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9 UNITED STATES DISTRICT COURT
10 CENTAL DISTRICT OF CALIFORNIA

11 CARLOS LOPEZ SILVA,

12 Petitioner,

13 v.

14 F. SEMAIA, in his official capacity as
15 Warden, Adelanto Detention Facility;
16 ERNESTO SANTACRUZ, JR., in his
17 official capacity as Acting ICE Field
18 Office Director U.S. Immigration and
19 Customs Enforcement;
20 TODD M. LYONS, Acting Director, U.S.
21 Immigration and Customs Enforcement;
22 KRISTI NOEM, Secretary of United
23 States Department of Homeland
24 Security; and
25 PAM BONDI, Attorney General of the
26 United States;

27 Respondents.

Case No.: 5:25-cv-2569

**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

PETITIONER'S DHS NO.:

A 

28 Petitioner CARLOS SILVA LOPEZ petitions this Court for a writ of habeas
29 corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully,
30 and states as follows:

INTRODUCTION

1
2
3 1. Petitioner, CARLOS LOPEZ SILVA ("Mr. Lopez Silva" or "Petitioner"), by and
4 through his undersigned counsel, hereby files this petition for writ of habeas corpus
5 and complaint for declaratory and injunctive relief to compel his immediate release
6 from immigration detention where he has been held by the U.S. Department of
7 Homeland Security (DHS) since being detained on or about August 12, 2025.
8 Petitioner is in the physical custody of Respondents at the Adelanto Detention
9 Facility in Adelanto, California.

10 2. Petitioner is unlawfully detained. The Department of Homeland Security
11 (DHS) and the Executive Office for Immigration Review (EOIR) have improperly
12 concluded that Petitioners, despite being physically present within the interior of
13 and residing in the United States and being arrested in Los Angeles County,
14 California, should be deemed to be seeking admission to the United States and
15 therefore subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(2)(A).
16

17 3. DHS has placed Petitioner in removal proceedings pursuant to 8 U.S.C. §
18 1229a and has charged Petitioner with being present in the United States without
19 admission and therefore removable pursuant to 8 U.S.C. § 1182(a)(6)(A)(i).

20 4. Based on the charge of removability, DHS has denied Petitioner's release from
21 immigration custody, pursuant to a new DHS policy issued on July 8, 2025,¹
22

23 ¹ "Interim Guidance Regarding Detention Authority for Applicants for Admission",
24 ICE, July 8, 2025. Available at: [https://immpolicytracking.org/policies/ice-](https://immpolicytracking.org/policies/ice-issuesmemo-)
issuesmemo-

1 instructing all Immigration and Customs Enforcement (ICE) employees to consider
2 anyone inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) - i.e., present without
3 admission - to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and
4 therefore subject to mandatory detention during the removal hearing process.

5
6 5. Petitioner sought bond hearings before an immigration judge (IJ), and the IJ
7 denied jurisdiction and refused to granted bond to Petitioner. The IJ adopted DHS’
8 legal analysis as set forth in the new DHS policy and based their decision on the
9 same legal analysis. Indeed, the DHS policy states it was issued “in coordination with
10 the Department of Justice (DOJ).” IJs function within EOIR which is a component of
11 the Department of Justice. The IJ concluded that notwithstanding Petitioner’s
12 presence and residence within the United States, Petitioner should be deemed an
13 “applicant for admission” who is “seeking admission” and subject to mandatory
14 detention under § 1225(b)(2)(A). Other IJs in this district and other districts
15 nationwide have recently concluded that notwithstanding individuals similarly
16 situated to Petitioner, present and residing within the United States, should be
17 deemed “applicants for admission” who are “seeking admission” and subject to
18 mandatory detention under § 1225(b)(2)(A).

19
20 6. Petitioner’s detention on this basis violates the plain language of the
21 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq. Section
22 1225(b)(2)(A) does not apply to individuals like Petitioner who previously entered

23
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eliminating-bond-hearings-for-undocumented-immigrants/#/tab-policydocuments.

1 and are now present and residing in the United States. Instead, such individuals are
2 subject to a different statute, § 1226(a), that allows for release on conditional parole
3 or bond. That statute expressly applies to people who, like Petitioner, are charged as
4 removable for having entered the United States without inspection and being
5 present without admission.
6

7 7. Respondents' new legal interpretation of the INA is plainly contrary to the
8 statutory framework and contrary to decades of agency practice applying § 1226(a)
9 to people like Petitioner who are present within the United States.

