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

10 **ANMOL KHALID,**

11 Case No.: '26CV1462 JLS MSB

12 Petitioner

13 **PETITION FOR WRIT OF HABEAS**
14 **CORPUS PURSUANT TO 28 U.S.C**
15 **§2241**

16 vs.

17 **Christopher J LaRose**, Senior Warden Otay
18 Mesa Detention Center; **Secretary**,
19 Department of Homeland Security; **Gregory**
20 **J. Archambeault** Field Officer Director
21 Enforcement and Removal Operations (ERO)
22 San Diego, CA. **Todd M Lyons** Performing
23 the Duties of the Immigration and Customs
24 Enforcement; **Pamela Bondi** United States
25 Attorney General

26 Respondents

27 **PETITION FOR WRITE OF HABEAS CORPUS**
28 **PURSUANT TO 28 U.S.C. §2241**

Petitioner respectfully petitions this Honorable court for writ of habeas corpus to remedy petitioner's unlawful detention by the respondents as follows:

Dated this March 08, 2026

Sajjad Hussain, Esq.

1 **I. INTRODUCTION:**

- 2 1. Petitioner Anmol (“Petitioner” or “Ms. Khalid”) has been civilly detained by U.S.
3 Immigration and Customs Enforcement (“ICE”) at the Otay Mesa Detention Center
4 (“Otay Mesa”) since September 16, 2025—approximately six months, *Ex 1 NTA*.
5 During this entire period, Ms. Khalid has had only one bond hearing, on March 2, 2026,
6 at which the Immigration Judge (“IJ”) found that the court lacked jurisdiction and
7 denied the request without considering the case on the merits, *Ex 6 IJ Decision*. ICE
8 cannot presently remove Ms. Khalid from the United States because her applications for
9 asylum, withholding of removal, and protection under the Convention Against Torture
10 remain pending. Her merits hearing is scheduled for May 19, 2026. Depending on the
11 Immigration Court’s decision, the case may be appealed, which could take an additional
12 six months or more to resolve. Absent any change in policy or law, Respondents may
13 continue to detain Ms. Khalid throughout the appellate process. As a result, she faces
14 many additional months in civil detention, and potentially a year or more if the matter
15 is appealed.
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19 2. This prolonged detention has taken a significant toll. Ms. Khalid’s continued detention
20 is constitutionally permissible only if Respondents can demonstrate before a neutral
21 decision-maker that he poses a danger to the community or a flight risk, or that her
22 removal is imminent. Otherwise, such extended civil confinement violates the Due
23 Process Clause and the limits imposed by the Immigration and Nationality Act (“INA”).
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25 3. Ms. Khalid’s continued detention without an individualized bond hearing before a
26 neutral decisionmaker violates the Due Process Clause of the Fifth Amendment.
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1 4. This Court should issue a writ of habeas corpus and determine that Ms. Khalid is entitled
2 to immediate release under reasonable conditions and pending further order of the
3 Court.

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5 5. Alternatively, this Court should order Ms. Khalid’s release unless she receives a bond
6 hearing before a neutral arbiter where: (1) the government bears the burden to establish
7 by clear and convincing evidence that Ms. Khalid is a danger or flight risk to justify her
8 continued detention, even after consideration of alternatives to detention that could
9 mitigate any risk his release would present; and (2) if the government cannot meet its
10 burden, Ms. Khalid must be ordered released on reasonable conditions, taking into
11 account his ability to pay bond.
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13 **II. CUSTODY**

14 6. Ms. Khalid is detained in the legal and physical custody of Respondents at the Otay
15 Mesa, where she is under the direct control of Respondents and their agents.
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17 **III. JURISDICTION**

18 7. This action arises under the Constitution of the United States and the Immigration and
19 Nationality Act, 8 U.S.C. § 1101 et seq.
20 8. Jurisdiction is proper under 28 U.S.C § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal
21 question); 28 U.S.C. § 1651 (All Writs Act); U.S. Const. art. I, § 9, cl. 2 (the Suspension
22 Clause); and 5 U.S.C. § 702 (Administrative Procedure Act).
23

24 **IV. VENUE**

25 9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (e) because at least one
26 Respondent—Respondent Christopher J LaRose, the legal custodian of Ms. Khalid—is
27 in this District, and a substantial part of the events giving rise to the claims in this action
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1 took place in this District. All material decisions about Ms. Khalid’s detention have
2 been made at the San Diego Field Office of ICE, which is located within San Diego,
3 California.

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5 **V. EXHAUSTION**

6 10. Ms. Khalid requested a bond hearing, which the Immigration Court denied after finding
7 that it lacked jurisdiction, *Ex 6*. Although Petitioner is not required to exhaust
8 administrative remedies before seeking habeas relief, exhaustion in habeas cases is
9 prudential rather than jurisdictional. See *Laing v. Ashcroft*, 370 F.3d 994, 997 (9th Cir.
10 2004). The prudential exhaustion requirement may be waived where “administrative
11 remedies are inadequate or not efficacious, pursuit of administrative remedies would be
12 a futile gesture, [or] irreparable injury will result.” *Id.* at 1000.

