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DETAINED

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In the matter of:

MANJINDER SINGH

v.

**SIXTO MARRERO, WARDEN
OF IMPERIAL REGIONAL
ADULT DETENTION FACILITY**

Case Number: '26CV3703 JES DEB

A-Number

**PETITION FOR WRIT OF
HABEAS CORPUS AND ORDER
TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT
FOR DECLARATORY RELIEF**

**Challenge to Unlawful Incarceration;
Request for Declaratory Relief**

**PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT FOR DECLARATORY RELIEF**



STATEMENT OF FACTS

1. Petitioner Manjinder Singh is a native and citizen of India. He entered the United States at or near Calexico, CA Port of Entry on or about July 23, 2022. On July 25, 2022, he was released on his own recognizance. *A true and correct copies of the Notice to Appear and Form I-286 are attached as Exhibit "A."*
2. Petitioner timely filed his Form I-589 and appeared for his biometrics appointment. *A true and correct copy of the Biometrics Appointment Notice is attached hereto as Exhibit "B."*
3. Petitioner further supplemented his case and submitted the required documents.
4. Petitioner has no criminal history. He possesses a valid Social Security number and has been authorized to work in the United States. *A true and correct copy of the Employment Authorization Card is attached hereto as Exhibit "C."*
5. Petitioner has nearly four (4) years of residence in the United States.
6. Petitioner has not missed any court hearings or ICE appointments. Petitioner has no criminal history anywhere in the world.
7. On or about November 28, 2025, the Petitioner was arrested and has remained in continuous detention since that date—now exceeding six and a half (6.5) months. Despite diligently pursuing all available forms of relief, Petitioner's continued detention has become unreasonably prolonged and is now constitutionally impermissible.
8. Respondent has revoked Petitioner's release on recognizance without proper notice.
9. Petitioner is currently detained at Imperial Regional Adult Detention Facility. He has not been given an opportunity to be heard.
10. Despite his compliance with all immigration requirements Respondents continue to detain him without meaningful review of whether his continued custody is justified.



1 11. Petitioner was scheduled for a bond hearing on January 6, 2026, which was denied
2 for lack of jurisdiction.

3 12. On or about January 17, 2026, Petitioner filed a Petition for a Writ of Habeas
4 Corpus.

5 13. On February 2, 2026, this Court granted Petitioner's Petition for Writ of Habeas
6 Corpus in Case No. 26-cv-295-RSH-BJW and ordered within seven (7) days
7 arrange a bond hearing. *A true and correct copy of the Court's Order is attached*
8 *as Exhibit "D."*

9 14. On February 5, 2026, Court concluded that the Petitioner poses a significant flight
10 risk and a danger to the community and denied bond. *A true and correct copy of*
11 *the Bond Order is attached as Exhibit "E."*

12 15. During that hearing, Petitioner presented all relevant and compelling evidence in
13 support of release on bond. However, the Immigration Judge failed to adequately
14 consider these arguments, and bond was denied.

15 16. Petitioner timely appealed the bond denial on March 4, 2026; however,
16 administrative review does not cure the constitutional deficiencies in the bond
17 proceeding or Respondents' noncompliance with this Court's Order and serves only
18 to prolong Petitioner's unlawful detention. *A true and correct copy of the Bond*
19 *Appeal confirmation is attached as Exhibit "F."*

20 17. During his detention, Petitioner has suffered significant physical and mental health
21 deterioration. His continued confinement has caused and continues to cause serious
22 harm.

23 18. Respondents' continued detention of Petitioner is therefore in direct violation of
24 this Court's February 2, 2026, Order. The Government has not met and cannot meet
25 its burden of establishing by clear and convincing evidence that Petitioner poses
26 either a danger to the community or a flight risk. See *Singh v. Holder*, 638 F.3d
27 1196, 1203 (9th Cir. 2011).
28



1 19. On May 29, 2026, an Immigration Judge denied Petitioner's asylum and
2 withholding of removal. Petitioner timely appealed that decision on June 9, 2026.
3 Case is pending. *See attached Exhibit "G" - Screenshot of the EOIR case status*
4 *page.*

5 20. Respondents now seek to keep Petitioner detained without a meaningful
6 opportunity to seek a bond hearing. *See* 8 U.S.C. § 1225. Respondents do so based
7 not on Petitioner's personal circumstances or individualized facts.

