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

AHMED ALI FARAH  
*Petitioner,*

v.

JEREMY CASEY, Warden, Imperial Regional  
Adult Detention Facility, Calexico, California  
in his official capacity, GREGORY J.  
ARCHAMBEAULT, Field Office Director, San  
Diego Field Office, U.S. Immigration and Customs  
Enforcement, in his official capacity;  
U.S. Immigration and Customs Enforcement;  
KRISTI NOEM, Secretary, U.S. Department  
of Homeland Security, in her official capacity;  
TODD M. LYONS, Acting Director of U.S.  
Immigration and Customs Enforcement, in his  
official capacity  
PAMELA BONDI, U.S. Attorney General, in her  
official capacity,  
*Respondents.*

Case No. '25CV3858 AGS VET

**PETITION FOR A WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

- 1  
2 1. Petitioner Ahmed Ali Farah is in the physical custody of Respondents at the Imperial  
3 Regional Adult Detention Facility, 1572 Gateway Road, Calexico, California, within the  
4 Southern District of California. He has been detained since December 7, 2025, when  
5 immigration officials stopped him during routine domestic travel from San Diego to Los  
6 Angeles and arrested him.
- 7 2. This case challenges DHS's re-detention of Petitioner after DHS exercised discretion to  
8 grant parole under INA § 212(d)(5), released him from custody, and thereafter  
9 maintained a government-controlled release framework under which Petitioner lived  
10 openly in the interior of the United States for more than three years. During that period,  
11 Petitioner complied with all supervision requirements, appeared for required ICE  
12 check-ins, worked lawfully pursuant to government-issued employment authorization,  
13 and relied on DHS's express instruction at his final check-in that further reporting was no  
14 longer required absent DHS contact.
- 15 3. Petitioner is a native and citizen of Somalia. He last arrived near San Diego, California  
16 on or about June 23, 2022, where he was encountered by DHS, briefly detained, and then  
17 affirmatively released on parole rather than detained as an arriving noncitizen pending  
18 proceedings.
- 19 4. After release, Petitioner engaged affirmatively with the immigration system. He filed an  
20 affirmative Form I-589 asylum application with U.S. Citizenship and Immigration  
21 Services, which USCIS accepted. USCIS issued Petitioner employment authorization,  
22 which he has renewed. Petitioner also filed a Form I-821 application for Temporary  
23 Protected Status, which remains pending. Since his release, Petitioner has worked

1 continuously under valid employment authorization, including as an ATM technician and  
2 later as a truck driver, and has complied with applicable tax obligations.

3 5. DHS placed Petitioner on supervised release, and Petitioner reported as directed. At his  
4 last ICE check-in, an ICE officer affirmatively informed Petitioner that no further  
5 reporting was required and that DHS would contact him if additional check-ins became  
6 necessary. Petitioner relied on that instruction and thereafter continued to reside openly at  
7 a known address.

8 6. On December 7, 2025, without advance notice and without any allegation that Petitioner  
9 violated parole or supervision conditions, DHS arrested Petitioner. DHS served him with  
10 a Notice to Appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and  
11 212(a)(7)(A)(i)(I). Petitioner does not seek review of the merits of those charges in this  
12 habeas proceeding.

13 7. Petitioner challenges only the lawfulness and constitutionality of his present physical  
14 detention. Habeas corpus provides the mechanism for swift judicial review of executive  
15 detention that lacks statutory authorization or adequate process. Section 2241 remains  
16 available to challenge immigration detention. *Jennings v. Rodriguez*, 583 U.S. 281(2018).

17 8. Despite having released Petitioner into the interior and supervised him for years, DHS  
18 now detains him under INA § 235(b)(2)(A), 8 U.S.C. § 1225(b)(2)(A), treating him as  
19 though he were currently “seeking admission.” That position disregards DHS’s own  
20 custodial decisions and the statutory distinction Congress drew between  
21 border-inspection detention and interior detention. If any detention authority applies in  
22 Petitioner’s posture, it is INA § 236(a), 8 U.S.C. § 1226(a), which requires an  
23 individualized custody determination and permits release on bond or conditions.

1 9. Respondents' actions independently violate the Due Process Clause of the Fifth  
2 Amendment. When the government revokes conditional liberty it has itself conferred and  
3 maintained, due process requires notice and an opportunity to be heard at a meaningful  
4 time and in a meaningful manner. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

5 10. Petitioner seeks a writ of habeas corpus ordering his immediate release. In the alternative,  
6 he seeks an order requiring a prompt individualized bond hearing under 8 U.S.C. §  
7 1226(a), at which the government bears the burden of justifying continued detention by  
8 clear and convincing evidence. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

9 **JURISDICTION**

10 11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is in federal  
11 custody and challenges the legality of his present physical detention as violating the  
12 Constitution and laws of the United States.

13 12. Jurisdiction is also proper under 28 U.S.C. § 1331 and Article I, Section 9, Clause 2 of  
14 the United States Constitution (the Suspension Clause), which preserve the availability of  
15 habeas corpus to test the lawfulness of executive detention.

16 13. This Court has authority to grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
17 Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651, as  
18 necessary to effectuate habeas relief

19 14. Jurisdiction is proper notwithstanding 8 U.S.C. §§ 1252(b)(9) and 1252(g) because  
20 Petitioner does not seek review of removal proceedings or any final order of removal. He  
21 challenges only the statutory and constitutional authority for his present detention. In  
22 such circumstances, habeas jurisdiction remains available under § 2241. *Nadarajah v.*  
23 *Gonzales*, 443 F.3d 1069 (9th Cir. 2006).

1 15. Jurisdiction is proper in this Court because Petitioner is detained within this District AT  
2 Imperial Regional Adult Detention Facility, located at 1572 Gateway Road, Calexico,  
3 California and his immediate custodian is subject to the Court’s authority. *Braden v. 30th*  
4 *Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973)

5 **VENUE**

6 16. Venue is proper in this Court pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C. § 1391(e)  
7 because Petitioner is currently detained within the Southern District of California, and  
8 Respondents exercise custody and control over Petitioner within this District.

9 17. Petitioner is detained at the Imperial Regional Adult Detention Facility in Calexico,  
10 California, which lies within the Southern District of California. The immediate  
11 custodian responsible for Petitioner’s detention is located within this District.

12 18. Venue is independently proper under *Braden v. 30th Judicial Circuit Court of Kentucky*,  
13 410 U.S. 484, 493–500 (1973), which holds that a habeas petition may be brought in the  
14 district where the petitioner is confined and where the custodian is subject to the court’s  
15 jurisdiction.

16 19. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers or  
17 agencies of the United States acting in their official capacities, and a substantial part of  
18 the events and omissions giving rise to Petitioner’s detention-only claims occurred within  
19 this District, including Petitioner’s arrest, detention, and continued confinement.

