

1 Brian J. McGoldrick (California #169104)
2 Counsel for the Petitioner
3 4916 Del Mar Avenue
4 San Diego, CA 92107
5 (619) 675-2366
6 attorney@brianmgoldrick.com

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

9 ONUR DENIZ,

10 Plaintiff,

11 vs.

12 CHRISTOPHER LAROSE, warden of
13 Otay Mesa Detention Center
14 DANIEL A. BRIGHTMAN, San Diego
15 Field Office Director, Immigration and
16 Customs Enforcement and Removal
17 Operations (“ICE/ERO”);
18 TODD LYONS, Acting Director of
19 Immigration Customs Enforcement
20 (“ICE”);
21 KRISTI NOEM, Secretary of the
22 Department of Homeland Security
23 (“DHS”);
24 PAMELA BONDI, Attorney General of
25 the United States,
26 U.S. DEPARTMENT OF HOMELAND
27 SECURITY;
28 U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: 3:25-cv-3588-CAB-DEB

TRAVERSE TO PETITION FOR
WRIT OF HABEAS CORPUS

1 **STATEMENT OF FACTS**

2 The Kurds are an ethnic minority in Turkey and other nearby nations.

3
4 They do not have a homeland of their own, but they have their own language,
5 culture and beliefs. They have been the subject of oppression and genocide in the
6 region for generations.
7

8 Mr. Deniz is a Kurdish man from Turkey. He grew up in Turkey with
9 the discrimination that all Kurds face in Turkey. He was discriminated against in
10 school, at work and every other social aspect of life in Turkey. When he was 18
11 years old he believed he could no longer live in Turkey and he made his way to the
12 United States. He entered the United States on March 3, 2023. He was briefly
13 detained and then paroled into the United States on March 3, 2023. ECF 1-3.
14
15

16 Mr. Deniz began his life in the United States after he was released. He
17 received work authorization, found a place to live and integrated himself into the
18 local community. He filed his I-589 application for Asylum on January 16, 2024.
19 He was only 18 when he entered the United States so also qualifies for Special
20 Immigrant Juvenile status. His petition is pending with USCIS. He has been
21 attending college at Delaware Community College and finally felt he could make
22 something of himself and his life.
23
24
25

26 During the middle of October, 2025, Mr. Deniz came to Oceanside,
27 California to visit a friend. On October 25, 2025, at about 6:30 p.m. he decided to
28

1 purchase something at a local GNC store. He was following his mobile directional
2 app to get there but made a wrong turn and found himself at the entry gate of Camp
3 Pendleton. When he arrived at the gate, he explained to the gate guard that he made
4 a wrong turn and just needed to turn around. He had no intention of entering the
5 base. The officer there looked at his driver's license and asked him to pull over to
6 the side of the road.
7

8
9 The Military Police arrived and blocked his car so he could not leave.
10
11 He asked several times if he was free to go. He was told he could not leave. He
12 presented proof of his work authorization and his pending asylum application
13 which guarantees his presence in the United States until the application is
14 adjudicated. No base personal ever explained what law he had violated that
15 allowed them to hold him their prisoner. They simply asserted that since he didn't
16 have a green card he had to wait. After about two hours, ICE officials arrived the
17 military handed him over to ICE. He asked again why he was being detained. He
18 was not told why he was arrested. He was not told what law he had violated. He
19 was not advised of his Miranda rights. With no cause and no explanation and no
20 warrant he was put in the ICE vehicle and transferred to the ICE facility in
21 downtown San Diego. He was then transferred to the Otay Mesa facility.
22 The government's response does not refute the statement of facts and any
23 refutation is therefore waived.
24
25
26
27
28

1 **The Petitioner was illegally detained and must be released.**

2 The government’s response alleges that, pursuant to *Maldonado Bautista v.*
3
4 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----, 2025 WL 3289861
5 (C.D. Cal. Nov. 20, 2025) “Petitioner is detained under 8 U.S.C. § 1226(a) and is
6 entitled to an order from this Court directing a bond hearing be held pursuant to 8
7 U.S.C. § 1226(a).” ECF 4 p.2

8 The process for revoking Mr. Deniz parole is that it must be
9
10 terminated upon written notice after an individualized determination that the
11 humanitarian purposes no longer apply. 8 C.F.R. § 212.5(e)(2)(i). However, the
12 government’s arrest and detention of Mr. Deniz was not authorized under color of
13 any law. His arrest and detention were a violation of his right to due process
14 guaranteed by the Fifth Amendment to the Constitution and was a violation of the
15 Administrative Procedures Act.

