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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 Faizan ILTAF,

11 Petitioner,

12 v.

13 Jeremy CASEY, Warden, Imperial
14 Regional Detention Center, Imperial,
15 California; Daniel A. BRIGHTMAN,
16 Field Office Director, San Diego Office of
17 Detention and Removal, U.S.
18 Immigrations and Customs Enforcement;
19 U.S. Department of Homeland Security;
20 Todd M. LYONS, Acting Director,
21 Immigration and Customs Enforcement,
22 U.S. Department of Homeland Security;
23 Sirce OWEN, Acting Director for
24 Executive Office for Immigration Review;
Markwayne MULLIN, Secretary, U.S.
Department of Homeland Security; Todd
BLANCHE, Acting Attorney General of
the United States;

Respondents.

Case No.: '26CV2283 JLS MMP

**PETITION FOR WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE WITHIN THREE DAYS;
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Agency Doc. No.: 

1 Petitioner Faizan Iltaf petitions this Court for a writ of habeas corpus under
2 28 U.S.C. § 2241 to remedy Respondents detaining him unlawfully, and states as follows:

3
4 **INTRODUCTION**

5 1. Petitioner, Faizan Iltaf (“Mr. Iltaf” or “Petitioner”), by and through his undersigned
6 counsel, hereby petitions this Court under 28 U.S.C. § 2241, et seq., to issue a Writ of
7 Habeas Corpus ordering Mr. Iltaf’s release from immigration detention by the
8 Department of Homeland Security, United States Immigration and Customs Enforcement
9 (“ICE”), or at a minimum that Mr. Iltaf be afforded a bond hearing per *Singh v. Holder*,
10 638 F.3d 1196 (9th Cir. 2011). Mr. Iltaf seeks immediate release from custody (or the
11 aforementioned bond hearing) because Respondents have held him since November 18,
12 2024—an extremely prolonged period of nearly 17 months—even though he procured
13 counsel and has acted diligently to have his asylum application heard by an immigration
14 judge (“IJ”), and any delays in his case were caused by no fault of his own. His continued
15 detention without a hearing as to flight risk and danger to the community violates the
16 U.S. Constitution and federal law.

17 **CUSTODY**

18 2. Mr. Iltaf is currently in Respondents’ legal and physical custody. They are
19 detaining him at the Imperial Regional Detention Center in Imperial, California.
20 Management and Training Corporation (MTC), a Utah corporation, operates that facility.
21 He is under Respondents’ and their agents’ direct control.

22 //

23 //

PARTIES

3. Mr. Iltaf is a 37-year-old citizen of Pakistan. He is currently in Respondents' legal and physical custody at the Imperial Regional Detention Center in Imperial, California. Mr. Iltaf is seeking asylum in the United States due to persecution on account of his religion and political opinion. He has already been granted Withholding of Removal under the INA and his appeal concerns why he was not granted asylum (namely, the application Circumvention Against Lawful Pathways bar, the lawfulness of which is about to be determined by the Ninth Circuit and similar prior bans have been deemed unlawful).

4. Respondent Jeremy CASEY is the Warden of the Imperial Regional Detention Center where Petitioner is being held. Respondent Jeremy Casey oversees the day-to-day operations of the Imperial Regional Detention Center and acts at the Direction of Respondents Brightman, Lyons and the Acting DHS Secretary. Respondent Jeremy Casey is a custodian of Petitioner and is named in his official capacity.

5. Respondent Daniel A. BRIGHTMAN is the Field Office Director of ICE in San Diego, California and is named in his official capacity. ICE is the component of the DHS that is responsible for detaining and removing noncitizens according to immigration law and oversees custody determinations. In his official capacity, he is the legal custodian of Petitioner.

6. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his official capacity. Among other things, ICE is a component of the DHS, 6 U.S.C. § 271, and an "agency" within the meaning of the Administrative Procedure Act, 5 U.S.C. §

1 701(b)(1). It is the agency responsible for enforcing immigration laws, and it is detaining
2 Mr. Iltaf. Respondent Lyons has custodial authority over Mr. Iltaf, who names him in his
3 official capacity.

