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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 ONUR DENIZ,

10 Plaintiff,

11 vs.

12 CHRISTOPHER LAROSE, warden of
13 Otay Mesa Detention Center
14 DANIEL A. BRIGHTMAN, San Diego
15 Field Office Director, Immigration and
16 Customs Enforcement and Removal
17 Operations ("ICE/ERO");
18 TODD LYONS, Acting Director of
19 Immigration Customs Enforcement
20 ("ICE");
21 KRISTI NOEM, Secretary of the
22 Department of Homeland Security
23 ("DHS");
24 PAMELA BONDI, Attorney General of
25 the United States,
26 U.S. DEPARTMENT OF HOMELAND
27 SECURITY;
28 U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: '25CV3588 CAB DEB

Agency Number: A 

PETITION FOR WRIT OF HABEAS
CORPUS

ORAL ARGUMENT REQUESTED

EXPEDITED HEARING
REQUESTED

INTRODUCTION

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3 1.The Kurds are an ethnic minority in Turkey and other nearby
4 nations. They do not have a homeland of their own, but they have their own
5 language, culture and beliefs. They have been the subject of oppression and
6 genocide in the region for generations.
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8 2. Mr. Deniz is a Kurdish man from Turkey. He grew up in Turkey
9 with the discrimination that all Kurds face in Turkey. He was discriminated against
10 in school, at work and every other social aspect of life in Turkey. When he was 18
11 years old he believed he could no longer live in Turkey and he made his way to the
12 United States. He entered the United States on March 3, 2023. He was briefly
13 detained and then paroled into the United States on March 3, 2023. See Exhibit A.
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16 3. Mr. Deniz began his life in the United States after he was released.
17 He received work authorization, found a place to live and integrated himself into
18 the local community. He filed his I-589 application for Asylum on January 16,
19 2024. He was only 18 when he entered the United States so also qualifies for
20 Special Immigrant Juvenile status. His petition is pending with USCIS. He has
21 been attending college at Delaware Community College and finally felt he could
22 make something of himself and his life.
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1 4. During the middle of October, 2025, Mr. Deniz came to Oceanside,
2 California to visit a friend. On October 25, 2025, at about 6:30 p.m. he decided to
3 purchase something at a local GNC store. He was following his mobile directional
4 app to get there but made a wrong turn and found himself at the entry gate of Camp
5 Pendleton. When he arrived at the gate, he explained to the gate guard that he made
6 a wrong turn and just needed to turn around. He had no intention of entering the
7 base. The officer there looked at his driver's license and asked him to pull over to
8 the side of the road.
9

10 5. The Military Police arrived and blocked his car so he could not
11 leave. He asked several times if he was free to go. He was told he could not leave.
12 He presented proof of his work authorization and his pending asylum application
13 which guarantees his presence in the United States until the application is
14 adjudicated. No base personal ever explained what law he had violated that
15 allowed them to hold him their prisoner. They simply asserted that since he didn't
16 have a green card he had to wait. After about two hours, ICE officials arrived the
17 military handed him over to ICE. He asked again why he was being detained. He
18 was not told why he was arrested. He was not told what law he had violated. He
19 was not advised of his Miranda rights. With no cause and no explanation and no
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1 warrant he was put in the ICE vehicle and transferred to the ICE facility in
2 downtown San Diego. He was then transferred to the Otay Mesa facility.
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4 6. One of the benefits that petitioner enjoyed with parole has been his
5 ability to work, to go to school and to more actively participate in his asylum and
6 SIJ applications. Suddenly, with no notice, no neutral determination that there has
7 been a change in circumstances, Respondents seek to revoke Mr. Deniz parole and
8 force him to remain in custody for the duration of his application process.
9

10 Respondents do so based not on Mr. Deniz' personal circumstances but because of
11 Respondents' interpretation of President Trump's whim and categorical
12 determination that, the Fifth Amendment notwithstanding, noncitizens are not
13 entitled to due process.
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16 7. But Respondents cannot evade the law so easily. The U.S.
17 Constitution requires the Respondents provide at least the rights available to him
18 when he was granted parole and when he filed his application for asylum¹.
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25 ¹ See, e.g., NBC News, Meet the Press interview of President Donald Trump (May 4, 2025),
26 <https://www.nbcnews.com/politics/trump-administration/read-full-transcript-president-donaldtrump-interviewed-meet-press-mod-rcna203514> (in response to a question whether noncitizens
27 deserve due process under the Fifth Amendment, President Trump replied "I don't know. It
28 seems—it might say that, but if you're talking about that, then we'd have to have a million or 2
million or 3 million trials.").

