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

11 BRANDON ALEMANJI,

12 Petitioner,

13 v.

14 ALEJANDRO MAYORKAS, Secretary,
15 Department of Homeland Security, et al.

16 Respondents.
17

Case No. 25-cv-03499-JO-DDL

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

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I. INTRODUCTION

Petitioner requests the Court to order that he be afforded a bond hearing. As an arriving alien found to have a credible fear of persecution, however, Petitioner’s detention is mandated by 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. Accordingly, the Court should deny Petitioner’s request for relief.

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a native and citizen of Cameroon, who entered the United States near San Ysidro, California, on January 8, 2025. *See* Declaration of Brandon Alemanji (“Alemanji Decl.”) at ¶¶ 1, 3; ECF No. 1 at 2:9–26; Exhibit 1 (Form I-213).¹ Petitioner did not then have any valid entry documents to enter the United States, and he was determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I) and placed in expedited removal proceedings pursuant to 8 U.S.C. § 1225(b)(1). *See* Exhibit 2 (Notice and Order of Expedited Removal); Exhibit 3 (Notice to Alien Ordered Removed/Departure Verification). On February 14, 2025, Petitioner claimed a fear of returning to Cameroon, and on that date ICE Enforcement and Removal Operations referred Petitioner to U.S. Citizenship and Immigration Services (USCIS) for a credible fear interview. On February 23, 2025, Petitioner was interviewed by a USCIS asylum officer to determine whether he had a credible fear of persecution or torture if removed to Cameroon. *See* Alemanji Decl. at ¶ 3; ECF No. 5, Ex. B; Exhibit 4 (USCIS Interview, Asylum Eligibility Worksheet, and Reasonable Probability Checklist). The interview resulted in a positive determination. *See* Alemanji Decl. at ¶ 3; ECF No. 5, Ex. B; Exhibit 5 (USCIS Form I-870SB).

On March 5, 2025, Petitioner was issued a Notice to Appear, charging him as inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) (as an alien present in the United States

¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel.

1 without being admitted or paroled) and 1182(a)(7)(A)(i)(I) (as an immigrant not in
2 possession of a valid entry document). *See* Exhibit 6 (Notice to Appear). The filing of
3 the Notice to Appear with the Otay Mesa Immigration Court initiated removal
4 proceedings against Petitioner, and those proceedings remain ongoing. The Notice to
5 Appear scheduled Petitioner's initial master calendar hearing for March 13, 2025. *See*
6 *id.*

7 At the March 13, 2025 master calendar hearing, the immigration judge continued
8 the hearing to April 3, 2025, to allow Petitioner time to obtain legal representation and
9 enter pleadings. *See* Exhibit 7. On April 3, 2025, Attorney Nkongchu filed an
10 appearance on behalf of Petitioner and requested and obtained a continuance of the
11 hearing to April 17, 2025. *See* Exhibit 8 (Notice of Entry of Appearance); Exhibit 9
12 (Notice of In-Person Hearing).²

13 On April 16, 2025, Petitioner filed a Form I-589, Application for Asylum and for
14 Withholding of Removal. *See* Exhibit 10 (Form I-589 Application).³ At the April 17,
15 2025 master calendar hearing, the immigration judge continued the hearing to June 12,
16 2025, to allow Petitioner additional time to file evidence in support of his asylum
17 application. *See* Exhibit 11 (Notice of In-Person Hearing).

18 At the June 12, 2025 master calendar hearing, Attorney Nkongchu requested a
19 continuance to obtain evidence from Cameroon. The immigration judge granted the
20 request and continued the hearing to June 25, 2025. *See* Exhibit 12 (Notice of In-Person
21 Hearing).

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24 ² The reasons for Petitioner's requests for continuances stated herein are based on
25 representations made by ICE counsel to the undersigned Assistant U.S. Attorney and
are not believed to be in dispute.