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

21 20. The Court must grant the petition for writ of habeas corpus or order Respondents to show  
22 cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an  
23

1 order to show cause is issued, the Respondents must file a return “within three days  
2 unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

3 21. Habeas corpus is “perhaps the most important writ known to the constitutional law . . .  
4 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
5 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application  
6 for the writ usurps the attention and displaces the calendar of the judge or justice who  
7 entertains it and receives prompt action from him within the four corners of the  
8 application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

9 **PARTIES**

10 22. Petitioner Ahmed Ali Farah is a native and citizen of Somalia. He last arrived in the  
11 United States in June 2022 and was released from custody by the Department of  
12 Homeland Security. On December 7, 2025, Petitioner was re-arrested and is currently  
13 confined at the Imperial Regional Adult Detention Facility, Calexico, California, within  
14 the Southern District of California.

15 23. Jeremy Casey is the Warden at Imperial Regional Adult Detention Facility, located at  
16 1572 Gateway Road, Calexico, California in his official capacity

17 24. Respondent Gregory J. Archambeault is the Immigration and Customs Enforcement Field  
18 Office Director for the San Diego Field Office, which has responsibility over immigration  
19 detention facilities in the Southern District of California, including Imperial Regional  
20 Adult Detention Facility, Calexico, California. As Field Office Director, Respondent  
21 Archambeault is a legal custodian of Petitioner and is responsible for Petitioner’s  
22 detention. He is sued in his official capacity.

1 25. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs  
2 Enforcement. As the head of ICE, he is responsible for policies and decisions governing  
3 the detention of noncitizens, including Petitioner. He is a legal custodian of Petitioner  
4 and is sued in his official capacity

5 26. Respondent Kristi Noem is the Secretary of the United States Department of Homeland  
6 Security. She is responsible for the administration and enforcement of the Immigration  
7 and Nationality Act and oversees Immigration and Customs Enforcement, the agency  
8 responsible for Petitioner's detention. She has ultimate custodial authority over Petitioner  
9 and is sued in her official capacity

10 27. Respondent Pam Bondi is the Attorney General of the United States. She is responsible  
11 for the Department of Justice, of which the Executive Offices for Immigration Review  
12 and the immigration court system are component agencies. She is sued in her official  
13 capacity.

14 **FACTUAL BACKGROUND**

15 28. Petitioner Ahmed Ali Farah is a native and citizen of Somalia who fled Somalia due to  
16 targeted threats from [REDACTED] Prior to fleeing, Petitioner worked for the [REDACTED]

17 [REDACTED]

18 [REDACTED] systematically targets and kills individuals who

19 [REDACTED]

20 [REDACTED]

21 29. [REDACTED]

22 [REDACTED]

23 [REDACTED]

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32. Following these attacks, Petitioner took steps to protect himself, including changing his residence and altering his daily routines. Despite these precautions, the threat to his safety persisted. In early 2022, facing an ongoing and individualized risk of harm, Petitioner fled Somalia to save his life.

33. After traveling through multiple countries, Petitioner reached the United States–Mexico border near San Diego, California. On or about June 23, 2022, Petitioner crossed the border and was immediately encountered by U.S. authorities. He did not attempt to evade law enforcement and cooperated fully with inspection and processing.

34. After approximately one day in custody, the Department of Homeland Security affirmatively granted parole pursuant to INA § 212(d)(5) and released Petitioner from custody. DHS placed Petitioner on supervised release and permitted him to reside in the

1 interior of the United States. With the assistance of a community organization in San  
2 Diego, Petitioner traveled to Minnesota and began living openly at a known address on or  
3 about June 27, 2022. DHS required periodic reporting as a condition of release, and  
4 Petitioner fully complied with all supervision requirements, appearing for ICE check-ins  
5 as directed and never missing or delaying a required appearance.

6 35. After his release, Petitioner affirmatively engaged with the immigration system. He filed  
7 an affirmative Form I-589 application for asylum with U.S. Citizenship and Immigration  
8 Services based on his fear of persecution in Somalia. USCIS accepted the application and  
9 issued Petitioner employment authorization, which Petitioner has since renewed.

10 36. Petitioner also filed a Form I-821 application for Temporary Protected Status (TPS),  
11 which remains pending before USCIS.

12 37. At Petitioner's final ICE check-in, an ICE officer affirmatively informed Petitioner that  
13 he was no longer required to continue reporting and that DHS would contact him if future  
14 check-ins were required. Petitioner relied on that instruction and continued to live openly  
15 at a known address. He did not conceal his whereabouts, evade DHS oversight, or violate  
16 any condition of release.

17 38. Petitioner has no criminal history. Since his release, he has worked continuously and  
18 lawfully pursuant to government-issued employment authorization, including  
19 employment as an ATM technician and later as a truck driver. He has paid taxes and  
20 supported himself through lawful employment.

21 39. The parole document issued to Petitioner reflects that parole was granted on June 24,  
22 2022 and was valid through August 24, 2022. After that grant, DHS nevertheless  
23 affirmatively allowed Petitioner to remain in the community and structured his liberty

1 through supervision and reporting requirements, employment authorization, and  
2 continued processing of humanitarian relief, culminating in DHS's express instruction at  
3 a later check in that further reporting was not required and DHS would contact him if  
4 needed.

5 40. Before Petitioner's arrest on December 7, 2025, DHS did not provide Petitioner any  
6 written notice stating that DHS had revoked, terminated, or materially altered the  
7 custodial framework it affirmatively implemented and maintained after granting parole.  
8 Although the parole document reflects an initial parole validity period, DHS continued to  
9 treat Petitioner as lawfully at liberty in the community through supervision, reporting  
10 requirements, employment authorization, and continued processing of humanitarian  
11 relief. At no point did DHS provide notice that it considered Petitioner's liberty  
12 extinguished or that he was subject to re-detention without further process.

13 41. On December 7, 2025, without advance notice and without any allegation that Petitioner  
14 violated any supervision conditions, immigration officials stopped Petitioner during  
15 routine domestic travel from San Diego to Los Angeles and arrested him. Petitioner was  
16 not apprehended at a port of entry, was not attempting to depart the United States, and  
17 was not engaged in any conduct suggesting evasion or noncompliance. Any agency  
18 records purporting to terminate or modify Petitioner's release were never served on  
19 Petitioner and cannot retroactively supply the process DHS failed to provide.

20 42. Following his arrest, DHS served Petitioner with a Notice to Appear dated December 7,  
21 2025, charging him as inadmissible under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I).  
22 Petitioner does not seek review of the merits of those charges in this proceeding.

