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UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

AMORNRIT CHAN SIRIPAN,

Petitioner,

v.

TONYA ANDREWS, in official capacity,
Facility Administrator of Golden State Annex;
SERGIO ALBARRAN, in official capacity,
Acting Field Office Director of ICE's San
Francisco Field Office; TODD M. LYONS, in
official capacity, Acting Director of ICE,
KRISTI NOEM, in official capacity, Secretary
of the U.S. Department of Homeland Security;
PAM BONDI, in official capacity, Attorney
General of the United States,

Respondents.

Case No. _____

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

Immigration Habeas Case

INTRODUCTION

1
2 1. Petitioner Amornrit Chan Siripan (“Petitioner” or “Mr. Siripan”),¹ a 73-year-old
3 man from Thailand, files this habeas petition seeking his release from the custody of the
4 Department of Homeland Security (“DHS”). Petitioner is detained at the Golden State Annex
5 Detention Facility, located in McFarland, California.

6 2. Mr. Siripan entered the United States in 1969 on a student visa. He has not
7 returned to Thailand or left the United States since then. He married his high school sweetheart
8 and obtained his lawful permanent residency based on that marriage.

9 3. Around 2003 or 2004, ICE initiated removal proceedings against Mr. Siripan,
10 presumably charging him as removable from the country based on his criminal history out of Los
11 Angeles County. Mr. Siripan was detained by ICE during these proceedings. In February 2004,
12 an Immigration Judge (“IJ”) ordered Mr. Siripan removed to Thailand. Mr. Siripan remained in
13 immigration custody for approximately 13 months, during which time the government was
14 required to secure his removal from the country. 8 U.S.C. §§ 1231(a)(1); (a)(6). He was released
15 in April 2005, likely due to the government’s inability to secure travel documents necessary to
16 deport him. As such, Mr. Siripan has been living freely in the United States pursuant to an OSUP
17 since approximately April 2005.

18 4. In the next two decades, Mr. Siripan rebuilt his life. He found employment,
19 became a cherished family friend, and attended his U.S. Immigration and Customs Enforcement
20 (“ICE”) check-ins as mandated by his OSUP.

21 5. On October 14, 2025, ICE detained Mr. Siripan—without any prior notice—at a
22 routine check-in appointment, in violation of its own regulations and the Constitution. His
23 detention infringes on his constitutionally protected liberty interest in his physical freedom and is
24

¹ Mr. Siripan respectfully requests that the Court use his initials, rather than his full last name, in any opinion in his case, as suggested by the Committee on Court Administration and Case Management of the Judicial Conference of the United States. *See* Memorandum Re: Privacy Concern Regarding Social Security & Immigration Opinions, May 1, 2018, *available at*: https://www.uscourts.gov/sites/default/files/18-cv-1-suggestion_cacm_0.pdf. *See also* *Walter A.T., v. Facility Administrator*, 2025 WL 1744133, at *10 (E.D. Cal. June 24, 2025).

1 unlawful pursuant to the statutory framework and the agency's own regulations. The Court
2 should enjoin ICE from continuing this unlawful course of conduct.

3 **CUSTODY**

4 6. Mr. Siripan is currently detained in ICE custody at Golden State Annex, a
5 private, for-profit detention center located in McFarland, California.

6 **JURISDICTION**

7 7. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331,
8 general federal question jurisdiction; 5 U.S.C. § 701, *et seq.*, All Writs Act; 28 U.S.C. § 2241, *et*
9 *seq.*, habeas corpus; 28 U.S.C. § 2201, the Declaratory Judgment Act; Art. 1, § 9, Cl. 2 of the
10 United States Constitution (Suspension Clause); Art. 3 of the United States Constitution, and
the common law.

11 8. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment
12 Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651 to protect Petitioner's
13 rights under the Due Process Clause of the Fifth Amendment to the United States Constitution,
14 the Excessive Bail Clause of the Eighth Amendment, and under applicable Federal law, and to
15 issue a writ of habeas corpus for his immediate release. *See generally INS v. St. Cyr*, 533 U.S.
289 (2001); *Zadvydas*, 533 U.S. 678.

16 **VENUE**

17 9. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500
18 (1973), venue lies in the United States District Court for the Eastern District of California, the
judicial district in which Petitioner is currently detained.

19 **REQUIREMENTS OF 28 U.S.C. § 2243**

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

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

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

PARTIES

13. Petitioner AMORNRIT CHAN SIRIPAN was born in Thailand and has resided in the United States since he was around 16 or 17 years old. He was detained by ICE on October 14, 2025 and is currently detained at Golden State Annex in McFarland, California.

14. Respondent TONYA ANDREWS is the facility administrator of Golden State Annex, a detention center located in McFarland, California run by GEO Group Inc., a private, for-profit company. Pursuant to the Ninth Circuit’s recent decision in *Doe v. Garland*, 109 F.4th 1188, 1197 (9th Cir. 2024), Tonya Andrews is a proper respondent because she is the *de facto* warden of the facility at which Mr. Siripan is detained. She is sued in her official capacity.

15. Respondent SERGIO ALBARRAN is the Acting Field Office Director responsible for the San Francisco Field Office of ICE Enforcement and Removal Operations, which has immediate physical custody of Petitioner. He is sued in his official capacity.

16. Respondent TODD LYONS is the Acting Director of ICE. As the head of ICE, an agency within the U.S. Department of Homeland Security that detains and removes certain noncitizens, Respondent Lyons is a legal custodian of Petitioner. He is sued in his official capacity.

