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8 *Attorney for Petitioner* MUSSIE HAILE GHEBRESLASSIE

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **EASTERN DIVISION**

12 MUSSIE HAILE GHEBRESLASSIE,

Case No.:

13 Petitioner,

PETITION FOR WRIT OF
HABEAS CORPUS

14
15 vs

Challenge to Unlawful Incarceration
Under Color of Immigration Detention
Statutes: Request for Declaratory and
Injunctive Relief

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17
18 JAMES JANECKA, in his official capacity as
Warden of the Adelanto Detention Facility;

19
20 DAVID MARIN, in his official capacity as
Field Office Director of the Immigration and
21 Customs Enforcement, and Removal Operations
22 Los Angeles Field Office;

23 KRISTI NOEM, in her official capacity as
24 Secretary of the Department of Homeland
25 Security;

26 PAMELA BONDI, in her official capacity
27 as Attorney General of the United States,

28 Respondents.

INTRODUCTION

"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 v. Davis, 533 U.S. 678, 690 (2001).

1. The Petitioner, Mussie Haile Ghebreslassie, is 54 year old citizen of Eritrea. Petitioner was residing at [REDACTED] before his arrest and detention by ICE and who originally entered the United States on October 8, 2008 without inspection through the US/Mexican border.

2. Petitioner filed a Form I-589 Application for Asylum on May 13, 2009 based upon his fear of returning to Eritrea due to past imprisonment and torture for his political opinion and was ultimately placed in removal proceedings in San Francisco where on December 18, 2014, the judge granted him relief under Article 3 of the Convention Against Torture (CAT) and ordered that his removal be withheld.

3. Petitioner has duly reported to ICE without issue for nearly the past 11 years and continued his life in the United States. He has always been legally employed and has never had any criminal action initiated against him.

4. Nevertheless, on October 15, 2025, when Petitioner duly reported to ICE's San Bernardino field office for his annual reporting, he was summarily arrested and remains unlawfully detained at Adelanto Detention Center.

5. Petitioner was not arrested for violating the terms of his Order of Supervision. Nor was he detained because Respondents designated a third country to which he could be removed in conformity with the Convention Against Torture. Instead, he received no notice of why he was arrested.

6. Petitioner's detention is unlawful under the due process clause and under Respondents' own regulations. Respondents complied with *none* of its regulatory

1 and due process requirements. They never provided Petitioner actual notice of the
2 reasons for his arrest. They never conducted an initial interview to evaluate the
3 basis of that arrest. And they never gave him an opportunity to be heard. 8 C.F.R.
4 §§ 241.4(1), 241.13(i).

5 7. Moreover, Respondents have done nothing to terminate Petitioner's
6 protections under the Convention Against Torture, which would be necessary
7 before he could be removed to Eritrea. Nor have they designated a third country
8 to which his removal is reasonably imminent. Respondents have no authority,
9 under the immigration laws or otherwise, to arbitrarily detain Petitioner
10 indefinitely.

11 8. The conditions of Petitioner's arbitrary detention also violate his rights
12 under the due process clause. Respondents have detained Petitioner in unlawful
13 conditions of confinement that may cause him potentially health issues.

14 9. Petitioner believes that he is unjustly being detained at Adelanto Detention
15 facility as he was always in complete compliance with both ICE and Immigration
16 Court appearances.

17 10. Petitioner therefore petitions this Court for a writ of habeas corpus
18 ordering his release from custody and enjoining Respondents from unlawfully and
19 arbitrarily depriving him of his fundamental constitutional rights.
20

21 22 **LEGAL STANDARD**

23 11. A writ of habeas corpus is "available to every individual detained within
24 the United States." Hamdi v. Rumsfeld, 542 U.S. 507, 525 (2004) (citing U.S.
25 Const. Art. I, § 9, cl. 2). "The essence of habeas corpus is an attack by a person in
26 custody upon the legality of that custody, and ... the traditional function of the
27 writ is to secure release from illegal custody." Preiser v. Rodriguez, 411 U.S. 475,
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1 484 (1973). A court may grant a writ of habeas corpus to a petitioner who
2 demonstrates to be in custody in violation of the Constitution or federal law. 28
3 U.S.C. § 2241(c)(3). Traditionally, “the writ of habeas corpus has served as a
4 means of reviewing the legality of Executive detention, and it is in that context
5 that its protections have been strongest.” *I.N.S. v. St. Cyr*, 533 U.S. 289, 301
6 (2001). Accordingly, challenges to immigration-related detention are within the
7 purview of a district court’s habeas jurisdiction. *Zadvydas v. Davis*, 533 U.S. 678,
8 687 (2001); see also *Demore v. Kimi*, 538 U.S. 510, 517 (2003).

