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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

Peter ASONGANYI,

Petitioner,

v.

Jeremy CASEY, Warden, Imperial Regional Detention Facility;
Daniel A. BRIGHTMAN, Field Office Director, San Diego Field Office, United States Immigration and Customs Enforcement;
Todd M. LYONS, Acting Director, United States Immigration and Customs Enforcement;
Markwayne MULLIN, Secretary of Homeland Security;
Todd BLANCHE, Attorney General, in their official capacities,

Respondents.

Case No.: '26CV3297 JES BJW

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN THREE DAYS

Petitioner Peter Asonganyi petitions this Court for a writ of habeas corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully, and states as follows:

INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging Petitioner's continued civil immigration detention at the Imperial Regional Detention Facility following a bond hearing that this Court ordered in an earlier habeas action, but that the Immigration Judge ("IJ") conducted in a manner that violated the Court's order, the Due Process Clause, and governing law.

2. On April 29, 2026, this Court granted Petitioner's prior habeas petition in part and ordered the Government to provide him with an individualized bond hearing by May 13, 2026, at which "the government would bear the burden of proof of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight." *Asonganyi v. Casey*, No. 3:26-cv-02307-CAB-BJW, Order at 1-2 (S.D. Cal. Apr. 29, 2026).

3. The IJ held a bond redetermination hearing on May 12, 2026, nominally under 8 U.S.C. § 1226(a), but in substance reverted to a *Matter of Guerra*-style framework that placed the practical burden on Petitioner, denied bond categorically based only on alleged flight risk, set no bond amount, considered no conditions of release, and ignored uncontroverted evidence of Petitioner's health, family circumstances, and strong sponsorship plan.

4. Petitioner has no criminal history anywhere in the world, has never been arrested other than his immigration apprehension in December 2024, and the IJ expressly found he is not a danger to the community.

5. Petitioner has timely filed an appeal with the Board of Immigration Appeals ("BIA") from the IJ's May 12, 2026, bond denial, but that administrative process is prudential rather than jurisdictional, futile under current conditions, and incapable of curing the ongoing constitutional violation and continued unlawful detention.

6. Given the constitutional issues at stake and the mounting record that post-habeas bond hearings have become institutionally incapable of providing meaningful relief, the Court should not require yet another bond hearing before the same or another IJ. The Court should instead order Petitioner's immediate release, subject to reasonable conditions of supervision. *See Nola v. DHS*, No. 5:26-cv-02180-MBK, 2026 WL 1330294, at *10 (C.D. Cal. May 13, 2026); *Perez Velasquez v. Bondi*, No. 26-cv-01759-GPC-DDL, 2026 WL 1042479, at 7,*13 (S.D. Cal. Apr. 16, 2026); *Espana v. Nessinger*, No. 26-cv-014-JJM-PAS, 2026 WL 821788, at *13 (D.R.I. Mar. 25, 2026); *Miri v. Bondi*, No. 5:26-cv-00698-MEMF-MAR, 2026 WL 622302, at*12, *20 (C.D. Cal. Mar. 5, 2026); *Lopez v. Hernandez*, No. C26-0775 TSZ, 2026 WL 984151 (W.D. Wash. Apr. 13, 2026); *Perdomo v. Noem*, No. 2:25-cv-05605-MEMF-SP, 2025 WL 3050056, at*7 (C.D. Cal. July 30, 2025); *Hechavarria v. Whitaker*, 358 F. Supp. 3d 227, 240-43 (W.D.N.Y. 2019); *Enoh v. Sessions*, No. 16-cv-85(LJV), 2017 WL 2080278, at *10 (W.D.N.Y. May 15, 2017).

JURISDICTION AND VENUE

7. This Court has jurisdiction to consider this habeas petition complaint under 28 U.S.C. § 1331; 28 U.S.C. § 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, 2. Jurisdiction is not limited by a petitioner's nationality, immigration status, or any other classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008).