4 7. Respondent Sirce OWEN is the Acting Director of EOIR and has ultimate
5 responsibility for overseeing the operation of the immigration courts and the Board of
6 Immigration Appeals, including bond hearings. Executive Office for Immigration Review
7 (EOIR) is the federal agency responsible for implementing and enforcing the INA in
8 removal proceedings, including for custody redeterminations in bond hearings. They are
9 sued in their official capacity.

10
11 8. Respondent Markwayne MULLIN is Secretary of the DHS and is named in their
12 official capacity. DHS is the federal agency responsible for enforcing immigration laws
13 and granting immigration benefits. See 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1. Respondent
14 Markwayne MULLIN has ultimate custodial authority over Mr. Iltaf, who names them in
15 their official capacity.

16 9. Respondent Todd BLANCHE is the Acting Attorney General of the United States
17 and the most senior official in the U.S. Department of Justice (DOJ) and is named in his
18 official capacity. He is responsible for the Immigration and Nationality Act's
19 implementation and enforcement (see 8 U.S.C. §§ 1103(a)(1), (g)), and oversees the
20 Executive Office for Immigration Review, the office that administers Mr. Iltaf's removal
21 proceedings and is responsible for adjudicating Mr. Iltaf's asylum application. Mr. Iltaf
22 names him in his official capacity.

23
24 //

JURISDICTION AND VENUE

10. This action arises under the United States Constitution and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Mr. Iltaf's detention under the INA and any inherent or plenary powers the government may claim to continue holding him.

11. This Court has jurisdiction under 28 U.S.C. § 1331, § 2241; 5 U.S.C. §§ 701–706 (Administrative Procedure Act, “APA”); and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, and the Fifth and Eighth Amendments of the United States Constitution. Jurisdiction is not limited by a petitioner's nationality, immigration status, or any other classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). The Court may grant relief under the Suspension Clause; the Fifth and Eighth Amendments; 5 U.S.C. § 706 (APA); and 28 U.S.C. §§ 1361 (Mandamus Act), 1651 (All Writs Act), 2001 (Declaratory Judgment Act), and 2241 (habeas corpus).

12. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Mr. Iltaf's detention. Federal district courts possess broad authority to issue writs of habeas corpus when a person is held “in custody in violation of the Constitution or laws or treaties of the United States” (28 U.S.C. § 2241(c)(3)), and this authority extends to immigration detention challenges that survived the REAL ID Act's jurisdictional restrictions. Because Mr. Iltaf seeks the traditional habeas remedy of release from allegedly unlawful detention, his petition presents precisely the type of threshold legality-of-detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th Cir. 2020)

1 (citing *Singh v. Holder*, 638 F.3d 1196, 1211-12 (9th Cir. 2011)). And federal courts are
2 not stripped of jurisdiction under 8 U.S.C. § 1252. See, e.g., *Zadvydas v. Davis*, 533 U.S.
3 678, 687 (2001). No court has ruled on the legality of Mr. Iltaf's detention.

4 13. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1) because a
5 substantial part of the events or omissions giving rise to this claim have happened here,
6 Mr. Iltaf is detained here, and his custodian resides here. Venue is also proper under 28
7 U.S.C. § 2243 because Mr. Iltaf's immediate custodian resides in this District. See
8 *Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004) (Kennedy, J., concurring).
9

10 FACTUAL BACKGROUND

11 14. Mr. Iltaf is a 37-year-old man born [REDACTED] in Dehri Dhamial, Tehsil
12 Sohawa, District Jhelum, Punjab, Pakistan. Mr. Iltaf was born into the Shia sect of the
13 Islamic religion.

14 15. Mr. Iltaf joined the [REDACTED] party in 2015 and was an
15 active member of the party in Pakistan. Mr. Iltaf participated in [REDACTED] rallies, programs,
16 and meetings and openly criticized the government's policies.

17 16. Mr. Iltaf faced multiple attempts on his life as a result of his political beliefs and
18 his Shia religion.

19 17. In 2019, Mr. Iltaf was appointed [REDACTED] when the party
20 came to power, and received threats and attacks against him by members of the majority
21 and opposition party, the [REDACTED]

22 18. In October 2021, fearing the collapse of [REDACTED] government (which did occur in
23 2022), Mr. Iltaf went to Dubai, but returned on September 16, 2023.
24

1 19. Upon his return to Pakistan, Mr. Iltaf was summoned to the political meeting place
2 of [REDACTED] beaten, and threatened against returning to his political activity on behalf

3 of [REDACTED]
4 20. [REDACTED] then began to distribute misinformation about Mr. Iltaf's
5 religion in order to justify further persecuting him. On multiple occasions, Sunni
6 extremists threatened and attacked him to the point of near-death.

