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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MELANY NAVARRO SANCHEZ,

Petitioner-Plaintiff,

v.

Christopher LAROSE, Facility
Administrator at Otay Mesa Detention
Center, San Diego, California; Patrick
DIVVER, Field Office Director of San
Diego Office of Detention and Removal,
U.S. Immigrations and Customs
Enforcement; U.S. Department of
Homeland Security; Todd M. LYONS,
Acting Director, Immigration and Customs
Enforcement, U.S. Department of
Homeland Security; Kristi NOEM, in her
Official Capacity, Secretary, U.S.
Department of Homeland Security;
Pam BONDI, in her Official Capacity,
Attorney General of the United States;

Respondents-Defendants.

Case No.: '25CV2396 JES MMP

Agency File No.: A 

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

Challenge to Unlawful Incarceration
Under Color of Immigration Detention
Statutes; Request for Declaratory and
Injunctive Relief

1 Petitioner MELANY NAVARRO SANCHEZ petitions this Court for a writ of
2 habeas corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining her unlawfully,
3 and states as follows:

4 **INTRODUCTION**

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- 6 1. Petitioner Melany Navarro Sanchez (Ms. Navarro Sanchez) is a nineteen-year-old
7 young woman detained at the Otay Mesa ICE Detention Center in San Diego,
8 California.
- 9 2. She submits this habeas petition under 28 U.S.C. § 2241 for a judicial check on
10 Respondents' administrative decisions to detain her under 8 U.S.C. § 1225(b)(2),
11 INA § 235(b)(2), despite lacking such authority. Ms. Navarro Sanchez's parole
12 was not terminated in accordance with the law. As such, Ms. Navarro Sanchez's
13 parole remains valid and she is unlawfully detained.
- 14 3. Furthermore, because the government purports to hold her under § 1225(b)(2), it
15 has not provided her an individualized bond hearing to challenge her detention
16 under 8 U.S.C. § 1226(a), INA § 236(a), contravening her rights under the
17 Immigration and Nationality Act and the Fifth Amendment's Due Process Clause.
- 18 4. Ms. Navarro Sanchez seeks declaratory and injunctive relief to compel her
19 immediate release from the immigration jail where she has been held by the U.S.
20 Department of Homeland Security (DHS) since being unlawfully detained on July
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1 30, 2025, without first being provided a due process hearing to determine whether
2 her incarceration is justified.

3 5. Absent review in this Court, no other neutral adjudicator will examine Ms. Navarro
4 Sanchez's plight: Respondents will continue—unchecked—to detain her
5 essentially indefinitely. She thus urges this Court to review the lawfulness of her
6 detention; declare that her detention under 8 U.S.C. § 1225(b)(2), INA § 235(b)(2),
7 is unlawful; and order her immediate release, or at a minimum that Respondents
8 provide her a bond hearing complying with the procedural requirements in Singh v.
9 Holder, 638 F.3d 1196 (9th Cir. 2011).
10

11 CUSTODY

12 6. Ms. Navarro Sanchez is currently in Respondents' legal and physical custody.
13 They are detaining her at the Otay Mesa ICE Detention Center. She is under
14 Respondents' and their agents' direct control.
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16 PARTIES

17 7. Petitioner Melany Navarro Sanchez is a citizen of Nicaragua. She fled the country
18 as did her mother and father due to political persecution they suffered on account
19 of their political opinions and activism against the Ortega government. She arrived
20 in the United States on December 12, 2024 to seek asylum and was paroled into
21 the U.S. pursuant to an appointment with the CBP One application. Petitioner was
22 taken into custody on July 30, 2025 after her court hearing at the San Diego
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1 Immigration Court. DHS counsel moved to dismiss Petitioner's proceedings to
2 purportedly subject the Petitioner to expedited removal, yet even though
3 proceedings were not dismissed by the immigration judge, Petitioner was taken
4 into custody with no warrant, notice or hearing. Counsel for DHS has since
5 withdrawn their motion to dismiss yet the Petitioner remains detained.
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7 8. Ms. Navarro Sanchez is currently in Respondents' legal and physical custody at the
8 Otay Mesa ICE Detention Center in San Diego, California. CoreCivic Inc., a
9 Maryland corporation, operates that facility.

