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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BOVIN OKOTH MARCO Plaintiff, vs. POLLY KAISER, Acting Field Office Director of the San Francisco Immigration and Customs Enforcement Office; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the United States Department of Homeland Security, PAMELA BONDI, Attorney General of the United States, acting in their official capacities, Defendant	Case No.: **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)**

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. INTRODUCTION

1. Petitioner Bovin Okoth Marco ("Petitioner") brings this petition for a writ of habeas corpus under 28 U.S.C. § 2241 to challenge his ongoing, unlawful civil immigration detention by the Department of Homeland Security ("DHS") and its component agency, U.S. Immigration and Customs Enforcement ("ICE").

2. Petitioner has been re-detained without prior notice, without a pre-deprivation hearing, and without an individualized custody determination, despite having lived peacefully in the United States for more than two decades, complying with all prior ICE supervision requirements, and actively pursuing lawful immigration relief.

3. Petitioner's detention violates the Fifth Amendment's guarantees of substantive and procedural due process, exceeds statutory authority under the Immigration and Nationality Act ("INA"), and is an arbitrary and capricious agency action in violation of the Administrative Procedure Act ("APA").

4. This petition does not challenge the validity of any removal order. It challenges only the legality of Petitioner's present detention and ICE's failure to provide constitutionally required process before depriving him of liberty.

5. Absent immediate judicial intervention, Petitioner will continue to suffer irreparable harm from unconstitutional confinement, separation from his U.S.-citizen spouse, and impairment of his ability to meaningfully participate in his immigration proceedings.

II. JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. § 2241, which authorizes federal courts to grant habeas relief to individuals held "in custody in violation of the Constitution or laws or treaties of the United States."

7. Jurisdiction also exists under 28 U.S.C. § 1331, the Suspension Clause of the U.S. Constitution (Art. I, § 9, cl. 2), the Fifth Amendment, and the Administrative Procedure Act, 5 U.S.C. §§ 701–706.

8. The jurisdiction-channeling provisions of 8 U.S.C. § 1252 do not bar this action because Petitioner does not seek review of a removal order; he challenges only the fact and conditions of his detention, which remain squarely reviewable in district court. *See* Zadvydas v. Davis, 533 U.S. 678, 687–88 (2001); Jennings v. Rodriguez, 138 S. Ct. 830, 839–42 (2018); Nadarajah v. Gonzales, 443 F.3d 1069, 1075–76 (9th Cir. 2006).

9. The Suspension Clause independently guarantees access to habeas relief where, as here, executive detention lacks adequate legal justification or procedural safeguards.

III. VENUE

10. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Petitioner's claims occurred in this District, including Petitioner's arrest by ICE officers at the USCIS facility located at 630 Sansome Street, San Francisco, California, during a scheduled I-130/I-485 interview on December 12, 2025.

11. To the extent venue principles applicable to actions against federal officers apply, venue is also proper under 28 U.S.C. § 1391(e). See *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973)

IV. PARTIES

12. Petitioner is Bovin Okoth Marco, [redacted], a native and citizen of Kenya, currently detained by ICE at California City Detention Facility.

13. Respondent Polly Kaiser is the Acting Field Office Director of ICE Enforcement and Removal Operations ("ERO") for the San Francisco Field Office, which directed or authorized Petitioner's detention.

14. Respondent Todd M. Lyons is the Acting Director of ICE and is responsible for nationwide detention policies affecting Petitioner.

15. Respondent Kristi Noem, as Secretary of Homeland Security, exercises ultimate authority over DHS and ICE.

16. Respondent Pamela Bondi, as Attorney General of the United States, oversees federal immigration enforcement and EOIR.

17. All Respondents are sued in their official capacities.

V. COUNSEL

19. Petitioner is represented by:

ALIEU M. ISCANDARI, ESQ.

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VI. FACTUAL BACKGROUND

A. Petitioner's Entry, Immigration History, and Long-Term Residence

20. Petitioner Bovin Okoth Marco is a native and citizen of Kenya, [redacted]

21. Petitioner lawfully entered the United States on or about April 10, 2001, pursuant to an F-1 student visa, to attend Heald College.

