FEE DUE

YOUNAN,DANIEL RACHID
Adelanto Ice Processing Center
10250 Rancho rd
Adelanto, Ca 92301
[redacted]
Dorm[redacted]
Pro Se Petitioner

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

YOUNAN,DANIEL,RACHID

Petitioner

V.

Mark Bowen- Warden-Facility Administrator
Adelanto Ice Processing Center

Thomas P. Giles, Director of Los Angeles

Field Office,

Todd Lyons, Acting Director,
U.S Immigration and Customs Enforcement,

Kristi Noem, Secretary of the U.S. Department of Homeland Security; and

Pamela Bondi,
Attorney General of the United States,

In their official capacities,
Respondents

5:25-CV-03347-DMG-PD

PETITION FOR WRIT OF HABEAS CORPUS

[28 U.S.C. § 2241]

INTRODUCTION

1. Respondents have unlawfully held Pro Se Petitioner: YOUNAN,DANIEL RACHID in immigration

detention since October 23, 2025, even though the federal Government has no significant

likelihood of removing him from the United States.

2. He was held at the Department of Homeland Security's ("DHS") Immigration and Custom

Enforcement ("ICE) Los Angeles Field Office, where he slept on the cold floor without blanket for 5 days and was rushed to ER after catching cold.

And was transferred to Adelanto ICE processing Center on October 28th, 2025.

3. On December 18,2009, I was ordered removed by an Immigration Judge due

cashing a bad check ($4,600)

4. Over 16 years, INS and ICE have not been able to procure travel documents for My

repatriation to Egypt but have kept me in prolonged detention in the passed and Now.

5. I was last released on an Order of Supervision ("OSUP") 16 years ago. Since my last

release over 16 years ago, he have not violated the terms of his OSUP.

6. Most recently, the government revoked his release on OSUP and detained him for the

purpose of removing.

7. ICE has not shown that travel document for Egypt has been issued. ICE has not shown

that his a risk of flight or a danger to the community prior to additional detainment.

8. ICE's decision to re-detain a non-citizen like him who has been granted supervised on

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(OSUP) release is governed by ICE's own regulation requiring an individualized determination by ICE that based on changed circumstances, removal has become significantly likely in the reasonably foreseeable future." Kong v. United States, 62 F.4th 608, 619-20 (1st Cir. 2023)

(citing 8 C.F.R. § 241.13(i)(2)).

9. The plain language of the regulation however, does not allow a court in the first instance to make the required individualized finding. To the extent ICE claims that it made such a determination, the court should review that claim in light of the regulations instructing ICE on how it should make such a determination. "Kong, 62 f.4th at 620 (citing 8 C.F.R. § 241.13(f), (i)(2)).

10. ICE has not shown that he was not in compliance with his current OSUP for 16 years.

11. Since his released and on an order of supervision for 16 years. During that time,he lived a law-abiding life dedicated to his family, helping his family financially and emotionally as well as helping his nephews take care of his siblings. And has consistently checked in.

12. Since his released, he has worked steadily as a security guard.

13. Since his last release over a decade ago, ICE has failed to procure travel documents from the Embassy of Egypt or effect his removal to Egypt.

14. At his check-in on October 23, 2025, he was instructed to report to the Alternatives to Detention Program for the Intensive Supervision Appearance Program("ISAP"). ICE did not develop a departure plan for him at this point, and his ISAP case worker instructed him to begin the process of requesting an Egyptian passport.

15. he proceeded to initiate the process of requesting an Egyptian passport, even though ICE has not indicated that the Government of Egypt had found his eligible for repatriation.

16. As part of the intensive monitoring, he was instructed to meet with an ICE Enforcement and Removal Operations officer on about 3 weeks re-detain.

17. At this time, there is still no indication that travel documents to Egypt has been issued

or that the Government of Egypt has found his eligible for repatriation.

18. On the same day of his detention, ICE issued a notice of my revocation of release. ICE indicated that his case is under current review by the Government of Egypt for the Issuance of a travel document. However, ICE did no indicate that the Government of Egypt has found his eligible for repatriation.

19. In about 3 weeks after re-detained, ICE asked him to prepare a request for travel documents to submit to the Egypt government while in custody.

