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Meri Petrosyan

UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA

MERI PETROSYAN,
Alien # [redacted],

Petitioner,

v.

PAMELA BONDI, in her official capacity as Attorney General,

KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security,

U.S. DEPARTMENT OF HOMELAND SECURITY,

F. SEMAIA, in his official capacity as Warden of Adelanto Detention Facility,

ERNESTO SANTACRUZ, JR., in his official capacity as Acting ICE Field Office Director,

Respondents.

Case No. 5:25-cv-3240

VERIFIED PETITION FOR HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

IMMIGRATION HABEAS CASE

ORAL ARGUMENT REQUESTED

FACTUAL BACKGROUND

1. Meri Petrosyan (Petitioner), by and through her undersigned counsel, hereby files this petition for a writ of habeas corpus challenging the unlawful revocation of her release from Department of Homeland Security (DHS) custody after parole in the United States.

2. When a non-citizen presents herself at a port of entry, Customs and Border Patrol (CBP) has the authority to parole her into the United States. *See* 8 U.S.C. § 1182(d)(5). Such parole is authorized on "a case-by-case basis for urgent humanitarian reasons or significant public benefit." *Id.* at § 1182(d)(5)(A). "[W]hen the purposes of such parole shall . . . have been served," the non-citizen shall "be returned to the custody from which [s]he was paroled." *Id.*

3. Petitioner was paroled into the United States on November 22, 2024. Exhibit A, I-94 Admission Record. Her parole was valid until November 21, 2025. Exhibit A. She was released from CBP custody under orders to periodically report to DHS authorities. At the time of her parole, Petitioner was accompanied by her husband, and two young children, ages 1 and 3. Petitioner's husband and children were likewise paroled until the United States.

4. Before paroling her, CBP determined that Petitioner was not a flight risk or danger to the community. On information and belief, Petitioner was granted parole for the purpose of applying for asylum in the United States.
5. The Department of Homeland Security (DHS) subsequently filed a Notice to Appear in the North Los Angeles Immigration Court, commencing removal proceedings against Petitioner. Exhibit B, Notice to Appear
6. Petitioner periodically reported to her local Immigration and Customs Enforcement (ICE) office as required.
7. Petitioner filed for asylum in the United States on April 23, 2025 and attended all required hearings before the North Los Angeles Immigration Court prior to being detained.
8. On September 25, 2025, Petitioner attended a regularly scheduled check-in with ICE together with her husband. ICE officers placed an ankle bracelet on her husband for monitoring and he was allowed to return home. However, Petitioner was detained at the check-in and transferred to the ICE Detention Center in Adelanto, California, where she is currently detained.
9. On information and belief, prior to her re-detention, Petitioner was given no notice of ICE's intention to re-detain her, and she was not provided with any information about why her release was revoked.
10. On information and belief, ICE has no particularized evidence that Petitioner is a danger to the community or a flight risk.

11. On information and belief, Petitioner has not received an individualized hearing before a neutral decisionmaker to assess whether her recent re-detention is warranted due to danger or flight risk.

PARTIES

12. Petitioner Meri Petrosyan is a citizen of Armenia, who is currently in the custody of the DHS at the Adelanto Detention Facility in Adelanto, California.

13. Respondent Pamela Bondi, the Attorney General, is the highest-ranking official within the Department of Justice (DOJ). Respondent Bondi has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103. As the Immigration and Nationality Act (INA) has not been amended to reflect the designation of the Secretary of the DHS as the administrator and enforcer of immigration laws, Respondent Bondi is sued in her official capacity to the extent that 8 U.S.C. § 1102 gives her authority over immigration law.

14. Respondent Kristi Noem, the Secretary of the DHS, is the highest-ranking official within the DHS. Respondent Noem, by and through her agency for the DHS, is responsible for the implementation of the INA, and for ensuring compliance with applicable federal law. She is also responsible for the detention of non-citizens by DHS. Respondent Noem is sued in her official capacity as an agent of the government of the United States.

