

1 ADAM GORDON
United States Attorney
2 LAURA C. SAMBATARO
Assistant United States Attorney
3 Maryland Bar
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-9613
Email: laura.sambataro@usdoj.gov
6 Attorneys for Respondents

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

10
11 OZGUR YALNIZKURT,

12 Petitioner,

13
14 v.

15 WARDEN OF THE OTAY MESA
16 DETENTION FACILITY, et. al,

17 Respondents.
18

Case No. 25-CV-3752-CAB-MSB

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

19
20 **I. INTRODUCTION**

21 Petitioner requests that the Court order his release from Immigration and
22 Customs Enforcement (ICE) custody. This Court lacks jurisdiction because
23 Petitioner's claims are barred by 8 U.S.C. § 1252(g). Moreover, as an applicant for
24 admission to the United States found to have a credible fear of persecution, Petitioner's
25 detention is mandated by 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his
26 removal proceedings. Accordingly, the Court should deny Petitioner's request for
27 relief.

28 //

1 **II. FACTUAL AND PROCEDURAL BACKGROUND**

2 Petitioner is a native and citizen of Turkiye who entered the United States without
3 inspection near San Ysidro, California, on November 21, 2024. *See* Exhibit 1 (Form I-
4 213).¹ Petitioner did not then have any valid entry documents to enter the United States,
5 and he was determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I) and
6 placed in expedited removal proceedings pursuant to 8 U.S.C. § 1225(b)(1). *See* Exhibit
7 2 (Notice and Order of Expedited Removal). Petitioner claimed a fear of returning to
8 Turkiye, and he was referred to a U.S. Citizenship and Immigration Services (USCIS)
9 asylum officer for a credible fear interview. On January 19, 2025, Petitioner was
10 interviewed by a USCIS asylum officer to determine whether he had a credible fear of
11 persecution or torture if removed to Turkiye. *See* ECF No. 1 at ¶¶ 5, 14. The interview
12 resulted in a positive determination. *Id.*

13 On January 21, 2025, Petitioner was issued a Notice to Appear, charging him as
14 inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) (as an alien present in the United States
15 without being admitted or paroled) and 1182(a)(7)(A)(i)(I) (as an immigrant not in
16 possession of a valid entry document). *See* Exhibit 3 (Notice to Appear). The filing of
17 the Notice to Appear with the Otay Mesa Immigration Court initiated removal
18 proceedings against Petitioner, and those proceedings remain ongoing. Within his
19 removal proceedings under 8 U.S.C. § 1229a, Petitioner has the opportunity to apply
20 for relief from removal before an immigration judge (IJ), including asylum under 8
21 U.S.C. § 1158, withholding of removal under 8 U.S.C. § 1231(b)(3), and relief under
22 the Convention Against Torture.

23 The Notice to Appear scheduled Petitioner’s initial master calendar hearing for
24 February 4, 2025. *See id.* On May 30, 2025, the immigration judge held a bond hearing
25 and denied bond finding no jurisdiction to consider custody redetermination. *See*
26

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

1 Exhibit 4 (citing *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019). The Board of
2 Immigration Appeals affirmed on November 3, 2025. *See* Exhibit 5.

3 Petitioner’s removal proceedings remain pending, and his individual merits
4 hearing is scheduled for January 16, 2026. *See* Exhibit 6. As a result, there is no
5 administratively final order of removal at this time. Petitioner remains mandatorily
6 detained at the Otay Mesa Detention Center under 8 U.S.C. § 1225(b)(1)(B)(ii).

7 **III. STATUTORY BACKGROUND**

8 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.
9 § 1225, applies to an “applicant for admission,” defined as an “alien present in the
10 United States who has not been admitted” or “who arrives in the United States.” 8
11 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those
12 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
13 583 U.S. 281, 287 (2018).

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

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1 IV. ARGUMENT

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

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

7 Here, Petitioner’s claims of unlawful detention necessarily arise from the
8 Department of Homeland Security’s² decision to commence removal proceedings
9 against him because that decision unavoidably triggers mandatory detention under 8
10 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
11 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
12 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
13 claim because the plaintiff’s detention arose from the decision to commence removal
14 proceedings, and in turn, the “statute mandating detention during removal proceedings
15 of a person charged as an ‘arriving alien.’”).