22. Although Petitioner's authorized period of stay expired on or about February 2006, Petitioner has continuously resided in the United States since his initial entry, without departure, for more than twenty-three (23) years.

23. During this extended period, Petitioner has established deep roots in the United States, including family ties, stable residence, employment, and substantial community involvement.

24. On or about December 2025, the Department of Homeland Security issued Petitioner a Notice to Appear (Form I-862) charging him as removable under INA § 237(a)(1)(B) for remaining in the United States beyond the authorized period of admission.

25. Petitioner does not dispute the factual allegations contained in the Notice to Appear and is actively pursuing lawful relief from removal through the immigration court process.

B. Family Unity and Community Ties

26. Petitioner is married to a United States citizen spouse, Carol Munene, with whom he shares a long-standing marital relationship.

27. Petitioner and his spouse reside together at [redacted], which has served as Petitioner's stable and continuous residence for many years.

28. Petitioner's detention has caused significant hardship to his spouse, disrupting their family life, emotional well-being, and household stability.

29. Petitioner has also developed extensive community ties, including long-term friendships, professional relationships, and involvement in local organizations.

30. Notably, Petitioner has dedicated substantial time and effort to community service and mentorship, including work with The Brothers & Sisters BarberCosmo Academy, where he assists youth, individuals reentering society after incarceration, and members of the unhoused community by helping them acquire vocational skills and lawful pathways to stability.

C. Criminal History and Rehabilitation

31. Petitioners' criminal history consists solely of three misdemeanor DUI convictions, all occurring more than twelve (12) years ago.

32. None of these offenses involved violence, injury to others, controlled substances, or aggravated felony conduct.

33. Petitioner fully accepted responsibility for these offenses at the time they occurred, completed all court-ordered programs, complied with all sentencing requirements, and addressed the underlying issues that led to the convictions.

34. For more than a decade since his last conviction, Petitioner has maintained a clean criminal record, lived a law-abiding life, and demonstrated sustained rehabilitation and personal growth.

35. DHS has never alleged that Petitioner poses a present danger to the community.

D. Prior Supervision, Compliance, and Conditional Liberty

36. Prior to his current detention, Petitioner was not in ICE custody and was living in the community pursuant to ICE supervision requirements, including reporting and check-in obligations.

37. Petitioner fully complied with all ICE reporting requirements, appeared at all scheduled check-ins, and never attempted to evade immigration authorities.

38. At no time did ICE accuse Petitioner of violating the terms of supervision, failing to appear, or engaging in conduct suggesting a risk of flight or danger.

39. Through ICE's decision to permit Petitioner to remain in the community subject to supervision, the government recognized and conferred a form of conditional liberty, which Petitioner relied upon in structuring his family life, employment, and community commitments.

E. Abrupt Re-Detention Without Notice or Hearing

40. In or around December 2025, Petitioner was taken into ICE custody during a routine interaction, without prior notice that his liberty would be revoked.

41. ICE provided no advance written notice, no explanation of the basis for detention, and no opportunity for Petitioner to contest the detention before a neutral decisionmaker.

42. Petitioner was immediately transferred to California City Detention Facility, where he remains confined.

43. DHS did not provide Petitioner with a pre-deprivation hearing, individualized custody determination, or any procedural safeguards before depriving him of his liberty.

44. The re-detention occurred despite Petitioner's longstanding compliance, absence of recent criminal history, strong family ties, and ongoing pursuit of lawful immigration relief.

F. Conditions of Detention and Barriers to Meaningful Participation

45. Since being detained, Petitioner has faced significant barriers to accessing legal materials, legal assistance, and meaningful communication with counsel and family.

46. Access to the law library is limited, legal resources are constrained, and communication is subject to institutional restrictions.

47. These conditions materially impair Petitioner's ability to prepare filings, gather evidence, and meaningfully participate in his immigration proceedings and in challenging his detention.

48. Continued detention therefore inflicts ongoing and irreparable harm, not only through the loss of liberty, but also by undermining Petitioner's ability to exercise his legal rights.