15. The DHS is the agency responsible for detaining Petitioner.

16. Respondent F. Semaia is the warden at Adelanto Detention Facility. He oversees Petitioner's place of custody.

17. Respondent Ernesto Santacruz, Jr. is the Acting Field Office Director of the Los Angeles office of Immigration and Customs Enforcement. He oversees the custody of all Immigration and Customs Enforcement detainees at the Adelanto Detention Facility. Respondent Santacruz is sued in his official capacity as an agent of the government of the United States.

JURISDICTION AND VENUE

18. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331, general federal question jurisdiction; 5 U.S.C. §§ 701 et seq., the Administrative Procedure Act (APA); habeas jurisdiction pursuant to 28 U.S.C. § 2241 et seq.; Art I., § 9, Cl. 2 of the United States Constitution (the Suspension Clause); 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act); the Fourth and Fifth Amendments to the U.S. Constitution; and the common law. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the INA. 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. § 2001 et seq., and the All-Writs Act, 28 U.S.C. § 1651.

19. Federal district courts have jurisdiction to hear habeas claims by

noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

20. Venue is proper pursuant to 28 U.S.C. § 1391(e) because Respondents are agencies of the United States or officers or employees thereof acting in their official capacity or under color of legal authority; Petitioner is in the custody of the warden of the Desert View Detention Center, which is in the jurisdiction of the Central District of California; and there is no real property involved in this action.

LEGAL BACKGROUND

21. The Constitution establishes due process rights for "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017) (quoting *Zadvydas*, 533 U.S. at 693).These due process rights are both substantive and procedural.

22. *First*, "[t]he touchstone of due process is protection of the individual against arbitrary action of government," *Wolff v. McDonnell*, 418 U.S. 539, 558 (1974), including "the exercise of power without any reasonable justification in the service of a legitimate government objective." *Cnty. of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998).

23. These protections extend to noncitizens facing detention, as "[i]n 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). Accordingly, "[f]reedom 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." *Zadvydas*, 533 U.S. at 690.

24. Substantive due process thus requires that all forms of civil detention—including immigration detention—bear a "reasonable relation" to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a noncitizen's appearance at immigration proceedings and preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S. 510 at 519–20, 527–28, 31 (2003).

25. *Second*, the procedural component of the Due Process Clause prohibits the government from imposing even permissible physical restraints without adequate procedural safeguards.

26. Generally, "the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). This is so even in cases where that freedom is lawfully revocable. *See Hurd v. D.C., Gov't*, 864 F.3d at 683 (citing *Young v.*

Harper, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision requires pre-deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

27. After an initial release from custody on conditions, even a person paroled following a conviction for a criminal offense for which they may lawfully have remained incarcerated, has a protected liberty interest in that conditional release. *Morrissey* at 408 U.S. at 482. As the Supreme Court recognized, "[t]he parolee has relied on at least an implicit promise that parole will be revoked only if he fails to live up to the parole conditions." *Id.* "By whatever name, the liberty is valuable and must be seen within the protection of the [Constitution]." *Id.*

28. This reasoning applies with equal if not greater force to people paroled from civil immigration detention at the border, like Petitioner. After all, noncitizens living in the United States like Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533 U.S. at 690. "Given the civil context [of immigration detention], [the] liberty interest [of noncitizens released from custody] is arguably greater than the interest of parolees in *Morrissey*." *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (citing *Morrisey*, 408 U.S. at 487).

FIRST CAUSE OF ACTION

VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (SUBSTANTIVE DUE PROCESS – DETENTION)

29. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-28.

30. The Due Process Clause of the Fifth Amendment protects all "person[s]" from deprivation of liberty "without due process of law." U.S. Const. amend. V. "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." *Zadvydas*, 533 U.S. at 690.

31. Immigration detention is constitutionally permissible only when it furthers the government's legitimate goals of ensuring the noncitizen's appearance during removal proceedings and preventing danger to the community. *See id.*

32. Petitioner is not a flight risk or danger to the community. Respondents' detention of Petitioner is therefore unjustified and unlawful. Accordingly, Petitioner is being detained in violation of the Due Process Clause of the Fifth Amendment.

33. Moreover, Petitioner's detention is punitive as it bears no "reasonable relation" to any legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly "nonpunitive in purpose and effect").

Here, the purpose of Petitioner's detention is not to protect against risk of flight or dangerousness.

