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Sarfaraz Mohammed

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Sarfaraz Mohammed,

Petitioner,

v.

Ron Murray, Warden, Mesa Verde ICE
processing center; Polly Kaiser, Acting Field
Office Director of the San Francisco
Immigration and Customs Enforcement
Office; Todd Lyons, Acting Director of
United States Immigration and Customs
Enforcement; Kristi Noem, Secretary of the
United States Department of Homeland
Security, Pamela Bondi, Attorney General of
the United States, acting in their official
capacities,

Respondents.

) CASE NO.

) Agency No. 

) **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Sarfaraz Mohammed is a Fijian national who fled Fiji to seek asylum in the United States. After Petitioner arrived in the United States on or around July 5, 2024, federal agents briefly detained him, determined that he was not a flight risk or danger to the community, and released him on his own recognizance with a notice to appear for removal proceedings in immigration court. In doing so, the government determined that he did not pose a risk of flight or a danger to the community. Since then, Petitioner has done everything the government asked him to do: he has filed an application for

1 asylum based on persecution and harm due to his religion, race and nationality; he has filed written
2 pleadings to the notice to appear; and he regularly checked in with the U.S. Immigration and Customs
3 Enforcement (hereinafter, "ICE").

4 2. On November 4, 2025, Petitioner received a call from an ICE officer and was told to
5 report to the ICE Enforcement and Removal Operations (hereinafter, "ERO") at the Stockton,
6 California Sub Office at 8:00 AM on Saturday, November 8, 2025. Petitioner did as told, and promptly
7 reported to the office, accompanied by his father. Petitioner's father waited for him to come out, but he
8 never came out. At around 11:00 AM, Petitioner's family received a call from him inside the detention
9 center and directed them to call his attorney.

10 3. On November 9, 2025, ICE filed ICE Form I-830E, Notice to EOIR: Alien Address,
11 informing the Immigration Court in Concord that Petitioner had been detained by ICE on November 8,
12 2025, at the Mesa Verde Ice Processing Center at 425 Golden State Avenue, Bakersfield, California
13 93301. Attached hereto as **Exhibit 1** is a copy of the filed ICE Form I-830E.

14 4. This arrest is part of the Trump Administration's sweeping and unprecedented campaign
15 to re-arrest and re-detain noncitizens living in the community—many for years—without any
16 individualized determination that they now pose a flight risk or danger.

17 5. Federal immigration officials have the authority to release apprehended noncitizens
18 pending ongoing removal proceedings. Any decision to release a noncitizen—whether on parole, bond,
19 other supervision conditions, or their own recognizance—necessitates a finding that the specific
20 individual poses no flight risk or danger to the community that warrants detention.

21 6. For decades, federal immigration officials have adhered to a policy of not re-arresting and
22 redetaining noncitizens previously released from federal custody, absent an individualized determination
23 that there had been a material change in their circumstances that rendered them a danger or flight risk.
24 This longstanding policy reflects a fundamental due process principle: When the government
25 conditionally releases an individual, it makes "an implicit promise" that their liberty will not be revoked
26 unless they fail to satisfy their conditions of release. *See Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).
27 It also conforms with the Fourth Amendment's prohibition on repeated seizures based on the same
28 probable cause without a material change in circumstances.

7. Countless noncitizens have relied on this implicit promise to build their lives. The government's policy assured these individuals that they would retain their liberty while they litigated their claims for immigration relief, so long as they continued to pose no danger or flight risk, i.e., avoided criminal activity and complied with their obligations under the immigration laws.

8. This all changed around May 2025, when Defendants initiated an aggressive new campaign targeting noncitizens living in the community for re-arrest and re-detention. Most visibly, Defendants have sent ICE officers to immigration courts, including San Francisco, Concord, and Sacramento Immigration Courts, to arrest and detain people after they exit their immigration hearings. In addition, ICE has been re-arresting noncitizens when they attend required check-ins with ICE, its co-agencies within the Department of Homeland Security (hereinafter, "DHS"), and its contractors. In other words, this campaign specifically targets noncitizens who are doing exactly what the government told them to do.

9. Petitioner's arrest and detention are causing him tremendous and ongoing harm. He has been torn away from his sister, father and his community.

10. The Constitution protects Petitioner—and every other person present in this country—from arbitrary deprivations of her liberty, and guarantees him due process of law. The government’s power over immigration is broad, but as the Supreme Court has declared, it “is subject to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). “Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

11. Petitioner respectfully seeks a writ of habeas corpus ordering the government to immediately release him from his ongoing, unlawful detention, prohibiting his re-arrest without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the government not to transfer him outside of the District or deport him for the duration of this proceeding.