20. he's currently detain at Adelanto Ice Processing Center in Adelanto Ca since October 28 2025. In the control and custody of Respondent Mark Bowen- Warden-Facility Administrator

JURISDICTION AND VENUE

21. The Court has subject matter jurisdiction under 28 U.S.C. § 2241, et seq. (habeas corp) U.S. Const. Article I, Section 9, Clause 2 of the U.S. Constitution ("Suspension Clause"),(28 U.S.C. § 1331) (federal question), (28 U.S.C. § 1346) (United States as Respondent), and (28 U.S.C. § 1651(All Writ Act). Respondents have waived sovereign immunity for purposes of this suit. (5 U.S.C.§§ 702, 706. Petitioner is currently in custody under color of the authority of the United States in violation of the Constitution, laws, or treaties thereof.

22. The court may grant relief under the habeas corpus statutes, (28 U.S.C § 2241), et seq.; the Declaratory Judgment Act, (28 U.S.C. § 2201), et seq.; the All Writs Act 28 U.S.C § 1651; and the Court's inherent equitable powers.

23. Venue is proper in this District pursuant to (28 U.S.C. § 1391)(e)(1) because Respondents are agencies or officers of agencies of the United States, Respondents and Me the Petitioner reside in this District, I am the Petitioner is detained in this District, and a substantial part of

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the events or omissions giving rise to him the Petitioner's claims occurred in this District.

PARTIES

24. Pro Se **Younan,Daniel,Rachid** The Petitioner resident of the USA who arrived at the United State in June 8th 1982 with an Immigrant Visa, and was granted LPR same year. He is detained at ICE processing Center in the City of Adelanto CA , in control and custody of Respondents Mark Bowen- Warden-Facility Administrator Adelanto Ice Processing Center.

26. Respondent Giles is the Acting Director of Los Angeles Field Office, U.S. Immigration and Customs Enforcement and is being sued in his official capacity.

27. Respondent Lyons is the Acting Director of the U.S. Immigration and Customs Enforcement and is being sued in his official capacity.

28. Respondent Noem is the Secretary of the U.S. Department of Homeland security and is being sued in her official capacity.

29. Respondent Bondi is the Attorney General of the United States and is being sued in her official capacity.

30. Respondent Bowen Warden Facility Administrator of Adelanto Ice Processing Center being sued in his official capacity.

FIRST CAUSE OF ACTION UNLAWFUL DETENTION IN VIOLATION OF 8 U.S.C. SECTION 1231 (a)

31. The foregoing allegations are re-alleged and incorporated herein. He's currently in the custody of the Respondent under or by color of the authority of the United States, based on his detainment at Adelanto Ice Processing Center in Adelanto Ca.

32. his detention violates 8 U.S.C. § 1231.

33. he is being detained for immigration purposes when ICE knows that it cannot effect his

prompt removal from the United States, that he is not a flight risk nor a danger, and that he has not violated conditions of his OSUP or ISAP. Thus, ICE has no permissible basis or depriving of him liberty, in violation of 8 U.S.C. § 1231 (a) as well as their respective implementing regulations. A judicial order requiring his release from custody would remedy Respondent's unlawful conduct.

SECOND CAUSE OF ACTION-UNLAWFUL DETENTION IN VIOLATION OF U.S. CONSTITUTION, FIFTH AMENDMENT

34. The foregoing allegations are re-alleged and incorporated herein

35. He's currently in the custody of the Respondent under or by color of the authority of the United States, based on his detainment at the Adelanto ice Processing Center in Adelanto CA.

36. his detention violates the U.S. Constitution.

37. he's being detained for immigration purposes when ICE knows that he cannot effect his prompt removal from the United States, that he's neither a flight risk nor a danger and that he has not violated conditions of his Order of Supervision. Thus ICE has no permissible basis for depriving of his liberty, in violation of the Due Process Clause of the Fifth Amendment to the United States Constitution.

38. A judicial order requiring him release from custody would remedy Respondent's unlawful conduct.

PARTIES

39. Pro Se **Younan,Daniel,Rachid** The Petitioner resident of the USA who arrived at the United State in June 8th 1986 as an immigrant visa, and was granted LPR same year. States under in 1992 and who is presently being detained for immigration purposes at the direction of Department of Homeland Security's ICE office.

40. Respondent Giles is the Acting Director of Los Angeles Field Office, U.S. Immigration and Customs Enforcement and is being sued in his official capacity.

