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

9 Hamlet KHEVOYAN,

Case No. '26CV0151 BAS SBC

10 Petitioner,

11 v.

12 Kristi NOEM, Secretary, U.S.
13 Department of Homeland Security;
14 Pamela BONDI, U.S. Attorney General;
15 Todd LYONS, Acting Director,
16 Immigration and Customs Enforcement;
17 Patrick DIVVER, Director, San Diego
18 Field Office, Immigration and Customs
19 Enforcement, Enforcement and Removal
20 Operations; Christopher J. LAROSE,
21 Senior Warden, Otay Mesa Detention
22 Center; IMMIGRATION AND
23 CUSTOMS ENFORCEMENT; and U.S.
24 DEPARTMENT OF HOMELAND
25 SECURITY,

**PETITION FOR WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241;
VERIFIED PETITION**

IMMIGRATION HABEAS CASE

PETITIONER'S DHS NO:



26 Respondents.
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INTRODUCTION

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3 1. Petitioner Hamlet Khevoyan (“Petitioner”), by and through undersigned
4 counsel, files this petition for a writ of habeas corpus challenging the unlawful
5 revocation of his release from Department of Homeland Security (“DHS”) custody.

6
7 2. On February 8, 2018, Petitioner applied for admission at the U.S. Mexico Port
8 of Entry along with his wife and two children and asked for asylum. He was found
9 to have a credible fear of persecution following a credible fear interview and served
10 with a Notice to Appear commencing removal proceedings against him. He was
11 charged with removability pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I).

12
13 3. Petitioner was detained until March 16, 2018, when he was released on parole
14 and payment of \$25,000 bond. He was placed in the Intensive Supervision
15 Appearance Program (“ISAP”), which he never violated. His removal case was
16 consolidated with the cases of his wife and children. They never missed a court
17 hearing. On December 18, 2024, Petitioner’s removal proceedings were dismissed so
18 that he, his wife, and children could present their asylum claim to the United States
19 Citizenship and Immigration Services (“USCIS”).

20
21
22 4. On or about February 28, 2025, Petitioner refiled his asylum application with
23 USCIS. That application remains pending. His wife and children are derivative
24 applicants.
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1 5. Since his release on bond in 2018, Petitioner has established deep family roots
2 in this country. His parents and sister are U.S. citizens. His children are fluent English
3 speakers and performing well in school.
4

5 6. Petitioner was re-detained on December 10, 2025 following an encounter with
6 police at a casino that did not even result in him being taken to the police station. It
7 did result in him being turned over to Customs and Border Protection (“CBP”), which
8 in turn took him to Immigration and Customs Enforcement (“ICE”). ICE has now
9 kept Petitioner detained at Otay Mesa Detention Center for a month without even a
10 bond hearing.
11

12 7. Petitioner has no history of criminal convictions. His criminal history includes
13 one arrest in 2023 for receiving stolen property that was dismissed. He has also
14 received a speeding ticket.
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16

17 8. Petitioner is now in the physical custody of Respondents at the Otay Mesa
18 Detention Center in Otay Mesa, California. On information and belief, prior to his
19 detention, Petitioner was given no notice of ICE’s intention to re-detain him, and he
20 was not provided with any information about why his bond was revoked.
21

22 9. On information and belief, ICE has no individualized evidence that Petitioner
23 is a danger to the community or a flight risk.
24

25 10. Petitioner is unlawfully detained. DHS has improperly revoked his release on
26 parole and payment of a bond in 2018.
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1 11. Petitioner’s detention on this basis violates his rights under the U.S.
2 Constitution. All individuals within the United States have constitutional rights.
3 “[T]he Due Process Clause applies to all ‘persons’ within the United States, including
4 aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”
5 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Petitioner’s ongoing detention violates
6 his Fifth Amendment substantive due process right under the U.S. Constitution
7 because he is neither a flight risk nor a danger to the community. In addition, his re-
8 detention violates his procedural due process rights because his bond was revoked
9 without any notice or any opportunity to contest his detention before a neutral arbiter.
10 Finally, Petitioner’s re-detention violates his Fourth Amendment right to be free of
11 unlawful arrest.
12