1 17. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland
2 Security. She is responsible for the administration of the federal immigration laws. 8 U.S.C. §
3 1103(a). Secretary Noem is a legal custodian of Petitioner. She is sued in her official capacity.

4 18. Respondent PAM BONDI is the Attorney General of the United States. She is
5 responsible for overseeing the implementation and enforcement of the federal immigration laws.
6 She has the authority to interpret immigration law and adjudicate removal cases. The Attorney
7 General delegates this responsibility to the Executive Office for Immigration Review ("EOIR"),
8 which administers the immigration courts and the Board of Immigration Appeals ("BIA"). In her
official capacity, Attorney General Bondi is the ultimate legal custodian of Petitioner.

9 FACTUAL ALLEGATIONS

10 *Mr. Siripan's History*

11 19. Mr. Siripan has been told that he was born in the south of Thailand in 1952 or
12 1953.² He does not remember the name of the place or hospital where he was born. He believes
13 he was born in the Nakhon Si Thammarat Province based on information his mother told him
when he was a young boy.

14 20. Mr. Siripan lived in various areas of Thailand as a child, including Bangkok.

15 21. He first entered the United States in or around 1969, on a student visa, when he
16 was around 16 or 17 years old. He graduated from high school in Los Angeles, California. He
17 subsequently married his high school sweetheart, a U.S. citizen, and obtained his lawful
permanent residency based on their marriage.

18 22. In 1988, he was convicted in Los Angeles County of violating Cal. Penal Code §§
19 288a(c)(1) (oral copulation of a person under 14), 261(a)(3) (rape by use of drugs), 261(a)(2)
20 (rape by force), and 207(a) (kidnapping). He was sentenced to a prison term and, to the best of
21 his recollection, served around four years in prison. He also recalls later serving additional years
22 in prison based on a conviction for failure to register as a sex offender out of Santa Clara County,

23 ² Mr. Siripan believes that he was born in 1952. However, certain documents have his year of
24 birth listed as 1953. He does not know whether this is misinterpretation or the correct year of his
birth. He no longer has a copy of his birth certificate or passport to confirm the year of his birth.

1 California, around 2001. In 2010, Mr. Siripan pled no contest to violating Cal. Penal Code §§
2 290(b)/290.018(b) for failure to register as a sex offender out of Alameda County, for which he
3 was sentenced to five years of formal probation, and 180 days of county jail to be served via
4 electronic monitoring.³

5 23. Upon his release, Mr. Siripan was taken into ICE custody and removal
6 proceedings were initiated. Mr. Siripan is no longer in possession of the charging document that
7 was filed in his immigration case. His best recollection is that his convictions out of Los Angeles
8 County formed the basis of the charges that led to his removal order. An IJ ordered Mr. Siripan
9 removed to Thailand on February 26, 2004. Exhibit A, IJ Order.

10 24. Despite being ordered removed in 2004, Mr. Siripan was not physically removed
11 to Thailand. He remained in custody for approximately 13 months. He does not recall anyone
12 explaining to him the basis or nature of his extended detention in immigration custody.

13 25. On or about April 5, 2005, ICE released Mr. Siripan from its custody pursuant to
14 an OSUP, which required regular check-ins with ICE. Exh. B, Order of Supervision.

15 26. Mr. Siripan has reported to ICE for the subsequent two decades, reporting more
16 than 50 times. *Id.* He reports that he explained to ICE when he missed a check-in, either because
17 of work or any other reason, and that in those circumstances, ICE would schedule him for
18 another check-in in the future. He does not recall ICE ever asking him to fill out a travel
19 document application while he was out on OSUP prior to 2025.

20 27. Since his release in 2004, Mr. Siripan has focused on rebuilding his life. He had a
21 U.S. citizen son. He became close friends—so close that he is now considered family—to the
22  family, attending family and holiday events with them. This year, Mr. Siripan retired from
23  after over two decades, working as a driver, a salesperson, and then the
24 operations manager.

25 28. On August 29, 2025, Mr. Siripan attended an ICE check-in at 630 Sansome Street
26 in San Francisco, California. At this check-in, an ICE officer told him that he was going to give

27 ³ Undersigned counsel is currently gathering records and is not presently in possession of a RAP
28 sheet. The criminal history described above is the criminal history that counsel was able to verify
29 based on available records, corroborating Mr. Siripan's own reports.

1 him a chance to obtain a travel document to Thailand. The officer gave him a travel document
2 application that was written in Thai. When he told the officer that he could not read Thai, the
3 officer told him to try to fill it out anyway. While he had learned to read and speak Thai in
4 school as a child, he has almost exclusively spoken English since he arrived in the United States
5 over 55 years ago and has lost his ability to read or write Thai. For example, while he knows
6 some words in Thai, he does not know enough Thai to order food at a Thai restaurant.

7 29. Mr. Siripan called the Thai Embassy to try to learn more about the procedure for
8 obtaining travel documents. He asked to be connected to someone who spoke English. He reports
9 that he told the embassy officer his story, disclosing where and when he was born as well as his
10 sister's name. The embassy officer asked him if he had his birth certificate or passport, and he
11 confirmed that he did not. Mr. Siripan understood the embassy officer to suggest that it may be
12 difficult to locate his birth certificate because of the age of the document, which was presumably
13 issued 73 years ago. The embassy officer told him that if they could not prove he was a Thai
14 citizen, the government of Thailand would not issue travel documents.

15 30. Mr. Siripan has not returned to Thailand since 1969. He does not have contact
16 with any family members living in Thailand. He does not know if his older siblings who were
17 living in Thailand are still alive.