10 9. Respondent Patrick DIVVER is the Field Office Director of ICE in San Diego,
11 California and is named in his official capacity. ICE is the component of the DHS
12 that is responsible for detaining and removing noncitizens according to
13 immigration law and oversees custody determinations. In his official capacity, he is
14 the legal custodian of Petitioner.
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16 10. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his
17 official capacity. Among other things, ICE is responsible for the administration and
18 enforcement of the immigration laws, including the removal of noncitizens. In his
19 official capacity as head of ICE, he is the legal custodian of Petitioner.

20 11. Respondent Kristi NOEM is the Secretary of the DHS and is named in her official
21 capacity. DHS is the federal agency encompassing ICE, which is responsible for
22 the administration and enforcement of the INA and all other laws relating to the
23 immigration of noncitizens. In her capacity as Secretary, Respondent Noem has
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1 responsibility for the administration and enforcement of the immigration and
2 naturalization laws pursuant to section 402 of the Homeland Security Act of 2002,
3 107 Pub. L. No. 296, 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a).
4 Respondent Noem is the ultimate legal custodian of Petitioner.

5 12. Respondent Pam BONDIE is the Attorney General of the United States and the most
6 senior official in the U.S. Department of Justice (DOJ) and is named in her official
7 capacity. She has the authority to interpret the immigration laws and adjudicate
8 removal cases. The Attorney General delegates this responsibility to the Executive
9 Office for Immigration Review (EOIR), which administers the immigration courts
10 and the BIA.

11 13. Respondent Christopher LAROSE is the Warden of the Otay Mesa Detention
12 Center where Petitioner is being held. Respondent Christopher LaRose oversees
13 the day-to-day operations of the Otay Mesa Detention Center and acts at the
14 Direction of Respondents Divver, Lyons and Noem. Respondent Christopher
15 LaRose is a custodian of Petitioner and is named in their official capacity.
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17 JURISDICTION AND VENUE

18 14. This action arises under the United States Constitution and the Immigration and
19 Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to challenge Ms.
20 Navarro Sanchez's detention under the INA and any inherent or plenary powers
21 the government may claim to continue holding her.
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1 15. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I, § 9, cl. 2 of the United
2 States Constitution; and 28 U.S.C. § 1331, as Ms. Navarro Sanchez is presently in
3 Respondents' custody under the United States' color of authority, and such custody
4 violates the United States' Constitution, laws, or treaties. Its jurisdiction is not
5 limited by a petitioner's nationality, status as an immigrant, or any other
6 classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008). This Court may
7 grant relief under U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amends. V and VIII;
8 28 U.S.C. §§ 1361 (mandamus), 1651 (All Writs Act), 2241 (habeas corpus).

10 16. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review Ms.
11 Navarro Sanchez's detention. Federal district courts possess broad authority to
12 issue writs of habeas corpus when a person is held "in custody in violation of the
13 Constitution or laws or treaties of the United States" (28 U.S.C. § 2241(c)(3)), and
14 this authority extends to immigration detention challenges that survived the REAL
15 ID Act's jurisdictional restrictions.
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17 17. Because Ms. Navarro Sanchez seeks the traditional habeas remedy of release from
18 allegedly unlawful detention rather than additional administrative review of her
19 underlying claims, her petition presents precisely the type of threshold legality-of-
20 detention question that § 2241 was designed to address. *See INS v. St. Cyr*, 533
21 U.S. 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d 759, 759 (9th
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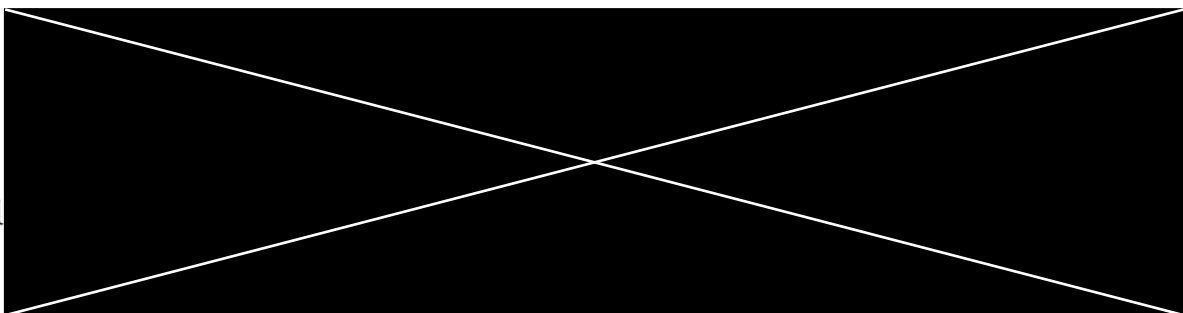
1 Cir. 2020) (citing *Singh*, 638 F.3d at 1211-12)). And no court has ruled on the
2 legality of Ms. Navarro Sanchez's detention.

