

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

NITA ASWINKUMAR PATEL,

and RIYABEN PATEL,

Petitioners,

Case No. _____

v.

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS**

ORAL ARGUMENT REQUESTED

[NAME], Field Office Director,
U.S. Immigration and Customs Enforcement,
Phoenix Field Office, in their official capacity;
KRISTI NOEM, Secretary, U.S. Department of Homeland Security;
PAMELA BONDI, Attorney General of the United States, et al.,

Respondents.

INTRODUCTION

1. This Petition challenges Petitioners' continued detention at Eloy Detention Center following a final grant of withholding of removal under the Convention Against Torture ("CAT"), in violation of the Fifth Amendment's Due Process Clause and binding Ninth Circuit precedent.
2. Petitioners are citizens of India who have been detained continuously at Eloy Detention Center since December 31, 2024, following their apprehension and placement in removal proceedings.
3. On November 24, 2025, the Immigration Court in Eloy, Arizona issued an Amended Order of the Immigration Judge granting Petitioners withholding of removal under the Convention Against Torture, conclusively determining that Petitioners cannot be removed to India because they would more likely than not face torture.

4. Both parties waived appeal, rendering the CAT grant administratively final.
5. Despite this final protection from removal, Petitioners remain detained more than one month after the CAT grant, without release, parole, or any individualized custody hearing.
6. Petitioners' continued detention is no longer reasonably related to removal, serves no legitimate regulatory purpose, and has become punitive, in violation of the court's findings in *Zadvydas v. Davis*, 533 U.S. 678 (2001) in which the district court held that the Constitution forbids post-removal-period detention unless there is a realistic chance that the alien will be removed.
7. In this case, the Petitioners were not ordered removed, but were granted withholding of removal under CAT - and there removal to a "third country" is not realistic and results in an unjustified indefinite detention in ICE custody.

JURISDICTION

8. This Court has jurisdiction pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the Suspension Clause of the United States Constitution.
9. Petitioner is "in custody" within this District for purposes of habeas review.
10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue is proper in the District of Arizona because Petitioners are detained at Eloy Detention Center, and Respondent exercises immediate custodial authority in this District.
12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part

of the events or omissions giving rise to the claims and relevant facts occurred in this District.

PARTIES

13. Petitioners Nita Aswinkumar Patel and Riyaben Patel are citizens of India and are currently detained at Eloy Detention Center under ICE custody. They have been detained since December 31, 2024.
14. Respondent [NAME] is the Field Office Director of ICE's Phoenix Field Office and Petitioners' immediate custodian. ICE's current official Phoenix field office page does not list the director's name publicly, but was once John E. Cantu as of October 2025.
15. Respondent Kristi Noem is the Secretary of the Department of Homeland Security and oversees ICE. She is responsible for the implementation and enforcement of the INA which is responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
16. Respondent Pamela Bondi is the Attorney General of the United States and oversees the Executive Office for Immigration Review ("EOIR") and the immigration system it operates is a component agency. She is sued in her official capacity.

FACTS

A. Entry, Detention, and Credible Fear

17. Petitioner entered the United States on or about December 31, 2024, and were apprehended inland in Arizona and were immediately detained.
18. DHS issued Notices to Appear charging Petitioners as noncitizens present without admission or parole under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I).

19. An asylum officer found Petitioners credible, determined they had demonstrated a credible fear of torture, and referred their case to Immigration Court.

B. Final Grant of CAT Withholding

20. After a full merits proceeding, the Immigration Judge issued an Amended Order on November 24, 2025, granting:
- Withholding of Removal under the Convention Against Torture to Nita Patel, and
 - Derivative protection to Riyaben Patel.
21. DHS waived appeal, rendering the CAT grant final.
22. Petitioners have now been detained for nearly a year without any individualized custody determination.

C. Continued Detention Without Process

23. Despite the final CAT grant, ICE has continued to detain Petitioners at Eloy Detention Center.
24. ICE has not:
- Released Petitioners under supervision;
 - Granted parole; or
 - Provided any custody redetermination hearing.
25. ICE has not identified any third country willing to accept Petitioners, nor articulated any timeline for removal.
26. Petitioners' detention now exceeds one month post-CAT grant, with no foreseeable endpoint.

LEGAL FRAMEWORK

A. Prolonged Detention Without a Bond Hearing Violates Due Process

27. Freedom from physical restraint lies at the core of the liberty protected by the Fifth Amendment.
28. Civil immigration detention must bear a reasonable relation to its regulatory purpose and must include adequate procedural safeguards.
29. Prolonged detention without a bond hearing at which the government bears the burden of proof violates due process.
30. Here, Petitioners have been detained for over eleven months without a constitutionally adequate bond hearing.

B. Detention Has Become Punitive

31. Petitioners' continued detention serves no legitimate regulatory purpose and has become punitive in nature, in violation of substantive due process. *Zadvydas v. Davis*, 533 U.S. at 690 (2001).

C. Detention Must Bear a Reasonable Relation to Removal

32. Civil immigration detention is constitutional only so long as it is reasonable related to its regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
33. When removal is no longer reasonably foreseeable, continued detention violates due process. *Id.* At 699.
34. A final grant of CAT withholding forecloses removal to the designated country and fundamentally alters the government's detention authority.

CLAIMS FOR RELIEF

COUNT I

Prolonged Detention in Violation of the Fifth Amendment

35. Petitioners' continued detention without a meaningful bond hearing violates the Fifth Amendment because it is no longer reasonably related to removal.

COUNT II

Procedural Due Process Violation

36. Petitioners are entitled, at minimum, to a custody hearing at which the government bears the burden of proving that continued detention is justified.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus ordering Petitioners' immediate release or, in the alternative,
- c. Order Respondents to provide Petitioner with a constitutionally adequate bond hearing within (3) three days, at which the government bears the burden of proof;
- d. Enjoin Respondents from transferring Petitioner outside this District; and
- e. Grant any other relief this Court deems just and proper.

Dated: December 26, 2025

Respectfully submitted,

/s/ Angel A. Raymond

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioners' attorney. I have either independently confirmed the events described in this Petition and Complaint or discussed the events with Petitioners' attorney. On the basis of those discussions and my own investigation, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

/s/ *Angel A. Raymond*
Angel A. Raymond
Attorney for Petitioner

/s/ 
Cash Fazal, Esq.
Attorney for Petitioner (Pro Hac Vice)