10 JURISDICTION

11 12. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general
12 grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S.
13 Constitution (“Suspension Clause”); 28 U.S.C. § 1331 (federal question jurisdiction),
14 and 28 U.S.C. §§ 2201, 2202 (Declaratory Judgment Act).

16 VENUE

17 13. Venue is proper in this district and division pursuant to 28 U.S.C.
18 §2241(d) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Ghebreslassie,
19 (Petitioner) is detained within this district at Adelanto Detention Facility in
20 Adelanto, CA.

22 PARTIES

23 14. Mussie Haile Ghebreslassie, Petitioner, is a thirty eight-year old citizen
24 and national of Eritrea. At the time of this filing, he is unlawfully detained in the
25 Adelanto Detention Facility in Adelanto, CA.

1 15. James Janecka, Respondent, is the Warden of the Adelanto Detention
2 Facility, in which Mr. Ghebreslassie remains incarcerated. Mr. Janecka is sued in
3 his official capacity.

4 16. David Marin, Respondent, is the Field Office Director of the Immigration
5 and Customs Enforcement, Enforcement and Removal Operations Los Angeles
6 Field Office. Mr. Marin is sued in his official capacity.

7 17. Kristi Noem, Respondent, is Secretary of the Department of Homeland
8 Security. She is sued in her official capacity.

9 18. Pamela Bondi, Respondent, is the Attorney General of the United States.
10 She is sued in her official capacity.
11

12 **LEGAL FRAMEWORK**

13 19. Federal law prohibits the removal of non-citizens, who are otherwise
14 subject to a final order of removal, if doing so would violate the Convention
15 Against Torture. There are no restrictions on an individual's eligibility for deferral
16 of removal under the Convention Against Torture. 8 C.F.R. § 208.16.

17
18 20. To be granted deferral under the Convention Against Torture, a non-
19 citizen must show that "it is more likely than not that he or she would be tortured
20 if removed to the proposed country of removal." 8 C.F.R. § 208.16(c)(2). An
21 applicant for deferral under the Convention Against Torture must show a higher
22 likelihood of torture than the likelihood of persecution an asylum applicant must
23 demonstrate. *Id.*

24 21. When an immigration judge grants a non-citizen deferral under the
25 Convention Against Torture, the immigration judge issues a removal order and
26 simultaneously defers that order with respect to the country or countries for
27 which the non-citizen demonstrated a sufficient risk of persecution or torture. *See*
28

1 *Johnson v. Guzman Chavez*, 141 S. Ct. 2271, 2283 (2021). Once granted, either
2 party has the right to appeal that decision to the Board of Immigration Appeals
3 within 30 days. 8 C.F.R. § 1003.38(b). If both parties waive appeal or neither party
4 appeals within the 30-day period, the deferral under the Convention Against
5 Torture and the accompanying removal order become administratively final. *See*
6 *id.* § 1241.1.

7 22. When an individual's removal is deferred under the Convention Against
8 Torture, they cannot be removed to the country or countries for which they
9 demonstrated a sufficient likelihood of persecution or torture. 8 U.S.C.
10 §1231(b)(3)(A); 8 C.F.R. § 208.17(b)(2).

11 23. To terminate a deferral under the Convention Against Torture,
12 Respondents must file a motion in the Immigration Court and come forward with
13 all evidence "relevant to the possibility that the alien would be tortured" if his
14 deferral is terminated. *Id.* § 208.17(d). The non-citizen then has the right to notice
15 of the "time, place, and date of the termination hearing," as well as a right to
16 supplement the factual record. *Id.* And an immigration judge, not Respondents,
17 would make a de novo determination as to whether the deferral should be
18 terminated. *Id.*