G. Ongoing Harm and Need for Immediate Judicial Intervention

49. Petitioner remains detained despite posing no danger to the community and no risk of flight, and despite having lived peacefully and productively in the United States for more than two decades.

50. Each additional day of detention causes irreparable injury to Petitioner and his U.S.-citizen spouse, disrupts family unity, and deprives Petitioner of constitutionally protected liberty without adequate due process.

51. Absent intervention by this Court, Petitioner will continue to suffer unconstitutional confinement without the procedural protections required by the Fifth Amendment.

EXHAUSTION OF REMEDIES, RIPENESS, AND IRREPARABLE HARM

VII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

52. Petitioner brings this habeas action under 28 U.S.C. § 2241 to challenge the lawfulness of his present civil detention, not the merits of any removal order.

53. The statutory exhaustion requirement set forth in 8 U.S.C. § 1252(d)(1) applies to petitions for review of final orders of removal filed in the courts of appeals; it does not bar district court habeas review of unconstitutional or ultra vires immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001); *Jennings v. Rodriguez*, 138 S. Ct. 830, 839–42 (2018).

54. To the extent any prudential exhaustion doctrine could apply, exhaustion is not required where administrative remedies are inadequate, futile, or incapable of providing the relief sought, or where irreparable harm would result from delay. *See McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992).

55. Here, Petitioner lacks any adequate administrative mechanism to obtain the relief sought in this action—namely, immediate release from unconstitutional detention or, at minimum, a constitutionally adequate custody hearing preceded by notice and an opportunity to be heard.

56. ICE custody determinations under post-arrest detention frameworks are made internally by the agency, without guaranteed access to an Immigration Judge, without adversarial procedures, and without any meaningful opportunity to compel compliance with constitutional requirements.

57. Any discretionary post-detention custody review conducted by ICE is after-the-fact, non-adversarial, and incapable of curing the absence of pre-deprivation process, which is the core constitutional violation challenged here.

58. Accordingly, exhaustion is excused because no administrative process exists that can adjudicate or remedy Petitioner's Fifth Amendment claims.

VIII. RIPENESS

59. Petitioner's claims are ripe for judicial review.

60. Petitioner is currently detained by the Respondents at California City Detention Facility. His injury—the deprivation of liberty without constitutionally adequate process—is ongoing, concrete, and not speculative.

61. The legal issues presented are purely legal and constitutional in nature and do not depend on further factual development by the agency.

62. Delaying review would not clarify the issues but would instead prolong unconstitutional confinement and compound irreparable harm.

63. Courts routinely recognize that challenges to ongoing immigration detention are ripe at the moment detention occurs without required procedural safeguards. *See Zadvydas,* 533 U.S. at 688; *Nadarajah,* 443 F.3d at 1075–76.

IX. IRREPARABLE HARM

64. Petitioners suffer irreparable harm each day he remains unlawfully detained.

65. The loss of physical liberty constitutes irreparable injury as a matter of law. *See Elrod v. Burns,* 427 U.S. 347, 373 (1976).

66. Petitioner's detention has also caused severe emotional, psychological, and financial harm to both Petitioner and his U.S.-citizen spouse, disrupting family unity and household stability.

67. Continued detention interferes with Petitioner's ability to consult meaningfully with counsel, gather evidence, prepare filings, and participate effectively in his immigration proceedings.

68. No later remedy—monetary or otherwise—can restore the liberty lost during unlawful detention or undo the disruption to Petitioner's family life.

69. Because the injury is ongoing and cannot be remedied retroactively, immediate judicial intervention is required.

X. APPROPRIATENESS OF HABEAS RELIEF

70. Habeas corpus is the traditional and appropriate vehicle to challenge unlawful executive detention. *See Preiser v. Rodriguez,* 411 U.S. 475, 484–85 (1973).

71. This Court has the authority to order immediate release, or alternatively, to require the government to provide a constitutionally adequate custody hearing with appropriate procedural protections and burdens of proof.

72. Absent such relief, Petitioner will remain subject to indefinite detention without due process, in violation of the Constitution and governing law.