JURISDICTION AND VENUE

12. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201–02 (Declaratory Judgment Act), 28 U.S.C. § 2241 (habeas corpus), Article I, § 9, cl. 2 of the U.S. Constitution (the Suspension Clause), the Fourth and Fifth

1 Amendments to the U.S. Constitution, and 5 U.S.C. §§ 701-706 (Administrative Procedure Act).

2 13. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(a) and 28 U.S.C.
3 § 1391(b)(2) and (e)(1) because Petitioner is physically detained within this district.

4 **PARTIES**

5 14. Petitioner Sarfaraz Mohammed is a 30-year-old man and resident of Stockton. He is
6 pursuing asylum based on a fear of persecution in Fiji, which, if approved, would give him a permanent
7 residency and, eventually, U.S. citizenship. He is presently in physical custody of ICE at its Mesa Verde
8 Ice Processing Center, 425 Golden State Avenue, Bakersfield, CA 93301.

9 15. Respondent Polly Kaiser is the Acting Field Office Director of the San Francisco ICE Field
10 Office. She is the physical custodian of Petitioner. In this capacity, she is responsible for the
11 administration of immigration laws and the execution of immigration enforcement and detention policy
12 within ICE's San Francisco Area of Responsibility, including the detention of Petitioner. Respondent
13 Kaiser maintains an office and regularly conducts business in this district. Respondent Kaiser is sued in
14 her official capacity.

15 16. Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official
16 Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of
17 the immigration laws of the United States, routinely transacts business in this District, and is legally
18 responsible for pursuing any effort to detain and remove the Petitioner. Respondent Lyons is sued in his
19 official capacity.

20 21. Respondent Kristi Noem is the Secretary of Homeland Security and has ultimate authority
21 over DHS. In that capacity and through her agents, Respondent Noem has broad authority over and
22 responsibility for the operation and enforcement of the immigration laws; routinely transacts business in
23 this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner.
24 Respondent Noem is sued in her official capacity.

25 26. Respondent Pamela Bondi is the Attorney General of the United States and the most senior
26 official at the Department of Justice. In that capacity and through her agents, she is responsible for
27 overseeing the implementation and enforcement of the federal immigration laws. The Attorney General
28 delegates this responsibility to the Executive Office for Immigration Review, which administers the

1 immigration courts and the BIA. Respondent Bondi is sued in her official capacity.

2 EXHAUSTION

3 19. There is no requirement to exhaust because no other forum exists in which Petitioner can
4 raise the claims herein. There is no statutory exhaustion requirement prior to challenging the
5 constitutionality of an arrest or detention, or challenging a policy under the Administrative Procedure
6 Act. Prudential exhaustion is not required here because it would be futile, and Petitioner will “suffer
7 irreparable harm if unable to secure immediate judicial consideration of [their] claim.” *McCarthy v.*
8 *Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable.

9 LEGAL BACKGROUND

10 *The Constitution Protects Noncitizens Like Petitioner from Arbitrary Arrest and Detention*

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

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

19 22. These protections extend to noncitizens facing detention, as “[i]n our society liberty is the
20 norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v.*
21 *Salerno*, 481 U.S. 739, 755 (1987). Accordingly, “[f]reedom from imprisonment—from government
22 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due
23 Process] Clause protects.” *Zadvydas*, 533 U.S. at 690

24 23. Substantive due process thus requires that all forms of civil detention—including
25 immigration detention—bear a “reasonable relation” to a non-punitive purpose. *See Jackson v. Indiana*,
26 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non- punitive
27 purposes for immigration detention: ensuring a noncitizen’s appearance at immigration proceedings and
28 preventing danger to the community. *Zadvydas*, 533 U.S. at 690–92; *see also Demore v. Kim*, 538 U.S.

1 510 at 519–20, 527–28, 31 (2003).

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

4 25. Generally, “the Constitution requires some kind of a hearing before the State deprives a
5 person of liberty or property.” *Zinerman v. Burch*, 494 U.S. 113, 127 (1990). This is so even in cases
6 where that freedom is lawfully revocable. *See Hurd v. D.C., Gov’t*, 864 F.3d at 683 (citing *Young v.*
7 *Harper*, 520 U.S. 143, 152 (1997) (re-detention after pre-parole conditional supervision requires pre-
8 deprivation hearing)); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context);
9 *Morrissey v. Brewer*, 408 U.S. 471 (1972) (same, in parole context).