1 43. Petitioner is currently detained at the Imperial Regional Adult Detention Facility in  
2 Calexico, California, within the Southern District of California. DHS is detaining  
3 Petitioner and has asserted that his detention is pursuant to INA § 235(b), 8 U.S.C. §  
4 1225(b)(2)(A), without release and without any individualized custody determination.

5 44. From his release in 2022 until his arrest in December 2025, Petitioner complied with all  
6 DHS requirements, maintained valid employment authorization, pursued available  
7 humanitarian relief, and resided openly at a known address.

### 8 EXHAUSTION OF REMEDIES

9 45. No statutory requirement of administrative exhaustion applies to Petitioner's habeas  
10 corpus petition challenging the lawfulness of his immigration detention and the  
11 constitutionality of the procedures used to impose and maintain that detention. A  
12 petitioner in federal custody may seek immediate relief under 28 U.S.C. § 2241 when  
13 detention allegedly exceeds statutory authority or violates the Constitution. *Jennings v.*  
14 *Rodriguez*, 583 U.S. 281, 290–92 (2018).

15 46. Although courts sometimes impose a prudential exhaustion requirement, exhaustion is  
16 not required where administrative remedies are unavailable, inadequate, or futile, or  
17 where the agency lacks authority to grant the relief sought. *McCarthy v. Madigan*, 503  
18 U.S. 140, 144–45, 148 (1992), superseded by statute on other grounds as recognized in  
19 *Woodford v. Ngo*, 548 U.S. 81 (2006).

20 47. Petitioner challenges only the legality of his present physical detention, not the merits of  
21 his removal proceedings. Immigration Judges and the Board of Immigration Appeals lack  
22 authority to adjudicate constitutional challenges to statutes, regulations, or DHS  
23 detention practices.

1 48. Because no adequate or available administrative remedy exists, exhaustion is not  
2 required and habeas corpus is the proper vehicle for judicial review of Petitioner's  
3 detention. Requiring exhaustion would undermine the purpose of habeas corpus, which  
4 exists to provide prompt review of unlawful detention. *Fay v. Noia*, 372 U.S. 391, 400  
5 (1963); *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000)

## 6 LEGAL FRAMEWORK

### 7 I. Detention Is Governed by § 1226(a), Not § 1225(b)(2).

8 49. Civil immigration detention must be authorized by statute, and detention that exceeds  
9 statutory authorization raises serious constitutional concerns. *Zadvydas v. Davis*, 533  
10 U.S. 678, 689–99 (2001). Where the government fails to identify statutory authority for  
11 detention under the noncitizen's actual procedural posture, continued custody exceeds  
12 statutory authority and habeas relief must issue. *Id.*; *Nadarajah v. Gonzales*, 443 F.3d  
13 1069 (9th Cir. 2006)

14 50. The Immigration and Nationality Act does not confer a single, interchangeable detention  
15 power. Instead, it establishes distinct detention frameworks that turn on a noncitizen's  
16 procedural posture at the time detention is imposed.

17 51. As relevant here, the INA provides three principal detention regimes. First, 8 U.S.C. §  
18 1226 governs the arrest and detention of noncitizens already present in the United States  
19 and placed in standard removal proceedings under 8 U.S.C. § 1229a. Detention under §  
20 1226(a) is discretionary and permits release on bond or conditions following an  
21 individualized custody determination. 8 U.S.C. § 1226(a); 8 C.F.R. §§ 1003.19(a),  
22 1236.1(d). Mandatory detention under § 1226(c) applies only to a narrowly defined  
23 category of noncitizens with specified criminal histories.

1 **52.** Second, 8 U.S.C. § 1225 governs the inspection and initial detention of individuals  
2 “seeking admission” at the Nation’s borders and ports of entry. Section 1225(b)(1)  
3 authorizes mandatory detention in the expedited removal context, while § 1225(b)(2)  
4 addresses detention of certain other applicants for admission pending removal  
5 proceedings.

6 **53.** By contrast, the INA establishes a separate detention framework for noncitizens already  
7 present in the United States. Section 1226 governs the arrest and detention of such  
8 individuals pending a decision on removal. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).  
9 As the Supreme Court emphasized, §§ 1225(b) and 1226(a) apply to different categories  
10 of aliens. *Id.* That distinction is not incidental; it is foundational to the INA’s detention  
11 scheme.

12 **54.** Third, 8 U.S.C. § 1231 governs detention following the entry of a final order of removal.  
13 Respondents do not contend, and the record does not support, that Petitioner’s detention  
14 arises under this post-removal framework.

15 **55.** These detention provisions were enacted as part of the Illegal Immigration Reform and  
16 Immigrant Responsibility Act of 1996. In implementing IIRIRA, the agency explained  
17 that, as a general matter, individuals apprehended within the United States after entry are  
18 not detained under § 1225, but under § 1226. See *Inspection and Expedited Removal of*  
19 *Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum*  
20 *Procedures*, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

21 **56.** Which detention statute governs therefore depends on the government’s own procedural  
22 choices and the noncitizen’s posture at the time detention is imposed. Once DHS  
23 affirmatively releases a noncitizen into the interior of the United States and places him in

1 removal proceedings, detention authority must derive from § 1226. DHS may not later  
2 invoke § 1225, a statute designed for border inspection and admission determinations, to  
3 justify interior re-detention inconsistent with the framework Congress enacted.

4 **57.** Courts do not permit DHS to blur or collapse that statutory boundary through post hoc  
5 reclassification. Statutes must be construed so that each provision retains independent  
6 meaning and effect. “A statute should be construed so that effect is given to all its  
7 provisions, so that no part will be inoperative or superfluous.” *Corley v. United States*,  
8 556 U.S. 303, 314 (2009) (quoting *Hibbs v. Winn*, 542 U.S. 88, 101 (2004)). Reading §  
9 1225 to govern interior re-detention after DHS has released a noncitizen into the United  
10 States would impermissibly erase the role Congress assigned to § 1226.

11 **58.** The record does not support Respondents’ continued detention of Petitioner Ahmed Ali  
12 Farah under 8 U.S.C. § 1225(b)(2)(A) or any other mandatory detention provision.

13 **59.** Petitioner last arrived in the United States in June 2022 near San Diego, California. DHS  
14 encountered Petitioner, took him into custody, and then made an affirmative  
15 discretionary decision to grant parole and release him into the interior of the United  
16 States rather than detaining him as an arriving noncitizen pending proceedings. After his  
17 release, Petitioner filed an affirmative asylum application with U.S. Citizenship and  
18 Immigration Services (USCIS), which remains pending. USCIS issued Petitioner  
19 employment authorization, which has been renewed, and Petitioner has worked lawfully  
20 and paid taxes while residing openly at a known address in the community for  
21 approximately two years. Petitioner also filed an application for Temporary Protected  
22 Status (TPS), which remains pending before USCIS.

