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5 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
6 FRESNO DIVISION

7 Patience Ukattah,

8 Petitioner,

Case No.

9 v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

10 Christopher CHESTNUT, Warden of California
City Detention Center; Sergio
11 ALBARRAN, Acting Field Office Director of
Immigration and Customs Enforcement, San
12 Francisco Field Office; David VENTURELLA,
Acting Director, Immigration and Customs
13 Enforcement, U.S. Department of Homeland
Security; Markwayne MULLIN, Secretary, U.S.
14 Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND
15 SECURITY; Todd W. BLANCHE, Acting U.S.
Attorney General; EXECUTIVE OFFICE FOR
16 IMMIGRATION REVIEW,

17 Respondents.

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INTRODUCTION

1. Petitioner Patience Ukattah (“Petitioner”) is in the physical custody of Respondents at the California Center Detention Center in California Center, CA. Ex. A. She now faces unlawful detention because the Respondents arrested and detained her, after years of living at liberty in the United States, without due process. She brings this petition to obtain immediate release and to enjoin Respondents from unlawfully re-detaining her without a meaningful opportunity to be heard.

2. On January 10, 2005, Petitioner was granted withholding of removal after an Immigration Court found it was more likely than not that she would suffer persecution in her country of citizenship, Nigeria.

3. Petitioner was previously released by Respondents over twenty one (21) years ago. At that time, they determined that she was neither a danger to the community nor a flight risk.

4. Petitioner has no criminal record and has never failed to comply with any terms of her release.

5. On Tuesday, July 7, 2026, Petitioner was detained without prior notice on her way to work. About four ICE vehicles boxed her vehicle in and forced her to stop. About six armed ICE officers were present. Patience was fearful due to their aggressive show of force. She rolled down her window. They stated “Patience, we have a warrant for your arrest” and ordered her to step out of the vehicle. The officers did not present any arrest warrant. Out of fear, Petitioner complied with their order and stepped out of her vehicle. She was then arrested and detained. She was transported to an ICE Field Office for processing and then transferred to the California City Detention Center in California City, CA. She remains detained at the California City Detention Center in violation of the U.S. Constitution and the DHS’s own regulations.

6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released immediately and enjoining Respondents from re-detaining her without a pre-deprivation hearing before a neutral decision maker at which the Respondents must establish by clear and convincing evidence that detention is necessary to prevent flight or to protect the community.

JURISDICTION

7. Petitioner is in the physical custody of Respondents. Petitioner is currently detained at the California City Detention Center in California City, CA.

8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the Eastern District of California, the judicial district in which Petitioner currently is detained.

11. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Eastern District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

13. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

14. Petitioner is a citizen of Nigeria and has resided in the United States since on or about April of 2000. She lives in Sacramento, CA. Petitioner was arrested in Sacramento, CA by Respondents.

15. Respondent Christopher Chestnut is the Warden of the California Center Detention Center where Petitioner is currently detained. He has immediate physical custody of Petitioner. He is being sued in his official capacity.

16. Respondent Sergio Albarran is the Director of the San Francisco Field Office of Immigration and Customs Enforcement, U.S. Department of Homeland Security. As such, Sergio Albarran is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is being sued in his official capacity.

17. Respondent David Venturella is the Acting Director of the Immigration and Customs Enforcement, U.S. Department of Homeland Security. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is being sued in his official capacity.

18. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is being sued in his official capacity.

19. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

20. Respondent Todd W. Blanche is the Acting Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is being sued in his official capacity.

21. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations or bond hearings.

LEGAL FRAMEWORK

Post-Removal Order Detention, Release, and Re-Detention

22. The Immigration and Nationality Act (INA) directs ICE to remove a noncitizen “within a period of 90 days” following a final order of removal, known as the “removal period.” 8 U.S.C. § 1231(a)(1)(A).

1 23. ICE “shall detain” the noncitizen during the 90-day removal period. 8 U.S.C. §
2 1231(a)(2)(A).

