

1 Brian J. McGoldrick (California #169104)
2 Counsel for the Petitioner
3 4916 Del Mar Avenue
4 San Diego, CA 92107
5 (619) 675-2366
6 attorney@brianmccgoldrick.com

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

9 ZURAB MODREKILADZE,

10 Plaintiff,

11 vs.

12 CHRISTOPHER LAROSE, warden of
13 Otay Mesa Detention Center
14 DANIEL A. BRIGHTMAN, San Diego
15 Field Office Director, Immigration and
16 Customs Enforcement and Removal
17 Operations (“ICE/ERO”);
18 TODD LYONS, Acting Director of
19 Immigration Customs Enforcement
20 (“ICE”);
21 KRISTI NOEM, Secretary of the
22 Department of Homeland Security
23 (“DHS”);
24 PAMELA BONDI, Attorney General of
25 the United States,
26 U.S. DEPARTMENT OF HOMELAND
27 SECURITY;
28 U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: 3:26-cv-00271-JES-DEB

TRAVERSE TO PETITION FOR
WRIT OF HABEAS CORPUS

1 **STATEMENT OF FACTS**

2 Zurab MODREKILADZE, [REDACTED] is a 40-year-old man
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4 from Tbilisi, Georgia. He has been an ardent supporter of western democracy in
5 Georgia and has been persecuted as a result. He believed he could no longer live in
6 Georgia and he made his way to the United States. On 10/20/2023 he entered the
7 United States and presented himself to the authorities.
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9 He entered the United States on 20 October, 2023. He was detained
10 for approximately 15 days in Arizona. He was then moved to Mississippi for about
11 three months, then moved again to Louisiana for about three months. During this
12 time, he was found to have a credible fear of persecution if returned to Georgia. It
13 was also determined that he was not a danger to the community and not a flight
14 risk and was paroled into the United States. He was paroled into the United States
15 on May 17, 2024. *See Exhibit A.*
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19 Mr. Modrekiladze began his life in the United States after he was
20 released. He received work authorization, found a place to live and integrated
21 himself into the local community. In the two years he has lived here he has
22 established himself financially as well. He filed his I-589 application for Asylum
23 on June 4, 2024.
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26 On October 27, 2025, Mr. Modrekiladze was driving a box truck,
27 headed to Camp Pendleton Marine Base, for his employer to make deliveries on
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1 the base. When he realized where he was going, he pulled to the side of the road
2 and contacted his employer, worried about entering the base. His employer assured
3 him that the company had spoken with the base officials and he had permission to
4 bring the deliveries on to the base. When he arrived to guard booth, he explained
5 that his employer had called ahead and that he was authorized to bring the truck
6 onto the base. The officer there looked at his driver's license and asked if he had a
7 green card. Since he did not have one, he asked him to pull over to the side of the
8 road.
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12 The guard explained that his supervisor needed to come speak to him and
13 told him he had to stay in the truck and wait. He asked several times if he was free
14 to go. He was told he could not leave. He presented proof of his work authorization
15 and his pending asylum application. No base personal ever explained what law he
16 had violated that allowed them to hold him their prisoner. They simply asserted
17 that since he didn't have a green card he had to wait. After some time, a supervisor
18 arrived and interviewed him. The supervisor then took his picture and his
19 fingerprints. He was told once again that he must wait. He asked again why he
20 was being detained. He was simply told to wait. At some point military personnel
21 put a lock on the truck tire and began to move the cargo from the truck.
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26 Approximately three hours later, ICE officers arrived. He was put into handcuffs
27 and told he were being sent to detention. He asked again why he was being
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1 detained. He was not told why he was arrested. He was not told what law he had
2 violated. He was not advised of his Miranda rights. With no cause and no
3 explanation and no warrant he was put in the ICE vehicle and transferred to the
4 ICE facility in downtown San Diego. He was then transferred to the Otay Mesa
5 facility. The government's response does not refute the statement of facts and any
6 refutation is therefore waived.
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10 **The Petitioner was illegally detained and must be released.**

