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10 *Attorney for Petitioner,*
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12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 ARMAN BAZRIKARSEFIDI

15 *Petitioner,*

16 v.

17 GREGORY J. ARCHAMBEAULT, in his
18 official capacity as Field Office Director, U.S.
19 Immigration and Customs Enforcement, U.S.
20 Enforcement and Removal Operations, San
21 Diego; TODD M. LYONS, in his official
22 capacity as Acting Director, U.S. Immigration
23 and Customs Enforcement; U.S.
24 IMMIGRATION AND CUSTOMS
25 ENFORCEMENT; MARKWAYNE
26 MULLIN, in his official capacity as Secretary
27 of the U.S. Department of Homeland Security;
28 CHRISTOPHER LAROSE, in his official
capacity as Warden, Otay Mesa Detention
Center; PAM BONDI, in her official capacity
as Attorney General of the United States,

Respondents.

Case No.: '26CV3078 TWR JAC

Agency No.: 

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

IMMIGRATION HABEAS CASE

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT
COURT:**

Petitioner ARMAN BAZRIKARSEFIDI respectfully submits this Verified Petition for
Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the lawfulness of his

1 8. However, the San Diego County District Attorney elected not to file criminal
charges arising from that incident.

2 9. The government's unexplained decision to detain Petitioner after years of
3 complete compliance and despite the absence of criminal prosecution violates the Fifth
4 Amendment Due Process Clause, which prohibits civil detention that is arbitrary or not
5 reasonably related to a legitimate regulatory purpose.

6 10. Respondents nevertheless detained Petitioner without identifying any violation of
7 release conditions, any failure to appear, any materially changed circumstance, or any new
8 evidence or individualized justification supporting detention.

9 11. Petitioner is a law-abiding family man who maintains full-time employment and
10 serves as a partner in Service Master Restoration by Spotless.

11 12. Accordingly, Petitioner seeks immediate release under reasonable conditions. In
12 the alternative, Petitioner seeks a prompt constitutionally adequate bond hearing before a neutral
13 adjudicator at which the government bears the burden of establishing, by clear and convincing
14 evidence, that continued detention is necessary.

15 STATUTORY FRAMEWORK

16 13. Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which governs discretionary
17 civil immigration detention. Unlike mandatory detention provisions, § 1226(a) requires
18 individualized determinations concerning flight risk and danger and authorizes release on bond
or other conditions.

19 14. Although § 1226(a) grants Respondents discretionary detention authority, that
20 discretion remains constrained by the Due Process Clause and may not be exercised arbitrarily
21 or without meaningful procedural safeguards.

22 15. Petitioner does not contend that Respondents categorically lack statutory
23 authority to detain under § 1226(a). Rather, Petitioner contends that Respondents' unexplained
24 reversal of Petitioner's previously granted release, absent materially changed circumstances or
25 meaningful procedural safeguards, violates due process.

26 CUSTODY

27 16. Petitioner ARMAN BAZRIKARSEFIDI is currently detained at the Otay Mesa
28 Detention Center in San Diego County, California. He is in immediate physical custody of
Respondent Christopher LaRose and under the legal custody of the remaining Respondents.

JURISDICTION

1 17. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner
2 challenges the legality of his civil immigration detention.

3 18. Federal courts retain jurisdiction under § 2241 to review constitutional and
4 statutory challenges to immigration detention. *Trinidad y Garcia v. Thomas*, 683 F.3d 952, 956
5 (9th Cir. 2012).

6 19. This Court further possesses jurisdiction under 28 U.S.C. § 1331 because
7 Petitioner’s claims arise under the Constitution and laws of the United States.

8 20. This Court further has jurisdiction to review constitutional challenges to
9 continued detention, including whether due process requires release or a constitutionally
10 adequate bond hearing. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

VENUE

11
12 21. Venue is proper in this District because Petitioner is detained within the Southern
13 District of California at the Otay Mesa Detention Center in San Diego County.

14 22. A petition under 28 U.S.C. § 2241 must be filed in the district where the petitioner
15 is confined and where the immediate custodian is located.

16 23. In addition, the material acts and omissions giving rise to Petitioner’s claims
17 including the decision to place him back into custody, occurred within this District. Accordingly,
18 venue is proper in the San Diego Division of this Court.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

19
20 24. Although courts may require exhaustion of administrative remedies in § 2241
21 proceedings as a prudential matter, exhaustion is not jurisdictional and may be excused. *Ward v.*
22 *Chavez*, 678 F.3d 1042, 1045 (9th Cir. 2012).

