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SARFARAZ MOHAMMED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SARFARAZ MOHAMMED,) CASE NO. 1:25-cv-01761-TLN-DMC (HC)
)
Petitioner,)
)
v.) **PETITIONER'S RESPONSE TO AND NOTICE**
) **OF RESPONDENT'S NON-RESPONSE TO**
) **ORDER.**
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.)

I. INTRODUCTION

Petitioner, SARFARAZ MOHAMMED ("Petitioner"), an immigration detainee under the custody of Respondents, RON MURRAY, POLLY KAISER, TODD LYONS, KRISTI NOEM and PAMELA BONDI (collectively, "Respondents"), filed this petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241, on December 5, 2021. [ECF #1]. On December 10, 2025, the Honorable Magistrate Judge Dennis M. Cota issued an order (hereinafter, "Order") directing the Respondents to file an answer/return within

1 14 days from the date of the Order. [ECF #4]. In the Order, Judge Cota confirmed that the Court had
2 “conducted a preliminary review of the petition pursuant to Rule 4 of the Rules Governing Habeas Corpus
3 Cases Under Section 2254.” The Court stated that “because [P]etitioner may be entitled to the requested
4 relief if the claimed violation of constitutional rights is proved, Respondents will be directed to show cause
5 why the writ should not be granted by filing an answer/return within 14 days of the date of this order.”

6 The deadline for Respondents to file their answer/return was on December 24, 2025. To date,
7 Respondents have not filed their answer/return. Because the Respondents did not respond to the Court’s
8 Order, the Court should grant the petition.

9 **II. ARGUMENT**

10 The Court is vested with discretion and authority to either forthwith award the writ or issue an
11 order to show cause why it should not be granted, unless it appears from the petition that the petitioner or
12 person detained is not entitled thereto. *See* 28 U.S.C. § 2243. Judge Cota already made a preliminary
13 determination that Petitioner may be entitled to the requested relief if the claimed violation of
14 constitutional rights is proved. The Petition speaks for itself, and it is up to Respondents to rebut
15 Petitioner’s allegations by showing cause that they have a lawful reason to keep detaining him. In addition
16 to the Petition, the Declaration of Farisha Nisha, petitioner’s sister, provides ample evidence to support a
17 finding that Petitioner is entitled to the relief sought. *See* Declaration of Farisha Nisha in Support of
18 Petitioner’s Response to and Notice of Respondent’s Non-Response to Order (“Declaration”). The
19 Declaration establishes that Petitioner is wrongfully re-detained despite not having a legitimate finding
20 that he poses a danger to the community or he is a flight risk. *Id.* Moreover, the continued detention of
21 Petitioner in Respondents’ custody is unlawful, and detrimental to Petitioner’s health. *Id.*

22 Although the Order directed Respondents to include all transcripts or other documents relevant to
23 the determination of the issues presented in the application, in filing their answer or return, Respondents
24 have not responded. Accordingly, Respondents have failed to show cause why Petitioner’s continued
25 detention is warranted. As a result, Petitioner respectfully requests that his petition for a writ of habeas
26 corpus be granted forthwith.
27
28

1 **III. CONCLUSION**

2 Based on the foregoing, Petitioner respectfully requests that the Court issue a writ for habeas
3 corpus and direct Respondents to immediately release Petitioner from their custody and to not re-detain
4 him absent further order from this Court.
5

6 LAW OFFICES OF ASHWANI K. BHAKHRI

7
8 Dated: December 26, 2025

/s/Joseph Siguenza

Joseph J. Siguenza, Esq.

Attorney for Petitioner

SARFARAZ MOHAMMED