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

10 **STATEMENT OF FACTS**

11 19. Ms. Navarro Sanchez is a nineteen-year-old citizen of Nicaragua.

12 20. Ms. Navarro Sanchez fled Nicaragua with her parents

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18 such, she and her parents have a well-founded fear of being imprisoned or killed,
19 as have many others who have opposed the brutal Ortega regime.

20 22. Ms. Navarro Sanchez arrived in the United States on December 12, 2024 and was
21 inspected after having made an appointment at the Port of Entry with the CBP One
22 application. Ms. Navarro Sanchez was paroled into the U.S. that same day and
23 issued a Form I-94 valid for two years (through December 12, 2026).

1 23. On April 11, 2025, Ms. Navarro Sanchez was sent a mass form email by the
2 Department of Homeland Security stating that her parole would be terminated
3 within 7 days. No reason was provided for the purported termination of her parole.
4 Instead, she and the other CBPOne parolees were told to depart the U.S.
5 “immediately,” without regard to the fact that the vast majority had pending
6 asylum cases in immigration court.
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8 24. Ms. Navarro Sanchez attended all of her immigration court hearings and at her
9 third court hearing on July 30, 2025 she was detained by ICE after counsel for
10 DHS moved to dismiss Ms. Navarro Sanchez’ removal proceedings with the intent
11 to place her in expedited removal proceedings. Ms. Navarro was detained on that
12 date despite the immigration judge allowing time for Petitioner’s counsel to brief
13 the issue. Ms. Navarro Sanchez remains detained presently despite counsel for
14 DHS moving to withdraw their motion to dismiss Ms. Navarro Sanchez’s case.
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16 25. On July 30, 2025, ICE unlawfully took Ms. Navarro Sanchez into custody without
17 a warrant, notice or opportunity to be heard.

18 26. Ms. Navarro Sanchez is suffering greatly in detention. Ms. Navarro Sanchez is
19 depressed, has anxiety, has back pain, difficulty sleeping and has lost a significant
20 amount of weight. Moreover, Ms. Navarro Sanchez has been severely traumatized
21 by the strip searches that the Respondents conduct of her and other detainees after
22 family/friend visits. These strip searches are invasive, traumatizing and wholly
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unnecessary given the extensive security measures and screenings done at the facility of the visiting friends/family.

27. Ms. Navarro Sanchez has no criminal history and was attending her third court hearing when she was apprehended. As such, there is zero indication of Ms. Navarro Sanchez being a danger to the community or a flight risk.

REQUIREMENTS OF 28 U.S.C. § 2243

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

29. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

30. Habeas corpus must remain a swift remedy. Importantly, “The statute itself directs courts to give petitions for habeas corpus ‘special, preferential consideration to insure expeditious hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations omitted). The Ninth Circuit warned against any

1 action creating the perception “that courts are more concerned with efficient trial
2 management than with the vindication of constitutional rights.” *Id.*

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

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5 31. For habeas claims, exhaustion of administrative remedies is prudential, not
6 jurisdictional. *Hernandez*, 872 F.3d at 988. A court may waive the prudential
7 exhaustion requirement if “administrative remedies are inadequate or not
8 efficacious, pursuit of administrative remedies would be a futile gesture,
9 irreparable injury will result, or the administrative proceedings would be void.” *Id.*
10 (*quoting Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and
11 quotation marks omitted)). Petitioner asserts that exhaustion should be waived
12 because administrative remedies are (1) futile and (2) her continued detention
13 results in irreparable harm.

