Naira Zohrabyan, Esq. [SBN 337925]
ZOHRABYAN LAW, APC
100 W. Broadway, Suite 540
Glendale, CA 91210
Tel: 818-270-5150
Fax: (747) 327-4059
Email: naira@zohrabyanlaw.com

Attorneys for Petitioner **Hui Wang**

DETAINED

ZOHRABYAN LAW, APC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the matter of: **HUI WANG** **v.** **CHRISTOPHER J. LAROSE, WARDEN OF OTAY MESA DETENTION CENTER**	**Case Number: '26CV3119 LL GC** [redacted] **PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS; COMPLAINT FOR DECLARATORY RELIEF** Challenge to Unlawful Incarceration; Request for Declaratory and Injunctive Relief

STATEMENT OF FACTS

1. Petitioner is a native and citizen of China who entered the United States on or about April 10, 2025, and has remained in custody for thirteen (13) months as of today. **See Exhibit A is indeed the Notice to Appear (NTA).**
2. On March 13, 2026, an Immigration Judge Obrien, Leah denied Petitioner's asylum and withholding of removal. Petitioner timely appealed that decision on April 13, 2026. Case is pending. **See Exhibit B, which includes the Immigration Judge's order and the filing receipt for the appeal.**
3. As a result, Petitioner has now been detained for thirteen (13) months.
4. During her prolonged detention, Petitioner has suffered significant physical and mental health deterioration. Her continued confinement has caused and continues to cause serious harm.
5. Petitioner's continued detention is arbitrary and unlawful, and she requests that this Court order her immediate release from ICE custody.

JURISDICTION

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All-Writs Act, 28 U.S.C. § 1651

9. Federal District courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. Zadvydas, 533 U.S. at 687.

10. Federal courts also have federal question jurisdiction, through the Administrative Procedure Act ("APA"), to deem unlawful and to set aside agency action that is arbitrary, capricious, an abuse of discretion or otherwise inconsistent with law. 5 U.S.C. §706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. §703, which provides that judicial review of agency action under the APA may be proceeded by any applicable form of legal action, including but not limited to habeas corpus. The APA affords a right of review to a person who is adversely affected or harmed by agency action.

VENUE

11. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at Otay Mesa Detention Center. Furthermore, a substantial part of the events or omissions giving rise to this action occurred and continue to occur at ICE's Washington Field Office in Chantilly, Virginia, within this division. No real property is involved in this action. 28 U.S.C. §1391(e).

LEGAL FRAMEWORK
ICE'S CONTINUED DETENTION OF PETITIONER, WITHOUT REVIEWING HER CUSTODY UNDER ICE POLICY VIOLATES THE ADMINISTRATIVE PROCEDURE ACT AND DUE PROCESS.

12. ICE's long-standing policy is to release non-citizens immediately following a grant of asylum, relief absent exceptional circumstances.

13. Under the Accardi doctrine, which originated in the context of an immigration case and has been developed through subsequent immigration caselaw, agencies are bound to follow their own rules that affect the fundamental rights

of individuals, even self-imposed policies and processes that limit otherwise discretionary decisions. See Accardi v. Shaughnessy, 347 U.S. at 226 (holding that BIA must follow its own regulations in its exercise of discretion); Morton v. Ruiz, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

14. The requirement that an agency follow its own policies is not "limited to rules attaining the status of formal regulations." Montilla v. INS, 926 F.2d 162, 167 (2d Cir. 1991). Even an unpublished policy binds the agency if "an examination of the provision's language, its context, and any available extrinsic evidence" supports the conclusion that it is "mandatory rather than merely precatory." Doe v. Hampton, 566 2d 265, 281 (D.C. Cir. 1977); see also Morton, 415 U.S. at 235-36 (applying Accardi to violation of internal agency manual); U S. v. Heffner, 420 F.2d 809, 813 (4th Cir. 1969) ("Nor does it matter that these IRS instructions to Special Agents were not promulgated in something formally labeled a 'Regulation' . . .").

