UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

WILSON BARITA HASIHOLAN Petitioner, v. GEORGE ZOLEY (The GEO Group, Inc.), Warden of the Adelanto ICE Detention Facility, in his official capacity; ERNESTO SANTACRUZ, Acting Field Office Director of the Los Angeles Field Office, ICE and ERO in his official capacity; TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity; KRISTI NOEM, in her official capacity as Homeland Secretary of the U.S. Department of Security; and PAM BONDI, in her official capacity as Attorney General of the United States. Respondents.	Case No._____ **PETITION FOR WRIT OF HABEAS CORPUS** **ORAL ARGUMENT REQUESTED**

INTRODUCTION

1. The Petitioner, Wilson Batista Hasiholan, has been in the custody of Immigration and Customs Enforcement (ICE) at the Adelanto ICE Detention Center, Adelanto, California since August 5, 2025.

2. The Petitioner was granted Withholding of Removal by the Immigration Court on May 2, 2011. Since the petitioner has been in the custody and jurisdiction of ICE, there have been few communications with the Petitioner. In fact, the only verbiage between the Petitioner and an

ICE agent was when he was taken into custody. At that time, the Petitioner asked why he was being arrested. The ICE agent responded by stating that it was "a change in policy."

3. The government has taken minimal steps to communicate with the Petitioner, and he knows virtually nothing about what his fate will be. He knows nothing of a pending removal, has been offered no timeline for carrying out any removal, and has not been provided with any information about any countries to which it seeks to remove him. Other than the vague statements "that Petitioner was arrested due to a change in policy" the government has provided no information about the steps that it has taken to deport Petitioner to a third country. No meaningful notice has been provided to Petitioner by the government regarding his re-detention. In effect, the government's continued detention of Petitioner is in violation of Due Process, the Immigration and Nationality Act, the Administrative Procedures Act (APA) and the Department of Homeland Security (DHS) regulations.

4. The Petitioner was granted withholding of removal on May 2, 2011, by an immigration judge. According to the Petitioner, Detention and Deportation Officer Cervantes, did visit with the Petitioner following three requests made on September 12th, 19th , and 26th nearly two months following his arrest and detention.

5. On Friday, September 26th, Officer Cervantes showed up at 9 pm and visited with the Petitioner for less than two minutes. The Petitioner requested a status update to which Officer Cervantes replied, "How did you get here?" The Petitioner replied that he had been granted withholding of removal in 2011 and that he was detained following an ICE check-in and taking fingerprints. Officer Cervantes than asked, "Why he was there?" The Petitioner then asked him why he was being detained. Officer Cervantes replied that he would "review his paperwork" and asked the Petitioner to sign an interview form.

6. On the 27th the Petitioner received a request through his tablet that through his deportation officer that his "case was still being processed." As of November 24, 2025, the Petitioner has not heard anything further. To this date the Petitioner has no clue what his immigration status is or what his fate is. Since 2011, Petitioner has been living freely with his grant of withholding of removal, has complied with orders of supervision and has no criminal history. Petitioner has lived 14 free and purposeful years building strong family and community bonds. Respondents have had over 14 years to remove this Petitioner from the United States and have failed to do so. Given Petitioner's grant of withholding without incident and the actions on behalf of the government, it is not reasonably foreseeable that he will be released anytime soon or that his removal is imminent or likely to occur after 14 years of non-action by the government. Accordingly, to vindicate Petitioner's statutory/ constitutional/ regulatory rights, this Court should grant the instant petition for a writ of habeas corpus.

7. Absent an order from this Court, Petitioner will continue to suffer illegal restraint and confinement by the government. In this case, the government cites a change in policy as the reason for the detention. However, according to the government's own memorandum dated March 30, 2025, titled "Guidance Regarding Third Country Removals," notice and procedural protections are required before someone can be removed to a third country. By its own policy standards, the government has deprived the Petitioner of liberty without justification and without providing a pre-deprivation hearing and notice. Petitioner asks this Court to find that his detention is unlawful and issue an order granting his release from ICE custody.

