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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

AJET ARUCI,

Petitioner,

v.

WANDA WILSON, Warden, Golden State
Annex, in her official capacity; MOISES
BECERRA, Field Office Director, San
Francisco Field Office, U.S. Immigration and
Customs Enforcement; DAVID
VENTURELLA, Senior Official Performing
the Duties of the Director, U.S. Immigration
and Customs Enforcement; MARKWAYNE
MULLIN, Secretary of Homeland Security,

Respondents.

Case No. 1:26-cv-_____

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

I. INTRODUCTION

1. For nearly nine years under a final order of removal, Ajet Aruci did everything the government asked of him. He reported when told to report. He appeared when told to appear. When Immigration and Customs Enforcement converted his supervision to telephonic check-ins in June 2023, he answered every call, through his most recent check-in in January 2026. ICE never once, in nine years, found him out of compliance.
2. On Sunday, June 28, 2026, ICE officers arrested Mr. Aruci at Sacramento International Airport. He was not fleeing. He was boarding a flight to Buffalo, New York, to attend an interview the United States government itself had scheduled: the June 30, 2026 interview on his U.S. citizen wife's petition to classify him as her immediate relative, a petition that had been pending for more than three years. He was carrying the interview notice.
3. The officers told his wife they already knew the family's travel plans: "we knew you guys were coming, we knew you were traveling with your kid, you were already on our list." That statement is an admission that the supervision regime worked exactly as designed. The government knew where Mr. Aruci was, where he was going, and why, before he reached the gate. It arrested him anyway, and by doing so caused him to miss the very interview that DHS's sister agency had ordered him to attend.
4. ICE revoked Mr. Aruci's release without written notice of reasons, without the prompt informal interview its own regulations require, and without any opportunity to respond. 8 C.F.R. § 241.4(l). Its asserted basis, that he was "out of his order of supervision," ignores that ICE itself placed him on telephone reporting, took his calls for two and a half years while he lived and worked in California, and monitored his movements closely enough to meet him at an airport.
5. Mr. Aruci's detention serves no purpose the Constitution recognizes. The government has never alleged he is dangerous. And a man arrested en route to his own government interview, whose itinerary the government knew in advance, is the opposite of a flight risk. His detention is procedurally lawless and substantively arbitrary. This Court should order his release.

1 **II. CUSTODY, JURISDICTION, AND VENUE**

- 2 6. Petitioner is detained at Golden State Annex, 611 Frontage Road, McFarland, California,
3 in Kern County, within the Fresno Division of this District, in the physical custody of
4 Respondent Wanda Wilson, the facility's warden and his immediate custodian. *Rumsfeld*
5 *v. Padilla*, 542 U.S. 426, 434-35 (2004).
6 7. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, Section
7 9, Clause 2 of the Constitution. This petition challenges the lawfulness of Petitioner's
8 detention. It does not challenge his removal order or any decision to commence
9 proceedings, adjudicate a case, or execute a removal order, and it is not channeled into a
10 petition for review. *Jennings v. Rodriguez*, 583 U.S. 281, 294-95 (2018); *Zadvydas v.*
11 *Davis*, 533 U.S. 678, 687-88 (2001); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003).
12 8. Venue lies in this District, where Petitioner is confined and his immediate custodian is
13 found. Jurisdiction attached at filing and is not defeated by any subsequent transfer.
14 *Padilla*, 542 U.S. at 441, 443-44; *Ex parte Endo*, 323 U.S. 283, 306 (1944).

15 **III. PARTIES**

- 16 9. Petitioner Ajet Aruci is a native and citizen of Albania, a resident of the United States since
17 his lawful admission in 2008, the husband of a United States citizen, and the father of a
18 United States citizen child.
19 10. Respondent Wanda Wilson is the Warden of Golden State Annex, the GEO Group facility
20 in McFarland, California where Petitioner is detained. She is Petitioner's immediate
21 custodian and is sued in her official capacity.
22 11. Respondent Moises Becerra is the Field Office Director of the San Francisco Field Office
23 of ICE Enforcement and Removal Operations, whose area of responsibility includes
24 Golden State Annex. He directs custody determinations, including revocations of release
25 and supervision decisions, for noncitizens detained in this region, and is sued in his official
26 capacity.

1 12. Respondent David Venturella is the Senior Official Performing the Duties of the Director
2 of U.S. Immigration and Customs Enforcement, the agency that arrested and detains
3 Petitioner. He is sued in his official capacity.

4 13. Respondent Markwayne Mullin is the Secretary of Homeland Security, with ultimate
5 authority over ICE and over the administration of the immigration laws, including the
6 supervision and release regulations at issue. He is sued in his official capacity. The
7 supervisory Respondents are named because complete relief, including restoration of
8 supervision, lies within their delegated authority under 8 C.F.R. §§ 241.4 and 241.5.

9 **IV. STATEMENT OF FACTS**

10 **A. Admission, Proceedings, and Release**

11 14. Mr. Aruci was admitted to the United States at New York on February 18, 2008, as a B-2
12 visitor, and later changed status to F-1 student. He has lived in this country continuously
13 for more than eighteen years.