14
15 32. Exhausting administrative remedies here is futile because Respondents contend
16 Ms. Navarro Sanchez is subject to mandatory detention. As such, no request to
17 release her from custody would be considered by ICE. Moreover, immigration
18 judges in this district claim to have no jurisdiction to conduct a custody
19 redetermination hearing as to individuals procedurally situated like Ms. Navarro
20 Sanchez. Indeed, in contravention to the INA and long-standing precedent and
21 practice, the Board of Immigration Appeals and Attorney General have deemed no
22 noncitizen eligible for bond before an immigration judge (with the exception of
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1 only noncitizens who entered the U.S. on a visa). As such, any attempts to exhaust
2 administrative remedies would be entirely futile.

3 33. Moreover, no statutory exhaustion requirements apply to Petitioner's claim of
4 unlawful custody in violation of her due process rights, and there are no
5 administrative remedies that she needs to exhaust. *See Am.-Arab Anti-*
6 *Discrimination Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding
7 exhaustion to be a "futile exercise because the agency does not have jurisdiction to
8 review" constitutional claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098,
9 1099 (C.D. Cal. 2000) (same).

10 34. More importantly, every day that Petitioner remains detained causes her harm that
11 cannot be repaired. Her continued detention puts her mental health at greater risk,
12 further warranting a finding of irreparable harm and the waiver of the prudential
13 exhaustion requirement. The Court must consider this in its irreparable harm
14 analysis of the effects on Petitioner as her detention continues. *See De Paz Sales v.*
15 *Barr*, No. 19-CV-07221-KAW, 2020 WL 353465, at *4 (N.D. Cal. Jan. 21, 2020)
16 (noting that the petitioner "continues to suffer significant psychological effects
17 from his detention, including anxiety caused by the threats of other inmates and
18 two suicide attempts," in finding that petitioner would suffer irreparable harm
19 warranting waiver of exhaustion requirement).

LEGAL FRAMEWORK

35. When an asylum seeker comes to the border to seek asylum in the U.S., the Department of Homeland Security has the option of detaining them and placing them in expedited removal proceedings or releasing them into the U.S. on parole.
36. The INA provides that DHS “may . . . in [the Secretary’s] discretion parole” an arriving asylum seeker into the United States on a “case-by-case basis for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5)(A).
37. If the Department exercises the option of paroling the noncitizen into the U.S. under 8 U.S.C. § 1182(d)(5), said parole may only be terminated (prior to the expiration of time for which the parole was authorized) “upon accomplishment of the purpose for which parole was authorized or when...neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States....” 8 C.F.R. § 212.5(e)(2)(i).
38. Release on parole is an “express exception” to detention and is a “specific provision authorizing release.” Jennings v. Rodriguez, 583 U.S. 231, 300 (2018). The plain language of the statute establishes that parole must be both granted and revoked on an individual, case-by-case basis: 8 U.S.C. § 1182(d)(5)(A) directs that parole may be granted “only on a case-by-case basis” and may be terminated “when the purposes of such parole shall . . . have been served.” See also Doe v. Noem, 2025 WL 1505688, at *1 (1st Cir. May 5, 2025) (observing that “[c]ommon

1 sense suggests . . . that parole given only on a case-by-case basis is to be
2 terminated only on such a basis” and pointing to individualized statutory language
3 of § 1182(d)(5)).

