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

10 L.R.G.

11 Petitioner,

12 vs.

13 CHRISTOPHER J. LAROSE, Warden,  
14 Otay Mesa Detention Center; DANIEL  
15 BRIGHTMAN, Field Office Director, San  
16 Diego Office of Detention and Removal;  
17 TODD M. LYONS, Acting Director, U.S.  
18 Immigration and Customs Enforcement; and  
19 PAMELA BONDI, Attorney General, U.S.  
20 Department of Justice; and KRISTI NOEM,  
21 Secretary, U.S. Department of Homeland  
22 Security

23 Respondents.

Case No.: 3:25-cv-03490-CAB-MSB

**PETITIONER'S TRAVERSE**

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TABLE OF AUTHORITIES

CASES

*Abdul Kadir v. Larose*, 25-cv-1045, 2025 WL 2932654 (S.D. Cal. Oct. 15, 2025) ..... 4

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*Amado v. U.S. DOJ*, 25-cv-2687, 2025 WL 3079052 (S.D. Cal. Nov. 4, 2025) ..... 3, 4

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*Centeno-Ortiz v. Culley*, 11-cv-1970, 2012 WL 170123 (S.D. Cal. Jan. 19, 2012) ..... 3

*Chub v. Larose*, 25-cv-3513, 2025 WL 365 4008 (S.D. Cal. Dec. 17, 2025) ..... 2

*Constantinovici v. Bondi*, 25-cv-2405, 2025 WL 2898985 (S.D. Cal, Oct. 10, 2025) ..... 2

*Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103 (2020) ..... 3, 4

*Gao v. Larose*, 25-cv-2084, 2025 WL 2770633 (S.D. Cal. Sept. 27, 2025) ..... 2, 3, 4

*Ibarra-Perez v. U.S.*, 154 F.4th 989 (9th Cir. 2025) ..... 2

*Jennings v. Rodriguez*, 583 U.S. 281 (2018). ..... 2

*Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020) ..... 3, 4

*Martinez v. Clark*, No. C18-1669, 2019 WL 5968089 (W.D. Wash. May 23, 2019) ..... 3

*Reno v. Am. Arab Anti-Discrimination Comm.*, 525 U.S. 471 (1999) ..... 2

*Sadeqi v. Larose*, 25-cv-2587, 2025 WL 3154520 (S.D. Cal. Nov. 12, 2025) ..... 4

*Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206 (1953) ..... 3, 4

*Zadvydas v. Davis*, 533 U.S. 678 (2001) ..... 2

STATUTES

8 U.S.C. §1252(g) ..... 1, 2

8 USC §1225 ..... 2, 3, 4

8 USC §1226 ..... 2, 3

8 USC §1231 ..... 2, 3

1 Petitioner submits this Traverse in response to Respondents' December 17,  
2 2025 Return.

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4 **A. Respondents make three erroneous and unsupported factual**  
5 **claims**

6 Respondents make three significant factual errors in their Return. First, they  
7 argue that Petitioner has been detained for less than a year, and thus her detention  
8 "falls short of the length courts have found to raise due process concerns." ECF No.  
9 9, page 7. Petitioner though has been detained for over a year – since November 30,  
10 2024. ECF No. 1, Ex. 2, p. 7.

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12 Second, they contend that Petitioner is an "arriving alien," and as such, she has  
13 no Constitutional rights. Return, ECF No. 9, page 1. Petitioner's Notice to Appear  
14 clearly demonstrates that she is not an arriving alien, but rather an "alien present in  
15 the United States who has not been admitted or paroled." ECF No. 1, Ex. 2, p. 7.

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17 Third, they assert that Petitioner has a hearing on October 29, 2025, and there  
18 is no indication that the IJ's decision will be delayed. ECF No. 9, page 8. This is  
19 simply incorrect. Petitioner has no upcoming hearings.

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22 **B. 8 U.S.C. §1252(g) does not preclude jurisdiction as Petitioner**  
23 **does not challenge the decision or action to commence**  
24 **proceedings, adjudicate cases, or execute removal orders.**

25 The Supreme Court has interpreted the jurisdiction-stripping provision  
26 in Section 1252(g) narrowly, limiting it to the "three discrete actions" enumerated  
27 therein -- the " 'decision or action' to 'commence proceedings, adjudicate cases,

1 or execute removal orders.” *Reno v. Am. Arab Anti-Discrimination Comm.*, 525  
2 U.S. 471, 482 (1999) [quoting 8 U.S.C. §1252(g)]. Later, the Court expounded that  
3 it did not interpret Section 1252(g) “to sweep in any claim that can technically be  
4 said to “arise from” the three listed actions of the Attorney General. Instead, we read  
5 the language to refer to just those three specific actions themselves.” *Jennings v.*  
6 *Rodriguez*, 583 U.S. 281, 294 (2018).  
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9 As Petitioner does not challenge the decision to commence proceedings,  
10 adjudicate cases, or execute removal orders, Section 1252(g) is inapposite. *See*  
11 *Ibarra-Perez v. U.S.*, 154 F.4<sup>th</sup> 989 (9<sup>th</sup> Cir. 2025); *Constantinovici v. Bondi*, 25-cv-  
12 2405, 2025 WL 2898985 (S.D. Cal, Oct. 10, 2025); *Chub v. Larose*, 25-cv-3513,  
13 2025 WL 365 4008 (S.D. Cal. Dec. 17, 2025); *Gao v. Larose*, 25-cv-2084, 2025 WL  
14 2770633 (S.D. Cal. Sept. 27, 2025).  
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17 **C. The principles & reasoning set forth in *Zadvydas v. Davis* apply**  
18 **to Petitioner**

