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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13

14 MARZBAN MODY

15 Petitioner,

16 v.

17 WARDEN, DESERT VIEW ANNEX,
18 ADELANTO ICE PROCESSING
19 CENTER; PATRICIA M. COLBERT,
20 FIELD OFFICE DIRECTOR OF THE
21 LOS ANGELES FIELD OFFICE OF
22 IMMIGRATION AND CUSTOMS
23 ENFORCEMENT; KRISTI NOEM,
24 SECRETARY OF THE DEPARTMENT
25 OF HOMELAND SECURITY; PAM
26 BONDI, ATTORNEY GENERAL OF
27 THE UNITED STATES
28

Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS**

ORAL ARGUMENT REQUESTED

INTRODUCTION

1
2 1. Marzban Mody (“Mr. Mody”) is a long-time resident of Orange County,
3 CA, who entered the United States lawfully in 2011, pursuant to a grant of parole by
4 the United States government. *See* Ex. B at 12. He has been married to his U.S. citizen
5 wife for over twenty-seven years, Ex. A at 3-4, and he has a twenty-six-year-old U.S.
6 citizen son, Ex. A at 5-6. He applied for lawful permanent resident status (i.e., green
7 card) based on his marriage to his wife. He received an approval of his I-130, Petition
8 for Alien Relative, based on that marriage. Ex. A at 2.

9 2. Mr. Mody qualifies for a green card pursuant to current regulations, and he
10 never has to leave the United States to receive that green card. Despite this, he was
11 arrested by Immigration and Customs Enforcement (“ICE”) at his green card interview
12 on December 9, 2025. ICE has since detained him at the Desert View Annex, Adelanto
13 ICE Processing Center.

14 3. To vindicate Mr. Mody’s statutory, constitutional, and regulatory rights,
15 this Court should grant the instant petition for a writ of habeas corpus and order him
16 released from custody forthwith. Alternatively, the Court should order that the
17 Executive Office of Immigration Review provide Mr. Mody with a custody
18 redetermination hearing.

JURISDICTION

19
20 4. This action arises under the Constitution of the United States and the
21 Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

22 5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
23 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United
24 States Constitution (Suspension Clause).

25 6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C.
26 § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All
27 Writs Act, 28 U.S.C. § 1651.

VENUE

7. Venue is proper because Petitioner is detained at the Desert View Annex in Adelanto, CA, which is within the jurisdiction of this District.

8. Venue is proper in this District because Respondents are officers, employees, or agencies of the United States, and Petitioner resides in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus “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.*

10. 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).

11. Petitioner is currently detained at the Desert View Annex in Adelanto, CA. He is in the custody, and under the direct control, of Respondents and their agents.

12. Respondent is the Warden of the Desert View Annex, and she/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. The Warden of the Desert View Annex is a legal custodian of Petitioner.

13. Respondent Patricia M. Colbert is sued in her official capacity as the Director of the Los Angeles Field Office of U.S. Immigration and Customs Enforcement. Respondent Colbert is a legal custodian of Petitioner and has authority to release him.

1 18. Mr. Mody has limited criminal history. He has a prior conviction for
2 violating 31 U.S.C. § 5324(a)(3), but this conviction does not preclude him from
3 adjusting status to lawful permanent resident status. *See Goldeshtein v. I.N.S.*, 8 F.3d
4 645, 647 (9th Cir. 1993).

5 19. During the criminal case, he actively cooperated with the government, and
6 the Department of Justice (“DOJ”) recommended him for a no-jail sentence based on
7 that cooperation. Ex. E at 96-97. The DOJ also granted him a special parole, so he
8 could travel out of the United States, reenter the United States, and then adjust status
9 based on his marriage to his U.S.-citizen spouse. Ex. B at 16-17.

10 20. Based on all of this, Mr. Mody, through counsel, applied for adjustment of
11 status to lawful permanent resident status based on an approved I-130, Petition for
12 Alien Relative, filed by his wife. He attended an interview to adjust status at the USCIS
13 Field Office location in Santa Ana, CA on December 9, 2025.