4 39. Moreover, under the Administrative Procedures Act (“APA”), an agency must act
5 in a manner that is not arbitrary or capricious. See 5 U.S.C. § 706(2)(A) (directing
6 courts to “hold unlawful and set aside agency action” that is arbitrary and
7 capricious); Dep’t of Com. v. New York, 139 S. Ct. 2551, 2569 (2019) (requiring
8 an agency to articulate a “satisfactory explanation” for its action, “including a
9 rational connection between the facts found and the choice made”).
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11 40. Furthermore, immigration detention should not be used as a punishment and
12 should only be used when, under an individualized determination, a noncitizen is a
13 flight risk because they are unlikely to appear for immigration court or a danger to
14 the community. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).
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16 41. “Freedom from imprisonment—from government custody, detention, or other
17 forms of physical restraint—lies at the heart of the liberty that [the Due Process]
18 Clause protects.” Zadvydas v. Davis, 533 U.S. at 690. “[T]he Due Process Clause
19 applies to all ‘persons’ within the United States, including aliens, whether their
20 presence here is lawful, unlawful, temporary, or permanent.” Id. at 693.
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22 42. Parolees in particular have a weighty liberty interest under the Due Process
23 Clause. The Supreme Court has noted that, “subject to the conditions of his parole,
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1 [a parolee] can be gainfully employed and is free to be with family and friends and
2 to form the other enduring attachments of normal life.” Morrissey v. Brewer, 408
3 U.S. 471, 482 (1972).

4 43. “[T]he parolee has relied on at least an implicit promise that parole will be
5 revoked only if he fails to live up to the parole conditions.” Morrissey v. Brewer,
6 408 U.S. at 482. The Court explained that “the liberty of a parolee, although
7 indeterminate, includes many of the core values of unqualified liberty and its
8 termination inflicts a grievous loss on the parolee and often others.” Id. In turn,
9 “[b]y whatever name, the liberty is valuable and must be seen within the protection
10 of the [Fifth] Amendment.” Id.

11 44. “Adequate, or due, process depends upon the nature of the interest affected. The
12 more important the interest and the greater the effect of its impairment, the greater
13 the procedural safeguards the [government] must provide to satisfy due process.”
14 Haygood v. Younger, 769 F.2d 1350, 1355-56 (9th Cir. 1985) (en banc) (citing
15 Morrissey, 408 U.S. at 481-82).

16 45. On August 29, 2025, a district court in Washington D.C. issued Make The Road
17 New York v. Noem, 1:25-cv-00190, (D.D.C.) affirming that parolees have a liberty
18 interest and in the country’s interior, the Constitution requires the Government to
19 “turn square corners.” See Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.,
20 591 U.S. 1, 24 (2020). The court stated that means affording due process to such
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1 parolees. As such, the district court in Make the Road New York v. Noem enjoined
2 the administration's memos of earlier this year purporting to expand expedited
3 removal to apply to parolees without affording them due process.

4
5 **FIRST CAUSE OF ACTION**

6 **Violation of Due Process**
7 **U.S. Constitution Amendment V**

8 46. Ms. Navarro Sanchez re-alleges and incorporates by reference, as if fully set forth
9 herein, the allegations in the paragraphs above.

10 47. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
11 prohibits the federal government from depriving any person of "life, liberty, or
12 property, without due process of law." U.S. Const. Amend. V. Due process
13 protects "all 'persons' within the United States, including [non-citizens], whether
14 their presence here is lawful, unlawful, temporary, or permanent." Zadvydas, 533
15 U.S. at 693.

16 48. Here, neither Ms. Navarro Sanchez nor her counsel were advised by DHS that
17 they sought to detain her and claim that she is subject to mandatory detention.
18 Moreover, Ms. Navarro Sanchez was detained despite there being no evidence that
19 she is a danger to the community or a flight risk. Indeed, Ms. Navarro Sanchez was
20 detained without any opportunity to even be heard on these issues.

21
22 49. Because of her profound legal interest in her liberty as a noncitizen with valid
23 parole, her detention violates her due process rights. See generally Mathews v.
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1 Eldridge, 424 U.S. 319, 333 (1976) (requiring notice and an opportunity to be
2 heard before deprivation of a legally protected interest).

3 **SECOND CAUSE OF ACTION**

4 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) Not in**
5 **Accordance with Law and in Excess of Statutory Authority Unlawful Detention**

6 50. Ms. Navarro Sanchez re-alleges and incorporates by reference, as if fully set forth
7 herein, the allegations in the paragraphs above.