41. Respondent Lyons is the Acting Director of the U.S. Immigration and Customs Enforcement and is being sued in his official capacity.

42. Respondent Noem is the Secretary of the U.S. Department of Homeland security and is being sued in her official capacity.

43. Respondent Bondi is the Attorney General of the United States and is being sued in her official capacity.

44. Respondent Bowen Acting Warden Facility Administrator of Adelanto Ice Processing Center being sued in his official capacity.

FACTS

45. He's a 69 year old citizen of Egypt, he have lived in the United States since the age of 24.

46. all his families is here in the United State, As well as his Brother Served in the U.S. army

47. petitioner Arrived Firs in the United State legally with an immigrant Visa.

48. petitioner lawfully became a lawful permanent resident in 1982

49. On about 2005 petitioner was convicted of fraud cashing a bad check of ($4,600)

50. petitioner was sentenced to 4 months in jail and placed on probation

51. On 2005 while on probation, petitioner obtained permission to travel out of country

52. On about 2005 the same probation officer that got him permission, violated his

53. probation for coming back one day late and was sentenced 2 years in prison

54. Since 2009 petitioner have not been in any kind trouble not even a ticket.

ORDER PROHIBITING THIRD COUNTRY REMOVAL AND PRESERVING JURISDICTION

The government is carrying out deportations to third countries without providing sufficient notice and opportunity to be heard.

When Immigrants cannot be removed to their home country including Egyptians, immigrants-ICE has begun deporting those individuals to third countries without adequate notice or a hearing. The Trump administration reportedly has negotiated with at least 58 countries to accept deportees from other nations. Edward Wong et al, Inside the Global deal-Making behind Trump's Mass Deportations, On June 25, 2025, the New York Times reported that seven countries Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and Rwanda -had agreed to accept deportees who are not their own citizens. Id. Since then, ICE has carried out highly publicized third country deportations to South Sudan and Eswatini.

The Administration has reportedly negotiated with countries to have many of these deportees imprisoned in prisons, camps, or other facilities. The government paid El Salvador in prisons, camps, or other facilities. The government paid El Salvador about $ 5 million to imprison more than 200 deported Venezuelans in a maximum-security prison notorious for gross human rights abuses, known as CECOT. See id. In February, Panama and Costa Rica

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took in hundreds of deportees from countries in Africa and Central Asia and imprisoned them in hotels, a jungle camp, and a detention center. Id.;Vanessa Buschschluter, Costa Rican court

orders release of migrants deported from U.S., BBC (June 25, 2025). On July 4, 2025 ICE deported eight men, including one Egyptian refugees to South Sudan.

On July 15, 2025 ICE deported five men to the tiny African nation of Eswatini, including one man from Vietnam, where they are reportedly being held in solitary confinement. Gerald Imray, 3 Deported by US held in African Prison Despite Completing Sentences Lawyers Say, PBS (Sept 2, 2025). Many of these countries are known for human rights abuses or instability. For instance, conditions in South Sudan are so extreme that the

U.S. State Department website warns American not to travel there, and if they do, prepare their will, make funeral arrangements, and appoint a hostage-taker negotiator first. See Wong, supra.

On June 23, 2025 to July 3, 2025, the Supreme Court issued a stay of a national class-

wide preliminary injunction issued in D.V.D v. U.S. Department of Homeland Security, No. CV 25-10676-BEM, 2025 WL 1142968, (D. Mass. Apr. 18, 2025), which required ICE to follow statutory and constitutional requirements before removing an individual to a third country. U.S. Department of Homeland Security v. D.V.D., 145 S. Ct. 2153 (2025) (mem.); id., No. 24A1153, 2025 WL 1832186 (U.S. July 3, 2025). On July 9, 2025, ICE rescinded previous guidance meant to give immigrants a "meaningful opportunity "to assert claims for protection under the Convention Against Torture (CAT) before initiating removal to a third country.

Under the new guidance, ICE may remove any immigrant to third country "without the need for further procedures," as long as -in the view of the State Department-the United

States has received "credible""assurances" from that country that deportees will not be persecuted or tortured. Id. At 1. If a country fails to credibly promise not to persecute or torture releases, ICE may still remove immigrants there with minimal notice. Id. Ordinarily, ICE must provide 24 hours' notice. But "[i]n exigent circumstances," a removal may take place in as little as six hours,"as long as the alien is provided reasonably means and opportunity to speak with an attorney prior to the removal." Id.

