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10 MEHRAN AMIRKHANI KHAMSEH

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 MEHRAN AMIRKHANI KHAMSEH

14 Petitioner,

15 vs.

16 C. LANGILL, in his official capacity,
17 Director for the Los Angeles ICE Field
18 Office; U.S. DEPARTMENT OF
19 HOMELAND SECURITY; KRISTI
20 NOEM, in her official capacity, Secretary
21 of the Department of Homeland Security;
22 TODD M. LYONS, in his official
23 capacity, Deputy Director and Senior
24 Official Performing the Duties of
25 Director for U.S. Immigration and
26 Custom Enforcement; PAMELA
27 BONDI, in her official capacity,
28 Attorney General of the
United States EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; F.
SEMAIA, in his official capacity as
Warden of Adelanto Detention Facility.

Respondents.

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS**

IMMIGRATION HABEAS CASE

Table of Contents

Table of Authorities	4
INTRODUCTION	9
JURISDICTION	11
VENUE	12
PARTIES	12
EXHAUSTION	14
REQUIREMENTS OF <u>28 U.S.C. § 2243</u>	15
STATEMENT OF FACTS	16
ARGUMENT	16
I. Civil Immigration Detention is Limited by Both Substantive and Procedural Due Process	16
A. Constitutional Limitations Under 241(a)	20
B. Immigration Detention Violates Substantive Due Process if it is Punitive, Meaning Excessive or Unnecessary in Relation to its Purpose	21
C. Even When It Is Not Punitive, Prolonged Immigration Detention Without an Individualized Hearing Violates Procedural Due Process.	24
II. Mr. Khamseh's Continued Detention is Excessive in Relation to the Government's Interests in Preventing Flight from Removal Proceedings and Danger to the Community. ...	28
A. Mr. Khamseh Does Not Pose a Risk of Flight	29
B. Mr. Khamseh Does Not Pose a Danger to the Community	30
C. In the Alternative, Prolonged Physical Custody is Excessive in Relation to Any Governmental Interest.	31
D. Release is the Appropriate Remedy for the Ongoing Substantive Due Process Violation of Mr. Khamseh's Detention	34
III. Alternatively, Mr. Khamseh's Prolonged Categorical Detention Without an Individualized Determination Violates Procedural Due Process.	36
A. Mr. Khamseh is Entitled to a Bail Hearing Because His Detention is Unreasonably Prolonged	36
B. This Court Has the Authority to Hold the Evidentiary Hearing to Which Mr. Gonzalez is Entitled	42
C. Due Process Requires Certain Minimal Protections at a Prolonged Detention Bond Hearing.	45
CLAIMS FOR RELIEF	46

1	FIRST CLAIM FOR RELIEF	46
2	Violations of the Fifth Amendment: Substantive Due Process	46
3	SECOND CLAIM FOR RELIEF	47
4	Violation of the Fifth Amendment: Procedural Due Process	47
5	<i>PRAYER FOR RELIEF</i>	48
6	<i>VERIFICATION PURSUANT to <u>28 U.S.C. § 2242</u></i>	50

Table of Authorities

	Page(s)
Cases	
<i>Ameen</i> , <u>2022 WL 1157900</u>	36
<i>Bah v. Cangemi</i> , <u>489 F. Supp. 2d 905</u> (D. Minn. 2007)	33
<i>Bell v. Wolfish</i> , <u>441 U.S. 520</u> (1979)	22
<i>Bent v. Barr</i> , <u>445 F.Supp.3d 408</u> (N.D. Cal. 2020)	33
<i>Blanton v. North Las Vegas, Nev.</i> , <u>489 U.S. 538</u> (1989)	24
<i>Chertoff</i> , <u>562 F.Supp.2d 1107</u> (S.D. Cal. 2008)	43
<i>Cooper v. Oklahoma</i> , <u>517 U.S. 348</u> (1996)	43
<i>Cortez v. Sessions</i> , <u>318 F. Supp. 3d 1134</u> (N.D. Cal. 2018)	13
<i>De Paz Sales v. Barr</i> , No. 19-CV-04148KAW, <u>2019 WL 4751894</u> (N.D. Cal. Sept. 30, 2019)	36, 37
<i>Demore</i> , <u>538 U.S. 510</u> (2003)	20, 21
<i>Diouf v. Napolitano</i> , <u>634 F.3d 1081</u> (9th Cir. 2011)	23, 25
<i>Diouf</i> , <u>634 F.3d</u>	24, 35
<i>Doe v. Barr</i> , No. 20-cv-02141-LB, <u>2020 WL 1820667</u> (N.D. Cal. Apr. 12, 2020)	33
<i>Doe v. Barr</i> , No. 20-cv-02263-RMI, <u>2020 WL 1984266</u> (N.D. Cal. Apr. 27, 2020)	33
<i>Doe v. Kelly</i> , <u>878 F.3d 710</u> (9th Cir. 2017).....	22, 40
<i>Duncan v. Louisiana</i> , <u>391 U.S. 145</u> , <u>88 S. Ct. 1444</u> (1968)	23
<i>Ekeh v. Gonzales</i> , <u>197 F. App'x 637</u> (9th Cir. 2006)	33
<i>Fay v. Noia</i> , <u>372 U.S. 391</u> (1963)	13
<i>German Santos v. Warden Pike Cty. Corr. Facility</i> , <u>965 F.3d 203</u> (3d Cir. 2020)	23, 25
<i>Gonzalez</i> , <u>2019 WL 330906</u>	25, 37
<i>Hamdi v. Rumsfeld</i> , <u>542 U.S. 507</u> (2004)	38, 39
<i>Harris v. Nelson</i> ,	

1	<u>394 U.S. 286</u> (1969)	42
2	<i>Henriquez v. Garland</i> ,	
3	No. 22-CV-00869EJD, <u>2022 WL 2132919</u> (N.D. Cal. June 14, 2022)	36, 40
4	<i>Hensley v. Mun. Ct., San Jose Milpitas Jud. Dist., Santa Clara Cnty., California</i> ,	
5	<u>411 U.S. 345</u> (1973)	42
6	<i>Hernandez</i> ,	
7	<u>872 F.3d</u>	30, 34, 44
8	<i>Hilton v. Braunskill</i> ,	
9	<u>481 U.S.</u> (1987).....	32
10	<i>Huynh v. Reno</i> ,	
11	<u>56 F. Supp. 2d 1160</u> (W.D. Wash. 1999).....	19
12	<i>I.N.S. v. St. Cyr</i> ,	
13	<u>533 U.S. 289</u> (2001)	41
14	<i>In re Bonner</i> ,	
15	<u>151 U.S. 242</u> (1894)	32
16	<i>Jackson v. Indiana</i> ,	
17	<u>406 U.S. 715</u> (1972)	18, 21, 26
18	<i>Jennings v. Rodriguez</i> ,	
19	<u>138 S. Ct. 830</u> (2018)	10, 23
20	<i>Jimenez v. Wolf</i> ,	
21	No. 19-cv-07996-NC, <u>2020 WL 1082648</u> (N.D. Cal. Mar. 6, 2020).....	43
22	<i>Jimenez</i> ,	
23	<u>2020 WL 510347</u> (N.D. Cal. Jan. 30, 2020).....	26, 36, 37
24	<i>Jones v. Blanas</i> ,	
25	<u>393 F.3d 918</u> (9th Cir. 2004).....	20, 26, 27
26	<i>Jorge M.F. v. Jennings</i> ,	
27	<u>534 F.Supp.3d 1050</u> (N.D. Cal. Apr. 14, 2021)	7
28	<i>Judulang v. Chertoff</i> ,	
	<u>562 F.Supp.2d 1119</u> (S.D. Cal. 2008)	43
	<i>King v. Cty. Of Los Angeles</i> ,	
	<u>885 F.3d 548</u> (9th Cir. 2018).....	31
	<i>Laing v. Ashcroft</i> ,	
	<u>370 F.3d 994</u> (9th Cir. 2004).....	12
	<i>Landon v. Plasencia</i> ,	
	<u>459 U.S. 21</u> (1982)	25, 38
	<i>Lawson v. Gerlinski</i> ,	
	<u>332 F. Supp. 2d 735</u> (M.D. Pa. 2004).....	33
	<i>Leslie v. Holder</i> ,	
	<u>865 F. Supp. 2d 627</u> (M.D. Penn. 2012)	41
	<i>Lopez Reyes v. Bonnar</i> ,	
	No. 18-CV-07429-SK, <u>2018 WL 7474861</u> (N.D. Cal. Dec. 24, 2018)	36
	<i>Lopez Reyez v. Bonnar</i> ,	
	<u>362 F. Supp. 3d 762</u> (N.D. Cal. 2019)	40
	<i>Madrane v. Hogan</i> ,	
	<u>520 F. Supp. 2d 654</u> (M.D. Pa. 2007)	42
	<i>Mapp v. Reno</i> ,	
	<u>241 F.3d 221</u> (2d Cir. 2001)	41

1	<i>Marroquin Ambriz,</i>	
2	<u>420 F. Supp. 3d</u>	25, 36, 37, 40
3	<i>Mathews v. Eldridge,</i>	
4	<u>424 U.S. 319</u> (1976)	25, 36, 39
5	<i>Mathews,</i>	
6	<u>424 U.S.</u>	36
7	<i>McNeil v. Dir., Patuxent Inst.,</i>	
8	<u>407 U.S. 245</u> (1972)	21, 24
9	<i>Melendres v. Arpaio,</i>	
10	<u>695 F.3d 990</u> (9th Cir. 2012).....	40
11	<i>Nunez-Pimentel v. ICE ,</i>	
12	<u>1:07-CV-1915, 2008 WL 2593806</u> (M.D. Pa. June 27, 2008).....	33
13	<i>Nguyen v. Fasano,</i>	
14	<u>84 F. Supp. 2d 1099</u> (S.D. Cal. 2000)	33
15	<i>Ortuño v. Jennings,</i>	
16	<u>No. 20-cv-02064-MMC, 2020 WL 1701724</u> (N.D. Cal. Apr. 8, 2020).....	33
17	<i>Oyedeji v. Ashcroft,</i>	
18	<u>332 F. Supp. 2d 747</u> (M.D. Pa. 2004).....	33
19	<i>Perera v. Jennings,</i>	
20	<u>No. 21-cv-04136-BLF, 2021 WL 2400981</u> (N.D. Cal. June 11, 2021).....	37
21	<i>Perera,</i>	
22	<u>2022 WL 1128719</u> (N.D. Cal. Apr. 15, 2022).....	26
23	<i>Preiser v. Rodriguez,</i>	
24	<u>411 U.S. 475</u> (1973)	40
25	<i>Pugh v. Rainwater,</i>	
26	<u>572 F.2d 1053</u> (5th Cir. 1978).....	34, 44
27	<i>Ramos v. Sessions,</i>	
28	<u>293 F.Supp.3d 1021</u> (N.D. Cal. 2018).....	43
	<i>Reid v. Donelan,</i>	
	<u>14 F.4th 1</u> (1st Cir. 2021).....	27
	<i>Reid v. Donelan,</i>	
	<u>17 F.4th 1</u> (1st Cir. 2021).....	8
	<i>Reno v. Flores,</i>	
	<u>507 U.S. 292</u> (1993)	18
	<i>Rodriguez v. Marin,</i>	
	<u>909 F.3d 252</u> (9th Cir. 2018).....	23
	<i>Rodriguez v. Marin,</i>	
	<u>909 F.3d</u>	35
	<i>Rodriguez v. Nielsen,</i>	
	<u>18-cv-04187-TSH, 2019 WL 7491555</u> (N.D. Cal. Jan. 7, 2019).....	21, 25, 35
	<i>Romero,</i>	
	<u>2021 WL 254435</u>	25
	<i>Sajous v. Decker,</i>	
	<u>2018 WL 2357266</u>	23
	<i>Sales v. Johnson,</i>	
	<u>No. 16-cv-01745-EDL, 2017 WL 6855827</u> (N.D. Cal. Sept. 20, 2017)	43
	<i>Sales P.,</i>	

1	<u>2022 WL 17082375</u>	36
2	<i>Sammartano v. First Judicial Dist. Court,</i> <u>303 F.3d 959</u> (9th Cir. 2002).....	40
3	<i>Santosky v. Kramer,</i> <u>455 U.S. 745</u> (1982)	44
4	<i>Singh v. Barr,</i> Case No. 18-cv-2471GPC-MSB, <u>2019 WL 4168901</u> (N.D. Cal. Aug. 30, 2019)	40
5	<i>Singh v. Holder,</i> (<i>Singh</i>), <u>638 F.3d 1196</u> (9th Cir. 2011).....	43
6	<i>Taylor v. Hayes,</i> <u>418 U.S. 488</u> (1974).....	24
7	<i>U.S. v. Theron,</i> <u>782 F.2d 1510</u> (10th Cir. 1986)	31
8	<i>United States v. Briggs,</i> <u>697 F.3d 98</u> (2d Cir. 2012)	22, 31
9	<i>United States v. Nachtigal,</i> <u>507 U.S. 1</u> (1993)	24
10	<i>United States v. Salerno,</i> <u>481 U.S. 739</u> (1987)	Passim
11	<i>United States v. Torres,</i> <u>995 F.3d 695</u> (9th Cir. 2021).....	22
12	<i>Wang v. Reno,</i> <u>81 F.3d 808</u> (9th Cir. 1996)	12
13	<i>Wright v. Henkel,</i> <u>190 U.S. 40</u> (1903)	41
14	<i>Yong v. INS,</i> <u>208 F.3d 1116</u> (9th Cir. 2000).....	14
15	<i>Zadvydas v. Davis,</i> <u>533 U.S. 678</u> (2001)	Passim
16	<i>Zepeda Rivas v. Jennings,</i> No. 20-CV-02731-VC, <u>465 F.Supp. 3d 1028</u> (N.D. Cal. 2020)	33, 36
17	<i>Zinerman v. Burch,</i> <u>494 U.S. 113</u> (1990)	18
18	Statutes	
19	<u>5 U.S.C. § 504</u>	47
20	<u>8 U.S.C. § 1226(a)</u>	15
21	<u>8 U.S.C. § 1231(a)</u>	15
22	<u>8 U.S.C. § 1231(a)(6)</u>	25
23	<u>8 U.S.C. § 1252(b)(9)</u>	10
24	<u>8 U.S.C. §§ 1226(e), 1252(b)(9)</u>	10
25	<u>28 U.S.C. § 1331</u>	10
26	<u>28 U.S.C. § 1391</u>	10
27	<u>28 U.S.C. § 1651</u>	10
28	<u>28 U.S.C. § 2201</u>	10
29	<u>28 U.S.C. § 2241</u>	10