1 events or omissions giving rise to Petitioner's claims occurred in this District,
2 where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).
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4 13. For these same reasons, divisional venue is proper under Local
5 Rule HC.1
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7 **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

8 14. The Court must grant the petition for writ of habeas corpus or
9 issue an order to show cause (OSC) to the Respondents "forthwith," unless the
10 petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court
11 must require Respondents to file a return "within three days unless for good cause
12 additional time, not exceeding twenty days, is allowed." *Id.*
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15 15. Courts have long recognized the significance of the habeas statute
16 in protecting individuals from unlawful detention. The Great Writ has been
17 referred to as "perhaps the most important writ known to the constitutional law of
18 England, affording as it does a swift and imperative remedy in all cases of illegal
19 restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963).
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22 16. Petitioner is "in custody" for the purpose of § 2241 because he is
23 arrested and detained by Respondents.
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25 **PARTIES**

1 17. Onur Deniz (“Petitioner”) is a 19-year-old citizen of Turkey born
2 . He is currently a resident of San Diego, California, and is
3 present within the state of California as of the time of the filing of this petition.
4

5 18. Respondent Christopher Larosse is the Warden of the Otay Mesa
6 Detention Center and is a legal custodian of Petitioner.
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8 19. Respondent Daniel A. Brightman is the Field Office Director for
9 the San Diego Field Office, Immigration and Customs Enforcement and Removal
10 Operations (“ICE”). The San Diego Field Office is responsible for local custody
11 decisions relating to non-citizens charged with being removable from the United
12 States, including the arrest, detention, and custody status of non- citizens. The San
13 Diego Field Office’s area of responsibility includes San Diego, California and the
14 Otay Mesa Detention Center. Respondent Sidney Aki is a legal custodian of
15 Petitioner.
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19 20. Respondent Todd Lyons is the acting director of U.S. Immigration
20 and Customs Enforcement, and he has authority over the actions of respondent
21 Sidney Aki and ICE in general. Respondent Lyons is a legal custodian of
22 Petitioner.
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25 21. Respondent Kristi Noem is the Secretary of the Department of
26 Homeland Security (DHS) and has authority over the actions of all other DHS
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1 Respondents in this case, as well as all operations of DHS. Respondent Noem is a
2 legal custodian of Petitioner and is charged with faithfully administering the
3 immigration laws of the United States.
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5 22. Respondent Pamela Bondi is the Attorney General of the United
6 States, and as such has authority over the Department of Justice and is charged
7 with faithfully administering the immigration laws of the United States.
8

9 23. Respondent U.S. Immigration Customs Enforcement is the federal
10 agency responsible for custody decisions relating to non-citizens charged with
11 being removable from the United States, including the arrest, detention, and
12 custody status of non-citizens.
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15 24. Respondent U.S. Department of Homeland Security is the federal
16 agency that has authority over the actions of ICE and all other DHS Respondents.
17

18 25. This action is commenced against all Respondents in their official
19 capacities.
20

21 22 **LEGAL FRAMEWORK**

23 26. The Refugee Act of 1980, the cornerstone of the U.S. asylum
24 system, provides a right to apply for asylum to individuals seeking safe haven in
25 the United States. The purpose of the Refugee Act is to enforce the “historic policy
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1 of the United States to respond to the urgent needs of persons subject to
2 persecution in their homelands.” Refugee Act of 1980, § 101(a), Pub. L. No. 96-
3 212, 94 Stat. 102 (1980).

5 27. The “motivation for the enactment of the Refugee Act” was the
6 United Nations Protocol Relating to the Status of Refugees, “to which the United
7 States had been bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424,
8 432-33 (1987). The Refugee Act reflects a legislative purpose “to give ‘statutory
9 meaning to our national commitment to human rights and humanitarian concerns.’”
10 *Duran v. INS*, 756 F.2d 1338, 1340 n.2 (9th Cir. 1985).

12 28. The Refugee Act established the right to apply for asylum in the
13 United States and defines the standards for granting asylum. It is codified in
14 various sections of the INA.