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

16 27. This reasoning applies with equal if not greater force to people released from civil
17 immigration detention at the border, like Petitioner. After all, noncitizens living in the United States like
18 Petitioner have a protected liberty interest in their ongoing freedom from confinement. *See Zadvydas*, 533
19 U.S. at 690. And, “[g]iven the civil context [of immigration detention], [the] liberty interest [of
20 noncitizens released from custody] is arguably greater than the interest of parolees.” *Ortega v. Bonnar*,
21 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

22
23 ***Due Process and the Immigration and Nationality Act Protect Noncitizens***
24 ***like Petitioner from Summary Removal Without a Hearing.***

25 28. Deportation, like detention, constitutes a deprivation of liberty protected by the Due Process
26 Clause. As the Supreme Court has held, a noncitizen’s interest in deportation proceedings “is, without
27 question, a weighty one” because “he stands to lose the right ‘to stay and live and work in this land of
28 freedom.’” *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (quoting *Bridges v. Wixon*, 326 U.S. 135, 154
(1945)).

1 29. Indeed, modern-day removal proceedings developed in response to a series of Supreme
2 Court decisions recognizing that the deportation of noncitizens already in the United States without a
3 hearing before a neutral arbiter would violate due process. *See Yamataya v. Fisher*, 189 U.S. 86, 101
4 (1903) (construing immigration statutes to require hearing before deportation to “bring them into
5 harmony with the constitution”); *Wong Yang Sung v. McGrath*, 339 U.S. 33, 49, modified, 339 U.S. 908
6 (1950) (same, reasoning that “the difficulty with any argument premised on the proposition that the
7 deportation statute does not require a hearing is that, without such hearing, there would be no
8 constitutional authority for deportation”).
9

10 FACTUAL ALLEGATIONS

11 30. Petitioner is a 30-year old citizen of Fiji.
12

13 31. In July 2024, Petitioner fled to the United States. He was initially arrested by DHS officers
14 but was released on his own recognizance with a notice to appeal for removal proceeding. In granting his
15 release, DHS determined that he posed little if any risk of flight or danger to the community.

16 32. Petitioner, thereafter, moved to Stockton, California. He informed ICE about his change of
17 address, and in filing his asylum application, he informed the Immigration Court of his current address.

18 33. Petitioner filed his asylum application within a year of his arrival in the United States. He
19 applied for asylum, withholding of removal and relief under the Convention Against Torture.

20 34. Since entering the county, Petitioner has fully complied with court and supervision
21 requirements. He has no criminal history.

22 35. On November 4, 2025, was directed by an ICE officer to report to the ICE ERO (at the
23 Stockton, California Sub Office at 8:00 AM on Saturday, November 8, 2025. Petitioner did as told, and
24 promptly reported to the office, accompanied by his father. Petitioner’s father waited for him to come
25 out, but he never came out. At around 11:00 AM, Petitioner’s family received a call from him inside
26 the detention center and directed them to call his attorney.
27

28 36. On November 9, 2025, ICE filed ICE Form I-830E, Notice to EOIR: Alien Address,
informing the Immigration Court in Concord that Petitioner had been detained by ICE on November 8,

2025, at the Mesa Verde Ice Processing Center at 425 Golden State Avenue, Bakersfield, California 93301.

37. Because Petitioner has never been determined to be a flight risk or danger to the community, his detention is not related to either of the permissible justifications for civil immigration detention. His detention does not further any legitimate government interest.

38. Petitioner is being deprived of his liberty without any permissible justification. The government previously released him on his own recognizance because he did not pose sufficient risk of flight or danger to the community to warrant detention.

39. None of that has changed. He has no criminal record, and there is no basis to believe he poses any public-safety risk. Nor is Petitioner, who was arrested after reporting, as directed, by ICE ERO, conceivably a flight risk. To the contrary, Petitioner reported as directed, and has complied with every other requirement.

40. Petitioner is now separated from his family, friends and community.

41. Petitioner's spouse, sister and mother are United States citizens, and his father is a legal permanent resident.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the Fifth Amendment to the United States Constitution

(Substantive Due Process—Detention)

42. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

43. 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.

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

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

7 46. Moreover, Petitioner's detention is punitive as it bears no "reasonable relation" to any
8 legitimate government purpose. *Id.* (finding immigration detention is civil and thus ostensibly
9 "nonpunitive in purpose and effect"). Here, the purpose of Petitioner's detention appears to be "not to
10 facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other
11 reasons"—namely, to meet newly-imposed DHS quotas and transfer immigration court venue away from
12 an IJ who refused to facilitate DHS's new expedited removal scheme. *Demore*, 538 U.S. at 532–33
13 (Kennedy, J., concurring).