3 24. If ICE does not effectuate removal during the removal period, the noncitizen is released
4 “subject to supervision,” 8 U.S.C. § 1231(a)(3), except that certain categories of noncitizens
5 “may be detained” beyond the removal period, 8 U.S.C. § 1231(a)(6). In light of the due process
6 concerns that indefinite detention would raise, the Supreme Court has construed section
7 1231(a)(6) to limit a noncitizen’s “post-removal period detention to a period reasonably
8 necessary to bring about that [noncitizen’s] removal from the United States.” *Zadvydas v. Davis*,
9 533 U.S. 678, 689 (2001).

10 25. Two regulations, 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13, govern release and re-detention
11 following a final order of removal.

12 26. 8 C.F.R. § 241.4 creates a system of custody reviews for noncitizens whom ICE detains
13 beyond the 90-day removal period. ICE may grant release if the noncitizen demonstrates that
14 “his or her release will not pose a danger to the community or to the safety of other persons or to
15 property or a significant risk of flight pending such [noncitizen’s] removal from the United
16 States.” § 241.4(d)(1).

17 27. The regulation provides that ICE may re-detain a noncitizen who was released under §
18 241.4 for specified reasons and following specified procedures. *See* § 241.4(l).

19 28. 8 C.F.R. § 241.13 creates “special review procedures” where the noncitizen “has
20 provided good reason to believe there is no significant likelihood of removal . . . in the
21 reasonably foreseeable future.” § 241.13(a); *see also* § 241.13(b)(1) (providing that § 241.4
22 governs unless ICE “makes a determination under this section that there is no significant
23 likelihood of removal in the reasonably foreseeable future”).
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29. The regulation provides that ICE may re-detain a noncitizen who was released under § 241.13 for specified reasons and following specified procedures. *See* § 241.13(i).

30. The Due Process Clause further constrains ICE's ability to re-detain a noncitizen who was previously released. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).

31. Substantive due process requires that a noncitizen's detention bears a reasonable relationship to the purposes of immigration detention, to prevent flight and to protect the community. *Id.* at 690-91; *see also Cty. of Sacramento v. Lewis*, 523 U.S. 833, 845 (1998) ("[T]he touchstone of due process is protection of the individual against arbitrary action of government.") (citation omitted).

32. In addition, procedural due process requires that a noncitizen's detention be accompanied by strong "procedural protections," *Zadvydas*, 533 U.S. at 691, 692, such as a hearing before a neutral adjudicator. *See Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) ("The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'"). Courts in this Circuit have determined that a noncitizen subject to conditional release has a liberty interest in that release such that a pre-deprivation hearing before a neutral adjudicator is required prior to any re-detention. *See e.g. Yang v. Kaiser*, No. 2:25-CV-02205-DAD-AC (HC), 2025 WL 2791778, at *8 (E.D. Cal. Aug. 20, 2025); *Guillermo M. R.*, 2025 WL 1983677, at *5 ("The fact that Petitioner is subject to discretionary conditions of release likewise does not mean he lacks a protectable liberty interest and can be re-detained without process."). That is because, generally, the Due Process Clause "requires some kind of a

1 hearing *before* the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
2 113, 127 (1990) (emphasis in original).

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4 Third Country Removals

5 33. Congress has established a multi-step process for designating countries to which
6 noncitizens may be removed. 8 U.S.C. § 1231(b).

7 34. First, ICE shall remove the noncitizen to the country that the noncitizen chooses to
8 designate, with certain limitations on that choice. *Id.* §§ 1231(b)(2)(A)-(B). ICE may disregard
9 the noncitizen’s designation only under specified circumstances. *Id.* § 1231(b)(2)(C).

10 35. Second, if the noncitizen is not removed to the country they designated, ICE shall remove
11 the noncitizen to an “alternative country”—*i.e.*, “a country of which the [noncitizen] is a subject,
12 national, or citizen”—unless that country does not cooperate with ICE’s removal efforts. *Id.* §
13 1231(b)(2)(D).