15 29. The INA gives the Attorney General or the Secretary of Homeland
16 Security discretion to grant asylum to noncitizens who satisfy the definition of
17 “refugee.” Under that definition, individuals generally are eligible for asylum if
18 they have experienced past persecution or have a well-founded fear of future
19 persecution on account of race, religion, nationality, membership in a particular
20 social group, or political opinion and if they are unable or unwilling to return to
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1 and avail themselves of the protection of their homeland because of that
2 persecution of fear. 8 U.S.C. § 1101(a)(42)(A).
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4 30. Although a grant of asylum may be discretionary, the right to
5 apply for asylum is not. The Refugee Act broadly affords a right to apply for
6 asylum to any noncitizen “who is physically present in the United States or who
7 arrives in the United States[.]” 8 U.S.C. § 1158(a)(1).
8

9 31. Because of the life-or-death stakes, the statutory right to apply for
10 asylum is robust. The right necessarily includes the right to counsel, at no expense
11 to the government, see 8 U.S.C. § 1229a(b)(4)(A), § 1362, the right to notice of the
12 right to counsel, see 8 U.S.C. § 1158(d)(4), and the right to access information in
13 support of an application, see § 1158(b)(1)(B) (placing the burden on the applicant
14 to present evidence to establish eligibility.).
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18 32. Noncitizens seeking asylum are guaranteed Due Process under the
19 Fifth Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306
20 (1993).
21

22 33. Noncitizens who are applicants for asylum are entitled to a full
23 hearing in immigration court before they can be removed from the United States. 8
24 U.S.C. § 1229a. Consistent with due process, noncitizens may seek administrative
25 appellate review before the Board of Immigration Appeals of removal orders
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1 entered against them and judicial review in federal court upon a petition for
2 review. 8 U.S.C. § 1252(a) *et seq.*
3

4 34. Immigration detention is a form of civil confinement that
5 “constitutes a significant deprivation of liberty that requires due process
6 protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).
7

8 35. Immigration detention should not be used as a punishment and
9 should only be used when, under an individualized determination, a noncitizen is a
10 flight risk because they are unlikely to appear for immigration court or a danger to
11 the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
12

13 36. Parole must be terminated upon written notice after an
14 individualized determination that the humanitarian purposes no longer apply. 8
15 C.F.R. § 212.5(e)(2)(i).
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19 **FACTUAL BACKGROUND**
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21 37. Petitioner is an ethnic Kurd and citizen of Turkey. He was born
22  in Turkey.
23

24 38. Petitioner was repeatedly persecuted in Turkey due to his
25 ethnicity. 
26

27  in Turkey.
28

1 39. On March 3, 2023, Petitioner was paroled into the United States to
2 seek asylum. This release was based on the individualized facts in his case, under 8
3 U.S.C. § 1182(d)(5).
4

5 40. He was also issued an NTA and placed in 240 removal
6 proceedings.
7

8 41. He has attended all scheduled hearings in connection with his
9 removal proceedings.
10

11 42. On information and belief, Petitioner continues to meet all the
12 requirements of his parole.
13

14 43. Petitioner applied for asylum on January 16, 2024.

15 44. Subsequently, Respondents issued work authorization to Petitioner
16 pursuant to 8 C.F.R. § 274a.12(c)(08).
17

18 45. On October 25, 2025, Mr. Deniz was attempting to make a quick
19 trip to the local GNC store. He made a wrong turn and ended up at the entry gate to
20 Camp Pendleton. When he arrived at the entry gate the gate guard did not allow
21 him to turn around but asked him to pull to the side. Mr. Deniz complied.
22 Subsequently the Military Police arrived, blocked Mr. Deniz's car so he could not
23 leave and held him against his will. He asked several times if he could leave and
24 the Camp Pendleton authorities refused. Mr. Deniz produced copies of his
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1 documents and his work authorization proving that he was legally here in the
2 United States and the officers had no reason to detain him. He was held their
3 prisoner for approximately two hours.
4

5 46. Eventually ICE officers arrived and the Military Police handed
6 him over to the ICE officers who then put him in their vehicle, and transported him
7 to their downtown San Diego holding area. He was never given a written notice
8 that his parole was being terminated. He was not given any particularized reason
9 for why he was being placed into detention. He was never presented with a warrant
10 for his arrest. He was never given any Miranda warnings. He was eventually
11 transported to Otay Mesa Detention Center. Mr. Deniz must now continue his
12 asylum application process while in detention.
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16 47. Mr. Deniz was never presented with a warrant for his arrest. The
17 ICE agents did not provide him any process. The ICE agents did not offer him any
18 opportunity to be heard prior to arresting and detaining him.
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21 48. On January 20, 2025, President Donald Trump issued several
22 executive actions relating to immigration, including “Protecting the American
23 People Against Invasion,” an executive order (EO) setting out a series of interior
24 immigration enforcement actions. The Trump administration, through this and
25 other actions, has outlined sweeping, executive branch-led changes to immigration
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1 enforcement policy, establishing a formal framework for mass deportation. The
2 “Protecting the American People Against Invasion” EO instructs the DHS
3 Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to
4 prioritize civil immigration enforcement procedures including through the use of
5 mass detention.
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8 49. On information and belief, Respondents are detaining Petitioner
9 regardless of the individual facts and circumstances of his case.
10