JURISDICTION

8. This action arises under the Constitution of the United States and the Immigration

and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2), this Court has habeas authority to determine whether Petitioner is a noncitizen and whether petitioner was ordered removed under 8 U.S.C. § 1225(b)(1).

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq*., the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue is proper because Petitioner is detained at the Adelanto ICE Detention Facility in Adelanto, California which is within the jurisdiction of this District.

Venue is proper in this District because Respondents are officers, employees, or agencies of the United States and the Petitioner, Wilson Barita Hasiholan resides in this District where a substantial part of the events or omissions giving rise to his claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

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

13 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 important remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

14. Petitioner is a non-immigrant having been granted withholding of removal on May 2, 2011, by an Immigration Judge at Los Angeles, California. The Petitioner has lived under the protection of the United States government for the past 14 plus years. The Petitioner is currently detained at the Adelanto ICE Detention Facility at Adelanto, California. He is in custody, and under the direct control, of Respondents and their agents.

15. Respondent George Zoley is sued in the capacity of the Chief Executive Officer of GEO corporation (that owns and operates the Adelanto Detention Facility) and is the Warden of the Adelanto ICE Detention Facility, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Zoley is the immediate custodian of Petitioner.

16. Respondent Ernesto Santacruz is sued in his official capacity as the Acting Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Santacruz is a legal custodian of Petitioner and has authority to release him.

17 Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of the Petitioner and has the authority to release him.

18. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.

Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

19. Respondent Pam Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals (BIA). Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

20. Petitioner is a 46-year-old native and citizen of Indonesia (see Exhibit A-1 and A-2). Petitioner's United States citizen mother and stepfather, who reside in [redacted], have provided supportive affidavits. Petitioner also has friends, coworkers, and members of his church community who have submitted written statements describing his character, community ties, and reliability (see Exhibits B – G).

21. The Petitioner sought to leave Indonesia due to [redacted]

22. Petitioner arrived in the United States on August 29, 2004, at Los Angeles, California.

23. He entered the United States lawfully arriving on a B1/B2 visa that was issued at the American embassy in Jakarta, Indonesia (see Exhibit H).

24. Petitioner, Wilson Barita Hasiholan, has resided in the United States since August 29, 2004, and lives with his mother and stepfather in [redacted]

25. He is gainfully employed in the hotel industry as the Assistant General Manager of a [redacted] in Garden Grove, California (see Exhibit E).

26. He earns a salary of $75,000.00 per annum.

27. The Petitioner has no criminal history.

28. The Petitioner overstayed his visa and was arrested and detained by ICE on or around September 13, 2005. His A# is [redacted].

29. The Petitioner posted an immigration bond in the amount of $5,000.00 on September 14, 2005. He was accordingly placed in removal proceedings before the Immigration Court at Los Angeles, California (See Exhibit I).

30. The respondent never breached the immigration bond and to this date it remains in the possession of the government treasury.

31. Petitioner's case remained pending for nearly six years that culminated in a grant of Withholding of Removal on May 2, 2011, before Immigration Judge William David Neumeister at Los Angeles, California (See Exhibit J).

32. The Petitioner was ordered removed to Indonesia by the Immigration Judge with no alternative country designated in the Court's order date May 2, 2011).