15. When agencies fail to adhere to their own policies as required by Accardi, courts typically frame the violation as arbitrary, capricious, and contrary to law under the APA, see Damus v. Nielson, 313 F. Supp. 3d 317, 337 (D.D.C. 2018) ("It is clear, moreover, that [Accardi] claims may arise under the APA"), or as a due process violation, see Sameena, Inc. v. United States Air Force, 147 F.3d 1148, 1153 (9th Cir. 1998) ("An agency's failure to follow its own regulations tends to cause unjust discrimination and deny adequate notice and consequently may result in a violation of an individual's constitutional right to due process.") (internal quotations omitted).

16. Prejudice is generally presumed when an agency violates its own policy. See Montilla, 926 F.2d at 167 ("We hold that an alien claiming the INS has failed to adhere to its own regulations . . . is not required to make a showing of prejudice before he is entitled to relief. All that need be shown is that the subject regulations were for the alien's benefit and that the INS failed to adhere to them."); Heffner, 420 F.2d at 813 ("The Accardi doctrine furthermore requires reversal irrespective of whether a new trial will produce the same verdict.").

17. To remedy an Accardi violation, a court may direct the agency to properly apply its policy, see Damus, 313 F. Supp. 3d at 343 ("[T]his Court is simply ordering that Defendants do what they already admit is required."), or a court may apply the policy itself and order relief consistent with the policy. See Jimenez v. Cronen, 317 F. Supp. 3d 626, 657 (D. Mass. 2018) (scheduling bail hearing to review petitioners' custody under ICE's standards because "it would be particularly unfair to require that petitioners remain detained . . . while ICE attempts to remedy its failure").

18. Here, Petitioner falls into this category where ICE has failed to act as required by their procedures and require intervention.

CLAIMS FOR RELIEF

GROUND ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS

Petitioner has the right to challenge the legality of her detention

19. The allegations in the above paragraphs are realleged and incorporated herein.

20. Petitioner has due process rights to challenge their detention. Zadvydas v. Davis, 533 U.S. 678, 693, 695 (2001) (while noncitizens outside the United States' "geographic borders" lack constitutional protections, all "persons" within them

are protected by the Due Process Clause, regardless of immigration status); Rodriguez Diaz v. Garland, 53 F.4th 1189, 1205-06 (9th Cir. 2022) (though constitutional rights of citizens and noncitizens "are not coextensive," noncitizens are entitled to due process, including to challenge detention pending proceedings).

21. As the Ninth Circuit held, the Due Process Clause applies to noncitizens regardless of whether they are "seeking admission" or are "admitted" under immigration law. Wong v. United States, 373 F.3d 952, 973 (9th Cir. 2004), abrogated on other grounds by Wilkie v. Robbins, 551 U.S. 537 (2007); see also Padilla v. U.S. Immigr. & Customs Enf't, 704 F. Supp. 3d 1163, 1171 (W.D. Wash. 2023). The Due Process Clause allows Petitioner to challenge her detention.

22. Respondent fundamentally misapprehends Petitioner's due process claims. Petitioner challenges her deprivation of liberty and prolonged detention, not the adequacy of the procedures the immigration laws afford her "with respect to admission. Petitioner solely challenging her ongoing detention, and she is not bringing a constitutional claim with respect to the procedures governing her legal admission into the United States.

23. To the extent Respondent takes the extraordinary position that Petitioner has no due process rights at all, that is unsupported by law and would have gruesome practical consequences: "If excludable [noncitizens] were not protected by even the substantive component of constitutional due process, ... we do not see why the United States government could not torture or summarily execute them. ... [W]e conclude that government treatment of excludable [noncitizens] must implicate the Due Process Clause of the Fifth Amendment.". Rosales-Garcia v. Holland, 322 F.3d 386, 412 (6th Cir. 2003) (en banc); see also Jean v. Nelson,

472 U.S. 846, 874 (1985) (Marshall, J., dissenting) ("[T]he principle that unadmitted [noncitizens] have no constitutionally protected rights defies rationality. Under this view, the Attorney General, for example, could invoke legitimate immigration goals to justify a decision to stop feeding all detained [noncitizens] .... Surely, we would not condone mass starvation."). Thus, there is no question that Petitioner has the right to challenge the constitutionality of her prolonged detention under the Due Process Clause of the Fifth Amendment of the Constitution.

24. ICE has violated Petitioner's due process rights by denying an individualized custody review to which she is entitled under ICE policy.