10 8. In addition to Petitioner's statutory right to a bond hearing under § 1226(a),
11 individuals within the United States have constitutional rights. "[T]he Due Process
12 Clause applies to all 'persons' within the United States, including aliens, whether
13 their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v.*
14 *Davis*, 533 U.S. 678, 693 (2001).
15

16 9. Accordingly, Petitioner seeks a writ of habeas corpus requiring that
17 they be released unless Respondents provide a bond hearing under § 1226(a).
18

19 JURISDICTION

20 10. Jurisdiction is proper and relief is available pursuant to 28 U.S.C. §
21 1331 (federal question), 28 U.S.C. § 1346 (original jurisdiction), 5 U.S.C. § 702
22 (waiver of sovereign immunity), 28 U.S.C. § 2241 (habeas corpus jurisdiction), and
23 Article I, Section 9, clause 2 of the United States Constitution (the Suspension
24 Clause).

11. 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

12. 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 Central District of California, the judicial district in which Petitioners are currently detained.

13. 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 Southern District of California.

PARTIES

14. Petitioner CARLOS LOPEZ SILVA Respondent is a 51-year-old native and citizen of Mexico who entered the United States over 25 years ago (approximately 1997 or 1998) without inspection. Petitioner is currently married to Blanca Estela Garcia, a U.S. citizen. Although they have been together for over a decade, they tied the knot on December 20, 2023. Shortly thereafter, on May 3, 2025, Ms. Garcia filed a Form I-130 Alien Relative Petition on behalf of Petitioner. This petition is currently pending adjudication before USCIS.

15. Petitioner was arrested and placed in removal proceedings on or about August 12, 2025, by the Pasadena Police Department when he was walking home

1 from a convenient store. Shortly thereafter, he was turned over to ICE. Petitioner
2 was not charged with committing any crime.

3 16. Respondent ERNESTO SANTACRUZ, JR is the Acting Field Office Director
4 of ICE, in Los Angeles, California and is named in his official capacity. ICE is the
5 component of the DHS that is responsible for detaining and removing noncitizens
6 according to immigration law and oversees custody determinations. In his official
7 capacity, he is the legal custodian of Petitioner.
8

9 17. Respondent TODD M. LYONS is the Acting Director of ICE and is named
10 in his official capacity. Among other things, ICE is responsible for the administration
11 and enforcement of the immigration laws, including the removal of noncitizens. In
12 his official capacity as head of ICE, he is the legal custodian of Petitioner.
13

14 18. Respondent KRISTI NOEM is the Secretary of the DHS and is named in
15 her official capacity. DHS is the federal agency encompassing ICE, responsible for
16 the administration and enforcement of the INA and all other laws relating to the
17 immigration of noncitizens. As Secretary, Respondent Noem is responsible for the
18 administration and enforcement of the immigration and naturalization laws
19 pursuant to section 402 of the Homeland Security Act of 2002, 107 Pub. L. No. 296,
20 116 Stat. 2135 (Nov. 25, 2002); *see also* 8 U.S.C. § 1103(a). Respondent Noem is the
21 ultimate legal custodian of Petitioner.
22

23 19. Respondent Pam BONDY is the Attorney General of the United States and
24 the most senior official in the U.S. Department of Justice (DOJ) and is named in her

1 official capacity. She has the authority to interpret the immigration laws and
2 adjudicate removal cases. The Attorney General delegates this responsibility to the
3 Executive Office for Immigration Review (EOIR), which administers the immigration
4 courts and the BIA.
5

6 20. Respondent F. SEMAIA is the Warden at the Adelanto Detention Facility
7 where Petitioner is being held. Respondent SEMAIA oversees the day-to-day
8 operations of Adelanto Detention Facility and acts at the Direction of Respondents
9 LYONS, NOEM, and BONDI. He is a custodian of Petitioner and is named in his official
10 capacity.
11

12 **LEGAL FRAMEWORK**

13 21. The INA prescribes three basic forms of detention for the vast majority
14 of noncitizens in removal proceedings conducted pursuant to 8 U.S.C. § 1229a.