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14 11. Exhaustion for habeas claims is prudential, not jurisdictional. See *Laings. Khalid v.*
15 *Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). The prudential exhaustion requirement
16 may be waived if ““administrative remedies are inadequate or not efficacious, pursuit of
17 administrative remedies would be a futile gesture, [or] irreparable injury will result.””
18 *Id.* at 1000. Administrative remedies would be futile, inadequate, and not efficacious
19 for Ms. Khalid Exhausting her constitutional claim would be futile because the agency
20 does not have the authority to rule on constitutional questions. See *Wang v. Reno*, 81
21 F.3d 808, 815–16 (9th Cir. 1996) (per curiam) (“the inability of the INS to adjudicate
22 the constitutional claim completely undermines most, if not all, of the purposes
23 underlying exhaustion”).
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VI. PARTIES

12. Petitioner is a native and citizen of Pakistan who is detained in the custody of Immigration and Customs Enforcement at Otay Mesa detention center, CA.
13. Respondent **Christopher J. Larose** is the Senior Warden of Otay Mesa Detention Center, where Petitioner is detained. He is sued in his official capacity.
14. Respondent **Secretary of the Department of Homeland Security**, an agency of the United States is responsible for the administration and enforcement of the immigration laws. See 8 U.S.C. § 1103(a). Respondent is a legal custodian of Petitioner. She is sued in her official capacity.
15. Respondent **Gregory J. Archambeault** is the Field Office Director for Enforcement and Removal Operations (ERO), San Diego, California. He is sued in his official capacity.
16. Respondent **Todd M. Lyons** is performing the duties of the Director of U.S. Immigration and Customs Enforcement (ICE). He is sued in his official capacity.
17. Respondent **Pamela Bondi** is the Attorney General of the United States. As Attorney General, Respondent has the authority to interpret the immigration laws and adjudicate removal cases and bond hearings. See 8 U.S.C. § 1103(g). The Attorney General delegates this responsibility to the Executive Office for Immigration Review, which administers the immigration courts and the BIA. Respondent Garland is a legal custodian of Petitioner. He is sued in his official capacity.

VII. FACTUAL ALLEGATIONS

18. Petitioner Anmol Khalid  is a 34-year-old native and citizen of Pakistan. On or about September 16, 2025, Petitioner entered the United States near

1 Otago Mesa, California, and was apprehended the same day, CFI. On September 17, 2025,
2 DHS issued a Notice and Order of Expedited Removal pursuant to INA § 235(b)(1),
3 CFI, *Ex 2 CFI Notes*.

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5 19. USCIS processed her as part of a concurrently arrived family unit with her husband,
6 Ehtisham Akhtar [REDACTED] CFI. USCIS exercised its authority under 8 C.F.R.
7 § 208.30(c)(1) to join Petitioner to her husband's positive credible fear determination,
8 CFI, *Ex 2*.

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10 20. On October 3, 2025, DHS issued a Notice to Appear placing Petitioner into removal
11 proceedings under INA § 240, NTA. The NTA confirms that the expedited removal
12 order was vacated after a credible fear determination pursuant to 8 C.F.R. § 208.30,
13 NTA, *Ex 1*.

14 21. Petitioner is a Christian from Pakistan. In her sworn declaration, she explains that she
15 has faced discrimination since childhood because of her religion. In July 2025,
16 Petitioner and her husband were violently attacked by members of [REDACTED]
17 because she refused to convert to Islam. [REDACTED]

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19 [REDACTED] Asylum Dec.

20 [REDACTED]

21 [REDACTED] Asylum Dec. Fearing for their lives,
22 Petitioner and her husband fled Pakistan on July 29, 2025, *Ex 3 Asylum Dec*. They later
23 traveled to Mexico and ultimately sought protection in the United States, *Ex 3 Asylum*
24 *Dec*.