16 As explained by another district court, removal proceedings are commenced
17 when, as occurred here, “the alien is issued a Notice to Appear before an immigration
18 court.” *Herrera-Correra v. United States*, No. CV 08–2941 DSF (JCx), 2008 WL
19 11336833, at *3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 3 (Notice to Appear). The
20 government “may arrest the alien against whom proceedings are commenced and detain
21 that individual until the conclusion of those proceedings.” *Herrera-Correra*, 2008 WL
22 11336833, at *3. “Thus, an alien’s detention throughout this process arises from the
23 [government’s] decision to commence proceedings” and review of claims arising from
24 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d
25 947, 949 (9th Cir. 2007)); *see also Wang*, 2010 WL 11463156, at *6.

26 _____
27 ² “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’s claim fails because he is subject to mandatory detention under 8
10 U.S.C. § 1225(b)(1). Under 8 U.S.C. § 1225(a)(1), an “applicant for admission” is
11 defined as an “alien present in the United States who has not been admitted or who
12 arrives in the United States.” As explained above, applicants for admission “fall into
13 one of two categories, those covered by § 1225(b)(1) and those covered by §
14 1225(b)(2).” *Jennings*, 583 U.S. at 287. Section 1225(b)(1) – the provision relevant
15 here – applies because Petitioner was found in the United States without proper
16 documents authorizing his presence. And that statute mandates detention when an
17 immigration officer determines that the alien has a credible fear of persecution. *See* 8
18 U.S.C. § 1225(b)(1)(B)(ii) (“If the officer determines at the time of the interview that
19 [the] alien has a credible fear of persecution . . . , the alien *shall be detained* for further
20 consideration of the application for asylum.”) (emphasis added); *see also Matter of M-*
21 *S*, 27 I. & N. Dec. 509, 519 (AG 2019) (“all aliens transferred from expedited to full
22 [removal] proceedings after establishing a credible fear are ineligible for bond”).

23 Petitioner requests that the Court order him released from ICE custody. But the
24 Supreme Court has rejected such contention, explaining: “”Read most naturally, §§
25 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain
26 proceedings have concluded. . . . Nothing in the statutory text imposes any limit on the
27 length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything
28 whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Except for temporary

1 parole granted at the discretion of the Attorney General “for urgent humanitarian
2 reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5), “there are no *other*
3 circumstances under which aliens detained under § 1225(b) may be released.” *Id.* at 300
4 (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 release at this time, his
10 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 does not suggest that his prolonged mandatory detention under the INA
15 violates the due process clause of the Fifth Amendment to the U.S. Constitution. Even
16 if the Court construes the petition liberally to assert such a claim, the Court should reject
17 this argument.

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

1 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
2 throughout the completion of applicable proceedings[.]” *Id.* at 302.

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

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

1 2023 WL 3103811, at *4 (“Binding Ninth Circuit and Supreme Court precedents are
2 clear that Petitioner lacks any rights beyond those conferred by statute, and no statute
3 entitles Petitioner to a bond hearing.”).

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

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

27 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
28 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,

1 at *5 (“[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-
2 suited to determining whether due process requires a second bond hearing, they are not
3 particularly dispositive of whether prolonged mandatory detention has become
4 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
5 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
6 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
7 the possible constitutional implications of Petitioner’s ongoing detention without
8 process.”). Under *Lopez*, to determine whether continued mandatory detention has
9 become unreasonable, “the Court will look to the total length of detention to date, the
10 likely duration of future detention, and the delays in the removal proceedings caused by
11 the petitioner and the government.” 631 F. Supp. 3d at 879.

12 First, Petitioner has been detained for just under 13 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.
28 Second, the likely duration of future detention weighs against Petitioner. Petitioner’s

1 individual merits hearing is scheduled for January 16, 2026 (*see* Exhibit 6), at which
2 point his path to release or removal should be clear. Finally, there is no indication of
3 any delay in the removal proceedings on the part of the government.

4 Balancing the above factors, the record does not support a finding that “detention
5 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
6 2023 WL 139801, at *6, or an order requiring Petitioner’s release. Thus, the Court
7 should reject Petitioner’s claim that his mandatory detention entitled him to be released
8 from ICE custody during the pendency of his removal proceedings.

9 Petitioner was detained after illegally entering the United States. Thus, Petitioner
10 is rightly considered an applicant for admission, and his mandatory detention does not
11 violate due process. *See Shahin v. Noem*, No. 25-cv-2496-AGS-KSC, ECF No. 12 (S.D.
12 Cal. Dec. 23, 2025).