Upon serving notice, ICE " will not affirmatively ask whether the alien is afraid of being removed to the country of removal." Id. (emphasis original). If the non-citizen "does not affirmatively state a fear of persecution or torture if removed to the country of removal listed

on the Notice of Removal within 24 hours, [ICE] may proceed with removal to the country identified on the notice." Id. At 2. if the non-citizen "does affirmatively state a fear if removed to the country of removal" then ICE will refer the case to U.S. Citizenship and Immigration Services ("USCIS") for a screening for eligibility for withholding of removal and protection under the Convention Against Torture ("CAT"). Id. At 2. "USCIS will generally screen within 24 hours." Id. If USCIS determines that the non-citizen does not meet the standard, the individual will be removed. Id. If USCIS determines that the non-citizen has met the standard, then the policy directs ICE to either move to reopen removal proceedings "for the sole purpose of determining eligibility for [withholding of removal protection] and CAT" or designated another Country for removal. Id.

CLAIMS FOR RELIEF

This Court should grant this petition and order him to immediate release. Zadvydas v. Davis, 533 U.S. 678 (2001) holds that immigration statutes do not authorize the government to detain immigrants like him, for whom there is "no significant likelihood of removal in the reasonably foreseeable future." 533 U.S. 678,701 (2001). ICE's own regulations require changed circumstances before re-detention, as well as a chance to contest a re-detention decision. And due process requires ICE to provide notice and an opportunity to be heard before any removal to a third country.

I. Count 1: his detention violates Zadvydas and 8 U.S.C. § 1231.

A. Legal Background

In Zadvydas v. Davis, 533 U.S. 678 (2001), the Supreme Court considered a problem affecting people like him: Federal law requires ICE to detain an immigrant during the "removal period" which typically spans the first 90 days after the immigrant is ordered removed. 8

U.S.C. § 1231(a)(1)-(2). After that 90 day removal period expires, detention becomes discretionary-ICE may detain the migrant while continuing to try to remove them. Id. § 1231(a)(6). Ordinarily this scheme would not lead to excessive detention as removal happens within days or weeks. But some detainees cannot be removed quickly. Perhaps their removal "simply requires more time for processing,"or they are" "ordered removed to countries with whom the United States does not have a repatriation agreement," or their countries" "refuse to take them," or the are "effectively stateless" because of their race and/ or place of birth." Kim Ho Ma v. Ashcroft 257 F.3d 1095, 1104 (9th Cir. 2001). In these and other circumstances, detained immigrants can find themselves trapped in detention for months, years, decades or even the rest of their lives.

If federal law were understood to allow for "indefinite, perhaps permanent, detention," it would pose "a serious constitutional threat ." Zadvydas v. Davis, 533 U.S. at 699. In Zadvydas, the Supreme Court avoided the constitutional concern by interpreting § 1231(a)(6) To incorporate implicit limits. Id. At 689.

As an initial matter, Zadvydas held that detention is "presumptive reasonable" for at Least six months. Id. At 701. This acts as a kind of grace period for effectuating removals.

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Following the six-month grace period, courts must use a burden-shifting framework to decide whether detention remains authorized. First, the petitioner must make a prima facie case for relief: must prove that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." Id.

If I do so, the burden shifts to "the Government [to] respond with evidence sufficient to rebut that showing." id. Ultimately, then, the burden of proof rests with the government. The government must prove that there is a "significant likelihood of removal in the reasonably

Foreseeable future," or the immigrant must be released. Id.

Using this framework, he can make all the threshold showings needed to shift the burden to the government.

B. The six-month grace period has expired since 2009.

The six-month grace period has long since ended. The Zadvydas grace period lasts for "six month after a final order of removal -that is, three months after the statutory removal period has ends." Kim Ho ma v Ashcroft, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001). his order of removal was enter in April, 2009. According to Executive Office for Immigration Review ("EOIR")
Accordingly, his 90-day removal period began then. 8 U.S.C. § 1231 (a)(1)(B). The Zadvydas grace period thus expires six months after the appeal finished and three months after the removal period ended.

differently where, as here, an immigrant is released and then rearrested. But these proposed alternative calculations contradict the statute and Zadvydas.