7
8 21. Mr. Iltaf again went to Dubai on October 10, 2023, but returned on December 29,
9 2023, to participate in [REDACTED] election campaign.

10 22. On February 1, 2024, [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 23. [REDACTED]
15 [REDACTED]

16 24. On February 10, 2024, Mr. Iltaf's wife was called to pick Mr. Iltaf up from the
17 police station. She brought him to a hospital, where he was admitted and remained for
18 three days.

19 25. When Mr. Iltaf was discharged from the hospital, he moved his family to
20 Rawalpindi, Pakistan, and then he moved himself to Dubai on February 17, 2024.

21 26. After Mr. Iltaf fled to Dubai, Sunni extremists came to his house and told his
22 family that he would be publicly executed for being a blasphemer. Sunni religious leaders
23
24

1 declared a fatwa (religious decree) against Mr. Iltaf, declaring him an infidel and
2 demanding his death, and distributed it to Sunni extremists.

3 27. Mr. Iltaf was forced to come back to Rawalpindi, Pakistan, when his son had a
4 medical emergency and was admitted to the hospital with pneumonia. On April 27, 2024,
5 while he was in Pakistan, [REDACTED]

6 [REDACTED] because of the fatwa.
7

8 28. Due to the years of persecution he faced and the fatwa that was issued against him,
9 Mr. Iltaf was finally forced to permanently flee Pakistan on May 4, 2024 for Dubai,
10 where he secured a visa.

11 29. Unfortunately, in Dubai, Mr. Iltaf continued to be persecuted for his Shia
12 religion—his employer fired him and explained that he and other Sunni employees of the
13 company had seen the fatwa and believed that he was a blasphemer and infidel.

14 30. On August 8, 2024, Mr. Iltaf travelled to Saudi Arabia, where he had a one month
15 visa. On August 21, Mr. Iltaf applied for a U.S. visa, but was denied, so, on September 8,
16 2024, he flew to Brazil and travelled through South and Central America eventually
17 making his way to the U.S.-Mexico border.

18 31. When he arrived in Mexico, Mr. Iltaf registered through the CBP One app in the
19 hope of entering the United States legally. However, on November 4, 2024, Mr. Iltaf was
20 kidnapped and beaten by masked individuals in Mexico who stole his phone, passport,
21 and money.
22
23
24

1 32. After this incident, the owner of the hotel Mr. Iltaf had been staying at told him he
2 could help him cross into the United States legally, but then ended up abandoning Mr.
3 Iltaf in the desert essentially forcing Mr. Iltaf to cross the border on November 15, 2024.

4 33. On that same day, November 15, 2024, Mr. Iltaf flagged down Border Patrol. On
5 November 18, 2024, Border Patrol transferred him into ICE custody at the Imperial
6 Regional Detention Facility (IRDF) where he remains today, nearly 17 months later.

7 34. DHS attempted to conduct a Credible Fear Interview (CFI) with Mr. Iltaf on
8 November 27, 2024, but, due to no interpreter being available in his primary language,
9 the Department initiated proceedings without a CFI and issued a Notice to Appear (NTA)
10 commencing his removal proceedings.
11

12 35. Mr. Iltaf's first Master Calendar Hearing was on December 16, 2024 and there
13 were approximately eight more Master Calendar Hearings between that date and mid-
14 May 2025.

15 36. Mr. Iltaf was initially represented by counsel who unfortunately did not represent
16 Mr. Iltaf effectively and ceased being Mr. Iltaf's attorney as June 16, 2025.

17 37. Shortly thereafter, still in June of 2025, Mr. Iltaf found new counsel who
18 graciously agreed to represent him pro bono as Mr. Iltaf had spent all his remaining funds
19 on the former attorney.
20

21 38. Mr. Iltaf attended his next Master Calendar Hearings on August 5, 2025 and
22 September 16, 2025, represented by new pro bono counsel.