14 36. Third, if the noncitizen is not removed to the country they designated or to an alternative
15 country, then ICE may pursue a list of “[a]dditional removal countries,” including the country
16 from which the noncitizen was admitted to the United States and the country in which the
17 noncitizen was born. *Id.* § 1231(b)(2)(E). Only if “impracticable, inadvisable, or impossible” to
18 remove the noncitizen to any of the additional removal countries may ICE depart from the list
19 and pursue removal to any country willing to accept the noncitizen. *Id.* § 1231(b)(2)(E)(vii).

20 37. Importantly, the statute prohibits removal to any country where a person may be
21 persecuted or tortured, a form of protection known as withholding of removal. *Id.* §
22 1231(b)(3)(A) (providing that ICE “may not remove” a noncitizen to a country if “the
23 [noncitizen’s] life or freedom would be threatened in that country because of the [noncitizen’s]
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1 race, religion, nationality, membership in a particular social group, or political opinion”). Here,
2 Petitioner fears persecution and torture in countries outside of the United States due to her
3 religion, political opinions, and particular social groups.

4 38. Congress has also codified the protections of the Convention Against Torture (“CAT”)
5 prohibiting the government from removing a person to a country where they face torture. *See*
6 Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, div.
7 G, Title XXII, § 2242(a), 112 Stat. 2681, 2681-822 (1998) (codified as Note to 8 U.S.C. § 1231)
8 (“It shall be the policy of the United States not to expel, extradite, or otherwise effect the
9 involuntary return of any person to a country in which there are substantial grounds for believing
10 the person would be in danger of being subjected to torture, regardless of whether the person is
11 physically present in the United States.”).

12 39. Courts have held repeatedly that ICE may not remove a noncitizen to a country that was
13 not properly designated by an immigration judge if the noncitizen has a fear of persecution or
14 torture in that country. *See, e.g., Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999). Due
15 process requires meaningful notice and an opportunity to present a fear-based claim prior to
16 deportation. *See also A.A.M. v. Andrews*, No. 1:25-CV-01514-DC-DMC (HC), 2025 WL
17 3485219, at *11 (E.D. Cal. Dec. 4, 2025) (“[E]njoin[ing] Respondents from removing Petitioner
18 to Cameroon until Petitioner has had the opportunity to present his fear-based claim in reopened
19 removal proceedings before an Immigration Judge”); *Y.T.D. v. Andrews*, No. 1:25-CV-01100
20 JLT SKO, 2025 WL 2675760, at *1 (E.D. Cal. Sept. 18, 2025); *Ortega v. Kaiser*, No. 25-CV-
21 05259-JST, 2025 WL 2243616, at *8 (N.D. Cal. Aug. 6, 2025); *Aden v. Nielsen*, 409 F. Supp. 3d
22 998, 1004 (W.D. Wash. 2019). A “last minute” designation of a country for removal, affording
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1 no meaningful opportunity to apply for protection, "violate[s] a basic tenet of constitutional due
2 process." *Andriasian*, 180 F.3d at 1041.

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4 **FACTS**

40. Petitioner is a 59 year old citizen of Nigeria.

5 41. Petitioner was born [REDACTED] in Nigeria.

6 42. Petitioner entered the U.S. on or about April 13, 2000, as a visitor.

7 43. On or about August 03, 2001, Petitioner was detained by Immigration and
8 Naturalization Service officers.

9 44. On or about August 03, 2001, she was served with a Notice to Appear and placed
10 in deportation proceedings.

11 45. On or around 2001, she was released from custody on her own recognizance.

12 46. Petitioner attended all her Deportation hearings. She applied for Asylum and
13 Withholding of Removal as her defenses to deportation.

14 47. On January 10, 2005, an Immigration Judge in San Francisco, CA denied her
15 asylum. The Immigration Judge ordered her removed, but granted her Withholding of Removal
16 to Nigeria because she demonstrated that it was more likely than not that she would suffer
17 persecution there.

18 48. Petitioner has remained lawfully in the U.S. with her grant of Withholding of
19 Removal. She works with authorization and has complied with all requirements of Respondents.

