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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MOHAMMAD YASIN REZAAE

Petitioner,

v.

CHRISTOPHER CHESTNUT, WARDEN OF
CALIFORNIA CITY CORRECTIONS
CENTER; TODD M. LYONS, Acting Director,
ICE; KRISTI NOEM, Secretary of DHS; PAM
BONDI, Attorney General,

Respondents.

Civil Action No. 3:26-cv-00020-AMO

**PETITION FOR WRIT OF
HABEAS CORPUS AND COMPLAINT
FOR DECLARATORY AND INJUNCTIVE
RELIEF**

ALIEN NUMBER



I. INTRODUCTION

This habeas action challenges Petitioner’s prolonged civil immigration detention without a constitutionally required bond hearing. Petitioner has been detained by Immigration and Customs Enforcement (“ICE”) since June 24, 2025, and remains confined at California City Corrections Center. He has not been afforded a bond hearing before an immigration judge at which the Government must justify his continued detention. His ongoing confinement without such process violates the Due Process Clause of the Fifth Amendment.

1 This Court has jurisdiction under 28 U.S.C. § 2241 to remedy unlawful executive detention and to order
2 release or a constitutionally adequate bond hearing.

3
4 **II. JURISDICTION AND VENUE**

5 This Court has jurisdiction under 28 USCS § 2241 because Petitioner is in federal custody in violation of
6 the Constitution. District courts retain habeas jurisdiction over challenges to immigration detention.

7
8 Venue is proper in the Northern District of California because Petitioner is detained within this District.

9
10 **III. PARTIES**

11 **Petitioner:** Mohammad Yasin Rezaee is a noncitizen currently in ICE custody at California City
12 Corrections Center.

13 **Respondents:** The Warden of Petitioner's detention facility and federal officials responsible for ICE
14 custody decisions.
15

16
17 **IV. NATURE OF PETITIONER'S CUSTODY**

18
19 Petitioner is in civil immigration detention. His immigration proceedings are not final; he has a pending
20 appeal before the Board of Immigration Appeals. Accordingly, his detention is pre-removal detention
21 governed by federal immigration detention statutes, not criminal custody.

22 Petitioner has been detained for more than six months without a bond hearing.

23
24 **V. STATUTORY BASIS OF DETENTION §1226 VS. §1231:**

25 Federal immigration detention authority arises under two separate statutory schemes, depending on the
26 procedural posture of removal proceedings.

27 **A. Section 1226 Governs Pre-Final Order Detention**
28

1 Under **8 U.S.C. §1226**, the Government may detain noncitizens during the pendency of removal
2 proceedings. Detention under §1226 is civil and preventive in nature. Because it is not tied to a final
3 order of removal, courts have held that prolonged detention under this provision requires additional
4 procedural safeguards, including bond hearings.

5 Petitioner's immigration case is not final. He has a pending appeal before the Board of Immigration
6 Appeals. Accordingly, his detention remains pre-removal detention governed by §1226.

7 **B. Section 1231 Governs Post-Final Order Detention**

8 By contrast, **8 U.S.C. §1231** governs detention after a removal order becomes administratively final.
9 That statute allows detention during the "removal period" while the Government seeks to effectuate
10 removal.

11 Because Petitioner's appeal remains pending and no administratively final order exists, §1231 does not
12 govern his detention.

13 **C. Consequence of §1226 Detention**

14 Detention under §1226 is not punitive and must bear a reasonable relation to its purposes of ensuring
15 appearance and protecting the community. When detention becomes prolonged without a bond hearing
16 before a neutral decisionmaker, serious due process concerns arise.

17 Petitioner's continued detention without such a hearing therefore presents a constitutional violation.

18 **D. Ninth Circuit Precedent Requires Bond Hearings in Prolonged §1226 Detention**

19 The Ninth Circuit has repeatedly recognized that prolonged detention under §1226 raises serious due
20 process concerns and requires additional procedural safeguards.

21 In **Rodriguez v. Robbins**, 804 F.3d 1060 (9th Cir. 2015), the court held that noncitizens detained for
22 prolonged periods under §1226 are entitled to bond hearings where the Government must justify
23 continued detention. Although aspects of Rodriguez were later affected by *Jennings v. Rodriguez*, 583
24 U.S. 281 (2018), the constitutional due process concerns identified by the Ninth Circuit remain central to
25 evaluating prolonged detention.

26 In **Hernandez v. Sessions**, 872 F.3d 976 (9th Cir. 2017), the Ninth Circuit held that due process requires
27 the Government to bear the burden of proof at immigration bond hearings and that the burden must be
28 met by clear and convincing evidence where liberty is at stake.