18 31. On October 14, 2025, Mr. Siripan attended his most recent ICE check-in at 630
19 Sansome Street. He was accompanied to the check-in by Jessenia Rios, his close family friend
20 who regards Mr. Siripan as her father.

21 32. At the check-in, the officer told him that he was going to be detained. He
22 attempted to explain that he had tried to comply with the request to obtain a travel document by
23 calling the Thai Embassy, but he felt like the officer did not listen to him.

24 33. Mr. Siripan was detained for approximately two nights at 630 Sansome Street.
The conditions of the detention were difficult – the holding tank was cold, he was only provided
with a sack lunch for food, and he slept on the floor with an emergency mylar blanket as his only
source of warmth. He was not provided with an opportunity to take a shower or change his
clothes. Further, Mr. Siripan was not provided with necessary medication. Mr. Siripan is blind in

1 his left eye and has an ocular prosthesis that requires daily cleaning and upkeep. He was forced
2 to clean his ocular prosthesis with water instead of saline while he was detained at 630 Sansome.
3 Since his detention, a federal court has found that individuals detained at 630 Sansome Street
4 have been subject to unconstitutional conditions, including deprivations of sleep, basic hygiene,
5 and medical care. *Pablo Sequen v. Albarran*, No. 25-CV-06487-PCP, 2025 WL 3283283, at *23-
6 27 (N.D. Cal. Nov. 25, 2025) (granting preliminary injunction).

7 34. Mr. Siripan received two documents from ICE relating to his detention. He
8 received a document titled “Notice of Revocation of Release,” dated October 14, 2025. This
9 Notice stated that his order of supervision was being revoked and that he was going to be
10 detained because of “a determination [that] there are changed circumstances in [his] case.”
11 However, the Notice also stated that his “case is currently under review by the Government of
12 Thailand for the issuance of a travel document” and that his “removal is not imminent.” Exh. C,
13 Notice of Revocation of Release.

14 35. He also received a Warrant for Arrest (Form I-200), which stated that Mr. Siripan
15 was being detained because ICE had found probable cause to believe that he is removable from
16 the United States based on “the pendency of ongoing removal proceedings” and voluntary
17 statements made that affirm he lacks status or is removable from the United States. Exh. D, Form
18 I-200. It is unclear why this document references the pendency of ongoing removal proceedings,
19 as Mr. Siripan’s removal proceedings have been final since 2004, when the IJ ordered him
20 removed to Thailand. *See* Exh. A, Removal Order.

21 36. On October 16, 2025, after two days detained in the temporary facilities at 630
22 Sansome Street, Mr. Siripan was transferred to Golden State Annex (“GSA”), a private, for-
23 profit detention center located in McFarland, California,. He has been detained there ever since.
24 For years, immigrants detained at Golden State Annex have raised the alarm about unlivable and
unsanitary housing conditions, as well as concerns regarding their treatment.⁴

⁴ California Collaborative for Immigrant Justice, *Starving for Justice: The Denial of Proper Nutrition in Immigration Detention*, April 2022 available at https://www.ccijjustice.org/_files/ugd/733055_c43b1cbbdda341b894045940622a6dc3.pdf at 7 (indicating that over half of survey respondents at Golden State Annex reported “receiving

1 37. Sometime in October or early November 2025, Mr. Siripan reached out to his
 2 deportation officer and gave him a piece of paper with his background and family information to
 3 help with any efforts to get his travel documents. He provided this information affirmatively
 4 because one of the papers he signed on his arrest at 630 Sansome stated that he needed to
 5 cooperate with ICE regarding removal efforts. The deportation officer said that he would place
 6 the paper in Mr. Siripan's file.

7 38. On December 8, 2025, Mr. Siripan was asked by his new deportation officer to
 8 fill out what appeared to be travel document application in Thai and English. The officer
 9 proceeded to ask him the questions in English and fill out the travel document application. Mr.
 10 Siripan answered the questions to the best of his ability, considering his limited Thai knowledge.
 11 The deportation officer did not tell Mr. Siripan anything about what the government was going to
 12 do with this information or application.

13 39. Since his detention, Mr. Siripan has not had an informal interview with ICE. At
 14 no point has ICE provided him with an opportunity to present evidence to contest the revocation
 15 of his OSUP nor provided him with an opportunity to respond to his detention.

16 40. Without Court intervention, Mr. Siripan will remain detained The ICE facility has
 17 denied his request for new glasses, which has led to increased strain on his only remaining eye
 18 and the need for additional medication. The facility also denied his request for dental care.

19 //

20 _____
 21 insects, hair and/or other foreign object in their meals. Those who found insects in their food
 22 specified cockroaches, flies and spiders.”). *See also* CRCL Complaint: Retaliation Against
 23 Individuals in Immigration Detention at Mesa Verde Detention Facility and Golden State Annex,
 24 Sept. 12, 2022, available at <https://www.ccijustice.org/laf-09-12-2022-mv-gsa> at 3
 (“[I]ndividuals detained at Mesa Verde have faced retaliation for asserting their right to decline
 participation in the “voluntary” work program, as well as for filing formal complaints
 documenting unjust conditions... Since [labor strikes by Dorm C and A began’ ICE and GEO
 have moved individuals to solitary confinement, restricted access to programming, and attempted
 to transfer at least one strike participant to an out-of-state facility”). Jhabvala Romero, Farida,
ICE Detainees Making \$1 a Day Sue Over Alleged Wage Theft, July 16, 2022, available at
[https://www.kqed.org/news/11919749/ice-detainees-making-1-a-day-sue-over-alleged-wage-](https://www.kqed.org/news/11919749/ice-detainees-making-1-a-day-sue-over-alleged-wage-theft)
theft (“GEO pays the paltry daily rate of \$1 to detainees who volunteer to clean dormitories and
 dining halls, do laundry, assist detainees with disabilities and do other tasks to maintain the
 facilities.”).

