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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Ali Jahal Badran,
Immigration File No. 

Petitioner,

v.

Todd M. Lyons, Acting Director of U.S.
Customs and Border Protection; Eric Pinhero,
Warden of Adelanto ICE Processing Center;
MW Mullin, DHS Secretary; Todd Blanche,
U.S. Attorney General

Respondents.

Case No. **'26CV2947 RBM MMP**

PETITION FOR WRIT OF
HABEAS CORPUS
(28 U.S.C. § 2241)

Petitioner Ali Jahal Badran (“Petitioner”), through counsel, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and requests emergency injunctive relief staying his imminent removal from the United States.

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I. INTRODUCTION

1. Petitioner Ali Jahal Badran respectfully petitions this Court for a writ of habeas corpus and emergency injunctive relief preventing his imminent deportation from the United States.
2. Petitioner is presently detained at the Adelanto ICE Processing Center in Adelanto, California, within the jurisdiction of this Court.
3. Petitioner faces immediate removal pursuant to a final order of deportation that rests entirely upon criminal convictions that no longer exist for immigration purposes.
4. On August 15, 2025, the Superior Court of California, County of Orange, vacated Petitioner's convictions pursuant to California Penal Code §§ 1016.5 and 1473.7(a)(1).
5. The state court vacated the convictions because they were legally invalid due to prejudicial error and ineffective assistance of counsel.
6. The vacatur was based upon substantive and constitutional defects in the original criminal proceedings, including counsel's failure to advise Petitioner that his plea would result in mandatory deportation and loss of lawful permanent resident status.
7. Under *Matter of Pickering*, 23 I&N Dec. 621 (BIA 2003), a conviction vacated because of substantive or procedural defect cannot constitute a conviction for immigration purposes.
8. Petitioner's removal order therefore lacks any lawful legal predicate.
9. Despite the elimination of the sole basis supporting removability, Respondents continue to pursue Petitioner's deportation.
10. Petitioner has a pending regulatory motion to reopen before the Board of Immigration Appeals pursuant to 8 C.F.R. § 1003.2(a).

11. Removal before adjudication of that motion would irreparably deprive Petitioner of meaningful judicial review and would unlawfully execute a removal order unsupported by a valid conviction.
12. Petitioner has lived in the United States as a lawful permanent resident since 1985, when he arrived as a young child.
13. He has resided in the United States for nearly forty years and has no meaningful ties to any other country.
14. Emergency judicial intervention is necessary to prevent irreparable harm and unlawful removal.

II. JURISDICTION AND VENUE

15. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241.
16. Jurisdiction further exists under 28 U.S.C. §§ 2201 and 2202.
17. This Court possesses habeas corpus jurisdiction because Petitioner is presently detained within the Central District of California under color of federal immigration authority.
18. Jurisdiction additionally arises under the Suspension Clause of the United States Constitution, Art. I, § 9, cl. 2.
19. Venue is proper pursuant to 28 U.S.C. § 1391 because Petitioner is detained within this District at the Adelanto ICE Processing Center and Respondents exercise custody over Petitioner within this District.
20. Respondent Eric Pinheiro, Warden of the Adelanto ICE Processing Center, is Petitioner's immediate custodian and a proper respondent in this habeas action pursuant to *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

III. PARTIES

21. Petitioner ALI JAHAL BADRAN is a native of Brazil and lawful permanent resident of the United States.
22. Petitioner's alien registration number is 
23. Petitioner is presently detained at the Adelanto ICE Processing Center in Adelanto, California.
24. Respondent WM MULLIN is DHS Secretary of the United States and is sued in his official capacity
25. Respondent TODD BLANCHE is Attorney General of the United States and is sued in his official capacity.
26. Respondent TODD M. LYONS is Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity.
27. Respondent ERIC PINHEIRO is Warden of the Adelanto ICE Processing Center and is Petitioner's immediate custodian.
28. Respondent UNITED STATES DEPARTMENT OF HOMELAND SECURITY is the federal agency responsible for immigration enforcement.
29. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is responsible for Petitioner's detention and removal.