33. Withholding of Removal is country specific. It bars removal to the country of persecution.

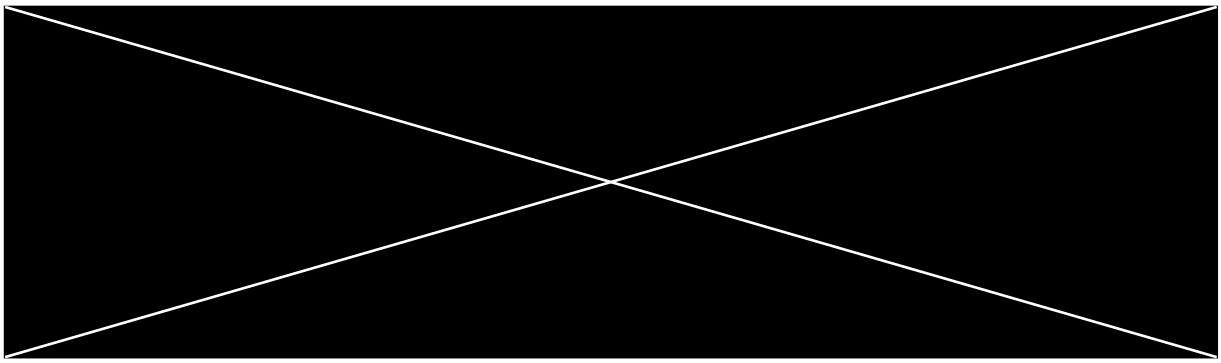
34. Petitioner's grant of withholding of removal was based on his Christian faith and the Immigration Judge's determination that he would more likely than not face persecution if returned to Indonesia (see Exhibit K).

35. Although DHS theoretically retains authority to remove a person granted withholding of removal to a third country, both historical FOIA data and current 2025 analysis make clear that such removals are extraordinarily unlikely. FOIA statistics published by the American Immigration Council show that in FY 2017 only 21 out of 1,274 individuals granted withholding of removal were removed to a third country—just 1.6 percent (see Exhibit L).[1] More recent guidance and litigation materials from the National Immigration Litigation Alliance (NILA) confirm that third-country removals remain rare in practice due to the absence of a consistent DHS policy, significant procedural barriers, and the difficulty of identifying any country willing to accept a non-citizen who is not its national (see Exhibit M).[2] Accordingly, process regarding third country removals is required, and without notice or reasonably likelihood of an accepting third

[1] American Immigration Council, *The Difference Between Asylum and Withholding of Removal* (Oct. 2020) (reporting FOIA data showing only 1.6% of individuals granted withholding of removal were removed to a third country), available at: https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf.

[2] National Immigration Litigation Alliance, *Practice Advisory: Protecting Noncitizens Granted Withholding of Removal or CAT Protection Against Deportation to Third Countries Where They Fear Persecution/Torture* (Jan. 29, 2025) (explaining that DHS lacks a uniform policy for third-country removals and that such removals remain rare and procedurally constrained), available at: https://immigrationlitigation.org/wp-content/uploads/2025/01/25.01.29-3rd-Country-Deports.pdf.

country and diplomatic assurances that aliens removed from the United States will not be persecuted or tortured, Petitioner's detention is unlawful (see Exhibit Q).[3]



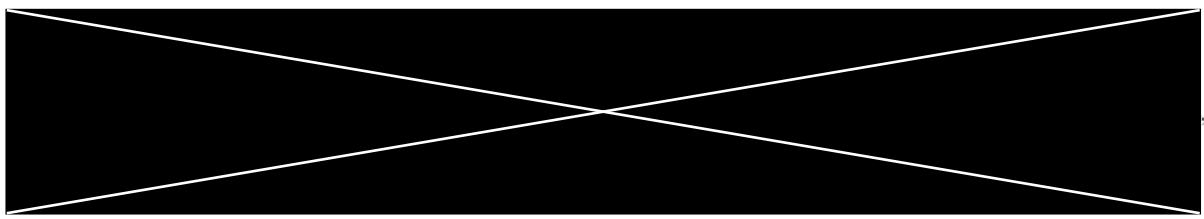
safely to any other country (see Exhibit N).[4] As a result, there are no realistic third-country alternatives for Petitioner, and ICE has never identified any country willing to accept him at any time since his grant of withholding in 2011.

37. With the grant of withholding of removal, the Petitioner was placed on an order of supervision on May 2, 2011, at Santa Ana, California.