1	<u>28 U.S.C. § 2412</u>	47
2	Art. 1 § 9, cl. 2 of the United States Constitution	10
2	Section 1226(c).....	17, 20, 21, 23
3	<u>U.S. Const. amend. V</u>	45, 46
4	Regulations	
5	<u>8 C.F.R. § 1003.19</u>	15
6	<u>8 C.F.R. § 1236.1</u>	15
7	Other Authorities	
8	<i>Martinez,</i>	
9	<u>2109 WL 5968089</u> , at *9.....	37

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Petitioner, MEHRAN AMIRKHANI KHAMSEH¹, (“Petitioner” or “Mr. Khamseh”) respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful detention by Respondents (the “Government”), as follows:

INTRODUCTION

1. Mr. Khamseh, a 60-year-old man, born in Tehran, Iran, immigrated to the United States in or about 1977, when his entire family fled the Iranian Revolutionary Army for fears of political persecution. Now living in the United States for 48 years, he has deep ties to his family and community. In fact, his entire family lives in the United States. Mr. Khamseh’s father is deceased, and his mother lives in a nursing home in Santa Barbara, California. He is engaged to Ms. Leticia Speer, and they have been in a loving relationship since 2001. A hard-working man, Mr. Khamseh owns a successful business in the United States,  On August 20, 2025, through one of his attorneys, Mr. Martin Haro, Mr. Khamseh filed a Notice of Alien of File Custody Review to challenge his removal and detention. A true and correct copy of this complete Petition is attached hereto as Exhibit A. A final resolution is expected to take several months, if not over a year. Unfortunately, to make matters worse, Mr. Khamseh is currently fighting for his life with a dental infection that is getting worse every day.

2. In October, 2025, Mr. Khamseh was placed in removal proceedings. A removal order was issued, but thereafter released under an order of supervision. He Khamseh was detained on June 24, 2025, and he has now been detained for over 110 days.

¹ Petitioner requests that the Court use his initials, rather than his full name, in any opinion in his case, as suggested by the Committee on Court Administration and Case Management of the Judicial Conference of the United States. *See* Memorandum Re: Privacy Concern Regarding Social Security & Immigration Opinions, May 1, 2018, *available at*: https://www.uscourts.gov/sites/default/files/18-cv-1-suggestion_cacm_0.pdf; *see also* *Jorge M.F. v. Jennings*, 534 F.Supp.3d 1050, n.1 (N.D. Cal. Apr. 14, 2021).

1 3. Despite having developed a drug addiction during his early years in the
2 United States, Mr. Khamseh has demonstrated significant rehabilitation, reflected in
3 the fact that he has not committed a crime since his last conviction in 2010, and has
4 become a model citizen. Since his 2010 conviction, Mr. Khamseh has turned his life
5 around, and his ongoing prolonged detention violates both the substantive and
6 procedural due process guarantees of the Fifth Amendment. In addition, the medical
7 care to eliminate the infection Mr. Khamseh is experiencing can only be done
8 outside of detention.
9

10
11 4. Using INA 241(a)'s 90-Day detention period (which is discretionary,
12 not mandatory), Mr. Khamseh's prolonged detention beyond that period violates the
13 Fifth Amendment's guarantee of substantive due process. The Constitution prohibits
14 civil confinement that amounts to punishment, which is what Mr. Khamseh's
15 prolonged detention under conditions indistinguishable from criminal incarceration
16 has become. Even under Section 1226(c), prolonged immigration detention
17 eventually violates Due Process, particularly "when it becomes unreasonably
18 prolonged in relation to its purpose," rendering it punitive. *Reid v. Donelan*, 17 F.4th
19 1, 8 (1st Cir. 2021). The only permissible purpose for immigration detention is to
20 prevent danger to the community or risk of flight. *See Zadvydas v. Davis*, 533 U.S.
21 678, 690 (2001). This Court must evaluate whether Mr. Khamseh's prolonged
22 detention is excessive or unnecessary in relation to its purpose and therefore
23 unconstitutionally punitive.
24

25 5. Now exceeding 110 days, Mr. Khamseh's detention has become
26 unreasonably prolonged by any measure. Mr. Khamseh's critical medical needs,
27 deep community ties, and commitment to being law abiding demonstrates that he
28

1 poses no flight risk, and his network of family and community support combined
2 with his profound efforts and success at rehabilitation demonstrate he poses no
3 danger or risk to the community. As such, his ongoing detention is unjustified and
4 unconstitutionally punitive. Further, even if this Court found that Mr. Khamseh
5 posed some degree of risk, continued physical custody is excessive in relation to any
6 risk he poses because appropriate conditions of release will successfully mitigate any
7 such risk. Additionally, his current detention increasingly poses a risk to his own
8 health. Accordingly, this Court should issue a writ of habeas corpus and order his
9 release.

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13 6. In the alternative, Mr. Khamseh's prolonged detention without any
14 individualized determination of whether he poses a flight risk or danger or danger to
15 the community violates procedural due process. Mr. Khamseh is entitled to a
16 review/bail hearing at which the government must prove by clear and convincing
17 evidence that he poses such a risk.
18
19

20 JURISDICTION

21
22 7. Mr. Khamseh is detained in the custody of Respondents at Adelanto
23 ICE Processing Center.
24

25 8. Jurisdiction is proper over a writ of habeas corpus pursuant to Art. 1 §
26 9, cl. 2 of the United States Constitution (the Suspension Clause); 28 U.S.C. § 2241
27 (habeas corpus); and 28 U.S.C. § 1331 (federal question). This action arises under
28

1 the Due Process Clause of the Fifth Amendment of the U.S. Constitution, and the
2 Immigration & Nationality Act (“INA”). This Court may grant relief under the
3 habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28
4 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

5
6
7 9. Congress has preserved judicial review of challenges to prolonged
8 immigration detention. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018)
9 (holding that 8 U.S.C. §§ 1226(e), 1252(b)(9) do not bar review of legal challenges
10 to prolonged immigration detention); *see also id.* at 876 (Breyer, J., dissenting) (“8
11 U.S.C. § 1252(b)(9) . . . by its terms applies only with respect to review of an order
12 of removal”) (internal quotation marks and brackets omitted).
13
14

15 VENUE

16 10. Venue is proper in this District under 28 U.S.C. § 1391 because at least
17 one Respondent resides in this District and because Mr. Khamseh is presently
18 detained under the authority of the Director of the Adelanto ICE Processing Center
19 (the “Los Angeles Office”). The Adelanto ICE Processing Center where
20 Respondents currently have custody of Mr. Khamseh is operated by a private
21 company.
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25 PARTIES

26 11. Mr. Khamseh is currently detained by Respondents. He has been
27 detained since June 24, 2025, without any individualized inquiry into ICE’s
28 justification for his detention and has not been given a bond hearing.

1 12. Respondent C. Langill is the Field Office Director for the Los Angeles
2 Field Office of ICE Enforcement and Removal Operations (“ERO”). As such,
3 Respondent Langill is the federal official most directly responsible for overseeing
4 Adelanto ICE Processing Center. He is the local ICE official who has legal custody
5 and immediate custody of Mr. Khamseh. He is named in his official capacity.
6

7
8 13. Respondent Kristi Noem is the Secretary of the Department of
9 Homeland Security (“DHS”) and is responsible for overseeing the Department and
10 its sub-agency, ICE, and has ultimate responsibility for the detention of noncitizens
11 in civil immigration custody. Secretary Noem is a legal custodian of Mr. Khamseh.
12 She is named in her official capacity.
13

14 14. Respondent Todd M. Lyons is the Acting Director for ICE. Respondent
15 Lyons is responsible for ICE’s policies, practices, and procedures, including those
16 relating to the detention of immigrants. He is named in his official capacity.
17

18 15. Respondent Pamela Bondi is the Attorney General of the United States
19 and the head of the Department of Justice (“DOJ”), which encompasses the BIA and
20 immigration judges as part of its sub-agency, the Executive Office for Immigration
21 Review (“EOIR”). She is empowered to oversee the adjudication of removal and
22 bond hearings and by regulation has delegated that power to the nation’s
23 immigration judges and the BIA.
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25

26 16. Respondent F. Semaia is the Warden of the Adelanto Detention Facility.
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28

EXHAUSTION

17. Mr. Khamseh is not required to exhaust administrative remedies. Exhaustion for habeas claims is prudential, not jurisdictional. *See Laing v. Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). The prudential exhaustion requirement may be waived if “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, [or] irreparable injury will result.” *Id.* at 1000.

18. Administrative remedies would be futile, inadequate, and not efficacious for Mr. Khamseh. Even if Mr. Khamseh had some administrative avenue to pursue, exhausting his constitutional claims would be futile because the immigration courts and Board of Immigration Appeals (“BIA”) do not have the authority to rule on constitutional questions. *See Wang v. Reno*, 81 F.3d 808, 815–16 (9th Cir. 1996) (per curiam) (“the inability of the INS to adjudicate the constitutional claim completely undermines most, if not all, of the purposes underlying exhaustion”). Requiring exhaustion at the immigration court and BIA would also cause Mr. Khamseh irreparable harm in the form of additional detention, his life-threatening medical condition and continued separation from his family. *See Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018) (habeas petitioner “suffers potentially irreparable harm every day that he remains in custody without a hearing, which could ultimately result in his release from detention”).

REQUIREMENTS OF 28 U.S.C. § 2243

19. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the Respondents “forthwith,” unless Mr. Khamseh is not entitled to relief. 28 U.S.C. § 2243. If the Court issues an OSC, it 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).

20. 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).

21. Habeas corpus must remain a swift remedy. Accordingly, “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). In *Yong*, the court warned against any action creating the perception “that courts are more concerned with efficient trial management than with the vindication of constitutional rights.” *Id.*

STATEMENT OF FACTS

ARGUMENT

It is clear that Mr. Khamseh's prolonged detention (beyond 110 days) violates his substantive and due process rights under the Fifth Amendment.

First, Mr. Khamseh's continued detention violates his substantive due process rights because his detention is excessive in relation to the government interests of preventing flight or danger to the community. Mr. Khamseh's long-term residence in the United States, ties to and support from his family and community here, and commitment to pursuing his case in immigration court demonstrate that he is not a flight risk. Further, his significant rehabilitation undertaken in the fifteen years since his conviction demonstrates that Mr. Khamseh is not a danger to the community. Finally, alternatives to detention would adequately mitigate any risk level that Mr. Khamseh may present. As such, he is constitutionally entitled to release.

Second, Mr. Khamseh's 3-month long immigration detention in prison-like conditions violates procedural due process rights, and he is therefore entitled to a bond hearing.

I. Civil Immigration Detention is Limited by Both Substantive and Procedural Due Process

"In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). The Immigration and Nationality Act ("INA") authorizes the civil

1 immigration detention of individuals pending removal proceedings. 8 U.S.C. §
2 1226(a). The “general” detention provision, authorizes ICE to detain a noncitizen
3
4 “pending a decision on whether [he] is to be removed from the United States,” while
5 allowing the government to release the detainee on bond of at least \$1,500 or on
6 conditional parole. 8 U.S.C. § 1226(a). Individuals detained under section 1226(a)
7 are entitled to a bond hearing before an Immigration Judge (“IJ”) at which they can
8 seek release. *See* 8 C.F.R. § 1003.19; 8 C.F.R. § 1236.1.

10 Additionally, section 241(a) of the INA “governs the detention of aliens after
11 the completion of removal proceedings.” 8 U.S.C. § 1231(a). This covers two
12 categories of those detained:
13

- 14 1. Those with a final order of removal; and
- 15 2. Those who may (but are not required to) be detained beyond the 90-day
16 removal period.
17

18 Oftentimes, the Supreme Court has acknowledged that there are implicit temporal
19 limitations to the detention beyond the 90 days.
20

21 After final order removal is issued, DHS is to remove them within a 90-day
22 period. This is the delineated removal period. The removal period starts on the latest
23 of three options:
24

- 25 1. The date the order of removal becomes administratively final.
- 26 2. If the alien petitions for review of the order of removal, and a court orders a
27 stay of removal, the date of the court’s final order in the case.
28

1 3. If the alien is detained or confined for nonimmigration purposes, the date
2 the alien is released from that detention or confinement.

3
4 There are, including 241(a)(3) which states that if the detainee does not leave or is
5 not removed within the removal period, they will be released and “subject to
6 supervision” pending their removal. There are terms to said supervision such as
7 reporting to an immigration officers, efforts to obtain a travel document, report to
8 examination, among others. If the detainee is to be detained beyond the removal
9 period, it is because they fall within one of the three categories under section
10 241(a)(6):
11

- 12
13 1. an alien ordered removed who is inadmissible under INA 212(a)
14 2. an alien ordered removed who is deportable under INA Sections
15 237(a)(1)(C), 237(a)(2), or 237(a)(4); or
16
17 3. an alien whom DHS has determined “to be a risk to the community or
18 unlikely to comply with the order of removal.
19

20 DHS provides that before the removal period ends, ICE is to conduct a “custody
21 hearing” for those who fall within one of the above categories and for those whose
22 removal cannot be accomplished or is not to the benefit of the public interest. ICE
23 can release them after the removal period ends if it is concluded that travel
24 documents are not available, the person is not violent and won’t endanger the
25 community nor will they violate conditions of release or pose a flight risk. ICE also
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1 has the ability to maintain the alien detained. However, there are some constitutional
2 limitations to 241(a).