23 25. Courts routinely waive exhaustion where (1) the claim raises purely constitutional
24 issues, (2) administrative remedies are inadequate or incapable of providing timely relief, or (3)
25 exhaustion would be futile. *Id.*

26 26. Exhaustion is excused here because Petitioner raises constitutional claims
27 concerning arbitrary detention and deprivation of liberty without due process.

28 27. Exhaustion is additionally excused because administrative remedies are
inadequate to provide timely relief from Petitioner’s ongoing detention and resulting

1 to the Executive Office for Immigration Review, which administers the immigration courts and
2 the BIA. Respondent Bondi is a legal custodian of Petitioner. She is sued in her official capacity.

3 **FACTUAL ALLEGATIONS**

4 36. Petitioner and his wife presented themselves to United States immigration
5 authorities at the Tijuana border on November 18, 2021.

6 37. Petitioner was detained for approximately two nights before immigration
7 authorities released him on November 21, 2021, with I-94 documentation permitting him to
8 remain in the United States pending immigration proceedings. Please see attached **Exhibit "A."**

9 38. On or about April 1, 2022, Petitioner relocated to San Francisco, California.

10 39. USCIS subsequently issued employment authorization documents to Petitioner
11 based upon his pending immigration proceedings and immigration status.

12 40. In August 2023, Petitioner appeared before the Immigration Court in San
13 Francisco for his master calendar hearing. Please see attached **Exhibit "B."**

14 41. The Immigration Court scheduled an individual hearing for March 2026.

15 42. In October 2023, however, the Immigration Court continued the matter on its own
16 motion and rescheduled the hearing for March 2027.

17 43. Petitioner remains in ongoing removal proceedings and is not subject to a final
18 order of removal.

19 44. From November 2021 through April 6, 2026, Petitioner continuously complied
20 with all immigration proceedings and governmental directives.

21 45. Petitioner consistently maintained a fixed residence, stable employment, and
22 substantial community ties throughout the pendency of proceedings.

23 46. Specifically, Petitioner appeared at all required immigration proceedings,
24 maintained lawful employment, complied with all reporting requirements, remained law-abiding,
25 and established substantial community and professional ties within California.

26 47. At no time did Petitioner abscond, evade supervision, fail to report, or fail to
27 appear for any immigration proceeding.

28 48. Petitioner maintains full-time employment and serves as a partner in Service
Master Restoration by Spotless. Please see attached **Exhibit "E."**

49. On April 6, 2026, ICE officers abruptly detained Petitioner allegedly based upon

1 a prior arrest associated with Carlsbad Police Department Case No. 2306553. Please see attached
2 **Exhibit “C.”**

3 50. However, the San Diego County District Attorney elected not to file criminal
4 charges arising from that incident. Please see attached **Exhibit “D.”**

5 51. Respondents detained Petitioner despite the absence of any criminal conviction,
6 any violation of release conditions, any failure to appear, or any materially changed circumstance
7 justifying detention.

8 52. Respondents have not provided Petitioner with any constitutionally adequate
9 individualized custody determination explaining why detention became necessary after more
10 than four years of demonstrated compliance.

11 53. As a result of detention, Petitioner has suffered loss of liberty, disruption of
12 employment, separation from family and community, and substantial impairment in preparing
13 for his immigration proceedings.

14 **CLAIMS FOR RELIEF**

15 **FIRST CLAIM FOR RELIEF**

16 **(Violation of the Immigration and Nationality Act - Arbitrary Exercise of Discretion)**

17 54. Petitioner realleges and incorporates by reference all preceding paragraphs as
18 though fully set forth herein.

19 55. Petitioner is detained pursuant to 8 U.S.C. § 1226(a), which authorizes
20 discretionary civil immigration detention based upon individualized determinations concerning
21 flight risk and danger.

22 56. The discretionary authority conferred by § 1226(a) does not permit arbitrary,
23 irrational, or unsupported decision-making.

24 57. Respondents previously released Petitioner pending immigration proceedings and
25 thereafter permitted Petitioner to remain at liberty for more than four years while his immigration
26 proceedings remained pending.