First, the government has sometimes argued that release and rearrest resets the six-month grace period completely, taking the clock back to zero."Courts... broadly agree" that this is not correct. Diaz-Ortega v. Lund, 2019 WL6003485, (W.D.La Oct 15, 2019), report and recommendation adopted, 2019 WL6037220 (W.D.La. Nov. 13, 2019); see also Sied v. Nielsen, No 17-CV-06785-LB, 2018 WL 1876907, (N.D. Cal. Apr. 19, 2018)(collecting cases). This proposal would create an obvious end run around Zadvydas, because ICE could detain an immigrant indefinitely by releasing and quickly rearresting them every six months.

Second, the government has sometimes claimed that rearrest at least resets the 90-day removal period under 8 U.S.C. § 1231 (a)(1). See, e.g., Farah v. INS, No. Civ 02-4725(DSD/RLE), 2003 WL 221809, (D. Minn. Jan 29, 2013) (adopting this view). But

as a court explained in Bailey v. Lynch, that view cannot be squared with the statutory definition of the removal period in 8 U.S.C.§ 1231(a)(1)(B). No. CV 16-2600 (JLL), 2016 WL 5791407, (D.N.J. Oct 3, 2016). "Pursuant to the statute, the removal period, and in turn the [six-month] presumptive reasonable period, begins from the latest of 'the date the order of removal becomes administratively final,' the date of a reviewing court's final order where the removal order is judicially removed and that court orders a stay of removal, or the alien's release from detention or confinement where he was detained for reasons other than immigration purposes at the time of my final order of removal." Id. None of these statutory starting points have anything to do with whether or when an immigrant is detained. See id. Because the statutorily-defined removal period has nothing to do with release and rearrest, releasing and rearresting the immigrant cannot reset the removal period.

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For all these reasons, the six-month grace period poses no barrier to granting this Zadvydas petition.

Because the six month grace period has passed, this Court must evaluate his Zadvydas claim using the burden-shifting framework. At the first stage of the framework, he must "provide good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future."Zadvydas, 533 U.S. at 701.

This Standard can be broken down into three parts.

1."Good reason to believe." The "good reason to believe" standard is a relatively forgiving one. "A petitioner need not establish that there exists no possibility of removal." Freeman v. Watkins, No. CV B:09-160, 2009 WL10714999, (S.D. tex. Dec. 22, 2009). Nor does "good reason to believe", Place a burden upon the detainee to demonstrate no

reasonably foreseeable, significant likelihood of removal or show that my detention is indefinite; it is something less than that." Rual v. Barr, No. 6:20-CV-06215 EAW, 2020 WL 3972319, (W.D.N.Y. July 14, 2020) (quoting Senor v. Barr, 401 F. Supp. 3D 420, 430 (W.D.N.Y. 2019). In short, the standard means what it says: he need only give a "good reason"-

not prove anything to a certainty.

2. "Significant likelihood of removal." This component focuses on whether he will likely be removed: Continued detention is permissible only if it is "significantly likely" that ICE will be able to remove him. Zadvydas, 533 U.S. at 701. This inquiry targets "not the existence of untapped possibilities, but also the probability of success in such possibilities." Elashi v. Sabol, 714 F. Supp 2d 502, 506 (M.D. Pa. 2010)(second emphasis added). In other

words even if "there remains some possibility of removal," a petitioner can still meet its burden if there is good reason to believe that successful removal is not significantly likely. Kacanic v. Elwood, No. CIV.A. 02-8019 2002 WL 31520362, (E.D.Pa. Nov. 8, 2002)

3. "In the reasonably foreseeable future." This component of the test focuses on when he will likely be removed: Continued detention is permissible only if removal is likely to happen "in the reasonably foreseeable future." Zadvydas, 533 U.S. at 701 This inquiry places a time limit on ICE's removal efforts. If the Court has "no idea of when it might reasonably expect [Petitioner] to be repatriated, this Court certainly cannot conclude that his removal is likely to occur-or even that it might occur-in the reasonably foreseeable future." Palma v. Gillis, No 5:19-CV-112-DCB-MTP, 2020 WL 4880158, (S.D.Miss. July 7, 2020), report and recommendation adopted, 2020 WL 4876859 (S.D. Miss. Aug 19, 2020) (quoting Singh v. Whitaker, 362 F. Supp. 3D 93, 102 (W.D.N.Y. 2019).Thus, even if this Court concludes that he "would eventually receive" a travel document, he can still meet his burden by giving good

reason to anticipate sufficiently lengthy delays. Younes v. Lynch, 2016 WL 6679830 (E.D. Mich. Nov. 14, 2016)

he's readily satisfies this standard for two reasons.

his own experience bears this out. ICE has now had 16 years to deport him, including 16 years under the MOU, he has fully cooperated with ICE's removal efforts throughout that time,

including at yearly check in. Yet ICE has proved unable to remove him.