25. As a remedy, this Court should conduct its own review of Petitioner's custody or, at least, order ICE to review Petitioner's custody under the standard articulated in ICE policy.

GROUND TWO

VIOLATION OF IMMIGRATION AND NATIONALITY 8 U.S.C. § 1231 (A)(6)

Mandatory detention is subject to constitutional limits

26. The allegations in the above paragraphs are realleged and incorporated herein.

27. U.S.C. § 1231 (a)(6), as interpreted by the Supreme Court in Zadvydas, authorizes detention only for "a period reasonably necessary to bring about the alien's removal from the United States." 533 U.S. at 689, 701.

28. Petitioner's continued detention has become unreasonable because her removal is not reasonably foreseeable. Therefore, her ongoing confinement violates 8 U.S.C. § 1231(a)(6), and she must be released. On March 13, 2026, an Immigration Judge Obrien, Leah denied Petitioner's asylum and withholding of

removal. Petitioner timely appealed that decision on April 13, 2026. Case is pending.

29. Petitioner is challenging her prolonged detention on constitutional grounds, not statutory grounds. Notwithstanding the fact that she is being detained pursuant to section 1225(b), Petitioner's detention is unequivocally subject to Constitutional limits. The Supreme Court has not precluded noncitizens from bringing as-applied constitutional challenges to their mandatory detention. Respondent correctly states: Jennings v. Rodriguez, 583 U.S. 281 (2018) "did not explicitly address constitutionality arguments." U.S. Response at 3. While in Demore v. Kim, 538 U.S. 510 (2003) the Supreme Court rejected a facial challenge to mandatory detention under § 1226(c), the Supreme Court has explicitly recognized the availability of judicial review over as-applied challenges to detention, including mandatory detention. See, e.g., Nielsen v. Preap, 586 U.S. 392, 420 (2019); Demore v. Kim, 538 U.S. 510, 532-33 (2003) (Kennedy, J., concurring). Courts in this district have accordingly found constitutional limits to apply to immigration detention, irrespective of the underlying detention authority. See, e.g., Gebregiziabher v. Marrero, Case 3:26-cv-02004-JES-MSB; Liu v. Larose, Case 3:26-cv-01546-JO-MMP; Synthia Engonwei Munoh Warden, Otay Mesa Detention Center, Case 26-CV-1773 JLS (DDL); Fuad Abdulielil Ahmed V. Sixto Marrero Case 26-cv-01170-BAS-MMP; Maksim Lastin v. Warden, Imperial Regional Detention Facility 26-cv-974-RSH-DDL; Natalia Lastina V. Warden of Imperial Regional Detention Facility 3:26-cv-00975-TWR-VET; Karakhanyan v. Warden of Otay Mesa Detention Center-3:25-cv-03454-JO-MMP; Romik Parunakyan v. Warden of Otay Mesa Detention Center 25-cv-3739-LL-MSB; L.S. v. Warden of Otay Mesa Detention Center; M.F. v. Warden of Otay Mesa Detention Center 3:25-cv-3599-CAB-MSB;

Miganush Ogandzhanyan V. Warden Of Otay Mesa Detention Center 26cv0093 DMS MSB; Ter Ogannisian Geros v. Warden Of Otay Mesa Detention Center 26-CV-91 JLS (AHG); Emanuel Ter-Ogannisian *v.* Warden Of Otay Mesa Detention Center 26cv0124 DMS JLB; L.S. v. Warden of Otay Mesa Detention Center; Naira Kirakosyan v. Warden of Otay Mesa Detention Center 26-cv-315-JO-DDL. (**granting a writ of habeas corpus after Court determined that Petitioner's detention without a bond hearing has become unreasonable and violates due process).**

30. This Court should so hold as well.

31. Petitioner has now been detained for thirteen (13) months and with no indication of when relief might be available. This prolonged and indeterminate detention is arbitrary, excessive in duration, and unconstitutional.