8 21. But Respondents cannot evade due process requirements so easily. The U.S.
9 Constitution requires the Respondents provide at least the rights available to him
10 when he filed his application.

11 22. The Constitution protects Petitioner and every other person present in this country-
12 from arbitrary deprivations of his liberty and guarantees him due process of law.
13 The government's power over immigration is broad, but as the Supreme Court has
14 declared, it "is subject to important constitutional limitations" *Zadvydas v. Davis*,
15 533 U.S. 678, 695 (2001). "Freedom from bodily restraint always been at the core
16 of the liberty protected by the Due Process Clause from arbitrary governmental
17 action" *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

18 23. Petitioner seeks declaratory relief to compel his immediate release from the
19 immigration jail where he has been held since being unlawfully detained on
20 November 28, 2025, without first being provided a due process hearing to determine
21 whether his incarceration is justified.

22 24. Petitioner experienced severe distress and shock throughout his unlawful detention.
23 He is a working member of the community, supports his family, pays taxes, and has
24 a pending immigration case. He has been in full compliance with immigration
25 requirements and is not a danger to the community nor a flight risk.
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1 25. Petitioner is entitled to a bond hearing; Petitioner has a protected liberty interest in
2 remaining out of custody. As Petitioner has a protected liberty interest, the Due
3 Process Clause requires procedural protections before he can be deprived of that
4 interest. Government's revocation of Petitioner's release on recognizance without
5 notification, reasoning, or an opportunity to be heard, denied Petitioner of his due
6 process rights.

7 26. The risk of an erroneous deprivation of such interest is high as Petitioner's release
8 on recognizance was revoked without providing a reason for revocation or giving
9 an opportunity to be heard. Since DHS's initial determination that Petitioner be
10 released on recognizance because he posed no danger to the community and was
11 not a flight risk, there is no evidence that these circumstances have changed.

12 27. Absent review in this Court, no other neutral adjudicator will examine Petitioner's
13 rights: Respondents will continue-unchecked-to detain him unlawfully under 8
14 U.S.C. § 1225 (b)(1), INA § 235 (b)(1), without due process.

15 28. Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus to
16 release Petitioner from detention within 10 days unless Respondents schedule a
17 hearing before an IJ where: (1) to continue detention, the government must establish
18 by clear and convincing evidence that Petitioner presents a risk of flight or danger,
19 even after consideration of alternatives to detention that could mitigate any risk that
20 Petitioner's release would present; and (2) if the government cannot meet its burden,
21 the IJ shall order Petitioner's release on appropriate conditions of supervision,
22 taking into account Petitioner's ability to pay a bond.

23 29. Petitioner's continued detention is arbitrary and unlawful, and he requests that this
24 Court order him immediate release from ICE custody.
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JURISDICTION



1 30. This action arises under the Constitution of the United States and the Immigration
2 and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

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

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

9 33. Federal District courts have jurisdiction to hear habeas claims by non-citizens
10 challenging the lawfulness of their detention. *Zadvydas*, 533 U.S. at 687.

11 34. Federal courts also have federal question jurisdiction, through the Administrative
12 Procedure Act ("APA"), to deem unlawful and to set aside agency action that is
13 arbitrary, capricious, an abuse of discretion or otherwise inconsistent with law. 5
14 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703, which
15 provides that judicial review of agency action under the APA may be proceeded
16 by any applicable form of legal action, including but not limited to habeas corpus.
17 The APA affords a right of review to a person who is adversely affected or harmed
18 by agency action.
19
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21 VENUE

22 35. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and
23 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district
24 at Imperial Regional Detention Facility. Furthermore, a substantial part of the events
25 or omissions giving rise to this action occurred and continue to occur at ICE's
26 Washington Field Office in Chantilly, Virginia, within this division. No real
27 property is involved in this action. 28 U.S.C. § 1391(e).
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CUSTODY AND REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