8. District courts retain habeas jurisdiction over constitutional claims and questions of law arising from immigration bond determinations, notwithstanding 8 U.S.C. § 1226(e). *See Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011); *Martinez v. Clark*, 124 F.4th 775, 783 (9th Cir. 2024); *Perez Velasquez*, 2026 WL 1042479, at *4-5.

9. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because at least one Respondent is in this District, Petitioner is detained in this District, Petitioner's immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action have taken place in this District.

EXHAUSTION

10. There is no statutory exhaustion requirement for § 2241 habeas petitions challenging civil immigration detention; any exhaustion obligation is prudential and may be waived when administrative remedies are inadequate, futile, or would cause irreparable harm. *See Hernandez v. Sessions*, 872 F.3d 976, 988-89 (9th Cir. 2017); *Laing v. Ashcroft*, 370 F.3d 994, 999-1001 (9th Cir. 2004); *Perez Velasquez*, 2026 WL 1042479, at *5-8; *Miri*, 2026 WL 622302, at *18-19; *Hechavarria*, 358 F. Supp. 3d at 240-43.

11. Petitioner has already filed a BIA appeal of the bond denial. Forcing him to await BIA adjudication will result in many additional months of detention under a framework that this Court already corrected and that the BIA is structurally ill-situated to enforce, given recent changes and empirical evidence on BIA bond outcomes.

12. Courts have held that BIA review offers no effective remedy for bond-hearing process defects and that the delays inherent in BIA appeals themselves constitute irreparable harm. *See Perez Velasquez*, 2026 WL 1042479, at *6-8; *W.T.M. v. Bondi*, 2026 WL 262583, at *3 (W.D. Wash. Jan. 30, 2026); *Garcia*, 2025 WL 3466312, at *6; *Hechavarria,* 358 F. Supp. 3d at 240-43.

13. This proceeding also arises in substance as an enforcement action to vindicate and effectuate this Court's prior habeas order—an area where federal courts have a special obligation and inherent authority to ensure compliance, and where administrative exhaustion is particularly ill-suited. *See R.R.C. v. Streeval*, 2026 U.S. Dist. LEXIS 53275, at *9-13 (M.D. Ga. Mar. 16, 2026).

14. Under these circumstances, any prudential exhaustion requirement is satisfied and, in any event, should be excused.

PARTIES

15. Petitioner Peter Asonganyi is a 32-year-old citizen of Cameroon who entered near Calexico in December 2024, has remained in continuous ICE custody since his entry, and is currently detained at the Imperial Regional Detention Facility. The BIA sustained his appeal and remanded his case to the Immigration Court on May 11, 2026.

16. On information and belief, Jeremy Casey is the Warden at the Imperial Regional Detention Facility, where Petitioner is being held. Respondent Casey is Petitioner's immediate custodian. Petitioner sues him in his official capacity.

17. On information and belief, Respondent Daniel A. Brightman is the current Field Office Director responsible for the San Diego Field Office of ICE with administrative jurisdiction over Petitioner's immigration case. He is Petitioner's legal custodian. Petitioner sues him in his official capacity.

18. Respondent Todd M. Lyons is the Acting Director of ICE. ICE is a component of the U.S. Department of Homeland Security, 6 U.S.C. § 271, and an "agency" within the meaning of the Administrative Procedure Act, 5 U.S.C. § 701(b)(1). It is the agency responsible for enforcing immigration laws, and it is detaining Petitioner. Respondent Lyons has custodial authority over Petitioner, who names him in his official capacity.

19. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security (DHS). DHS is the federal agency responsible for enforcing immigration laws and granting immigration benefits. *See* 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1. Respondent Mullin has ultimate custodial authority over Petitioner, who names him in his official capacity.

20. Respondent Todd Blanche is the Acting Attorney General of the United States. He is responsible for the Immigration and Nationality Act's implementation and enforcement (see 8 U.S.C. §§ 1103(a)(1), (g)), and oversees the Executive Office for Immigration Review. Petitioner names him in his official capacity.

PROCEDURAL HISTORY AND PRIOR HABEAS RELIEF

21. Petitioner has been in civil immigration detention since approximately December 18, 2024, without any criminal charges and with no prior removal orders.