3
4 Substantive and Procedural Due Process governs INA Sections 241(a), 236(a)
5 and 236(c). Under INA 241(a), the Government may, but is not required to, detain an
6 alien for 90 days pending efforts to secure their removal. And even under Section
7 1226(c), which categorically requires the detention of noncitizens who have
8 previously been convicted of certain crimes, except in limited witness- protection
9 circumstances. 8 U.S.C. § 1226(c). the “Due Process Clause applies to all “persons”
10 within the United States, including [noncitizens], whether their presence here is
11 lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693
12 (2001). “Freedom from imprisonment—from government custody, detention, or
13 other forms of physical restraint—lies at the heart of the liberty” that the Due
14 Process Clause protects. *Id.* at 690.

15
16 Due process has a substantive and a procedural component. Substantive due
17 process “forbids the government to infringe certain ‘fundamental’ liberty interests *at*
18 *all*, no matter what process is provided, unless the infringement is narrowly tailored
19 to serve a compelling state interest.” *Reno v. Flores*, 507 U.S. 292, 302 (1993)
20 (emphasis in original). Substantive due process prohibits civil detention that is
21 punitive in purpose or in effect, including detention that is unreasonably prolonged.
22 *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (nature and duration of
23 confinement must “bear some reasonable relation” to its purpose); *United States v.*

1 *Salerno*, 481 U.S. 739, 747, n.4 (1987) (detention may become “excessively
2 prolonged, and therefore punitive”). Procedural due process, on the other hand, kicks
3 in when a particular deprivation of liberty *may be* permissible and guarantees that
4 there are “adequate procedural protections” to ensure that the government can justify
5 the deprivation.
6

7
8 When considering due process challenges, courts should first consider whether
9 the government’s deprivation of liberty violates substantive due process. Only if the
10 deprivation passes muster in that inquiry does the court turn to the procedural due
11 process claim. *See Zinermon v. Burch*, 494 U.S. 113, 126 (1990) (substantive due
12 process challenges the deprivation itself, whereas procedural due process challenges
13 only the process that accompanied it). “[O]nly when a restriction on liberty survives
14 substantive due process scrutiny does the further question of whether the restriction
15 is implemented in a procedurally fair manner become ripe for consideration.” *Huynh*
16 *v. Reno*, 56 F. Supp. 2d 1160, 1162 (W.D. Wash. 1999) (citing *United States v.*
17 *Salerno*, 481 U.S. 739, 746 (1987)).
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21 **A. Constitutional Limitations Under 241(a)**

22 Under INA Section 241(a), a detainee has 90 days to be removed after a final
23 order regarding removal is given. The removal period begins on the latest of three
24 events. Moreover, under 241(a)(1), it is stated that the removal period may be
25 extended if there is refusal or failure from the alien to make a timely application in
26 good faith for travel or other necessary documents for departure, or conspires or acts
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1 to prevent the removal. None of these are true in the case of Mr. Khamseh. Under
2 INA section 241(a)(3), if the removal does not occur during the time period, the alien
3 is to be released subject to supervision under terms that are set forth in the
4 paragraphs above. Given that it is well over the 90-day removal period for Mr.
5 Khamseh, it is clear he needs to be released.
6

7
8 There is an exception to this section. Typically, an alien must be released
9 under supervision if they are not removed within the 90-day period. But under
10 section 241(a)(6), the detention can go beyond the removal period, if one of the three
11 categories listed above is applicable. If the detainee is under one of the three
12 categories, a custody review hearing is held in order to determine whether the alien is
13 to be released or maintained in custody. In Mr. Khamseh's case, his first custody
14 review hearing was to be held on September 22, 2025. This hearing was going to be
15 held at exactly the 90-day mark of the removal period, but it did not happen. Since
16 Mr. Khamseh's detention on June 24, 2025, it has been over 100 days that he has
17 been detained without review or explanation. There is no basis for this prolonged
18 detention and Mr. Khamseh's due process rights have been violated. The Supreme
19 Court in *Zadvydas* made it clear that a "statute permitting indefinite detention"
20 would bring about serious constitutional issues because of due process.
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25 **B. Immigration Detention Violates Substantive Due Process if it**
26 **is Punitive, Meaning Excessive or Unnecessary in Relation to**
27 **its Purpose**
28

1 Substantive due process prohibits civil detention that is punitive. Civil
2 detention that has a non-punitive purpose may nevertheless be unconstitutionally
3 punitive if it is “excessive relation to [its non-punitive] purpose,” or is “employed to
4 achieve objectives that could be accomplished in so many alternative and less harsh
5 methods.”” *Jones v. Blanas*, 393 F.3d 918, 934 (9th Cir. 2004) (internal citations
6 omitted).

9 Civil immigration detention is constitutionally permissible only to the extent
10 that it is reasonably related to the purpose of preventing danger to the community
11 or flight risk. *Demore*, 538 U.S. 510, 515 (2003); *see also Zadvydas*, 533 U.S. at
13 690. In *Demore*, the Supreme Court rejected a facial due process challenge to
14 categorical no-bond detention under section 1226(c) and upheld “brief” detention
15 under section 1226(c) on misinformed understanding that it lasts “an average... of
16 47 days” in the “vast majority” of cases and otherwise rarely exceeds five months.
17 *Demore*, 538 U.S. at 530.² Yet *Demore* did not disturb the longstanding principle
18 that civil detention cannot be punitive and did not consider the constitutionality of
19 section 1226(c) for detention that had become prolonged.

24 ² After the Court in *Demore* issued its decision based on the government’s estimate of detention length, the
25 government admitted that it had submitted false estimates of detention duration that were much shorter than
26 in reality; in fact, people who appealed immigration court decisions spent over a year in custody, on
27 average. *See* Letter from Ian H. Gershengorn, Acting Solic. Gen., to Hon. Scott S. Harris, Clerk, Supreme
28 Court (Aug. 26, 2016). The estimate is now much longer: “as of 2015, the median length of time it takes the
BIA to complete an appeal . . . exceeds 450 days.” *See Rodriguez v. Nielsen (Rodriguez)*, Case No. 18-cv-
04187-TSH, 2019 WL 7491555, at *5 (N.D. Cal. Jan. 7, 2019).

1 Even civil detention that begins as constitutionally acceptable may become
2 unconstitutionally punitive when it exceeds a particular duration. “[F]or detention
3 to remain reasonable,” greater justification is needed “as the period of confinement
4 grows.” *Zadvydas*, 533 U.S. at 690, 691; *id.* (“A statute permitting indefinite
5 detention of a[] [noncitizen] would raise a serious constitutional problem”); *see*
6 *also, e.g., Salerno*, 481 U.S. 739, 747, n.4 (1987) (recognizing there may be “a
7 point at which detention in a particular case might become excessively prolonged,
8 and therefore punitive, in relation to Congress’ regulatory goal”); *Jackson*, 406
9 U.S. at 733 (expressing “substantial doubt” that statutes authorizing pretrial
10 detention of incompetent criminal defendants “could survive constitutional
11 scrutiny if interpreted to authorize indefinite commitment”); *McNeil v. Dir.*,
12 *Patuxent Inst.*, 407 U.S. 245, 249–50 (1972) (upholding “short-term confinement
13 with a limited purpose;” however, “by the same token, the duration of the
14 confinement must be strictly limited” to adhere with due process).

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20 Indeed, the Ninth Circuit has stated in the pretrial detention context that even
21 if detention continues to serve its purpose, “at some point, regardless of the risks,
22 due process will require that [a person subject to prolonged civil confinement] be
23 released.” *United States v. Torres*, 995 F.3d 695, 709-710 (9th Cir. 2021) (noting
24 that “all parties”—including the federal government—conceded this point); *see*
25 *also United States v. Briggs*, 697 F.3d 98, 103 (2d Cir. 2012) (“for every set of
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1 circumstances, due process does impose some limit [on civil confinement].”).³
2 Accordingly, when a person subjected to prolonged civil immigration detention
3 poses no risk of flight or danger to the community, or when restrictions short of
4 physical custody are sufficient to mitigate any risk a detained person poses, the
5 Constitution requires release from physical custody.
6

7
8 **C. Even When It Is Not Punitive, Prolonged Immigration**
9 **Detention Without an Individualized Hearing Violates**
10 **Procedural Due Process.**

11 Even if not punitive, prolonged immigration detention violates procedural
12 due process absent an individualized inquiry of whether the government’s asserted
13 justification for confinement “outweighs the ‘individual’s constitutionally
14 protected interest in avoiding physical restraint.’” *Zadvydas*, 533 U.S. at 693
15 (citations omitted); see *Sajous v. Decker*, 2018 WL 2357266, No. 18-cv-2447, *8
16 (S.D.N.Y. May 23, 2018) (“The Court’s first conclusion is essentially conceded by
17 the Government: that prolonged detention under § 1226(c) without providing an
18 alien with a bond hearing will—at some point—violate the right to due process.”.
19
20

21 Immigration detention that exceeds six months is prolonged, and therefore
22 presumptively unconstitutional without an individualized hearing. See *Zadvydas*, 533
23 U.S. at 701; *Diouf v. Napolitano*, 634 F.3d 1081, 1091-92 (9th Cir. 2011) (holding
24

25
26 ³ Pretrial confinement, like immigration detention, is subject to the constraints of the Due
27 Process Clause. See *Bell v. Wolfish*, 441 U.S. 520, 536 (1979); *Doe v. Kelly*, 878 F.3d 710, 714 (9th
28 Cir. 2017) (upholding district court decision applying *Bell* and its progeny to civil immigration
detention).

1 that immigration “detention becomes prolonged” after six months) (hereafter *Diouf*),
2 *abrogated on other grounds as stated in Rodriguez Diaz v. Garland*, 53 F.4th 1189
3 (9th Cir. 2022).⁴ The recognition that six months is a substantial period of
4 confinement, after which additional process is required to justify continued
5 incarceration, is deeply rooted in our legal tradition. With few exceptions, “in the
6 late 18th century in America crimes triable without a jury were for the most part
7 punishable by no more than a six-month prison term.” *Duncan v. Louisiana*, 391
8 U.S. 145, 161, 88 S. Ct. 1444, 1454 (1968). Consistent with this tradition, the
9 Supreme Court has recognized that six months is a meaningful benchmark in various
10 contexts where a person’s liberty is deprived or at stake. *See, e.g., United States v.*
11 *Nachtigal*, 507 U.S. 1, 5 (1993) (characterizing as “severe” the “loss of liberty
12 caused by imprisonment for more than six months”); *Blanton v. North Las Vegas,*
13 *Nev.*, 489 U.S. 538, 542 (1989) (because “the loss of liberty” is so severe, it is “an
14 ‘intrinsically different’ form of punishment” necessitating additional procedural
15 safeguards after six months); *Taylor v. Hayes*, 418 U.S. 488, 495–96 (1974)
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23 ⁴ The Supreme Court’s decision in *Jennings v. Rodriguez* did not alter this constitutional analysis. While
24 *Jennings* rejected the application of the constitutional avoidance canon to Sections 1226(c) and 1225(b), the
25 Court found that “the Court of Appeals . . . had no occasion to consider [the] constitutional arguments on
26 their merits,” and remanded the case for further development. 138 S. Ct. at 851. The Ninth Circuit in turn
27 remanded *Jennings* to the district court, registering its “grave doubts that any statute that allows for arbitrary
28 prolonged detention without any process is constitutional” *Rodriguez v. Marin*, 909 F.3d 252, 256 (9th
Cir. 2018); see also *German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203, 210 (3d Cir. 2020)
 (“[E]ven though the [Jennings] Court foreclosed reading the statutory text [of the detention statutes] as
 guaranteeing periodic bond hearings, it reserved the [noncitizens’] constitutional claims for remand. . . . We
 are thus bound by [our precedents] that § 1226(c) is unconstitutional when applied to a detain a[]
 [noncitizen] unreasonably long without a bond hearing.”).

1 (holding that states may not impose sentences exceeding six months without a jury
2 trial).

3
4 The Supreme Court then extended this six-month line to the civil context in a
5 case setting out procedural requirements for civil commitments related to mental
6 health. *McNeil*, 407 U.S. at 249, 250-52. In *McNeil*, the Court held that due process
7 requires procedural safeguards for civil confinements that are not “strictly limited” in
8 length, noting that the six-month limit for civil commitments without an
9 individualized inquiry originally laid out by the relevant statute “provides a useful
10 benchmark.” *Id.*

11
12
13 The Ninth Circuit applied the six-month line to immigration detention, holding
14 that when “detention crosses the six-month threshold and release or removal is not
15 imminent.” “a hearing before a neutral decision makes” is a “reasonable” procedural
16 safeguard. *Diouf*, 634 F.3d at 1092. Although *Diouf* specifically addressed the
17 legality of prolonged detention under 8 U.S.C. § 1231(a)(6), its reasoning applies
18 equally, if not with more force, to immigration detention under 1226(c). *Id.* at 1087
19 (recognizing that although “[t]he government may be correct that at the margin, §
20 1231(a)(6) detainees have a lesser liberty interest in freedom from detention” than
21 detainees under Section 1226(a), “[r]egardless of the stage of the proceedings, the
22 same important interest is at stake—freedom from prolonged detention.”). Relying
23 on this clear line of precedent, a court in this district applied the six-month line to
24 immigration detention under section 1226(c), holding that, after six months of
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1 detention under this statute, the Constitution requires an individualized inquiry into
2 whether his custody is justified. *See Rodriguez v. Nielsen (Rodriguez)*, Case No. 18-
3 cv-04187-TSH, [2019 WL 7491555](#), at *6 (N.D. Cal. Jan. 7, 2019) (“[D]etention
4 becomes prolonged after six months and entitles [a detainee] to a bond hearing.”).