15 22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in § 1229a
16 removal proceedings before an IJ. Individuals covered by § 1226(a) detention are
17 generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§
18 1003.19(a), 1236.1(d), while certain noncitizens who have been arrested, charged
19 with, or convicted of certain crimes are subject to mandatory detention. See 8 U.S.C.
20 § 1226(c).
21

22 23. Second, the INA provides for mandatory detention of noncitizens
23 subject to an Expedited Removal order imposed pursuant to 8 U.S.C. § 1225(b)(1)
24

1 and for other noncitizen applicants for admission to the U.S. who are deemed not
2 clearly entitled to be admitted. See 8 U.S.C. § 1225(b)(2).

3 24. Last, the INA provides for detention of noncitizens who have been
4 ordered removed, including individuals in withholding-only proceedings. See 8
5 U.S.C. § 1231(a)–(b).

6 25. This case concerns the detention provisions at 8 U.S.C. §§ 1226(a) and
7 1225(b)(2).

8 26. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted
9 as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA)
10 of 1996, Pub. L. No. 104--208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to
11 3009–583, 3009–585. Section 1226(a) was most recently amended in early 2025 by
12 the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

13 27. Following the enactment of the IIRIRA, EOIR drafted new regulations
14 applicable to proceedings before immigration judges explaining that, in general,
15 people who entered the country without inspection – also referred to as being
16 “present without admission” - were not considered detained under § 1225 and that
17 they were instead detained under § 1226(a). See Inspection and Expedited Removal
18 of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
19 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

20 28. Thus, in the decades that followed, most people who entered without
21 inspection and were placed in standard § 1229a removal proceedings received bond
22 hearings before IJs, unless their criminal history rendered them ineligible. That
23
24

1 practice was consistent with many more decades of prior practice, in which
2 noncitizens who were not deemed “arriving” were entitled to a custody hearing
3 before an IJ or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep.
4 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
5 detention authority previously found at § 1252(a)).

6
7 29. This practice both pre- and post-enactment of IIRIRA is consistent with
8 the fact that noncitizens present within the United States – as opposed to
9 noncitizens present at a border and seeking admission - have constitutional rights.
10 “[T]he Due Process Clause applies to all ‘persons’ within the United States, including
11 aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”
12 *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

13 30. On July 8, 2025, ICE, “in coordination with” the Department of Justice,
14 announced a new policy that rejected the well-established understanding of the
15 statutory framework and reversed decades of practice.

16
17 31. The new policy, entitled “Interim Guidance Regarding Detention
18 Authority for Applicants for Admission,”² claims that all noncitizens present within
19 the United States who entered without inspection shall now be deemed “applicants
20 for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory
21 detention under § 1225(b)(2)(A). The policy applies regardless of when a person is

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24 ² Available at: <https://immpolicytracking.org/policies/ice-issues-memoeliminating-bond-hearings-for-undocumented-immigrants/#/tab-policy-documents>.

1 apprehended and affects those who have resided in the United States for months,
2 years, and even decades.

3 32. In a May 22, 2025 unpublished decision by the Board of Immigration
4 Appeals (BIA), EOIR adopted this same position.³ That decision holds that all
5 noncitizens who entered the United States without admission or parole and who are
6 present within the United States are considered applicants for admission and
7 ineligible for IJ bond hearings.
8

9 33. ICE and EOIR have adopted this position even though federal courts
10 have rejected this exact conclusion. For example, after IJs in the Tacoma,
11 Washington, immigration court stopped providing bond hearings for persons who
12 entered the United States without inspection and who have since resided here, the
13 U.S. District Court for the Western District of Washington found that such a reading
14 of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to
15 noncitizens who are not apprehended upon arrival to the United States. *Rodriguez*
16 *Vazquez v. Bostock*, --- F. Supp. 3d ---, 2025 WL 1193850 (W.D. Wash. Apr. 24,
17 2025); see also *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at * (D.
18 Mass. July 7, 2025) (granting habeas petition based on same conclusion). This Court
19 has reached the same conclusion. See *Maldonado Bautista et al. v. Santacruz, et al.*,
20 No. 5:25-cv-01873-SSS-BFM (C.D. Cal. July 28, 2025), Order Granting Temporary
21 Restraining Order, Dkt. 14 at 9 (TRO issued after DHS adopted "Interim Guidance
22
23

24 ³ Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

1 Regarding Detention Authority for Applicants for Admission.”); *Ceja Gonzalez, et al.*
2 *v. Noem, et al.*, No. 5:25-cv-02054-ODW-BFM (C.D. Cal. August 13, 2025), Order
3 Granting Ex Parte Application for TRO and OSC, Dkt. 12 (Same).