11 50. On information and belief, Respondents are using the immigration
12 detention system as a means to punish individuals for asserting rights under the
13 Refugee Act.
14

15 51. On information and belief, Petitioner has no criminal history.
16

17 **CLAIMS FOR RELIEF**

18 **COUNT ONE**

19 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)**

20 **Not in Accordance with Law and in Excess of Statutory Authority**

21 **Unlawful Detention**

22 52. Petitioner restates and realleges all paragraphs as if fully set forth
23 here.
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1 53. Under the APA, a court shall “hold unlawful and set aside agency
2 action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).
3

4 54. An action is an abuse of discretion if the agency “entirely failed to
5 consider an important aspect of the problem, offered an explanation for its decision
6 that runs counter to the evidence before the agency, or is so implausible that it
7 could not be ascribed to a difference in view or the product of agency expertise.”
8 *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551U.S. 644, 658 (2007)
9
10 (*quoting Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*,
11 463 U.S. 29, 43 (1983)).
12

13 55. To survive an APA challenge, the agency must articulate “a
14 satisfactory explanation” for its action, “including a rational connection between
15 the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551,
16 2569 (2019) (citation omitted).
17

18 56. By categorically revoking Petitioner’s parole and transferring him
19 to Otay Mesa Detention Center without consideration of his individualized facts
20 and circumstances, Respondents have violated the APA.
21

22 57. Respondents have made no finding that Petitioner is a danger to
23 the community.
24

25 58. Respondents have made no finding that Petitioner is a flight risk.
26

1 Amend. IV. The Supreme Court has recognized that immigration arrests and
2 detentions are “seizures” within the meaning of the Fourth Amendment. *INS v*
3 *Lopez-Mendoza*, 468 U.S. 1032, 1044f (1984) (acknowledging that deportation
4 proceedings are civil, but the Fourth Amendment still applies to the “Seizure” of
5 the person.)
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8 68. The Fourth Amendment requires that arrests entail a neutral,
9 judicial determination of probable cause. See *Gerstein v. Pugh*, 420 U.S. 103, 114
10 (1975). That neutral, judicial determination can occur either before the arrest in the
11 form of a warrant, or promptly afterward, in the form of a prompt judicial probable
12 cause determination. *Id.* Arrest and detention of a person, including of a
13 noncitizen, absent a neutral judicial determination of probable cause violates the
14 Fourth Amendment of the Constitution. *Id.* See also *Cnty. Of Riverside v*
15 *McLaughlan*, 500 U.S. 44, 57 (1991). This determination must occur within 48
16 hours of detention, which includes weekends, unless there is a bona fide
17 emergency or other extraordinary circumstances. *Id.*
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22 69. Congress enacted a strong preference that immigration arrests be
23 based on warrants. See *Arizona v. United States*, 567 U.S. 387, 407-08 (2012). The
24 Immigration and Nationality Act thus provides immigration officers with only
25 limited authority to conduct warrantless arrests. See 8 C.F.R § 287.8(c)(2)(ii).
26
27

1 (3) Declare that Petitioner's detention without an individualized
2 determination violates the Due Process Clause of the Fifth Amendment and the
3 Administrative Procedures Act;
4

5 (4) Declare that Petitioner's warrantless arrest and detention
6 constitutes an unreasonable and unlawful seizure in violation of the Fourth
7 Amendment;
8

9 (5) Issue a Writ of Habeas Corpus ordering Respondents to release
10 Petitioner from custody;
11

12 (6) Issue an Order prohibiting the Respondents from transferring
13 Petitioner from the district without the court's approval;
14

15 (7) Issue and Order prohibiting the Respondents from enrolling the
16 Petitioner in any Alternative to Detention program, specifically barring them from
17 requiring an ankle monitor;
18

19 (8) Grant any further relief this Court deems just and proper.
20

21 Dated: December 14, 2025.

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