27 58. During that time, Petitioner continuously complied with immigration
28 proceedings, appeared at all required hearings, maintained lawful employment, complied with
governmental directives, and remained law-abiding.

59. Respondents nevertheless abruptly detained Petitioner on April 6, 2026, despite

1 the absence of any criminal conviction, any violation of release conditions, any failure to appear,
2 any materially changed circumstance, or any new evidence justifying detention.

3 60. Indeed, the underlying arrest relied upon by Respondents never resulted in
4 criminal prosecution or conviction.

5 61. By disregarding Petitioner's prolonged record of compliance and detaining
6 Petitioner without a rational, evidence-based, individualized justification, Respondents have
7 exercised their discretionary detention authority in an arbitrary and constitutionally
8 impermissible manner under 8 U.S.C. § 1226(a).

9 62. Accordingly, Petitioner's continued detention is unlawful under the Immigration
10 and Nationality Act and must be terminated.

11 **SECOND CLAIM FOR RELIEF**

12 **(Violation of the Fifth Amendment – Due Process Clause)**

13 63. Petitioner realleges and incorporates by reference all preceding paragraphs as
14 though fully set forth herein.

15 64. The Fifth Amendment prohibits the government from depriving any person of
16 liberty without due process of law.

17 65. Civil immigration detention must bear a reasonable relationship to a legitimate
18 regulatory purpose and may not be arbitrary or punitive. *Zadvydas v. Davis*, 533 U.S. 678, 690
19 (2001).

20 66. Due process requires that continued detention be supported by a current,
21 individualized justification and that a noncitizen be afforded a meaningful opportunity to
22 challenge detention. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011); *Casas-Castrillon v. Dep't*
23 *of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008).

24 67. Here, Respondents detained Petitioner despite the absence of any criminal
25 conviction, any violation of release conditions, any failure to appear, any materially changed
26 circumstance, or any individualized evidence demonstrating that detention is necessary.

27 68. Respondents have not provided Petitioner with a constitutionally adequate
28 custody determination explaining why detention is necessary after more than four years of
demonstrated compliance.

69. Petitioner has not been afforded a meaningful opportunity to challenge the basis
for detention before a neutral decisionmaker.

1 70. The government's unexplained reversal of Petitioner's previously granted
2 release, absent materially changed circumstances or meaningful procedural safeguards, renders
3 Petitioner's detention arbitrary and unconstitutional.

4 71. Under these circumstances, detention no longer serves any legitimate regulatory
5 purpose and instead operates as punitive confinement in violation of due process.

6 72. Accordingly, Petitioner is entitled to immediate release or, at minimum, a prompt
7 constitutionally adequate bond hearing at which Respondents bear the burden of establishing, by
8 clear and convincing evidence, that continued detention is justified.

9 LEGAL ARGUMENT

10 73. This case does not present a routine challenge to prolonged detention. Petitioner
11 does not rely solely on the passage of time. Rather, he challenges the government's decision to
12 place him back into custody after previously permitting him to remain at liberty pending
13 immigration proceedings and after Petitioner demonstrated more than four years of complete
14 compliance with release conditions and immigration proceedings. This distinction underscores
15 the constitutional deficiencies underlying Respondents' conduct.

16 **I. ARBITRARY RENEWED DETENTION IN VIOLATION OF DUE PROCESS**

17 74. The Fifth Amendment prohibits civil detention that is arbitrary or not reasonably
18 related to a legitimate regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

19 75. Although Respondents possess discretionary authority under 8 U.S.C. § 1226(a),
20 that discretion remains constrained by constitutional due process protections and may not be
21 exercised arbitrarily.

22 76. This case does not present an ordinary immigration detention matter. Rather,
23 Petitioner challenges Respondents' decision to abruptly detain him after permitting him to remain
24 at liberty for more than four years while his immigration proceedings remained pending.

25 77. During that period, Petitioner complied with all immigration proceedings,
26 appeared at all required hearings, maintained lawful employment, complied with governmental
27 directives, and remained law-abiding.

28 78. Respondents nevertheless detained Petitioner without identifying any violation of
release conditions, any failure to appear, any materially changed circumstance, or any

individualized evidence justifying detention.

1 79. Moreover, the underlying arrest relied upon by Respondents never resulted in
2 criminal prosecution or conviction.

3 80. Petitioner does not seek mere review of discretionary bond factors. Rather,
4 Petitioner challenges the constitutional adequacy of the procedures employed and the arbitrary
5 nature of continued detention itself.