26 ³ Due to the sensitive nature of information contained in Petitioner's Form I-589 and
27 other supporting documents Petitioner filed with the immigration court, Respondents
28 file only the cover pages and certificates of service of those filings. *See* Exhibits 10, 13,
15, 16, 17, 19.

1 On June 24, 2025, Petitioner filed evidence in support of his asylum application.
2 See Exhibit 13. At the June 25, 2025 master calendar hearing, Attorney Nkongchu
3 requested another continuance to obtain additional evidence to support Petitioner's
4 asylum application. The immigration judge granted the request and continued the
5 hearing to July 10, 2025. See Exhibit 14 (Notice of In-Person Hearing).

6 On July 10, 2025, Petitioner filed additional evidence in support of his asylum
7 application, a pre-hearing brief, and a witness list. See Exhibits 15, 16, 17. At the July
8 10, 2025 master calendar hearing, the immigration judge scheduled Petitioner's
9 individual merits hearing for October 3, 2025. See Exhibit 18 (Notice of In-Person
10 Hearing). On October 2, 2025, Petitioner filed a motion to accept late-filed documents.
11 See Exhibit 19.

12 On October 3, 2025, the immigration judge conducted Petitioner's individual
13 merits hearing, denied Petitioner's application for asylum and withholding of removal,
14 and ordered Petitioner removed to Cameroon. See Alemanji Decl. at ¶ 5; Exhibit 20
15 (Order of the Immigration Judge). On October 29, 2025, Petitioner appealed the
16 immigration judge's decision to the Board of Immigration Appeals (BIA), and Attorney
17 Nkongchu filed an appearance on behalf of Petitioner with the BIA. See Alemanji Decl.
18 at ¶ 5; Exhibit 21 (Notice of Appeal from a decision of an Immigration Judge); Exhibit
19 22 (Notice of Entry of Appearance).

20 On November 7, 2025, Petitioner submitted a letter to the immigration court
21 requesting that he be released from custody on parole or bond. See Alemanji Decl. at
22 ¶ 6. Exhibit 23. On November 19, 2025, the immigration court scheduled a custody
23 redetermination hearing for November 21, 2025. See Exhibit 24. On November 21,
24 2025, the immigration judge held a bond hearing and denied bond finding no
25 jurisdiction to consider custody redetermination pursuant to *Matter of Yajure Hurtado*,
26 29 I. & N. Dec. 216 (BIA 2025). See Alemanji Decl. at ¶ 6; Exhibit 25 (Order of the
27 Immigration Judge).

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1 Petitioner’s appeal remains pending. *See* Alemanji Decl. at ¶ 5. As a result, there
2 is no administratively final order of removal at this time. Petitioner remains mandatorily
3 detained at the Otay Mesa Detention Center under 8 U.S.C. § 1225(b)(1)(B)(ii).

4 **III. STATUTORY BACKGROUND**

5 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.
6 § 1225, applies to an “applicant for admission,” defined as an “alien present in the
7 United States who has not been admitted” or “who arrives in the United States.” 8
8 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those
9 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
10 583 U.S. 281, 287 (2018).

11 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
12 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
13 document.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject
14 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if “the alien
15 indicates an intention to apply for asylum . . . or a fear of persecution,” immigration
16 officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii).
17 “If the officer determines at the time of the interview that [the] alien has a credible fear
18 of persecution . . . , the alien *shall be detained* for further consideration of the
19 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien
20 does not indicate an intent to apply for asylum, does not express a fear of persecution,
21 or is “found not to have such a fear,” they “shall be detained . . . until removed” from
22 the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

23 **IV. ARGUMENT**

24 Petitioner’s habeas petition should be denied because 28 U.S.C. § 1252(g) bars
25 judicial review over his claim, and because he is lawfully detained under the INA and
26 the Constitution.

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1 **A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g).**

2 Respondents contend that judicial review over Petitioner’s claim is barred by 28
3 U.S.C. § 1252(g), which states that “[n]o court shall have jurisdiction to hear any cause
4 or claim by or on behalf of any alien arising from the decision or action by the Attorney
5 General to commence proceedings, adjudicate cases, or execute removal orders.”