IV. FACTUAL BACKGROUND

30. Petitioner was admitted to the United States as a lawful permanent resident in 1985.
31. Petitioner entered the United States as a young child and has continuously resided in this country for nearly forty years.

32. In 2000, Petitioner sustained criminal convictions in Orange County Superior Court, Case No. 00NF0789, for violations of California Health and Safety Code §§ 11379(a) and 11377(a).
33. These convictions later formed the sole basis for immigration removal proceedings.
34. Petitioner was ordered removed after the Board of Immigration Appeals dismissed his appeal on September 22, 2003.
35. Petitioner remained under a final order of removal for many years.
36. During the underlying criminal proceedings, former counsel failed to properly advise Petitioner regarding the mandatory immigration consequences of his plea.
37. Counsel failed to advise Petitioner that the plea would subject him to deportation and loss of lawful permanent resident status.
38. Counsel further failed to investigate defenses and failed to pursue suppression motions.
39. Criminal defense counsel possesses an affirmative constitutional obligation to provide accurate immigration advice concerning plea consequences. *Padilla v. Kentucky*, 559 U.S. 356, 374 (2010).
40. Petitioner entered the plea without understanding the severe immigration consequences that would follow.
41. Had Petitioner understood those consequences, he would not have accepted the plea and would instead have pursued alternative dispositions or proceeded to trial.
42. On August 15, 2025, the Orange County Superior Court granted Petitioner's motion to vacate pursuant to California Penal Code §§ 1016.5 and 1473.7(a)(1).
43. The Superior Court vacated the convictions because they were legally invalid due to prejudicial error and ineffective assistance of counsel.

44. The prosecution stipulated to vacatur.
45. Following vacatur, the prosecution amended the complaint to add a misdemeanor violation of California Penal Code § 370 resulting in a terminal disposition.
46. Petitioner thereafter filed a motion to reopen proceedings before the Board of Immigration Appeals pursuant to 8 C.F.R. § 1003.2(a).
47. Petitioner now faces imminent removal despite elimination of the sole legal predicate supporting removability.

V. LEGAL FRAMEWORK

47. Under *Matter of Pickering*, a conviction vacated because of substantive or procedural defect ceases to constitute a conviction for immigration purposes. *Matter of Pickering*, 23 I&N Dec. 621, 624 (BIA 2003).
48. The Ninth Circuit follows the *Pickering* framework and recognizes that convictions vacated because of underlying legal defect cannot support removability. *Cardoso-Tlalpa v. Holder*, 660 F.3d 1021, 1024–25 (9th Cir. 2011).
49. Likewise, the Ninth Circuit has held that convictions vacated because of legal invalidity cannot serve as predicates for removal. *Nath v. Gonzales*, 467 F.3d 1185, 1188–89 (9th Cir. 2006).
50. The immigration consequences of a vacated conviction depend upon the basis for the vacatur and whether the conviction was vacated because of legal defect. *Garcia v. Holder*, 659 F.3d 1261, 1266–67 (9th Cir. 2011).

51. California Penal Code § 1473.7(a)(1) authorizes vacatur where a conviction is legally invalid because prejudicial error impaired a defendant's ability to meaningfully understand the immigration consequences of a plea.
52. Petitioner's convictions were vacated precisely because they were legally invalid due to prejudicial error and ineffective assistance of counsel.
53. Because the sole predicate conviction has been eliminated, Respondents lack lawful authority to execute Petitioner's removal.

VI. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

(Violation of Due Process – Fifth Amendment)

54. Petitioner incorporates all preceding paragraphs.
55. Noncitizens physically present within the United States are entitled to due process protections under the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
56. Deportation based upon convictions vacated for constitutional and procedural defect violates due process.
57. Respondents' continued efforts to remove Petitioner despite elimination of the sole legal predicate are arbitrary and fundamentally unfair.
58. Removal before adjudication of Petitioner's pending reopening proceedings would deprive Petitioner of meaningful judicial review.