Third Country Removals

41. Since early 2025, ICE has escalated efforts to remove noncitizens with final orders of removal to “third countries,” *i.e.*, countries that the IJ has not designated as potential countries for removal during the noncitizen’s removal proceedings. *See Zakzouk v. Becerra*, No. 25-CV-06254 (RFL), 2025 WL 2097470, at *2 (N.D. Cal. July 26, 2025) (“Although Petitioner-Plaintiff informed the ICE officer that he has no right to return to either country because he is stateless, the officer told Petitioner-Plaintiff that ‘things are different now.’”); *Hoac v. Becerra*, No. 2:25-CV-01740-DC-JDP, 2025 WL 1993771, at *7 (E.D. Cal. July 16, 2025); *Phan v. Becerra*, No. 2:25-CV-01757-DC-JDP, 2025 WL 1993735, at *6 (E.D. Cal. July 16, 2025).

42. Because the “third country” was not at issue during the original removal proceedings, a noncitizen who is threatened with removal to a third country has never had an opportunity to express fear of or seek legal protection from removal to that country.

43. On July 9, 2025, ICE issued a memo to staff that represents the agency’s current policy with respect to third country removals.⁵ The memo provides that if the United States has received credible “diplomatic assurances” from a third country that deportees will not be persecuted or tortured in that country, ICE may deport a noncitizen to that third country without notice or an opportunity to be heard. *See* Exh. E, DHS Policy Regarding Third Country Removal.

44. The memo provides that if the United States has not received such diplomatic assurances, ICE officers must serve the noncitizen a “Notice of Removal” stating the intended country of removal; it need not, however, ask whether the noncitizen fears removal to that country. *Id.* Although officers should “generally wait at least 24 hours following service of the

⁵ *See* Nate Raymond and Ted Hesson, “ICE May Deport Migrants to Countries Other Than Their Own With Just Six Hours Notice, Memo Says, Reuters” (July 14, 2025), *available at*: <https://www.reuters.com/world/us/ice-may-deport-migrants-countries-other-than-their-own-with-just-six-hours-2025-07-13/>; Maria Sacchetti, Carol D. Leonnig and Marianne LeVine, “ICE memo outlines plan to deport migrants to countries where they are not citizens,” *The Washington Post* (July 13, 2025), *available at*: <https://www.washingtonpost.com/immigration/2025/07/12/immigrants-deportations-trump-ice-memo/>.

1 Notice of Removal before effectuating removal,” they may under certain conditions effectuate
2 removal only six hours after service of the Notice of Removal. *Id.*

3 45. Under the ICE memo, if the noncitizen “does not affirmatively state a fear of
4 persecution or torture if removed” to the third country, ICE may proceed with removal. *Id.* Only
5 if the noncitizen “does affirmatively state a fear” of removal to that country will they be screened
6 for eligibility for withholding of removal and protection under the Convention Against Torture
7 (“CAT”). *Id.*

8 46. This Court’s intervention is needed to ensure that Mr. Siripan’s regulatory and
9 due process rights are protected, that his unjust detention does not become further prolonged and
10 indefinite, and that he is not unjustly removed to a third country.

11 LEGAL FRAMEWORK

12 Post-Removal Order Detention, Release, and Re-Detention

13 47. The Immigration and Nationality Act directs ICE to remove a noncitizen “within
14 a period of 90 days” following a final order of removal, known as the “removal period.” 8 U.S.C.
15 § 1231(a)(1)(A).

16 48. ICE “shall detain” the noncitizen during the 90-day removal period. 8 U.S.C. §
17 1231(a)(2)(A).

18 49. If ICE does not effectuate removal during the removal period, the noncitizen is
19 released “subject to supervision,” 8 U.S.C. § 1231(a)(3), except that certain categories of
20 noncitizens “may be detained” beyond the removal period, 8 U.S.C. § 1231(a)(6). In light of the
21 due process concerns that indefinite detention would raise, the Supreme Court has construed
22 section 1231(a)(6) to limit a noncitizen’s “post-removal period detention to a period reasonably
23 necessary to bring about that [noncitizen’s] removal from the United States.” *Zadvydas v. Davis*,
24 533 U.S. 678, 689 (2001).

50. Two regulations, 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13, govern release and re-
detention following a final order of removal.

1 51. 8 C.F.R. § 241.4 creates a system of custody reviews for noncitizens whom ICE
2 detains beyond the 90-day removal period. ICE may grant release if the noncitizen demonstrates
3 that “his or her release will not pose a danger to the community or to the safety of other persons
4 or to property or a significant risk of flight pending such [noncitizen’s] removal from the United
5 States.” 8 C.F.R. § 241.4(d)(1).

6 52. The regulation provides that ICE may re-detain a noncitizen who was released
7 under 8 C.F.R. § 241.4 for specified reasons and following specified procedures. *See id.* §
8 241.4(d)(1).

9 53. 8 C.F.R. § 241.13 creates “special review procedures” where the noncitizen “has
10 provided good reason to believe there is no significant likelihood of removal . . . in the
11 reasonably foreseeable future.” *Id.* § 241.13(a); *see also id.* § 241.13(b)(1) (providing that 8
12 C.F.R. § 241.4 governs unless ICE “makes a determination under this section that there is no
13 significant likelihood of removal in the reasonably foreseeable future”).