8 51. Under the APA, a court shall “hold unlawful and set aside agency action” that is
9 an abuse of discretion. 5 U.S.C. § 706(2)(A).

10 52. An action is an abuse of discretion if the agency “entirely failed to consider an
11 important aspect of the problem, offered an explanation for its decision that runs
12 counter to the evidence before the agency, or is so implausible that it could not be
13 ascribed to a difference in view or the product of agency expertise.” Nat’l Ass’n of
14 Home Builders v. Defs. of Wildlife, 551 U.S. 644, 658 (2007) (quoting Motor
15 Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29,
16 43 (1983)).

17 53. To survive an APA challenge, the agency must articulate “a satisfactory
18 explanation” for its action, “including a rational connection between the facts
19 found and the choice made.” Dep’t of Com. v. New York, 139 S. Ct. 2551, 2569
20 (2019) (citation omitted).

1 54. In *Y-Z-H-L v Bostock*, 2025 WL 1898025, at *10-12 (D. Or. July 9, 2025) the
2 court explained the parole process in immigration cases and noted that before
3 parole may be revoked, the parolee must be given written notice of the impending
4 revocation, which must include a cogent description of the reasons therefore.
5 Under the APA, immigration parolees are entitled to determinations related to their
6 parole revocations that are not arbitrary, capricious or an abuse of discretion. *Id.* at
7 *10.
8

9 55. By categorically revoking Petitioner's parole without any description of the
10 reasons therefore and detaining the Petitioner without consideration of her
11 individualized facts and circumstances, Respondents have violated the APA.
12

13 56. Moreover, Respondents also acted arbitrarily and capriciously in detaining the
14 Petitioner.

15 57. Respondents have made no finding that Petitioner, an individual with no criminal
16 history anywhere in the world, is a danger to the community.

17 58. Respondents have also made no finding that Petitioner is a flight risk because, in
18 fact, she was arrested while appearing at her immigration proceedings.

19 59. By detaining the Petitioner categorically, Respondents have further abused their
20 discretion because there have been no changes to her facts or circumstances since
21 the agency made its initial determination to parole her into the United States that
22 support detention.
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1 60. Respondents have already considered Petitioner's facts and circumstances and
2 determined that she was not a flight risk or danger to the community. There have
3 been no changes to the facts or any materially changed circumstances that justify
4 this revocation of her parole and/or being detained.
5

6 **PRAYER FOR RELIEF**

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

- 8 (1) Assume jurisdiction over this matter;
- 9 (2) Issue the writ of habeas corpus and order Respondents to show cause,
10 within three days of Ms. Navarro Sanchez's filing this petition, why the
11 relief she seeks should not be granted; and set a hearing on this matter
12 within five days of Respondents' return on the order to show cause (*see*
13 28 U.S.C. § 2243);
- 14 (3) Declare that Petitioner's detention without an individualized
15 determination violates the Due Process Clause of the Fifth Amendment;
- 16 (4) Declare that Petitioner's parole was not lawfully terminated, her parole
17 remains active and she is unlawfully detained;
- 18 (5) Issue a Writ of Habeas Corpus ordering Respondents to release
19 Petitioner from custody;
- 20 (6) In the alternative, order a constitutionally adequate bond hearing
21 complying with the procedural requirements in Singh where DHS bears
22 the burden of justifying Petitioner's continued detention by clear and
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convincing evidence and the neutral adjudicator takes into consideration alternatives to detention and Petitioner's ability to pay a bond;

(7) In the alternative, conduct an immediate bond hearing before this Court where DHS bears the burden of justifying Petitioner's continued detention by clear and convincing evidence and the Court takes into consideration alternatives to detention and Petitioner's ability to pay a bond;

(8) Issue an Order prohibiting the Respondents from transferring Petitioner from the district without the court's approval;

(9) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(10) Grant any further relief this Court deems just and proper.

Dated: September 15, 2025

Respectfully submitted,

By: /s/ Bashir Ghazialam
Bashir Ghazialam
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney in this action. I have discussed with the Petitioner 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 September 15, 2025, in San Diego, California.

/s/ Kirsten Zittlau

Kirsten Zittlau

Attorney for Petitioner