23 39. Mr. Iltaf's final individual merits hearing occurred over the course of several
24 hearing dates from October 24, 2025 through January 26, 2026 – this was due to Mr.

1 Iltaf's pro bono counsel starting to experience ongoing and serious health issues (cardiac
2 conditions).

3 40. On February 6, 2026, the Immigration Judge (IJ) issued the decision in Mr. Iltaf's
4 case granting him Withholding of Removal under the INA. Mr. Iltaf would have been
5 granted asylum but for the Circumvention Against Lawful Pathways (CLP) bar, the
6 lawfulness of which is currently being reviewed by the Ninth Circuit. As prior similar
7 bans have been deemed unlawful, it is likely that the CLP will also be determined to be
8 unlawful, in which case Mr. Iltaf would have a grant of asylum.

9
10 41. Mr. Iltaf, through counsel, timely filed an appeal in March of this year which is
11 currently pending at the Board of Immigration Appeals (BIA). This appeal could take
12 more than six months, and given the BIA's decisions in the past year being largely not in
13 favor of immigrants, it is highly likely an appeal to the Ninth Circuit would be needed
14 which could take more than a year.

15 42. Mr. Iltaf's continued detention without a tenable justification and without a
16 demonstration that removal is significantly likely in the reasonably foreseeable future
17 violates constitutional due process. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Kydyrali v.*
18 *Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020).

19
20 43. The government cannot present any evidence that Mr. Iltaf's removal is
21 significantly likely to occur in the reasonably foreseeable future. Indeed, Mr. Iltaf has a
22 grant of withholding of removal and is appealing the denial of asylum.

23 44. Mr. Iltaf's detention without a tenable justification violates his rights under the
24 Due Process Clause of the Fifth Amendment.

EXHAUSTION OF REMEDIES

45. For habeas claims, exhaustion of administrative remedies is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017). A court may waive the prudential exhaustion requirement if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void.” *Id.* (quoting *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks omitted)).

Petitioner asserts that exhaustion should be waived because administrative remedies are (1) futile and (2) his continued detention results in irreparable harm.

46. Exhausting administrative remedies here is futile because Respondents contend Mr. Iltaf is subject to mandatory detention. As such, no request to release him from custody would be considered by ICE. Moreover, Immigration Judges in this district claim to have no jurisdiction to conduct a custody redetermination hearing as to individuals procedurally situated like Mr. Iltaf. Indeed, in contravention to the INA and long-standing precedent and practice, the Board of Immigration Appeals and the Attorney General have deemed no noncitizen eligible for bond before an immigration judge (with the exception of noncitizens who entered the U.S. on a visa). As such, any attempts to exhaust administrative remedies would be entirely futile.

47. Moreover, no statutory exhaustion requirements apply to Petitioner’s claim of unlawful custody in violation of his due process rights, and there are no administrative remedies that he needs to exhaust. *See Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a “futile exercise because the

1 agency does not have jurisdiction to review” constitutional claims); *In re Indefinite Det.*
2 *Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000) (same).

3 48. More importantly, every day that Petitioner remains detained causes him harm that
4 cannot be repaired. His continued detention puts his physical and mental health at greater
5 risk, further warranting a finding of irreparable harm and the waiver of the prudential
6 exhaustion requirement. Mr. Iltaf has been suffering from mental health conditions while
7 in detention, for which there is no adequate treatment for Mr. Iltaf in the detention
8 facility. He takes medication for anxiety and depression, and also has problems sleeping
9 – unfortunately, the medication does not fully resolve his symptoms because they are
10 largely because of his prolonged detention.
11

12 49. The Court must consider this in its irreparable harm analysis of the effects on
13 Petitioner as his detention continues. *See De Paz Sales v. Barr*, No. 19-CV-07221-KAW,
14 2020 WL 353465, at *4 (N.D. Cal. Jan. 21, 2020) (noting that the petitioner “continues to
15 suffer significant psychological effects from his detention, including anxiety caused by
16 the threats of other inmates and two suicide attempts,” in finding that petitioner would
17 suffer irreparable harm warranting waiver of exhaustion requirement).
18

19 **FIRST CAUSE OF ACTION**
Fifth Amendment Due Process Violation

20 50. Mr. Iltaf re-alleges and incorporates by reference, as if fully set forth herein, the
21 allegations in paragraphs above.