14 54. The regulation provides that ICE may re-detain a noncitizen who was released
15 under 8 C.F.R. § 241.13 for specified reasons and following specified procedures. *See id.* §
16 241.13(i).

17 55. The Due Process Clause further constrains ICE’s ability to re-detain a noncitizen
18 who was previously released on an OSUP. “Freedom from imprisonment—from government
19 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause
20 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

21 56. Substantive due process requires that a noncitizen’s detention bear a reasonable
22 relationship to the legitimate purposes of immigration detention: preventing flight and protecting
23 the community. *Id.* at 690-91; *see also Cty. of Sacramento v. Lewis*, 523 U.S. 833, 845 (1998)
24 (“[T]he touchstone of due process is protection of the individual against arbitrary action of
government.”) (citation omitted).

 57. In addition, procedural due process requires that a noncitizen’s detention be
accompanied by strong “procedural protections,” *Zadvydas*, 533 U.S. at 691, 692, such as a
hearing before a neutral adjudicator. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (“The

1 fundamental requirement of due process is the opportunity to be heard ‘at a meaningful time and
2 in a meaningful manner.’”). Courts in this Circuit have determined that a noncitizen subject to
3 conditional release has a liberty interest in that release such that a pre-deprivation hearing before
4 a neutral adjudicator is required prior to any redetention. *See e.g. Yang v. Kaiser*, No. 2:25-CV-
5 02205-DAD-AC (HC), 2025 WL 2791778, at *8 (E.D. Cal. Aug. 20, 2025); *Guillermo M. R. v.*
6 *Kaiser*, 791 F. Supp. 3d 1021, 1031 (N.D. Cal. 2025) (“The fact that Petitioner is subject to
7 discretionary conditions of release likewise does not mean he lacks a protectable liberty interest
8 and can be re-detained without process.”). That is because, generally, the Due Process Clause
9 “requires some kind of a hearing *before* the State deprives a person of liberty or property.”
10 *Zinerman v. Burch*, 494 U.S. 113, 127 (1990) (emphasis in original).

11 Third Country Removals

12 58. Congress has established a multi-step process for designating countries to which
13 noncitizens may be removed. 8 U.S.C. § 1231(b).

14 59. First, ICE shall remove the noncitizen to the country that the noncitizen chooses
15 to designate, with certain limitations on that choice. *Id.* §§ 1231(b)(2)(A)-(B). ICE may disregard
16 the noncitizen’s designation only under specified circumstances. *Id.* § 1231(b)(2)(C).

17 60. Second, if the noncitizen is not removed to the country they chose to designate,
18 ICE shall remove the noncitizen to an “alternative country”—*i.e.*, “a country of which the
19 [noncitizen] is a subject, national, or citizen”—unless that country does not cooperate with ICE’s
20 removal efforts. *Id.* § 1231(b)(2)(D).

21 61. Third, if the noncitizen is not removed to the country they designated or to an
22 alternative country, then ICE may pursue a list of “[a]dditional removal countries,” including the
23 country from which the noncitizen was admitted to the United States or the country in which the
24 noncitizen was born. *Id.* § 1231(b)(2)(E). Only if removal to additional removal countries is
“impracticable, inadvisable, or impossible” may ICE then pursue removal to any country willing
to accept the noncitizen. *Id.* § 1231(b)(2)(E)(vii).

1 62. Importantly, the statute prohibits removal to any country where a person may be
2 persecuted or tortured, a form of protection known as withholding of removal. *Id.* §
3 1231(b)(3)(A) (providing that ICE “may not remove” a noncitizen to a country if “the
4 [noncitizen’s] life or freedom would be threatened in that country because of the [noncitizen’s]
5 race, religion, nationality, membership in a particular social group, or political opinion”).

6 63. Congress has also codified the protections of the Convention Against Torture
7 (“CAT”), prohibiting the government from removing a person to a country where they are likely
8 to face torture. *See* Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L.
9 No. 105-277, div. G, Title XXII, § 2242(a), 112 Stat. 2681, 2681-822 (1998) (codified as Note to
10 8 U.S.C. § 1231) (“It shall be the policy of the United States not to expel, extradite, or otherwise
11 effect the involuntary return of any person to a country in which there are substantial grounds for
12 believing the person would be in danger of being subjected to torture ...”).

13 64. Courts have held repeatedly that ICE may not remove a noncitizen to a country
14 that was not properly designated by an IJ if the noncitizen has a fear of persecution or torture in
15 that country. *See, e.g., Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999). Due process
16 requires meaningful notice and an opportunity to present a fear-based claim prior to deportation
17 to a third country. *See id.*; *see also Ortega v. Kaiser*, No. 25-CV-05259-JST, 2025 WL 2243616,
18 at *8 (N.D. Cal. Aug. 6, 2025); *Y.T.D. v. Andrews*, No. 1:25-CV-01100 JLT SKO, 2025 WL
19 2675760, at *1 (E.D. Cal. Sept. 18, 2025); *Viengkhone S. v. Albarran*, No. 1:25-CV-01505-KES-
20 HBK (HC), 2025 WL 3521302, at *8 (E.D. Cal. Dec. 8, 2025); *Aden v. Nielsen*, 409 F. Supp. 3d
21 998, 1004 (W.D. Wash. 2019); *D.V.D. v. U.S. Dep’t of Homeland Sec.*, 778 F. Supp. 3d 355,
22 392-93 (D. Mass. 2025) (in challenge to third country removal policy, requiring the government
23 to provide written notice and a “meaningful opportunity” to “raise a fear of return for eligibility
24 for CAT protections,” to move to reopen removal proceedings if the noncitizen demonstrates a
reasonable fear of return, and to provide a minimum of 15 days for the noncitizen to move to
reopen removal proceedings if not found to have demonstrated a reasonable fear). A “last
minute” designation of a country for removal, affording no meaningful opportunity to apply for
protection, “violate[s] a basic tenet of constitutional due process.” *Andriasian*, 180 F.3d at 1041.