14
15 ***SECOND CLAIM FOR RELIEF***

16 **Violation of the Fifth Amendment to the United States Constitution**

17 **(Procedural Due Process—Detention)**

18 47. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of
19 this Petition as if fully set forth herein.

20 48. As part of the liberty protected by the Due Process Clause, Petitioner has a weighty liberty
21 interest in avoiding re-incarceration after his release. *See Young v. Harper*, 520 U.S. 143, 146–47 (1997);
22 *Gagnon v. Scarpelli*, 411 U.S. 778, 781–82 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482–83 (1972);
23 *see also Ortega*, 415 F. Supp. 3d at 969–70 (holding that a noncitizen has a protected liberty interest in
24 remaining out of custody following an IJ's bond determination).

25 49. Accordingly, "[i]n the context of immigration detention, it is well-settled that due process
26 requires adequate procedural protections to ensure that the government's asserted justification for
27 physical confinement outweighs the individual's constitutionally protected interest in avoiding physical
28 restraint." *Hernandez*, 872 F.3d at 990 (cleaned up); *Zinerman*, 494 U.S. at 127 (Generally, "the

1 Constitution requires some kind of a hearing before the State deprives a person of liberty or property.”).
2 In the immigration context, for such hearings to comply with due process, the government must bear the
3 burden to demonstrate, by clear and convincing evidence, that the noncitizen poses a flight risk or danger
4 to the community. *See Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *see also Martinez v. Clark*,
5 124 F.4th 775, 785-86 (9th Cir. 2024).

6 50. Petitioner’s re-detention without a pre-deprivation hearing violated due process. Over a
7 year and half after deciding to release Petitioner from custody on his own recognizance, Respondents re-
8 detained Petitioner with no notice, no explanation of the justification of his re-detention, and no
9 opportunity to contest his re-detention before a neutral adjudicator before being taken into custody.

10 51. Petitioner has a profound personal interest in his liberty. Because he received no procedural
11 protections, the risk of erroneous deprivation is high. And the government has no legitimate interest in
12 detaining Petitioner without a hearing; bond hearings are conducted as a matter of course in immigration
13 proceedings, and nothing in Petitioner’s record suggested that he would abscond or endanger the
14 community before a bond hearing could be carried out. *See, e.g., Jorge M.F. v. Wilkinson*, 2021 WL
15 783561, at *3 (N.D. Cal. Mar. 1, 2021); *Vargas v. Jennings*, 2020 WL 5074312, at *3 (N.D. Cal. Aug.
16 23, 2020) (“the government’s concern that delay in scheduling a hearing could exacerbate flight risk or
17 danger is unsubstantiated in light of petitioner’s strong family ties and his continued employment during
18 the pandemic as an essential agricultural worker”)

19 **THIRD CLAIM FOR RELIEF**

20 **Violation of the Fourth Amendment to the United States Constitution**

21 **(Unlawful Arrest)**

22 52. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of
23 this Petition as if fully set forth herein.

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

26 54. As a corollary to that right, the Fourth Amendment prohibits government officials from
27 conducting repeated arrests on the same probable cause.
28

1 It is axiomatic that seizures have purposes. When those purposes are spent, further
2 seizure is unreasonable ... [T]he primary purpose of an arrest is to ensure the arrestee
3 appears to answer charges.... Once the arrestee appears before the court, the purpose of
4 the initial seizure has been accomplished. Further seizure requires a court order or new
5 cause; the original probable cause determination is no justification.

6 *Williams v. Dart*, 967 F.3d 625, 634 (7th Cir. 2020) (cleaned up); *see also United Stats v. Kordosky*, No. 88-
7 CR-52-C, 1988 WL 238041, at *7 n.14 (W.D. Wis. Sept.12, 1988) ("Absent some compelling justification,
8 the repeated seizure of a person on the same probable cause cannot, by any standard, be regarded as
9 reasonable under the Fourth Amendment.").

10 55. In the immigration context, this prohibition means that a person who immigration.
11 authorities released from initial custody cannot be re-arrested "solely on the ground that he is subject to
12 removal proceedings" and without some new, intervening cause. *Saravia v. Sessions*, 280 F. Supp. 3d
13 1168, 1196 (N.D. Cal. 2017), *aff'd sub nom., Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).
14 Courts have long recognized that permitting such rearrests could result in "harassment by continual
15 rearrests." *United States v. Holmes*, 452 F.2d 249, 261 (7th Cir. 1971).