22 51. The Supreme Court has long recognized that the Fifth and Fourteenth
23 Amendments refer to all “persons,” not just “citizens.” Noncitizens, even inadmissible or
24

1 removable noncitizens, must be afforded due process protection. *See Yick Wo v. Hopkins*,
2 118 U.S. 356, 369 (1886) (“The Fourteenth Amendment to the Constitution is not
3 confined to the protection of citizens.”). As stated by the Court, the provisions of the
4 Fourteenth Amendment “are universal in their application, to all persons within the
5 territorial jurisdiction, without regard to any differences of race, of color, or of
6 nationality” *Id.* (emphasis added).

7
8 52. The Supreme Court has held that “even one whose presence in this country is
9 unlawful, involuntary, or transitory is entitled to that constitutional protection [of the Due
10 Process Clauses of the Fifth and Fourteenth Amendments]” *Mathews v. Diaz*, 426 U.S.
11 67, 75 n.7 (1976); see also *Plyler v. Doe*, 457 U.S. 202, 210 (1982) (“Whatever his status
12 under the immigration laws, a[] [noncitizen] is surely a ‘person’ in any ordinary sense of
13 that term.”); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896) (“Persons within the
14 territory of the United States... even [noncitizens]... [may not]... be deprived of life,
15 liberty or property without due process of law.”).

16 53. As there is no final order of removal, and it does not appear there will be one in
17 the reasonably foreseeable future, Mr. Iltaf may not be removed from the United States.
18 Mr. Iltaf has already been granted Withholding of Removal under the INA by the
19 Immigration Judge on February 6, 2026. The only reason that Mr. Iltaf has not been
20 granted asylum is the Immigration Judge’s erroneous application of the Circumvention of
21 Lawful Pathways (CLP) bar in his case. The use of the CLP bar against Mr. Iltaf is
22 erroneous because Mr. Iltaf credibly experienced persecution in Mexico on his way to the
23 United States. Mr. Iltaf has a pending appeal with the Board of Immigration Appeals
24

1 regarding his denied asylum claim. Especially given that Mr. Iltaf has already been
2 granted Withholding of Removal and has an appeal pending as to asylum, his removal is
3 not reasonably foreseeable, and his detention serves no legitimate purpose under the INA.

4 54. In *Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020), a judge in this District
5 granted habeas relief in a substantially similar case, applying a six-factor balancing test
6 first articulated in *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019), which
7 considers: (1) total length of detention to date; (2) likely duration of future detention; (3)
8 conditions of detention; (4) delays in the removal proceedings caused by the detainee; (5)
9 delays in the removal proceedings caused by the government; and (6) the likelihood that
10 the removal proceedings will result in a final order of removal. The court determined that
11 prolonged detention, when considered alongside other due process concerns, can rise to
12 the level of a constitutional violation warranting release. *Kydyrali*, 499 F. Supp. 3d at
13 773.
14

15 55. Applying the *Banda* six-factor framework here supports granting Mr. Iltaf's
16 petition.

17 56. First, Mr. Iltaf's total length of detention to date is nearly 17 months—over 500
18 days. This period is well beyond the presumptively reasonable six-month period outlined
19 in *Zadvydas*, 533 U.S. at 701. This Court has found that detention beyond this threshold
20 triggers due process scrutiny. *See Kydyrali*, 499 F.Supp. 3d at 774–75.
21

22 57. Second, Mr. Iltaf's case has been appealed to the BIA, and the appeal of his case
23 to the BIA is estimated to take at least six months, if not a year. Moreover, in the event
24 that the BIA affirms the IJ (which is quite likely), Mr. Iltaf will petition for review with

1 the Ninth Circuit Court of Appeals (taking potentially over a year). Even if the BIA
2 reverses the IJ, then his case will be remanded back to the IJ, which will take several
3 additional months, if not more than a year for the IJ to issue a new decision.