5
6 Courts that have declined to apply a bright-line rule consider procedural due
7 process challenges to section 1226(c) detention under the Supreme Court’s
8 longstanding *Mathews v. Eldridge* test. *See Mathews v. Eldridge*, [424 U.S. 319, 335](#)
9 (1976). That test balances (1) the private interest threatened by governmental action;
10 (2) the risk of erroneous deprivation of such interest and the probable value of
11 additional procedural safeguards; and (3) the government interest. *Id.*⁵ Numerous
12 courts applying the *Mathews* test have found that prolonged detention under section
13 1226(c) without an individualized hearing violates procedural due process. *See e.g.*,
14 *Jimenez*, [2020 WL 510347](#), *2-3 (N.D. Cal. Jan. 30, 2020) (applying the *Mathews*
15 test where the noncitizen had been detained under section 1226(c) for over a year
16 without a bond hearing); *Perera*, [2022 WL 1128719](#), at *4-7 (N.D. Cal. Apr. 15,

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22 ⁵ Some courts have applied a judicially-crafted multi-factor reasonableness test to evaluate as-applied
23 procedural due process challenges to prolonged detention under § 1226(c). The test examines “a
24 nonexhaustive list of four factors...in assessing whether a[] [noncitizen’s] detention has grown
25 unreasonable,” where “[t]he most important factor is the duration of detention.” *German Santos v. Warden*
26 *Pike Correctional Facility*, [965 F.3d 203, 211](#) (3d Cir. 2020). The other factors include (1) whether
27 detention is likely to continue; (2) reasons for the delay, including whether delay was “unnecessary” due to
28 either party’s “careless or bad-faith” errors; and (3) whether conditions of confinement are meaningfully
different from criminal punishment. *Id.* at 211. Using this test, Courts in this district have found that
immigration detention has become prolonged and ordered individualized process. *See Marroquin Ambriz*,
[420 F. Supp. 3d at 963](#); *Gonzalez*, [2019 WL 330906](#), at *5; *Romero*, [2021 WL 254435](#), * at 4. However, the
Supreme Court has clearly set *Mathews* as the constitutional test for “evaluating the procedures in any case.”
Landon v. Plasencia, [459 U.S. 21, 34](#) (1982) (emphasis added) (remanding procedural due process
challenge to administrative immigration procedures to court of appeals with instruction to apply *Mathews*).

2022) (applying the *Mathews* test where the noncitizen was at risk of being re-
detained under section 1226(c)).⁶

**II. Mr. Khamseh’s Continued Detention is Excessive in Relation to the
Government’s Interests in Preventing Flight from Removal Proceedings
and Danger to the Community.**

For people in civil custody, “due process requires that the nature and duration
of commitment bear some reasonable retaliation to the purpose for which the
individual is committed”; otherwise, their commitment amounts to punishment. *Jones*
v. Blanas, 393 F.3d 918, 931 (9th Cir. 2004) (quoting *Jackson v. Indiana*, 406 U.S.
715, 738 (1972)). Even when the Constitution permits confinement that is brief in
duration, the Supreme Court has recognized that such confinement becomes punitive
when it is “excessively prolonged.” *United States v. Salerno*, 481 U.S. 739, n.1
(1987). Applying these principles, the Ninth Circuit has held that civil restrictions on
liberty violate due process (1) “where [they] are expressly intended to punish,” or (2)
“where the challenged restrictions serve as alternative, non-punitive purpose but are
nonetheless ‘excessive in relation to the alternative purpose,’ [] or ‘are employed to
achieve objectives that could be accomplished in so many alternative and less harsh
methods.’” *Jones*, 393 F.3d 918, 932 (9th Cir. 2004) (internal citations omitted).

These principles apply to immigration detention; indeed, “the government has

⁶ These cases did not raise the substantive due process claims brought here.

1 conceded ‘that mandatory detention under [section] 1226(c) without a bond hearing
2 violates the Due Process Clause when it becomes unreasonably prolonged in relation
3 to its purpose.’” *Reid v. Donelan*, 14 F.4th 1, 8 (1st Cir. 2021).

5 Mr. Khamseh is the perfect candidate for relief. He has worked hard to
6 establish a life in the United States, where he has resided here for more than forty
7 years. All of Mr. Khamseh’s family reside in the U.S. as well, and they are an
8 important part of his life. Ms. Leticia Speer, his fiancé and love of his life, has been
9 by his side for twenty-five years. She will be there to love and support him upon his
10 release. In addition to his focus on family, Mr. Khamseh has become a well-
11 respected member of his community, not only as a family man, but as a business
12 owner. Through his hard work, his business, Auto Discount, is successful, creates
13 jobs, and helps his community.

17 Mr. Khamseh is a success story. He overcame substance abuse and worked
18 tirelessly to take care of his family and community. And for those reasons, he does
19 not pose a current risk flight or danger to the community that can justify ongoing
20 prolonged civil incarceration under conditions that are indistinguishable from
21 criminal confinement.

24 **A. Mr. Khamseh Does Not Pose a Risk of Flight.**

26 There is absolutely no risk that Mr. Khamseh would flee if released. The
27 United States is the only home he knows. He has been here for over forty years, his
28

1 fiancé and entire family live here, and he runs a successful American business. In
2 short, Mr. Khamseh's United States roots are deep.

3
4 Additionally, Mr. Khamseh, prior to his detention, had undergone a necessary
5 dental prosthetic procedure. While in custody, however, the procedure failed,
6 causing a severe infection in his mouth. Without the proper care from his doctor, Mr.
7 Khamseh is at further risk of infection, bone loss, and other severe side effects. He
8 needs immediate medical attention from his doctor, reducing any flight risk even
9 further.
10

11
12 **B. Mr. Khamseh Does Not Pose a Danger to the Community.**

13
14 Mr. Khamseh poses no danger to his loved community where he is so well
15 respected. Do to his substance abuse problem over 15 years ago, he let himself and
16 his family down. However, since then, he has been sober and has done everything in
17 his power to turn his life around and make his family proud of the man he is today.

18
19 Mr. Khamseh's transformation has not been easy. But along with his over 15
20 years of sobriety (attending AA regularly) and hard work, his family and his fiancé
21 have been there to support him every step of the way. Taking responsibility for his
22 past mistakes, and expressing regret and remorse has only further fueled his desire
23 work on being better person every day.
24

25
26 While Mr. Khamseh's transformation could've easily been a purely selfish
27 endeavor, it was not. Along the way he has loved and supported his family and
28 community. He has even become an integral part of his fiancé's life by becoming a

1 father and grandfather to her children and grandchildren. They view him as a man of
2 integrity that is full of kindness and generosity. Additionally, he doesn't hesitate to
3 help those around him in his community. He has become the man he's always
4 wanted to be, one that puts others before him.
5

6 Mr. Khamseh and his family desperately wish to reunite pending the current
7 proceedings. The man he was in the past, is not reflective of who he has become.
8 And it is obvious to all that he has developed the motivation, support, and
9 perspective necessary to show that he is not a danger to the community.
10
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12 **C. In the Alternative, Prolonged Physical Custody is Excessive in Relation**
13 **to Any Governmental Interest.**
14

15 In the alternative, even if Mr. Khamseh is found to present some level of flight
16 risk or danger to the community, there are less harsh methods available that would
17 adequately address that risk. The extraordinary success of ICE's Intensive
18 Supervision Appearance Program ("ISAP") further demonstrates that release on
19 conditions can effectively mitigate any possible risk. ISAP has received almost
20 perfect compliance rates. *See Hernandez*, 872 F.3d at 991 (ISAP "resulted in a 99%
21 attendance rate at all EOIR hearings and a 95% attendance rate at final hearings").⁷
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26 ⁷ The assistant director of ICE's office of public affairs stated that ISAP "is an effective method of tracking
27 non-citizens released from DHS custody who are awaiting their immigration proceedings." *See* The
28 Guardian, "Constantly afraid: immigrants on life under the US government's eye," (Mar. 2022) available at
<https://www.theguardian.com/usnews/2022/mar/08/us-immigrants-isap-ice-bi-ankle-monitor>.

1 These alternatives to detention are readily accessible to those in immigration
2 proceedings, and Mr. Khamseh's release from detention and enrollment in ISAP
3 would be less costly for the government than continued incarceration. According to a
4 recent Congressional report, the cost of detention in fiscal year 2018 was \$137 per
5 day, compared to \$4.16 per day for the Intensive Supervision Appearance Program.
6 Congressional Research Service, "Immigration: Alternative to Detention (ATD)
7 Programs," at 15 (July 8, 2019), available at:
8 <https://fas.org/sgp/crs/homesec/R45804.pdf>. Using the 2018 data, the government
9 has spent around \$13,000 to house, feed and provide 24-hour staffing to detain Mr.
10 Khamseh over 3 months. And that amount is sure to be much higher today. Mr.
11 Khamseh's requested release from custody would significantly reduce the
12 government's added burden on taxpayers for the duration of his case, which could
13 continue for years to come.

14 Mr. Khamseh's incarceration is also excessive in relation to the government's
15 interest because it is indistinguishable from the conditions of criminal custody.⁸ And
16 Mr. Khamseh has already completed the term of punishment that was appropriate for
17 his previous criminal conviction many years ago.

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27 ⁸ See generally <https://www.latimes.com/california/story/2025-06-20/unsanitary-overcrowded-and-inhumane-red-flags-raised-about-conditions-in-adelanto-detention-center>; *King v. Cty. Of Los Angeles*, 885
28 F.3d 548, 556-57 (9th Cir. 2018) (holding that due process requires the conditions in civil detention may not be the same or worse as criminal custody).

1 Although Mr. Khamseh's detention has not exceeded the twenty-one months
2 of pre-trial detention like that of *Salerno*, courts have supported that short term
3 detentions are also an issue. *U.S. v. Salerno*, 481 U.S. 739 (1987). Multiple court
4 have held that shorter periods of confinement violate the Constitution. *See, e.g., U.S.*
5 *v. Theron*, 782 F.2d 1510, 1516 (10th Cir. 1986)(holding four months pretrial
6 detention "too long" and ordering release within 30 days if trial did not commence).
7
8 Mr. Khamseh has been detained for over four months, and his medical condition has
9 become dire.
10

11
12 In *Torres*, the Ninth Circuit held that "at some point, regardless of the risks...
13 due process will require that [a person subject to prolonged civil confinement] be
14 released. *Torres* at 709-710 (noting that "all parties"—including the federal
15 government—conceded this point); *see also U.S. v. Briggs*, 697 F.3d 98, 103 (2d Cir.
16 2012) ("for every set of circumstances, due process does impose some limit [on civil
17 confinement]."). In other words, the liberty interest of a person subjected to
18 prolonged civil confinement eventually becomes dispositive, such that *no* degree of
19 government interest, however legitimate, can outweigh it. Here, Mr. Khamseh's
20 detention has reached that point (especially taking into consideration his deteriorating
21 health condition), and conditions of release will successfully protect any conceivable
22 government interest, making continued detention unconstitutionally punitive.
23
24 Accordingly, the Constitution requires Mr. Khamseh's release.
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D. Release is the Appropriate Remedy for the Ongoing Substantive Due Process Violation of Mr. Khamseh's Detention.

If the Court finds based on the parties' submissions that Mr. Khamseh's continued detention is punitive and a substantive due process violation, the only proper remedy is to order release. The remedy is well within the Court's habeas power. The federal habeas statute directs district courts to "hear and determine the facts" of a habeas petition and to "dispose of the matter as law and justice require." 28 U.S.C. § 2243; *see also* *Hilton v. Braunskill*, 481 U.S. 775 (1987) (explaining that as far back as the nineteenth century, "the Court interpreted the predecessor of § 2243 as vesting a federal court 'with the largest power to control and direct the form of judgment to be entered in cases brought up before it on habeas corpus'" (quoting *In re Bonner*, 151 U.S. 242, 261 (1894))). Courts have ordered release upon determining that detention violates substantive due process in other immigration habeas cases. *See, e.g.,* *Lawson v. Gerlinski*, 332 F. Supp. 2d 735, 744-45 (M.D. Pa. 2004) (concluding that petitioner's prolonged immigration detention violated substantive due process and ordering release); *Oyedeji v. Ashcroft*, 332 F. Supp. 2d 747, 752 (M.D. Pa. 2004) (same); *Nunez-Pimentel v. ICE*, No. 1:07-CV-1915, 2008 WL 2593806, at *5 (M.D. Pa. June 27, 2008) (same); *see also* *Ekeh v. Gonzales*, 197 F. App'x 637, 638 (9th Cir. 2006) (ordering supervised release pursuant to *Zadvydas*); *Bah v. Cangemi*, 489 F. Supp. 2d 905, 919 (D. Minn. 2007) (same); *Nguyen v. Fasano*, 84 F. Supp. 2d 1099, 1113 (S.D. Cal. 2000) (issuing

1 order to show cause why petitioner should not be released pursuant to *Zadvydas*).
2 Indeed, district courts in this Circuit ordered release during the pandemic when
3 conditions of confinement were excessive in relation to a detained person's risk of
4 flight or danger to the community. *See, e.g., Bent v. Barr*, [445 F.Supp.3d 408, 414-](#)
5 [415, 421](#) (N.D. Cal. 2020); *Doe v. Barr*, No. 20-cv-02141-LB, [2020 WL 1820667](#),
6 [*8-*10](#) (N.D. Cal. Apr. 12, 2020); *Ortuño v. Jennings*, No. 20-cv-02064-MMC, [2020](#)
7 [WL 1701724, *3-*5](#) (N.D. Cal. Apr. 8, 2020); *Doe v. Barr*, No. 20-cv-02263-RMI,
8 [2020 WL 1984266, *6-*7](#) (N.D. Cal. Apr. 27, 2020).