GROUND THREE

ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE ADMINISTRATIVE PROCEDURE ACT

Petitioner's ongoing and unreviewed detention violates her constitutional due process rights and cannot continue without a bond hearing

32. The allegations in the above paragraphs are realleged and incorporated herein. Courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

33. The Mathews test is the appropriate test for this Court to use to evaluate the constitutionality of Petitioner's prolonged detention. Mathews v. Eldridge, 424 U.S. 319 (1976). The Mathews test is routinely applied by district courts across the Ninth Circuit, including this Court, to determine whether due process

requires neutral review of a noncitizen's custody. Rodriguez Diaz v. Garland, 53 F.4th 1189, 1206-07 (9th Cir. 2022) (noting that Mathews is a "flexible test" broad enough to account for government interests when evaluating due process claims in the immigration detention context); see, e.g., Abduraimov, 2025 WL 2912307 and Maksim, 2025 WL 2879328. Respondents offer "no valid alternative to the Mathews framework nor [do they] demonstrate[e] that Mathews is inapplicable here." Jensen v. Garland, No. 5:21-c-v- 01195-CAS (AFM), 2023 WL 3246522 (C.D. Cal. May 3, 2023).

34. The Mathews test for procedural due process claims balances: (1) the private interest threatened by governmental action; (2) the risk of erroneous deprivation of such interest and the value of additional or substitute safeguards; and (3) the government interest. 424 U.S. at 335. Each Mathews factor weighs in Petitioner's favor. Petitioner's detention of 13 months and counting without any neutral review is a violation of her procedural due process rights and requires this court to order a hearing before a neutral adjudicator to evaluate whether the government can justify her ongoing detention.

35. Petitioner has a profound liberty interest. Petitioner has a weighty interest in her own liberty, the core privacy interest at stake here. Zadvydas, 533 U.S. at 690 ("Freedom from imprisonment...lies at the heart of the liberty [the Due Process Clause] protects."). Petitioner's 13 months of detention limit of the brief detention contemplated in Demore, 538 U.S. at 530-31. See also Lopez v. Garland, 631 F. Supp. 3d 870, 880 (E.D. Cal. 2022) ("As detention continues past a year, courts become extremely wary of permitting continued custody absent a bond hearing.") (internal citation omitted).

36. The second prong of the Mathews test, the risk of erroneous deprivation of such interest through the procedures used, and the probable value of additional

procedural safeguards, also weighs heavily in Petitioner's favor. 424 U.S. at 335. "[T]he risk of an erroneous deprivation of liberty in the absence of a hearing before a neutral decisionmaker is substantial." Diouf v. Napolitano (Diouf II), 634 F.3d 1081, 1092 (9th Cir. 2011). When a petitioner "does not have a statutory right to a bond hearing or the right to seek additional bond hearings. . . the risk of erroneous deprivation as Petitioner's time in detention lengthens is not insignificant," and the probable value of additional procedural safeguards is exceedingly high. Eliazar G.C., No. 1:24-CV-01032-EPG-HC, 2025 WL 711190, at *7 (E.D. Cal. Mar. 5, 2025); Tonoyan v. Andrews, 2025 WL 3013684 at *4 ("Given that Petitioner has been held without a bond hearing for almost a year, and it is not clear when detention will end, the risk of erroneous deprivation weighs in favor of granting a bond hearing."). In this case, Petitioner has been deprived of her liberty in civil detention for 13 months. Because she is subject to mandatory detention pursuant to section 1225(b), she does not have the statutory right to request a bond hearing and therefore lacks access to an appropriate procedural safeguard that would protect against the risk of erroneous deprivation, absent intervention from this Court.

37. Here, a bond hearing before a neutral decisionmaker is the only appropriate procedural safeguard to protect against the risk of erroneous deprivation because it provides both the noncitizen and the government with an opportunity to present witness testimony or evidence and be heard before a neutral body. Anything less would not comport with due process. In particular, "the discretionary parole system available to § 1225(b) detainees are not sufficient to overcome the constitutional concerns raised by prolonged mandatory detention because the parole process is purely discretionary, and its results are unreviewable by IJs and "release decisions are based on humanitarian

considerations and the public interest." Abduraimov, 2025 WL 2912307, at *6 (citing Rodriguez v. Robbins (Rodriguez II), 715 F.3d 1127, 1144 (9th Cir. 2013) (internal quotations omitted). The parole process "is not a constitutionally adequate substitute for a bond hearing particularly since it does not test the necessity of detention, does not afford the noncitizen an in-person adversarial hearing before a neutral decisionmaker where he or she may present witness testimony or evidence, does not require the ICE detention officer [to] make any factual findings or provide their reasoning, and there is no apparent right to an administrative appeal." Abduraimov, 2025 WL 2912307, at *6 (citing Padilla v. U.S. Immigr. & Customs Enf't, 704 F. Supp. 3d 1163, 1174 (W.D. Wash. 2023).