19 24. Alternatively, ICE may designate a third country that is prepared to
20 accept an individual's removal. 8 U.S.C. § 1231(b); 8 C.F.R. § 208.16(f). The
21 removal statute specifies restrictive criteria for identifying appropriate countries.
22 Non-citizens can be removed, for instance, to the country "of which the [non-
23 citizen] is a subject, national, or citizen" the country "in which the [non-citizen]
24 was born," or the country "in which the [non-citizen] resided" immediately before
25 entering the United States. 8 U.S.C. § 1231(b)(2)(D)-(E).
26
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1 25. Before acting on such a third country removal, ICE must provide the non-
2 citizen reasonable notice and undergo further proceedings in which the non-
3 citizen is given a meaningful opportunity to be heard. 8 U.S.C. § 1231(b)(3)(A); 8
4 C.F.R. § 1240.10(f) (stating that “immigration judge shall notify the [noncitizen]”
5 of proposed countries of removal); 8 C.F.R. § 1240.11(c)(1)(i) (“If the [noncitizen]
6 expresses fear of persecution or harm upon return to any of the countries to
7 which the [noncitizen] might be removed pursuant to § 1240.10(f) ... the
8 immigration judge shall ... [a]dvice [the noncitizen] that he or she may apply for
9 asylum in the United States or withholding of removal to those countries[.]”);
10 *Andriasian v. INS*, 180 F.3d1033, 1041 (9th Cir. 1999). This is to ensure that the
11 individual is being removed to a third country “where he or she is not likely to be
12 tortured.” 8 C.F.R. §§ 208.17(b)(2), 1208.17(b)(2); *see also* Execution of Removal
13 Orders; Countries to Which Aliens May Be Removed, 70 Fed. Reg. 661, 671 (Jan. 5,
14 2005) (codified at 8 C.F.R. pts. 241, 1240, 1241) (supplementary information) (“[a
15 noncitizen] will have the opportunity to apply for protection as appropriate from
16 any of the countries that are identified as potential countries of removal under [8
17 U.S.C. § 1231].”).

19 26. Providing such notice and opportunity to be heard is also required
20 under the United States’ obligations under international law. *See* United Nations
21 Convention Relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 150;
22 United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T.
23 6223, 606 U.N.T.S. 267; Refugee Act of 1980, Pub. L. 96-212, § 203(e), 94 Stat. 102,
24 107 (codified as amended at 8 U.S.C. § 1231(b)(3)); *INS v. Stevic*, 467 U.S. 407,
25 421 (1984) (noting that the Refugee Act of 1980 “amended the language of [the
26 predecessor statute to § 1231(b)(3)], basically conforming it to the language of
27 Article 33 of the United Nations Protocol”); *see also* United Nations Convention
28

1 Against Torture and Other Cruel, Inhuman or Degrading Treatment or
2 Punishment, *opened for signature* Dec. 10, 1984, art. III, S. Treaty Doc. No. 100-20
3 (1988), 1465 U.N.T.S. 85, 114; FARRA at 2681–822 (codified at Note to 8 U.S.C. §
4 1231) (“It shall be the policy of the United States not to expel, extradite, or
5 otherwise effect the involuntary return of any person to a country in which there
6 are substantial grounds for believing the person would be in danger of being
7 subjected to torture, regardless of whether the person is physically present in the
8 United States.”); United Nations Committee Against Torture, General Comment
9 No. 4 ¶ 12, 2017, Implementation of Article 3 of the Convention in the Context of
10 Article 22, CAT/C/GC/4 (“Furthermore, the person at risk [of torture] should
11 never be deported to another State from which the person may subsequently face
12 deportation to a third State in which there are substantial grounds for believing
13 that the person would be in danger of being subjected to torture.”).

14
15 27. 8 U.S.C. § 1231 governs the detention of non-citizens “during” and
16 “beyond” the “removal period.” 8 U.S.C. § 1231(a)(2)-(6). The “removal period”
17 typically begins once a non-citizen’s removal order “becomes administratively
18 final.” 8 U.S.C. § 1231(a)(1)(B). The removal period lasts for 90 days, during
19 which ICE “shall remove the [non-citizen] from the United States” and “shall
20 detain the [non-citizen]” as it carries out the removal. 8 U.S.C. § 1231(a)(1)-(2). If
21 ICE does not remove the non-citizen within the 90-day removal period, the non-
22 citizen “*may* be detained beyond the removal period” if they meet certain criteria,
23 such as being inadmissible or deportable under specified statutory categories. 8
24 U.S.C. § 1231(a)(6) (emphasis added).

25
26 28. Aware of the constitutional problems with indefinite detention—even
27 of removable non-citizens—the Supreme Court has expressly held that Section
28 1231(a)(6) “limits an alien’s post-removal-period detention to a period

1 reasonably necessary to bring about that alien's removal from the United States. *It*
2 *does not permit indefinite detention.*" *Zadvydas*, 533 at 689 (emphasis added).
3 "[I]ndefinite detention," the Court reasoned, would raise "serious constitutional
4 concerns." 533 U.S. at 682 (addressing the cases of two non-citizens who could not
5 be removed to their home country or country of citizenship).