14 15. In 2011, DHS charged him as a nonimmigrant status violator under 8 U.S.C. §
15 1227(a)(1)(C)(i), a civil status charge. He has never been charged with any criminal ground
16 of removability. An Immigration Judge released him on a \$7,500 bond on August 18, 2011.
17 Over the following five years of proceedings he appeared at every hearing. The bond was
18 never breached.

19 16. His application for relief was denied on September 29, 2016; the Board of Immigration
20 Appeals dismissed his appeal on May 24, 2017, and denied a motion to reopen on March
21 29, 2018, the date ICE's own records treat as his final order date. He has been under a final
22 order, and at liberty, for more than eight years, and under formal supervision throughout.

23 17. In visa petition proceedings fifteen years ago, the Board affirmed the denial of a petition
24 filed by Mr. Aruci's former wife solely because the petitioner there had not met her
25 evidentiary burden; the Board expressly invited a new, fully supported petition. No

1 adjudicator has ever made a finding of marriage fraud under 8 U.S.C. § 1154(c) as to Mr.
2 Aruci, despite repeated government review of the same record.

3 **B. The Order of Supervision and Nine Years of Compliance**

4 18. On September 30, 2022, ICE's Buffalo office issued Mr. Aruci a Form I-220B Order of
5 Supervision. Its conditions included periodic in-person reporting to ERO Buffalo,
6 cooperation with travel-document efforts, notice and approval for travel outside New York
7 exceeding 48 hours, and written notice 48 hours before any change of residence or
8 employment. ICE did not require electronic monitoring: the form's Alternatives to
9 Detention condition was left unchecked. Exh. A.

10 19. Mr. Aruci reported in person as directed on March 30, 2023. On June 22, 2023, ERO
11 Buffalo, through Deportation Officer Ensminger, converted his supervision to telephonic
12 reporting: the form's own Personal Report Record directs his next report "by phone to
13 Officer Ensminger." Exh. A at 2.

14 20. From June 2023 forward, Mr. Aruci reported by telephone as ERO Buffalo directed, most
15 recently in January 2026. Every check-in was completed. ICE renewed his employment
16 authorization throughout this period until the most recent application.

17 21. In 2023, Mr. Aruci's wife accepted employment in Sacramento, California, and the family
18 began living and working in Sacramento while maintaining their home at 
19  which is titled in his wife's name and which remained the family's
20 address of record on the Order of Supervision, on the pending visa petition, and with
21 USCIS. Their then-counsel advised them that, given the pending New York matters and
22 the New York home, no address change was required, and counsel submitted a Form AR-
23 11 to USCIS within days of Mr. Aruci's arrest. Petitioner's presence in California was no
24 secret to ICE: he reported by telephone to ERO Buffalo throughout, and, as set out below,
25 ICE tracked his interstate travel in real time.

26 **C. The Pending Immediate-Relative Petition**

1 22. Mr. Aruci's wife, Samiya Malik, a United States citizen, filed a Form I-130, Petition for
2 Alien Relative, on his behalf on April 10, 2023, receipt number [REDACTED] Exh. B.
3 Because Mr. Aruci was inspected and admitted in 2008, approval of that petition renders
4 him eligible to adjust status under 8 U.S.C. § 1255(a).

5 23. On May 21, 2026, after the petition had been pending more than three years, USCIS
6 scheduled an in-person interview for Tuesday, June 30, 2026, at 2:00 PM at its Buffalo
7 Field Office, warning that failure to appear without good cause could result in denial. Exh.
8 B.

9 **D. The Arrest**

10 24. On Sunday morning, June 28, 2026, Mr. Aruci, his wife, and their young daughter arrived
11 at Sacramento International Airport to fly to Buffalo for that interview. Mr. Aruci was
12 carrying the interview notice. ICE officers intercepted him at the airport, stated they had a
13 warrant for his arrest because he was "out of his order of supervision," separated him from
14 his wife and child, and took him into custody. Exh. C (Malik Decl.).

15 25. The officers told Ms. Malik that ICE had advance knowledge of the family's itinerary,
16 stating in substance: "we knew you guys were coming, we knew you were traveling with
17 your kid, you were already on our list." Exh. C.

18 26. Ms. Malik told the officers on the spot that her husband was in compliance and had
19 completed his January 2026 telephonic check-in, and she provided his supervising officer's
20 name and telephone number. He was detained anyway. Because of the arrest, Mr. Aruci
21 could not appear at the June 30 interview that DHS's own component had scheduled and
22 ordered him to attend. Exh. C.

23 27. At Golden State Annex, Mr. Aruci was presented with paperwork he declined to sign and
24 was fingerprinted in lieu of signature; the paperwork indicated a removal flight would
25 occur by approximately September 26, 2026. On information and belief, at no time before
26 or since his arrest has ICE provided him written notice of the reasons for revocation of his

1 release or the prompt informal interview at which he could respond, as 8 C.F.R. § 241.4(l)
2 requires. Exh. C, D.

3 28. Mr. Aruci remains detained at Golden State Annex, roughly four hours from his wife and
4 daughter in Sacramento. His wife is the family's primary earner and the sole caretaker of
5 their daughter during his detention. Exh. C.