CLAIMS FOR RELIEF
FIRST CAUSE OF ACTION
Procedural Due Process
U.S. Const. amend. V

65. Mr. Siripan re-alleges and incorporates herein by reference, as is set forth fully herein, the allegations in all the preceding paragraphs.

66. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.

67. Mr. Siripan has a vested liberty interest in his conditional release on an OSUP. Due Process does not permit the government to strip him of that liberty without a hearing before this Court. *See Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972); *Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025) (“[E]ven when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody”); *Yang*, 2025 WL 2791778, at *8 (determining that seven years out of custody on “supervised release, as well as petitioner’s ties to his community, strengthen petitioner’s interest in his continued release”).

68. The process afforded to Petitioner by the regulations is insufficient to protect his liberty interest, as the lack of access to counsel, notice, and a neutral adjudicator creates a heightened risk of erroneous deprivation. *Yang*, 2025 WL 2791778, at *9 (“The court therefore rejects respondents’ contention that the regulatory framework sufficiently mitigates the risk of an erroneous deprivation of petitioner’s liberty interest.”); *Phouvieng K. v. Andrews*, No. 1:25-CV-01512-KES-SAB (HC), 2025 WL 3265504, at *8 (E.D. Cal. Nov. 24, 2025) (holding that “the risk of an erroneous deprivation of liberty is high because 8 C.F.R. §§ 241.13 and 241.4 do not provide for review of ICE’s reasons for revocation by a neutral arbiter”); *Khan v. Noem*, No. 1:25-CV-01411-EPG-HC, 2025 WL 3089352, at *7 (E.D. Cal. Nov. 5, 2025) (following *Yang*). And, on the other hand, the cost of having a hearing prior to detention before a neutral adjudicator is low. *Id.*

1 69. For these reasons, Mr. Siripan’s re-arrest and detention without notice and a
2 hearing violated the Constitution. The only remedy for this violation is his immediate release
3 from immigration detention unless and until the government provides him with a hearing before
4 a neutral adjudicator. *Id.* at *10; *Phouvieng K.*, 2025 WL 3265504, at *9 (“Petitioner’s re-
5 detention without such a hearing violates the Due Process Clause”). At the hearing, the neutral
6 adjudicator must evaluate, *inter alia*, whether clear and convincing evidence demonstrates that
7 his removal is reasonably foreseeable and that, taking into consideration alternatives to detention,
8 Mr. Siripan is a danger to the community or a flight risk such that his re-incarceration is
9 warranted.

10 **SECOND CAUSE OF ACTION**
11 **Substantive Due Process**
12 **U.S. Const. amend. V**

13 70. Mr. Siripan re-alleges and incorporates herein by reference, as is set forth fully
14 herein, the allegations in all the preceding paragraphs.

15 71. The Due Process Clause of the Fifth Amendment forbids the government from
16 depriving individuals of their right to be free from unjustified deprivations of liberty. U.S. Const.
17 amend. V.

18 72. Mr. Siripan has a vested liberty interest in his conditional release on an OSUP.
19 Due Process prohibits the government from stripping him of that liberty interest unless it is
20 necessary to mitigate against the risk of flight or to protect the community from danger—the sole
21 constitutional bases for civil detention.

22 73. Since approximately 2005, Mr. Siripan has reported to ICE, thus demonstrating
23 that he is not a flight risk. Moreover, each time that he has been permitted to return for another
24 check-in date—including as recently as a few weeks ago—ICE has necessarily determined that
he does not pose a danger. Finally, there has been no change in circumstances that now renders
his removal to Thailand reasonably foreseeable, as ICE does not appear able to obtain the
required travel document. Re-arresting Mr. Siripan now would be punitive and violate his
constitutional right to be free from this unjustified deprivation of his liberty.

 74. For these reasons, Mr. Siripan’s detention violates the Constitution.

THIRD CAUSE OF ACTION
Violation of the INA and Applicable Regulations; 5 U.S.C. § 706(2)(D)

75. Mr. Siripan re-alleges and incorporates herein by reference, as if set forth fully herein, the allegations in all the preceding paragraphs.

76. The INA provides for detention during the ninety (90) day “removal period” that begins immediately after a noncitizen’s order of removal becomes final. 8 U.S.C. § 1231(a)(1). After the ninety (90) day removal period, the INA and its applicable regulations provide that detaining noncitizens is generally permissible only upon notice to the noncitizen and after an individualized determination of dangerousness and flight risk. *See* 8 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.4(d), (f), (h) & (k).

77. The revocation of Mr. Siripan’s OSUP is not in accordance with the INA and implementing regulations governing who and under what circumstances the government may lawfully revoke an OSUP. Government agencies are required to follow their own regulations. *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Nat’l Ass’n of Home Builders v. Norton*, 340 F.3d 835, 852 (9th Cir. 2003). Courts have found that when ICE fails to follow its own regulations in revoking release, the detention is unlawful and the petitioner’s release must be ordered. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025); *Rombot v. Souza*, 296 F. Supp.3d 383, 387 (D. Mass. 2017).