4 58. Third, conditions of confinement also raise constitutional concerns, and here Mr.
5 Iltaf has mental health issues caused in large part by his prolonged detention – medication
6 is only partially helping his anxiety and depression given they are largely caused by how
7 long he has been detained. Moreover, a report by the California Department of Justice
8 recently found that “immigration detention facilities across the state continue to fall short
9 in providing basic mental health care, with gaps in suicide prevention and treatment,
10 recordkeeping, and use of force incidents against mentally ill detainees.”¹

11 59. Fourth, the delays in Mr. Iltaf’s removal proceedings were attributable to factors
12 outside of his control. He attended his court hearings with counsel, filing voluminous
13 evidence in support of his claim. To the extent that the first attorney was ineffective and
14 the second attorney was seriously ill and this delayed Mr. Iltaf’s removal proceedings,
15 this was wholly outside of the control of Mr. Iltaf. Mr. Iltaf used essentially all his
16 resources to escape Pakistan and come to the United States, and he is fortunate to have
17 acquired the pro bono legal representation of the second attorney after his first (paid)
18 attorney failed him. Mr. Iltaf could not afford to retain another attorney and, therefore,
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23 ¹ Wendy Fry, *California Sent Investigators to ICE Facilities. They Found More*
24 *Detainees, and Health Care Gaps*, Cal Matters, April 29, 2025,
<https://calmatters.org/justice/2025/04/ice-detention-center-investigation/>.

1 like his pro bono counsel, had no control over the fact that counsel had a serious health
2 condition (cardiac conditions / potential stroke).

3 60. Fifth, at times Mr. Iltaf's hearings were continued due to the immigration court
4 not being able to find an interpreter in Mr. Iltaf's language. Even if this delay were not
5 necessarily attributable to the government, it certainly is not the fault of Mr. Iltaf.

6 61. The final factor—finality—strongly supports the grant of this habeas petition. Mr.
7 Iltaf is statutorily eligible to apply for asylum, and until that application is finally
8 adjudicated, he cannot be removed from the United States. Moreover, Mr. Iltaf has
9 already been granted Withholding of Removal and the only reason he was not granted
10 asylum was the CLP Bar, which may likely soon be determined to be unlawful (as prior
11 such bans have been). Thus, removal anytime in the near future is not likely.

12 62. Mr. Iltaf poses no risk of flight and no danger to the community. The Form I-213
13 arrest report with respect to Mr. Iltaf states “none known” for criminal record and
14 “negative” for immigration record. Mr. Iltaf was extensively screened prior to receiving
15 his grant of Withholding of Removal. Mr. Iltaf has no criminal history, he turned himself
16 in to officials almost immediately after entering the U.S., he procured counsel and
17 managed to file voluminous evidence in his case, he has a fixed address where he will
18 live in the United States, he has been granted Withholding of Removal and has a strong
19 appeal (through counsel) with respect to asylum – if not at the BIA level, then at the
20 Ninth Circuit.
21

22 63. Mr. Iltaf's continued detention without a tenable justification violates his Fifth
23 Amendment right to due process. Because Mr. Iltaf is not a danger or a flight risk (as
24

discussed above), he should be released from custody immediately. At a minimum, Mr. Iltaf should receive a bond hearing in which the burden is on the DHS to show any sort of danger to the community or flight risk which cannot be mitigated by a bond.

PRAYER FOR RELIEF

Mr. Iltaf asks this Court to grant the following relief:

1. Issue a Writ of Habeas Corpus ordering Respondents to release Mr. Iltaf from custody immediately;
2. Declare the continued detention of Mr. Iltaf without a tenable justification a violation of the Due Process Clause of the U.S. Constitution;
3. Alternatively, order an immediate bond hearing before a neutral decisionmaker where DHS bears the burden of justifying Mr. Iltaf's continued detention by clear and convincing evidence per *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), and where alternatives to detention and Mr. Iltaf's ability to pay a bond are considered
4. Order Respondents to show cause why Mr. Iltaf is being subjected to unlawful and unconstitutional detention; and
5. Grant any other relief that may be fit and proper.

Dated: April 10, 2025

Respectfully submitted,

By: /s/ Kirsten Zittlau
Zittlau Law APC
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am one of the Petitioner's attorneys. I have discussed with the Petitioner the events described in the Petition and have reviewed his immigration file. Based on those discussions and review of his file, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this, April 10, 2026, in San Diego, California.

/s/ Kirsten Zittlau
Kirsten Zittlau
Attorney for Petitioner