1 60. This procedural history matters. It reflects the statutory framework DHS itself selected  
2 and applied to Petitioner’s custody. After encountering Petitioner in June 2022, DHS  
3 affirmatively released him into the interior pursuant to parole, structured liberty through  
4 supervision and employment authorization, and permitted him to reside openly in the  
5 community for an extended period. DHS did not proceed under any statutory scheme  
6 governing arriving noncitizens after it elected to release Petitioner into the interior.

7 61. When Petitioner was re-arrested on December 7, 2025, he was residing in the interior of  
8 the United States pursuant to DHS’s own discretionary custodial decisions and was  
9 stopped during routine domestic travel. He was not arriving at a port of entry, was not  
10 undergoing inspection, and was not attempting to enter the United States.

11 62. Applying 8 U.S.C. § 1225(b)(2)(A) to this posture would collapse the statutory  
12 distinction Congress drew between border inspection detention and interior detention and  
13 would render 8 U.S.C. § 1226 largely superfluous. Courts do not permit DHS to blur that  
14 boundary through post hoc reclassification. *Corley v. United States*, 556 U.S. 303, 314  
15 (2009).

16 63. DHS’s own implementing regulations confirm this interpretation. The regulation  
17 implementing § 1225(b)(2) applies to “any arriving alien who appears to the inspecting  
18 officer to be inadmissible.” 8 C.F.R. § 235.3 (emphasis added). “Arriving alien” is  
19 defined as an applicant for admission “coming or attempting to come into the United  
20 States at a port-of-entry.” 8 C.F.R. § 1.2. That definition does not describe Petitioner, and  
21 DHS’s attempt to apply § 1225(b)(2)(A) to his interior re-detention is therefore  
22 inconsistent with both the statute and its implementing regulations.

1 64. Ninth Circuit precedent reinforces that detention authority must derive from the statutory  
2 provision that actually governs a noncitizen's procedural posture at the time of detention.  
3 In *Nadarajah v. Gonzales*, 443 F.3d 1069, 1079–80 (9th Cir. 2006), the court granted  
4 habeas relief where the government failed to identify any statute authorizing detention  
5 under the petitioner's circumstances and rejected reliance on detention authority that did  
6 not apply.

7 65. The Court should therefore reject any effort to apply 8 U.S.C. § 1225(b)(2)(A) to  
8 Petitioner's interior re-detention after DHS affirmatively granted parole and permitted  
9 him to reside openly in the United States for more than three years. Treating § 1225 as a  
10 general authority to re-detain individuals previously released into the interior would  
11 functionally eliminate bond-eligible detention under § 1226(a) for a broad category of  
12 noncitizens and would impermissibly collapse the detention scheme Congress enacted.  
13 *Corley v. United States*, 556 U.S. 303, 314 (2009).

14 66. Respondents may invoke agency interpretations to support a broader reading of §  
15 1225(b)(2)(A), but courts must exercise independent judgment in interpreting the  
16 Immigration and Nationality Act. In *Loper Bright Enterprises v. Raimondo*, 144 S. Ct.  
17 2244 (2024), the Supreme Court overruled *Chevron* and held that courts may not defer to  
18 an agency's interpretation of a statute simply because the statute is ambiguous; the  
19 judiciary must determine whether the agency has acted within the bounds set by  
20 Congress. See also *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018).

21 67. Courts in multiple jurisdictions have reached the same conclusion in materially similar  
22 detention postures involving parole or release into the interior followed by re-detention.

23 In *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC, 2025 WL 2637503, at \*8 (N.D.  
PETITION FOR WRIT OF HABEAS CORPUS - 15

1 Cal. Sept. 12, 2025), the Northern District of California held that § 1226, not §  
2 1225(b)(2), governed detention of a noncitizen released into the interior and later  
3 re-detained, and that the government could not “switch tracks” post hoc to justify  
4 mandatory detention. Likewise, in *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL  
5 2607924, at \*8 (D. Mass. Sept. 9, 2025), and *Lopez Benitez v. Francis*, No. 25 Civ. 5937  
6 (DEH), 2025 WL 2371588, at \*9 (S.D.N.Y. Aug. 13, 2025), courts concluded that  
7 detention of individuals released or paroled into the United States and later re-detained  
8 after residing openly in the community was governed by § 1226 rather than § 1225.  
9 Taken together, these decisions reflect a consistent application of the statutory  
10 framework: once DHS has released a noncitizen into the interior, subsequent detention  
11 authority derives from § 1226, not § 1225.

12 68. Independent authority further forecloses Respondents’ reliance on § 1225 as a blanket  
13 interior detention tool. More recently, in *Maldonado Bautista v. Santacruz*, No.  
14 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), the court entered final judgment  
15 vacating DHS’s July 8, 2025 Interim Guidance and rejecting DHS’s effort to apply §  
16 1225(b)(2)(A) to individuals present in the interior. Although not binding, the court held  
17 that DHS’s interpretation impermissibly collapses the distinction Congress drew between  
18 §§ 1225 and 1226 and unlawfully denies bond hearings where detention is governed by §  
19 1226(a). In reaching that conclusion, the court declined to treat *Matter of Yajure*  
20 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), as controlling authority with respect to the  
21 application of § 1225 to interior arrests. To the extent Respondents relied on or applied  
22 the invalidated guidance here, *Maldonado Bautista* independently confirms that  
23 Petitioner cannot lawfully be subjected to mandatory detention under § 1225(b)(2)(A).

1 69. At minimum, if any detention authority applies to Petitioner, it is § 1226(a). That  
2 provision governs discretionary detention of noncitizens already present in the United  
3 States and expressly authorizes release on bond or conditions. 8 U.S.C. § 1226(a)(2). The  
4 Supreme Court has described § 1226(a) as the default rule governing immigration  
5 detention, with mandatory detention existing only where Congress has clearly provided  
6 otherwise. *Jennings*, 583 U.S. at 295.

7 70. The Ninth Circuit has repeatedly emphasized that detention under § 1226(a) requires an  
8 individualized custody determination. In *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th  
9 Cir. 2011), the court held that the government bears the burden of establishing by clear  
10 and convincing evidence that detention is necessary to prevent flight or danger to the  
11 community.

12 71. Respondents have provided Petitioner no such individualized custody determination.  
13 Petitioner has no criminal history, complied with all supervision requirements, appeared  
14 as directed, relied on DHS’s instruction that reporting was no longer required, and lived  
15 openly at a known address while working lawfully and paying taxes. Under settled Ninth  
16 Circuit precedent, detention in these circumstances cannot be justified by status alone.