9 Under such circumstances, district courts may impose conditions of release to
10 manage the governmental interests at stake. *See, e.g., Ortuño*, [2020 WL 1701724, *5](#)
11 (setting conditions of release); *Zepeda Rivas v. Jennings*, No. 20-CV-02731-VC, [465](#)
12 [F.Supp. 3d 1028, 1036](#) (N.D. Cal. 2020) (citing inherent habeas authority to release
13 on bail), [ECF 543](#) (setting multiple conditions of release); [ECF 471](#) (conditioning
14 release on attendance at group sobriety meetings); [ECF 492](#) (conditioning release on
15 placement in transitional housing facility); [ECF 246](#) (conditioning release on several
16 individualized conditions related to alcohol consumption); [ECF 42](#) (conditioning
17 release on admission to residential drug treatment facility). This Court has authority
18 to craft such appropriate conditions, so long as the conditions otherwise satisfy
19 constitutional safeguards. *See Hernandez v. Sessions*, [872 F.3d 976, 990-91](#) (9th Cir.
20 2017) (“[I]nability to post money bail’ violates due process if the individual’s
21 ‘appearance at trial could reasonably be assured by one of the alternate forms of
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1 release.” (quoting *Pugh v. Rainwater*, 572 F.2d 1053, 1058 (5th Cir. 1978) (en
2 banc).

3
4 Here, because Mr. Khamseh’s prolonged detention is excessive and
5 unnecessary in relation to any governmental interest, the Court must order his
6 release.

7
8 **III. Alternatively, Mr. Khamseh’s Prolonged Categorical Detention Without an**
9 **Individualized Determination Violates Procedural Due Process.**

10
11 Because Mr. Khamseh is subject to punitive civil incarceration in violation of
12 substantive due process, this Court need not reach the question of whether his
13 detention also violates procedural due process. However, even for the sake of
14 argument it does, the Court should find that Mr. Khamseh’s lengthy and ongoing
15 detention without an individualized evaluation of the government’s asserted
16 jurisdiction for confinement for various months violates procedural due process. *See*
17 *Zadvydas*, 533 U.S. at 693 (2001) (citations omitted). Mr. Khamseh is entitled to a
18 prompt, individualized evaluation of the justification for his custody—in effect, an
19 evidentiary bail hearing—by this Court, which must “hear and determine the facts”
20 of his habeas petition and “dispose of the matter as law and justice require.” 28
21 U.S.C. § 2243.

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27 **A. Mr. Khamseh is Entitled to a Bail Hearing Because His Detention is**
28 **Unreasonably Prolonged**

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3 Due process requires that this Court afford Mr. Khamseh the procedural
4 safeguard of the Constitution, requiring a prompt inquiry beyond the categorical
5 basis for Mr. Khamseh's detention into whether any individualized justification
6 exists to continue to detain him. *See Diouf*, 634 F.3d at 1092 n.13 (holding that
7 detention is prolonged and thus requires heightened procedural safeguards "when it
8 has lasted six months and is expected to continue more than minimally beyond six
9 months."); *Rodriguez*, 2019 WL 7491555, at *6. Although Mr. Khamseh has not
10 reached the six-month mark and even without applying the bright-line rule, his
11 continued detention here without further individualized review has become
12 unreasonable. At a minimum, due process requires a prompt bond hearing after
13 detention, especially when Mr. Khamseh's detention has become unreasonably
14 prolonged. *See Rodriguez v. Marin*, 909 F.3d at 257.

15
16 Since *Jennings*, numerous courts have evaluated as-applied constitutional
17 challenges to prolonged immigration detention using the *Mathews v. Eldridge*, 424
18 U.S. 319 (1976) balancing test. *See, e.g., Sales P.*, 2022 WL 17082375 at *8;
19 *Henriquez v. Garland*, No. 22-CV-00869EJD, 2022 WL 2132919 at *5 (N.D. Cal.
20 June 14, 2022) (applying *Mathews*); *Ameen*, 2022 WL 1157900, at *6; *Jimenez v.*
21 *Wolf*, No. 19-CV-07996-NC, 2020 WL 510347, at *3 (N.D. Cal. Jan. 30, 2020);
22 *Marroquin Ambriz v. Barr*, No. 19-CV-05791-JST, 2019 WL 5550049, at *8 (N.D.
23 Cal. Oct. 28, 2019) *appeal voluntarily dismissed*; *De Paz Sales v. Barr*, No. 19-CV-

1 04148KAW, 2019 WL 4751894, at *5 (N.D. Cal. Sept. 30, 2019); *Lopez Reyes v.*
2 *Bonnar*, No. 18-CV-07429-SK, 2018 WL 7474861, at *9 (N.D. Cal. Dec. 24, 2018).

3
4 For the first prong of the *Mathews* test, the Court must consider the private
5 interest threatened by the governmental action. *See Mathews*, 424 U.S. at 355. This
6 prong strongly favors Mr. Khamseh: he suffers constitutional injury every day he
7 remains detained without the necessary procedural protection of a bond hearing. He
8 has already endured over 4 months of incarceration separated from his fiancé and
9 family. Aside from this mental and emotional hardship, Mr. Khamseh is also facing
10 a physical challenge. As stated above, Mr. Khamseh is experiencing dental
11
12 prosthetic loss that is causing him significant side effects that pose a deadly threat to
13 his health. “Freedom from imprisonment—from government custody, detention, or
14 other forms of physical restraint—lies at the heart of the liberty [the Due Process
15 Clause] protects.” *Zadvydas*, 533 U.S. at 690. Petitioner “has an overwhelming
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17 interest here—regardless of the length of his immigration detention—because ‘any
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19 length of detention implicates the same’ fundamental rights.” *Perera v. Jennings*,
20 No. 21-cv-04136-BLF, 2021 WL 2400981, at *4 (N.D. Cal. June 11, 2021).

21
22 As noted by other district courts, this “private interest [is] strong, particularly
23
24 when liberty is the norm, and detention prior to trial or without trial is the carefully
25 limited exception.” *De Paz Sales*, 2019 WL 4751894, at *6 (internal quotation marks
26 omitted). *See also Jimenez* 2020 WL 510347, at *3 (“Landeros Jimenez undoubtedly
27
28 has a strong liberty interest to be free from arbitrary or unreasonable

1 imprisonment.”); *Marroquin Ambriz*, [2019 WL 5550049](#), at *8 (listing five other
2 cases since 2018 alone where District Courts have found strong private interests for
3 detained noncitizens). Mr. Khamseh has already endured over three months of
4 incarceration in ICE custody, and it is likely to continue for months, if not over a
5 year.
6

7
8 Mr. Khamseh’s private interest is further strengthened by the conditions of his
9 civil confinement at the Adelanto ICE Processing Center, which are similar if not
10 more restrictive of his liberty than those he experienced in a penal institution.
11
12 *Gonzalez*, [2019 WL 330906](#), at *5 (holding that “courts consider the conditions of
13 the [noncitizen’s detention because noncitizens] held under § 1226(c) are subject to
14 civil detention rather than criminal incarceration.”); *Martinez*, [2109 WL 5968089](#), at
15 *9 (holding that the more that “conditions under which the [noncitizen] is being held
16 resemble penal confinement, the stronger his argument that he is entitled to a bond
17 hearing.”). At Adelanto, inmates reported unlivable and unsanitary housing
18 condition, including lack of clean undergarments, the denial of medications, and
19 restrictions on water and food. *See supra* note 8. In fact, Ismael Ayala-Urbe, a
20 former detainee at Adelanto, just passed away on September 22, 2025. The
21 investigation into Mr. Ayala-Urbe’s death is on-going, but at the time of his
22 detention, a week before his death, he was apparently in good health. Here, Mr.
23 Khamseh has been denied the necessary medical care while in detention.
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1 Finally, Mr. Khamseh's liberty interest is particularly profound because of the
2 depth of his ties to the United States, which must be afforded weight under the
3 *Mathews* test. Since Mr. Khamseh's departure from his home country of Iran, he has
4 not returned. The United States is his home and he had built family relationships, a
5 business, and future plans for his life with his fiancé. These extensive ties to the U.S.
6 only heighten his interest in being free, in the company of his family and
7 community, while his immigration proceedings continue. *See Landon*, 459 U.S. 21,
8 34 (1982) (in applying the first *Mathews* factor, the right "rejoin [one's] immediate
9 family" "ranks high among the interests of" a detained individual with longstanding
10 ties to the U.S.).

11
12 Importantly, "the weight on this side of the *Mathews* scale" is not "offset" by
13 the circumstances of a petitioner's involvement with the criminal justice system, nor
14 the fact that he is in removal proceedings. *Hamdi v. Rumsfeld*, 542 U.S. 507, 530
15 (2004) (plurality op.). This is because "commitment for *any* purpose constitutes a
16 significant deprivation of liberty that requires due process protection, and at this
17 stage in the *Mathews* calculus, we consider the interest of the *erroneously* detained
18 individual." *Id.* (alterations, citations, and internal quotation marks omitted).

19
20 The second prong of the *Mathews* balancing test requires that the Court assess
21 the erroneous risk of deprivation under the procedural protections available and the
22 probable value of additional or substitute procedural safeguards. *See Mathews*, 424
23 U.S. at 335. This prong also weighs heavily in Mr. Khamseh's favor. The risk of

erroneous deprivation of his liberty is high, as he has been detained since May 2025 without an evaluation of whether the government can justify detention under his individualized circumstances. Courts in this District have ordered additional bond hearings as the appropriate remedy in cases of prolonged detention after an initial bond hearing, finding that the additional bond hearing added valuable and necessary procedural protection. “[The] petitioner can present the new evidence in the context of previously submitted evidence, allowing the IJ to consider whether such evidence, ‘taken together, ... can continue to justify Petitioner's detention without bond.’” *De Paz Sales*, WL 4751894, at *7 (citations omitted). Significantly, Mr. Khamseh has never been given a bond hearing, as the date has been continued time after time.

Third, the government’s interest in continuing to detain Mr. Khamseh without providing any neutral review of whether detention is still justified is very weak. *See Matthews*, 424 U.S. at 335. The specific interest at stake here, where the detention statute does not extend any individualized process, is not the Government’s ability to continue to detain Mr. Khamseh, but rather the Government’s ability to continue to detain him for years on end without any further individualized review. *See Marroquin Ambriz*, 420 F. Supp. 3d at 964; *Doe*, 2022 WL 2132919, at *5. The cost of providing an individualized inquiry is minimal. *See Doe*, 2022 WL 2132919, at *5. The government repeatedly conceded this fact. *See Singh v. Barr*, Case No. 18-cv-2471GPC-MSB, 2019 WL 4168901, at *12 (N.D. Cal. Aug. 30, 2019) (“The government has not offered any indication that a second bond hearing would have

1 outside effects on its coffers.”); *see also* *Marroquin Ambriz*, 420 F. Supp. 3d at 964;
2 *Lopez Reyez v. Bonnar*, 362 F. Supp. 3d 762, 777 (N.D. Cal. 2019). In any event, it is
3
4 “always in the public interest to prevent the violation of a party’s constitutional
5 rights.” *See Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting
6 *Sammartano v. First Judicial Dist. Court*, 303 F.3d 959, 974 (9th Cir. 2002)); *cf.*
7 *Doe v. Kelly*, 878 F.3d 710, 718 (9th Cir. 2017) (the government “suffers no harm
8 from an injunction that merely ends unconstitutional practices and/or ensures that
9 constitutional standards are implemented.”).

11
12 **B. This Court Has the Authority to Hold the Evidentiary Hearing to**
13 **Which Mr. Gonzalez is Entitled.**

14 “[T]he federal habeas statute provides for a swift, flexible, and summary
15 determination of [a petitioner’s] claim.” *Preiser v. Rodriguez*, 411 U.S. 475, 495
16 (1973). The statute directs district courts to “hear and determine the facts” of a
17 habeas petition and to “dispose of the matter as law and justice require.” 28 U.S.C. §
18 2243.

19
20 The Supreme Court has held that the federal habeas statute codifies the
21 common law writ of habeas corpus as it existed in 1789. *See I.N.S. v. St. Cyr*, 533
22 U.S. 289, 301 (2001) (“At historical core, the writ of habeas corpus has served as a
23 means of reviewing the legality of Executive detention, and it is in that context that
24 its protections have been strongest”). The common law gave habeas courts power to
25 hold a hearing and release a habeas petitioner to bail even absent a statute
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1 contemplating such release. *See Wright v. Henkel*, 190 U.S. 40, 63 (1903) (citations
2 omitted); *see also Mapp v. Reno*, 241 F.3d 221, 223 (2d Cir. 2001) (“We hold that
3 the federal courts have the same inherent authority to admit habeas petitioners to bail
4 in the immigration context as they do in criminal habeas cases.”).