13 12. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be
14 immediately released from custody and to enjoin Respondents from re-detaining him:
15 (1) absent further order of this Court; or (2) absent the provision of a pre-deprivation
16 hearing before a neutral arbiter, at which Respondents will bear the burden of proving
17 by clear and convincing evidence that he is a flight risk or a danger to the community.
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20 **JURISDICTION**

21 13. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. § 1331
22 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702 (waiver
23 of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus jurisdiction), and Article
24 I, Section 9, clause 2 of the United States Constitution (the Suspension Clause).
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1 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
2 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
3

4 **VENUE**

5 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,
6 493-500 (1973), venue lies in the United States District Court for the Southern
7 District of California, the judicial district in which Petitioner is currently detained.
8

9 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
10 Respondents are employees, officers, and agencies of the United States, and because
11 a substantial part of the events or omissions giving rise to the claims brought herein
12 occurred in the Southern District of California.
13

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

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16 17. The Court must grant a petition for writ of habeas corpus or order Respondents
17 to show cause “forthwith,” unless a petitioner is not entitled to relief. 28 U.S.C. §
18 2243. If an order to show cause is issued, Respondents must file a return “within three
19 days unless for good cause additional time, not exceeding twenty days, is allowed.”
20

21 *Id.*

22
23 18. Habeas corpus is “perhaps the most important writ known to the constitutional
24 law . . . affording as it does a swift and imperative remedy in all cases of illegal
25 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application
26 for the writ usurps the attention and displaces the calendar of the judge or justice who
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1 entertains it and receives prompt action from him within the four corners of the
2 application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
3

4 **PARTIES**

5 **Petitioner**

6 19. Petitioner, Hamlet KHEVOYAN (DHS No. 216-176-366) was arrested by ICE
7 agents on December 10, 2025, in or near San Diego, California. He has been in
8 immigration detention since that date. After arresting Petitioner, ICE did not set bond.
9

10 **Respondents**

11 20. Respondent Kristi NOEM is the Secretary of DHS. She is responsible for
12 the implementation and enforcement of the Immigration and Nationality Act and
13 oversees ICE, which is responsible for Petitioner’s detention. Secretary Noem has
14 ultimate custodial authority over Petitioner. She is sued in her official capacity.
15

16 21. Respondent Pamela BONDI is the Attorney General of the United States. She
17 is responsible for the Department of Justice, of which the Executive Office for
18 Immigration Review and the BIA and immigration court system it operates, is a
19 component agency. She is sued in her official capacity.
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21 22. Respondent Todd LYONS is the Acting Director of ICE, a federal law
22 enforcement agency within DHS. ICE’s responsibilities include operating the
23 immigration detention system. In his capacity as ICE Acting Director, Respondent
24 Lyons exercises control over and is a custodian of persons held at ICE facilities
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1 nationally. He is Petitioner's immediate custodian and is responsible for Petitioner's
2 detention. He is sued in his official capacity.

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4 23. Respondent Patrick DIVVER is the Director of the San Diego Field Office of
5 ICE's Enforcement and Removal Operations division. As such, he is the custodian
6 of all persons held at the ICE facilities within the San Diego Field Office. He is
7 Petitioner's immediate custodian and is responsible for Petitioner's detention. He is
8 sued in his official capacity.

9
10 24. Respondent Christopher J. LAROSE is the Senior Warden of the Otay Mesa
11 Detention Center in Otay Mesa, California, where Petitioner is detained. He has
12 immediate physical custody of Petitioner. He is sued in his official capacity.

13
14 25. Respondent Department of Homeland Security ("DHS") is the federal agency
15 responsible for implementing and enforcing the Immigration and Nationality Act
16 ("INA"), including the detention and removal of noncitizens.

17
18 26. Respondent Immigration and Customs Enforcement ("ICE") is the agency
19 within DHS responsible for implementing and enforcing the INA, including the
20 detention and removal of noncitizens.