6 29. By regulation, before the end of the 90-day removal period that ensues
7 upon a non-citizen's removal order becoming final, the local ICE field office with
8 jurisdiction over the non-citizen's detention must conduct a custody review to
9 determine whether the non-citizen should remain detained. *See* 8 C.F.R.
10 §241.4(c)(1), (h)(1), (k)(1)(i). If the non-citizen is not released following the 90-
11 day custody review, jurisdiction transfers to ICE Headquarters (ICE HQ), *id.* §
12 241.4(c)(2), which must conduct a custody review before or at 180 days, *id.* §
13 241.4(k)(2)(ii).

14 30. To comply with *Zadvydas*, DHS issued additional regulations in 2001
15 that established "special review procedures" to determine whether detained non-
16 citizens with final removal orders are likely to be removed in the reasonably
17 foreseeable future. *See* Continued Detention of Aliens Subject to Final Orders of
18 Removal, 66 Fed. Reg. 56,967 (Nov. 14, 2001). While 8 C.F.R. § 241.4's custody
19 review process remained largely intact, subsection (i)(7) was added to include a
20 supplemental review procedure that ICE must initiate when "the [non-citizen]
21 submits, or the record contains, information providing a substantial reason to
22 believe that removal of a detained [non-citizen] is not significantly likely in the
23 reasonably foreseeable future." *Id.* § 241.4(i)(7).

24 31. Under this procedure, ICE evaluates the foreseeability of removal by
25 analyzing factors such as the history of ICE's removal efforts to third countries.
26 *See id.* § 241.13(f). If ICE determines that removal is not reasonably foreseeable
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1 but nonetheless seeks to continue detention based on “special circumstances,” it
2 must justify the detention based on narrow grounds such as national security or
3 public health concerns, *id.* § 241.14(b)-(d), or by demonstrating by clear and
4 convincing evidence before an immigration judge that the non-citizen is “specially
5 dangerous.” *Id.* § 241.14(f).

6 32. “[I]f the alien does not leave or is not removed within the removal
7 period, the alien, pending removal, shall be subject to supervision under
8 regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3) (emphasis
9 added). Per the statute, those regulations must include requirements for the alien
10 “to appear before an immigration officer periodically,” *id.* § 1231(a)(3)(A), and
11 “to obey reasonable written restrictions on [his] conduct or activities,” *id.* §
12 1231(a)(3)(D). In making these custody determinations, ICE considers several
13 factors, including whether the non-citizen is likely to pose a danger to the
14 community or a flight risk if released. 8 C.F.R. § 241.4(e). If the factors in §
15 241.4(e) are met, ICE must release the non-citizen under conditions of
16 supervision, which in practice are memorialized in an Order of Supervision. *Id.* §
17 241.4(j)(2).

18 33. Once released, the non-citizen has a due process liberty interest against
19 the arbitrary revocation of their release. *See, e.g., Morrissey v. Brewer*, 408 U.S.
20 471 (1972); *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C. Cir. 2017) (“The
21 Supreme Court has repeatedly held that in at least some circumstances, a person
22 who is in fact free of physical confinement—even if that freedom is lawfully
23 revocable- has a liberty interest that entitles him to constitutional due process
24 before he is re-incarcerated.”).

25 34. ICE itself recognizes that due process interest with three minimal due
26 process requirements before it can revoke a non-citizen’s release pending
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1 deportation. Under its own regulations, ICE must: 1) provide the individual notice
2 of the reasons for the revocation; 2) conduct an interview to review the
3 revocation at the time the individual is taken into custody; and 3) give the
4 individual a meaningful opportunity to be heard on the reasons for the revocation.
5 8 C.F.R. § 241.4(l).

6 7 8 **STATEMENT OF FACTS**

9
10 35 The Petitioner, Mussie Haile Ghebreslassie, is 54 year old citizen of
11 Eritrea. Petitioner was residing at [REDACTED] before his
12 arrest and detention by ICE

13 36. On October 10, 2008, the Petitioner entered the United States
14 without inspection through the US/Mexican border.

15 37. Petitioner filed a Form I-589 Application for Asylum on May13, 2009
16 based upon his fear of returning to Eritrea due to past imprisonment and torture
17 for his political opinion.

18 38. Petitioner was ultimately placed in removal proceedings before the
19 immigration court in San Francisco where he renewed his application for
20 discretionary relief seeking Asylum, Withholding of Removal, and CAT in the
21 United States.