1 The Ninth Circuit has further recognized that detention becomes constitutionally problematic when it is
2 prolonged and lacks meaningful procedural protections. See **Diouf v. Napolitano**, 634 F.3d 1081 (9th
3 Cir. 2011) (holding that prolonged detention requires a bond hearing before an immigration judge).
4 District courts within the Ninth Circuit continue to grant habeas relief in prolonged §1226 detention
5 cases, ordering bond hearings where detainees have been held for extended periods without adequate
6 process.
7 Together, these cases establish that when detention under §1226 becomes prolonged, due process
8 requires a bond hearing before a neutral adjudicator where the Government must justify continued
9 custody.

10 **VI. LEGAL FRAMEWORK**

11 **A. Liberty Interest**

12 Freedom from physical restraint lies at the core of the liberty protected by the Fifth Amendment.
13 Civil immigration detention triggers constitutional due process protections.
14

15 **B. Due Process Requires a Hearing**

16 When civil detention becomes prolonged, due process requires a meaningful hearing before a
17 neutral decisionmaker where the Government bears the burden of proving continued detention is
18 necessary.

19 **C. Prolonged Immigration Detention**

20 Federal courts have repeatedly recognized that prolonged detention without a bond hearing raises
21 serious constitutional concerns. After several months of detention, continued custody without
22 process becomes presumptively unreasonable.
23

24 **VII. DUE PROCESS REQUIRES A BOND HEARING UNDER** 25 **MATHEWS V. ELDRIDGE**

26 Whether detention procedures satisfy due process is evaluated under the balancing test set forth in
27 *Mathews v. Eldridge*, 424 U.S. 319 (1976). Courts must weigh:
28

- 1 1. The private interest affected;
- 2 2. The risk of erroneous deprivation and value of additional safeguards;
- 3 3. The Government's interest.

4 Each factor supports requiring a bond hearing here.

5 **A. Petitioner's Private Liberty Interest Is Fundamental**

6 Freedom from physical restraint is at the core of the liberty protected by the Fifth Amendment.
7 Civil immigration detention constitutes a severe deprivation of liberty comparable in many
8 respects to criminal incarceration. Petitioner has been detained for an extended period, separated
9 from community and family, and confined under restrictive custodial conditions. His interest in
10 release is therefore substantial.

11 **B. The Risk of Erroneous Detention Is High Without a Hearing**

12 Without a bond hearing before a neutral adjudicator, there is a significant risk Petitioner is being
13 detained unnecessarily. ICE detention decisions are made administratively and without
14 adversarial testing. A bond hearing provides critical safeguards:

- 15 • A neutral decisionmaker;
- 16 • The opportunity to present evidence;
- 17 • The opportunity to challenge Government assertions;
- 18 • A defined burden of proof.

19 These procedures substantially reduce the risk of erroneous continued detention.

20 **C. The Government's Interest Does Not Outweigh Due Process**

21 The Government has an interest in ensuring noncitizens appear for proceedings and do not pose danger.
22 However, that interest does not justify indefinite or prolonged detention without process. A bond
23 hearing accommodates both interests by allowing release under conditions if appropriate while
24 protecting public safety and flight risk concerns.

25 Under *Mathews*, the balance of interests requires that Petitioner receive a bond hearing where the
26 Government must justify continued detention.

27
28

1 **VIII. STATEMENT OF FACTS**

2
3 Petitioner is a citizen of Afghanistan and a member of the Hazara ethnic minority. He filed an asylum
4 application in the United States.

5 On June 24, 2025, following an immigration court proceeding, Petitioner was taken into ICE custody and
6 transferred to California City Corrections Center. He timely appealed the immigration court's decision,
7 and that appeal remains pending.

8 Since June 24, 2025, Petitioner has remained detained continuously. He has not received a bond hearing
9 before an immigration judge at which the Government was required to prove he is a flight risk or danger
10 to the community.

11
12 **IX. CLAIM FOR RELIEF**

13
14 **(Fifth Amendment Due Process)**

15 Petitioner's prolonged detention without a bond hearing violates the Due Process Clause.

- 16 1. Petitioner has a protected liberty interest in freedom from detention.
17 2. His detention has become prolonged.
18 3. He has not been afforded a constitutionally sufficient bond hearing.
19 4. Due process requires that the Government justify continued detention before a neutral adjudicator
20 and bear the burden of proof.

21 Absent such a hearing, Petitioner's continued detention is unconstitutional.

22 **X. PRAYER FOR RELIEF**

23
24 Petitioner respectfully requests that this Court:

- 25 1. Issue a writ of habeas corpus;
26 2. Order Respondents to provide Petitioner a bond hearing within 14 days before an immigration
27 judge;
28

- 1 3. Order that at such hearing, the Government bears the burden of proof by clear and convincing
- 2 evidence;
- 3 4. Order Petitioner's release if such hearing is not provided; and
- 4 5. Grant such other relief as law and justice require.

5
6 **VERIFICATION**

7 I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

8
9
10
11
12 Dated: January 28, 2026

13
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