since the government's decision to prematurely cancel that benefit before
5 its planned expiration. On information and belief, he has no criminal history, and has diligently
6 acted to comply with his legal obligations since being released by ICE at the southern border. He
7 is currently in civil immigration detention, en route from the Stockton ICE field office to the
8 California City Detention Facility.
9

10 19. Respondent Christopher Chestnut is employed by CoreCivic as the Warden of the
11 California City Detention Facility, where Petitioner is detained. He has immediate physical
12 custody of Petitioner. He maintains an office and regularly conducts business in this district. He
13 is sued in his official capacity.
14

15 20. Respondent Sergio Albarran is the Acting Field Office Director of the San
16 Francisco ICE Field Office, whose jurisdiction includes this District. He is responsible for the
17 administration of immigration laws and the execution of immigration enforcement and detention
18 policy within ICE's San Francisco Area of Responsibility. He is the legal custodian of Petitioner
19 and has the authority to release him. He is sued in his official capacity.
20

21 21. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official
22 Performing the Duties of the Director of ICE, he is responsible for the administration and
23 enforcement of the immigration laws of the United States; routinely transacts business in this
24 District; and is legally responsible for pursuing any effort to detain and remove Petitioner.
25 Respondent Lyons is sued in his official capacity.

26 22. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate
27 authority over DHS. In that capacity and through her agents, Respondent Noem has broad
28 authority over and responsibility for the operation and enforcement of the immigration laws;

1 routinely transacts business in this District; and is legally responsible for pursuing any effort to
2 detain and remove Petitioner. Respondent Noem is sued in her official capacity.

3 23. Respondent Pamela Bondi is the Attorney General of the United States and the most
4 senior official at the Department of Justice. In that capacity and through her agents, she is
5 responsible for overseeing the implementation and enforcement of the federal immigration laws.
6 The Attorney General delegates this responsibility to the Executive Office for Immigration
7 Review, which administers the immigration courts and the BIA. Respondent Bondi is sued in her
8 official capacity.
9

10 EXHAUSTION

11 24. There is no requirement to exhaust because no other forum exists in which
12 Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to
13 challenging the constitutionality of an arrest or detention, or challenging a policy under the
14 Administrative Procedure Act. Prudential exhaustion is not required here because it would be
15 futile, and Petitioner will “suffer irreparable harm if unable to secure immediate judicial
16 consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further
17 exhaustion requirements would be unreasonable.
18

19 LEGAL BACKGROUND

20 ***A. The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and*** 21 ***Detention.***

22 25. The Constitution establishes due process rights for “all ‘persons’ within the United
23 States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or
24 permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533
25 U.S. at 693). These due process rights are both substantive and procedural.
26

27 26. *First*, “[t]he touchstone of due process is protection of the individual against
28 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including “the

1 exercise of power without any reasonable justification in the service of a legitimate government
2 objective,” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

3 27. These protections extend to noncitizens facing detention, as “[i]n our society
4 liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.”
5 *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from
6 imprisonment—from government custody, detention, or other forms of physical restraint—lies
7 at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.

8 28. Substantive due process thus requires that all forms of civil detention—including
9 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v.*
10 *Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible
11 non-punitive purposes for immigration detention: ensuring a noncitizen’s appearance at
12 immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–
13 92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

14 29. *Second*, the procedural component of the Due Process Clause prohibits the
15 government from imposing even permissible physical restraints without adequate procedural
16 safeguards.

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

23 31. After an initial release from custody on conditions, even a person paroled following
24 a conviction for a criminal offense for which they may lawfully have remained incarcerated has
25 a protected liberty interest in that conditional release. *Morrissey*, 408 U.S. at 482. As the Supreme

1 Court recognized, “[t]he parolee has relied on at least an implicit promise that parole will be
2 revoked only if he fails to live up to the parole conditions.” *Id.* “By whatever name, the liberty is
3 valuable and must be seen within the protection of the [Constitution].” *Id.*

4 32. This reasoning applies with equal if not greater force to people released from civil
5 immigration detention at the border, like Petitioner. After all, noncitizens like him who are living
6 in the United States have a protected liberty interest in their ongoing freedom from confinement.
7 *See Zadvydas*, 533 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the]
8 liberty interest [of noncitizens released from custody] is arguably greater than the interest of
9 parolees.” *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

11 FACTUAL ALLEGATIONS

12 ***A. DHS Undertakes New Campaign of Arrests at ICE Appointments and Courthouses.***