20 49. Petitioner does not have a criminal record in the U.S. or in any country in the
21 world.

22 50. Petitioner is a registered nurse and is employed by Sacramento County as a
23 supervising registered nurse.
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1 51. Petitioner owns a home in Sacramento, CA.

2 52. She has a U.S. citizen brother and U.S. citizen sister that reside near her in Elk
3 Grove, CA.

4 53. On Tuesday, July 7, 2026, Petitioner was detained without prior notice on her way
5 to work. About four ICE vehicles boxed her vehicle in and forced her to stop. About six armed
6 ICE officers were present. Patience was fearful due to their aggressive show of force. She rolled
7 down her window. They stated "Patience, we have a warrant for your arrest" and ordered her to
8 step out of the vehicle. The officers did not present any arrest warrant. Out of fear, Petitioner
9 complied with their order and stepped out of her vehicle. She was then arrested and detained. She
10 was transported to an ICE Field Office for processing and then transferred to the California City
11 Detention Center in California City, CA.

12 54. DHS has continuously failed to inform Petitioner of the reason for her detention
13 that began on July 07, 2026. Petitioner has not been served with any warrant, notice, notice of
14 revocation, or any documents explaining why she was detained on that day.

15 55. Petitioner remains in detention. Without relief from this Court, she faces the
16 prospect of a prolonged unlawful detention in immigration custody, separated from her family,
17 employment, and community, without any trace of due process.

18 56. Petitioner's detention serves no legitimate government purpose and constitutes an
19 unlawful deprivation of liberty.

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CLAIMS FOR RELIEF

COUNT I

**Procedural Due Process
U.S. Const. amend. V**

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1. Petitioner re-alleges and incorporates herein by reference, as is set forth fully herein, the allegations in all the preceding paragraphs.

2. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.

3. Petitioner has a vested liberty interest in her release and freedom from unlawful detention. Due Process does not permit the government to strip her of that liberty without a hearing before a neutral adjudicator. *See Morrissey v. Brewer*, 408 U.S. 471, 482-483 (1972); *Young v. Harper*, 520 U.S. 143, 146-47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781-82 (1973); *Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 24, 2025) (“[E]ven when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody”); *Yang*, 2025 WL 2791778, at *8 (determining that seven years out of custody on “supervised release, as well as petitioner’s ties to his community, strengthen petitioner’s interest in his continued release”).

4. The process afforded to her by the regulations is insufficient to protect her liberty interest, as the lack of access to counsel, notice, and a neutral adjudicator creates a heightened risk of erroneous deprivation. *See Yang*, 2025 WL 2791778, at *9 (“The court therefore rejects respondents’ contention that the regulatory framework sufficiently mitigates the risk of an erroneous deprivation of petitioner’s liberty interest.”); *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S.

30 (2006) (“A neutral judge is one of the most basic due process protections.”). And on the other hand, the cost of having a hearing prior to detention before a neutral adjudicator is low. *See Phouvieng K. v. Andrews*, No. 1:25-CV-01512-KES-SAB (HC), 2025 WL 3265504, at *9 (E.D. Cal. Nov. 24, 2025).

5. For these reasons, Petitioner’s re-arrest and detention without notice and a hearing violated the Constitution. The only remedy for this violation is her immediate release from immigration detention until the government provides her with a hearing before a neutral adjudicator. At the hearing, the neutral adjudicator would evaluate, *inter alia*, whether clear and convincing evidence, with the burden of proof on the government, demonstrates that her removal is reasonably foreseeable and that, taking into consideration alternatives to detention, Petitioner is a danger to the community or a flight risk, such that her re-incarceration is warranted.

SECOND CAUSE OF ACTION
Substantive Due Process
U.S. Const. amend. V

6. Petitioner re-alleges and incorporates herein by reference, as is set forth fully herein, the allegations in all the preceding paragraphs.

7. The Due Process Clause of the Fifth Amendment forbids the government from depriving individuals of their right to be free from unjustified deprivations of liberty. U.S. Const. amend. V.