SECOND CLAIM FOR RELIEF

(Unlawful Removal Based Upon Vacated Convictions)

- 59. Petitioner incorporates all preceding paragraphs.
- 60. Under Matter of Pickering and Ninth Circuit precedent, convictions vacated because of substantive or procedural defect cannot support removability.
- 61. Petitioner's convictions were vacated because they were legally invalid due to prejudicial error and ineffective assistance of counsel.
- 62. The sole basis supporting removability has therefore been extinguished.
- 63. Respondents lack lawful authority to remove Petitioner pursuant to 8 U.S.C. § 1229a.

THIRD CLAIM FOR RELIEF

(Violation of the Suspension Clause)

- 64. Petitioner incorporates all preceding paragraphs.
- 65. Federal courts retain habeas jurisdiction to review substantial legal questions arising from removal proceedings. *INS v. St. Cyr*, 533 U.S. 289, 314 (2001).
- 66. Removal prior to adjudication of this petition would effectively extinguish meaningful habeas review.
- 67. Deportation under these circumstances would violate the Suspension Clause.

VII. TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL

- 68. Petitioner seeks immediate emergency injunctive relief staying removal pending adjudication of this petition.
- 69. A stay of removal is appropriate where the movant demonstrates likelihood of success, irreparable harm, favorable equities, and consistency with the public interest. *Nken v. Holder*, 556 U.S. 418, 434 (2009).

70. Temporary restraining relief is appropriate where the movant demonstrates likelihood of success on the merits, irreparable harm, favorable equities, and consistency with the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).
71. Petitioner is likely to succeed because the sole convictions supporting removability have been vacated for constitutional and procedural defect.
72. Under *Matter of Pickering*, *Cardoso-Tlalpa*, and *Nath*, those convictions no longer exist for immigration purposes.
73. Petitioner will suffer irreparable harm absent relief through deportation, family separation, and deprivation of meaningful judicial review.
74. The balance of equities sharply favors preserving the status quo.
75. The public interest favors lawful and constitutional immigration enforcement.
76. Immediate injunctive relief is therefore warranted.

VII. TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL

72. Petitioner seeks immediate emergency injunctive relief staying removal pending adjudication of this petition.
73. Petitioner is likely to succeed on the merits because the sole predicate conviction has been vacated for substantive and constitutional defect.
74. Petitioner faces irreparable harm through deportation, family separation, loss of lawful status, and deprivation of meaningful judicial review.
75. The balance of equities sharply favors Petitioner.
76. The public interest favors lawful and constitutional immigration enforcement.
77. Temporary injunctive relief is necessary to preserve the status quo.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue an immediate Temporary Restraining Order prohibiting Respondents from removing Petitioner from the United States;
- B. Enter an emergency stay of removal pending adjudication of this action;
- C. Assume jurisdiction over this habeas petition;
- D. Declare that Petitioner's removal order lacks a lawful legal predicate because the sole supporting convictions were vacated for substantive and constitutional defect;
- E. Grant the Petition for Writ of Habeas Corpus;
- F. Enjoin Respondents from removing Petitioner pending full adjudication of reopening proceedings;
- G. Award attorneys' fees and costs where authorized by law; and
- H. Grant any additional relief the Court deems just and proper.

DATED: 5/8/26

Respectfully submitted,
LAW OFFICES OF ANDY MIRI
By: Andy Miri
ANDY MIRI, ESQ.
Attorney for Petitioner
ALI JAHAL BADRAN

VERIFICATION

I, ALI BADRAN in my individual capacity, declare under penalty of perjury that I have read the foregoing Petition, that it is true and correct to the best of my own knowledge and belief, except as to those matters stated to be on information and belief, and as to those things, I believe them to be true.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Dated: 5/8/26

ALI BADRAN

ALI BADRAN