5
6 This Court has authority to conduct the fact-finding necessary to consider
7 whether further detention is warranted. *See 28 U.S.C. § 2243* (instructing federal
8 habeas courts to “summarily hear and determine the facts”). District courts have
9 exercised this authority in cases involving immigration detention. *See Leslie v.*
10 *Holder*, 865 F. Supp. 2d 627 (M.D. Penn. 2012) (“[W]e are empowered to conduct
11 bail proceedings in habeas corpus proceedings brought by immigration detainees.
12 Indeed, the authority to conduct such hearing has long been recognized as an
13 essential ancillary aspect of our federal habeas corpus jurisdiction. ... [T]here is
14 nothing extraordinary or novel about this practice of conducting bail hearings in
15 connection with federal immigration habeas corpus proceedings.”) (collecting cases);
16 *Madrane v. Hogan*, 520 F. Supp. 2d 654 (M.D. Pa. 2007) (holding evidentiary
17 hearing and ordering conditional release from unconstitutional detention).
18
19

20 Although previous petitioners bringing procedural due process challenges to
21 section 1226(c) detention in this district have explicitly sought (and received) bond
22 hearings in immigration court, Mr. Khamseh requests that this Court hold the
23 evidentiary hearing itself, rather than ordering an immigration court to undertake the
24 same inquiry.
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1 Requiring Mr. Khamseh to prevail in this court and then *litigate* another
2 administrative proceeding in his effort to remedy his unconstitutional detention
3 would undermine the “deemed for speed, flexibility, and simplicity” that the federal
4 habeas statute embodies. *Hensley v. Mun. Ct., San Jose Milpitas Jud. Dist., Santa*
5 *Clara Cnty., California*, [411 U.S. 345, 350](#) (1973). The Supreme Court has
6 instructed district courts addressing habeas claims ““to cut through barriers of form
7 and procedural mazes”” and has “consistently rejected interpretations of the habeas
8 corpus statute that would suffocate the writ in stifling formalisms or hobble its
9 effectiveness with the manacles of arcane and scholastic procedural requirements.”
10 *Id.* (quoting *Harris v. Nelson*, [394 U.S. 286, 291](#) (1969)). Referring the procedural
11 safeguard that Mr. Gonzalez seeks to an administrative immigration adjudicator as a
12 separate litigation matter with its own separate appellate process would *erect*
13 “barriers of form and procedural mazes,” rather than following the Supreme Court’s
14 instruction to eliminate them.

15 Furthermore, district courts are at no disadvantage in considering evidence
16 relevant to a custody proceeding. In fact, district courts in this Circuit have regularly
17 considered whether the government can justify further detention. *See, e.g., Jimenez*
18 *v. Wolf*, No. 19-cv-07996-NC, [2020 WL 1082648](#), *4 (N.D. Cal. Mar. 6, 2020)
19 (granting petitioner’s release on a motion to enforce a habeas order after an IJ denied
20 bond at a prolonged detention hearing); *Ramos v. Sessions*, [293 F.Supp.3d 1021,](#)
21 [1036-38](#) (N.D. Cal. 2018) (same), *appeal filed*, *Ramos v. Whitaker*, No. 1815884;

1 *Sales v. Johnson*, No. 16-cv-01745-EDL, 2017 WL 6855827, *7 (N.D. Cal. Sept. 20,
2 2017) (same); *Judulang v. Chertoff*, 562 F.Supp.2d 1119, 1126-27 (S.D. Cal. 2008)
3 (same); *Mau*
4 *v. Chertoff*, 562 F.Supp.2d 1107, 1118-19 (S.D. Cal. 2008) (same).

6 **C. Due Process Requires Certain Minimal Protections at a Prolonged**
7 **Detention Bond Hearing.**

8
9 Where a custody hearing is warranted as a procedural safeguard against
10 unreasonably prolonged detention, DHS bears the burden of justifying continued
11 confinement by clear and convincing evidence. *Singh v. Holder (Singh)*, 638 F.3d
12 1196, 1205 (9th Cir. 2011); *see also Cooper v. Oklahoma*, 517 U.S. 348, 363 (1996)
13 (holding that “due process places a heightened burden of proof on the State in civil
14 proceedings in which the ‘individual interests at stake ... are both particularly
15 important and more substantial than mere loss of money’”) (alterations in original)
16 (quoting *Santosky v. Kramer*, 455 U.S. 745, 756 (1982)); *Foucha v. Louisiana*, 504
17 U.S. 71, 80 (1992) (requiring clear and convincing evidence to justify civil
18 commitment because “[f]reedom from bodily restraint has always been at the core of
19 the liberty protected by the Due Process Clause”).

20
21 Due process likewise requires consideration of a noncitizen’s ability to pay a
22 bond. “Detention of an indigent ‘for inability to post money bail,’ is impermissible if
23 the individual’s ‘appearance at trial could reasonably be assured by one of the
24 alternate forms of release.’” *Hernandez*, 872 F.3d at 990 (quoting *Pugh v.*

1 *Rainwater*, 572 F.2d 1053, 1058 (5th Cir. 1978) (en banc)). *See also Salerno*, 481
2 U.S. at 754 (“bail must be set by a court at a sum designed to [prevent flight] and no
3 more”). It follows that—in determining the appropriate conditions of release for
4 immigration detainees—due process requires “consideration of financial
5 circumstances and alternatives to conditions of release” to protect against detention
6 based on poverty. *Hernandez*, at 872 F.3d at 990.

7 8 9 10 **CLAIMS FOR RELIEF**

11 **FIRST CLAIM FOR RELIEF**

12 **Violations of the Fifth Amendment: Substantive Due Process**

13
14
15 Mr. Khamseh re-alleges and incorporates by reference the paragraphs above.
16 The Due Process Clause of the Fifth Amendment forbids the government from
17 depriving any “person” of liberty “without due process of law.” U.S. Const. amend.
18 V. The government has two legitimate interest that may be served by civil
19 immigration detention: preventing flight from removal proceedings and protecting
20 the community. Due process prohibits the government from punishing people in civil
21 detention. Due process requires that the nature and duration of commitment bear
22 some reasonable relation to the purpose for which the individual is detained. Civil
23 custody that is excessively prolonged in relation to the government’s interest is
24 unconstitutionally punitive. When a civil restriction is excessive in relation to a
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1 governmental interest, or the government could accomplish its interests through less
2 restrictive means, the restriction is unconstitutionally punitive.

3
4 Mr. Khamseh poses neither a danger to his community, nor a risk of flight.
5 Consequently, Mr. Khamseh's detention is excessive in relation to any legitimate
6 government interest which would be amply satisfied by his release on appropriate
7 conditions, thereby violating his Due Process rights.

9 **SECOND CLAIM FOR RELIEF**

10 **Violation of the Fifth Amendment: Procedural Due Process**

11
12 Mr. Khamseh re-alleges and incorporates by reference the paragraphs above.
13
14 The Due Process Clause of the Fifth Amendment forbids the government from
15 depriving any "person" of liberty "without due process of law." U.S. Const. amend.
16 V. The Due Process Clause requires the government to establish, at an individualized
17 bail hearing before a neutral decisionmaker, that Mr. Khamseh's detention is
18 justified by clear and convincing evidence of flight risk or danger, even. After
19 consideration of whether alternatives to detention could sufficiently mitigate that
20 risk. Mr. Khamseh's detention has become prolonged as he has been detained for
21 over three months and he faces several months, if not years, of continued detention
22 while his case is adjudicated.

23
24 Mr. Khamseh's ongoing indefinite, prolonged detention without an
25 individualized bail hearing violates the Due Process Clause.
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PRAYER FOR RELIEF

WHEREFORE, Mr. Khamseh respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Declare that Mr. Khamseh's ongoing prolonged detention violates the Due Process Clause of the Fifth Amendment;
3. Issue a Writ of Habeas Corpus and order Respondents to immediately release Mr. Khamseh from DHS' physical custody;
4. In the alternative, hear and determine the facts, as described in 28 U.S.C. § 2243, at a prompt bail hearing before this Court where Respondents must establish the necessity of further detention by clear and convincing evidence, evaluate Petitioner's ability to pay in setting bond, and consider alternative conditions of release that reasonably assure the safety of the community and Petitioner's future appearances;
5. Award Petitioner reasonable attorneys' fees, costs, and other disbursements in this action permitted under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

VERIFICATION PURSUANT to 28 U.S.C. § 2242

I, MEHRAN AMIRKHANI KHAMSEH, declare as follows:

I am the Petitioner in this Writ of Habeas Corpus. I am currently being detained at the Adelanto ICE Processing Center in Adelanto, California.

I have read the foregoing Petition for Writ of Habeas Corpus and am informed and believe the allegations therein are true.

I certify under penalty of perjury of the laws of California and of the United States of America that the foregoing is true and correct.

Dated: 10.6.25


MEHRAN AMIRKHANI KHAMSEH

EXHIBIT A

LAW OFFICE OF MARTIN HARO

1300 EASTMAN AVE, STE 112
VENTURA, CA 93003
T: 805.232.3284
F: 805.243.8579

E-mail: martin@haroimmigration.com

August 20, 2025

U.S. Department of Homeland Security
Immigration and Customs Enforcement
Attn: C.Langill, Deportation Officer
10400 Rancho Rd
Adelanto, CA 92301

RE: **Notice of Alien of File Custody Review for
KHAMSEH, Mehran Amirkhani A** 

I. INTRODUCTION

My name is Martin Haro. I represent Mr. Khamseh in the Custody Review scheduled for September 22, 2025. I have included a G-28 for your reference. (*See* Exhibit A – G-28 Form). We would like to submit documentation to be reviewed in support of Mr. Khamseh release on an Order of Supervision. Mr. Khamseh is neither a threat to the community nor a risk of flight. He has significant ties to the community, including owning a local business and having the strong support of his family and friends. Furthermore, Mr. Khamseh has a time-sensitive, serious medical condition requiring immediate treatment from a specialist, which cannot be adequately provided while in custody. For these reasons, and as detailed below, the Mr. Khamseh's continued detention is not in the public interest, and he respectfully requests to be released on an Order of Supervision, or, in the alternative, that he be granted a reasonable bond.

II. STATEMENT OF FACTS

Deeply Established Community Ties

Mr. Khamseh has resided in the United States for forty-two (42) years and is a respected member of his community. He is the founder and operator of  which he started in the 2023. He performs highly skilled mechanic work for all types of vehicles including American made and foreign made vehicles. His commitment to his business demonstrates his deep investment in the community. (*See* Exhibit B – Articles of Organization). Additionally, he has been an influential mentor to several individuals who were actively pursuing a career in car mechanics. (*See* Exhibit C- Letter from James Lester)

Strong Family and Social Support

Mr. Khamseh has strong family and social support. Mr. Khamseh is a central figure in his family and social network. He has received numerous letters of support from family members, friends, who attest to his character, integrity, and reliability. These letters, attached hereto, confirm that he has a robust support system that will ensure his appearance at all future immigration proceedings. (See Exhibit D: Letters of Support).

Urgent and Serious Medical Condition

Mr. Khamseh has a critical medical need that requires immediate, specialized attention. He has dental implants that have become compromised. According to a letter from his treating dentist, Dr. Paul Jang DDS, the Mr. Khamseh is at imminent risk of severe infection, bone loss, and other significant complications if he does not receive care immediately. The letter explicitly states that this condition cannot be properly managed in a detention setting and requires the specific expertise of Dr. Paul Jang DDS and his team. (See Exhibit E: Letter from Dr. Paul Jang DDS).

No Current Criminal History of Concern

Mr. Khamseh poses no danger to the community. While he does have a criminal record, it is critical to note that his last conviction was fifteen years ago, in 2010. These past offenses were the direct result of a struggle with drug addiction, an issue Mr. Khamseh has since overcome through sustained effort. His turning point began during his incarceration, where he committed to recovery by attending AA meetings. He has maintained his sobriety ever since, dedicating his life to his family and proving himself to be a peaceful and law-abiding individual for the past decade and a half.

Sponsors Letter of Support

If released, Mr. Khamseh would be living with his fiancé, Leticia Speer, at [REDACTED]. She will provide him with a place to stay, and will provide full financial support including housing, food, transportation, and coverage for all medical expenses for the duration of his immigration proceedings. She knows of the responsibilities of being a sponsor and is fully prepared to meet them. (See Exhibit F – Letter from Leticia Speer with supporting documentation)

III. ARGUMENT

A. Mr. Khamseh Does Not Pose a Flight Risk

An individual's risk of flight should be assessed based on their ties to the community. Mr. Khamseh's circumstances overwhelmingly demonstrate that he is not a flight risk.

- **Financial and Business Ties:** As the owner of a local business, the Mr. Khamseh's livelihood is tied directly to his presence in the community. Abandoning his business

would mean financial ruin and the loss of his life's work. This serves as a powerful anchor and a strong incentive to comply with all legal obligations.

- **Family and Community Ties:** The extensive letters of support from family and friends are not merely testimonials to his character; they are evidence of a strong, stable support network that relies on him and which he would not abandon. These are the deepest roots a person can have in a community.

Given these extensive ties, the Mr. Khamseh has every reason to appear at all required hearings and no reason to flee.

B. Mr. Khamseh Does Not Pose a Danger to the Community

Mr. Khamseh does not pose any present danger that would warrant his continued detention. The root cause of his prior arrests was a history of substance abuse, an issue he has successfully addressed. The law recognizes that a person's past does not dictate their future, particularly when circumstances change. In *Sing v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011), the Ninth Circuit affirmed this principle, stating that "prior bad acts may not demonstrate a propensity for future dangerousness where the impetus for previous convictions has ceased." That is precisely the case here. Mr. Khamseh is now a responsible business owner and a contributing community member with no history to suggest he is a threat to public safety. Accordingly, his detention serves no legitimate public safety purpose.

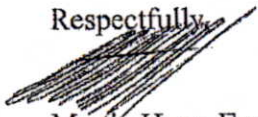
C. Urgent Humanitarian Reasons Justify Immediate Release

Mr. Khamseh's medical condition provides a compelling humanitarian reason for his release. The Department of Homeland Security has the discretion to release individuals for "urgent humanitarian reasons." The letter from Dr. Paul Jang (Exhibit E) is unequivocal: Mr. Khamseh's condition is serious, time-sensitive, and requires specialized care that is not available in detention. Forcing him to remain in custody would subject him to the risk of a severe, painful, and potentially dangerous infection, constituting a deliberate indifference to a serious medical need. Releasing him is the only way to ensure he receives the necessary and urgent medical treatment he requires.

IV. CONCLUSION

For the foregoing reasons, Mr. Khamseh, respectfully requests that the reviewing officer find that he is not a risk of flight or a danger to the community and grant him an Order of Supervision.

Respectfully,



Martin Haro, Esq.