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26 22. Petitioner suffers from multiple chronic medical conditions, including asthma, Major
27 Depressive Disorder (recurrent, severe), Anxiety, History of head injury, and Breathing
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1 difficulties. *Ex 5 Petitioner's Medical Records at 18-19.* Medical records from detention
2 confirm active diagnoses and prescribed medications, including inhalers and psychiatric
3 medications. Petitioner has reported frequent panic attacks in detention that cause her
4 to lose consciousness, Supplementary Dec. She states that during panic and asthma
5 attacks, she becomes unable to breathe, collapses, and experiences head injuries,
6 Supplementary Dec. She was hospitalized for three days following one such episode,
7 *Ex 4 Supplementary Dec.*

9 23. Petitioner reports that confinement exacerbates her asthma and panic attacks,
10 particularly at night, causing suffocation sensations and insomnia. She has expressed
11 fear that continued detention may be life-threatening due to combined asthma and panic
12 episodes, *Ex 4 Supplementary Dec.*

14 24. There are reports that six people died in ICE custody in January 2026 across detention
15 centers in Texas, Pennsylvania, Georgia, and California. One case in particular drew
16 national attention after local authorities ruled it a homicide. Early in the month, Geraldo
17 Lunas Campos, a 55-year-old father from Cuba died while detained at Camp East
18 Montana facility in El Paso, Texas. Although ICE is legally required to report deaths
19 that occur in its custody, its public disclosures often come late and have little
20 information. Independent investigations frequently contradict these findings later —
21 that is what happened, in a very notable way, in Mr. Lunas Campos's case. Initially,
22 ICE stated Mr. Lunas Campos experienced a medical emergency after becoming
23 "disruptive." But soon after, the El Paso County Medical Examiner ruled his death was
24 a homicide arising from asphyxia due to neck and torso compression. DHS then
25 attempted to blame his death on attempted suicide. According to reporting, a witness
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1 said Mr. Lunas Campos was handcuffed while at least five guards held him down and
2 one guard squeezed his neck until he was unconscious, *Ex 7, 6 Deaths in ICE custody*.

3 25. Petitioner has been detained since September 16, 2025, CFI. In her declaration, she
4 states that at the time of writing of statement she has been in detention for approximately
5 four months and that her health has significantly deteriorated during that time,
6 *Supplementary Dec.* Despite documented chronic asthma and psychiatric diagnoses,
7 Petitioner remains detained in a custodial setting that she asserts worsens her medical
8 and psychological conditions.

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10 26. Petitioner is currently in removal proceedings under INA § 240. Her expedited removal
11 order was vacated following the credible fear process, NTA. She remains detained at
12 Otay Mesa Detention Center without release or hearing before a neutral arbiter, despite
13 her credible fear finding and serious medical vulnerabilities.

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15 27. Petitioner has been detained since September 16, 2025. As of the filing of this Petition,
16 her detention is ongoing, with no definite end in sight. Petitioner's next immigration
17 court hearing is scheduled for May 19, 2026, which is well beyond six months from the
18 date of her detention. Even assuming the hearing proceeds as scheduled, there is no
19 guarantee that her case will be concluded on that date. Individual hearings frequently
20 require additional time to complete, written decisions, or further proceedings before a
21 final determination is issued.

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24 28. Moreover, depending on the outcome of the Immigration Judge's decision, either party
25 may appeal to the Board of Immigration Appeals. Any appeal would further prolong
26 Petitioner's detention for many additional months or potentially for years.

1 29. Accordingly, Petitioner’s detention is not meaningfully time limited. Instead, it is
2 functionally indefinite and likely to continue for a considerable period of time absent
3 judicial intervention. Given her serious medical vulnerabilities—including asthma,
4 major depressive disorder, anxiety, and recurrent panic attacks—continued prolonged
5 detention presents a substantial risk to her physical and mental health.
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7 VII. LEGAL ARGUMENT

8 A. Petitioner Is Statutorily Entitled to A Bond Hearing

9 30. “It is well established that the Fifth Amendment entitles [noncitizens] to due process
10 of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting
11 *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from
12 government custody, detention, or other forms of physical restraint—lies at the heart of
13 the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690
14 (2001); see also *id.* at 718 (Kennedy, J., dissenting) (“Liberty under the Due Process
15 Clause includes protection against unlawful or arbitrary personal restraint or
16 detention.”). This fundamental due process protection applies to all noncitizens,
17 including both removable and inadmissible noncitizens. See *id.* at 721 (Kennedy, J.,
18 dissenting) (“Both removable and inadmissible [noncitizens] are entitled to be free from
19 detention that is arbitrary or capricious”).
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22 31. Due process requires that the government provide bond hearings to noncitizens facing
23 prolonged detention. “The Due Process Clause foresees eligibility for bail as part of due
24 process” because “bail is basic to our system of law.” *Jennings*, 138 S. Ct. at 862 (Breyer,
25 J., dissenting) (internal quotation marks omitted). While the Supreme Court upheld the
26 mandatory detention of a noncitizen under Section 1226(c) in *Demore*, it did so based
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1 on the petitioner’s concession of deportability and the Court’s understanding at the time
2 that such detentions are typically “brief.” *Demore*, 538 U.S. at 522 n.6, 528. Where a
3 noncitizen has been detained for a prolonged period or is pursuing a substantial defense
4 to removal or claim to relief, due process requires an individualized determination that
5 such a significant deprivation of liberty is warranted. *Id.* at 532 (Kennedy, J.,
6 concurring) (“[I]ndividualized determination as to his risk of flight and dangerousness”
7 may be warranted “if the continued detention became unreasonable or unjustified”); see
8 also *Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (holding that detention beyond the
9 “initial commitment” requires additional safeguards); *McNeil v. Dir., Patuxent Inst.*,
10 407 U.S. 245, 249-50 (1972) (holding that “lesser safeguards may be appropriate” for
11 “short-term confinement”); *Hutto v. Finney*, 437 U.S. 678, 685-86 (1978) (holding that,
12 in the Eighth Amendment context, “the length of confinement cannot be ignored in
13 deciding whether [a] confinement meets constitutional standards”); *Reid v. Donelan*, 17
14 F.4th 17 (1st Cir. 2021) (holding that “the Due Process Clause imposes some form of
15 reasonableness limitation upon the duration of detention” under section 1226(c))
16 (internal quotation marks omitted).
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20 **B. Detention That Exceeds Six Months Without a Bond Hearing Is**
21 **Unconstitutional.**