19 Respondents assert that the due process guaranteed by *Zadvydas v. Davis*, 533  
20 U.S. 678 (2001) do not extend to Petitioner, because she is “still in removal  
21 proceedings.” Although *Zadvydas* involved a noncitizen with a final order of  
22 removal detained pursuant to 8 USC §1231, the reasoning therein applies equally  
23 well to noncitizens detained under 8 USC §1225 and 1226.  
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25 *See Abdul-Samed v. Warden of Golden State Annex Det. Facility*, No. 1:25-  
26 CV-00098, 2025 WL 2099343, at \*6 (E.D. Cal. July 25, 2025) (“[E]ssentially all  
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1 district courts that have considered the issue agree that prolonged mandatory  
2 detention pending removal proceedings, without a bond hearing, ‘will—at some  
3 point—violate the right to due process.’ ”) [quoting *Martinez v. Clark*, No. C18-  
4 1669, 2019 WL 5968089, at \*6 (W.D. Wash. May 23, 2019), report and  
5 recommendation adopted, No. 18-CV-01669, 2019 WL 5962685 (W.D. Wash. Nov.  
6 13, 2019)]; *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (“[T]he  
7 Court joins the majority of courts across the country in concluding that an  
8 unreasonably prolonged detention under 8 U.S.C. § 1225(b) without an  
9 individualized bond hearing violates due process.”); *Centeno-Ortiz v. Culley*, 11-cv-  
10 1970, 2012 WL 170123 (S.D. Cal. Jan. 19, 2012) (“Applying *Casas–Castrillon* and  
11 *Diouf II*, the Court concludes that the same constitutional concerns that underpin  
12 prolonged detention under Sections 1226(a) and 1231(a)(6) are also present in a  
13 prolonged detention under Section 1225(b)(2)(A).”); *Banda v. McAleeman*, 385  
14 F.Supp.3d 1099, 1116-17 (W.D. Wash. 2019) (noncitizens detained pursuant  
15 §1225(b) have due process rights); *Gao v. Larose*, 25-cv-2084, 2025 WL 2770633  
16 (S.D. Cal. Sept. 26, 2025) (same); *Amado v. U.S. DOJ*, 25-cv-2687, 2025 WL  
17 3079052 (S.D. Cal. Nov. 4, 2025) (same).

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24 **D. Courts overwhelmingly reject Respondents’ stance that *Mezei* and**  
25 ***Thuraissigiam* preclude bond hearings for noncitizens detained**  
26 **under §1225(b)**

27 Respondents contend that the Supreme Court cases of *Shaughnessy v. United*  
28 *States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953) and *Department of Homeland*

1 *Security v. Thuraissigiam*, 591 U.S. 103, 138–40 (2020) deprive Petitioner of her  
2 Constitutional due process rights. This position has repeatedly been rejected by  
3 courts nationwide, including by this Court, on the grounds that both cases are easily  
4 distinguishable.  
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6 First, *Mezei* involved a noncitizen who had not entered the U.S. and had  
7 instead been permanently excluded on security grounds. The Supreme Court  
8 recognized *Mezei*'s exclusion for security reasons as different from noncitizens who  
9 may be released from detention on bond. See *Abdul Kadir v. Larose*, 25-cv-1045,  
10 2025 WL 2932654, at \*4 (S.D. Cal. Oct. 15, 2025). Second, *Thuraissigiam* pertained  
11 to an arriving alien seeking initial entry to the U.S. As summed up in *Sadeqi*, “This  
12 Court likewise agrees with those district courts that interpret *Thuraissigiam* as  
13 circumscribing an arriving alien's due process rights to *admission*, rather than  
14 limiting that person's ability to challenge *detention*.” *Sadeqi v. Larose*, 25-cv-2587,  
15 2025 WL 3154520, at \*2 (S.D. Cal. Nov. 12, 2025) (emphases added). See also,  
16 *Amado v. U.S. DOJ*, 25-cv-2687, 2025 WL 3079052, at \*4 –5 (S.D. Cal. Nov.  
17 4, 2025), *Gao v. Larose*, 25-cv-2084, 2025 WL 2770633, at \*3 (S.D. Cal. Sept. 27,  
18 2025); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020).  
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25 For the above-stated reasons, we ask that Petitioner be released from custody  
26 forthwith. Should this Court instead determine that a bond hearing is necessary, we  
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1 ask that it be conducted by this Court due to the concerns raised in our Petition  
2 regarding the current impartiality of the Department of Justice's Immigration Courts.  
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4 Date: December 18, 2025

Respectfully submitted,

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