PETITION FOR WRIT OF HABEAS CORPUS AND ORDER TO SHOW CAUSE WITHIN
THREE DAYS; COMPLAINT FOR DECLARATORY RELIEF



1 36. The Court must grant the petition for writ of habeas corpus or issue an order to show
 2 cause (OSC) to the Respondents “forthwith” unless Petitioner is not entitled to relief.
 3 28 U.S.C. 2243. If an OSC is issued, the Court must require Respondents to file
 4 return “within three days unless good cause additional time, not exceeding twenty
 5 days, is allowed.” *Id.*

7 37. Courts have long recognized the significance of the habeas statute in protecting
 8 individuals from unlawful detention. The Great Writ has been referred to as “perhaps
 9 the most important writ known to the constitutional law of England affording as it
 10 does a swift and imperative remedy in all cases of illegal restraint or confinement.
 11 *Fay v. Noia*, 372 U.S. 391, 400 (1963).

13 38. Petitioner is “in custody” for the purpose of 28 U.S.C. section 2241 because he was
 14 arrested by Respondents and remains in their legal and physical custody at in
 15 Imperial Regional Detention Facility, California. He is under Respondent’s and their
 16 agents’ direct control.

18 LEGAL FRAMEWORK

19 ICE'S CONTINUED DETENTION OF PETITIONER, WITHOUT 20 REVIEWING HIS CUSTODY UNDER ICE POLICY VIOLATES THE 21 ADMINISTRATIVE PROCEDURE ACT AND DUE PROCESS.

22 39. ICE's long-standing policy is to release non-citizens immediately following a grant
 23 of asylum, relief absent exceptional circumstances.

24 40. Under the Accardi doctrine, which originated in the context of an immigration case
 25 and has been developed through subsequent immigration caselaw, agencies are
 26 bound to follow their own rules that affect the fundamental rights of individuals,
 27 even self-imposed policies and processes that limit otherwise discretionary
 28 decisions. See *Accardi v. Shaughnessy*, 347 U.S. at 226 (holding that BIA must
 follow its own regulations in its exercise of discretion); *Morton v. Ruiz*, 415 U.S.



1 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon
2 agencies to follow their own procedures . . . even where the internal procedures are
3 possibly more rigorous than otherwise would be required.").

4 41. The requirement that an agency follow its own policies is not "limited to rules
5 attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d
6 Cir. 1991). Even an unpublished policy binds the agency if "an examination of the
7 provision's language, its context, and any available extrinsic evidence" supports the
8 conclusion that it is "mandatory rather than merely precatory." *Doe v. Hampton*, 566
9 2d 265, 281 (D.C. Cir. 1977); see also *Morton*, 415 U.S. at 235-36 (applying *Accardi*
10 to violation of internal agency manual); *U S. v. Heffner*, 420 F.2d 809, 813 (4th Cir.
11 1969) ("Nor does it matter that these IRS instructions to Special Agents were not
12 promulgated in something formally labeled a 'Regulation'").

13
14 42. When agencies fail to adhere to their own policies as required by *Accardi*, courts
15 typically frame the violation as arbitrary, capricious, and contrary to law under the
16 APA, see *Damus v. Nielson*, 313 F. Supp. 3d 317, 337 (D.D.C. 2018) ("It is clear,
17 moreover, that [*Accardi*] claims may arise under the APA"), or as a due process
18 violation, see *Sameena, Inc. v. United States Air Force*, 147 F.3d 1148, 1153 (9th
19 Cir. 1998) ("An agency's failure to follow its own regulations tends to cause unjust
20 discrimination and deny adequate notice and consequently may result in a violation
21 of an individual's constitutional right to due process.") (internal quotations omitted).

22
23 43. Prejudice is generally presumed when an agency violates its own policy. See
24 *Montilla*, 926 F.2d at 167 ("We hold that an alien claiming the INS has failed to
25 adhere to its own regulations . . . is not required to make a showing of prejudice
26 before he is entitled to relief. All that need be shown is that the subject regulations
27 were for the alien's benefit and that the INS failed to adhere to them."); *Heffner*, 420
28

F.2d at 813 ("The Accardi doctrine furthermore requires reversal irrespective of whether a new trial will produce the same verdict.")