4 34. Finally, two days prior to the filing of this petition, on September 5,
5 2025, the BIA issued a published decision in *Matter of Jonathan Javier YAJURE*
6 *HURTADO, Respondent*, 29 I&N Dec. 216 (BIA 2025), doubling down on its prior
7 unpublished decisions finding that all persons who entered without inspection (all
8 those who are present without having been admitted), are subject to mandatory
9 detention under INA 235(b)(2), specifically holding, “Based on the plain language of
10 section 235(b)(2)(A) of the Immigration and Nationality Act, 8 U.S.C. §
11 1225(b)(2)(A) (2018), Immigration Judges lack authority to hear bond requests or
12 to grant bond to aliens who are present in the United States without admission.”

13 35. DHS’s and EOIR’s interpretation defy the INA. As the *Rodriguez Vazquez*
14 court explained, the plain text of the statutory provisions demonstrates that §
15 1226(a), not § 1225(b), applies to people like Petitioners. Section 1226(a) applies
16 by default to all persons “pending a decision on whether the [noncitizen] is to be
17 removed from the United States.” *Rodriguez Vazquez*, 2025 WL 1193850 at *12. See
18 also *Maldonado Bautista*, No. 5:25-cv-01873-SSS-BFM (C.D. Calif July 28, 2025)
19 Order Granting Temporary Restraining Order, Dkt. 14 at 9 (“[T]he Court finds that
20 the potential for Petitioners’ continued detention without an initial bond hearing
21 would cause immediate and irreparable injury, as this violates statutory rights
22 afforded under § 1226(a).”); *Ceja Gonzalez*, No. 5:25-cv-02054-ODW-BFM (C.D. Cal.
23
24

1 August 13, 2025), Order Granting Ex Parte Application for TRO and OSC, Dkt. 12 at 7
2 (§ 1226 applies to aliens present in the United States.)

3 36. Other portions of the text of § 1226 also explicitly apply to people
4 charged as being inadmissible, including those who entered without inspection. See
5 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to inadmissible individuals
6 makes clear that, by default, inadmissible individuals not subject to subparagraph
7 (E)(ii) are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez*
8 court explained, "[w]hen Congress creates 'specific exceptions' to a statute's
9 applicability, it 'proves' that absent those exceptions, the statute generally applies.
10 *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic*
11 *Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

13 37. Section 1226 therefore leaves no doubt that it applies to noncitizens
14 who are present without admission and who face charges in removal proceedings of
15 being inadmissible to the United States.

16 38. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or
17 who recently entered the United States and are encountered at or near the border.
18 The statute's entire framework is premised on inspections at the border of people
19 who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed,
20 the Supreme Court has explained that this mandatory detention scheme applies "at
21 the Nation's borders and ports of entry, where the Government must determine
22 whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v.*
23 *Rodriguez*, 583 U.S. 281, 287 (2018).
24

1 39. Accordingly, the mandatory detention provision of § 1225(b)(2) does
2 not apply to people like Petitioner who have already entered and were residing in
3 the United States at the time they were apprehended.
4

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7 **FACTS**

8 40. Petitioner resides in Pasadena, California. Other than a 2007 arrest for
9 public intoxication (no conviction), he has no criminal record and no previous
10 contact with immigration authorities. Petitioner is a 51-year-old native and citizen
11 of Mexico who entered the United States over 25 years ago (approximately 1997 or
12 1998) without inspection. Petitioner is currently married to [REDACTED] a
13 U.S. citizen. Although they have been together for over a decade, they tied the knot
14 on December 20, 2023. Shortly thereafter, on May 3, 2025, [REDACTED] filed a Form I-
15 130 Alien Relative Petition on behalf of Petitioner. This petition is currently pending
16 adjudication before USCIS.
17

18 41. Petitioner was arrested and placed in removal proceedings on or about
19 August 12, 2025, by the Pasadena Police Department when he was walking home
20 from a convenient store. Shortly thereafter, he was turned over to ICE. Petitioner
21 was not charged with committing any crime.

22 42. Upon information and belief, following Petitioner's arrest and transfer
23 to the Adelanto ICE Processing Center, ICE issued a custody determination to
24

1 continue Petitioner's detention without an opportunity to post bond or be released
2 on other conditions.