Thus he has met his initial burden shifts to the government. Unless the government can

prove a "significant likelihood of removal in the reasonably foreseeable future," he must be released Zadvydas, 533 U.S. at 701.

ICE Failed to Comply with its own regulations before re-detaining him, violating his rights under the Fifth Amendment and the Administrative Procedures Act.

In addition to Zadvydas's protections, a series of regulations provide extra process for someone who like him, is re-detained following a period of release. Title 8 C.F.R. § 241.4 § applies to re-detention generally, while 8 C.F.R.§ 241.13(i) applies to persons released after providing good reason to believe that they will not be removed in the reasonably foreseeable future, see Rokhfirooz v. Larose, No. 25-CV-2053-RSH-VET, 2025 WL 2646165, (S.D. Cal. Sept 15, 2025.

These regulations permit an official to "return [s] [the person] to custody" because they "violate [d] any of the conditions of release." 8 C.F.R. § 241.13 (i)(1);see also id. § 241(])(1). Otherwise, they permit revocation of release only if the appropriate official (1) "Determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future," id. § 241.13(i)(2), and (2) make that finding "on account of changed

circumstances." Id.

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No matter the reason for re-detention, the re-detained person is entitled to "an initial informal interview promptly," during which they "will be notified of the reasons for revocation." Id. § 241.4(l)(1), 241.13(i)(3). The interviewer must afford the person an opportunity to respond to the reasons for revocation," allowing them to "submit any evidence or information" relevant to re-detention and evaluating "any contested facts." Id.

ICE is required to follow its own regulations. United States ex rel. Accardi v. Shaughnessy,347 U.S. 260, 268 (1954); see Alcaraz v. INS, 384 F.3d 1150, 1162 (9th Cir. 2004) ("The legal proposition that agencies may be required to abide by certain internal policies is well-established."). A court may review a detention decision for compliance with the regulations. See Phan v. Beccerra, No. 2:25-CV-01757,2025 WL 1993735, (E.D. Cal. July 16, 2025); Nguyen v. Hype, No. 25-CV-11470-MJJ,2025 WL 1725791, (D. Mass. June 20, 2025) (citing Kong v. United States, 62 F. 4th 608, 620 (1st Cir. 2023).

None of the prerequisites to detention apply here. he was not returned to custody because of a conditions violation. And there are no changed circumstances that justify re-detaining him.

The same treaty has applied since 2008, and the same MOU has applied since 2020. Of course, ICE may be planning to try again to remove him. But absent any evidence for "why obtaining a travel document is more likely this time around. Respondents' intent to eventually complete a travel document request for him does not constitute a changed circumstance." Hoac v. Becerra, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, (E.D. Cal July 16, 2025) (citing Liu v. Carter, No. 25-3036-JWL, 2025 WL 1696526, (D. Kan. June 17, 2025). Nor has he received the interview required by regulation. No one from ICE has ever

invited him to contest my detention.

Numerous courts have released re-detained immigrants after finding that ICE failed to comply with applicable regulations. Ceesay v. Kurzdorfer, 781 F. Supp. 3D 137, 166 (W.D.N.Y. 2025; You v. Nielsen, 321 F. Supp. 3D 451, 463 (S.D.N.Y. 2018); Rombot v. Souza, 296 F. Supp. 3D 383, 387 (D. Mass. 2017). (Zhu v. Genalo, No. 1:25-CV-06523) (JLR), 2025 WL 2452352, (S.D.N.Y Aug 26, 2025); M.S.L. v. Bostock, No. 6:25-CV-01204-AA, 2025 WL 2430267, (D. Or. Aug 21, 2025); Escaante v. Noem, No. 9:25-CV-00182-MJT, 2025 WL 2491782,(E.D. Tex. July 18, 2025); Hoac v. Becerra, No 2:25-CV01740-DC-JDP, 2025 WL 1993771, (E.D. Cal. July 16, 2025); Liu, 2025 WL 1696526, : M.Q. v United States, 2025 WL 965810, (S.D.N.Y. Mar 31, 2025). That includes Judge Hule earlier this month. Rokhfirooz, 2025 WL 2646165. "Because officials did not properly revoke his release pursuant to the applicable regulations, that revocation has no effect, his entitled to his release (subject to the same Order of Supervision that governed previous release)." Liu, 2025 WL 1696526.