38. The order of supervision was instructive on how the Petitioner was to comply with the law.

39. The Petitioner never violated the terms and conditions of his release (see Exhibit O).

[3] Kristi Noem, *Secretary of Homeland Security*, Guidance Regarding Third Country Removals (Mar. 30, 2025) (DHS Policy Memorandum). Filed as Exhibit to *DHS v. D.V.D.*, Case No. 1:25-cv-10676-BEM (D. Mass.), ECF No. 43-1.



The following facts (¶¶ 40–59) are drawn from Petitioner's handwritten statement describing the events surrounding his detention (see Exhibits P-1 and P-2).

40. When the Petitioner reported for his annual report to ICE at Santa Ana, California on August 5, 2025, he was detained by ICE and taken into their custody.

41. The Petitioner reported at the Federal building at 8:00 am that day.

42. Apparently, the digital fingerprint machine was not operative.

43. The Petitioner filled out a form to show that he had reported.

44. The Petitioner waited 50 minutes until he was called in by an ICE officer.

45. The ICE officer asked the Petitioner several questions including residential address, family including their immigration status, employment, criminal history and his immigration status. At that point the ICE officer then informed him that he was to be detained with little explanation other than "there was change in policy."

46. The Petitioner was then arrested and placed in handcuffs and leg restraints, leaving him shocked, scared, stressed, and depressed.

47. The Petitioner then asked once again why he was being arrested and the response was once again the "policy changed."

48. The Petitioner was then placed in a cold, cramped holding room with two other individuals while all of his belongings were confiscated.

49. He was then fed food that was barely edible.

50. At 6:00 p.m. that same evening he was picked up to be transferred to the Los Angeles ICE office. The ICE officers were extremely rude and racist mocking one of the detainees

who could not walk fast. The officers had no idea the Petitioner could speak English and understood everything they were saying.

51. On Tuesday August 5th the Petitioner was placed in a holding cell with approximately 28 people inside. The room smelled horrible and was extremely cold. People were sleeping on the floor and under chairs. When Petitioner requested a blanket to stay warm, he was simply ignored.

52. Petitioner was then transferred to the Adelanto ICE Detention Facility at 9:00 p.m. on August 6th with approximately 70 other detainees.

53. Since August 6th, 2025, the Petitioner has remained detained at the Adelanto Detention Facility with little to no communication from ICE. The first time an ICE officer saw or even said "two words" to the Petitioner was until September 26th, 2025.

54. The officer involved, Officer Cervantes, gave the Petitioner no indication of why he was there or what his legal status was. In fact, Officer Cervantes seemed surprised why the Petitioner was even there.

55. The only information provided to the Petitioner on September 27th was that "We are still processing your case."

56. As of that date and the filing of this petition for habeas corpus relief, the Petitioner knows nothing about his case.

57. The Petitioner has communicated to his counsel that he is very sick, including he has a throat infection, swollen thyroid, multiple mouth sores around his mouth, tongue, as well as under his tongue. His throat is very, very, very painful.

58. The Petitioner requested medical attention on October 27th requesting urgent medical attention. He was not attended to for another four days.

59. The Petitioner finally got to see a doctor; however, his condition remains precarious.

60. Petitioner's counsel has entered his appearance and has requested information regarding his status from ICE to no avail.

LEGAL FRAMEWORK

61. While Congress has significantly restricted judicial review in immigration matters, federal courts retain habeas corpus jurisdiction to review constitutional claims, including due process challenges to prolonged detention. The statutory framework provides that "judicial review of any determination made under section 235 (b) (1) is available in habeas corpus proceedings but shall be limited to determinations of specific matters. USCS § 1252.

62. Further, federal law establishes that "writs of habeas corpus may be granted by the United States Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions" for individuals who are "in custody under or by color of the authority of the United States." 28 USCS § 2241.

63. In addition, the Constitution of the United States provides protection under the Writ of Habeas Corpus except for "when in cases of rebellion or invasion of public safety may require it" and "at minimum, this provision protects against congressional infringements of writ as it existed when Constitution was drafted and ratified." USCS Const. Art. I, § 9, Cl 2.

