

1 Arwa J.Z. Kakavand (CA Bar No. 310732)
azakir@casacornelia.org
2 Zohaile Kakavand (CA Bar No. 314549)
zkakavand@casacornelia.org
3 CASA CORNELIA LAW CENTER
P.O. Box 12666
4 San Diego, CA 92112
Tel: (619) 231-7788
5 Fax: (619) 231-7784

6 Attorneys for Petitioner
7
8
9

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 Amir BAHRAMIAN,

13 Petitioner,

14 v.
15

16 Christopher J. LAROSE, et al.,

17 Respondents.
18

Case No.: 3:26-cv-02053-DMS-JLB

**PETITIONER'S TRAVERSE
SUPPORTING PETITION FOR WRIT
OF HABEAS CORPUS**

19 Petitioner Amir Bahramian, through counsel, traverses Respondents'
20 Response to Petition (ECF No. 4).

21 Petitioner rests on the arguments and authorities set forth in his Petition for
22 Writ of Habeas Corpus (ECF No.1). Petitioner acknowledges that Respondents
23 defer to the Court on the appropriate form of relief, but emphasizes that, on this
24 record, a post hoc bond hearing cannot cure the constitutional violations already
25 alleged and established in the Petition.

26 As set out in the Petition, Petitioner challenges his abrupt re-detention after
27 more than two years at liberty as a previously released, non-dangerous, and
28

1 non-flight-risk noncitizen, without prior notice, without any contemporaneous
2 explanation of a material change in circumstances, and without a pre-deprivation
3 hearing before a neutral decision-maker at which the government was required to
4 justify revoking his liberty. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976);
5 *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972); *Hernandez v. Sessions*, 872 F.3d
6 976, 990 (9th Cir. 2017).

7 His claims sound in both substantive and procedural Due Process, the INA,
8 and the APA, and are directed at the lawfulness of the re-detention decision
9 itself—including ICE’s blanket assertion of authority to re-detain previously
10 released noncitizens without regard to flight risk or danger—not merely at the
11 absence of an after-the-fact bond proceeding. *See Zadvydas v. Davis*, 533 U.S. 678,
12 690–93 (2001); *Demore v. Kim*, 538 U.S. 510, 532–33 (2003) (Kennedy, J.,
13 concurring); *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68
14 (1954); 8 U.S.C. § 1226(a); 8 C.F.R. §§ 1236.1(c)(8), 212.5(b). Under *Mathews*
15 and the growing body of re-detention decisions cited in the Petition, once the
16 government has already determined that a noncitizen is neither a danger nor a
17 flight risk and has released him, he acquires a protected liberty interest in
18 remaining at liberty, and Due Process requires an individualized, pre-deprivation
19 determination—based on a material change in circumstances—before that liberty
20 can be revoked. *See, e.g., Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196–97
21 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th
22 Cir. 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968–69 (N.D. Cal. 2019);
23 *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032–36 (N.D. Cal. 2025); *Alegria Palma v.*
24 *LaRose*, No. 25-cv-1942-BJC-MMP, ECF No. 14, at 6 (S.D. Cal. Aug. 11, 2025);
25 *Sanchez v. LaRose*, No. 25-CV-2396-JES-MMP, 2025 WL 2770629, at *3 (S.D. Cal.
26 Sept. 26, 2025).

1 A post hoc bond hearing, offered only after weeks of confinement, cannot
2 retroactively cure the injury caused by Petitioner’s arrest and detention without
3 pre-deprivation process or contemporaneous, individualized findings of changed
4 circumstances relating to danger or flight risk, nor does it resolve his separate
5 statutory and APA challenges to ICE’s re-detention policy. Because the core harm
6 is the completed Due Process, INA, and APA violations—not merely the absence of
7 a future custody proceeding—Petitioner respectfully maintains that the proper
8 remedy remains the relief requested in the Petition: immediate release on the
9 same conditions as his initial release, together with declaratory and injunctive
10 relief prohibiting re-detention absent advance notice to counsel and a
11 pre-deprivation hearing before a neutral decision-maker at which Respondents
12 bear the burden to show a material change in circumstances.

13 For these reasons, and those set forth in the Petition, Petitioner respectfully
14 requests that the Court grant the writ and all relief previously requested.

15
16 Dated: April 10, 2026

Respectfully submitted,

17
18 By: /s/ Arwa J.Z. Kakavand
Arwa J.Z. Kakavand

19
20 By: /s/ Zohaile Kakavand
Zohaile Kakavand

21
22 Attorneys for Petitioner