21 22 **LEGAL FRAMEWORK**

23
24 27. The INA prescribes three basic forms of detention for the vast majority of
25 noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a. The
26 INA provides for mandatory detention of noncitizens subjected to an Expedited
27 Removal order imposed pursuant to 8 U.S.C. § 1225(b)(1) and for certain other
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1 noncitizen applicants for admission to the U.S. who are deemed not clearly entitled
2 to be admitted. *See* 8 U.S.C. § 1225(b)(2).

3
4 28. ICE is detaining Petitioner under § 1225(b)(2). They have charged him as an
5 arriving alien because he applied for admission at the border in 2018. The
6 government considers him a mandatory detainee even though they released him on
7 parole and payment of bond nearly eight years ago. They consider him a mandatory
8 detainee even though he never violated his ISAP conditions and never missed a court
9 hearing. *See, Matter of Q. Li*, 29 I & N Dec. 66 (BIA 2025)

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11
12 29. The Constitution establishes due process rights for “all ‘persons’ within the
13 United States, including [noncitizens], whether their presence here is lawful,
14 unlawful, temporary, or permanent.” *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th
15 Cir. 2017) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001)). These due process
16 rights are both substantive and procedural.

17
18
19 30. First, “[t]he touchstone of due process is protection of the individual against
20 arbitrary action of government,” *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974),
21 including “the exercise of power without any reasonable justification in the service
22 of a legitimate government objective.” *Cnty. of Sacramento v. Lewis*, 523 U.S. 833,
23 846 (1998).

24
25 31. These protections extend to noncitizens facing detention, as “[i]n our society
26 liberty is the norm, and detention prior to trial or without trial is the carefully limited
27 exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Accordingly,
28

1 “[f]reedom from imprisonment—from government custody, detention, or other
2 forms of physical restraint—lies at the heart of the liberty that [the Due Process]
3 Clause protects.” *Zadvydas*, 533 U.S. at 690.

4
5 32. Substantive due process thus requires that all forms of civil detention—
6 including immigration detention—bear a “reasonable relation” to a non-punitive
7 purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has
8 recognized only two permissible non-punitive purposes for immigration detention:
9 ensuring a noncitizen’s appearance at immigration proceedings and preventing
10 danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*,
11 538 U.S. 510, 519–20, 527–28, 31 (2003).

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14 33. Second, the procedural component of the Due Process Clause prohibits the
15 government from imposing even permissible physical restraints without adequate
16 procedural safeguards.

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18 34. Generally, “the Constitution requires some kind of a hearing *before* the State
19 deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127
20 (1990). This is so even in cases where that freedom is lawfully revocable. *See Hurd*
21 *v. D.C., Gov’t*, 864 F.3d at 683 (citing *Young v. Harper*, 520 U.S. 143, 152 (1997)
22 (re-detention after pre-parole conditional supervision requires pre-deprivation
23 hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation
24 context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

1 35. After an initial release from custody on conditions, even a person paroled
2 following a conviction for a criminal offense for which they may lawfully have
3 remained incarcerated has a protected liberty interest in that conditional release.
4 *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, “[t]he parolee has
5 relied on at least an implicit promise that parole will be revoked only if he fails to
6 live up to the parole conditions.” *Id.* “By whatever name, the liberty is valuable and
7 must be seen within the protection of the [Constitution].” *Id.*

10 36. This reasoning applies with equal if not greater force to people who bonded
11 out from civil immigration detention and were not apprehended shortly after their
12 removal order became final, like Petitioner. After all, noncitizens living in the United
13 States, like Petitioner, have a protected liberty interest in their ongoing freedom from
14 confinement. *See Zadvydas*, 533 U.S. at 690. “Given the civil context [of
15 immigration detention], [the] liberty interest [of noncitizens released from custody]
16 is arguably greater than the interest of parolees in *Morrissey*.” *Ortega v. Bonnar*, 415
17 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (citing *Morrissey*, 408 U.S. at 487).