44. To remedy an Accardi violation, a court may direct the agency to properly apply its policy, see *Damus*, 313 F. Supp. 3d at 343 ("[T]his Court is simply ordering that Defendants do what they already admit is required."), or a court may apply the policy itself and order relief consistent with the policy. See *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 657 (D. Mass. 2018) (scheduling bail hearing to review petitioners' custody under ICE's standards because "it would be particularly unfair to require that petitioners remain detained . . . while ICE attempts to remedy its failure").

45. Here, Petitioner falls into this category where ICE has failed to act as required by their procedures and require intervention.

CLAIMS FOR RELIEF

GROUND ONE

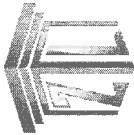
VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS

Petitioner has the right to challenge the legality of his detention

46. The allegations in the above paragraphs are realleged and incorporated herein.

47. Petitioner has due process rights to challenge their detention. *Zadvydas v. Davis*, 533 U.S. 678, 693, 695 (2001) (while noncitizens outside the United States' "geographic borders" lack constitutional protections, all "persons" within them are protected by the Due Process Clause, regardless of immigration status); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1205-06 (9th Cir. 2022) (though constitutional rights of citizens and noncitizens "are not coextensive," noncitizens are entitled to due process, including to challenge detention pending proceedings).

48. As the Ninth Circuit held, the Due Process Clause applies to noncitizens regardless of whether they are "seeking admission" or are "admitted" under immigration law.



1 Wong v. United States, 373 F.3d 952, 973 (9th Cir. 2004), abrogated on other
2 grounds by Wilkie v. Robbins, 551 U.S. 537 (2007); see also Padilla v. U.S. Immigr.
3 & Customs Enft, 704 F. Supp. 3d 1163, 1171 (W.D. Wash. 2023). The Due Process
4 Clause allows Petitioner to challenge his detention.

5 49. Petitioner challenges his deprivation of liberty and detention, not the adequacy of
6 the procedures the immigration laws afford his “with respect to admission. Petitioner
7 solely challenging his detention and revocation of release on recognizance without
8 proper notice, and he is not bringing a constitutional claim with respect to the
9 procedures governing his legal admission into the United States.

10
11 50. To the extent Respondent takes the extraordinary position that Petitioner has no due
12 process rights at all, that is unsupported by law and would have gruesome practical
13 consequences: “If excludable [noncitizens] were not protected by even the
14 substantive component of constitutional due process, ... we do not see why the
15 United States government could not torture or summarily execute them. ... [W]e
16 conclude that government treatment of excludable [noncitizens] must implicate the
17 Due Process Clause of the Fifth Amendment.”. Rosales-Garcia v. Holland, 322 F.3d
18 386, 412 (6th Cir. 2003) (en banc); see also Jean v. Nelson, 472 U.S. 846, 874 (1985)
19 (Marshall, J., dissenting) (“[T]he principle that unadmitted [noncitizens] have no
20 constitutionally protected rights defies rationality. Under this view, the Attorney
21 General, for example, could invoke legitimate immigration goals to justify a decision
22 to stop feeding all detained [noncitizens] Surely, we would not condone mass
23 starvation.”). Thus, there is no question that Petitioner has the right to challenge the
24 constitutionality of his prolonged detention under the Due Process Clause of the
25 Fifth Amendment of the Constitution.

26
27
28 51. The relief Petitioner is entitled to is not limited to a bond hearing; Petitioner has a
protected liberty interest in remaining out of custody *See, e.g., Pinchi*, 2025 WL

1 2084921, at *4 (“[Petitioner’s] release from ICE custody after his initial
2 apprehension reflected a determination by the government that he was neither a
3 flight risk or a danger to the community, and [Petitioner] has a strong interest in
4 remaining at liberty unless he no longer meets those criteria.”); Noori, 2025 WL
5 2800149, at *10 (“Petitioner is not an “arriving” noncitizen but one that has [been]
6 present in our country over a year. This substantial amount of time indicates he is
7 afforded the Fifth Amendment’s guaranteed due process before removal.”); Matute
8 v. Wofford, No. 25-cv-1206-KES-SKO (HC), 2025 WL 2817795, at *5 (E.D. Cal.
9 Oct. 3, 2025) (finding petitioner had a protected liberty interest in his release).