17 72. Moreover, recent congressional action further reinforces Congress’s decision to place  
18 mandatory detention for interior arrests within § 1226(c), rather than § 1225(b). In 2025,  
19 Congress enacted the Laken Riley Act, amending § 1226(c) to impose mandatory  
20 detention on certain noncitizens present in the United States who have been arrested for  
21 or convicted of specified criminal offenses. Pub. L. No. 119-1, § 2, 139 Stat. 3 (2025).

22 Congress placed these new mandatory detention provisions within § 1226(c), not §  
23 1225(b). If § 1225(b)(2) already subjected individuals in Petitioner’s posture to

1 mandatory detention, the Laken Riley Act would have been unnecessary. *Corley*, 556  
2 U.S. at 314.

3 73. Petitioner does not fall within § 1226(c) as amended. He has no criminal history, and  
4 Congress has not mandated his detention. The only detention authority that could apply is  
5 § 1226(a), which requires an individualized custody determination.

6 74. Because Petitioner’s detention is governed by 8 U.S.C. § 1226(a), and Respondents have  
7 not justified continued detention under that provision, his custody exceeds the authority  
8 granted by statute. *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). Petitioner therefore  
9 does not fall within 8 U.S.C. § 1225(b)(2)(A), and his continued detention under that  
10 provision is unlawful. The Court should grant the petition for a writ of habeas corpus and  
11 order Petitioner’s immediate release, or, in the alternative, order a prompt individualized  
12 bond hearing under § 1226(a), at which the government bears the burden of establishing  
13 that continued detention is justified.

14 **II. Due Process**

15 75. The Fifth Amendment’s Due Process Clause protects freedom from physical restraint and  
16 applies to all persons within the United States, including noncitizens regardless of  
17 immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001). As the Supreme  
18 Court explained, “[a] statute permitting indefinite detention of an alien would raise a  
19 serious constitutional problem. The Fifth Amendment’s Due Process Clause forbids the  
20 Government to ‘depriv[e]’ any ‘person ... of ... liberty ... without due process of law.’  
21 Freedom from imprisonment—from government custody, detention, or other forms of  
22 physical restraint—lies at the heart of the liberty that Clause protects.” *Id.* at 690.

1 76. Civil immigration detention is therefore constitutionally constrained. Because it is civil  
2 rather than criminal, detention is permissible only so long as it remains nonpunitive and  
3 bears a reasonable relationship to a legitimate governmental purpose. *Id.* at 690–91;  
4 *Demore v. Kim*, 538 U.S. 510, 527–28 (2003). When detention exceeds those bounds or  
5 is imposed without adequate procedural safeguards, it becomes arbitrary and  
6 unconstitutional. *Zadvydas*, 533 U.S. at 690–91. As the Supreme Court has long  
7 recognized, even in the immigration context the government may not impose physical  
8 confinement without due process of law. *Wong Wing v. United States*, 163 U.S. 228, 237  
9 (1896).

10 77. In *Zadvydas*, the Supreme Court articulated the governing due process principle for civil  
11 immigration detention, explaining that physical confinement is constitutionally  
12 permissible only where justified by sufficiently weighty governmental interests and  
13 accompanied by adequate procedural protections. When detention no longer bears a  
14 reasonable relationship to its regulatory purpose, or is imposed without procedures  
15 sufficient to ensure that confinement is justified in the individual case, it becomes  
16 arbitrary and violates the Due Process Clause. *Id.*

17 78. The Fifth Amendment thus constrains the government’s authority to deprive an  
18 individual of physical liberty through civil immigration detention, requiring procedures  
19 sufficient to ensure that detention rests on individualized justification rather than  
20 categorical assumption or administrative convenience.

21 79. The Supreme Court has made clear that conditional liberty affirmatively conferred by the  
22 government is constitutionally protected. In *Morrissey v. Brewer*, the Court held that

23 “[t]he liberty of a parolee, although indeterminate, includes many of the core values of  
PETITION FOR WRIT OF HABEAS CORPUS - 19

1 unqualified liberty,” and that termination of such liberty “inflicts a grievous loss.” 408  
2 U.S. 471, 482 (1972). Because of that loss, the Court held that a parolee “is entitled to  
3 due process before his parole may be revoked.” *Id.*

4 80. Here, DHS affirmatively conferred and maintained Petitioner’s conditional liberty for  
5 more than three years. After encountering Petitioner in June 2022, DHS exercised  
6 discretion to grant parole and release him into the interior of the United States, imposed  
7 supervision conditions, required reporting, issued employment authorization, and  
8 permitted Petitioner to live and work openly in the community. Petitioner complied with  
9 all conditions of release, reported as directed, maintained a stable residence, and relied on  
10 DHS’s express instruction that further reporting was no longer required. Under these  
11 circumstances, Petitioner’s liberty was structured, ongoing, and government-authorized.  
12 DHS’s summary re-detention of Petitioner without notice or an opportunity to be heard  
13 therefore implicates the core due process concerns identified in *Morrissey*.

14 81. When the government withdraws liberty it has previously conferred and maintained, the  
15 Constitution demands procedural safeguards sufficient to prevent erroneous or arbitrary  
16 confinement. Procedural due process requires notice and a meaningful opportunity to be  
17 heard before the government deprives a person of liberty. *Mathews v. Eldridge*, 424 U.S.  
18 319, 333 (1976). As the Supreme Court explained, “[t]he fundamental requirement of due  
19 process is the opportunity to be heard at a meaningful time and in a meaningful manner.”  
20 *Id.* These protections apply fully in the immigration detention context. *Zadvydas v.*  
21 *Davis*, 533 U.S. 678, 693 (2001).

22 82. Consistent with these principles, courts evaluate the adequacy of procedures used to  
23 impose or continue civil immigration detention under the balancing framework set forth

1 in *Mathews v. Eldridge*, which governs whether the process afforded is constitutionally  
2 sufficient where liberty is at stake.

3 83. District courts within the Ninth Circuit, including courts in this District, routinely apply  
4 the Mathews framework to procedural due process challenges arising from civil  
5 immigration detention, including cases involving re-detention following parole or release  
6 into the community. See, e.g., *Calderon v. Kaiser*, No. 25-CV-06695-AMO, 2025 WL  
7 2430609, at \*3 (N.D. Cal. Aug. 22, 2025); *Ramirez Clavijo v. Kaiser*, No.  
8 25-CV-06248-BLF, 2025 WL 2419263, at \*5 (N.D. Cal. Aug. 21, 2025); *Pinchi v. Noem*,  
9 No. 5:25-CV-05632-PCP, 2025 WL 2084921, at \*3 (N.D. Cal. July 24, 2025);  
10 *Hernandez Nieves v. Kaiser*, No. 25-CV-06921-LB, 2025 WL 2533110, at \*4 (N.D. Cal.  
11 Sept. 3, 2025). These decisions reflect the settled practice of assessing procedural  
12 protections under *Mathews* where the government withdraws liberty it has previously  
13 authorized.

