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7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 HABIBULLAH MIRZAIE,
11
12 Plaintiff,

13 vs.

14 CHRISTOPHER LAROSE, warden of
15 Otay Mesa Detention Center
16 SIDNEY AKI, San Diego Field Office
17 Director, Immigration and Customs
18 Enforcement and Removal Operations
19 ("ICE/ERO");
20 TODD LYONS, Acting Director of
21 Immigration Customs Enforcement
22 ("ICE");
23 KRISTI NOEM, Secretary of the
24 Department of Homeland Security
25 ("DHS");
26 PAMELA BONDI, Attorney General of
27 the United States,
28 U.S. DEPARTMENT OF HOMELAND
SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: 25-cv-2568-JO-KSC

DECLARATION OF HABIBULLAH
MIRZAIE IN SUPPORT OF
PETITION

1 **DECLARATION OF HABIBULLAH MIRZAIE**

2 I, HABIBULLAH MIRZAIE, DECLARE:

3
4 I reside in the United States of America and the State of California. I am
5 over the age of 18 years. I make this declaration of my own personal knowledge
6 and if called as a witness would competently testify thereto.
7

8 On March 20, 2024, pursuant to an appointment I obtained via CBP One, I
9 was granted humanitarian parole into the United States of America. My parole
10 expires on March 19, 2026.
11

12 With the help of my attorney I filed an application for asylum with USCIS
13 on January 14, 2025. I was granted work authorization in April, 2024.
14

15 On September 19, 2025 I was contacted by Spark, a delivery service, to
16 deliver 4 envelopes to Jenny Nelson on Camp Pendleton Marine Base.
17

18 I arrived at the entrance gate and presented my drivers license to the guard.
19 When he saw my ID he called a second guard over to also look at my ID. The
20 second guard noticed that I have a limited driver license. He asked me if I had a
21 green card. I told him I do not. I then showed him my work authorization and my
22 proof of filing an asylum application. He accused me of not being in the United
23 States legally. I once again showed him my work authorization and explained that
24 I had permission to be in the United States. He asked to take my picture. I asked
25
26
27
28

1 him if I would be able to leave the base? He said no. He took a picture of my work
2 authorization then took a picture of me.
3

4 I had been asked to pull to the side, out of the entry lane. I asked the guard
5 "have I broken any law?" He said "No, but you are on base now and cannot leave."
6

7 They took my car keys and put me in a white police car. I asked if I could
8 leave the base and I was told no. I was told I was being held until ICE arrived and
9 they will decide what to do with me.
10

11 ICE arrived about 6:30 or 7:00 p.m. By then I been held prisoner for over 4
12 hours. I explained to the ICE officer that I was here on parole with work
13 authorization and that I had filed for asylum. The officer said my case was only
14 pending and had no been adjudicated so I had no asylum protection.
15

16 My wife and my brother arrived with all of my papers but ICE would not
17 allow them to get out of the car. The ICE officer threatened me and my wife that if
18 she got out of the car she would be detained too. I explained to the ICE agent that I
19 have a wife and a newborn child and I am their only support. The ICE agent said I
20 could not go home. Finally I was handcuffed, placed in the ICE vehicle and taken
21 to downtown San Diego for the night. No one showed me a warrant. I was moved
22 to Otay Mesa detention center on Saturday, Sept 20, 2025. On the 23rd of
23
24
25
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27
28 September and ICE officer finally gave me my Notice to Appear with my Oct. 6,
2025 court date.

1 At no time while I was held by the Camp Pendleton authorities was I ever
2 told what actual crime I had committed. I was never told what I had done that
3 authorized them to hold me other than "You don't have a green card." I believe I
4 was held simply because I am an immigrant and they wanted to hand me over to
5 ICE. I clearly showed them I had authority to be in the United States. It says so
6 right on my asylum acknowledgement of receipt, which I showed them.
7

8
9 Before I was detained by ICE I was never issued any writing that purported
10 to withdraw or cancel my parole. I was never told what particular events in my
11 case had been considered to attempt to cancel my parole. I was never accused of
12 being a flight risk or a danger to the community. In fact, I was never told at all that
13 my parole was being revoked in order for them to detain me. I was simply
14 shackled, put in an ICE vehicle and then, eventually, detained at the Otay Mesa
15 Detention Center.
16

17
18 I am able to speak, read and write in English. I understand this declaration
19 and did not need a translator.
20

21
22 I declare under penalty of perjury under the laws of the United States and the
23 State of California that the foregoing is true and correct. Executed this 6th day of
24 October, 2025 at San Diego, California.
25

26
27 
28 _____
Habibullah MIRZAIE

1 **DECLARATION REGARDING PROOF OF SERVICE**

2
3 I, BRIAN J. MCGOLDRICK, DECLARE:

4 I am a citizen of the United States of America and the State of California. I
5 am over the age of 18 years. I make this declaration of my own personal
6 knowledge and if called as a witness would competently testify thereto.

7 I am not a party to the within matter. My business address is:
8 4916 Del Mar Avenue, San Diego, California 92107.

9 On October 7, 2025 I served the following documents on the listed parties at
10 the addresses and by the methods described below:

11 **DECLARATION OF HABIBULLAH MIRZAI IN SUPPORT OF**
12 **PETITION**

13 **CM/ECF:**

14 I hereby certify that I electronically filed the foregoing with the Clerk of Court for
15 the United States District Court in and for the Southern District of California on
16 the date set forth above. I further certify that all participants, through their attorney
17 of record, in the case are registered CM/ECF users so that service will be
18 accomplished by the CM/ECF system.

19 • **Janet A Cabral**

20 Janet.Cabral@usdoj.gov,mary.wiggins@usdoj.gov,efile.dkt.civ@usdoj.gov,
21 efile.dkt.gcl@usdoj.gov,caseview.ecf@usdoj.gov

22 • **U S Attorney CV**

23 Efile.dkt.civ@usdoj.gov

24 I declare under penalty of perjury under the laws of the United States and the
25 State of California that the foregoing is true and correct. Executed this 7th day of
26 October, 2025 at San Diego, California.

27 /s/Brian J. McGoldrick

28 BRIAN J. MCGOLDRICK, ESQ.

CASB # 169104

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Pro Bono Attorney for Petitioner