22 32. Detention without a bond hearing is unconstitutional when it exceeds six months See
23 *Demore*, 538 U.S. at 529-30 (upholding only “brief” detentions under Section 1226(c),
24 which last “roughly a month and a half in the vast majority of cases in which it is
25 invoked, and about five months in the minority of cases in which the [noncitizen]
26 chooses to appeal”); *Zadvydas*, 533 U.S. at 701 (“Congress previously doubted the
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1 constitutional of detention for more than six months.”); *Rodriguez Diaz v. Garland*,
2 53 F.4th 1189, 1091 (9th Cir. 2022) (“[O]nce the [noncitizen] has been detained for
3 approximately six months, continuing detention becomes prolonged” (cleaned up)
4 (quoting *Diouf v. Napolitano*, 634 F.3d 1081, 1091 (9th Cir. 2011))); *Rodriguez v.*
5 *Nielsen*, Case No. 18-CV-04187-TSH, 2019 WL 7491555, at *6 (N.D. Cal. Jan. 7, 2019)
6 (“[D]etention becomes prolonged after six months and entitles [Petitioner] to a bond
7 hearing”).
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9 33. The recognition that six months is a substantial period of confinement—and is the time
10 after which additional process is required to support continued incarceration—is deeply
11 rooted in our legal tradition. With few exceptions, “in the late 18th century in America
12 crimes triable without a jury were for the most part punishable by no more than a six-
13 month prison term.” *Duncan v. Louisiana*, 391 U.S. 145, 161 & n.34 (1968). Consistent
14 with this tradition, the Supreme Court has found six months to be the limit of
15 confinement for a criminal offense that a federal court may impose without the
16 protection afforded by jury trial. *Cheff v. Schnackenberg*, 384 U.S. 373, 380 (1966)
17 (plurality opinion). The Court has also looked to six months as a benchmark in other
18 contexts involving civil detention. See *McNeil v. Dir., Patuxent Inst.*, 407 U.S. 245, 249,
19 250-52 (1972) (recognizing six months as an outer limit for confinement without
20 individualized inquiry for civil commitment). The Court has likewise recognized the
21 need for bright line constitutional rules in other areas of law. See *Maryland v. Shatzer*,
22 559 U.S. 98, 110 (2010) (holding that 14 days must elapse following invocation of
23 Miranda rights before re-interrogation is permitted); *Cnty. of Riverside v. McLaughlin*,
24 500 U.S. 44, 55-56 (1991) (holding that a probable cause hearing must take place within
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1 48 hours of warrantless arrest). In this case Petitioner is detained for almost 5 months
2 as of today. Petitioner has been continuously detained since September 16, 2025. Her
3 final individual hearing is currently scheduled for May 19, 2026. By that date, Petitioner
4 will have been detained for approximately eight months. Thus, even under the most
5 optimistic scenario—where the case proceeds as scheduled and a decision is issued
6 promptly—Petitioner’s detention will already far exceed six months.
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8 34. Moreover, it is unlikely that proceedings will conclude on May 19, 2026. Immigration
9 court cases frequently involve reserved written decisions, or scheduling adjustments.
10 Even if a decision is issued shortly after the hearing, either party may appeal to the
11 Board of Immigration Appeals. Any appeal would automatically prolong Petitioner’s
12 detention for many additional months. If further judicial review is sought, detention
13 could extend well beyond one year. Accordingly, it is established that Petitioner has no
14 realistic possibility of release within six months of her detention—or even shortly
15 thereafter—absent judicial intervention. Her continued confinement is not meaningfully
16 time limited. Instead, it is prolonged, indeterminate, and contingent on a multi-layered
17 appellate process that could extend for a considerable period of time. Given her
18 documented asthma, major depressive disorder, anxiety, and recurrent panic attacks,
19 continued prolonged detention places Petitioner at substantial risk of serious medical
20 deterioration while she remains confined.
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24 **C. Even Absent a Bright-Line Six-Month Standard, An Individualized Bond
25 Hearing Is Required When Detention Becomes Unreasonably Prolonged.**