21 FACTS

22 37. Petitioner has resided in California since February 8, 2018 when he applied for
23 asylum at the U.S. port of entry at Calexico, California. He fled to the United States
24 with his family to escape persecution in Armenia due to his political activities. He
25 told officers at the border that he wanted to seek asylum. He was separated from his
26 family and detained for one month.
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1 38. On or about March 15, 2018, Petitioner was released on parole and payment
2 of a \$25,000 bond. He was placed on an order of release on recognizance (“OREC”)
3 and registered with the Intensive Supervision Appearance Program (“ISAP”). He
4 always followed the ISAP program. He never missed a scheduled call or
5 appointment.
6

7
8 39. Petitioner was placed in removal proceedings. His case was consolidated with
9 his wife and children’s case. He and his wife attended all court hearings until their
10 presence began to be waived due to COVID restrictions.
11

12 40. On December 18, 2024, the family’s case in immigration court was dismissed
13 so that they could seek asylum with the USCIS. Petitioner filed for asylum with
14 USCIS, and his wife and children were included as derivative beneficiaries. Because
15 they no longer had removal proceedings pending, they were removed from the ISAP
16 program.
17

18 41. Petitioner’s asylum application was still pending on December 10, 2025 when
19 he went with two friends to Valley View Casino near San Diego, California. Police
20 arrived and suddenly put handcuffs on Petitioner. Petitioner believes the police
21 wanted to arrest his friend, but they handcuffed him as well.
22

23 42. The officers walked Petitioner outside, where a bee came near his stomach,
24 causing him to swerve out of its path. When he did this, an officer pushed him to the
25 floor and pressed his legs so hard that he lost consciousness. He was taken to the
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1 hospital, where he regained his consciousness. He and the officer discussed the
2 misunderstanding.

3
4 43. When Petitioner was let go from the hospital, police took him to what looked
5 like a little shed. They said that they would let him go but his documentation was not
6 good enough, so they had to turn him over to immigration. They waited behind a shed
7 for a while until some agents, likely from Customs and Border Protection (“CBP”),
8 arrived and took him to downtown San Diego and delivered him to ICE. ICE took
9 his fingerprints and eventually transferred him to Otay Mesa Detention Center.
10

11
12 44. ICE served Petitioner a Notice to Appear charging him with being inadmissible
13 under 8 U.S.C. §§ 1182(a)(7)(A)(i)(I) as someone who lacked proper entry
14 documents at the time he was seeking admission. This is the same charge levied
15 against him in his removal proceedings that were later dismissed.
16

17 45. Petitioner remains at Otay Mesa Detention Center today. Petitioner was not
18 provided a pre-deprivation hearing prior to or concurrent with arrest and transfer to
19 the Otay Mesa Detention Center.
20

21 **FIRST CLAIM FOR RELIEF**

22 **Violation of the Fifth Amendment to the United States Constitution**
23 **(Substantive Due Process – Detention)**

24 46. Petitioner incorporates by reference the allegations of fact set forth in the
25 preceding paragraphs.
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1 47. The Due Process Clause of the Fifth Amendment protects all “person[s]” from
2 deprivation of liberty “without due process of law.” U.S. Const. amend. V. “Freedom
3 from imprisonment—from government custody, detention, or other forms of physical
4 restraint—lies at the heart of the liberty that [the Due Process] Clause
5 protects.” *Zadvydas*, 533 U.S. at 690.
6

7
8 48. Immigration detention is constitutionally permissible only when it furthers the
9 government’s legitimate goals of ensuring the noncitizen’s appearance during
10 removal proceedings and preventing danger to the community. *See id.*
11

12 49. Petitioner is not a flight risk or danger to the community. Respondents’
13 detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner
14 is being detained in violation of the Due Process Clause of the Fifth Amendment.
15

16 **SECOND CLAIM FOR RELIEF**

17 **Violation of the Fifth Amendment to the United States Constitution**
18 **(Procedural Due Process – Detention)**

19 50. Petitioner incorporates by reference the allegations of fact set forth in the
20 preceding paragraphs.
21

22 51. As part of the liberty protected by the Due Process Clause, Petitioner has a
23 weighty liberty interest in avoiding re-detention after his release. *See Young v.*
24 *Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82
25 (1973); *Morrissey*, 408 U.S. at 482–83; *see also Ortega*, 415 F. Supp. 3d at 969–70
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1 (holding that a noncitizen has a protected liberty interest in remaining out of custody
2 following an IJ’s bond determination).