13 33. For the last several months, DHS has initiated an aggressive new enforcement
14 campaign targeting people in regular removal proceedings for detention. They have arrested many
15 at their immigration court hearings, a “coordinated operation” that has been “aimed at
16 dramatically accelerating deportations.”³ At the same time, they have also started to regularly
17 make arrests at scheduled ICE check-in appointments, for thinly pretextual reasons or none at all.⁴

18 34. DHS’s aggressive tactics at immigration courts appear to be motivated by the
19 Administration’s imposition of a new daily quota of 3,000 ICE arrests.⁵ As of June 2025, ICE’s
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21

22 ³ Arelis R. Hernández & Maria Sacchetti, *Immigrant Arrests at Courthouses Signal New Tactic in*
23 *Trump’s Deportation Push*, Wash. Post, May 23, 2025,
24 <https://www.washingtonpost.com/immigration/2025/05/23/immigration-court-arrests-ice-trump/>; *see*
25 *also* Hamed Aleaziz, Luis Ferré-Sadurní, & Miriam Jordan, *How ICE is Seeking to Ramp Up*
Deportations Through Courthouse Arrests, N.Y. Times, May 30, 2025,
<https://www.nytimes.com/2025/05/30/us/politics/ice-courthouse-arrests.html>.

26 ⁴ George Kelly, Tomo Chien, and Michael McLaughlin, *ICE detains mothers and children in SF,*
officials say, San Francisco Standard, June 5, 2025, [https://sfstandard.com/2025/06/05/san-francisco-](https://sfstandard.com/2025/06/05/san-francisco-ice-arrests-mothers-children/)
[ice-arrests-mothers-children/](https://sfstandard.com/2025/06/05/san-francisco-ice-arrests-mothers-children/)

27 ⁵ Ted Hesson & Kristina Cooke, *ICE’s Tactics Draw Criticism as it Triples Daily Arrest Targets,*
28 Reuters, June 10, 2025, <https://www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily->

1 arrests of noncitizens with no criminal record had increased more than 800% since the previous
2 year.⁶

3 35. The government's new campaign is a significant shift from previous DHS practice
4 of re-detaining noncitizens only after a material change in circumstances. *See Saravia v.*
5 *Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017), *aff'd sub nom. Saravia for A.H. v.*
6 *Sessions*, 905 F.3d 1137 (9th Cir. 2018) (describing prior practice).
7

8 ***B. Petitioner is Unlawfully Arrested and Detained Pursuant to DHS's New Policy.***

9 36. After being apprehended at the southern border, Petitioner was released on parole
10 the next day. In granting his release, DHS determined that he did not pose a significant risk of
11 flight or danger to the community. Since then, on information and belief, he has regularly attended
12 his ICE check-in appointments. He appeared two days late for his last appointment in San
13 Francisco only because he had flown to Orlando and presented at the ICE office there, thinking
14 that was what he was supposed to do.
15

16 37. Petitioner has diligently pursued immigration relief in the United States. He filed
17 an application for asylum with USCIS on October 31, 2022 and attended a subsequent biometrics
18 appointment. He applied for, and was granted, Temporary Protected Status.
19

20 38. On information and belief, Petitioner has had no arrests or criminal charges. He is
21 employment authorized, and has been working for Amazon, Inc.

22 39. Because Petitioner has never been determined to be a flight risk nor a danger to the
23 community, his ongoing detention is not related to either of the permissible justifications for civil
24

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26 arrest-targets-2025-06-10/; Alayna Alvarez & Brittany Gibson, *ICE Ramps Up Immigration Arrests in
Courthouses Across the U.S.*, Axios, June 12, 2025, <https://www.axios.com/2025/06/12/ice-courthouse-arrests-trump>

27 ⁶ José Olivares & Will Craft, *ICE Arrests of Migrants with No Criminal History Surging under Trump*,
28 The Guardian, June 14, 2025, <https://www.theguardian.com/us-news/2025/jun/14/ice-arrests-migrants-trump-figures>

1 immigration detention. His confinement does not further any legitimate government interest.

2 ***C. As a Result of His Arrest and Detention, Petitioner is Suffering Ongoing and Irreparable***
3 ***Harm.***

4 40. Petitioner is being deprived of his liberty without any permissible justification. The
5 government previously released him on parole because he did not pose sufficient risk of flight or
6 danger to the community to warrant detention.