26 35. Petitioner faces severe hardships while detained by ICE. Petitioner is held in a locked
27 down facility, with limited freedom of movement and access to Petitioner’s family or
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1 support network: “[T]he circumstances of their detention are similar, so far as we can
2 tell, to those in many prisons and jails.” Jennings, 138 S. Ct. at 861 (Breyer, J.,
3 dissenting); accord *Chavez–Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 478
4 (3d Cir. 2015); *Ngo v. INS*, 192 F.3d 390, 397-98 (3d Cir. 1999); *Sopo v. U.S. Att’y*
5 *Gen.*, 825 F.3d 1199, 1218, 1221 (11th Cir. 2016). “And in some cases, the conditions
6 of their confinement are inappropriately poor” including, for example, “invasive
7 procedures, substandard care, and mistreatment, e.g., indiscriminate strip searches, long
8 waits for medical care and hygiene products, and, in the case of one detainee, a multiday
9 lock down for sharing a cup of coffee with another detainee.” Jennings, 138 S. Ct. at
10 861 (Breyer, J., dissenting) (citing Press Release, Off. of Inspector Gen., Dept. of
11 Homeland Sec., DHS OIG Inspection Cites Concerns With Detainee Treatment and
12 Care at ICE Detention Facilities (Dec. 14, 2017)); see also Tom Dreisbach,
13 *Government’s own experts found ‘barbaric’ and ‘negligent’ conditions in ICE detention*,
14 *NPR* (Aug. 16, 2023, 5:01 AM) (reporting on the “‘negligent’ medical care (including
15 mental health care), ‘unsafe and filthy’ conditions, racist abuse of detainees,
16 inappropriate pepper-spraying of mentally ill detainees and other problems that, in some
17 cases, contributed to detainee deaths” contained in inspection reports prepared by
18 experts from the Department of Homeland Security’s Office for Civil Rights and Civil
19 Liberties after examining detention facilities between 2017 and 2019).

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24 36. The Mathews test for procedural due process claims balances: (1) the private interest
25 threatened by governmental action; (2) the risk of erroneous deprivation of such interest
26 and the value of additional or substitute safeguards; and (3) the government interest.
27 *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); see also *Sho v. Current or Acting Field*

1 Off. Dir., No. 1:21-CV-01812 TLN AC, 2023 WL 4014649, at *3 (E.D. Cal. June 15,
2 2023), report and recommendation adopted, No. 1:21-CV-1812-TLN-AC, 2023 WL
3 4109421 (E.D. Cal. June 21, 2023) (applying Mathews factors to a habeas petitioner’s
4 due process claims and collecting cases doing the same). Here, each factor weighs in
5 Petitioner’s favor, requiring this Court to promptly hold a hearing to evaluate whether
6 the government can justify their ongoing detention.
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8 37. First, Petitioner indisputably has a weighty interest in their liberty, the core private
9 interest at stake here. *Zadvydas*, 533 U.S. at 690 (“Freedom from imprisonment. . . lies
10 at the heart of the liberty [the Due Process Clause] protects.”). Petitioner, who is being
11 held in “incarceration-like conditions,” has an overwhelming interest here, regardless
12 of the length of his immigration detention, because “any length of detention implicates
13 the same” fundamental rights. *Rajnish v. Jennings*, No. 3:20-cv-07819-WHO, 2020 WL
14 7626414, at *6 (N.D. Cal. Dec. 22, 2020).
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16 38. Second, Petitioner will suffer the erroneous risk of deprivation of their liberty without
17 an individualized evidentiary hearing. The risk of erroneous deprivation of their liberty
18 is high, as they have been detained since September 2025, without any evaluation of
19 whether the government can justify detention under their individualized circumstances.
20 “The risk of an erroneous deprivation of liberty in the absence of a hearing before a
21 neutral decisionmaker is substantial.” *Diouf*, 634 F.3d at 1092. Conversely, “the
22 probable value of additional procedural safeguards—an individualized evaluation of the
23 justification for his detention—is high, because Respondents have provided virtually no
24 procedural safeguards at all.” *Jimenez v. Wolf*, No. 19-cv-07996-NC, 2020 WL 510347,
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1 (N.D. Cal. Jan. 30, 2020) (granting habeas petition for person who had been detained
2 for one year without a bond hearing).