8. Petitioner has a vested liberty interest in her release from detention. Due Process does not permit the government to strip her of that liberty without it being tethered to one of the two constitutional bases for civil detention: to mitigate against the risk of flight or to protect the community from danger.

9. Since approximately 2001, Petitioner has complied with any and all requirements of ICE, thus demonstrating that she is not a flight risk. She has obtained a work authorization and

1 timely renewed it. She has been gainfully employed. There has been no change in circumstances
2 that now renders her detention necessary. Re-arresting her now is punitive and violates her
3 constitutional right to be free from the unjustified deprivation of her liberty.

4 10. For these reasons, Petitioner's detention violates the Constitution.

5 **THIRD CAUSE OF ACTION**
6 **Violation of the INA and Applicable Regulations; 5 U.S.C. § 706(2)(D)**

7 11. Petitioner re-alleges and incorporates herein by reference, as if set forth fully
8 herein, the allegations in all the preceding paragraphs.

9 12. The INA provides for detention during the ninety (90) day "removal period" that
10 begins immediately after a noncitizen's order of removal becomes final. 8 U.S.C. § 1231(a)(1).
11 After the ninety (90) day removal period, the INA and its applicable regulations provide that
12 detaining noncitizens is generally permissible only upon notice to the noncitizen and after an
13 individualized determination of dangerousness and flight risk. *See* 8 U.S.C. § 1231(a)(6); 8
14 C.F.R. § 241.4(d), (f), (h) & (k).

15 13. Petitioner was previously granted Withholding of Removal and released by
16 Respondents. As long as she complies with the conditions of her release, Respondents have
17 authority to revoke release only if circumstances have changed such that the government
18 "determines there is a significant likelihood that the [noncitizen] may be removed in the
19 reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2); 8 C.F.R. § 1231(a)(6). Pursuant to §
20 241.13(i)(2), the burden is on ICE to first establish changed circumstances that make removal
21 significantly likely in the reasonably foreseeable future. *Tran v. Noem*, No. 1:25-CV-01523-
22 TLN-CKD, 2025 WL 3268491, at *2 (E.D. Cal. Nov. 24, 2025). The phrase "significant
23 likelihood," as used in the regulation, requires something more than a mere possibility of
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1 removal. *Vu v. Noem*, No. 1:25-CV-01366-KES-SKO (HC), 2025 WL 3114341, at *7 (E.D. Cal.
2 Nov. 6, 2025).

3 14. As such, the revocation of Petitioner's release was not in accordance with the INA
4 and implementing regulations governing who may lawfully revoke an order of supervision and
5 under what circumstances. Government agencies are required to follow their own regulations.
6 *United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *Nat'l Ass'n of Home*
7 *Builders v. Norton*, 340 F.3d 835, 852 (9th Cir. 2003). "Numerous district courts, including
8 courts in the Ninth Circuit, have determined that where ICE fails to follow its own regulations in
9 revoking release, the detention is unlawful and the petitioner's release must be ordered."
10 *Constantinovici v. Bondi*, No. 3:25-CV-02405-RBM-AHG, 2025 WL 2898985, at *6 (S.D. Cal.
11 Oct. 10, 2025) (citing cases). *See e.g., Phouvieng K.*, 2025 WL 3265504, at *4; *Yang v. Kaiser*,
12 No. 2:25-CV-02205-DAD-AC (HC), 2025 WL 2791778, at *6 (E.D. Cal. Aug. 20, 2025);
13 *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025); *Rombot v. Souza*, 296 F.
14 Supp.3d 383, 387 (D. Mass. 2017).

15 15. Accordingly, Respondents' revocation of Petitioner's release from detention
16 violated the regulations and accordingly should be held unlawful and set aside because it was
17 contrary to the agency's authority and not in accordance with the INA and implementing
18 regulations.

