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8 **United States District Court**
9 **Central District of California**
10 **Western Division**
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12 FAOUR ABDALLAH FRAIHAT,

ED CV 20-00590 TJH (KSx)

13 Petitioner,

14 v.

Order

15 CHAD WOLF, *et al.*,

16 Respondents.
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18 The Court has considered Petitioner's petition for a writ of *habeas corpus*,
19 pursuant to 28 U.S.C. § 2241, together with the moving and opposing papers.

20 Petitioner, an immigration detainee at the Adelanto Immigration and Customs
21 Enforcement Processing Center ["Adelanto"], filed this petition, seeking release from
22 immigration detention based on two claims. The first claim challenged the conditions
23 of confinement at Adelanto in light of the COVID-19 pandemic, based on a violation
24 of substantive due process under the Fifth Amendment. The second claim challenged
25 Petitioner's prolonged detention without a bond hearing, based on violations of
26 procedural due process under the Fifth Amendment as well as the Immigration and
27 Nationality Act, 8 U.S.C. § 1101, *et seq.*

28 On April 13, 2020, in *Roman, et al. v. Wolf, et al.*, CV 20-768 TJH (PVCx)

1 ["*Roman*"], Petitioners-Plaintiffs Kelvin Hernandez Roman, Miguel Aguilar Estrada,
2 and Beatriz Andrea Forero Chavez, on behalf of themselves and all others similarly
3 situated, filed a combined petition for a writ of *habeas corpus* and complaint for
4 injunctive and declaratory relief premised on a Fifth Amendment substantive due
5 process violation based on the conditions of confinement at Adelanto.

6 On April 23, 2020, the Court provisionally certified *Roman* as a mandatory class
7 action under Fed. R. Civ. P. 23(b)(2), and, subsequently, stayed the instant action
8 pending the outcome of *Roman*. On September 22, 2020, the Court certified the
9 mandatory *Roman* class on a non-provisional basis. Because of *Roman*, Petitioner's
10 substantive due process claim is, now, moot.

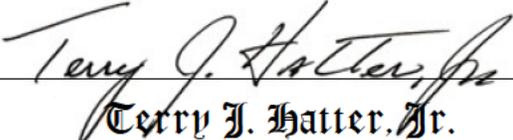
11 Petitioner's prolonged detention claim fails, here, because the appropriate
12 remedy for that claim would be a bond hearing and not release.

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14 Accordingly,

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16 **It is Ordered** that the petition for writ of *habeas corpus* be, and hereby is,
17 **Dismissed**.

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19 **It is further Ordered** that Petitioner shall remain released subject to the terms
20 and conditions previously ordered by this Court in this action and/or *Roman*.

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22 Date: July 13, 2021

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25 **Terry J. Hatter, Jr.**
26 **Senior United States District Judge**
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