6 81. Under these circumstances, Respondents' unexplained detention of Petitioner is
7 arbitrary and not reasonably related to any legitimate regulatory purpose.

8 82. Petitioner does not contend that Respondents categorically lack authority to detain
9 under § 1226(a). Rather, Petitioner contends that the government's unexplained reversal of
10 Petitioner's previously granted release, absent materially changed circumstances or meaningful
11 procedural safeguards, violates due process.

12 **II. DUE PROCESS REQUIRES A MEANINGFUL BOND HEARING**

13 83. Procedural due process requires meaningful safeguards before the government
14 may continue civil immigration detention.

15 84. The Ninth Circuit has repeatedly recognized that prolonged or unjustified
16 immigration detention requires constitutionally adequate custody procedures. *Singh v. Holder*,
17 638 F.3d 1196 (9th Cir. 2011); *Casas-Castrillon v. DHS*, 535 F.3d 942 (9th Cir. 2008).

18 85. At a constitutionally adequate bond hearing, the government bears the burden of
19 proof; the burden must be established by clear and convincing evidence; the adjudicator must
20 determine whether the noncitizen presents a flight risk or danger to the community; and less
21 restrictive alternatives to detention must be considered.

22 86. Petitioner has not received constitutionally adequate process here.

23 87. Respondents have not identified any individualized basis justifying detention and
24 have not provided Petitioner with a meaningful opportunity to challenge detention before a
25 neutral decisionmaker.

26 88. The complete absence of meaningful procedural safeguards renders Petitioner's
27 detention unconstitutional.

28 89. Procedural due process requires consideration of: (1) the private interest affected;
(2) the risk of erroneous deprivation and the value of additional safeguards; and (3) the

government's interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

1 90. Petitioner's interest in freedom from physical restraint is fundamental.

2 91. The risk of erroneous deprivation is exceptionally high where, as here, the
3 government has provided no meaningful explanation for detention and no meaningful
4 opportunity to challenge it.

5 92. Additional procedural safeguards, including a prompt hearing before a neutral
6 adjudicator, would substantially reduce the risk of erroneous deprivation.

7 93. Under *Mathews*, the absence of meaningful procedural safeguards renders
8 Petitioner's continued detention unconstitutional.

9 **III. PETITIONER IS ENTITLED TO IMMEDIATE RELIEF**

10 94. The deprivation of physical liberty constitutes irreparable harm.

11 95. Petitioner's continued detention has caused substantial disruption to his
12 employment, separation from family and community, and impairment in preparing for his
13 immigration proceedings.

14 96. Petitioner's individual immigration proceedings remain pending, and removal is
15 not imminent.

16 97. Respondents have identified no individualized justification demonstrating that
17 detention remains necessary.

18 98. Under these circumstances, continued detention violates the Due Process Clause
19 and warrants immediate judicial intervention.

20 **IV. DETENTION NOT REASONABLY RELATED TO REMOVAL**
21 **PROCEEDINGS**

22 99. Petitioner's individual hearing is scheduled for March 2027, and removal is not
23 imminent.

24 100. Petitioner's more than four years of compliance demonstrates that detention is not
25 necessary to ensure appearance.

26 101. Continued detention under these circumstances is excessive and not reasonably
27 related to any legitimate regulatory purpose.

28 102. As detention continues without justification or procedural safeguards, it becomes
punitive rather than regulatory, in violation of due process.

1 **V. GOVERNMENT BEARS BURDEN**

2 103. If the Court does not order Petitioner’s immediate release, it should order a prompt
3 bond hearing at which the government bears the burden of proving by clear and convincing
4 evidence that Petitioner poses either a danger to the community or a flight risk, and that no less
5 restrictive alternative to detention would reasonably address any such concern.

6 **VI. ENTITLEMENT TO EMERGENCY RELIEF**

7 **A. Legal Standard**

8 104. To obtain emergency relief, Petitioner satisfies the standard set forth in *Winter v.*
9 *Natural Resources Defense Council*, 555 U.S. 7 (2008), by demonstrating: (1) likelihood of
10 success on the merits; (2) likelihood of irreparable harm; (3) the balance of equities tips in his
11 favor; and (4) an injunction is in the public interest.