3 39. Third, the government's interest is very low in continuing to detain Petitioner without
4 providing any neutral review. See *Mathews*, 424 U.S. at 335. The specific interest at
5 stake here is not the government's ability to continue to detain Petitioner, but rather the
6 government's ability to continue to detain them for months on end without any
7 individualized review. See *Marroquin Ambriz v. Barr*, 420 F. Supp. 3d 953, 964 (N.D.
8 Cal. 2019); *Henriquez v. Garland*, No. 5:22-CV-00869-EJD, 2022 WL 2132919, at 5
9 (N.D. Cal. June 14, 2022). The cost of providing an individualized inquiry is minimal.
10 See *Henriquez*, 2022 WL 2132919, at 5. The government has repeatedly conceded this
11 fact. See *Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762, 777 (N.D. Cal. 2019); *Singh v.*
12 *Barr*, 400 F. Supp. 3d 1005, 1021 (S.D. Cal. 2019); *Marroquin Ambriz*, 420 F. Supp. 3d
13 at 964.

14 40. In sum, the *Mathews* factors establish that Petitioner is entitled to an evidentiary hearing
15 before a neutral adjudicator. Unsurprisingly, courts applying these standards in this
16 Circuit have repeatedly held that prolonged detention without a hearing before a neutral
17 adjudicator violates procedural due process. See, e.g., *Romero Romero v. Wolf*, No. 20-
18 CV-08031-TSH, 2021 WL 254435, at 2, 5 (N.D. Cal. Jan. 26, 2021) (*Rodriguez Diaz v.*
19 *Garland*, 53 F.4th 1189 (9th Cir. 2022), does not disturb this result. In *Rodriguez Diaz*,
20 the Ninth Circuit applied the *Mathews* test to hold that the detention of a noncitizen
21 detained under a different detention statute, 8 U.S.C. § 1226(a), did not violate
22 procedural due process. 53 F.4th at 1195. Unlike Sections 1225(b) and 1226(c), §
23 1226(a) mandates that detained individuals receive an individualized bond hearing at
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1 the outset of detention and provides for further bond hearings upon a material change in
2 circumstances. See 8 C.F.R. § 1003.19(e). The panel’s decision in Rodriguez Diaz was
3 predicated on the immediate and ongoing availability of this administrative process
4 under § 1226(a). 53.F.4th at 1202 (“Section 1226(a) and its implementing regulations
5 provide extensive procedural protections that are unavailable under other detention
6 provisions . . .”). Unlike the petitioner in Rodriguez Diaz, Petitioner has no statutory
7 access to individualized review of his detention.
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9 41. Alternatively, courts that apply a reasonableness test have considered four non-
10 exhaustive factors in determining whether detention is reasonable. *German Santos v.*
11 *Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 210-22 (3d Cir. 2020). The
12 reasonableness inquiry is “highly fact specific.” *Id.* at 210. “The most important factor
13 is the duration of detention.” *Id.* at 211; see also *Gonzalez v. Bonnar*, No. 18-CV-05321-
14 JSC, 2019 WL 330906, at 1, 5 (N.D. Cal. Jan. 25, 2019). Duration is evaluated along
15 with “all the other circumstances,” including (1) whether detention is likely to continue,
16 (2) reasons for the delay, and (3) whether the conditions of confinement are
17 meaningfully different from criminal punishment.
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19 42. As noted, Petitioner has been detained for a substantial length of time, and Petitioner’s
20 detention is likely to continue as Petitioner asserts their right to seek immigration relief.
21 Noncitizens should not be punished for pursuing “legitimate proceedings” to seek relief.
22 Moreover, Petitioner’s confinement and experiences at a facility operated by a private,
23 for-profit prison contractor, demonstrate that their conditions of confinement are not
24 meaningfully different from those of criminal punishment.
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1 **D. At Any Hearing, The Government Must Justify Ongoing Detention By**
2 **Clear and Convincing Evidence.**

3 43. At a bond hearing, due process requires certain minimum protections to ensure that a
4 noncitizen’s detention is warranted: the government must bear the burden of proof by
5 clear and convincing evidence to justify continued detention, taking into consideration
6 available alternatives to detention; and, if the government cannot meet its burden, the
7 noncitizen’s ability to pay a bond must be considered in determining the appropriate
8 conditions of release.

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10 44. To justify prolonged immigration detention, the government must bear the burden of
11 proof by clear and convincing evidence that the noncitizen is a danger or flight risk. See
12 Singh v. Holder, 638 F.3d 1196, 1203 (9th Cir. 2011); Aleman Gonzalez v. Barr, 955
13 F.3d 762, 781 (9th Cir. 2020), rev’d on other grounds by Garland v. Aleman Gonzalez,
14 142 S. Ct. 2057, 213 L. Ed. 2d 102 (2022) (“Jennings’s rejection of layering [the clear
15 and convincing burden of proof standard] onto § 1226(a) as a matter of statutory
16 construction cannot . . . undercut our constitutional due process holding in Singh.”);

