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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 WALID AL KHORI,  
11 ALIEN NUMBER   
12 Plaintiff,  
13 vs.  
14 WARDEN OF THE MESA VERDE ICE  
15 PROCESSING CENTER, MOISES BECERRA,  
16 SAN FRANCISCO ICE ERO DIRECTOR,  
17 KRISTI NOEM, SECRETARY OF THE  
18 DEPARTMENT OF HOMELAND SECURITY,  
19 PAM BOND, ATTORNEY GENERAL

Case No.:  
  
PETITION FOR WRIT OF HABEAS  
CORPUS AND COMPLAINT FOR  
INJUNCTIVE RELIEF

21  
22 INTRODUCTION

23 1. Petitioner Walid Al Khory is a Syrian Christian applicant for asylum in the United  
24 States. He first entered the United States on or about December 31, 2023 through the  
25 Southern Border when he turned himself into the custody of border patrol agents. Mr.  
26 Al Khori was released into the United States and given a notice to appear in  
27

1 Immigration Court. Mr. Al Khori attended two immigration court hearings while non  
2 detained and was scheduled for a merits hearing on June 1, 2026. On November 3,  
3 2025, Mr. Alkhori was detained by ICE while on a routine check in. The current  
4 detention is a violation of Mr. Al Khori's due process rights and he was denied bond  
5 by an Immigration Judge on December 18, 2025 based on a lack of jurisdiction.  
6

- 7 2. Mr. Al Khori currently has a pending asylum application.  
8 3. Petitioner asks this Court to find that his detention is unlawful and a violation of Mr.  
9 Alkhori's due process right and to order his release on bond.  
10

### 11 JURISDICTION

- 12 4. This action arises under the Constitution of the United States and the Immigration and  
13 Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*  
14 5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28  
15 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States  
16 Constitution (Suspension Clause).  
17 6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et.*  
18 *seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act,  
19 28 U.S.C. § 1651.  
20

### 21 VENUE

- 22 7. Venue is proper in this District because Respondents are officers, employees, or  
23 agencies of the United States and substantial part of the events or omissions giving  
24 rise to Mr. Al Khouri's claims occurred in this District and Respondent resides in this  
25 District and no real property is involved in this action.] 28 U.S.C. § 1391(e).  
26  
27

**REQUIREMENTS OF 28 U.S.C. § 2243**

1  
2 8. The Court must grant the petition for writ of habeas corpus or issue an order to show  
3 cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to  
4 relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require  
5 respondents to file a return “within *three days* unless for good cause additional time,  
6 not exceeding twenty days, is allowed.” *Id.* (emphasis added).

7  
8 9. Courts have long recognized the significance of the habeas statute in protecting  
9 individuals from unlawful detention. The Great Writ has been referred to as “perhaps  
10 the most important writ known to the constitutional law of England, affording as it  
11 does a *swift* and imperative remedy in all cases of illegal restraint or confinement.”  
12 *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

13  
14 **PARTIES**

15 10. Petitioner Walid Al khori is a Syria asylum applicant. Petitioner is currently detained  
16 at the Mesa Verde ICE processing center in Bakersfield, CA. He is in the custody,  
17 and under the direct control, of Respondents and their agents.

18  
19 11. Respondent is the Warden of Mesa Verde ICE processing center and he has  
20 immediate physical custody of Petitioner pursuant to the facility’s contract with U.S.  
21 Immigration and Customs Enforcement to detain noncitizens and is a legal custodian  
22 of Petitioner. Respondent Warden is a legal custodian of Petitioner.

23  
24 12. Respondent Moises Becerra is sued in his official capacity as the Acting Director of  
25 the San Francisco Field Office of U.S. Immigration and Customs Enforcement.

26 Respondent Becerra is a legal custodian of Petitioner and has authority to release him.

27 13. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.

1 Department of Homeland Security (DHS). In this capacity, Respondent Noem is  
2 responsible for the implementation and enforcement of the Immigration and  
3 Nationality Act, and oversees U.S. Immigration and Customs Enforcement the  
4 component agency responsible for Petitioner's detention / custody. Respondent Al  
5 Khori is a legal custodian of Petitioner.  
6

7 14. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the  
8 United States and the senior official of the U.S. Department of Justice (DOJ). In that  
9 capacity, she has the authority to adjudicate removal cases and to oversee the  
10 Executive Office for Immigration Review (EOIR), which administers the immigration  
11 courts and the BIA. Respondent Al Khori is a legal custodian of Petitioner.  
12

13 **STATEMENT OF FACTS**

14 15. Petitioner is a forty one year-old Christian citizen of Syria. He came to the U.S. to  
15 escape persecution in Syria. He has no criminal history anywhere in the world.  
16

17 16. Mr. Al Khori entered the United States on or about December 31, 2023. He turned  
18 himself into border protection agent and was held at the Otay Mesa detention facility  
19 for approximately ten days, after which he was paroled into the U.S.  
20

21 17. Mr. Al Khori's case proceeded normally before the Immigration Court where he filed  
22 an application for asylum and was eventually set for a hearing on the merits of his  
23 case on June 1, 2026.

24 18. On November 3, 2025 Mr. Al Khori was detained while on a routine check in with  
25 ICE. Mr. Al Khori had not violated the conditions of his parole nor had he committed  
26 any crimes. The instant Habeas Petition came after he applied for bond with the  
27 Immigration Judge but was denied.  
28

**LEGAL FRAMEWORK**

1  
2 19. The Refugee Act of 1980, the cornerstone of the U.S. asylum system, provides a  
3  
4 20. right to apply for asylum to individuals seeking safe haven in the United States. The  
5 purpose of the Refugee Act is to enforce the “historic policy of the United States to  
6 respond to the urgent needs of persons subject to persecution in their homelands.”  
7 Refugee Act of 1980, § 101(a), Pub. L. No. 96-212, 94 Stat. 102 (1980).