3
4 52. Accordingly, “[i]n the context of immigration detention, it is well-settled that
5 due process requires adequate procedural protections to ensure that the government’s
6 asserted justification for physical confinement outweighs the individual’s
7 constitutionally protected interest in avoiding physical restraint.” *Hernandez*, 872
8 F.3d at 990 (cleaned up); *Zinerman*, 494 U.S. at 127 (Generally, “the Constitution
9 requires some kind of a hearing *before* the State deprives a person of liberty or
10 property.”). In the immigration context, for such hearings to comply with due
11 process, the government must bear the burden to demonstrate, by clear and
12 convincing evidence, that the noncitizen poses a flight risk or danger to the
13 community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also*
14 *Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

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18 53. Petitioner’s re-detention without a pre-deprivation hearing violated due
19 process. Over seven years after he was released on bond, Respondents re-detained
20 Petitioner with no notice, no explanation of the justification for his re-detention, and
21 no opportunity to contest his re-detention in front of a neutral adjudicator before
22 being taken into custody.
23
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25 54. Petitioner has a profound personal interest in his liberty. *See Alvarenga Matute*
26 *v. Wofford*, 2025 WL 2996577, * 4 (E.D. Ca. Oct. 24, 2025) (confirming that
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1 noncitizen with an outstanding removal order had a protected liberty interest due to
2 his previous conditional release).

3
4 55. Because he received no procedural protections, the risk of erroneous
5 deprivation is high. When Respondents released Petitioner on bond after he presented
6 himself to immigration officers at a port of entry and sought asylum, they did so
7 because they determined he was not a danger to the community and the bond
8 mitigated his flight risk. *See e.g., Marin v. Andrews*, 2025 WL 3171484, *4 (E.D. Ca.
9 Nov. 13, 2025) (citing *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1196 (9th Cir.
10 2022) and quoting 8 C.F.R. § 236.1(c)(8)).

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13 56. Prior to his re-detention in December of 2025, Petitioner had no notice of
14 Respondents' intention to re-detain him and no opportunity to contest that action.
15 Because the private interest in freedom from immigration detention is substantial,
16 due process requires the government to bear the burden of proving by clear and
17 convincing evidence that Petitioner is a flight risk or danger to the community before
18 re-detaining him. *See e.g., Rodriguez Diaz v. Kaiser*, 2025 WL 3011852, *11 (N.D.
19 Ca. Sep. 16, 2025).

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21
22 57. The government has no legitimate interest in detaining Petitioner without a
23 hearing. *See e.g., Peters v. Wofford*, 2025 WL 2299801, *7 (E.D. Ca. Aug. 8, 2025)
24 (finding that "the government's asserted interest is hinged on mere speculation about
25 [the noncitizen's] risk of flight or dangerousness" given that noncitizen was
26 complying with terms of his probation when detained); *Noori*, 2025 WL 2800149 at
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1 *11 (“Respondents did not provide Petitioner individualized notice and reasoning
2 prior to his arrest and detention on June 12, 2025 and have presented no legitimate
3 reason for why those decisions were made. Any governmental interest of efficient
4 administration of immigration laws . . . does not outweigh these first two factors.”).
5 Bond hearings are a routine part of immigration court proceedings, imposing a
6 minimal cost to the government. *See Doe v. Becerra*, --- F.Supp.3d ----, 2025 WL
7 691664, *6 (E.D. Ca. March 3, 2025). Nothing in Petitioner’s record suggests that he
8 would abscond or endanger the community before a bond hearing could be carried
9 out. *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL 783561 *3 (N.D. Cal. Mar. 1, 2021);
10 *Vargas v. Jennings*, 2020 WL 5074312, *3 (N.D. Cal. Aug. 23, 2020) (finding that
11 “the government’s concern that delay in scheduling a hearing could exacerbate flight
12 risk or danger is unsubstantiated in light of petitioner’s strong family ties and his
13 continued employment during the pandemic as an essential agricultural worker”). In
14 fact, Petitioner is represented by counsel and has a demonstrated record of attendance
15 at his immigration proceedings. There is no reason to think that his compliance will
16 change if he is released pending a pre-deprivation custody hearing.

