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DETAINED

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

HATIM ABDEL MONGY ABDALA BAKER,

Petitioner,

v.

ADAM GORDON, et al.,

Respondents.

Case No. 25-cv-3539-CAB-SBC

**NOTICE OF BOND HEARING AND
OPPOSITION TO DISMISSAL**

1 Petitioner, by and through undersigned counsel, respectfully submits this Notice of
2 Bond Hearing Outcome and Opposition to Dismissal in response to the Court's prior order
3 indicating that the habeas petition would be dismissed once a bond hearing was provided.

4 **I. Procedural Background**

5 Petitioner filed this action under 28 U.S.C. § 2241 challenging the lawfulness of his
6 continued civil immigration detention. In its Answer, Respondent agreed that Petitioner was
7 entitled to a bond hearing. The Court thereafter ordered that a bond hearing be provided and
8 indicated that the habeas petition would be dismissed once such a hearing occurred.

9 A custody redetermination hearing was held before the Immigration Court on December 31, 2025.
10 Following that hearing, the Immigration Judge denied bond, finding that Petitioner was both a
11 danger to the community and a flight risk. The written bond order is attached as an exhibit.

12 Although a bond hearing occurred, the hearing did not satisfy the constitutional
13 minimums necessary to cure the due process violation underlying the habeas petition. As a result,
14 the case is not moot, and dismissal would be premature.

15 **II. The Bond Hearing Did Not Cure the Constitutional Defect**

16 The Court's prior order contemplated dismissal once Petitioner received a bond
17 hearing that remedied the constitutional infirmity alleged in the petition. A bond hearing that lacks
18 the procedural safeguards required by due process, however, does not render continued detention
19 lawful.

20 Here, the Immigration Judge's written order reflects no articulated evidentiary
21 standard governing the detention determination. The order does not state whether the government's
22 burden was evaluated under a clear-and-convincing standard, a preponderance standard, or any
23 other standard of proof. In the context of civil immigration detention implicating a fundamental
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1 liberty interest, the absence of any articulated standard leaves no assurance that continued
2 detention rests on constitutionally sufficient findings.

3 The order is also devoid of individualized factual analysis. It consists of conclusory
4 statements that Petitioner is a danger to the community and a flight risk, coupled with a brief
5 citation to *Matter of Siniauskas* for the proposition that community ties do not mitigate danger or
6 flight risk. The order does not identify specific facts demonstrating present dangerousness or flight
7 risk, does not explain how any evidence supports those conclusions, and does not meaningfully
8 connect the record to the outcome. Due process requires a meaningful, individualized custody
9 determination capable of judicial review. *See Singh v. Holder*, 638 F.3d 1196, 1205–06 (9th Cir.
10 2011).

11 Most significantly, the Immigration Judge did not consider alternatives to detention.
12 The order does not address whether a bond amount, conditions of supervision, or other less
13 restrictive alternatives could reasonably mitigate any perceived risk. Instead, it reflects a
14 categorical denial of release without any assessment of whether detention was the least restrictive
15 means of advancing the government's interests. Where detention is civil and discretionary, due
16 process requires consideration of reasonable alternatives before continued confinement may be
17 justified.

18 Because the bond hearing lacked an articulated standard of proof, meaningful
19 individualized findings, and any consideration of alternatives to detention, it did not cure the
20 constitutional defect that gave rise to this habeas action.

21 **III. The Habeas Petition Is Not Moot**

22 The occurrence of a bond hearing alone does not moot a habeas petition where the
23 hearing fails to satisfy constitutional requirements. Because Petitioner remains detained pursuant
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1 to a procedurally deficient custody determination, the constitutional violation persists, and this
2 Court retains jurisdiction under 28 U.S.C. § 2241.

3 Petitioner does not ask the Court to reweigh the Immigration Judge's discretionary
4 assessment or to substitute its judgment for that of the Immigration Court. Rather, Petitioner seeks
5 only the procedural protections necessary to ensure that continued civil detention is lawful.

6 **IV. Requested Relief**

7 Petitioner respectfully requests that the Court decline to dismiss the habeas petition
8 as moot, retain jurisdiction over this matter, and order Respondent to provide Petitioner with a new
9 custody redetermination hearing that includes an articulated evidentiary standard, individualized
10 findings tied to present risk, and consideration of reasonable alternatives to detention. Petitioner
11 further requests conditional release should Respondent fail to provide a constitutionally adequate
12 bond hearing within a reasonable period set by the Court.

13 **V. Conclusion**

14 Because the bond hearing provided did not satisfy the constitutional safeguards
15 required to justify continued civil immigration detention, dismissal of the habeas petition would
16 be inappropriate. Petitioner respectfully requests that the Court retain jurisdiction and order
17 appropriate relief to remedy the ongoing due process violation.

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19 Dated: January 6, 2026

Respectfully submitted,

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/s/ Morris Jacob Wilner

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Morris J. Wilner

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WILNER & O'REILLY, APLC

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Attorney for Petitioner, Hatim Abdel Mongy

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Abdalla Bakr

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12 ADAM GORDON, et al.,

13 Respondents.

Case No. 25-cv-3539-CAB-SBC

TABLE OF EXHIBITS

14
15
16 Exhibit:

- 17
18 1. Immigration Judge's Order on Petitioner's December 31, 2025, Bond Hearing.
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EXHIBIT 1

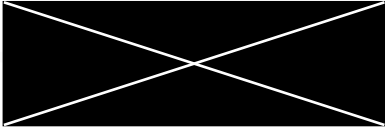


UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

ABDALLA BAKR, HATIM ABDEL
MONGY

To:



A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/31/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
 - Court enters a finding that Respondent is a danger to the community.
 - Court enters a finding that Respondent is a flight risk.
 - Under Matter of Siniauskas, R's community ties do not mitigate danger/flight.
- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Immigration Judge: Samantha Begovich 12/31/2025

Appeal:	Department of Homeland Security:	<input checked="" type="checkbox"/>	waived	<input type="checkbox"/>	reserved
	Respondent:	<input type="checkbox"/>	waived	<input checked="" type="checkbox"/>	reserved

Appeal Due: 02/02/2026

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Respondent Name : ABDALLA BAKR, HATIM ABDEL MONGY |



Riders:

Date: 12/31/2025 By: Samantha Begovich, Immigration Judge