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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA

9 MOHAMMAD YASIN REZAAE

10 Petitioner,

11 v.

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

17 Respondents.

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

MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS  
CORPUS AND MOTION FOR  
TEMPORARY RESTRAINING ORDER

ALIEN NUMBER: 

19 MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
20 PETITION FOR WRIT OF HABEAS CORPUS AND MOTION FOR  
21 TEMPORARY RESTRAINING ORDER

22 I. INTRODUCTION

23 Petitioner challenges his prolonged civil immigration detention without a constitutionally required  
24 bond hearing. He has been detained by ICE since June 24, 2025 and has never been provided a hearing  
25 before a neutral decisionmaker where the Government must justify continued detention.  
26

1 This case concerns **liberty**, not immigration merits. The Fifth Amendment prohibits prolonged civil  
2 detention without adequate procedural safeguards. Petitioner seeks a bond hearing – not termination of  
3 proceedings.

4 **II. JURISDICTON**

5 Federal district courts have jurisdiction under **28 U.S.C. § 2241** to review the legality of immigration  
6 detention. The Supreme Court has repeatedly affirmed habeas review over executive detention.

7 *Zadvydas v. Davis*, 533 U.S. 678 (2001).

8 **III. LEGAL STANDARD FOR TRO**

9 A TRO is appropriate where:

- 10 1. Likely success on the merits
- 11 2. Irreparable harm
- 12 3. Balance of equities favors relief
- 13 4. Public interest supports relief

14 *Winter v. NRDC*, 555 U.S. 7 (2008).

15 **IV. PETITIONER IS LIKELY TO SUCCEED**

16 **A. Civil Immigration Detention Triggers Due Process**

17 Freedom from physical restraint is a fundamental liberty interest. Civil immigration detention is non-  
18 punitive and must comply with due process. *Zadvydas*, 533 U.S. at 690.

19 **B. Detention Under §1226 Requires Procedural Safeguards**

20 Petitioner is detained under **8 U.S.C. §1226** because his immigration case is not final. The Ninth Circuit  
21 has repeatedly recognized that **prolonged §1226 detention raises serious due process concerns.**

- 22 • *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015)
- 23 • *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017)
- 24 • *Diouf v. Napolitano*, 634 F.3d 1081 (9<sup>th</sup> Cir. 2011)

25 These cases recognize that prolonged detention requires a hearing where the Government must justify  
26 custody.

27 **C. Due Process Requires a Bond Hearing Under *Mathews v. Eldridge***

28 Under *Mathews*, courts weigh:

- 1 1. Private liberty interest
- 2 2. Risk of erroneous deprivation
- 3 3. Government interest

4 All factors favor a bond hearing.

5 Petitioner's liberty interest is substantial. Without a hearing, there is a high risk of erroneous continued  
6 detention. A bond hearing imposes minimal burden on the Government while protecting due process.

7 **V. PETITIONER SUFFERS IRREPARABLE HARM**

8 Loss of liberty constitutes irreparable injury. Courts consistently hold that unconstitutional detention is  
9 irreparable. Each day of detention without due process compounds harm.

10 **VI. BALANCE OF EQUITIES**

11 A bond hearing does not mandate release. It ensures procedural fairness. The Government retains  
12 authority to detain if it meets its burden.

13 **VII. PUBLIC INTEREST**

14 The public interest is served by ensuring constitutional compliance and preventing unlawful detention

15 **VIII. RELIEF IS ROUTINE IN SIMILAR CASES**

16 District courts routinely order bond hearings in prolonged detention cases. Petitioner requests only that  
17 Respondents comply with constitutional requirements.

18 **IX. CONCLUSION**

19 Petitioner respectfully requests that the Court:

- 20 1. Grant the writ of habeas corpus;
- 21 2. Order a bond hearing within 14 days;
- 22 3. Require the Government to bear the burden by clear and convincing evidence;
- 23 4. Order release if hearing is not provided.

24 Dated: January 28, 2026

25  
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