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18 45. Where the Supreme Court has permitted civil detention in other contexts, it has relied
19 on the fact that the Government bore the burden of proof by at least clear and convincing
20 evidence. See United States v. Salerno, 481 U.S. 739, 750, 752 (1987) (upholding pre-
21 trial detention after a “full-blown adversary hearing” requiring “clear and convincing
22 evidence” and “a neutral decisionmaker”); Foucha v. Louisiana, 504 U.S. 71, 81-83
23 (1992) (striking down civil detention scheme that placed burden on the detainee);
24 Zadvydas, 533 U.S. at 692 (finding post-final-order custody review procedures deficient
25 because, inter alia, they placed burden on detainee).
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1 46. The requirement that the government bear the burden of proof by clear and convincing
2 evidence is also supported by application of the three-factor balancing test from
3 Mathews v. Eldridge, 424 U.S. 319, 335 (1976). First, “an individual’s private interest
4 in ‘freedom from prolonged detention’ is ‘unquestionably substantial.’” See Rodriguez
5 Diaz, 53 F.4th at 1207 (citing Singh, 638 F.3d at 1208). Second, the risk of error is great
6 where the government is represented by trained attorneys and detained noncitizens are
7 often unrepresented and may lack English proficiency. See Santosky v. Kramer, 455
8 U.S. 745, 763 (1982) (requiring clear and convincing evidence at parental termination
9 proceedings because “numerous factors combine to magnify the risk of erroneous
10 factfinding” including that “parents subject to termination proceedings are often poor,
11 uneducated, or members of minority groups” and “[t]he State’s attorney usually will be
12 expert on the issues contested”). Moreover, detained noncitizens are incarcerated in
13 prison-like conditions that severely hamper their ability to obtain legal assistance, gather
14 evidence, and prepare for a bond hearing. Third, placing the burden on the government
15 imposes minimal cost or inconvenience to it, as the government has access to the
16 noncitizen’s immigration records and other information that it can use to make its case
17 for continued detention.
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21 **E. Due Process Requires Consideration Of Alternatives To Detention.**

22 47. Due process also requires consideration of alternatives to detention. The primary
23 purpose of immigration detention is to ensure a noncitizen’s appearance during civil
24 removal proceedings. Detention is not reasonably related to this purpose if there are
25 alternative conditions of release that could mitigate risk of flight. See Bell v. Wolfish,
26 441 U.S. 520, 538–39 (1979) (civil pretrial detention may be unconstitutionally punitive
27
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1 if it is excessive in relation to its legitimate purpose). ICE’s alternatives to detention
2 program—the Intensive Supervision Appearance Program—has achieved extraordinary
3 success in ensuring appearance at removal proceedings, reaching compliance rates close
4 to 100 percent. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir. 2017) (observing
5 that ISAP “resulted in a 99%attendance rate at all EOIR hearings and a 95% attendance
6 rate at final hearings”). Thus, alternatives to detention must be considered in
7 determining whether prolonged incarceration is warranted.
8

9 48. Due process likewise requires consideration of a noncitizen’s ability to pay a bond.

10 “Detention of an indigent ‘for inability to post money bail’ is impermissible if the
11 individual’s ‘appearance at trial could reasonably be assured by one of the alternate
12 forms of release.’” *Hernandez*, 872 F.3d at 990 (quoting *Pugh v. Rainwater*, 572 F.2d
13 1053, 1058 (5th Cir. 1978) (en banc)). Therefore, when determining the appropriate
14 conditions of release for people detained for immigration purposes, due process requires
15 “consideration of financial circumstances and alternative conditions of release.” *Id.*; see
16 also *Martinez v. Clark*, 36 F.4th 1219, 1231 (9th Cir. 2022) (“While the government
17 had a legitimate interest in protecting the public and ensuring the appearance of
18 noncitizens in immigration proceedings, we held [in *Hernandez*] that detaining an
19 indigent alien without consideration of financial circumstances and alternative release
20 conditions was ‘unlikely to result’ in a bond determination ‘reasonably related to the
21 government’s legitimate interests.’ (citation omitted).”).
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1 **VIII. CLAIMS FOR RELIEF FIRST CLAIM FOR RELIEF**

2 **FIRST CLAIM FOR RELIEF**

3 **Violation of the Fifth Amendment**

4 49. Petitioner re-alleges and incorporates by reference the paragraphs 1 through 48.

5 50. The Due Process Clause of the Fifth Amendment forbids the government from depriving
6 any “person” of liberty “without due process of law.” U.S. Const. amend.
7

8 51. The Due Process Clause requires the government to establish, at an individualized
9 hearing before a neutral decisionmaker, that Petitioner’s prolonged detention is justified
10 by clear and convincing evidence of flight risk or danger, even after consideration of
11 whether alternatives to detention could sufficiently mitigate that risk.
12

13 52. Petitioner’s detention has become prolonged as he has been detained for 10 months and
14 faces months, if not years, of continued detention while his case is adjudicated and
15 potentially appealed to the BIA for further proceedings.
16

17 53. Petitioner’s ongoing prolonged detention without an individualized bond hearing
18 violates the Due Process Clause.