22. On April 10, 2026, Petitioner filed a pro se habeas petition in this Court, alleging prolonged detention without a bond hearing in violation of the Fifth Amendment and seeking an individualized bond hearing at which the Government would bear the burden of proof.

23. On April 29, 2026, the Court granted that petition in part, noting that the Government "concedes that this Court should order that Petitioner receive an individualized bond hearing, where the government would bear the burden of proof of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight," and ordering that such hearing occur by May 13, 2026. *Asonganyi*, No. 3:26-cv-02307-CAB-BJW at *1-2.

24. The Court directed the Government to provide that hearing before an IJ and stated that the case would be closed on May 20, 2026, unless the Court was notified that the bond hearing did not occur. *Id.* at 2.

25. On May 11, 2026, the BIA sustained Petitioner's appeal and remanded his case to the IJ for further findings and analysis. His merits hearing on remand is on June 22, 2026.

26. On May 12, 2026, EOIR conducted a bond hearing pursuant to this Court's order. The IJ acknowledged on the record that the Government bore the burden to prove danger or flight risk by clear and convincing evidence and structured the hearing so that DHS presented first and last.

27. On the record, the IJ expressly found that DHS had presented no evidence of danger, that Petitioner "has no criminal history in the United States," that he "has never been arrested anywhere in the world," and therefore that he "is not a danger to the community.[1]"

28. Nevertheless, the IJ denied bond outright based solely on alleged flight risk, without setting any bond amount, without considering or explaining why any less restrictive alternatives could not mitigate risk, and without identifying affirmative Government evidence that no conditions of release could reasonably assure appearance.

29. Petitioner has filed a timely notice of appeal to the BIA challenging the bond denial. That appeal remains pending, and Petitioner faces several more months of detention before any decision, given current BIA timelines in detained cases. *See Perez Velasquez*, 2026 WL 1042479, at *5-8 (describing BIA timelines and futility concerns).

FACTUAL ALLEGATIONS

30. DHS introduced no independent witnesses and no documentary exhibits at the May 12 hearing; its theory of flight risk rested entirely on cross-examination of Petitioner and his proposed sponsor and on generic such as manner of entry, lack of longstanding U.S. residence, and perceived inconsistencies in sponsorship testimony.

[1] The quoted portions of the IJ's oral decision are derived from the Digital Audio Recording of the bond proceedings, as the IJ's written order contained no substantive analysis. Petitioner's counsel, acting pro bono with limited resources, was unable to produce a written transcript of the proceedings.

31. Petitioner's uncle, Julius Alehe Ebe, testified credibly that he is a close paternal relative, is employed as a nurse for the Commonwealth of Massachusetts, can provide housing, food, and clothing for Petitioner, will pay for Petitioner's airfare from the Imperial Regional Detention Facility to Massachusetts and back for hearings, and that a supportive Cameroonian community stands ready to assist.

32. The IJ acknowledged Mr. Ebe as a "credible sponsor" but applied improper weight to minor inconsistencies—such as whether he is a "father's brother" or "father's brother's brother," and the precise frequency and timing of pre-detention contact—into a central basis to deny bond, without accounting for language barriers (Petitioner requested Pidgin English, which EOIR could not provide) and the constraints of detention communication.

33. Petitioner has remained in ICE custody continuously since his entry in December 2024, was arrested immediately after crossing near Calexico, and has fully cooperated with immigration authorities. The IJ did not identify any missed hearings, absconding history, or attempts to evade supervision.

34. Petitioner testified in detail about serious, ongoing medical issues in detention, including persistent itching, diagnosed food allergies, restrictive diet, and medication-related gastric and chest pain, which have not been effectively resolved despite multiple medical encounters. He indicated that these symptoms have persisted "the entire time" he has been detained.

35. Petitioner testified that he is a 32-year-old husband and father of two very young children who remain in Cameroon, living in insecurity and forced to move from place to place due to the conditions that precipitated his flight. His

fear-based protection case was recently remanded by the BIA after reversal of an adverse credibility finding, giving him a strong incentive to remain in proceedings and appear for all hearings.