14 84. Under *Mathews*, courts assess (1) the private interest affected, (2) the risk of erroneous  
15 deprivation created by the procedures used and the probable value of additional  
16 safeguards, and (3) the government's interest. This balancing inquiry provides the  
17 constitutional lens through which the lawfulness of Petitioner's continued detention must  
18 be evaluated.

19 **A. The Private Interest**

20 85. Petitioner's private interest is freedom from physical confinement, among the most  
21 fundamental liberty interests protected by the Constitution. *Hamdi v. Rumsfeld*, 542 U.S.  
22 507, 529 (2004).

1 86. That interest carries exceptional weight here because DHS affirmatively created,  
2 structured, and maintained Petitioner’s liberty over an extended period through its own  
3 discretionary custodial decisions. DHS released Petitioner from physical custody, placed  
4 him under supervision, required periodic reporting, issued employment authorization,  
5 and permitted him to reside openly in the community while pursuing humanitarian relief.

6 87. Petitioner complied fully with every condition DHS imposed. He reported as directed,  
7 maintained a stable residence, worked lawfully pursuant to DHS-issued authorization,  
8 paid taxes, and remained continuously available to immigration authorities. DHS  
9 reinforced that liberty by expressly informing Petitioner that further reporting was no  
10 longer required and that DHS would initiate contact if additional supervision became  
11 necessary.

12 88. Under these circumstances, Petitioner’s liberty was not tentative or transitory. It was  
13 government-authorized, structured, and relied upon. As the Supreme Court recognized in  
14 *Morrissey v. Brewer*, when the government confers conditional liberty and an individual  
15 organizes his life in reliance on that liberty, its termination “inflicts a grievous loss” and  
16 triggers the protections of the Due Process Clause. 408 U.S. 471, 482 (1972). That interest  
17 carries exceptional weight here because DHS affirmatively created, structured, and  
18 maintained Petitioner’s liberty over an extended period through its own discretionary  
19 custodial decisions. DHS released Petitioner from physical custody, placed him under  
20 supervision, required periodic reporting, issued employment authorization, and permitted  
21 him to reside openly in the community while pursuing humanitarian relief.

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6 government-authorized, structured, and relied upon. As the Supreme Court recognized in  
7 *Morrissey v. Brewer*, when the government confers conditional liberty and an individual  
8 organizes his life in reliance on that liberty, its termination “inflicts a grievous loss” and  
9 triggers the protections of the Due Process Clause. 408 U.S. 471, 482 (1972).

10 **B. The Risk of Erroneous Deprivation**

11 91. Petitioner received no written notice explaining the basis for his re-detention prior to his  
12 arrest, notwithstanding the regulatory framework governing parole-related custody  
13 decisions. See 8 C.F.R. § 212.5(e). Although the parole document reflected an initial  
14 parole period from June 24, 2022 through August 24, 2022, DHS did not treat  
15 Petitioner’s liberty as terminating at the expiration of that period. Instead, DHS  
16 affirmatively maintained Petitioner’s release through supervision, reporting requirements,  
17 employment authorization, continued processing of humanitarian applications, and  
18 express instructions that no further reporting was required absent DHS contact.

19 92. Under these circumstances, DHS cannot rely on the mere passage of time or the date  
20 reflected on an initial parole document to justify summary physical confinement years  
21 later without notice, a reasoned explanation, or meaningful process. Where the  
22 government affirmatively maintains a noncitizen’s liberty through ongoing supervision  
23 and authorizes continued residence and employment in the community, due process

1 requires procedures capable of testing whether renewed detention is actually justified in  
2 the individual case.

3 93. DHS likewise may not justify re-detention through theories of automatic lapse or  
4 administrative default. Where the government has affirmatively permitted a noncitizen to  
5 reside in the community, civil immigration detention must be supported by an  
6 individualized showing that confinement is necessary to prevent flight or protect the  
7 community from danger. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Demore v. Kim*,  
8 538 U.S. 510, 523 (2003). In discretionary detention governed by 8 U.S.C. § 1226(a), the  
9 burden rests with the government to establish that detention is justified based on flight  
10 risk or dangerousness. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011). Here,  
11 DHS has alleged no flight risk, no danger, no noncompliance, and no changed  
12 circumstance that could justify renewed physical confinement after years of  
13 government-authorized liberty.

14 94. Petitioner has a substantial liberty interest in remaining out of custody pursuant to the  
15 government’s own parole decision. Freedom from imprisonment “lies at the heart of the  
16 liberty that the Due Process Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690  
17 (2001). As the Supreme Court has recognized, conditional liberty permits an individual  
18 to work, reside with family, and form enduring attachments of normal life. *Morrissey v.*  
19 *Brewer*, 408 U.S. 471, 482 (1972). Consistent with these principles, courts have  
20 recognized that release from ICE custody reflects a determination that the individual is  
21 neither a flight risk nor a danger to the community, and that the individual has a strong  
22 interest in remaining at liberty unless those findings change. *Pinchi v. Noem*, 2025 WL  
23 2084921, at \*4 (N.D. Cal. July 24, 2025).

1 95. The risk of erroneous deprivation is therefore acute where, as here, DHS revoked  
2 parole-based liberty without providing any reason for revocation and without affording  
3 Petitioner an opportunity to be heard. See *Gonzalez Salazar v. Casey*, 2025 WL 3063629,  
4 at \*4 (S.D. Cal. Nov. 3, 2025) (holding that the risk of erroneous deprivation is high  
5 where parole was revoked without notice or hearing). That risk is further heightened  
6 where a noncitizen has received no bond or custody redetermination hearing at all. *Singh*  
7 *v. Andrews*, 2025 WL 1918679, at \*7 (E.D. Cal. July 11, 2025).

8 96. This risk is magnified by DHS's own prior determinations. DHS initially concluded that  
9 Petitioner should be released because he posed no danger to the community and was not  
10 a flight risk. There is no evidence in the record that these findings have changed. See  
11 *Zadvydas*, 533 U.S. at 690 (civil immigration detention permissible only to prevent flight  
12 or protect the community); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal.  
13 2017) ("Release reflects a determination by the government that the noncitizen is not a  
14 danger to the community or a flight risk."). To the contrary, Petitioner has no criminal  
15 history, has complied with all supervision requirements, has worked lawfully, paid taxes,  
16 and relied on DHS's express instruction that further reporting was unnecessary.