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1 **IX. PRAYER FOR RELIEF**

2 WHEREFORE, Petitioner respectfully prays this Court grant the following relief:

- 3 (i) Assume jurisdiction over this matter.
- 4 (ii) Grant the Order to Show Cause as requested in the application filed
- 5 concurrently.
- 6 (iii) Declare that Petitioner's ongoing prolonged detention violates 8 U.S.C.
- 7 § 1226(a) and the Due Process Clause of the Fifth Amendment.
- 8 (iv) Issue a Writ of Habeas Corpus and order Respondents to immediately
- 9 release Petitioner from DHS custody under reasonable conditions and
- 10 enjoin Respondents from re-arresting him without a pre-deprivation
- 11 hearing before this Court.
- 12 (v) Alternatively, order that Petitioner be released within 14 days unless
- 13 Respondents schedule a hearing to take place before a neutral arbiter
- 14 where to continue detention, the government must establish by clear and
- 15 convincing evidence that Petitioner presents a danger or flight risk, and
- 16 address why available conditions of supervision cannot mitigate any
- 17 such risks; and if (a) the government fails to meet this burden, the neutral
- 18 arbiter orders Petitioner's release on appropriate conditions of
- 19 supervision, taking into account Petitioner's ability to pay a bond; or (b)
- 20 the government meets this burden, the neutral arbiter issue a reasoned
- 21 decision explaining why the government has met its burden of proof and
- 22 why alternatives to detention are inadequate;
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1 (vi) Enjoin Respondents from causing Petitioner any greater harm during the
2 pendency of this litigation and immigration court case, such as by
3 transferring him farther away from his legal Counsel or placing him into
4 solitary confinement.
5

6 (vii) Award reasonable costs and attorneys' fees under the Equal Access to
7 Justice Act, 28 U.S.C. § 2412, or on any other basis justified under law;
8 and

9 (viii) Grant such further relief as the Court deems just and proper.

10 Respectfully Submitted this March 08, 2026.

11
12 /s/Sajjad Hussain, Esq.
13 Indus Pacific Law Office, Law Corp
14 Attorney for Petitioner
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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

ANMOL KHALID,

Case No:

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

Petitioner

vs.

Christopher J LaRose, Senior Warden Otay
Mesa Detention Center; **Kristi Noem**,
Secretary Department of Homeland Security;
Gregory J. Archambeault Field Officer
Director Enforcement and Removal
Operations (ERO) San Diego, CA. **Todd M
Lyons** Performing the Duties of the
Immigration and Customs Enforcement;
Pamela Bondi United States Attorney
General

Respondents

APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE

Petitioner respectfully requests this Honorable court for issuance of an order to show cause
the respondents as follows:

March 08, 2026

Sajjad Hussain, Esq.

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

- 1
2 1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court “forthwith”
3 issue an order directing Respondents to show cause why the petition for a writ of habeas
4 corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.
5
- 6 2. Petitioner challenges her prolonged detention by the respondents without a bond hearing
7 before the neutral arbiter. *See* Petition for Writ of Habeas Corpus.
- 8 3. The federal habeas corpus statute provides that “[a] court, justice or judge entering a
9 writ of habeas corpus shall forthwith award the writ or issue an order directing the
10 respondent to show cause why the writ should not be granted, unless it appears from the
11 application that the applicant or person detained is not entitled thereto.” 28 U.S.C. §
12 2243.
13
- 14 4. Section 2243 further provides that the writ or order to show cause “shall be returned
15 within three days unless for good cause additional time, not exceeding twenty days, is
16 allowed.”
17
- 18 5. Section 2243 further provides that the court shall hold a hearing on the writ or order to
19 show cause “not more than five days after the return unless for good cause additional
20 time is allowed.”
21
- 22 6. In addition, Section 2243 states that the court “shall summarily hear and determine the
23 facts and dispose of the matter as law and justice require.”
24
- 25 7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order
26 to Show Cause directing Respondents to file a return within three days of the Court’s
27 order, showing cause, if any, why the writ of habeas corpus should not be granted, and
28

1 to provide Petitioner an opportunity to file a reply within 7 days after Respondents file
2 the return.

- 3
4 8. Giving Respondents additional time to respond is inappropriate in this case because
5 Petitioner faces irreparable harm due to prolonged detention without bond hearing
6 before the neutral arbiter.

7 Respectfully Submitted this March 08, 2026.

8
9 /s/Sajjad Hussain
10 Sajjad Hussain, Esq.
11 Indus Pacific Law Office, Law Corp
12 Attorney for Petitioner
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