36. The IJ's oral decision did not address Petitioner's health, detention conditions, or family hardship at all and treated the strength of his remanded protection claim as largely irrelevant to flight risk, contrary to precedent recognizing that such factors are highly probative. *See, e.g., Perez Velasquez,* 2026 WL 1042479, at 10-12; *Miri,* 2026 WL 622302, at 2-4, *14-20.

37. Petitioner remains detained at the Imperial Regional Detention Facility, separated from his family and experiencing ongoing health consequences, despite a prior federal habeas order intended to provide meaningful, government-burdened review of his detention.

CLAIMS FOR RELIEF
FIRST CAUSE OF ACTION
DUE PROCESS VIOLATION -NONCOMPLIANCE WITH HABEAS ORDER

38. Petitioner re-alleges and incorporates by reference paragraphs 1-37 above as if fully set forth herein.

39. The Fifth Amendment prohibits arbitrary civil detention and requires that, where the Government seeks to confine a person in non-punitive custody, it must justify that confinement by at least clear and convincing evidence when significant liberty interests are at stake. *See Addington v. Texas,* 441 U.S. 418, 425-33 (1979); *Colorado v. New Mexico,* 467 U.S. 310, 316 (1984); *Hechavarria,* 358 F. Supp. 3d at 240-43.

40. In Petitioner's prior habeas case, the Government conceded and this Court ordered that Petitioner receive a bond hearing at which "the government would

bear the burden of proof of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a risk of flight." *Asonganyi v. Casey*, No. 3:26-cv-02307-CAB-BJW, Order at 1-2

41. At the May 12 bond hearing, the IJ verbally acknowledged this burden shift but in substance applied the traditional *Matter of Guerra* framework that places the practical burden on the noncitizen to prove suitability for release. *See Matter of Guerra*, 24 I. & N. Dec. 37, 40-41 (BIA 2006); *cf. Singh v. Holder*, 638 F.3d 1196, 1203-05 (9th Cir. 2011) (requiring Government to bear the burden by clear and convincing evidence in prolonged-detention bond hearings).

42. DHS presented no affirmative evidence that Petitioner would fail to appear if released; it relied only on manner of entry, the fact that Petitioner's U.S. ties are of recent origin (a function of his recent arrival and continuous detention), and minor inconsistencies in sponsor testimony—factors that, as a matter of law, cannot satisfy the clear-and-convincing standard.

43. Rather than holding DHS to its burden, the IJ filled DHS's evidentiary gaps by drawing adverse inferences from Petitioner's limited ties, language barriers, and the absence of additional respondent-supplied corroboration, effectively penalizing Petitioner for not disproving flight risk.

44. Federal courts confronting similar patterns in post-habeas bond hearings have held that an IJ who recites the correct standard but then denies bond based on conjecture and the noncitizen's inability to meet the IJ's own concerns has not implemented the court-ordered burden and has rendered the hearing constitutionally inadequate. *See Singh v. Valdez*, 2026 WL 890240, at *9-12 (D.

Colo. Apr. 1, 2026); *Perez Velasquez*, 2026 WL 1042479, at *10-13; *Miri*, 2026 WL 622302, at *14-20.

45. By misallocating and misapplying the clear-and-convincing burden in a habeas-ordered hearing, the Government and IJ violated this Court's prior order, the Due Process Clause, and the principle that civil immigration detention must be reasonably related to a legitimate purpose and no more intrusive than necessary. *See Zadvydas v. Davis*, 533 U.S. 678, 690-702 (2001); *Hechavarria*, 358 F. Supp. 3d at 240-43.

SECOND CAUSE OF ACTION
DUE PROCESS VIOLATION -FAILURE TO SET BOND CONSIDER LESS RESTRICTIVE ALTERNATIVES TO DETENTION

46. Petitioner re-alleges and incorporates by reference paragraphs 1-37 above as if fully set forth herein.

47. Once the IJ expressly found that DHS had presented no evidence of danger and that Petitioner "is not a danger to the community," danger ceased to be a permissible basis for continued detention.