17 97. Courts confronting materially similar re-detention scenarios have recognized this  
18 constitutional defect and granted habeas relief. In *Navarro Perez v. LaRose*, No.  
19 3:25-cv-02620-RBM-JLB (S.D. Cal. 2025), this Court granted a detention-only habeas  
20 petition where DHS re-detained a noncitizen in the interior of the United States without  
21 procedures adequate to satisfy due process. As here, the petitioner had been previously  
22 released, lived openly in the community, and was subjected to renewed detention without  
23 individualized safeguards.

1 98. Courts across multiple jurisdictions have granted habeas relief on due process grounds  
2 where DHS withdrew parole-based or government-conferred liberty without notice or a  
3 meaningful opportunity to be heard. See *Gonzalez Salazar v. Casey*, No.  
4 25-CV-2784-JLS-VET, 2025 WL 3063629, at \*4–5 (S.D. Cal. Nov. 3, 2025) (summary  
5 parole revocation without process violated due process); *Noori v. Garland*, 2025 WL  
6 2800149, at \*10–11 (D. Colo. Oct. 18, 2025) (re-detention after release required  
7 individualized procedural safeguards); *Singh v. Andrews*, No. 1:25-cv-00801-KES-SKO  
8 (HC), 2025 WL 1918679, at \*7 (E.D. Cal. July 11, 2025) (risk of erroneous deprivation  
9 high where no custody redetermination followed re-detention); *Rodriguez v. Kaiser*, No.  
10 1:25-cv-01111-KES-SAB (HC), 2025 U.S. Dist. LEXIS 172756, at \*8–10 (E.D. Cal.  
11 Sept. 4, 2025) (conditional liberty created by ICE release is constitutionally protected);  
12 *Calderon v. Kaiser*, No. 25-CV-06695-AMO, 2025 WL 2430609, at \*2–3 (N.D. Cal.  
13 Aug. 22, 2025) (government release creates reliance interests protected by due process).  
14 These cases reflect a consistent rule: where DHS affirmatively authorizes liberty and  
15 later withdraws it through summary detention, due process is violated absent notice and  
16 individualized procedural safeguards.

17 99. In short, where DHS has affirmatively authorized liberty, maintained it over time, and  
18 induced reliance, the Constitution does not permit that liberty to be withdrawn through  
19 automatic, unreviewed detention. Absent procedures capable of testing whether  
20 confinement is actually necessary, continued detention rests on assumption rather than  
21 proof, precisely what the Due Process Clause forbids.

22 100. Here, the absence of notice, the absence of any opportunity to be heard, the lack of a  
23 prompt individualized custody determination, and the absence of any allegation of flight

1 risk, dangerousness, or changed circumstances creates an unacceptably high risk of  
2 erroneous deprivation of liberty. Re-detention imposed in this posture violates the Due  
3 Process Clause of the Fifth Amendment.

4 101. Taken together, these cases establish that when DHS withdraws liberty it has  
5 affirmatively conferred and maintained, the Constitution requires procedures sufficient to  
6 ensure that any resulting detention is justified by individualized necessity. Re-detention  
7 imposed automatically or without meaningful procedural safeguards violates the Due  
8 Process Clause.

9 **C. The Government's Interests Do Not Justify Summary Re-Detention**

10 102. The government's legitimate interests in immigration enforcement, ensuring appearance,  
11 and protecting the community do not justify dispensing with constitutionally required  
12 procedures where DHS has already determined that release under supervision was  
13 appropriate and where Petitioner demonstrated sustained compliance. Due process does  
14 not permit liberty to be withdrawn based on generalized enforcement interests divorced  
15 from the individual's actual circumstances. *Mathews v. Eldridge*, 424 U.S. 319, 348  
16 (1976).

17 103. DHS made a series of affirmative custodial determinations that supervision, not  
18 detention, was sufficient. DHS granted parole, imposed reporting requirements,  
19 authorized employment, accepted Petitioner's applications for humanitarian relief, and  
20 ultimately instructed Petitioner that further reporting was no longer required. Petitioner  
21 complied at every stage. Having structured and maintained liberty on that basis, DHS  
22 cannot later invoke abstract enforcement authority to justify detention without  
23

1 individualized process. The government’s own prior determination undermines any claim  
2 that immediate confinement was necessary.

3 104. Nor does administrative efficiency provide a constitutionally sufficient justification. The  
4 Supreme Court has made clear that “administrative convenience” cannot outweigh the  
5 risk of erroneous deprivation of physical liberty. *Mathews*, 424 U.S. at 348. Requiring  
6 notice and an individualized custody determination does not impede DHS’s enforcement  
7 authority; it simply requires DHS to justify detention with evidence rather than  
8 assumption. Where detention is imposed without such safeguards, the government’s  
9 interest cannot outweigh the individual’s liberty interest.

10 105. The absence of any allegation that Petitioner is a flight risk or danger to the community  
11 further defeats any asserted governmental interest in summary re-detention. Petitioner  
12 has no criminal history, has lived at a known address, has worked lawfully, and has  
13 affirmatively pursued protection in the United States. Detention in these circumstances is  
14 untethered to the civil purposes that alone justify immigration confinement. *Zadvydas v.*  
15 *Davis*, 533 U.S. 678, 690 (2001).

16 106. Where detention does not meaningfully advance its asserted regulatory purposes, it  
17 becomes arbitrary. Civil immigration detention must bear a reasonable relation to its  
18 stated purpose; otherwise, it violates due process. *Demore v. Kim*, 538 U.S. 510, 523  
19 (2003); *Zadvydas*, 533 U.S. at 690. Here, DHS has identified no individualized  
20 justification for confinement and no changed circumstances rendering prior supervision  
21 inadequate. In the absence of such justification, the government’s interests cannot  
22 support continued detention without constitutionally adequate process

23 **D. Failure to Follow Governing Regulations Confirms the Due Process Violation**

1 107. Due process is independently violated where an agency disregards regulations designed  
2 to protect individual rights in the course of depriving physical liberty. *United States ex*  
3 *rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). That principle applies with full  
4 force in the immigration context, where agency compliance with its own procedural  
5 safeguards is a prerequisite to lawful detention. *Montilla v. INS*, 926 F.2d 162, 169 (2d  
6 Cir. 1991).

7 108. DHS affirmatively exercised discretion to grant parole, impose supervision, authorize  
8 employment, and later instruct Petitioner that further reporting was no longer required.  
9 The governing regulation, 8 C.F.R. § 212.5(e), prescribes procedures DHS must follow  
10 when parole-based liberty is brought to an end. DHS provided no written notice  
11 indicating that it considered Petitioner subject to immediate re-detention or that his  
12 liberty had been withdrawn through any formal determination. By depriving Petitioner of  
13 physical liberty without adhering to its own procedural safeguards, DHS violated due  
14 process under *Accardi* and *Montilla*, and its failure independently renders Petitioner's  
15 detention unlawful.