6 Here, Petitioner’s claims of unlawful detention necessarily arise from the
7 Department of Homeland Security’s⁴ decision to commence removal proceedings
8 against him because that decision unavoidably triggers mandatory detention under 8
9 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
10 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
11 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
12 claim because the plaintiff’s detention arose from the decision to commence removal
13 proceedings, and in turn, the “statute mandating detention during removal proceedings
14 of a person charged as an ‘arriving alien.’”).

15 As explained by another district court, removal proceedings are commenced
16 when, as occurred here, “the alien is issued a Notice to Appear before an immigration
17 court.” *Herrera-Correra v. United States*, No. CV 08–2941 DSF (JCx), 2008 WL
18 11336833, at *3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 6 (Notice to Appear). The
19 government “may arrest the alien against whom proceedings are commenced and detain
20 that individual until the conclusion of those proceedings.” *Herrera-Correra*, 2008 WL
21 11336833, at *3. “Thus, an alien’s detention throughout this process arises from the
22 [government’s] decision to commence proceedings” and review of claims arising from
23 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d
24 947, 949 (9th Cir. 2007)); *see also Wang*, 2010 WL 11463156, at *6.

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27 ⁴ “In 2002, Congress transferred the Attorney General’s immigration enforcement
28 responsibilities to the Secretary of Homeland Security.” *Ibarra-Perez v. United States*,
154 F.4th 989, 995 n.2 (9th Cir. 2025).

1 Because this habeas petition brings a claim “arising from the decision or action
2 by the [government] to commence proceedings,” review of Petitioner’s claim is barred
3 under 8 U.S.C § 1252(g). Thus, the Court must dismiss the petition.

4 **B. Petitioner is Lawfully Detained Under the INA and the Constitution.**

5 Even if the Court assumed jurisdiction to review Petitioner’s claim, the Court
6 must deny his habeas petition because Petitioner’s detention is statutorily mandated
7 under 8 U.S.C. § 1225(b)(1)(B)(ii) and has not been unconstitutionally prolonged.

8 **1. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(1).**

9 Petitioner is an arriving alien. *See Alemanji Decl.* at ¶ 3 (“On January 8, 2025, I
10 crossed the border near the San Ysidro port of entry and turned myself in to a Border
11 Patrol officer.”); Exhibit 1 at p. 3 (reflecting that Petitioner admitted that he was an
12 arriving alien). As discussed above, arriving aliens are applicants for admission who
13 are subject to expedited removal proceedings, *see* 28 U.S.C. § 1225(b)(1)(A)(i),
14 unless—as occurred here—an asylum officer has determined that they have a credible
15 fear of persecution, *see* 28 U.S.C. § 1225(b)(1)(B)(ii). In such cases, the INA mandates
16 that “the alien *shall be detained* for further consideration of the application for asylum.”
17 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added); *see also Matter of M-S*, 27 I. & N. Dec.
18 509, 519 (AG 2019) (“all aliens transferred from expedited to full [removal]
19 proceedings after establishing a credible fear are ineligible for bond”). Because
20 Petitioner is an arriving alien found to have a credible fear of persecution and placed
21 in full removal proceedings, his detention is mandated by section 1225(b) until the
22 conclusion of his removal proceedings. *See Jennings*, 583 U.S. at 302 (“§§ 1225(b)(1)
23 and (b)(2) mandate detention of aliens throughout the completion of applicable
24 proceedings”).

25 Petitioner contends that he is entitled to a bond hearing. But the Supreme Court
26 has rejected such contention, explaining: “Nothing in the statutory text imposes any
27 limit on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says
28 anything whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Except for

1 temporary parole granted at the discretion of the Attorney General “for urgent
2 humanitarian reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5), “there
3 are no *other* circumstances under which aliens detained under § 1225(b) may be
4 released.” *Id.* at 300 (emphasis in original).