: ICE may not remove him to a third country without adequate notice and an opportunity to be heard.

In addition to unlawfully detaining him, ICE's policies threaten his removal to a third country without adequate notice and an opportunity to be heard. These policies violate the Fifth Amendment, the Convention Against Torture, and implementing regulations.

LEGAL BACKGROUND

U.S. law enshrines protections against dangerous and life-threatening removal decisions. By statute, the government is prohibited from removing an immigrant to any third

country where they may be persecuted or tortured, a form of protection known as withholding of removal.

See 8 U.S.C. § 1231(b)(3)(A). The government "may not remove [a non citizen] to a country

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if the Attorney General decides that the [non citizen's] life or freedom would be threatened in that country because of the [non citizen's] race, religion, nationality, membership in a particular social group, or political opinion." Id.; see also 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is a mandatory protection.

Similarly, Congress codified protections enshrined in the CAT prohibiting the government from removing a person to a country where they would be tortured. See FARRA 2681-822 (codified as 8 U.S.C. § 1231 note) ("It shall be the policy of the United States not to expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States."); 28 C.F.R. § 200.1; Id. §§ 208.16-208.18, 1208.16-1208.18. CAT protection is also mandatory. To comport with the requirements of due process, the government must provide notice of the third country removal and an opportunity to respond. Due process requires "written notice of the country being designated" and "the statutory basis for the designation, i e., the applicable subsection of § 1231 (b)(2)." Aden v. Nielsen, 409 F. Supp. 3D 998, 1019 (W.D. Wash. 2019); accord D.V.D. v U.S. Department of Homeland Security., No. 25-CV-10676-BEM, 2025 WL 1453640, (D. Mass. May 21, 2025); Andriasian v. INS, 180 F.3d 1033, 1041 (9th Cir.1999).

The government must also "ask the non citizen whether he or she fears persecution or harm upon removal to the designated country and memorialize in writing the non citizen's

response. This requirement ensures DHS will obtain the necessary information from the non citizen to comply with section 1231(b)(3) and avoids [a dispute about what the officer and non citizen said].; Aden, 409 F. Supp.3d at 1019. " Failing to notify individuals who are subject to deportation that they have the right to apply for asylum in the United States and for

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withholding of deportation to the country to which they will be deported violates both INS regulations and the constitutional right to due process." Andriasian, 180 F.3d at 1041.

If the non citizen claims fear, measures must be taken to ensure that the non citizen can seek asylum, withholding, and relief under CAT before an immigration judge in reopened removal proceedings. The amount and type of notice must be "sufficient" to ensure that "given [a non citizen's] capacities and circumstances, he would have a reasonable opportunity to raise and pursue his claim for withholding of deportation." Aden, 409 F. Supp. 3D at 1009 (citing Mathews v. Eldridge, 424 US. 319, 349 (1976) and Kossov v. I.N.S., 132 F.3d 405, 408 (7th Cir. 1998); *cf*. D.V.D. 2025 WL 1453640, (requiring the government to move to reopen the non citizen's immigration proceedings if the individual demonstrates "reasonable fear" and to provide "a meaningful opportunity, and a minimum of fifteen days, for the non citizen to seek

"reasonable fear"); Aden, 409 F. Supp. 3D at 1019 (requiring notice and time for a respondent to file a motion to reopen and seek relief).

"Last minute" notice of the country of removal will not suffice, Adriansian, 180 F.3d at 1041; accord Najjar v. Lunch, 630 Fed. App'x 724 (9th Cir. 2016), and for good reason To have a meaningful opportunity to apply for fear-based protection from removal, immigrants must have time to prepare and present relevant arguments and evidence. Merely telling a person where they may be sent, without giving them a chance to look into country conditions. Does not give them a meaningful chance to determine whether and why they have a credible fear.

The June 9, 2025 Memo's removal policies violate the Fifth Amendment, 8 U.S.C. § 1231, the Conviction Against Torture, and Implementing Regulations.