10
11 52. This Court accordingly found constitutional limits to apply to immigration
12 detention, irrespective of the underlying detention authority. See, e.g., Turabov v.
13 LaRose 3:26-cv-01207-TWR-BJW; Dugarov v. Marrero 3:26-cv-01841-BAS-
14 SBC; Zvorygina v. Warden of Otay Mesa Detention Center 26-CV-980 JLS (DEB);
15 Arthur Soghoyan v. James Janecka 2:26-cv-02749-SSS-DSR; Mustafokulov Zafar
16 v. James Janecka 5:26-cv-01737-KES; Liu v. Larose
17 3:26-cv-01546-JO-MMP; Karakhanyan v. Warden of Otay Mesa Detention Center-
18 3:25-cv-03454-JO-MMP; Romik Parunakyan v. Warden of Otay Mesa Detention
19 Center 25-cv-3739-LL-MSB; L.S. v. Warden of Otay Mesa Detention Center; M.F.
20 v. Warden of Otay Mesa Detention Center 3:25-cv-3599-CAB-MSB, Vikas Kumar
21 v. Christopher Larose, Warden, Otay Mesa Detention Center et al., 25-CV-3796
22 JLS (DDL); Aigul Kazybayeva v. Warden, Otay Mesa Detention Center 3:26-cv-
23 00421-GPC-MMP; Dariya Karmamoldoyeva v. Warden, Otay Mesa Detention
24 Center 3:26-cv-00423-GPC-MSB; **Federico Navarro Perez v. Warden, Otay**
25 **Mesa Detention Center 3:25-cv-02620-RBM-JLB**; *Gonzalez Salazar v. Casey*,
26 Case No.: 25-CV-2784 JLS (VET), 2025 WL 3063629, at *4 (S.D. Cal. Nov. 3,
27 2025); *Singh v. Andrews*, No. 1:25-cv-00801-KES-SKO (HC), 2025 WL 1918679,
28



at *7 (E.D. Cal. July 11, 2025).

53. Likewise, in *Liping Zhao V. Christopher J. Larose* 26-cv-1285-JES-DDL-
(granting a writ of habeas corpus releasing petitioner from custody to the
conditions of his preexisting release on recognizance on due process grounds).

54. Furthermore, relief was granted in similar matter. *See Doe v. Becerra*, 787 F. Supp.
3d 1083, 1089 (E.D. Cal. 2025); *Duong v. Kaiser*, --- F. Supp. 3d ---, 2025 WL
2689266, at *7-10 (N.D. Cal. 2025); *Pinchi*, 2025 WL 2084921, at *5; *Gonzalez
Salazar*, 2025 WL 3063629, at *6; *Abdul Kadir v. Larose*, Case No.: 25cv1045-LL-
MMP, 2025 WL 2932654, at *6 (S.D. Cal. Oct. 15, 2025); *Matute v. Wofford*, No.
1:25-cv-01206-KES-SKO (HC), 2025 WL 2495767, at *8 (E.D. Cal. Oct. 3, 2025).

55. ICE has violated Petitioner's due process rights by revoking Petitioner's release on
recognizance, without providing a reason for revocation or giving an opportunity
being heard.

56. As a remedy, this Court should conduct its own review of Petitioner's custody or,
at least, order ICE to review Petitioner's custody under the standard articulated in
ICE policy.

GROUND TWO

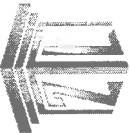
VIOLATION OF IMMIGRATION AND NATIONALITY 8 U.S.C. § 1231 (A)(6)

Mandatory detention is subject to constitutional limits

57. The allegations in the above paragraphs are realleged and incorporated herein.

58. "Freedom from imprisonment-from government custody, detention, or other forms
of physical restraint-lies at the heart of liberty [Due Process Clause] protects."
Zadvydas, 533 U.S. at 690.

59. Petitioner has an interest in remaining with his community, working and continuing
the process of seeking asylum. *See Morrissey*, 408 U.S. 471 at 482 ("Subject to the



conditions of his parole, he can be gainfully employed and is free to be with family and friends and to form the other enduring attachment of normal life.”)