64. As in the case of the Petitioner, under 8 USCS 1231(a)(6), the Attorney General has the authority to detain an alien who been found to be unlawfully present in the United States,

beyond the 90-day statutory removal period during which the government ordinarily removes an alien.

65. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that the Attorney General was authorized to detain aliens only for a "reasonably necessary period" to secure the alien's removal.

66. Indefinite detention of an alien would raise serious questions under the due process clause of the Constitution's Fifth Amendment. Further, there is no clear indication of congressional intent to grant the Attorney General with the power and ability to hold an alien indefinitely.

67. The Due Process Clause of the Fifth Amendment to the United States Constitution states that "[n]o person shall…be deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. Once a protected liberty interest is identified, the Court determined what process is required by weighing the three *Mathews v. Eldridge* Factors. 424 U.S. 319, 335 (1976). "First the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved in the fiscal and administrative burdens that the additional or substitute procedural requirements would entail." *Id.*

68. The liberty interest at stake is Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty, protected by the Due Process Clause."); Hernandez v. Session, 872 F.3d 976, 981

(9th Cir 2017) ("[T]he government's discretion to incarcerate non-citizens is always constrained by the requirements of due process.")

69. Federal habeas proceedings were made available as a forum to challenge said detention.

70. In habeas proceedings, the High Court noted that a Federal Court should inquire whether the circumstances amounted to detention within, or beyond, a reasonable period necessary to secure removal, and to measure the reasonableness of the detention.

71. DHS's custody of Petitioner violates 8 U.S.C. § 1231(a)(6) as interpreted by *Zadvydas* and *Clark* as there is no "significant likelihood of removal in the reasonably foreseeable future."

72. Petitioner has a final order of removal under withholding of removal granted on May 2, 2011. For more than fourteen years, DHS has not attempted to remove him to a third country, despite having full authority since 2011 to seek acceptance elsewhere. Under *Zadvydas*, detention past the removal period is lawful only for the time "reasonably necessary" to effect removal; after six months, if the noncitizen shows "good reason to believe" removal is not significantly likely in the reasonably foreseeable future, the government must release unless it rebuts that showing. 533 U.S. 678, 701 (2001). *Clark v. Martinez* confirms the same limitation applies across § 1231(a)(6). 543 U.S. 371, 377–86 (2005).

73. DHS has had from May 2, 2011 to the present to locate and secure a third-country acceptance; none has materialized. DHS's recent "policy change" is not evidence of any concrete removal plan, let alone a significant likelihood of removal. On these facts, the *Zadvydas* presumption is triggered many times over; DHS cannot meet its burden to show removal is

reasonably foreseeable now when it wasn't for the last fourteen years. Release is therefore required under § 1231(a)(6) as properly construed.

74. Withholding of Removal status forecloses removal to Indonesia and, absent an accepting third country with proper notice procedures, continued detention is arbitrary and capricious. Withholding of removal is a country-specific protection: DHS cannot remove the Petitioner to Indonesia. While § 1231(b)(2) allows DHS to seek removal to another country, that power is contingent on an actual receiving state and compliance with due-process safeguards. Current practice guidance underscores that people with withholding/CAT cannot be sent to a third country without notice and an opportunity to assert fear-based protection as to that country. Here, no country has agreed to accept him since 2011. Continued detention while DHS "tries" indefinitely—without an identified country—is precisely the indefinite, non-purposeful custody *Zadvydas* forbids.

75. Re-detention after years of compliance contradicts DHS's own supervision framework and violates due process. When removal is not reasonably foreseeable, DHS must release the person under an Order of Supervision with conditions like periodic reporting and medical exams. 8 C.F.R. § 241.5. The Petitioner has complied with yearly check-ins and has no criminal record. Abruptly jailing him at his August 5, 2025, check-in—citing only a vague "policy change"—is arbitrary, untethered to flight risk or danger, and inconsistent with the least-restrictive-means principle that governs civil immigration detention. At a minimum, due process requires individualized consideration; blanket "policy" cannot substitute for evidence.