XI. HABEAS REVIEW OF IMMIGRATION DETENTION

73. Federal courts retain authority under 28 U.S.C. § 2241 to review the legality of executive detention, including civil immigration custody, where the petitioner challenges the fact or duration of detention rather than the validity of a removal order.

74. The Supreme Court has repeatedly confirmed that habeas jurisdiction extends to immigration detention claims.
See Zadvydas v. Davis, 533 U.S. 678, 687–88 (2001); *Demore v. Kim,* 538 U.S. 510, 516–17 (2003); *Jennings v. Rodriguez,* 138 S. Ct. 830, 839–42 (2018).

75. The jurisdiction-channeling provisions of 8 U.S.C. § 1252 do not eliminate district court habeas jurisdiction over detention-only challenges that do not seek review of a final order of removal.
See Nadarajah v. Gonzales, 443 F.3d 1069, 1075–76 (9th Cir. 2006).

XII. STATUTORY FRAMEWORK GOVERNING PETITIONER'S DETENTION

A. INA § 236(a): Pre-Final-Order Discretionary Detention

76. Where removal proceedings are pending and no final order has issued, DHS's detention authority arises under INA § 236(a), 8 U.S.C. § 1226(a).

77. Section 236(a) authorizes discretionary detention but expressly contemplates release on bond or conditional parole, subject to individualized assessment of danger and flight risk.

78. Petitioner is detained under § 236(a). He is not subject to mandatory detention under INA § 236(c) because his criminal history does not fall within any enumerated mandatory-detention category.

79. Under longstanding BIA precedent, including *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006), detention under § 236(a) requires an individualized custody determination based on danger and flight risk, taking into account the respondent's family ties, length of residence, criminal history, rehabilitation, and equities.

B. Conditional Liberty and Re-Detention

80. When DHS elects to release a noncitizen into the community subject to supervision, it creates a protected interest in conditional liberty.

81. The Supreme Court has recognized that conditional liberty—such as parole or supervised release—cannot be revoked arbitrarily and triggers due process protections. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Gagnon v. Scarpelli,* 411 U.S. 778, 781–82 (1973).

82. These principles apply with particular force where, as here, the government abruptly revokes conditional liberty after a prolonged period of compliance and imposes physical confinement.

83. Re-detention without notice or an opportunity to be heard constitutes a serious deprivation of liberty requiring constitutionally adequate procedures.

XIIII. FIFTH AMENDMENT DUE PROCESS LIMITS ON IMMIGRATION DETENTION

A. Substantive Due Process

84. The Due Process Clause of the Fifth Amendment applies to all "persons" within the United States, including noncitizens, and protects against arbitrary deprivation of liberty. *See Zadvydas,* 533 U.S. at 693–94.

85. Immigration detention is constitutionally permissible only when it bears a reasonable relation to a legitimate governmental purpose, such as ensuring appearance at proceedings or protecting the community.

Id. at 690.

86. Detention that is excessive in relation to those purposes, or imposed without individualized justification, violates substantive due process.

87. Where a noncitizen has demonstrated long-term compliance, rehabilitation, and strong ties, continued detention without individualized justification becomes punitive in effect and constitutionally impermissible.

See Demore, 538 U.S. at 532–33 (Kennedy, J., concurring).

B. Procedural Due Process

88. Procedural due process requires that, before the government deprives an individual of liberty, it must provide **notice and a meaningful opportunity to be heard** before a neutral decisionmaker.

See Mathews v. Eldridge, 424 U.S. 319, 333–35 (1976).

89. The adequacy of procedures is assessed by balancing:

- the private interest affected;
- the risk of erroneous deprivation under existing procedures and the value of additional safeguards; and
- the government's interest.

Id.

90. The private interest in freedom from physical detention is at the core of the liberty protected by the Fifth Amendment.
See Zadvydas, 533 U.S. at 690.

91. Where DHS detains or re-detains an individual without advance notice, explanation, or hearing, the risk of erroneous deprivation is unacceptably high.

92. Courts within the Ninth Circuit have repeatedly required individualized custody determinations and meaningful procedural protections in immigration detention contexts. *See Hernandez v. Sessions*, 872 F.3d 976, 990–92 (9th Cir. 2017); *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011).