60. The risk of an erroneous deprivation of such interest is high as Petitioner’s parole was revoked without providing him a reason for revocation or giving an opportunity being heard. Since DHS’s initial determination that Petitioner should be paroled because he posed no danger to the community and was not at flight risk, there is no evidence that these findings have changes. See *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1760 (N.D. Cal2017).

61. Petitioner has no criminal record, has not been arrested or otherwise in criminal trouble, had work authorization. “Once a noncitizen has been released, the law prohibits federal agents from rearresting his merely because he is subject to removal proceedings.” *Saravia*, 280 F. Supp. 2d at 1760. “Rather, the federal agents must be able to present evidence of materially changed circumstances-namely, evidence that the noncitizen is in fact dangerous or has become a flight risk..” *Id.*

62. Government’s interest in detaining Petitioner without notice, reasoning, and a hearing is “low.” See *Pinchi*, 2025 WL 2084921, at *5; *Matute*, 2025 WL 2817795, at *6; *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. Nov. 22, 2019) (“If the government wishes to re-arrest [Petitioner] at any point, it has the power to take steps toward doing so; but its interest in doing so without a hearing is low.”). Respondents fail to point to any burdens on the government if it were to have provided proper notice, reasoning, and a pre-deprivation hearing.

63. Therefore, because Respondents detained Petitioner by revoking his release on recognizance in violation of the Due Process Clause, his detention is unlawful. See, e.g., *Alegria Palma v. Larose et al.*, No. 25-cv-1942 BJC (MMP), slip op. at Fe(S.D. Cal. Aug. 11, 2025) (granting a TRO based on a procedural due process challenge to a revocation of parole without a pre-deprivation hearing); *Navarro Sanchez*, 2025



1 WL 2770629, at *5 (granting a writ of habeas corpus releasing petitioner from
2 custody to the conditions of his preexisting parole on due process grounds).¹

3 64. Petitioner's parole without notification, reasoning, or an opportunity to be heard,
4 denied Petitioner of his due process rights. Therefore, his continued detention
5 violates 8 U.S.C. § 1231(a)(6), and he must be immediately released.

6 65. Furthermore, Petitioner is challenging his detention on constitutional grounds, not
7 statutory grounds. Notwithstanding the fact that he is being detained pursuant to
8 section 1225(b), Petitioner's detention is unequivocally subject to Constitutional
9 limits. The Supreme Court has not precluded noncitizens from bringing as-applied
10 constitutional challenges to their mandatory detention. Respondent correctly states:
11 *Jennings v. Rodriguez*, 583 U.S. 281 (2018) "did not explicitly address
12 constitutionality arguments." U.S. Likewise, While in *Demore v. Kim*, 538 U.S. 510
13 (2003) the Supreme Court rejected a facial challenge to mandatory detention under
14 § 1226(c), the Supreme Court has explicitly recognized the availability of judicial
15 review over as-applied challenges to detention, including mandatory detention. See,
16 e.g., *Nielsen v. Preap*, 586 U.S. 392, 420 (2019); *Demore v. Kim*, 538 U.S. 510, 532-
17 33 (2003) (Kennedy, J., concurring). This Court accordingly found constitutional
18 limits to apply to immigration detention, irrespective of the underlying detention
19 authority. See, e.g., *Turabov v. LaRose* 3:26-cv-01207-TWR-BJW; *Dugarov v.*
20 *Marrero* 3:26-cv-01841-BAS-SBC; *Zvorygina v. Warden of Otay Mesa Detention*
21 *Center* 26-CV-980 JLS (DEB); *Arthur Soghoyan v. James Janecka* 2:26-cv-02749-
22 *SSS-DSR*; *Mustafokulov Zafar v. James Janecka* 5:26-cv-01737-KES; *Vikas Kumar*
23 *v. Christopher Larose, Warden, Otay Mesa Detention Center et al.*, 25-CV-3796 JLS
24 (DDL); *Aigul Kazybayeva v. Warden, Otay Mesa Detention Center* 3:26-cv-00421-
25 *GPC-MMP*; *Dariya Karmamoldoyeva v. Warden, Otay Mesa Detention Center*
26 *3:26-cv-00423-GPC-MSB*; *Federico Navarro Perez v. Warden, Otay Mesa*