22 39. On December 18, 2014, Immigration Judge Polly A. Webber denied
23 Petitioner's asylum and withholding applications and ordered him removed to
24 Eritrea but concurrently granted Petitioner relief under Article 3 of the
25 Convention Against Torture (CAT) and ordered that his removal be withheld.
26 (Exhibit 1)
27
28

1 40. Petitioner appealed the denial of his asylum application to the Board of
2 Immigration Appeals (BIA) which ultimately confirmed the judge's decision while
3 leaving his status under CAT in place. (Exhibit 2)

4 41. On August 9, 2017. Petitioner was formally served with an "Order of
5 Supervision"(Exhibit 3) which required him to report annually to a designated
6 ICE office and Petitioner faithfully appeared at the ICE office for the required
7 annual check-in/reporting annually from that date until October 15, 2025.
8 (Exhibit 4)

9 42. On October 15, 2025, during what was supposed to be his routine and
10 faithful ICE check-in, something he has attended every single time for over eight
11 years without a single violation Petitioner was suddenly and unexpectedly
12 detained by ICE.
13

14 43. Shortly thereafter, ICE transported **Petitioner** to his current location at
15 a detention facility in Adelanto, California.

16 44. **Petitioner** received no prior notice of ICE's intentions or any reason for
17 his detention and has never received a **Form I-200, Warrant for Arrest of Alien**.

18 45. **Petitioner** has not received any explanation or detail as to why he was
19 detained. ICE has also not provided **Petitioner** with any information regarding
20 potential release, processing, or time frame; or granted **Petitioner** any opportunity
21 to ask questions or respond to the putative bases for the revocation of his release.
22 Additionally, contrary to the explicit language of the regulations, **Petitioner** has
23 not participated in any interview, discussion, or other procedure despite being
24 detained for nearly five months. **Petitioner** has been detained with no explanation,
25 no time limit, and no ability to rebut or counter his detention — in sum, no due
26 process.
27

28 46. ICE Officers have refused to set a bond or release **Petitioner** on Parole

1 47. Petitioner was not arrested for violating the terms of stay in the United
2 States. He was not arrested based upon any criminal activity. Nor was he detained
3 because Respondents designated a third country to which he could be removed in
4 conformity with the Convention Against Torture. Instead, He was just informed he
5 would be kept in the custody of U.S. Immigration and Customs Enforcement (ICE)
6 at this time.

7 48. Petitioner's detention is unlawful under the due process clause and
8 under Respondents' own regulations. They never provided Petitioner actual notice
9 of the reasons for his detention. And they never gave him an opportunity to be
10 heard. 8 C.F.R. §§ 241.4(1), 241.13(i).

11 49. Moreover, Respondents have done nothing to terminate Petitioner's
12 protections under the Convention Against Torture, which would be necessary
13 before he could be removed to Eritrea. Nor have they designated a third country
14 to which his removal is reasonably imminent. Respondents have no authority,
15 under the immigration laws or otherwise, to arbitrarily detain Petitioner
16 indefinitely.

17 50. The conditions of Petitioner's arbitrary detention also violate his rights
18 under the due process clause.

19 51. Petitioner believes that he is unjustly being detained at Adelanto
20 Detention facility as he was always in complete compliance with both ICE and
21 Immigration Court appearances.

22 52. Petitioner therefore petitions this Court for a writ of habeas corpus
23 ordering his release from custody and enjoining Respondents from unlawfully and
24 arbitrarily depriving him of his fundamental constitutional rights.
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CLAIMS FOR RELIEF

**COUNT I
VIOLATION OF DUE PROCESS
(ARBITRARY REVOCATION OF RELEASE)**

53. Petitioner hereby incorporates by reference the allegations made in paragraphs 19-52 *supra*.

54. Individuals under legal restraint, but who are free from physical restraint, have a liberty interest that entitles them to constitutional due process before they are incarcerated. *Morrissey*, 408 U.S. 471; *Hurd*, 864 F.3d at 683. This entitled Petitioner to notice and an opportunity to be heard before his release, which after nearly two months, was summarily and arbitrarily revoked.

55. Because Respondents failed to provide Petitioner any process, let alone due process, the revocation of his release was arbitrary, capricious, and unlawful.