76. Prolonged § 1231 detention without a meaningful, individualized custody determination is unconstitutional; at minimum, a prompt bond hearing is required. The Ninth Circuit has repeatedly recognized that prolonged immigration detention demands robust

procedural safeguards, including the opportunity for release unless the government proves flight risk or danger by clear and convincing evidence, and consideration of non-monetary alternatives and ability to pay. See *Diouf v. Napolitano*, 634 F.3d 1081 (9th Cir. 2011) (requiring individualized bond hearing for prolonged § 1231 detention); *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017) (ability-to-pay and alternatives requirements). The constitutional due-process principles that prolonged civil detention must be justified and non-excessive remain intact. The petitioner has been abruptly detained after years under supervision with no individualized showing of removal either reasonably possible or imminent. He is entitled to immediate release—or in the alternative to seek a prompt bond hearing with the government bearing the burden.

77. Further, the conditions and medical neglect at Adelanto render this civil detention punitive and unconstitutional as applied to the Petitioner. Civil detainees are entitled to more considerate treatment than convicted prisoners; conditions that amount to punishment or reflect objective deliberate indifference to serious medical needs violate due process. *Jones v. Blanas*, 393 F.3d 918, 931–34 (9th Cir. 2004); *Gordon v. County of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018) (objective deliberate-indifference standard).

78. As reviewed by DHS's Inspector General, there have documented serious, recurring deficiencies at the Adelanto ICE Processing Center. Those include untimely and inadequate medical care, improper segregation, and other hazards requiring immediate action. California's 2025 statewide report echoes federal findings, citing poor segregation practices and conditions harmful to mental health, and contemporaneous litigation and investigations continue to report medical neglect at Adelanto. These are not isolated, historical complaints but a persistent pattern and practice.

79. Since being jailed on August 5, 2025, the Petitioner reports receiving insufficient food, malnourishment, and that his pleas for care have been ignored despite sores throughout his mouth, sore throat, and likely ongoing sinus infections. On this record, Adelanto's conditions as applied to him are punitive and exhibit objective deliberate indifference to serious medical needs—violating the Fifth Amendment. When civil confinement becomes punitive or medically dangerous, courts have ordered release where lesser remedies are inadequate. That is especially true where, as here, detention serves no removal purpose under *Zadvydas*.

80. Further, the government's asserted "policy change" cannot justify detention where statute and Constitution forbid it. A shift in ICE policy cannot override § 1231(a)(6) as properly construed by the Supreme Court, nor can it erase fourteen years of non-removability. The Constitution requires individualized, evidence-based detention decisions, not detention by fiat. Where removal is not reasonably foreseeable and conditions are unconstitutional, release is the only lawful outcome.

81. Further, the Administrative Procedures Act (APA), plays a significant role in U.S. immigration cases, particularly in the context of applications for Withholding of Removal. Violations of the APA may arise when decisions are arbitrary, capricious or not in accordance with the law, or when agencies fail to follow their own regulations.

82. Regarding detention of an alien, courts have held that detention is distinct from commencing removal proceedings and that district courts retain jurisdiction to review habeas challenges. See *You v. Nielsen*, 321 F. Supp. 3d 451 (S.D.N.Y. 2018) wherein the court clarified that 8 USCS § 1252 (b)(9), and (g) do not bar district courts from reviewing habeas corpus challenges to detention is part of the removal process. *You*, supra. Similarly, the APA allows

judicial review of agency actions, including detention, unless precluded by statute or committed to agency discretion. 8 USCS § 1252.