6 **V. CLAIMS FOR RELIEF**

7 **COUNT ONE – Detention in Violation of 8 C.F.R. § 241.4 (Accardi)**

8 29. Petitioner realleges and incorporates paragraphs 1 through 28.

9 30. ICE's own binding regulation conditions revocation of release on process: upon revocation,
10 “the alien will be notified of the reasons for revocation of his or her release,” and the alien
11 “will be afforded an initial informal interview promptly after his or her return to Service
12 custody to afford the alien an opportunity to respond to the reasons for revocation stated in
13 the notification.” 8 C.F.R. § 241.4(l).

14 31. Respondents revoked Petitioner's nine-year release without written notice of reasons,
15 without a prompt informal interview, and without any opportunity to respond.

16 32. An agency is bound by its own regulations, and action taken in violation of them cannot
17 stand. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 265-68 (1954); *Morton*
18 *v. Ruiz*, 415 U.S. 199, 235 (1974). Detention effected in violation of the government's own
19 binding regulations is unlawful, and habeas lies to remedy it.

20 33. The violation is not harmless. Had the required interview occurred, Petitioner would have
21 shown what ICE's own records establish: that ERO Buffalo prescribed telephonic
22 reporting; that he completed every check-in through January 2026 from California with the
23 agency's knowledge; and that the government's real-time awareness of his travel
24 demonstrates that the purposes of supervision were fully served.

25 **COUNT TWO – Fifth Amendment: Procedural Due Process**

1 34. Petitioner realleges and incorporates paragraphs 1 through 33.

2 35. Nine years of conditional liberty under a regulatory scheme that permits revocation only
3 for cause, and only with notice and an interview, created a constitutionally protected liberty
4 interest in Petitioner's continued release. *Cf. Morrissey v. Brewer*, 408 U.S. 471, 481-84
5 (1972).

6 36. Respondents extinguished that interest with no process at all: no notice, no hearing, and no
7 neutral decisionmaker, either before or since the arrest.

8 37. Under *Mathews v. Eldridge*, 424 U.S. 319, 333-35 (1976), each factor condemns
9 Respondents' conduct. The private interest, freedom from physical confinement, is
10 profound. The risk of erroneous deprivation under zero process is total, as demonstrated
11 by the fact that the asserted violation is contradicted by ICE's own reporting records. And
12 the government can claim no legitimate interest in dispensing with an interview its own
13 regulation already mandates.

14 **COUNT THREE – Fifth Amendment: Arbitrary and Punitive Detention**

15 38. Petitioner realleges and incorporates paragraphs 1 through 37.

16 39. Civil immigration detention is constitutional only when it bears a reasonable relation to a
17 legitimate regulatory purpose: preventing flight or protecting the community. *Zadvydas v.*
18 *Davis*, 533 U.S. 678, 690 (2001) (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

19 40. Danger has never been alleged in eighteen years. Petitioner's only charge of removability
20 was a civil status violation; he has no criminal convictions.

21 41. The government's own conduct refutes flight risk more conclusively than any argument
22 could: it monitored Petitioner so effectively that it met him at an airport gate, where he was
23 traveling, notice in hand, to an interview the government itself had scheduled, accompanied
24 by his citizen wife and child. A nine-year record of perfect compliance and a \$7,500 bond
25 never breached complete the picture.

26 42. Detention of a man whose whereabouts the government has always known, who has
27 answered every summons for nine years, and whom the government proposes to hold for

1 months awaiting a removal flight, serves no regulatory purpose and is punitive. *Kennedy*
2 *v. Mendoza-Martinez*, 372 U.S. 144, 168-69 (1963).

3 **VI. PRAYER FOR RELIEF**

4 Petitioner respectfully requests that this Court:

- 5 A. Issue the writ and order Petitioner's immediate release, restoring the conditions of his
6 September 30, 2022 Order of Supervision;
- 7 B. In the alternative, order Respondents, within seven days, to provide the written notice and
8 informal interview required by 8 C.F.R. § 241.4(l) before a neutral decisionmaker, with the
9 burden on the government to justify revocation;
- 10 C. Order that Petitioner not be transferred outside the Eastern District of California, and not
11 be removed from the United States, during the pendency of this action, in aid of the Court's
12 jurisdiction, 28 U.S.C. § 1651;
- 13 D. Order that if released, Petitioner may not be re-detained absent materially changed
14 circumstances and 48 hours' written notice to counsel.
- 15 E. Declare Petitioner's arrest and continued detention unlawful;
- 16 F. Award reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28
17 U.S.C. § 2412; and
- 18 G. Grant such other and further relief as is just.

Dated: July 2, 2026

/s/Hassan Ahmad
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VERIFICATION (28 U.S.C. § 2242)

I, Samiya Malik, am the wife of Petitioner Ajet Aruci and submit this verification on his behalf because he is detained and could not be reached to sign before filing. I have read the foregoing petition. The facts stated concerning our family, my husband's supervision and check-ins, his arrest on June 28, 2026, and our pending petition are true and correct to the best of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 3 2026, at Sacramento, California.

/s/ Samiya Malik

Samiya Malik