**COUNT II
VIOLATION OF 8 C.F.R. §§ 241.4(1), 241.13(i)**

56. Petitioner hereby incorporates by reference the allegations made in paragraphs 19-52 *supra*.

57. Before revoking an individual's release from immigration custody, Respondents must: 1) provide the individual notice of the reasons for the revocation; 2) conduct an interview to review the revocation at the time the individual is taken into custody; and 3) give the individual a meaningful opportunity to be heard on the reasons for the revocation. 8 C.F.R. § 214.4(i). Respondents must comply with their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267 (1954). Yet here, Respondents did none of those things.

1 58. Because Respondents failed to follow their own rules in revoking
2 Petitioner's entitlement to release, his continued detention is arbitrary, capricious,
3 and unlawful.

4
5 **COUNT III**
6 **VIOLATION OF DUE PROCESS**
7 **(ARBITRARY DETENTION)**

8 59. Petitioner hereby incorporates by reference the allegations made in
9 paragraphs 19-52 *supra*.

10 60. "Freedom from imprisonment—from government custody, detention, or
11 other forms physical restraint—lies at the heart of the liberty that [the Due
12 Process]
13 Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690. Indefinite
14 detention, in particular, raises a "serious constitutional problem" and violates the
15 Due Process Clause. *Id.* at 689–90. The Due Process Clause requires that the
16 Deprivation of Petitioner's liberty must be narrowly tailored to serve a compelling
17 Government interest. *See Reno v. Flores*, 507 U.S. 292, 301–02 (1993) (holding
18 that due process "forbids the government to infringe certain 'fundamental' liberty
19 interests at all, no matter what process is provided, unless the infringement is
20 narrowly tailored to serve a compelling state interest"). Detention must bear a
21 reasonable relationship to its two regulatory purposes — to ensure the
22 appearance of noncitizens at future hearings and to prevent danger to the
23 community pending the completion of removal. *Zadvydas*, 533 U.S. at 690–691;
24 *Diop v. ICE*, 656 F.3d 221, 233–34 (3d Cir. 2011).

25
26 61. Because Respondents have proffered no explanation or new basis for
27 why Petitioner is now subject to detention — after three and one half years of
28 liberty — his continued detention is arbitrary, capricious, and unlawful.

COUNT IV
VIOLATION OF DUE PROCESS
(CONDITIONS OF CONFINEMENT)

62. Petitioner hereby incorporates by reference the allegations made in paragraphs 19-52 *supra*.

63. Respondents have an affirmative constitutional duty to meet the “basic human needs” of the people it confines, including the provision of “food, clothing, shelter, medical care, and reasonable safety.” *DeShaney v. Winnebago Cnty. Dep’t of Soc. Servs.*, 489 U.S. 189, 200 (1989); *see also Brown v. Plata*, 563 U.S. 493 (2011); *Youngberg v. Romeo*, 457 U.S. 307, 315–16 (1982). The constitution further forbids Respondents from exhibiting “deliberate indifference to [a person’s] serious medical needs” in confinement. *Estelle v. Gamble*, 429 U.S. 97, 103–04 (1976). Because immigration detention is civil in nature, Respondents are not permitted to create conditions of confinement that are “express[ly] inten[ded] to punish,” not rationally related to a legitimate government objective, or excessive to that objective. *Bell v. Wolfish*, 441 U.S. 520, 538 (1979) (quoting *Kennedy v. Mendoza-Martinez*, 372 U.S. 144, 168–69 (1963)). Respondents are also required, by statute, to ensure to “arrange for appropriate places of detention.” 8 U.S.C. § 1231(g)(1).

64. Because Respondents continue to subject Petitioner to punitive conditions of confinement, characterized by unlawful degrees of overcrowding and medical neglect, his detention is arbitrary, capricious, and unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully asks that this Court:

1. Issue a Writ of Habeas Corpus directing Petitioner's immediate release;
2. Declare that Respondents have violated Petitioner's constitutional, statutory, and regulatory rights against arbitrary and unlawful detention;
3. Enjoin Respondents from detaining Petitioner in the future without reasonable notice and an opportunity to be heard; and
4. Order such other relief as this Court determines is just and proper.

Respectfully submitted,

Dated: December 18, 2025

/s/ Ali M. Farahmand

Ali M. Farahmand

Attorney for Petitioner

Mussie Haile Ghebreslassie

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney. I have talked and corresponded with Petitioner regarding the events described in the Petition. Based on these communications, I hereby verify that the factual statements made in the Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on December, 18, 2025 in Irvine, California.

/s/Ali M. Farahmand

Ali M. Farahmand

Attorney for Petitioner Mussie Haile Ghebreslassie