XIV. LIMITS ON EXECUTIVE DETENTION AND PROLONGED CONFINEMENT

93. Even where detention is initially authorized, it may not continue indefinitely without adequate justification.

94. In *Zadvydas, the* Supreme Court held that civil immigration detention becomes constitutionally suspect when removal is not reasonably foreseeable and detention lacks

sufficient procedural protections.

533 U.S. at 701.

95. While Petitioner challenges detention under § 236(a), the constitutional principles articulated in *Zadvydas* underscore the broader rule that civil detention without adequate justification and process violates due process.

96. The Constitution does not permit DHS to rely on categorical enforcement practices or internal policy preferences to deprive individuals of liberty without individualized assessment.

XV. ALL WRITS ACT AND EQUITABLE POWERS

97. This Court possesses authority under the All Writs Act, 28 U.S.C. § 1651(a) and Federal Rule of Civil Procedure 65 to issue orders necessary to preserve its jurisdiction and prevent irreparable harm.

98. Where a petitioner faces ongoing unconstitutional detention, courts may order immediate release, impose procedural requirements, or enjoin further detention absent compliance with constitutional standards.

See Nken v. Holder, 556 U.S. 418, 434–35 (2009); *Winter v. NRDC,* 555 U.S. 7, 20–24 (2008).

CLAIMS FOR RELIEF

XVI. FIRST CLAIM FOR RELIEF

(Violation of the Fifth Amendment – Substantive Due Process)

(Unlawful Civil Detention)

99. Petitioner realleges and incorporates by reference paragraphs 1 through 98 as though fully set forth herein.

100. The Fifth Amendment's Due Process Clause protects all persons within the United States from arbitrary deprivation of liberty.

101. Freedom from physical detention lies at the core of the liberty protected by the Due Process Clause.

See Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

102. Immigration detention is constitutionally permissible only when it bears a reasonable relation to a legitimate governmental purpose, such as preventing flight or protecting the community.

103. Petitioner poses no danger to the community and no risk of flight, as evidenced by his long-term residence, family ties, decade-long law-abiding conduct, full compliance with ICE supervision, and active pursuit of lawful immigration relief.

104. Respondents have detained Petitioner without individualized justification, relying instead on categorical enforcement practices and outdated criminal history that bears no reasonable relationship to present danger or flight risk.

105. As applied to Petitioner, continued detention is excessive, punitive in effect, and arbitrary, and therefore violates substantive due process.

106. Respondents' actions constitute an unconstitutional deprivation of liberty in violation of the Fifth Amendment.

XVII. SECOND CLAIM FOR RELIEF

(Violation of the Fifth Amendment – Procedural Due Process)

(Detention Without Notice or Hearing)

107. Petitioner realleges and incorporates by reference paragraphs 1 through 98.

108. Procedural due process requires that the government provide notice and a meaningful opportunity to be heard before depriving a person of liberty. *See Mathews v. Eldridge,* 424 U.S. 319, 333–35 (1976).

109. Where the government revokes previously granted conditional liberty, due process protections are particularly robust. *See Morrissey v. Brewer,* 408 U.S. 471, 482–83 (1972).

110. Petitioner was re-detained without advance notice, without explanation, and without any pre-deprivation hearing before a neutral decisionmaker.

111. DHS provided no meaningful procedural mechanism by which Petitioner could contest the basis for detention or present evidence of rehabilitation, family ties, or compliance.

112. The absence of procedural safeguards created an unacceptably high risk of erroneous deprivation of liberty.

113. Respondents' failure to provide notice and a hearing violates Petitioner's procedural due process rights under the Fifth Amendment.

XVIII. THIRD CLAIM FOR RELIEF

(Detention in Excess of Statutory Authority – INA § 236(a))

114. Petitioner realleges and incorporates by reference paragraphs 1 through 98.

115. Petitioner is detained under INA § 236(a), which authorizes discretionary detention subject to release on bond or conditional parole following an individualized custody determination.

116. Respondents failed to conduct a lawful, individualized custody determination consistent with Matter of Guerra, 24 I&N Dec. 37 (BIA 2006).