16 56. DHS arrested Petitioner in July 2024 after he entered the United States, charged him with a
17 violation of civil immigration law, and released him on his own recognizance with a notice to appear in
18 immigration court. Petitioner filed his asylum in immigration court and, as instructed, filed his necessary
19 documents. Moreover, he diligently complied with the ICE ERO requirements.

20 57. DHS re-arrested Petitioner on November 8, 2025, based on nothing more than the 2024 civil
21 charge of violating immigration law. Petitioner had not engaged in any conduct in the intervening time that
22 made him a flight risk or danger to the community. No material change in circumstances is thus an
23 unreasonable seizure in violation of the Fourth Amendment.

24 **FOURTH CLAIM FOR RELIEF**

25 **Violation of the Administrative Procedure Act**

26 58. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of
27 this Petition as if fully set forth herein.

28 59. The Administrative Procedure Act prohibits federal action that is "in excess of statutory
jurisdiction, authority or limitations, or short of statutory right," 5 U.S.C. § 706(2)(C), and "arbitrary,

1 capricious, an abuse of discretion, or otherwise not in accordance with law,” *id.* § 706(2)(A).

2 60. The government’s policy targeting people by luring them to report to ICE ERO
3 appointments and re-arresting and detaining them on the same probable cause, is in violation of law.

4 61. The policy is also arbitrary and capricious, in violation of 5 U.S.C. § 706(2)(A).

5 62. The government has provided no reasoned or adequate explanation for the policy, which is
6 a dramatic shift from recent and longstanding agency policy and practice.

7 63. Additionally, in adopting the policy, the government failed to adequately consider all
8 relevant factors and crucial aspects of the issue. The policy will deter individuals from complying with
9 their ICE ERO requirements and reporting as ordered.

10 64. The policy is also in excess of the agency’s authority, and arbitrary and capricious, because
11 it violates the agency’s own regulations making clear that the government cannot terminate a person’s
12 Section 240 proceedings absent a showing that the “[c]ircumstances of the case have changed after the
13 notice to appear was issued.” 8 C.F.R. § 239.2(a)(7), (c); *see United States ex rel. Accardi v. Shaughnessy*,
14 347 U.S. 260 (1954).

15 65. Petitioner’s arrest and detention pursuant to the government’s policy is a final agency
16 action that violates the Administrative Procedure Act. *See* 5 U.S.C. § 706(2).

18 **FIFTH CLAIM FOR RELIEF**

19 **Violation of the First and Fifth Amendments to the United States Constitution**

20 **(Right to Access Courts and Petition for Redress)**

21 66. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of
22 this Petition as if fully set forth herein.

23 67. The First and Fifth Amendments to the United States Constitution guarantee the rights to
24 access the courts and to petition for redress of grievances, which includes the right to participate as a party
25 or witness in judicial and administrative proceedings.

26 68. The Constitution as a corollary prohibits systemic official action that bans or obstructs
27 meaningful access to the courts, including the filing or presenting of legal claims. *See Christopher v.*
28 *Harbury*, 536 U.S. 403 (2002).

69. Petitioner's arrest and detention have interfered with his ability to access immigration court and participate in his immigration proceedings—including pursuing his applications for asylum, withholding of removal, and relief under the Convention Against Torture.

70. The government's arrest of Petitioner therefore deprived him of his First and Fifth Amendment rights to meaningfully access court and to petition for redress of grievances.

71. Petitioner has no adequate remedy at law.

PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

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, the Fourth Amendment, the First Amendment, and the Administrative Procedure Act;
4. Declare that dismissing Petitioner's Section 240 proceedings would violate the Due Process Clause of the Fifth Amendment;
5. Declare that placing Petitioner in expedited removal proceedings would violate the Due Process Clause of the Fifth Amendment;
6. Enjoin Respondents from transferring Petitioner outside this District or deporting Petitioner pending these proceedings;
7. Enjoin Respondents from re-detaining Petitioner unless his 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;
8. Order that Respondents may not dismiss Petitioner's Section 240 proceedings;
9. Order that Respondents may not place Petitioner in expedited removal proceedings or remove Petitioner except based on a final, executable removal order issued through Section 240 removal proceedings;
10. Award Petitioner her costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act and 28 U.S.C. § 2412; and

1 11. Grant such further relief as the Court deems just and proper.
2

3 Respectfully submitted,

4 LAW OFFICES OF ASHWANI K. BHAKHRI

5
6 Dated: December 4, 2025

/s/Joseph Siguenza

Joseph J. Siguenza, Esq.

Attorney for Petitioner

SARFARAZ MOHAMMED
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