5 As Petitioner’s removal proceedings are pending, and he has not been granted
6 temporary parole, section 1225(b)(1)(B) mandates his detention until the proceedings
7 have concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention
8 under § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
9 section 1225(b)(1)(B) and the statute does not entitle him to a bond hearing at this time,
10 his petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
11 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
12 find that the petitioner had no right to release or a bond hearing).

13 **2. Petitioner’s detention is not unconstitutionally prolonged.**

14 Petitioner also argues that his prolonged mandatory detention under the INA
15 violates the due process clause of the Fifth Amendment to the U.S. Constitution. The
16 Court should reject this argument.

17 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
18 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
19 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
20 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
21 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
22 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
23 Supreme Court added that the sole means of release for noncitizens detained pursuant
24 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
25 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
26 (“That express exception to detention implies that there are no *other* circumstances
27 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
28 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens

1 throughout the completion of applicable proceedings[.]” *Id.* at 302.

2 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
3 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
4 detention without a hearing violated his constitutional rights. The Supreme Court
5 rejected the petition, concluding that the noncitizen’s continued detention did not
6 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
7 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
8 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
9 omitted).

10 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
11 (2020), the Supreme Court once again addressed the due process rights of individuals
12 like Petitioner—inadmissible arriving noncitizens seeking initial entry into the United
13 States. The Supreme Court stated that such individuals have no due process rights
14 “other than those afforded by statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in
15 respondent’s position has only those rights regarding admission that Congress has
16 provided by statute.”). The Supreme Court noted that its determination was supported
17 by “more than a century of precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United*
18 *States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537,
19 544 (1950); *Mezei*, 345 U.S. at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)).
20 Because the only process due Petitioner is that afforded under section 1225(b), the
21 Court must reject his claim that his detention violates the Fifth Amendment’s Due
22 Process Clause and deny his requested relief. *See Thuraissigiam*, 591 U.S. at 138–40;
23 *Mendoza-Linares*, 51 F.4th at 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206
24 (9th Cir. 2022) (“The recognized liberty interests of U.S. citizens and aliens are not
25 coextensive: the Supreme Court has ‘firmly and repeatedly endorsed the proposition
26 that Congress may make rules as to aliens that would be unacceptable if applied to
27 citizens.’”) (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*,
28 2023 WL 3103811, at *4 (“Binding Ninth Circuit and Supreme Court precedents are

1 clear that Petitioner lacks any rights beyond those conferred by statute, and no statute
2 entitles Petitioner to a bond hearing.”).

3 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
4 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
5 Due Process Clause issue raised in this petition: Does an alien detained under 8 U.S.C.
6 § 1225(b)(1) have a due process right to release or a bond hearing after being detained
7 for a certain period of time? The answer is no. *See Mendoza-Linares v. Garland*, No.
8 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2 (S.D. Cal. June 10, 2024) (“[T]he
9 Court finds that Petitioner has no Fifth Amendment right to a bond hearing pending his
10 removal proceedings.”); *Zelaya-Gonzalez*, 2023 WL 3103811. *3 (S.D. Cal. Apr. 25,
11 2023) (same); *Rodriguez Figueroa v. Garland*, 535 F. Supp. 3d 122, 126–27
12 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F. Supp. 3d 329, 336 (W.D.N.Y.
13 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579 (W.D.N.Y. 2021); *Petgrave v.*
14 *Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

15 Even if the Court infers a constitutional right against prolonged mandatory
16 detention, Petitioner’s claim still fails. “In general, as detention continues past a year,
17 courts become extremely wary of permitting continued custody absent a bond hearing.”
18 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
19 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
20 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half
21 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
22 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
23 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
24 years). Petitioner’s detention falls significantly short of the length courts have found to
25 raise due process concerns.

26 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
27 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,
28 at *5 (“[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-

1 suited to determining whether due process requires a second bond hearing, they are not
2 particularly dispositive of whether prolonged mandatory detention has become
3 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
4 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
5 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
6 the possible constitutional implications of Petitioner’s ongoing detention without
7 process.”).