48. Due process and Ninth Circuit precedent require an individualized assessment of whether some combination of bond and conditions of supervision—such as strict reporting requirements, electronic monitoring, or other forms of supervision—can reasonably mitigate any risk of non-appearance, particularly where a noncitizen has a pending protection case. *See HernandeZ*, 872 F.3d AT 991-92; *Singh*, 638 F.3d at 1203-05; *Robbins III,* 804 F.3d at 1087-89, rev'd on other grounds, *Jennings v. Rodriguez*, 583 U.S. 281 (2018); *Perez Velasquez*, 2026 WL 1042479, at *10-13; Miri, 2026 WL 622302, at *14-20.

49. The IJ categorically denied bond, set no monetary amount, and did not meaningfully consider or explain why any non-monetary conditions could not mitigate perceived flight risk.

50. Multiple courts have found that such categorical denials, particularly after an explicit no-danger finding and where strong family and sponsorship evidence exists, are legally and constitutionally inadequate and warrant habeas relief, often in the form of immediate release. *See Perez Velasquez*, 2026 WL 1042479, at *10-13; *Nola*, 2026 WL 1330294, at *7-10.

51. The IJ's failure to set any bond amount or to consider less restrictive alternatives transformed discretionary civil detention under 8 U.S.C. § 1226(a) into de facto mandatory detention, contrary to *Zadvydas* and to district-court enforcement of habeas relief in similar custody cases. *See Zadvydas*, 533 U.S. at 690-702; *R.R.C. v. Streeval*, 2026 U.S. Dist. LEXIS 53275, at *9-13.

THIRD CAUSE OF ACTION
DUE PROCESS - ARBITRARY TREATMENT OF SPONSORSHIP, HEALTH, AND FAMILY EVIDENCE

52. Petitioner re-alleges and incorporates by reference paragraphs 1-37 above as if fully set forth herein.

53. Petitioner presented a strong sponsorship and release plan: a stable, employed U.S. relative willing to provide housing and financial support, a supportive Cameroonian community in Massachusetts, and a detailed commitment to ensure Petitioner's transportation for all future hearings.

54. Under *Matter of Guerra* and Ninth Circuit precedent, family ties, community support, sponsorship, and the strength of pending immigration claims are central factors in assessing flight risk and appropriate bond. *See Guerra*, 24 I. & N. Dec. at

40-41; *Martinez*, 124 F.4th at 780-84; *Perez Velasquez*, 2026 WL 1042479, at *10-12.

55. The IJ effectively inverted the weight of this evidence by elevating minor inconsistencies between Petitioner's and his uncle's testimony into dispositive indications of unreliability, even while acknowledging the sponsor's overall credibility.

56. Courts evaluating similar records have held that reliance on such minor discrepancies—where fully explainable by detention conditions and language barriers—does not satisfy the clear-and-convincing standard and renders a bond denial legally deficient. *See Miri*, 2026 WL 622302, at *14-20; *Perez Velasquez*, 2026 WL 1042479, at *10-13.

57. The IJ also failed to meaningfully address Petitioner's uncontroverted testimony regarding significant medical issues in detention and the precarious situation of his wife and children abroad, even though courts recognize such evidence as highly relevant both to due-process harms and to incentives to appear. *See Hernandez*, 872 F.3d at 994-95; *Perez Velasquez*, 2026 WL 1042479, at *7-8; *Miri*, 2026 WL 622302, at *2-4; *Hechavarria*, 358 F. Supp. 3d at 240-43.

58. Due process requires that immigration adjudicators consider all relevant evidence and may not ignore highly probative, potentially dispositive facts without explanation. *See Perez Velasquez*, 2026 WL 1042479, at *10-12.

59. In disregarding Petitioner's sponsorship, health, and family evidence while relying heavily on manner of entry and lack of longstanding U.S. ties, the IJ relied on "proof that—as a matter of law—could not establish" the conclusion drawn, creating legal error and a due-process violation cognizable in habeas. *See Kharis v.*

Sessions, 2018 WL 5809432, at *5 (N.D. Cal. Nov. 6, 2018) (quoting *Nguti v. Sessions*, 2017 WL 5891328, at*3 (W.D.N.Y. Nov. 29, 2017)); *Perez Velasquez*, 2026 WL 1042479, at *10-13; *Miri*, 2026 WL 622302, at *14-20.