19 **FOURTH CAUSE OF ACTION**
20 **Procedural Due Process and APA – Constitutionally Inadequate Procedures Regarding**
21 **Third Country Removal**
22 **U.S. Const. amend. V; 5 U.S.C. § 706(2)(D)**

23 16. Petitioner re-alleges and incorporates herein by reference, as if set forth fully
24 herein, the allegations in all the preceding paragraphs.

1 17. The Due Process Clause of the Fifth Amendment requires sufficient notice and an
2 opportunity to be heard prior to the deprivation of any protected rights. U.S. Const. amend. V;
3 *see also Louisiana Pacific Corp. v. Beazer Materials & Services, Inc.*, 842 F. Supp. 1243, 1252
4 (E.D. Cal. 1994) (“[D]ue process requires that government action falling within the clause’s
5 mandate may only be taken where there is notice and an opportunity for hearing.”).

6 18. The INA, FARRA, and implementing regulations further mandate meaningful
7 notice and opportunity to present a fear-based claim to an Immigration Judge before ICE deports
8 a person to a third country.

9 19. Petitioner has a due process right to meaningful notice and opportunity to present
10 a fear-based claim to an IJ before DHS deports him to a third country. *See, e.g., Aden v. Nielsen*,
11 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019). He also has a due process right to
12 implementation of a process or procedure to afford these protections. *See, e.g., McNary v.*
13 *Haitian Refugee Ctr., Inc.*, 498 U.S. 479, 491 (1991). Petitioner further has a due process right to
14 not be re-detained because Respondents have no procedural protections to ensure meaningful
15 notice and an opportunity to present a fear-based claim prior to removal to a third country.
16 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The APA likewise compels a reviewing court to
17 “hold unlawful and set aside agency action, findings, and conclusions found to be . . . without
18 observance of procedure required by law.” 5 U.S.C. § 706(2)(D).

19 20. Petitioner has a protected interest in her life and liberty. Thus, prior to any third
20 country removal, she must be provided with constitutionally compliant notice and an opportunity
21 to respond and contest that removal if she has a fear of persecution or torture in that country.

22 21. For these reasons, Petitioner’s removal to any third country without adequate
23 notice and an opportunity to apply for relief under the Convention Against Torture would violate
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1 her due process rights. The only remedy of this violation is for this Court to order that she not be
2 summarily removed to any third country unless and until she is provided constitutionally
3 adequate procedures.

4
PRAYER FOR RELIEF

5 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 6 a. Assume jurisdiction over this matter;
- 7 b. Issue a writ of habeas corpus ordering Respondents to immediately release
8 Petitioner from custody;
- 9 c. Issue an Order to Show Cause ordering Respondents to show cause why
10 Petitioner should not be immediately released;
- 11 d. Order that Petitioner shall not be transferred outside the Eastern District of
12 California while this habeas petition is pending;
- 13 e. To the extent that Petitioner may have been transferred out of the Eastern District
14 of California, order her immediate return.
- 15 f. Declare that Petitioner's arrest and detention violated the Due Process Clause of
16 the Fifth Amendment;
- 17 g. Enjoin Respondents from transferring Petitioner outside of this District or
18 deporting Petitioner during the pendency of these proceedings;
- 19 h. Enjoin Respondents from re-detaining Petitioner unless her re-detention is
20 ordered at a custody hearing before a neutral arbiter in which the government
21 bears the burden of proving, by clear and convincing evidence, that Petitioner is a
22 flight risk or danger to the community;
- 23 i. Declare that Petitioner's detention is unlawful;
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1 j. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and

4 k. Grant any other and further relief that this Court deems just and proper.

5 DATED this 9th of July 2026.

6 /s/ Winthrop Brian Hedrick

7 *Attorney for Petitioner*
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VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have discussed with Petitioner, Patience Ukattah, the events described in the Petition. Based on those discussions, 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 July 9, 2026, in Windsor, CA.

/s/ Winthrop Brian Hedrick

Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2026, I filed the foregoing petition for Writ of Habeas Corpus electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means as more fully reflected on the Notice of Electronic Filing.

Dated: July 09, 2026

/s/Winthrop Brian Hedrick

Attorney for Petitioner