8 Under *Lopez*, to determine whether continued mandatory detention has become
9 unreasonable, “the Court will look to the total length of detention to date, the likely
10 duration of future detention, and the delays in the removal proceedings caused by the
11 petitioner and the government.” 631 F. Supp. 3d at 879.

12 First, Petitioner has been detained for about 11 months. Courts in this district
13 have found detention for much longer periods to be unreasonably prolonged. *See*
14 *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal.
15 Feb. 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months);
16 *Sanchez-Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp.
17 3d 768, 773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42
18 months). The length of detention “is the most important factor.” *Sanchez-Rivera*, 2023
19 WL 139801, at *6 (citation omitted). And Petitioner’s current detention does not fall
20 within the range those courts have found to be unreasonable. Moreover, the length of
21 Petitioner’s detention, by itself, does not favor granting habeas relief. *See Sadeqi v.*
22 *LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12,
23 2025) (“The Court agrees with Respondents that the length of Petitioner’s detention to
24 date—almost 12 months—does not by itself, without more, establish prolonged
25 detention in violation of due process.”). Not only does the length of Petitioner’s
26 detention fall comparatively short of the length courts in this district have found to
27 warrant habeas relief, but the other *Lopez* factors do not favor habeas relief either.

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1 Second, the likely duration of future detention weighs against Petitioner. An
2 immigration judge has issued a decision on the merits of his case, and Petitioner’s
3 appeal of the decision is pending with the BIA. *See Alemanji Decl.* at ¶ 5; Exhibit 21.
4 While Petitioner claims that he “anticipate[s] significant future detention during his
5 appellate process,” ECF No. 5 at 7:12–13, he argues that BIA appeals can potentially
6 take months or years to resolve. The Court should decline Petitioner’s invitation to
7 engage in speculation in this regard. *See, e.g., D.D., Case No. 25-cv-02581-BJC-JLB,*
8 *ECF No. 10 at 8:13–15* (addressing “Petitioner’s claim that his detention will continue
9 for a significant time in the future” and “declin[ing] to engage in the speculation that
10 Petitioner relies on in his argument on this point.”).

11 Finally, there is no indication of any delay in the removal proceedings on the
12 part of the government. Petitioner filed his asylum application on April 17, 2025, after
13 the immigration judge twice continued Petitioner’s master calendar hearing to allow
14 Petitioner time to obtain legal representations and/or file his asylum application. *See*
15 *Exhibits 7, 9.* Between April 17, 2025, and June 25, 2025, the immigration judge
16 granted Petitioner’s requests on three occasions to continue the master calendar hearing
17 to allow Petitioner additional time to gather and submit evidence to support his asylum
18 application. *See Exhibits 11, 12, 14.* At the master calendar hearing on July 10, 2025,
19 the immigration judge scheduled Petitioner’s individual merits hearing for October 3,
20 2025. *See Exhibit 18.* Petitioner’s merits hearing occurred as scheduled on October 3,
21 2025, and the immigration judge issued a decision that same day. *See Exhibit 20.*
22 Because the government at all relevant times acted promptly to resolve Petitioner’s
23 asylum application, and any delays were for Petitioner’s benefit to allow Petitioner
24 additional time to pursue his asylum application, this factor weighs in favor of
25 Respondents.

26 Balancing the above factors, the record does not support a finding that “detention
27 has become so unreasonable as to require an initial bond hearing.” *Sanchez-Rivera,*
28 *2023 WL 139801, at *6.* Thus, the Court should reject Petitioner’s claim that his

1 mandatory detention violates due process at this time.

2 **V. CONCLUSION**

3 For the reasons stated herein, Respondents respectfully request that the Court
4 dismiss this petition for lack of jurisdiction or deny it on the merits.

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6 Dated: December 19, 2025

Respectfully submitted,

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ADAM GORDON
United States Attorney

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s/ Matthew Riley
MATTHEW RILEY
Assistant United States Attorney

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Attorneys for Respondents

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