8 21. The “motivation for the enactment of the Refugee Act” was the United Nations  
9  
10 22. Protocol Relating to the Status of Refugees, “to which the United States had been  
11 bound since 1968.” *INS v. Cardoza-Fonseca*, 480 U.S. 421, 424, 432-33 (1987). The  
12 Refugee Act reflects a legislative purpose “to give ‘statutory meaning to our national  
13 commitment to human rights and humanitarian concerns.’” *Duran v. INS*, 756 F.2d  
14 1338, 1340 n.2 (9th Cir. 1985).

15 23. The Refugee Act established the right to apply for asylum in the United States and  
16 defines the standards for granting asylum. It is codified in various sections of the  
17  
18 INA.

19 24. The INA gives the Attorney General or the Secretary of Homeland Security  
20 25. discretion to grant asylum to noncitizens who satisfy the definition of “refugee.”

21 Under that definition, individuals generally are eligible for asylum if they have  
22  
23 experienced past persecution

24 26. or have a well-founded fear of future persecution on account of race, religion,  
25 nationality, membership in a particular social group, or political opinion and if they  
26 are unable or unwilling to return to and avail themselves of the protection of their  
27  
28 homeland because of that persecution

1 of fear. 8 U.S.C. § 1101(a)(42)(A).

2 27. Noncitizens seeking asylum are guaranteed Due Process under the Fifth

3 Amendment to the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

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10 **CLAIMS FOR RELIEF**

11 **COUNT ONE**

12 **Violation of Fifth Amendment Right to Due Process**

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15 The allegations in the above paragraphs are realleged and incorporated  
16 herein.

17  
18 28. The Due Process Clause of the Fifth Amendment to the U.S. Constitution  
19 prohibits the federal government from depriving any person of “life, liberty, or property,  
20 without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’  
21 within the United States, including [non-citizens], whether their presence here is lawful,  
22 unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

23  
24 29. Due process requires that government action be rational and non-arbitrary. *See U.S. v.*  
25 *Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). For these reasons, Petitioner’s detention  
26 violates the Due Process Clause of the Fifth Amendment.

**COUNT TWO**

**Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A), the**

**Immigration and**

**Nationality Act – 8 U.S.C. § 1226, and Federal Regulations**

**Not in Accordance with Law and in Excess of Statutory Authority**

**Unlawful Detention**

30. The allegations in the above paragraphs are realleged and incorporated herein.

31. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A). Case 3:25-cv-00990-SI Document 1 Filed 06/10/25 Page 14 of 21. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

32. Federal regulations specify that where parole has been granted under 8 U.S.C. § 1182(d)(5), it may terminate on its expiration date, when a noncitizen departs the U.S., or “upon the accomplishment of the purpose for which parole was authorized.” 8 C.F.R. §§ 212.5(e)(1), (2)(i). If none of these conditions are met, parole may only be terminated following an individualized determination that “neither humanitarian reasons nor public benefit warrants the continued presence of the [noncitizen] in the United States.” 8 C.F.R. § 212.5(e)(2)(i).

1 33. To survive an APA challenge, the agency must articulate “a satisfactory  
2 explanation” for its action, “including a rational connection between the facts found  
3 and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019)  
4 (citation omitted).  
5

6 34. 71. By categorically revoking Petitioner’s parole and transferring Petitioner away  
7 from the district without consideration of Petitioner’s individualized facts and  
8 circumstances,  
9

10 35. Respondents have violated the INA, implementing regulations, and the APA.

11 36. On information and belief, Respondents have made no finding that Petitioner is a  
12 danger to the community.

13 37. On information and belief, Respondents have made no finding that Petitioner is a  
14 flight risk because, in fact, Petitioner was arrested while appearing at Petitioner’s  
15 immigration check in.  
16

17 **PRAYER FOR RELIEF**

18 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 19 (1) Assume jurisdiction over this matter;  
20 (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition  
21 should not be granted within three days.  
22 (3) Declare that Petitioner’s detention violates the Due Process Clause of the Fifth  
23 Amendment.  
24 (4) Issue a Writ of Habeas Corpus ordering Respondents to schedule a bond hearing before  
25 an immigration judge and, at such hearing, grant the Petitioner release on bond.  
26  
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- 1 (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on  
2 any other basis justified under law; and  
3  
4 (6) Grant any further relief this Court deems just and proper.

5 Respectfully submitted,

6  
7 /s/ Nabil Atalla, Esq.

8 Nabil Atalla, Esq

9 15303 Ventura Blvd. Suite 1650

10 Sherman Oaks, CA 91403  
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12  
13 *Counsel for Petitioner*

14 Dated: January 12, 2026  
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**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

1 I represent Petitioner, Name, and submit this verification on his/her/their behalf. I hereby  
2 verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are  
3 true and correct to the best of my knowledge.

4 Dated this Twelfth of January, 2025.

5  
6 *s/Nabil Atalla*

7 Nabil Atalla, Esq.

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14 \_\_\_\_\_  
15 ATALLA LAW, APLC  
16 By: */s/ Nabil Atalla*  
17 Attorney for the Plaintiff  
18 Walid Al khori

19 Dated: January 12, 2026