38. Any internal review of Petitioner's detention or request for discretionary parole by DHS cannot satisfy the requirements for due process because DHS is the very authority that is detaining him. Where a custody review is conducted by the very same agency that is detaining the individual, that agency reviewing its own actions cannot be held to a neutral standard. As such, Petitioner must be afforded a hearing before a neutral arbiter in order for her ongoing, prolonged detention to comply with due process.

39. Contrary to Respondent's assertions, Petitioner faces prolonged detention for an indefinite period of time pending the final adjudication of her asylum claim. This Court has recognized that "it is difficult to ascertain an endpoint to removal proceedings, but it is clear proceedings could take a substantial amount of time," and "[i]t is unknown when the IJ will decide the application for relief." Idiev v. Warden, et al., No. 1:25-CV-01030-SKO (HC), 2025 WL 3089349, at *5 (E.D. Cal. Nov. 5, 2025). Even after the IJ issues a decision, each party "has other avenues available for relief including an appeal to the BIA and a petition for review to the Ninth Circuit Court of Appeals." Id. See, e.g., Abduraimov, 2025

WL 2912307 (where the government appealed the IJ's grant of asylum and the BIA remanded back to the IJ); A.E., 2025 WL 1424382 (where the government appealed the IJ's grant of asylum, the IJ denied all relief on remand, and the noncitizen appealed to the BIA).

40. Here, On March 13, 2026, an Immigration Judge Obrien, Leah denied Petitioner's asylum and withholding of removal. Petitioner timely appealed that decision on April 13, 2026. Case is pending.

41. Petitioner has been in detention **for 13 months**, and Petitioner's removal is not reasonably foreseeable, as it depends entirely on the outcome of her merits appeal and any subsequent review that may follow. Accordingly, her continued detention is arbitrary, prolonged, and constitutionally unreasonable.

42. Due to prolonged detention, Respondent has been experiencing physical and mental issues. There is no indication as to how long the appeal will take, and/or depending on outcome of the appeal, Petitioner might stay in custody longer.

43. Because "it is not clear when detention will end, the risk of erroneous deprivation weights in favor of granting a bond hearing." A.E., 2025 WL 1424382, at *5; Doe v. Andrews, No. 1:25- CV-00506-SAB-HC, 2025 WL 2590392, *7 (E.D. Cal. Sept. 8, 2025) (noting that "[a]lthough future events are difficult to predict, the [c]ourt nevertheless finds that...possible remand to the immigration court for further factfinding or possible judicial review by the Ninth Circuit will be sufficiently lengthy such that [the delay] factor weighs in favor of Petitioner"), report and recommendation adopted, No. 1:25-CV-00506-KES-SAB (HC), 2025 WL 2896218 (E.D. Cal. Oct. 11, 2025); Abduraimov, 2025 WL 2912307, *8 ("appeal to BIA and potential Ninth Circuit review 'may take up to two years or longer' and 'favors granting petitioner a bond hearing') (citing Banda v. McAleenan, 385 F. Supp. 3d 1099, 1119 (W.D. Wash. 2019)). The risk

of erroneous deprivation of Petitioner's liberty interest and the probably value of a bond hearing is exceptionally high. Therefore, the second Mathews factor also weighs in favor of granting Petitioner a bond hearing.