83. As is well recognized, the government may attempt to remove an alien to a third country. Section 241.4 provides procedures for the detention of an alien such as the Petitioner beyond the removal period authorized by statute. Further, there must be a significant likelihood of removing a detained in the "reasonably foreseeable future." §241.13. In this instance, the Petitioner has been detained at the Adelanto ICE Detention Facility since August 5, 2025. There is no shred of evidence for one to believe that there is a significant likelihood of removing him to a third country in the reasonably foreseeable future. There is no evidence that any attempts at sending the Petitioner to a third country have been made or even attempted in the last 14 years. See *Zadvydas*, supra., and 8 USCS § 1231 that align with the APA's principles of reasonableness and judicial oversight.

84. Provisions in the APA that govern the detention of an alien under withholding of removal when there is no reasonable likelihood of removal are contained in 5 USCS § 551. and 5 USCS § 701. et seq. In this case, there is little if no evidence to assert that the government can reasonably remove the Petitioner and as such their actions are arbitrary and capricious in the manner that they would remove him to any third country as governed by law. The Petitioner should be released since it has been more than 90 days since the beginning of his detention as there is little if any possibility of removal. 8 USCS § 1231(3) and 5 USCS § 706. See also *Ibarra-Perez v. United States*, 2025 U.S. App. 22089 (9th Cir. 2025).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

85. Petitioner re-alleges and incorporates by reference paragraphs 1 to 84 herein.

86. The Due Process Clause of the fifth Amendment to the U.S. Constitution states that "[n]o person shall... be deprived of life, liberty, or property without due process of law." The Petitioner's immigration detention is a severe deprivation of this liberty. Further, petitioner's deprivation of liberty without notice, and without an individualized third country assessment in compliance with the stated agency policy guidelines of third country removals is an unconstitutional deprivation of his liberty interests.

87. Continued detention of Petitioner without the individualized initial third country assessment now 14 years later is in violation of the Fifth Amendment right to due process as set forth in *Zadvydas*.

88. The Petitioner is entitled to due process, meaning he should have a chance to see and challenge the evidence against him. When this right is ignored and lengthy and unfair detentions result, this is a violation of his Fifth Amendment right to due process.

For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO

Violation of 8 U.S.C. § 1231 and Implementing Regulations

89. Petitioner re-alleges and incorporates by reference paragraphs 1 to 88 herein.

90. Statutory and regulatory violations occur when the government detains an alien beyond a specific period without a valid reason.

91. Valid reasons can be included when an alien fails to cooperate with removal or poses a threat to the community.

92. The Petitioner has always been cooperative with ICE and has never broken the law in the 14 years under supervision. He has been an exemplary citizen. The 90-day period for removal has come and gone and therefore, the Petitioner should be released

93. For these reasons, Petitioner's detention violates 8 U.S.C. § 1231 and 8 C.F.R. § 241.4.

COUNT THREE

Violation of the Administrative Procedures Act at 5 USCS § 551, 5 USCS § 701 and 5 USCS § 706

94. Petitioner re-alleges and incorporates by reference paragraphs 1 to 93 herein.

95. The APA is violated when the government employs arbitrary and capricious behavior in the implementation of the requisite statute. In this case, the Petitioner remains detained notwithstanding the fact that no evidence exists that he can or will be removed despite those 14 years of supervision and over 90 days of detention has passed since an order of removal was entered by an Immigration Judge.

96. ICE agency actions of continuing detention are arbitrary, capricious and abuse of discretion.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

a. Assume jurisdiction over this matter.

b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.

c. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231, and 8 C.F.R. § 241.4.

d. Declare that Petitioner's continued detention violates the Administrative Procedure Act, 5 U.S.C. § 706.

e. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or in the alternative schedule a bond hearing before an immigration judge and, at such hearing, afford Petitioner release on a reasonable bond.

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

g. Grant any further relief this Court deems just and proper.

Dated: November 25, 2025

Respectfully submitted,

/s/ Antonia Reyes

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Pending Pro Hac Vice Admission

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

I represent Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 25th day of November, 2025.

/s/ Antonia Reyes
Antonia Reyes

CERTIFICATE OF SERVICE

I undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. My co-counsel will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

George Zoley
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Respectfully submitted

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