78. Petitioner was already detained by ICE for the 13 months immediately following the IJ’s order that he be removed to Thailand, from 2004-2005. During that time period, months longer than the 90 day removal period provided by the INA, ICE was unable to remove him. *See* 8 U.S.C. § 1231(a)(1). This failure established that there was no significant likelihood of removal over twenty years ago, and Mr. Siripan was subsequently released on an OSUP. The burden is now on the government to prove that Petitioner has a significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(i). The government has not met that burden. Petitioner’s continued detention is a violation of 8 U.S.C. § 1231(a)(6).

1 79. Petitioner also brings challenges pursuant to revocation of his order of supervision
2 under both regulations listed in the Notice of Revocation: 8 C.F.R. § 241.4 and 8 C.F.R. §
3 241.13. Exh. C.

4 80. Violation of 8 C.F.R. § 241.4(l)(2) - The regulations permit only certain officials
5 to revoke an OSUP: the ICE Executive Associate Director, a field office director, or an official
6 “delegated the function or authority . . . for a particular geographic district, region, or area.”
7 *Ceesay*, 781 F. Supp. 3d at 161 (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the
8 Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office
9 director or a delegated official intends to revoke an OSUP, they must first make findings that
10 “revocation is in the public interest and circumstances do not reasonably permit referral of the
11 case to the Executive Associate [Director].” 8 C.F.R. § 241.4(l)(2).

12 81. Petitioner’s OSUP was not revoked by the ICE Executive Associate Director. *See*
13 Exh. C, Notice of Revocation. Further, the officer who revoked the order –the field office
14 director – did not first make findings that revocation was in the public interest and that
15 circumstances did not reasonably permit referral to the Executive Associate Director. *See M.S.L.*
16 *v. Bostock*, No. 6:25-CV-01204-AA, 2025 WL 2430267, at *12 (D. Or. Aug. 21, 2025) (“In
17 cases where the local official makes the decision, rather than the Executive Associate Director of
18 ICE, they must conclude that revocation is in the public interest and that the circumstances
19 prevent referral of the case to the Executive Associate Director of ICE.”); *Ceesay*, 781 F. Supp.
20 3d at 162 (holding that the noncitizen’s release was not lawfully revoked and that he was entitled
21 to release “on that basis alone,” where there was “no evidence that [the local ICE official –
22 assistant field office director] made the findings that a district director is required to make before
23 revoking” release); *Rombot*, 296 F. Supp. 3d at 387 (concluding revocation was unlawful where
24 the Field Office Director did not make a “threshold determination,” among other errors).

 82. Violation of 8 C.F.R. § 241.4(l)(2)(i)-(iv) - Even assuming that regulations
purporting to offer additional justifications for revocation of an OSUP are not *ultra vires* or
unconstitutional, Respondents did not comply with them. Respondents could not make findings
that Petitioner’s conduct indicated that release would no longer be appropriate or that Petitioner

1 had recently violated any condition of release, because he had not. Nor could Respondents make
2 findings that the purposes of release had been served or that it was appropriate to enforce a
3 removal order, because it had yet to make final arrangements for Petitioner's removal. *See*
4 *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023 WL 7130898, at *4 (S.D.N.Y. Oct. 29,
5 2023) (concluding that the government violated the regulations that it was "appropriate to
6 enforce a removal order" where the documents only show that a "travel document appears
7 forthcoming").

8 83. Violation of 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(2) - Nor did the Respondents give
9 Petitioner notice of his detention or an opportunity to be heard. *See Hoac v. Becerra*, No. 2:25-
10 CV-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025) ("Because there is no
11 indication that an informal interview was provided to Petitioner, the court finds Petitioner is
12 likely to succeed on his claim that his re-detainment was unlawful."). Petitioner was not provided
13 notice that he would be re-detained, nor did ICE explain why they would be now successful in
14 removing Petitioner when the agency has been unable to obtain a travel document for him for
15 over two decades. Moreover, the regulation requires that Petitioner be afforded an "initial
16 informal interview promptly" after his return to custody. Petitioner has not been provided with
17 an interview, despite his return to custody over two months ago.

18 84. Violation of 8 C.F.R. § 241.13(i)(2) - The regulation provides that Respondents
19 may revoke a noncitizen's release and return them to custody "if, on account of changed
20 circumstances, the Service determines there is a significant likelihood that the [noncitizen] will
21 be removed" in the reasonably foreseeable future. "ICE's own regulations thus place the burden
22 on ICE to show changed circumstances that make removal significantly likely in the reasonably
23 foreseeable future." *Sun v. Noem*, No. 3:25-CV-02433-CAB-MMP, 2025 WL 2800037, at *2
24 (S.D. Cal. Sept. 30, 2025).

85. Respondents violated this regulation when they detained Petitioner absent
"changed circumstances." No evidence was provided to that Petitioner's removal is now
reasonably foreseeable. The Notice of Revocation of Release acknowledges that Respondents do
not have a travel document for Petitioner, stating solely that his "case is currently under review

1 with the government of Thailand for issuance of a travel document.” Exh. C, Notice of
 2 Revocation. **In fact, the Notice recognizes that Petitioner’s removal is “not imminent.”** *Id.*
 3 Moreover, Petitioner’s subsequent interactions with his deportation officers, including as
 4 recently as 10 days ago, requesting information from Petitioner suggest that whatever “review”
 5 to which they are referring is in its early stages. Various courts have determined that the
 6 government has failed to meet its burden when faced “similar threadbare evidence of changed
 7 circumstances.” *Sun*, 2025 WL 2800037, at *2; *Nguyen v. Hyde*, 788 F. Supp. 3d 144, 152 (D.
 8 Mass. 2025) (concluding that the government could not make showing of “changed
 9 circumstances” where the Notice of Revocation stated that the noncitizen’s “case is under current
 10 review by the Government of Vietnam for the issuance of a travel document”); *Hoac*, 2025 WL
 11 1993771, at *4 (“The fact that Respondents intend to complete a travel document request for
 12 Petitioner does not make it significantly likely he will be removed in the foreseeable future.”).