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22 **THIRD CLAIM FOR RELIEF**

23
24 **Petitioner’s Arrest Violates His Right To Be Free From Unreasonable Seizure**
25 **(U.S. Const. amend. IV)**

26 58. Petitioner incorporates by reference the allegations of fact set forth in the
27 preceding paragraphs.
28

1 59. The Fourth Amendment protects the right of persons present in the United
2 States to be free from unreasonable seizures by government officials.

3
4 60. As a corollary to that right, the Fourth Amendment prohibits government
5 officials from conducting repeated arrests on the same probable cause.

6
7 It is axiomatic that seizures have purposes. When
8 those purposes are spent, further seizure is
9 unreasonable [T]he primary purpose of an arrest
10 is to ensure the arrestee appears to answer charges .
11 Once the arrestee appears before the court, the
12 purpose of the initial seizure has been
accomplished. Further seizure requires a court order
or new cause; the original probable cause
determination is no justification.

13 *Williams v. Dart*, 967 F.3d 625, 634 (7th Cir. 2020) (cleaned up).

14 61. In the immigration context, this prohibition means that a person whom
15 immigration authorities released from initial custody cannot be rearrested “solely on
16 the ground that he is subject to removal proceedings” and without some new,
17 intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017),
18 *aff’d sub nom.*, *Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). Courts
19 have long recognized that permitting such rearrests could result in “harassment by
20 continual rearrests.” *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971).

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24 62. DHS agents detained Petitioner in 2018 after he presented himself at the
25 border. Agents paroled Petitioner into United States after he paid a bond of \$25,000
26 and released him on his own recognizance with instructions to appear at the local
27

1 ICE field office. Petitioner appeared as instructed and complied with the conditions
2 of release that DHS imposed on him.

3
4 63. DHS re-arrested Petitioner on December 10, 2025 with no new justification.
5 He has an application for asylum pending with USCIS that was originally filed in
6 August of 2018. Petitioner had not engaged in any conduct in the intervening time
7 that made him a flight risk or danger to the community. No material changes in
8 circumstances justified Petitioner's re-arrest.
9

10 64. Petitioner's re-arrest and detention by Respondents after he had complied
11 with conditions of his OREC and absent any material change in circumstances is
12 thus an unreasonable seizure in violation of the Fourth Amendment.
13

14 **PRAYER FOR RELIEF**

15
16 WHEREFORE, Petitioner respectfully ask that this Court assume jurisdiction
17 over this matter and grant the following relief:

- 18
19 a. Order that Petitioner shall not be transferred outside of the Southern
20 District of California while this petition is pending;
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22 b. Issue an Order to Show Cause ordering Respondents to show cause
23 within three days why this Petition should not be granted;
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25 c. Issue a Writ of Habeas Corpus ordering Respondents to immediately
26 release Petitioner from custody;
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28 d. Declare that Petitioner's detention is unlawful;

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- e. Enjoin Respondents from re-detaining Petitioner unless his re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;
- f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED: January 9, 2026

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner

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VERIFICATION

I, Keli M. Reynolds, declare as follows:

I am an attorney admitted to practice law in the State of California.

Because many of the allegations of this Petition require a legal knowledge not possessed by the Petitioner, I am making this verification on his behalf.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true to my knowledge, information, or belief.

I certify under penalty of perjury that the foregoing is true and correct and that this declaration was executed on January 9, 2026.

s/ Keli M. Reynolds
KELI M. REYNOLDS
Olmos & Reynolds Law Group, LLP
Attorney for Petitioner