117. By detaining Petitioner without a meaningful evaluation of danger or flight risk—and without providing access to a constitutionally adequate bond process—Respondents exceeded the scope of their statutory authority.

118. Detention imposed in excess of statutory authority is unlawful and subject to habeas relief under 28 U.S.C. § 2241.

XIX. FOURTH CLAIM FOR RELIEF

(Arbitrary and Capricious Agency Action – Administrative Procedure Act)

(5 U.S.C. § 706(2)(A))

119. Petitioner re-alleges and incorporates by reference paragraphs 1 through 98.

120. The Administrative Procedure Act prohibits agency action that is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. *See* 5 U.S.C. § 706(2)(A).

121. Respondents' decision to detain Petitioner without notice, explanation, or individualized analysis represents a dramatic departure from settled agency practice and lacks reasoned decision-making.

122. Respondents failed to consider relevant factors, including Petitioner's rehabilitation, compliance history, family unity, and pending immigration relief.

123. Respondents relied on impermissible considerations and failed to articulate a rational connection between the facts found and the detention imposed.

124. The detention of Petitioner therefore constitutes final agency action that is arbitrary and capricious in violation of the APA.

XX. FIFTH CLAIM FOR RELIEF

(Unlawful Executive Detention – Habeas Relief Under 28 U.S.C. § 2241)

125. Petitioner re-alleges and incorporates by reference paragraphs 1 through 98.

126. Petitioner is "in custody" within the meaning of 28 U.S.C. § 2241.

127. That custody is unlawful because it violates the Constitution, exceeds statutory authority, and was imposed without required procedural safeguards.

128. Habeas relief is necessary and appropriate to remedy Respondents' ongoing violations and to restore Petitioner's liberty.

PRAYER FOR RELIEF, INJUNCTIVE RELIEF, AND VERIFICATION

XXI. PRAYER FOR RELIEF

WHEREFORE, Petitioner **Bovin Okoth Marco** respectfully requests that this Honorable Court:

A. **Assume jurisdiction** over this action pursuant to 28 U.S.C. § 2241 and the Constitution of the United States;

B. **Issue a writ of habeas corpus** declaring that Petitioner's detention violates the Fifth Amendment and the laws of the United States;

C. **Order Petitioner's immediate release from ICE custody**, or in the alternative, order Respondents to provide a **prompt, constitutionally adequate custody hearing** before a neutral decisionmaker at which the Government bears the burden of proving, by **clear and convincing evidence**, that Petitioner's continued detention is justified;

D. **Enjoin Respondents** from re-detaining Petitioner absent compliance with constitutional requirements, including advance notice and a meaningful opportunity to be heard;

E. **Enjoin Respondents from transferring Petitioner** outside the Central District of California during the pendency of these proceedings without prior notice to the Court and Petitioner's counsel;

F. **Grant temporary, preliminary, and permanent injunctive relief** as necessary to prevent irreparable harm and preserve this Court's jurisdiction;

G. **Award costs and reasonable attorneys' fees** pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority;

H. **Grant such other and further relief** as the Court deems just and proper.

XXII. TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

129. Petitioner faces ongoing irreparable harm from unconstitutional detention.

130. Petitioner has demonstrated a likelihood of success on the merits of his claims, irreparable injury absent relief, that the balance of equities tips sharply in his favor, and that injunctive relief serves the public interest.
See Winter v. NRDC, 555 U.S. 7, 20 (2008).

131. Accordingly, Petitioner respectfully requests that the Court issue a **Temporary Restraining Order and/or Preliminary Injunction** prohibiting Respondents from:

a. Continuing to detain Petitioner without constitutionally adequate process;

b. Removing Petitioner from the Central District of California; or

c. Transferring Petitioner in a manner that would frustrate this Court's jurisdiction.

XXIII. VERIFICATION

(28 U.S.C. §§ 2242 and 1746)

I, Carol Munene, declare under penalty of perjury under the laws of the United States that:

132. I am the lawful spouse of Bovin Okoth Marco, [redacted] the Petitioner in this action.

133. Petitioner is currently detained by U.S. Immigration and Customs Enforcement, which substantially limits his ability to prepare, review, and verify pleadings on his own behalf.