16 Claim one of the Petition set out in detail how his detention was a violation
17 of the APA because the government did not follow it own rules regarding
18 revocation of parole. The government’s response is silent on this issue. As a result
19 the government has waived any defense to this claim. The appropriate remedy for
20 this violation of the APA is not a bond hearing. The appropriate remedy is Mr.
21 Deniz’ immediate release from custody.

1 Claim two of the Petition set out in detail how his detention was a violation
2 of due process because the government did not follow its own procedural rules
3 regarding revocation of parole. In addition, the government did not afford the
4 petitioner any pre-detention notice or hearing regarding the termination of his
5 liberty interest he had accrued during the time he was on parole. The government's
6 response is silent on these issues. As a result the government has waived any
7 defense to this claim. The appropriate remedy for this violation of due process is
8 not a bond hearing. The appropriate remedy is Mr. Deniz' immediate release from
9 custody.
10

11
12
13 Claim three set out in detail how his arrest and detention was executed
14 without a warrant and without probable cause. The government's response is silent
15 on this claim. As a result the government has waived any defense to this claim.
16 Respondents' warrantless arrest of Mr. Deniz constitutes an unreasonable and
17 unlawful seizure in violation of the Fourth Amendment. The appropriate remedy is
18 Mr. Deniz' immediate release from detention.
19
20
21

22 If Mr. Deniz' detention was unlawful, *ab initio*, he should not be required to
23 post a bond and, in effect, pay a ransom to be released from this illegal detention.
24 Nothing in the government's response indicates that Mr. Deniz has somehow
25 become a flight risk or a danger to the community.
26
27
28

1 In addition, the current practice at Otay Mesa Detention Center is, upon
2 release, to immediately enroll detainees in an Alternative to Detention program and
3 put an ankle monitor on them before their actual release. This is also done without
4 any individualized consideration of whether the detainee is a potential flight risk or
5 a danger to the community. Mr. Deniz has been at liberty for quite a while prior to
6 his detention and should not be enrolled in any ATD program and especially
7 should not be forced to wear an ankle monitor.
8
9
10

11 CONCLUSION

12 Petitioner respectfully requests this Court to grant the following:

13 (1) Declare that Petitioner's detention without an individualized
14 determination violates the Due Process Clause of the Fifth Amendment and the
15 Administrative Procedures Act;
16

17 (2) Declare that Petitioner's warrantless arrest and detention
18 constitutes an unreasonable and unlawful seizure in violation of the Fourth
19 Amendment;
20
21

22 (3) Issue a Writ of Habeas Corpus ordering Respondents to release
23 Petitioner from custody;
24

25 (4) Issue and Order prohibiting the Respondents from enrolling the
26 Petitioner in any Alternative to Detention program, specifically barring them from
27 requiring an ankle monitor;
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(5) In the alternative, order a bond hearing for the Petitioner.

(6) Grant any further relief this Court deems just and proper.

Dated: December 22, 2025.

/s/ Brian J. McGoldrick
BRIAN J. MCGOLDRICK, ESQ.
attorney@brianmgoldrick.com
4916 Del Mar Avenue
San Diego, CA 92107
Telephone: +1 619-675-2366
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Brian J. McGoldrick, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 4916 Del Mar Avenue, San Diego, CA 92107. On December 22, 2025, I served a copy of this

TRAVERSE TO PETITION FOR WRIT OF HABEAS CORPUS

by the method and to the parties listed below:

On December 22, 2025, I accessed the electronic mailing list for CM/ECF users in this case and representatives of all parties are CM/ECF users and are noticed as follows:

- **Janet A Cabral**

Janet.Cabral@usdoj.gov,mary.wiggins@usdoj.gov,efile.dkt.civ@usdoj.gov,USACAS.Habeas2241@usdoj.gov,caseview.ecf@usdoj.gov

- **Robbin O. Lee**

robbin.lee@usdoj.gov,ivette.moshe@usdoj.gov,vanessa.blankenship@usdoj.gov,Efile.dkt.civ@usdoj.gov

/s/Brian J. McGoldrick
Brian J. McGoldrick, Esq.
Pro Bono Counsel for Respondent