12 **B. Likelihood of Success on the Merits**

13 105. Petitioner has demonstrated a substantial likelihood of success on the merits
14 because his renewed detention lacks any stated individualized basis and because Respondents
15 have failed to provide constitutionally adequate process. Respondents have provided no
16 meaningful explanation for detention, no individualized custody determination supported by
17 evidence, and no evidence demonstrating that continued detention is necessary. Under these
18 circumstances, Petitioner has raised substantial constitutional questions concerning whether his
19 detention comports with due process requirements.

20 106. When an individual has demonstrated sustained compliance with release
21 conditions over an extended period, renewed detention without explanation or individualized
22 assessment raises serious constitutional concerns. The government's authority to detain
23 individuals is not unlimited. Due process requires that the government provide an individual with
24 a meaningful opportunity to demonstrate that detention is not necessary.

25 **C. Irreparable Harm**

26 107. The deprivation of physical liberty constitutes irreparable harm. *Zadvydas*, 533
27 U.S. at 690.

28 108. Beyond the fundamental loss of liberty, Petitioner faces concrete, irreparable

1 harms that flow directly from continued detention. Continued detention prevents Petitioner from
2 maintaining employment, resulting in loss of income and damage to employment history and
3 professional relationships that cannot be fully restored even if release is eventually granted.

4 109. Continued detention also separates Petitioner from family, friends, and
5 community support systems developed during more than four years of lawful residence and
6 compliance in the United States.

7 110. Detention further impairs Petitioner's ability to gather evidence, communicate
8 with counsel, locate witnesses, and adequately prepare for his immigration proceedings.

9 111. These harms cannot be remedied after the fact.

10 **D. Balance of Equities and Public Interest**

11 112. The government previously permitted Petitioner to remain at liberty pending
12 immigration proceedings, as demonstrated by his more than four years of successful compliance
13 with release conditions and immigration proceedings.

14 113. The government itself previously determined that release was appropriate and
15 permitted Petitioner to remain at liberty for years without incident.

16 114. Less restrictive alternatives to detention are available and sufficient.

17 115. The public interest is always served by preventing constitutional violations.

18 116. The balance of equities overwhelmingly favors Petitioner.

19 **REQUEST FOR RELIEF**

20 **WHEREFORE**, Petitioner respectfully requests that this Court:

- 21 1. Assume jurisdiction over this matter;
- 22 2. Issue a writ of habeas corpus;
- 23 3. Order Petitioner's immediate release under reasonable conditions of supervision;
- 24 4. Alternatively, order Respondents to provide Petitioner with a bond hearing within
25 seven (7) days before a neutral adjudicator, at which:
 - 26 • The government bears the burden of proof;
 - 27 • The standard is clear and convincing evidence;
 - 28 • The adjudicator must consider Petitioner's ability to pay; and
 - The adjudicator must evaluate less restrictive alternatives to detention.
5. Issue a temporary restraining order and/or order to show cause on an expedited basis;

6. Grant such other and further relief as the Court deems just and proper.

Dated: May 15, 2026

MHM LAW GROUP, APLC



Michael H. Moghtader, Esq.
Attorney for Petitioner,
ARMAN BAZRIKARSEFIDI

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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF

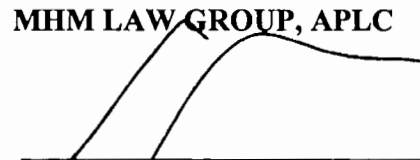
PURSUANT TO 28 U.S.C. § 2242

1
2 I am submitting this verification on behalf of Petitioner because I am one of Petitioner's
3 attorneys. I have discussed with Petitioner the events described in this Petition. Based upon those
4 discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas
5 Corpus are true and correct to the best of my knowledge.

6 I declare under penalty of perjury under the laws of the United States that the foregoing
7 is true and correct.

8 Dated: May 15, 2026

MHM LAW GROUP, APLC

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11 
12 Michael H. Moghtader, Esq.
13 Attorney for Petitioner,
14 ARMAN BAZRIKARSEFIDI
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EXHIBITS

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Exhibit A – Entry Documents / Order of Release / Notice to Appear

Exhibit B – Immigration Court in San Francisco (August 2023)

Exhibit C – Evidence of Renewed Detention / Transfer to Otay Mesa Detention Center

Exhibit D – San Diego County District Attorney Documentation Reflecting No
Criminal Charges Filed

Exhibit E – Service Master Restoration by Spotless