U.S. Department of Homeland Security
300 N. Los Angeles Street, Room 7631
Los Angeles, CA 90012



U.S. Immigration
and Customs
Enforcement

W2C 107-12

KHAMSEH, Mehran Amirkhani
c/o Desert View Facility
10450 Rancho Road
Adelanto, CA 92301

A 

Notice to Alien of File Custody Review

You are detained in the custody of U.S. Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody), the ICE Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk.

Your custody status will be reviewed on or about: 09/22/2025. The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel document.
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The deciding official will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

Notice to Alien of File Custody Review
Khamseh, Mehran Amirkhani A

Pg. 2

U.S. Department of Homeland Security
Immigration and Customs Enforcement
Attn: C. Langill, Deportation Officer
10400 Rancho Road
Adelanto, CA 92301

METHOD OF SERVICE

I certify that this form was provided to the alien by:

Hand

Institution Mail



Signature of Officer

C. Langill
Print Name of Officer

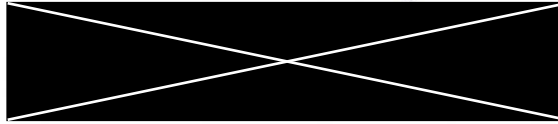
07/29/2025
Date

() CC: Attorney of Record or Designated Representative
(X) CC: A-file



Exhibit C

James Lester and Brie Morgan



To whome it may concern,

My name is James Lester, and along with my partner, Brie Morgan, we have known Mr. Mehran Amirkhani A# [REDACTED] since 2021. He is engaged to Brie's mother and has become an integral and irreplaceable part of our family.

Mr. Amirkhani has lived in the United States for most of his life, building deep roots here and forming lifelong connections. He has a stable home, steady employment, and strong relationships that depend on him every day.

Over the past several years, Brie and I have personally witnessed his unwavering commitment to his loved ones, his work, and his community. He is a man of strong moral character who approaches life with integrity, kindness, and generosity.

Mehran has been a steady source of emotional, practical, and financial support to our family during challenging times. When I went through a career change, he offered encouragement, guidance, and hands-on help. He has embraced the role of a grandfather to our children, providing them with love, stability, and mentorship that has enriched their lives.

Professionally, Mr. Amirkhani is a highly skilled mechanic. I work in the same trade, and I have personally benefited from his mentorship and decades of expertise. Mehran is hardworking, reliable, and respected for his honesty and dedication in his profession.

Beyond his skills and tangible contributions, what stands out most is Mr. Amirkhani's character. He remains optimistic and uplifting, even in difficult times, and is deeply invested in the well-being of those around him. His presence in our lives has had a profoundly positive effect, and he is an asset not only to our family but to the broader community.

Removing Mr. Amirkhani from the United States would cause tremendous hardship—not only to his fiancé and to our immediate family, but also to the many people who rely on his stability, wisdom, and care.

We respectfully ask that you take into consideration his long history in the United States, his deep community ties, his contributions, and the essential role he plays in our lives. He is an exceptional person, and we are fortunate to have him here.

Sincerely,

James Lester & Brie Morgan

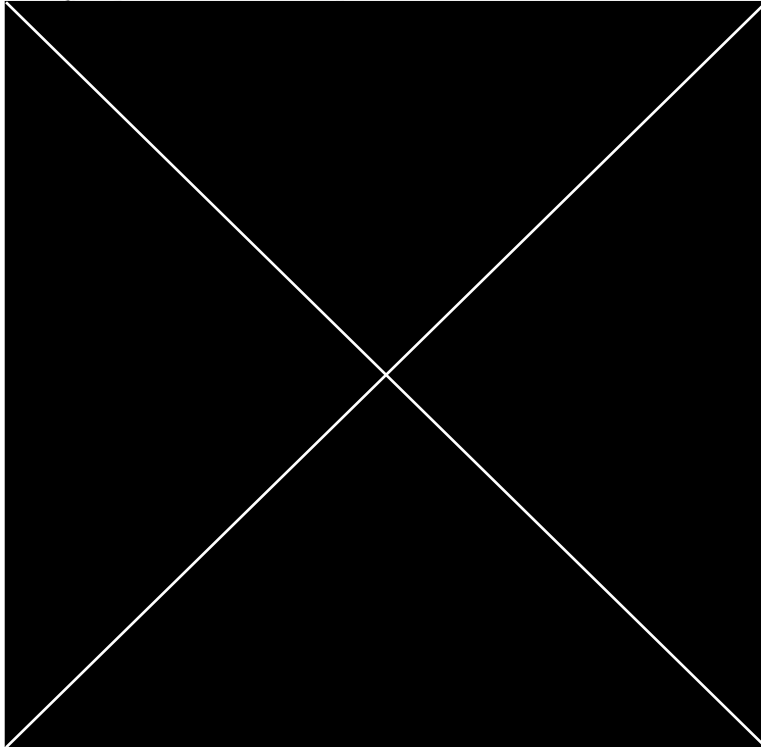
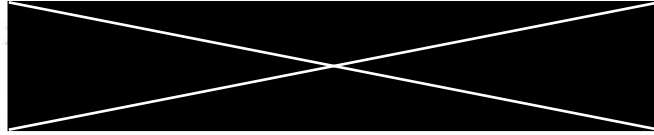


Exhibit D

Leticia L. Speer



To whom it may concern,

August 2, 2025

Request for Early Release

Dear Officer Langi)

My Name is *Leticia Lucia Speer and I am the fiancee of Mehran Amirkhani Khamseh A*  We met in 2021, and in that time, he has become not only my partner but also a loving father figure to my two adult daughters and a devoted grandfather to our three grandchildren-two girls and a boy-who all adore him deeply.

Mehran is the kind of man who puts others before himself. Whether it's bringing heavy water bottles to our elderly neighbor without being asked or stepping up as a steady, positive male role model in our family, he consistently shows kindness, generosity, and integrity. He has a quiet strength and a deeply compassionate heart.

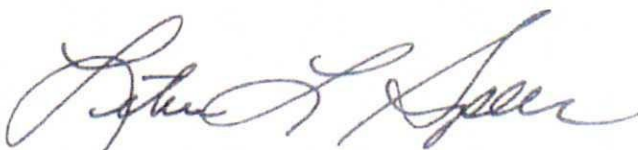
Professionally, Mehran is a master mechanic - one of the most skilled and talented in his field. His work ethic, intelligence, and passion for what he does are qualities I greatly admire. But more than that, he brings a calming presence into every room he enters. He is not a treat to society-he is a blessing to those who know him.

Like many people, Mehran has made mistakes, but I've witnessed firsthand how seriously he has taken responsibility and how committed he is to becoming the best version of himself. He is not the same man he once was-he is reflective, grounded, and focused on building a meaningful, honest life.

I love this beautiful human being more than I ever believed I could love another person. He has changed my life and lives of those around him in countless positive ways. I respectfully ask that you consider his request for early release so he may continue his growth, preserve a critical dental investment, and return to the family and community that loves and needs him.

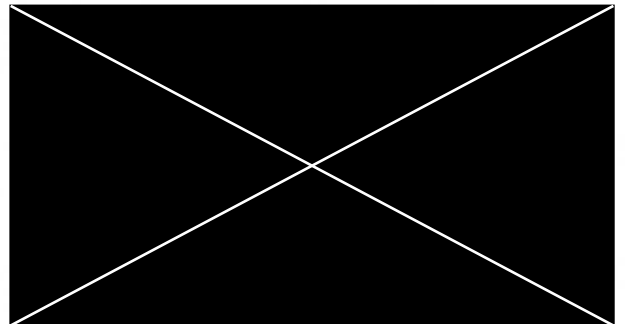
Thank you for your time and consideration

Sincerely yours,



Leticia L. Speer

Relationship to Mehran Amirkhani Khamseh: Fiancee



Erin Mykle Cole

August 2, 2025

DO Langill
C/O Desert View Facility
10450 Rancho Road
Adelanto, California 92301

Dear DO Langill:

I am writing this letter as a Character Reference for Mehran Amirkhani Khamseh A#

I am the oldest daughter of Leticia Lucia Speer who is Mehran's Partner. My family and I have known Mehran for a little over 4 years, and in that time, he has become a valued and very loved member of the family. In our family he is known as Uncle Ron, but in truth he is Grandpa Ron to my son.

To give some background, my husband and I have been together for nearly 25 years. We are high school sweethearts, which is rare these days. We had always wanted a family but due to infertility we built our family through adoption. In May of 2020, we were blessed with our son [REDACTED]. My mother had started dating Ron somewhere in early 2021. We had heard about him, but our first meeting was at [REDACTED]'s Baptism in August 2021. It was love at first sight, Ron and [REDACTED] were just meant to be. It was like 2 souls that had been reunited.

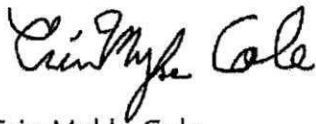
The past few years have been so amazing to see how bonded Ron is to [REDACTED] and [REDACTED] to Ron. Not only has Ron been an amazing Grandfather to [REDACTED] but he also loves and supports my husband and I as his family. His love, generosity and compassion are so pure.

It takes a village, they say, to raise a child, and it is so true. Ron is part of my village in more way than the man who raised me. Ron works here in Moorpark and is one of [REDACTED]'s Emergency Contacts and picks him up from school. He there for the Christmas performances and was there for his Pre-school Graduation. I am sad that with all this he will miss [REDACTED]'s first day of kindergarten.

As a mother, I struggle with how to explain where Ron is when R asks. R misses his Uncle Ron and hopes to be able to hug him again soon.

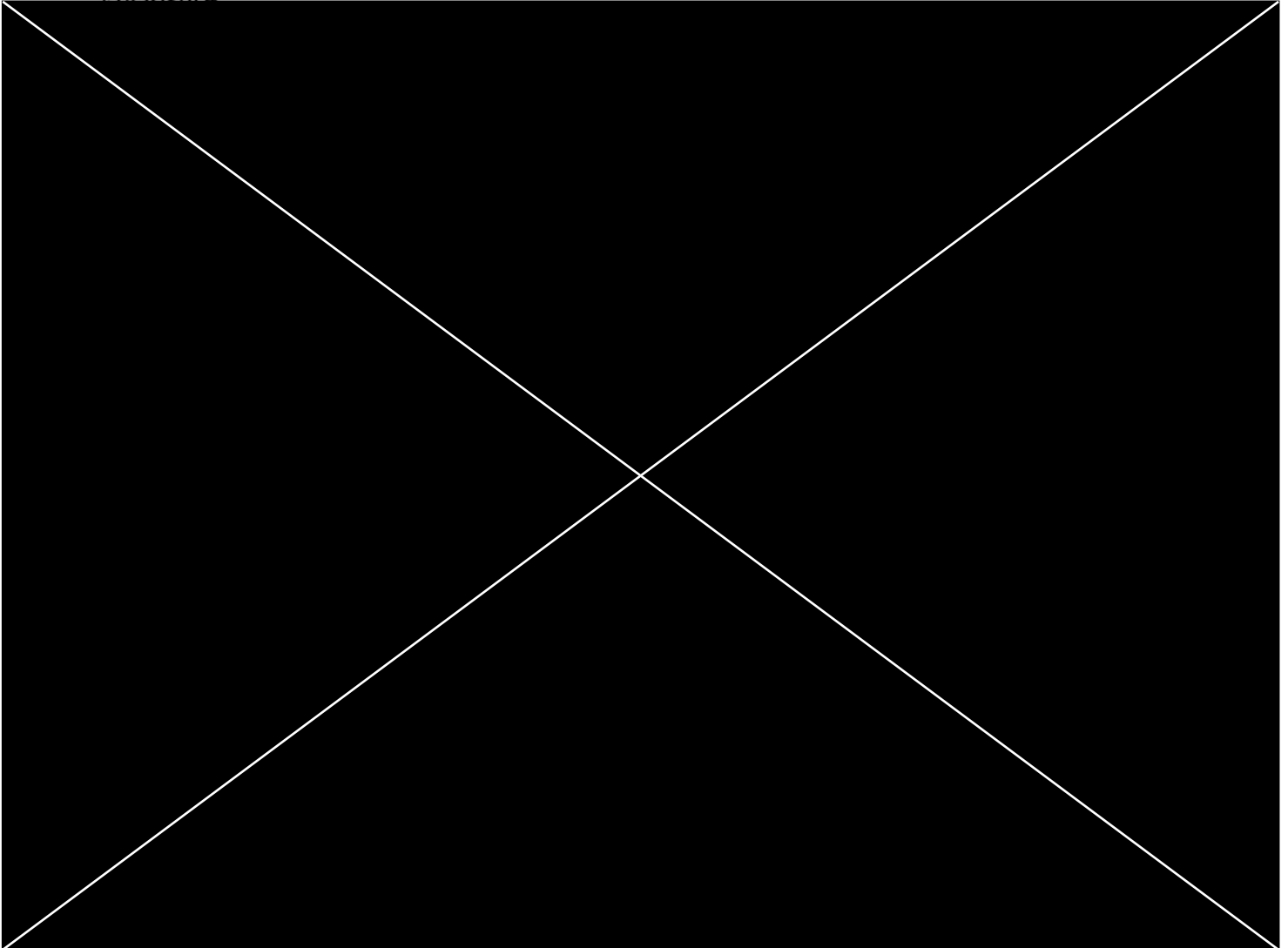
I know that Ron has made mistakes in the past, as we all have. But I hope to show that he has grown and has built a loving family. We all miss him tremendously and are praying to hug him soon.

Sincerely,



Erin Mykle Cole

Enclosure



Request for Compassionate Consideration and Release of Mehran Amirkhani Khamseh

Dear Judge

I am Mansoureh Soheila Khalafi, sister of Mehran Amirkhani Khamseh, who is currently detained. I am writing to respectfully request your compassionate consideration for his release.