44. The third Mathews factor also supports Petitioner: the government interest is weak here because the interest at stake "is the ability to detain Petitioner without providing her a bond hearing, not whether the government may continue to detain him" at all. Lopez-Reyes v. Bonnar, 362 F. Supp. 3d 762, 777 (N.D. Cal. Jan. 29, 2019) (emphasis in original). As the government has conceded in similar cases, the cost of providing such a bond hearing is minimal. Id.; Singh v. Barr, Case No. 18-cv-2471-GPC-MSB, 2019 WL 4168901, at *12 ("The government has not offered any indication that a second bond hearing would have outside effects on its coffers."); Marroquin Ambriz v. Barr, 420 F. Supp. 3d 953, 964 (N.D. Cal. 2019) (noting in the context of a §1226(a) detention, the parties did not contest "that the cost of conducting a bond hearing, to determine whether the continued detention of Petitioner is justified, is minimal"). Holding a hearing at which Respondents must justify Petitioner's continued detention thus actually "promotes the Government's interest—one we believe to be paramount—in minimizing the enormous impact of incarceration in cases where it serves no purpose." See Velasco-Lopez v. Decker, 978 F.3d 842, 854 (2d Cir. 2020) (emphasis added); id. at n.11; Hernandez-Lara v. Lyons, 10 F.4th 19, 33 (1st Cir. 2021) ("[L]imiting the use of detention to only those noncitizens who are dangerous or a flight risk may save the government, and therefore the public, from expending substantial resources on needless detention.").

45. In sum, there is no question that all three Mathews factors favor Petitioner. Contrary to Respondent's claim, Petitioner's prolonged detention does not pass constitutional muster and requires that this Court immediately order her a bond

hearing.

46. At a bond hearing, the government must bear the burden of justifying Petitioner's ongoing and prolonged detention. Where a custody hearing is warranted as a procedural safeguard against unreasonably prolonged detention, it is well established that the government bears the burden of justifying continued confinement by clear and convincing evidence. Singh v. Holder, 638 F.3d 1196, 1204 (9th Cir. 2011) ("[D]ue process places a heightened burden of proof on the State in civil proceedings in which the individual interests at stake...are both particularly important and more substantial than mere loss of money."). See e.g. Lopez, 631 F. Supp. 3d 870, n.3 (specifically noting that Singh provided guidance as to the procedural requirements for bond hearings and that the government must prove by clear and convincing evidence that a noncitizen is a flight risk. or danger to the community to justify denying bond) (internal quotations omitted); Eliazar G.C., 2025 WL 711190, *10 (E.D. Cal. Mar. 5, 2025) (stating that the Court will follow the "overwhelming majority of courts" to hold that the government must justify continued mandatory detention by clear and convincing evidence that the noncitizen is a flight risk or a danger to the community); Maksim, 2025 WL 2879328, * 6 (same); Abduraimov, 2025 WL 2912307, *11 (same); Idiev, 2025 WL 3089349, *7 (same); Tonoyan, 2025 WL 3013684, *5 (same).

47. The Ninth Circuit in Singh stressed that "it is improper to ask the individual to share equally with society the risk of error when the possible injury to the individual—deprivation of liberty— is so significant[.]" See Singh, 638 F. 3d at 1205; Black, 103 F.4th at 157-58 (observing that where "an individual's liberty is at stake, the Supreme Court has consistently used [clear and convincing] evidentiary standard for continued detention") (internal citations omitted); id. at

159 (reiterating that the government bears the burden of meeting this standard even where an individual is detained pursuant to mandatory detention). This Court should, too, apply the heavy burden on the government to justify Petitioner's continued civil detention without a bond hearing.

48. Moreover, at the evidentiary hearing, the adjudicator must consider alternatives to detention and Petitioner's financial circumstances in determining whether further detention is warranted and the conditions of her release. See, e.g., Hernandez, 872 F.3d at 994 ("If the government is setting monetary bonds to ensure appearance at future proceedings, there is no legitimate reason for it not to consider the individual's financial circumstances and alternative conditions of release.").

49. Thus, due process and Ninth Circuit precedent require that the government bear the burden of justifying Petitioner's ongoing and prolonged detention by clear and convincing evidence.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

a) Assume jurisdiction over this matter;

b) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

c) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. §1231(a)(6);

d) Issue a Writ of Habeas Corpus ordering Respondents to be released;

e) Award Petitioner attorney's fees and costs under the Equal

Access to Justice Act, and on any other basis justified under law; and

f) Grant any further relief this Court deems just and proper

DATED: May 19, 2026,

Respectfully submitted

Naira Zohrabyan
Attorney for Petitioner