1 Detention Center 3:25-cv-02620-RBM-JLB; *Gonzalez Salazar v. Casey*, Case No.:
2 25-CV-2784 JLS (VET), 2025 WL 3063629, at *4 (S.D. Cal. Nov. 3, 2025); *Singh*
3 *v. Andrews*, No. 1:25-cv-00801-KES-SKO (HC), 2025 WL 1918679, at *7 (E.D.
4 Cal. July 11, 2025). (granting a writ of habeas corpus releasing petitioner from
5 custody to the conditions of his preexisting parole on due process grounds).

6 66. This Court should so hold as well.

7 **GROUND THREE**

8 **ARBITRARY AND CAPRICIOUS AGENCY ACTION UNDER THE**
9 **ADMINISTRATIVE PROCEDURE ACT**

10 **Petitioner's ongoing and unreviewed detention violates his constitutional due**
11 **process rights and cannot continue without a bond hearing**

12
13 67. The allegations in the above paragraphs are realleged and incorporated herein.
14 Courts must "hold unlawful and set aside agency action" that is "arbitrary,
15 capricious, an abuse of discretion, or otherwise not in accordance with law." 5
16 U.S.C. § 706(2)(A).

17
18 68. The Ninth Circuit in *Singh* stressed that "it is improper to ask the individual to share
19 equally with society the risk of error when the possible injury to the individual—
20 deprivation of liberty— is so significant[.]" See *Singh*, 638 F. 3d at 1205; *Black*,
21 103 F.4th at 157-58 (observing that where "an individual's liberty is at stake, the
22 Supreme Court has consistently used [clear and convincing] evidentiary standard for
23 continued detention") (internal citations omitted); *id.* at 159 (reiterating that the
24 government bears the burden of meeting this standard even where an individual is
25 detained pursuant to mandatory detention). This Court should, too, apply the heavy
26 burden on the government to justify Petitioner's continued civil detention without a
27 bond hearing.
28

69. Moreover, at the evidentiary hearing, the adjudicator must consider alternatives to

1 detention and Petitioner's financial circumstances in determining whether further
2 detention is warranted and the conditions of his release. See, e.g., Hernandez, 872
3 F.3d at 994 ("If the government is setting monetary bonds to ensure appearance at
4 future proceedings, there is no legitimate reason for it not to consider the individual's
5 financial circumstances and alternative conditions of release.").

6 70. Thus, due process and Ninth Circuit precedent require that the government bear the
7 burden of justifying Petitioner's ongoing and prolonged detention by clear and
8 convincing evidence.
9

10 **PRAYER FOR RELIEF**

11 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 12 a) Assume jurisdiction over this matter;
- 13 b) Issue an Order to Show Cause ordering Respondents to show
14 cause why this Petition should not be granted within three
15 days.
- 16 c) Declare that Petitioner's detention violates the Due Process
17 Clause of the Fifth Amendment, 8 U.S.C. § 1231(a)(6);
- 18 d) Issue a Writ of Habeas Corpus ordering Respondents to be
19 released.
- 20 e) Award Petitioner attorney's fees and costs under the Equal
21 Access to Justice Act, and on any other basis justified under
22 law; and
- 23 f) Enjoin Respondents from re-detaining Petitioner under 8
24 U.S.C. § 1231(a)(6) unless and until Respondents obtain a
25 travel document for her removal.
- 26 g) Enjoin Respondents from re-detaining Petitioner without first
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1 following all procedures set forth in 8 C.F.R. §§ 241.4(l),
2 241.13(i), and any other applicable statutory and regulatory
3 procedures.

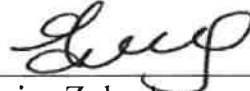
4 h) Enjoin Respondents from removing Petitioner unless they provide
5 the following process:

6 a. written notice to both Petitioner and Petitioner's counsel in a
7 language Petitioner can understand.

8 i) Grant any further relief this Court deems just and proper.
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11 DATED: June 24, 2026,

Respectfully submitted

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13 Naira Zohrabyan

14 Attorney for Petitioner
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ZOHRABYAN
LAW, APC.