14 21. At the adjustment-of-status interview and in the presence of undersigned
15 counsel, two officers from Immigration and Customs Enforcement arrested Mr. Mody.

16 22. Following his arrest by ICE, undersigned counsel immediately filed a
17 request for custody redetermination with the Executive Office of Immigration Review.
18 The Executive Office of Immigration Review has not responded to this request nor has
19 it provided Mr. Mody with a bond hearing as of the date of filing the instant petition for
20 writ of habeas corpus.

21 23. On December 15, 2025, undersigned counsel emailed DHS to request Mr.
22 Mody’s release on bond. DHS responded by email as follows: “DHS will hold the
23 original custody determination. You may, however, request a bond from the
24 immigration judge.”

25 **LEGAL ARGUMENT**

26 24. As a threshold matter, Mr. Mody is not required to exhaust administrative
27 remedies. Exhaustion for habeas claims is prudential, not jurisdictional. *See Laing v.*
28

1 *Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). In any event, counsel has sought a bond
2 hearing before EOIR, and he has asked DHS to release Mr. Mody on bond. In response
3 to this, Mr. Mody has not been released nor has he been scheduled for a bond hearing
4 before EOIR.

5 25. Mr. Mody is detained under 8 U.S.C. § 1226(a). As a person detained
6 under § 1226(a), Mr. Mody is entitled to a bond hearing.

7 26. In the alternative, due process requires that Mr. Mody receive a bond
8 hearing. The Fifth Amendment provides that “[n]o person” shall “be deprived of life,
9 liberty, or property, without due process of law,” including in removal proceedings. *See*
10 *Reno v. Flores*, 507 U.S. 292, 306 (1993). “Freedom from imprisonment—from
11 government custody, detention, or other forms of physical restraint—lies at the heart of
12 the liberty th[e Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690
13 (2001). Thus, “adequate procedural protections” are required to ensure detention
14 “outweighs the ‘individual’s constitutionally protected interest in avoiding physical
15 restraint.’” *Id.* Because Mr. Mody has not been provided a bond hearing in a reasonable
16 time following his arrest by ICE, the government’s actions have deprived him of his
17 due process rights.

18 **CLAIMS FOR RELIEF**

19 **COUNT ONE – Violation of the Immigration and Nationality Act**

20 27. The allegations in the above paragraphs are realleged and incorporated
21 herein.

22 28. Mr. Mody is entitled to a bond hearing pursuant to 8 U.S.C. § 1226(a). The
23 fact that EOIR has not ordered a custody redetermination hearing violates the
24 Immigration and Nationality Act.

25 **COUNT TWO – Violation of the Fifth Amendment**

26 29. The allegations in the above paragraphs are realleged and incorporated
27 herein.

30. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V.

31. The Due Process Clause requires the government to establish, at an individualized hearing before a neutral decisionmaker, that Petitioner's detention is justified by evidence of flight risk or danger.

32. Petitioner's ongoing detention without an individualized bond hearing violates the Due Process Clause.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully prays this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Declare that Petitioner's ongoing detention without a bond hearing violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment;
- 3) Issue a Writ of Habeas Corpus and order Respondents to immediately release Petitioner from DHS custody under reasonable conditions;
- 4) Alternatively, order that Petitioner be released within 7 days unless Respondents schedule a hearing to take place before a neutral arbiter where to continue detention, the neutral arbiter must evaluate whether Petitioner presents a danger or flight risk, and address why available conditions of supervision cannot mitigate any such risks;
- 5) Award reasonable costs and attorneys' fees under the Equal Access to Justice Act, 28 U.S.C. § 2412, or on any other basis justified under law; and
- 6) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

DATED: December 15, 2025

By /s/ Ramanujan Nadadur
Ramanujan Nadadur
Counsel for Petitioner