FOURTH CAUSE OF ACTION
ENTITLEMENT TO IMMEDIATE RELEASE

60. Petitioner re-alleges and incorporates by reference paragraphs 1-37 above as if fully set forth herein.

61. The record before the Court shows that the Government has failed to justify Petitioner's continued detention under the clear-and-convincing standard it accepted; that the IJ's bond denial was legally and constitutionally deficient; and that remanding for yet another bond hearing would not meaningfully remedy the violation but would instead expose Petitioner to further unlawful confinement and the risk of another "preordained" denial. *See Perez Velasquez*, 2026 WL 1042479, at *9-13; *Miri*, 2026 WL 622302, at *14-20.

62. Numerous courts, when confronted with post-habeas bond hearings that failed to implement court-ordered burdens or remained constitutionally defective, have ordered immediate release rather than remanding for additional IJ hearings. *See Nola*, 2026 WL 1330294, at*10; *Perez Velasquez*, 2026 WL 1042479, at *13; *Espana*, 2026 WL 821788, at *13; *Miri*, 2026 WL 622302, at *20; *Singh*, 2026 WL 890240, at *9-12; *R.R.C. v. Streeval*, 2026 U.S. Dist. LEXIS 53275, at *9-13; Enoh, 2017 WL 2080278, at *10.

63. Courts have emphasized that a new bond hearing—"which Petitioner is entitled to regardless"—cannot cure the fact that he is already being held unlawfully and that ordering serial hearings risks allowing the Government "to

transform an unlawful detention into a lawful one through post-hoc justifications." *See Singh v. Valdez*, 2026 WL 890240, at *9-12; *Perez Velasquez*, 2026 WL 1042479, at *13; *Miri*, 2026 WL 622302, at *20.

64. Given the constitutional stakes, the clear record of misapplied burdens and ignored evidence, and the systemic concerns documented in federal decisions and about post-habeas bond denials, the Court should follow related cases and order Petitioner's immediate release, subject to reasonable conditions of supervision.

PRAYER FOR RELIEF

Petitioner requests the Court:

1. Assume jurisdiction over this matter under 28 U.S.C. § 2241;
2. Issue an order to show cause directing Respondents to explain why Petitioner's continued detention at the Imperial Regional Detention Facility is lawful in light of this Court's prior order and the May 12, 2026, bond proceedings;
3. Grant this petition and order Petitioner's immediate release from ICE custody at the Imperial Regional Detention Facility within forty-eight (48) hours of the Court's order, subject to reasonable conditions of supervision;
4. Enjoin Respondents from transferring Petitioner outside the Southern District of California, or removing him, during the pendency of these proceedings absent further order of this Court; and

5. Grant any further relief the Court deems just and proper.

Dated: May 29, 2026

Respectfully submitted,

By: /s/ Arwa J.Z. Kakavand
Arwa J.Z. Kakavand

Attorney for Petitioner

TABLE OF EXHIBITS

Exhibit 1: *Asonganyi v. Casey*, No. 3:26-cv-02307-CAB-BJW, Order at 1-2 (S.D. Cal. Apr. 29, 2026)
Exhibit 2: BIA Remand Order dated May 11, 2026
Exhibit 3: IJ Bond Order dated May 12, 2026
Exhibit 4: BIA Bond Denial Appeal, Proof of Filing

VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2242

I, Arwa J.Z. Kakavand, do depose and state:

I represent Petitioner Peter Asonganyi in these habeas corpus proceedings. Petitioner is currently being held in detention at the Imperial Regional Detention Facility and is not able to sign this Verification. I have reviewed the record of his detention and discussed this matter with him. I verify that the information contained in the foregoing petition is true and correct to the best of my knowledge and belief.

Dated: May 29, 2026

Respectfully submitted,

By: /s/ Arwa J.Z. Kakavand
Arwa J.Z. Kakavand

Attorney for Petitioner