16 109. Under the Fifth Amendment and the *Mathews v. Eldridge* framework, Petitioner's  
17 detention violates due process. DHS withdrew liberty it affirmatively created and  
18 maintained for more three years without notice, without an opportunity to be heard,  
19 without an individualized custody determination, and without any showing that detention  
20 is necessary to address flight risk or danger.

21 110. Because Petitioner's confinement rests on the absence of required procedural safeguards,  
22 habeas relief is required.

23 **CONCLUSION**

1 111. Petitioner's continued detention is unlawful. As applied to his circumstances, it is not  
2 authorized by the Immigration and Nationality Act and independently violates the Due  
3 Process Clause of the Fifth Amendment.

4 112. DHS affirmatively conferred and maintained Petitioner's liberty through its own  
5 discretionary custodial decisions. Having structured release, supervision, employment  
6 authorization, and reliance over an extended period, the government may not withdraw  
7 that liberty through summary detention untethered to individualized justification or  
8 constitutionally sufficient process.

9 113. Detention under 8 U.S.C. § 1225(b)(2)(A) does not govern Petitioner's posture. If  
10 detention authority exists at all, it arises under 8 U.S.C. § 1226(a), which requires an  
11 individualized custody determination and permits release on bond or conditions.

12 Respondents have provided neither. Detention under an inapplicable statute exceeds the  
13 authority granted by Congress. *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001).

14 114. Independently, the Constitution forbids Petitioner's confinement. Freedom from physical  
15 restraint lies at the core of the Fifth Amendment's protection. The government may not  
16 revoke long-standing, government-created liberty without notice, without a meaningful  
17 opportunity to be heard, and without individualized findings demonstrating necessity.

18 115. Petitioner does not seek review of removal proceedings or discretionary enforcement  
19 decisions. He challenges only the lawfulness of his present physical detention. Under  
20 binding Supreme Court and Ninth Circuit precedent, that detention cannot stand.

21 **RELIEF REQUESTED**

22 116. WHEREFORE, Petitioner respectfully requests that this Court:

- 1 117. Grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release  
2 from immigration custody;
- 3 118. In the alternative, order a prompt individualized bond hearing pursuant to 8 U.S.C. §  
4 1226(a) before a neutral Immigration Judge, at which the government bears the burden of  
5 proving by clear and convincing evidence that continued detention is justified;
- 6 119. Declare that Petitioner's detention without notice and without individualized custody  
7 determination violates the Due Process Clause of the Fifth Amendment;
- 8 120. Enjoin Respondents from continuing to detain Petitioner absent compliance with  
9 statutory and constitutional requirements governing discretionary immigration detention;  
10 and
- 11 121. Grant such other relief as the Court deems just and proper.

12 Dated: December 31, 2025

Respectfully Submitted,

13  
14 /s/ Theodora E. Adoghe  
15 Theodora E. Adoghe, Esq., CASBN358199  
16 Law Offices Of Mariana L. Hanna  
17 402 West Broadway, Suite 1730  
18 Phone: 619-234-3635  
19 Email: theodoraadoghe@gmail.com  
20  
21  
22  
23

**VERIFICATION**

Pursuant to 28 U.S.C. §§ 2242 and 1746, I declare under the penalty of perjury that the facts set forth in the foregoing Petition for Habeas Corpus are true and correct.

Executed this 31st day of December, 2025.

/s/ Theodora E. Adoghe  
Theodora E. Adoghe, Esq., CASBN358199  
Law Offices Of Mariana L. Hanna  
402 West Broadway, Suite 1730  
Phone: 619-234-3635  
Email: theodoraadoghe@gmail.com

## Exhibit Index

Petitioner: Ahmed Ali Farah  
Court: United States District Court, Southern District of California  
Case: Petition for Writ of Habeas Corpus  
Date: December 31, 2025

Exhibit	Description	Notes
Exhibit A	Notice to Appear (NTA) dated December 7, 2025	
Exhibit B	Parole document	
Exhibit C	Form I-821 Temporary Protected Status (TPS) Receipt	

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

DOB: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: AHMED ALI FARAH

currently residing at:

1572 GATEWAY RD CALEXICO, CALIFORNIA, 92231-9532

+1 (760) 618-7200

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of SOMALIA and a citizen of SOMALIA ;
3. You arrived in the United States at or near IMPERIAL BEACH, CA , on or about June 23, 2022 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.
5. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
6. At that time you arrived at a time or place other than as designated by the Attorney General.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

See Continuation Page Made a Part Hereof

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

2409 LA BRUCHERIE ROAD IMPERIAL CA US 92251

(Complete Address of Immigration Court, including Room Number, if any)

on December 19, 2025 at 8:00am to show why you should not be removed from the United States based on the

(Date)

(Time) JENNIFER K DELOACH

charge(s) set forth above.

Date: 2025.12.07 13:07:46 -08:00  
0187308165.CBP.1

Acting/Patrol Agent in Charge

(Signature and Title of Issuing Officer)

Date: December 07, 2025

Imperial, California

(City and State)

EOIR - 1 of 4

**Notice to Respondent**

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

**One-Year Asylum Application Deadline:** If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is ENGLISH

**Request for Prompt Hearing**

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

ALBERTO ESPINOZA  
Date: 2025.12.07 17:55:23 -08:00  
0096016613.CBP

**Border Patrol Agent**

(Signature and Title of Immigration Officer)

Date: 12/07/2025

**Refused to Sign**

(Signature of Respondent)

**Certificate of Service**

This Notice To Appear was served on the respondent by me on December 7, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

in person  by certified mail, returned receipt # \_\_\_\_\_ requested  by regular mail

Attached is a credible fear worksheet.

Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

**Refused to Sign**

(Signature of Respondent if Personally Served)

ALBERTO ESPINOZA  
Date: 2025.12.07 17:55:34 -08:00  
0096016613.CBP

**Border Patrol Agent**

(Signature and Title of officer)

EOIR - 2 of 4

### Privacy Act Statement

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

U.S. Department of Homeland Security

Continuation Page for Form I862

Alien's Name AHMED ALI FARAH	File Number 	Date December 07, 2025
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ON THE BASIS OF THE FOREGOING, IT IS CHARGED THAT YOU ARE SUBJECT TO REMOVAL FROM THE UNITED STATES PURSUANT TO THE FOLLOWING PROVISION(S) OF LAW:

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212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Signature	JENNIFER K DELOACH Date: 2025.12.07 18:07:53 -08:00 0187308165.CBP.I	Title Acting/Patrol Agent in Charge
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EOIR - 4 of 4