3 43. Petitioner subsequently requested a bond redetermination hearing
4 before an IJ. On July 28, 2025, an IJ denied the request and issued a decision that the
5 court lacked jurisdiction to conduct a bond redetermination hearing because
6 Petitioner was an applicant for admission.

7
8 44. Any appeal to the BIA by the Petitioner is futile. ICE's new policy was
9 issued "in coordination with DOJ," which oversees the immigration courts. Further,
10 as noted, the most recent published BIA decision on this issue held that persons like
11 Petitioner are subject to mandatory detention as applicants for admission. In the
12 *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are defendants,
13 DOJ has affirmed its position that individuals like Petitioners are applicants for
14 admission and subject to detention under § 1225(b)(2)(A). See Mot. to Dismiss,
15 *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025),
16 Dkt. 49 at 27–31. DOJ has taken the same position in the *Maldonado Bautista*
17 litigation, see Opp. to Ex Parte TRO Application, Maldonado Bautista, No. 5:25-cv-
18 01873-SSS-BFM, (C.D. Cal. July 24, 2025), Dkt. 8, and in the *Ceja Gonzalez* litigation.
19 See Opp. to Ex Parte TRO Application and OSC, *Ceja Gonzalez*, No. 5:25-cv-02054-
20 ODW-BFM (C.D. Cal. August 8, 2025), Dkt. 7 at 17-21.

21
22 **FIRST CLAIM FOR RELIEF**

23 **Petitioner's Detention is in Violation of 8 U.S.C. § 1226(a)**
24

1 45. Petitioner incorporates by reference the allegations of fact set forth in
2 the preceding paragraphs.

3 46. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not
4 apply to Petitioner who is present and residing in the United States and has been
5 placed under § 1229a removal proceedings and charged with inadmissibility
6 pursuant 8 U.S.C. § 1182(a)(6)(A)(i). As relevant here, § 1225(b)(2) does not apply
7 to those who previously entered the country and have been present and residing in
8 the United States prior to being apprehended and placed in removal proceedings by
9 Respondents. Such noncitizens may only be detained pursuant to § 1226(a), unless
10 subject to § 1226(c), or § 1231.

12 47. The application of § 1225(b)(2) to Petitioner unlawfully mandates his
13 continued detention without a bond hearing and violates 8 U.S.C. § 1226(a).

14 **SECOND CLAIM FOR RELIEF**

15 **Petitioner's Detention Violates the Administrative Procedure Act,**

16 **5 U.S.C. § 706(2)**

17 48. Petitioner incorporates by reference the allegations of fact set forth in
18 the preceding paragraphs.

20 49. Under the Administrative Procedure Act, a court must "hold unlawful
21 and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or
22 otherwise not in accordance with the law," that is "contrary to constitutional right
23
24

1 [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations, or
2 short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

3 50. Respondents’ detention of Petitioner pursuant to § 1225(b)(2) is
4 arbitrary and capricious. Respondents’ detention of Petitioner violates the INA and
5 the Fifth Amendments. Respondents do not have statutory authority under §
6 1225(b)(2) to detain Petitioner.
7

8 51. Petitioner’s detention is arbitrary, capricious, an abuse of discretion,
9 violative of the Constitution, and without statutory authority in violation of 5 U.S.C. §
10 706(2).

11 **THIRD CLAIM FOR RELIEF**

12 **Petitioner’s Detention Violates His Fifth Amendment Right to Due Process**

13 1. Petitioner incorporates by reference the allegations of fact set forth in the
14 preceding paragraphs.
15

16 2. The Government may not deprive a person of life, liberty, or property
17 without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—
18 from government custody, detention, or other forms of physical restraint—lies at the
19 heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690
20 (2001).
21

22 3. Petitioner ha a fundamental interest in liberty and being free from official
23 restraint.
24

4. The Respondents' detention of Petitioner without providing Petitioner a bond redetermination hearing to determine whether he is a flight risk or a danger to others violates their right to Due Process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully asks that this Court take jurisdiction over this matter and grant the following relief:

a. Issue a Writ of Habeas Corpus requiring Respondents to release
Petitioner or provide Petitioner as an IJ has already held a bond hearing pursuant to
8 U.S.C. § 1226(a) and granted Petitioner bond;

b. Award Petitioners' attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

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

Dated: September 29, 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. 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 29, 2025, in San Diego, California.

/s/ Bashir Ghazialam
Bashir Ghazialam
Attorney for Petitioner