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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 IMRAN HOSSAIN,

12 Petitioner,

13 v.

14 WARDEN OF THE GOLDEN STATE
ANNEX DETENTION FACILITY, et al.,

15
16 Respondents.
17

CASE NO. 1:25-CV-01710-JLT-SAB

OBJECTIONS TO MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDATION

18 The respondents object to the findings and recommendation issued by the assigned magistrate
19 judge in this case. Petitioner Imran Hossain is subject to detention pending his expedited removal under
20 a provision of the country's immigration statutes that does not provide for a bond hearing.

21 **I. FACTUAL AND PROCEDURAL BACKGROUND**

22 Hossain is a citizen and national of Bangladesh who applied for asylum in the United States. *See*
23 *Pet. Writ Habeas Corpus* ¶ 23(k), Dkt. No. 1. An immigration judge determined that Hossain did not
24 establish a credible fear of returning to his home country and issued a final order of removal. Ex. 1, Dkt.
25 No. 16-1. Pending that removal, Hossain is detained in the custody of immigration authorities pursuant
26 to 8 U.S.C. § 1225(b)(1). Ex. 2 at *2, Dkt. No. 16-2.

27 Hossain filed a petition for a writ of habeas corpus in December, in which he indicated that his
28 detention began in January 2025. *Pet. Writ Habeas Corpus* ¶ 19. On February 10, 2026, the assigned

1 magistrate judge recommended that the Court order the respondents to provide Hossain with a bond
 2 hearing. Findings & Recommendation to Grant Pet. Writ Habeas Corpus, Dismiss Appl. Asylum &
 3 Withholding Removal, & Direct Resp'ts to Provide Pet'r With Bond Hr'g Before Immigration Judge 12,
 4 Dkt. No. 15.

5 II. LEGAL STANDARDS

6 "[A]n alien who 'arrives in the United States,' or 'is present' in this country but 'has not been
 7 admitted,' is treated as 'an applicant for admission.'" *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)
 8 (quoting 8 U.S.C. § 1225(a)(1)). Applicants for admission "claiming a credible fear of persecution under
 9 § 1225(b)(1) 'shall be detained for further consideration of the application for asylum.'" *Id.* at 297
 10 (quoting 8 U.S.C. § 1225(b)(1)(B)(ii)). Detention under 8 U.S.C. § 1225(b)(1) is mandatory and there is
 11 no entitlement to a bond hearing for aliens detained under this statutory provision. *Id.*

12 Furthermore, "applicants for admission have virtually no constitutional rights regarding their
 13 applications." *Valencia v. Mukasey*, 548 F.3d 1261, 1263 (9th Cir. 2008) (quoting *Landon v. Plasencia*,
 14 459 U.S. 21, 33–34 (1982)). In other words, the only inquiry when an applicant for admission raises a
 15 due process claim is "whether the government violated the statutory rights that Congress afforded such
 16 applicants." *Grigoryan v. Barr*, 959 F.3d 1233, 1241 (9th Cir. 2020) (citing *Angov v. Lynch*, 788 F.3d
 17 893, 898–99 (9th Cir. 2015)).

18 III. ARGUMENT

19 The Court should sustain the respondents' objection to the magistrate judge's findings and
 20 recommendation because Hossain is an applicant for admission to the United States detained under 8
 21 U.S.C. § 1225(b)(1). *See Jennings*, 583 U.S. at 287. Hossain's claim of credible fear was denied, which
 22 means that he is now removable from the United States. Ex. 1; Ex. 2 at *2. Accordingly, Hossain has no
 23 right to a bond hearing under the statutory regime crafted by Congress. *See Jennings*, 583 U.S. at 297
 24 (noting that "neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings").
 25 And because Hossain's constitutional interests only derive from "the statutory rights that Congress
 26 afforded such applicants," his constitutional due process arguments also fail. *See Grigoryan*, 959 F.3d at
 27 1241.

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IV. CONCLUSION

The respondents object to the magistrate judge's recommendation that the Court grant Imran Hossain's habeas petition and order a bond hearing be held. Hossain is subject to expedited removal from the United States. And pursuant to recent caselaw issued by the Supreme Court, Hossain has no statutory or constitutional right to a bond hearing while he awaits that removal.

Dated: February 24, 2026

ERIC GRANT
United States Attorney

By: /s/ SAM STEFANKI
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