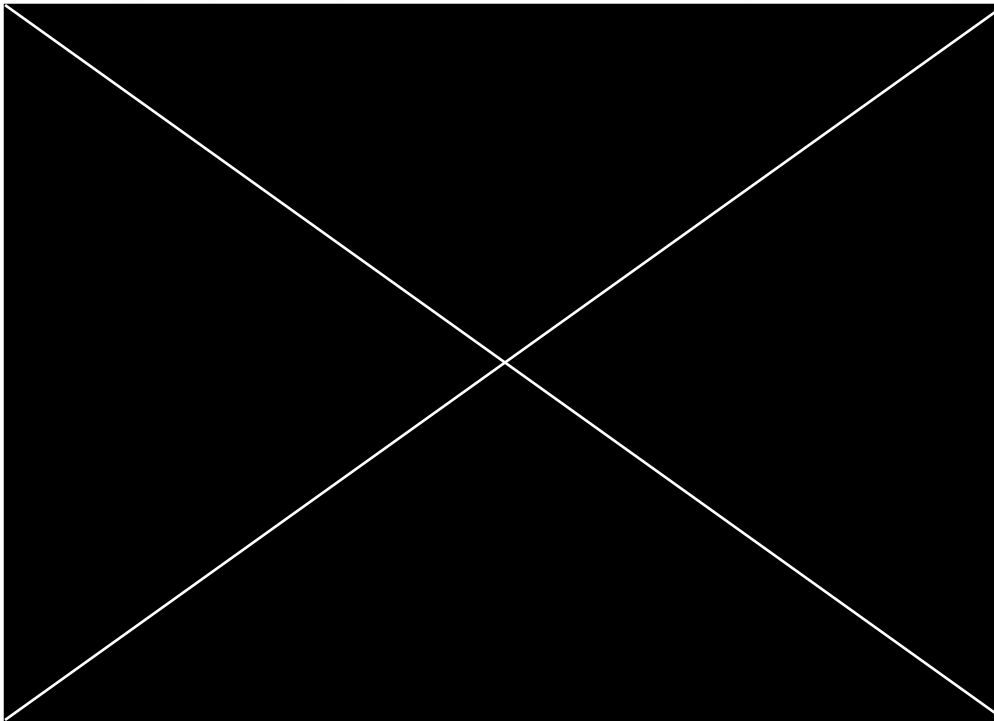
My brother is an incredibly kind and supportive person. He has always been a pillar of strength for our family, especially for our 93-year-old mother, who is deeply distressed by his absence and cries daily. Mehran has consistently provided emotional and practical support to her, and his absence has created a significant emotional hardship for her and for all of us. Since 2019 release from jail Mehran made different and very healthy life style for himself and he is so dedicated to his new life which is about work and mental and physical health.

I understand the seriousness of the charges against him, but I kindly ask that you consider his positive character and the important role he plays in our family's wellbeing. His release would mean the world to our elderly mother and would allow him to continue being the caring and supportive brother and son we all rely on.

Thank you very much for your time and understanding

Sincerely,

Mansoreh Soheila Khalafi sister of Mehran Amirkhani Khamseh



Dear Honorable Judge,

My name is Samira Khalafi, and I am nice of Mehran Amirkhani Khamseh. I am writing this letter to respectfully request your consideration for the release of my uncle(Mehran Amirkhani Khamseh) who is currently detained due to issues related to his legal status.

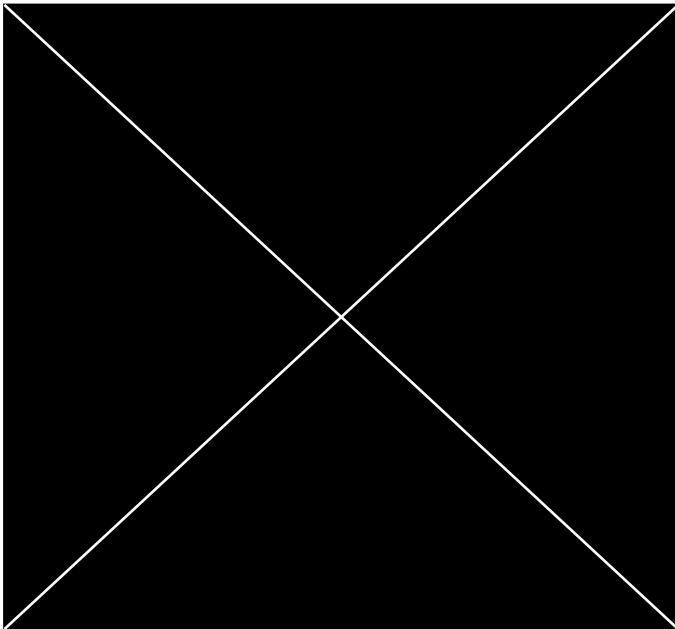
I want to sincerely emphasize that Mehran Amirkhani Khamseh poses no danger to society. Throughout my life and the time I have known him as my uncle, he has been a compassionate, kind, and responsible person. He has always been an incredible support to our family and community. Mehran Amirkhani Khamseh has consistently demonstrated strong moral values, and his actions reflect a genuine desire to contribute positively rather than harm.

Moreover, he has a deep commitment to his family, and his absence has caused significant emotional and practical difficulties for us, especially for his close relatives like his mother and my grandmother who lives in a retirement home who misses him so much. I believe that given the chance, Mehran Amirkhani Khamseh will continue to live a law-abiding, peaceful life and contribute meaningfully to society.

I respectfully ask the court to consider these points and show leniency by granting him release, allowing him the opportunity to regularize his status and maintain the stability of his family and community ties.

Thank you very much for your time and understanding.

Sincerely,
Samira Khalafi



To Whom This May Concern,

I Effie Khaki am the older sister of Mehran Amirkhani Khamseh. I can wholeheartedly express with certainty Mehran's kind heart and humanity with love and care. My brother has had to deal with some serious challenges in the past in his younger years. during past decade he's proven his sense of commitment and loyalty to create a better life for himself and his family and community. Mehran is a good and hard-working man.

Currently, he is suffering from some serious physical and psychological ailments that need to be addressed immediately.

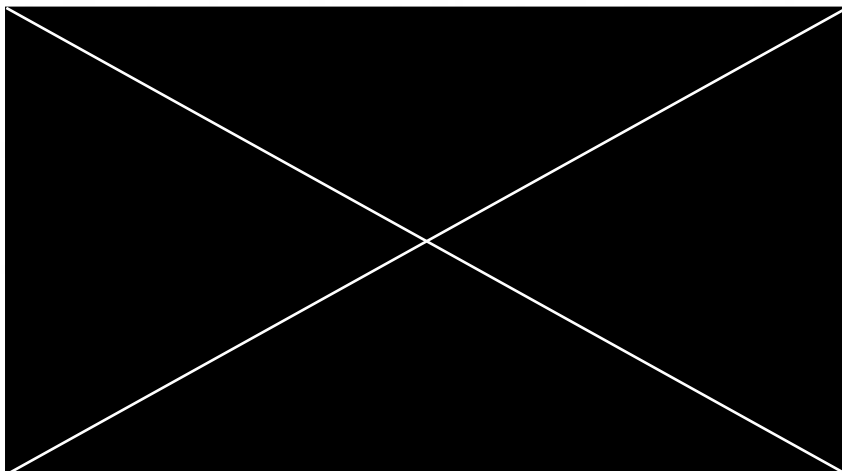
Mehran our brother poses absolutely no danger to anyone in the society. In fact he's a beneficial member of it.

he is loved and respected by his family, friends and the community.

Lastly, I and my family would be grateful if this Dep. would consider his release so that would allow him to know the rest of legal citizenship like the rest of his family members.

Thank you for your consideration.

My love to all my family and friends in America.



Dear Honorable Judge,

I am Reza Khalafi writing this letter with deep respect and sincerity to request the release of my brother-in-law, Mehran Amirkhani Khamseh, who is currently in custody. Mehran is the brother of my wife, and I have had the privilege of knowing him closely for several years.

Mehran Amirkhani Khamseh is a great and passionate man. He is a deeply supportive person — not just to our family, but to everyone around him. His positive energy, strong values, and willingness to help others have always made a lasting impact on those who know him. He is not only a family member to us but a pillar of emotional and moral support.

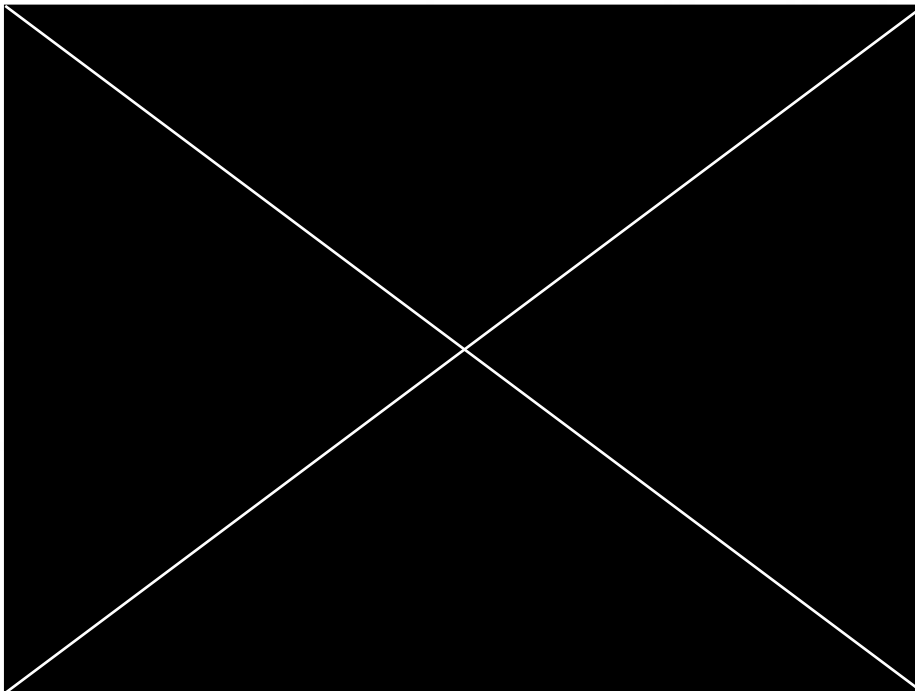
While I fully respect the legal process, I humbly ask the Court to consider Mehran's character and the value he brings to our lives and community. I truly believe that, if released, he will continue to act responsibly and abide by all the conditions the Court may set.

Thank you for your time and consideration. I trust in the Court's wisdom and fairness, and I sincerely hope you will grant Mehran the opportunity to return to his family and resume the life of care, responsibility, and integrity that he has always led.

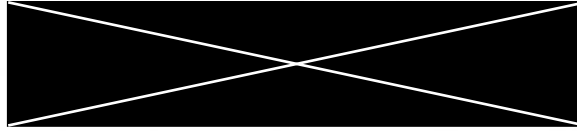
With deep respect,

Sincerely

Reza Khalafi



James Lester and Brie Morgan



To whome it may concern,

My name is **James Lester**, and along with my partner, **Brie Morgan**, we have known **Mr. Mehran Amirkhani A#**  since 2021. He is engaged to Brie's mother and has become an integral and irreplaceable part of our family.

Mr. Amirkhani has lived in the United States for most of his life, building deep roots here and forming lifelong connections. He has a stable home, steady employment, and strong relationships that depend on him every day.

Over the past several years, Brie and I have personally witnessed his unwavering commitment to his loved ones, his work, and his community. He is a man of strong moral character who approaches life with integrity, kindness, and generosity.

Mehran has been a steady source of emotional, practical, and financial support to our family during challenging times. When I went through a career change, he offered encouragement, guidance, and hands-on help. He has embraced the role of a grandfather to our children, providing them with love, stability, and mentorship that has enriched their lives.

Professionally, Mr. Amirkhani is a highly skilled mechanic. I work in the same trade, and I have personally benefited from his mentorship and decades of expertise. Mehran is hardworking, reliable, and respected for his honesty and dedication in his profession.

Beyond his skills and tangible contributions, what stands out most is Mr. Amirkhani's character. He remains optimistic and uplifting, even in difficult times, and is deeply invested in the well-being of those around him. His presence in our lives has had a profoundly positive effect, and he is an asset not only to our family but to the broader community.

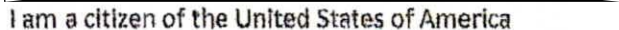
Removing Mr. Amirkhani from the United States would cause tremendous hardship—not only to his fiancé and to our immediate family, but also to the many people who rely on his stability, wisdom, and care.

Exhibit F

Declaration of Support

Re: Humanitarian Parole Request for Mehran Amirkhani Khamseh

I, Leticia Lucia Speer, hereby declare the following:

1. Leticia Lucia Speer
2. 
3. 
4. I am a citizen of the United States of America

I am writing the declaration in support of Mehran Amirkhani Khamseh's humanitarian parole request. I confirm that I will act as his sponsor and will take full responsibility for his well-being while he is in the United States.

Mehran will reside with me at my home located at the address listed above. I will provide him with full financial support including housing, food transportation, and coverage for all medical expenses for the duration of his immigration proceedings. I understand the responsibilities involved in being a sponsor and am fully prepared to meet them.

Mehran is a deeply responsible, thoughtful, and kind individual. Throughout the time I have known him, he has demonstrated strong moral character, respect for others and a commitment to improving his circumstances. He is someone who takes his obligations seriously and is always ready to help others despite his own challenges.

It is my sincere wish that Mehran be allowed to remain in the United States to address urgent and ongoing medical issues that are significantly affecting his health. He is in need of care that he cannot access where he is currently located, and humanitarian parole would give him the chance to recover and rebuild his life in safety.

I respectfully urge that his request be given full and fair consideration he has been a wonderful partner to me and a loving person to my grown children and a wonderful Grandfather to our grandchildren.

Sincerely,


Leticia Lucia Speer

07/22/2025

Exhibit G