134. I have reviewed the foregoing Verified Petition for Writ of Habeas Corpus and the application to which this verification is attached.

135. The factual allegations contained therein are true and correct to the best of my personal knowledge, and where stated on information and belief, are believed to be true based on my relationship with Petitioner, my firsthand observations, and communications with counsel.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on this 17th day of December 2025, at Oakland, California.

/S/Carol Munene
Carol Munene
Spouse and Next Friend of Petitioner
Bovin Okoth Marco

Respectfully submitted,
/s/ Alieu M. Iscandari
ALIEU M. ISCANDARI, ESQ.
Attorney for Petitioner
Iscandari & Associates

DECLARATION OF CAROL MUNENE

I, Carol Munene, declare:

1. **Identity and relationship.**

   I am a United States citizen and the lawful spouse of Bovin Okoth Marco, [redacted] ("Petitioner"). I make this declaration based on my personal knowledge and firsthand observations. If called as a witness, I could competently testify to the matters stated herein.

2. **Marriage-based petition and representation by counsel.**

   I am the petitioning spouse in my husband's Form I-130, Petition for Alien Relative, and we were also pursuing adjustment of status through Form I-485. Prior to the events described below, my husband and I were represented by Alieu M. Iscandari, Esq. in connection with our marriage-based immigration filings and proceedings before U.S. Citizenship and Immigration Services ("USCIS").

3. **Scheduled I-130/I-485 interview on December 12, 2025.**

   On December 12, 2025, I appeared at USCIS for a scheduled marriage-based I-130/I-485 green card interview that I had petitioned for as my husband's spouse. The interview took place at the USCIS office located at 5th Floor, 630 Sansome Street, Room 590, San Francisco, California 94111. We arrived at approximately 9:30 a.m.

4. **Separation during the interview process.**

   As part of the interview process, I was placed in a separate room, while my husband remained with our counsel, Alieu M. Iscandari, Esq. I understood this to be part of the normal USCIS interview procedure.

5. **Arrest of my husband during the interview process.**

While I was in a separate room, and without any prior warning to me, my husband was taken into custody by immigration authorities at approximately 11:00 a.m. I did not witness the physical moment of the arrest because I was not in the same room, but I became aware that my husband had been detained while we were still at the USCIS facility.

6. **Presence of counsel at the time of arrest.**

I understand, based on what occurred at the USCIS office and my immediate communications afterward, that our counsel, Alieu M. Iscandari, Esq., was present with my husband at the time he was taken into custody.

7. **No advance notice or warning.**

To my knowledge, neither my husband nor I received any advance notice that he would be arrested or detained at or in connection with the scheduled I-130/I-485 interview. We appeared at USCIS in good faith, believing we were complying with all immigration requirements related to our marriage-based green card application.

8. **Sudden and unexpected nature of the arrest.**

My husband's detention was sudden and unexpected. The interview was scheduled as part of our effort to lawfully adjust his status. There was no indication before or during the interview process that his liberty would be taken that day.

9. **Compliance and conduct.**

Based on my personal knowledge as his spouse, my husband has consistently complied with immigration requirements, attended appointments as scheduled, and followed instructions from immigration authorities. He has lived peacefully in the community with me for many years and has never attempted to evade immigration officials.

10. **Impact on our family.**

My husband's arrest caused immediate emotional distress and shock. We were abruptly separated during what was supposed to be a marriage-based green card interview. His detention has caused significant emotional hardship and disruption to our family life.

11. **Detention and limited communication.**

After his arrest, I learned that my husband was transferred to California City Detention Facility. Since his detention, communication with him has been limited, and his ability to access legal materials and meaningfully participate in his immigration case has been restricted.

12. **Purpose of this declaration.**

I submit this declaration in support of my husband's Verified Petition for Writ of Habeas Corpus to document the circumstances surrounding his arrest during a scheduled I-130/I-485 interview, the lack of advance notice, and the harm caused to our family by his detention.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of December 2025, at Oakland, California.

/S/Carol Munene
Carol Munene
Spouse and Next Friend of Petitioner
Bovin Okoth Marco