SECOND CAUSE OF ACTION

VIOLATION OF THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION (PROCEDURAL DUE PROCESS – DETENTION)

34. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-28.

35. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty interest in avoiding re-incarceration after her release. *See Young v. Harper*, 520 U.S. 143, 146–47 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey*, 408 U.S. at 482–83; *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in remaining out of custody following an IJ's bond determination).

36. Accordingly, "[i]n the context of immigration detention, it is well-settled that due process requires adequate procedural protections to ensure that the government's asserted justification for physical confinement outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinermon*, 494 U.S. at 127 (Generally, "the Constitution requires some kind of a hearing *before* the State deprives a person of liberty or property."). In the immigration context, for such hearings to comply with due process, the government

must bear the burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight risk or danger to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*, 124 F.4th 775, 785, 786 (9th Cir. 2024).

37. Petitioner's re-detention without a pre-deprivation hearing violated due process. Approximately 11 months after deciding to release Petitioner from custody on her own recognizance, Respondents re-detained Petitioner with no notice, no explanation of the justification of her re-detention, and no opportunity to contest her re-detention before a neutral adjudicator before being taken into custody. The regulations strip an IJ of any authority to release her on bond, eliminating the only possibility of review of her detention status within the immigration court system. *See* 8 C.F.R. § 1003.19(h)(2)(i)(B).

38. Petitioner has a profound personal interest in her liberty. *See Fernandez Lopez v. Wofford*, 2025 WL 2959319, *4 (E.D. Ca. Oct. 17, 2025) (unpub) (finding a non-citizen granted parole at the border has a liberty interest in her conditional release and that such a parolee has a implicit right entitlement to remain at liberty if she complies with the conditions of her parole); *Abduraimov v. Andrews*, 2025 WL 2912307, *6 (E.D. Ca. Oct. 14, 2025) (unpub) (finding that immigration parole has a "legitimate and reasonably strong private liberty interest"); *Noori v. Larose*, 2025 WL 2800149, *10 (S.D. Ca. Oct. 1, 2025) (unpub) (parolee developed a private interest in

remaining free in the one year he has resided in the United States since entry); *Munoz Materano v. Arteta*, 2025 WL 2630826, *13 (S.D.N.Y. Sept. 12, 2025) (unpub); *Ramirez Tesara v. Wamsley*, --- F.Supp.3d ----, 2025 WL 2637663, *3 (W.D. Wash. Sept. 12, 2025) (finding that parolee's liberty interest did not expire with his parole agreement); *see also Y-Z-L-H- v. Bostock*, --- F.Supp.3d ----, 2025 WL 1898025, *14 (D. Ore. July 9, 2025) (finding detention of a parolee who had not completed his asylum process to be arbitrary and capricious and ordering immediate release).

39. Because she received no procedural protections, the risk of erroneous deprivation is high. When Respondents released Petitioner after her entry into the country in 2024, they did so because they determined she was not a flight risk or a danger to the community. *See e.g.*, *Fernandez Lopez*, 2025 WL 2959319 at *4 (quoting 8 U.S.C. § 1182(d)(5)(A)). Prior to her re-detention in September 2025, Petitioner had no notice of Respondents' intention to re-detain her and no opportunity to contest that action. In the nine weeks that she has been in ICE custody, she has not received a bond or custody redetermination hearing, and the regulations strip an immigration judge of any authority to release her on bond, cutting off any avenue for review of her custody status in the existing immigration court framework. Because the private interest in freedom from immigration detention is

substantial, due process requires the government to bear the burden of proving by clear and convincing evidence that Petitioner is a flight risk or danger to the community before re-detaining her. *See e.g.*, *Fernandez Lopez*, 2025 WL 2959319 at *8; *J.S.H.M. v. Wofford*, 2025 WL 2938808, *16 (E.D. Ca. Oct. 16, 2025) (unpub); *Abduraimov*, 2025 WL 2912307 at *9; *Mata Velasquez v. Kurzdorfer*, --- F.Supp.3d ----, 2025 WL 1953796, *17 (W.D.N.Y. July 16, 2025) (detention of parolee without a reasoned explanation or changed circumstances and without a meaningful opportunity to be heard violates due process).