11 86. The revocation of Petitioner’s OSUP should be held unlawful and set aside
 12 because it was contrary to the agency’s constitutional power and not in accordance with the INA
 13 and implementing regulations.

14 **FOURTH CAUSE OF ACTION**
 15 **Procedural Due Process and APA – Unconstitutionally Inadequate Procedures Regarding**
 16 **Third Country Removal**
 17 **U.S. Const. amend. V; 5 U.S.C. § 706(2)(D)**

18 87. Mr. Siripan re-alleges and incorporates herein by reference, as if set forth fully
 19 herein, the allegations in all the preceding paragraphs.

20 88. The Due Process Clause of the Fifth Amendment requires sufficient notice and an
 21 opportunity to be heard prior to the deprivation of any protected rights. U.S. Const. amend. V;
 22 *see also Louisiana Pacific Corp. v. Beazer Materials & Services, Inc.*, 842 F.Supp. 1243, 1252
 23 (E.D. Cal. 1994) (“[D]ue process requires that government action falling within the clause's
 24 mandate may only be taken where there is notice and an opportunity for hearing.”).

89. The INA, FARRA, and their implementing regulations further mandate
 meaningful notice and opportunity to present a fear-based claim to an IJ before ICE deports a
 person to a third country.

1 90. Mr. Siripan has a due process right to meaningful notice and an opportunity to
2 present a fear-based claim to an IJ before DHS deports him to a third country. *See, e.g., Aden v.*
3 *Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019). He also has a due process right to
4 implementation of a process or procedure to afford these protections. *See, e.g., McNary v.*
5 *Haitian Refugee Ctr., Inc.*, 498 U.S. 479, 491 (1991). Mr. Siripan further has a due process right
6 to not be re-detained because Respondents have no procedural protections to ensure meaningful
7 notice and an opportunity to present a fear-based claim prior to removal to a third country.
8 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Administrative Procedure Act likewise
9 compels a reviewing court to “hold unlawful and set aside agency action, findings, and
10 conclusions found to be . . . without observance of procedure required by law.” 5 U.S.C. §
11 706(2)(D).

12 91. Mr. Siripan also has a protected liberty interest in his life. Thus, prior to any third
13 country removal, he must be provided with constitutionally compliant notice and an opportunity
14 to respond and contest that removal if he has a fear of persecution or torture in that country.

15 92. For these reasons, Mr. Siripan’s removal to any third country without adequate
16 notice and an opportunity to apply for relief under the Convention Against Torture would violate
17 his due process rights. The only remedy for this violation is for this Court to order that he not be
18 summarily removed to any third country unless and until he is provided constitutionally adequate
19 procedures.

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PRAYER FOR RELIEF

WHEREFORE, the Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Order the immediate release of Petitioner from DHS custody on the conditions of his prior OSUP;
- (3) Enjoin ICE from re-arresting Petitioner unless and until a hearing can be held before a neutral adjudicator to determine whether his re-incarceration would be lawful because the government has shown that his removal is reasonably foreseeable and that circumstances have materially changed such that his re-detention would be justified;
 - i. At any such hearing, the Court must consider whether, in lieu of detention for removal, alternatives exist to mitigate any risk that DHS may establish;
- (4) Declare that Petitioner cannot be re-arrested unless and until he is afforded a hearing on the question of whether his re-incarceration would be lawful, as set forth above;
- (5) Order that Mr. Siripan cannot be removed to any third country without first being provided constitutionally compliant procedures, including:
 - a. Written notice to Mr. Siripan and counsel of the third country to which he is to be removed, in English, provided at least twenty-one (21) days before any such removal;
 - b. A meaningful opportunity for Mr. Siripan to raise a fear of return for eligibility for protection under the Convention Against Torture, including a reasonable fear interview before a DHS officer with the assistance of counsel;

- 1 c. If Mr. Siripan demonstrates a reasonable fear during the interview,
2 DHS must move to reopen his underlying removal proceedings so that
3 he may apply for relief under the Convention Against Torture;
4 (6) If it is found that Mr. Siripan does not demonstrate a reasonable fear during
5 the interview, a meaningful opportunity, and a minimum of sixty (60) days,
6 for Mr. Siripan to seek to move to reopen his underlying removal
7 proceedings to challenge potential third country removal;
8 (7) Award reasonable costs and attorney's fees; and
9 (8) Grant such further relief as the Court deems just and proper.

10 Dated: December 18, 2025

Respectfully submitted,

11 /s/Kelsey Morales

Kelsey Morales

12 *Attorney for Petitioner*

13
14 **VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

15 I, Kelsey Morales, am submitting this verification on behalf of the Petitioner because I
16 Petitioner's attorney. I have discussed with the Petitioner the events described in the Petition.
17 Based on those discussions, I hereby verify that the factual statements made in the attached
18 Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

19 Executed on December 18, 2025, at Oakland, California.

20 /s/Kelsey Morales

21 Kelsey Morales

22 Attorney for Petitioner