7 41. None of that has changed. He has no criminal record, and there is no basis to believe
8 that he poses a public safety risk. Nor is he, *who was arrested after diligently trying to timely*
9 *report to ICE at three cities in two states in three days*, conceivably a flight risk. To the contrary,
10 he has acted diligently to comply with ICE requirements and to pursue immigration relief.
11

12 42. Detention will pose him irreparable harm. It will interfere with his ability to find
13 counsel for his asylum case. Immigration proceedings aside, it will pose a compounding
14 psychological burden, in addition to whatever physical hardships he has to endure from prison
15 conditions. It will deprive him of his livelihood, his community, and his life as he knows it.
16

17 **CLAIMS FOR RELIEF**

18 **FIRST CLAIM FOR RELIEF**

19 **Violation of the Fifth Amendment to the United States Constitution**

20 **(Substantive Due Process—Detention)**

21 43. Petitioner repeats and re-alleges the allegations contained in the preceding
22 paragraphs of this Petition as if fully set forth herein.

23 44. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
24 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from
25 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
26 the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 U.S. at 690.
27

28 45. Immigration detention is constitutionally permissible only when it furthers the

1 government's legitimate goals of ensuring the noncitizen's appearance during removal
2 proceedings and preventing danger to the community. *See id.*

3 46. Petitioner is not a flight risk or danger to the community. Respondents' detention
4 of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in
5 violation of the Due Process Clause of the Fifth Amendment.

6 47. Moreover, Petitioner's detention is punitive as it bears no "reasonable relation" to
7 any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly
8 "nonpunitive in purpose and effect"). Here, the purpose of Petitioner's detention appears to be
9 "not to facilitate deportation, or to protect against risk of flight or dangerousness, but to
10 incarcerate for other reasons"—namely, to meet newly-imposed DHS arrest quotas and pursue
11 removal proceedings in a location where hearings are fast-tracked, respondents experience great
12 difficulty in presenting their cases effectively, and many applicants feel pressured to abandon
13 their claims. *Demore*, 538 U.S. at 532–33 (Kennedy, J., concurring).

14
15
16 **SECOND CLAIM FOR RELIEF**

17 **Violation of the Fifth Amendment to the United States Constitution**

18 **(Procedural Due Process—Detention)**

19 48. Petitioner repeats and re-alleges the allegations contained in the preceding
20 paragraphs of this Petition as if fully set forth herein.

21 49. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty
22 liberty interest in avoiding re-incarceration after his initial release from DHS custody. *See Young*
23 *v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973);
24 *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972); *see also Ortega*, 415 F. Supp. 3d at 969–70
25 (holding that a noncitizen has a protected liberty interest in remaining out of custody following
26 an IJ's bond determination).

27
28 50. Accordingly, "[i]n the context of immigration detention, it is well-settled that due

1 process requires adequate procedural protections to ensure that the government's asserted
2 justification for physical confinement outweighs the individual's constitutionally protected
3 interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494
4 U.S. at 127 (Generally, "the Constitution requires some kind of a hearing *before* the State
5 deprives a person of liberty or property."). In the immigration context, for such hearings to
6 comply with due process, the government must bear the burden to demonstrate, by clear and
7 convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See*
8 *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th
9 775, 785, 786 (9th Cir. 2024).

11 51. Petitioner's re-detention without a pre-deprivation hearing violated due process.
12 Over three years after deciding to release Petitioner from custody, Respondents re-detained him
13 with no notice, no justifiable reason, and no opportunity to contest his re-detention before a
14 neutral adjudicator prior to confinement.

16 52. Petitioner has a profound personal interest in his liberty. Because he received no
17 procedural protections, the risk of erroneous deprivation is high, and the government has no
18 legitimate interest in detaining him without a hearing. Bond hearings are conducted as a matter
19 of course in immigration proceedings, and nothing in Petitioner's record suggests that he would
20 abscond or endanger the community before a bond hearing could be carried out. *See, e.g., Jorge*
21 *M.F. v. Wilkinson*, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, 2020
22 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020) ("the government's concern that delay in
23 scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of
24 petitioner's strong family ties and his continued employment during the pandemic as an essential
25 agricultural worker").

27 //

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner's arrest and detention violates the Due Process Clause of the Fifth Amendment;
4. Enjoin Respondents from transferring Petitioner outside this District or outside the Northern District of California, pending these proceedings;
5. Enjoin Respondents from deporting Petitioner pending these proceedings;
6. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that he is a flight risk or danger to the community;
7. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and
8. Grant such further relief as the Court deems just and proper.

Date: December 5, 2025

Respectfully Submitted,

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