40. The government has no legitimate interest in detaining Petitioner without a hearing. *See e.g.*, *Fernandez Lopez*, 2025 WL 2959319 at *6; *J.S.H.M.*, 2025 WL 2938808 at *18; *Noori*, 2025 WL 2800149 at *11 ("Respondents did not provide Petitioner individualized notice and reasoning prior to his arrest and detention on June 12, 2025 and have presented no legitimate reason for why those decisions were made. Any governmental interest of efficient administration of immigration laws . . . does not outweigh these first two factors."). Bond hearings are a routine part of immigration court proceedings, imposing a minimal cost to the government. *See Doe v. Becerra*, --- F.Supp.3d ----, 2025 WL 691664, *6 (E.D. Ca. March 3, 2025). Nothing in Petitioner's record suggested that she would abscond or endanger

the community before a bond hearing could be carried out. *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL 783561 *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, 2020 WL 5074312, *3 (N.D. Cal. Aug. 23, 2020) (finding that "the government's concern that delay in scheduling a hearing could exacerbate flight risk or danger is unsubstantiated in light of petitioner's strong family ties and his continued employment during the pandemic as an essential agricultural worker"). In fact, Petitioner is represented by counsel and has a demonstrated record of attendance at her immigration proceedings. There is no reason to think that her compliance will change if she is released pending a pre-deprivation custody hearing.

THIRD CAUSE OF ACTION

VIOLATION OF THE FOURTH AMENDMENT TO THE CONSTITUTION (UNLAWFUL ARREST)

41. Petitioner re-alleges and incorporates each allegation contained in paragraphs 1-28.

42. The Fourth Amendment protects the right of persons present in the United States to be free from unreasonable seizures by government officials.

43. As a corollary to that right, the Fourth Amendment prohibits government officials from conducting repeated arrests on the same probable cause. It is axiomatic that seizures have purposes. When those purposes are

> spent, further seizure is unreasonable . . . .[T]he primary purpose of an arrest is to ensure the arrestee appears to answer charges . . . . Once the arrestee appears before the court, the purpose of the initial seizure has been accomplished. Further seizure requires a court order or new cause; the original probable cause determination is no justification.

Williams v. Dart, 967 F.3d 625, 634 (7th Cir. 2020) (cleaned up).

44. In the immigration context, this prohibition means that a person who immigration authorities released from initial custody cannot be rearrested "solely on the ground that he is subject to removal proceedings" and without some new, intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196 (N.D. Cal. 2017), *aff'd sub nom.*, *Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018). Courts have long recognized that permitting such rearrests could result in "harassment by continual rearrests." *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971).

45. DHS agents arrested Petitioner in 2024 after she presented herself at the border, charged her with a violation of civil immigration law, paroled her into United States, and released her on her own recognizance with a notice to appear in immigration court. Petitioner appeared in immigration court as instructed and complied with the minimal conditions of release that DHS imposed on her.

46. DHS re-arrested Petitioner on September 25, 2025, based on nothing more

than the 2024 civil charge of violating immigration law for which she was *already appearing* in court. Petitioner had not engaged in any conduct in the intervening time that made her a flight risk or danger to the community. No material changes in circumstances justified Petitioner's re-arrest.

47. Petitioner's re-arrest and detention by Respondents after she had already appeared in court on her civil immigration charge and absent any material change in circumstances is thus an unreasonable seizure in violation of the Fourth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus ordering Respondents to immediately release Petitioner from custody;
3. Declare that Petitioner's arrest and detention violate the Due Process Clause of the Fifth Amendment and the Fourth Amendment;
4. Enjoin Respondents from re-detaining Petitioner unless her re-detention is ordered at a custody hearing before a neutral arbiter in which the government bears the burden of proving, by clear and convincing evidence, that Petitioner is a flight risk or danger to the community;

5. Award Petitioner his costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law;

6. Grant such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 2nd day of December, 2025

/s/ Amy Lenhert
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TABLE OF EXHIBITS

Exhibit A: I-94 Admission Record (evidencing parole status)

Exhibit B: Notice to Appear in Removal Proceedings