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Detained

Attorney for Desmond Thierry NGU ANOMA

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

In the Matter of:

) Case No: 3:25-cv-02505-BAS-BLM
) Hearing Date/Time: 11/14/25, 11:30 AM
) Courtroom: 12B
) Judge: Hon. Cynthia Ann Bashant

NGU ANOMA, Desmond Thierry

Petitioner,

PETITIONER'S TRAVERSE

v.

Warden of the Otay Mesa
Detention Facility, Current or Acting
Field Office Director, San Diego
Field Office, United States
Immigration and Customs
Enforcement; Current or Acting
Director, United States Immigration
and Customs Enforcement; Current
or Acting Secretary, United States
Department of Homeland Security;
and Current or Acting United States
Attorney General Respondents.

1 **PETITIONER’S TRAVERSE TO RESPONDENTS’ RETURN**

2 Petitioner, Desmond Thierry NGU ANOMA, through undersigned counsel,
3
4 respectfully submit this Traverse to Respondents’ Return and in support of his
5 Petition for Writ of Habeas Corpus.

6 **I. INTRODUCTION**

7
8 Petitioner remains in immigration detention without a bond hearing, parole
9 review, or any other available administrative mechanism to challenge the legality
10 or length of custody. Respondents argue that Petitioner has failed to exhaust
11 administrative remedies. This argument is without merit. There are no
12 administrative remedies available or adequate to address the constitutional and
13
14 statutory issues raised in this habeas petition. Accordingly, exhaustion is complete
15 or excused.
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18 **II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

19 **A. Legal Standard**

20 A federal habeas petitioner under 28 U.S.C. § 2241 is ordinarily expected to
21 exhaust available administrative remedies before seeking judicial intervention.
22 See *Laing v. Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). However, exhaustion is
23 a prudential rather than a jurisdiction requirement in immigration detention cases.
24
25 *Id.* At 998. Courts routinely excuse exhaustion when (1) the administrative
26 process offers no genuine opportunity for adequate relief, (2) irreparable harm
27
28

1 would result from delay, or (3) pursuit of such remedies would be futile. *Singh v.*
2 *Holder*, 638 F. 3d 1196, 1203 (9th Cir. 2011).

3
4 **B. No Administrative Remedies are Available**

5 Petitioner is being detained after decision by an Immigration Judge granting
6 Convention Against Torture and Withholding of Removal. Immigration Judges
7 lack jurisdiction to redetermine custody for detainees under a final order of
8 removal. Consequently, there is no hearing or motion Petitioner can file in
9 Immigration Court to obtain bond consideration.
10
11

12 Further, the Board of Immigration Appeals (“BIA”) has held that it lacks
13 jurisdiction to review ICE custody decisions that are not subject to appeal. Here,
14 there is no administrative forum capable of granting Petitioner the relief sought.
15

16 **C. Exhaustion Would be Futile and Cause Undue Delay**

17
18 Even if a nominal administrative procedure existed, exhaustion would be
19 futile and result in irreparable harm. Petitioner has been detained without any
20 opportunity to appear before a neutral decision-maker after he was granted
21 Convention Against Torture. Continued detention without bond or review
22 infringes Petitioner’s due-process rights and imposes ongoing procedures that are
23 incapable of granting the requested relief. See *Singh v. Holder*, 638 F. 3d 1196,
24 1203-04 (9th Cir. 2011).
25
26

27 //

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court:

- 1. Reject Respondents' exhaustion defense;
- 2. Grant the petition and order Petitioner's release.

Respectfully Submitted,

/S/ Mario Portugal

DATED: November 11, 2025

Mario G. Portugal,
 Attorney for Petitioner,
 Desmond Thierry Ngu Anoma

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DETAINED

7 Attorney for Desmond NGU ANOMA

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

10 In the Matter of:

Case No.: 3:25-cv-02505-BAS-BLM

11 **NGU ANOMA, Desmond Thierry,**

**[PROPOSED] ORDER GRANTING
PETITION FOR WRIT OF
HABEAS CORPUS**

12
13 Petitioner,

14
15 vs.

Judicial Officer: Bashant
Courtroom Number: 12B
Date of Hearing: 11/14/2025
Time of Hearing: 11:30 AM

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17 Warden of the Otay Mesa Detention
18 Facility, Current or Acting Field Office
19 Director, San Diego Field Office,
20 United States Immigration and Customs
21 Enforcement; Current or Acting
22 Director, United States Immigration and
23 Customs Enforcement; Current or Acting
24 Secretary, United States Department of
25 Homeland Security; and Current or
26 Acting United States Attorney General,

27 Respondents.
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