The policies in the June 9, 2025 memo do not adhere to these requirements. First, under the policy, ICE need not give immigrants any notice or any opportunity to be heard

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before removing them to a country that-in the State Department's estimation -has provided "credible" "assurances" against persecution and torture. By depriving immigrants of any chance to challenge the State Department's view, this policy violates "the essence of due process," "the requirement that a person in jeopardy of serious loss be given notice of the case against him and opportunity to meet it." Mathews v. Eldridge, 424 U.S. 319, 348 (1976) (cleaned up).

Second, even when the government has obtained no credible assurances against persecution and torture, the government can still remove the person with between 6 and 24 hours notice, depending on the circumstances. Practically speaking, there is not nearly enough time for a detained person to assess their risk in the third country and martial evidence to support any credible fear-let alone a chance to file a motion to reopen with an IJ. An immigrant may know nothing about a third country, like Eswatini or South Sudan, when they are scheduled for removal there. Yet if given the opportunity to investigate conditions, immigrants would find credible reasons to fear persecution or torture-like patterns of keeping deportees indefinitely and without charge in solitary confinement or extreme instability raising a high likelihood of death -in many of the third countries that have agreed to removal thus far. Due process requires an adequate chance to identify and raise these threats to health and life. This Court must prohibit the government from removing him without these due process

safeguards.

THIS COURT MUST HOLD AN EVIDENTIARY HEARING ON ANY DISPUTED FACTS.

Resolution of a prolonged-detention habeas petition may require an evidentiary hearing. Owino v. Napolitano, 575 F.3d 952, 956 (9th Cir. 2009). I am hereby requests such a hearing on any material, disputed facts.

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PRAYER FOR RELIEF

For the foregoing reasons, wherefore, YOUNAN,DANIEL,RACHID, Petitioner respectfully requests that the Court:

A. Order that Respondent Mark Bowen- Warden-Facility Administrator to immediately release him from Adelanto Ice Processing Center in Adelanto CA.

B. Order that Respondents DHS and ICE to immediately release him, if he's subsequently transferred from he's current detention to any other facility thereafter;

C. Order that Respondent provide the Court and him with at least 3 weeks notice prior to any removal from California. (Reason) he's currently detain at Adelanto Ice Processing Center in Adelanto CA and don't know how long the mail would take to get to him.

D. Award his fees and costs pursuant to the Equal Access of Justice Act, and on any other basis justified under the law;

E. Grant such other relief that is deemed just and proper by the Court.

F. Enjoin Respondents from re-detaining him under 8 U.S.C. § 1231 (a)(6) unless and until Respondents obtain a travel document for his removal;

G. Enjoin Respondents from re-detaining him without first following all procedures set forth in 8 C.F.R. §§ 241.13(i), and any other applicable statutory and regulatory procedures;

H. Enjoin Respondents from removing him to any country other than Egypt, unless the provide the following process, see D.V.D. v. U.S. department of Homeland Security., No. CV 25-10676-BEM, 2025 WL 1453640, (D. Mass. May 21, 2025):

I. Written notice to him in a language I can understand;

J. A Meaningful opportunity, and a minimum of 25 days, to raise a fear-based claim for CAT protection prior to removal:

K. If he is found to have demonstrated "reasonable fear" of removal to the country,

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Respondents must move to reopen his immigration proceedings;

L. If he's not found to have demonstrated a "reasonable fear" of removal to the country, a meaningful opportunity, and a minimum of 25 days, for him to seek reopening of his immigration proceedings.

Date 12/5/25 Respectfully Submitted x

YOUNAN,DANIEL,RACHID

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

I **YOUNAN,DANIEL,RACHID** the Petitioner, submit this verification on my behalf. I hereby verify that the factual statements made in the foregoing First Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated 12/5/25

x _____
YOUNAN,DANIEL,RACHID

CERTIFICATE OF SERVICE

I,YOUNAN,DANIEL,RACHID, served a copy of the attached documents: HABEAS CORPUS on December 5, 2025 and mailed a copies via institutional mail to DHS/ICE to the following address:

DHS / ICE
Assistant Chief Counsel
10250 Rancho Road
Adelanto, CA 92301

Date 12/5/25

Signature D. Younan
YOUNAN,DANIEL,RACHID