11 **Bond is not the appropriate remedy.**

12 The government's response alleges that, pursuant to *Maldonado Bautista v.*
13 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----, 2025 WL 3289861
14 (C.D. Cal. Nov. 20, 2025) "Petitioner is detained under 8 U.S.C. § 1226(a) and is
15 entitled to an order from this Court directing a bond hearing be held pursuant to 8
16 U.S.C. § 1226(a)." ECF 4 p.2
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19 The process for revoking Mr. Modrekiladze's parole is that it must be
20 terminated upon written notice after an individualized determination that the
21 humanitarian purposes no longer apply. 8 C.F.R. § 212.5(e)(2)(i). However, the
22 government's arrest and detention of Mr. Modrekiladze was not authorized under
23 color of any law. His arrest and detention were a violation of his right to due
24 process guaranteed by the Fifth Amendment to the Constitution and was a
25 violation of the Administrative Procedures Act.
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1 Count One of the Petition set out in detail how his detention was a violation
2 of the APA because the government did not follow its own rules regarding
3 revocation of parole. The government's response is silent on this issue. As a result
4 the government has waived any defense to this claim. The appropriate remedy for
5 this violation of the APA is not a bond hearing. The appropriate remedy is Mr.
6 Modrekiladze' immediate release from custody.
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9 Count Two of the Petition set out in detail how his detention was a violation
10 of due process because the government did not follow its own procedural rules
11 regarding revocation of parole. In addition, the government did not afford the
12 petitioner any pre-detention notice or hearing regarding the termination of his
13 liberty interest he had accrued during the time he was on parole. The government's
14 response is silent on these issues. As a result, the government has waived any
15 defense to this claim. The appropriate remedy for this violation of due process is
16 not a bond hearing. The appropriate remedy is Mr. Modrekiladze' immediate
17 release from custody.
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22 Count three set out in detail how his arrest and detention was executed
23 without a warrant and without probable cause. The government's response is silent
24 on this claim. As a result the government has waived any defense to this claim.
25 Respondents' warrantless arrest of Mr. Modrekiladze constitutes an unreasonable
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1 and unlawful seizure in violation of the Fourth Amendment. The appropriate
2 remedy is Mr. Modrekiladze' immediate release from detention.
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4 If Mr. Modrekiladze' detention was unlawful, *ab initio*, he should not be
5 required to post a bond and, in effect, pay a ransom to be released from this illegal
6 detention. Nothing in the government's response indicates that Mr. Modrekiladze
7 has somehow become a flight risk or a danger to the community.
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9 In addition, the current practice at Otay Mesa Detention Center is, upon
10 release, to immediately enroll detainees in an Alternative to Detention program and
11 put an ankle monitor on them before their actual release. This is also done without
12 any individualized consideration of whether the detainee is a potential flight risk or
13 a danger to the community. Mr. Modrekiladze has been at liberty for quite a while
14 prior to his detention and should not be enrolled in any ATD program and
15 especially should not be forced to wear an ankle monitor.
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19 CONCLUSION

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21 Petitioner respectfully requests this Court to grant the following:

22 (1) Declare that Petitioner's detention without an individualized
23 determination violates the Due Process Clause of the Fifth Amendment and the
24 Administrative Procedures Act;
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1 (2) Declare that Petitioner's warrantless arrest and detention
2 constitutes an unreasonable and unlawful seizure in violation of the Fourth
3 Amendment;
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5 (3) Issue a Writ of Habeas Corpus ordering Respondents to release
6 Petitioner from custody;
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8 (4) Issue and Order prohibiting the Respondents from enrolling the
9 Petitioner in any Alternative to Detention program, specifically barring them from
10 requiring an ankle monitor;
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12 (5) In the alternative, order a bond hearing for the Petitioner.
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14 (6) Grant any further relief this Court deems just and proper.

15 Dated: January 23, 2026

/s/ Brian J. McGoldrick
16 BRIAN J. MCGOLDRICK, ESQ.
17 Counsel for Petitioner
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CERTIFICATE OF SERVICE

I, Brian J. McGoldrick, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 4916 Del Mar Avenue, San Diego, CA 92107. On January 23, 2026, I served a copy of this

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by the method and to the parties listed below:

On January 23, 2026, I accessed the electronic mailing list for CM/ECF users in this case and representatives of all parties are CM/ECF users and are noticed as follows:

- **Janet A Cabral**

Janet.Cabral@usdoj.gov,mary.wiggins@usdoj.gov,efile.dkt.civ@usdoj.gov,USACAS.Habeas2241@usdoj.gov,caseview.ecf@usdoj.gov

- **Michael Damon Wallace**

michael.wallace4@usdoj.gov,anthony.nguyen@usdoj.gov,CaseView.ecf@usdoj.gov,ivette.moshe@usdoj.gov,efile.dkt.gc1@usdoj.gov,vanessa.blankenship@usdoj.gov

/s/Brian J. McGoldrick
Brian J. McGoldrick, Esq.
Counsel for Petitioner