13 **C. Fourth Amendment Claims Fail**

14 To the extent Petitioner asserts claims under the Fourth Amendment, he fails to
15 explain why release is the remedy for such alleged violations. *United States v. Crews*,
16 445 U.S. 463, 474 (1980) (noting, in the criminal context, that Fourth Amendment’s
17 “exclusionary principle” “delimits what proof the Government may offer against the
18 accused at trial, closing the courtroom door to evidence secured by official
19 lawlessness,” but an individual “is not himself a suppressible ‘fruit’”); *Cruz v. Barr*,
20 926 F.3d 1128, 1146 (9th Cir. 2019) (releasing petitioner on Fourth Amendment
21 grounds because fruits of the regulatory violation were the only evidence of petitioner’s
22 alienage).

23 Moreover, Fourth Amendment claims related to alienage “belong in front of an
24 Immigration Judge, not a federal district court.” *See Marvan v. Slaughter*, No. CV 25-
25 49-H-DLC, 2025 WL 1940043, at *3 (D. Mont. July 15, 2025) (denying habeas petition
26 challenging detention based on Fourth Amendment violations for lack of subject matter
27 jurisdiction). Petitioner cannot simply “bypass the immigration courts and proceed
28 directly to district court. Instead, [he] must exhaust the administrative process before

1 [he] can access the federal courts.” *Id.* at *4 (quoting *J.E.F.M.*, 837 F.3d at 1029). To
2 the extent Petitioner desires to bring such claims, this district court does not have
3 jurisdiction. Under 8 U.S.C. § 1252(b)(9), “[j]udicial review of all questions of law and
4 fact . . . arising from any action taken or proceeding brought to remove an alien from
5 the United States under this subchapter shall be available only in judicial review of a
6 final order under this section.” Further, judicial review of a final order is available only
7 through “a petition for review filed with an appropriate court of appeals.” 8 U.S.C.
8 § 1252(a)(5).

9 **V. CONCLUSION**

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

12
13 Dated: January 5, 2026

Respectfully submitted,

14 ADAM GORDON
United States Attorney

15
16 s/ Laura C. Sambataro
LAURA C. SAMBATARO
Assistant United States Attorney

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18 Attorneys for Respondents
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1 ADAM GORDON
United States Attorney
2 LAURA C. SAMBATARO
Assistant U.S. Attorney
3 Maryland Bar
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-9613
Facsimile: (619) 546-7751
6 Email: laura.sambataro@usdoj.gov

7 Attorneys for Respondents

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

10 OZGUR YALNIZKURT,

11 Petitioner,

12 v.

13 WARDEN OF THE OTAY MESA
14 DETENTION FACILITY; et al.,

15 Respondents.
16

Case No.: 25-CV-3752-CAB-MSB

TABLE OF EXHIBITS

17 Exhibits:

- 18 1. I-213 Record of Deportable/Inadmissible Alien dated November 22, 2024, with
19 redactions.
20 2. I-860 Notice and Order of Expedited Removal, with redactions.
21 3. Notice to Appear dated January 21, 2025.
22 4. Immigration Judge Bond Order.
23 5. Board of Immigration Appeals decision.
24 6. Notice of In-Person Hearing.
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EXHIBIT 1

U.S. Department of Homeland Security Subject ID: [REDACTED] Record of Deportable/Inadmissible Alien

Family Name (CAPS) YALNIZKURT, OZGUR		Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship TURKIYE	Passport Number and Country of Issue [REDACTED] TURKIYE	File Number [REDACTED]	Height [REDACTED]	Weight [REDACTED]	Occupation LABORER
U.S. Address IN DHS CUSTODY		Sears and Marks None Indicated			
Date, Place, Time, and Manner of Last Entry 11/21/2024, 1230, 1.5 mile(s) W of SYS, PWA (Afoot)		Passenger Boarded at		F.I.L. Number [REDACTED]	
Number, Street, City, Province (State) and Country of Permanent Residence KARTA, KARTA, TURKIYE		<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth [REDACTED]	Age: 24	Date of Action 11/22/2024	Location Code SDC/IMB		
City, Province (State) and Country of Birth KARTA, KARTA, TURKIYE		Form: (Type and No.) Lified <input type="checkbox"/> Not Lified <input type="checkbox"/>			
NIV Issuing Post and NIV Number		Social Security Account Name			
Date Visa Issued		Social Security Number			
Immigration Record NEGATIVE		Criminal Record None Known			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children	
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Intermediate Possession None Claimed		Fingerprinted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Words(s) I7A1	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment	Salary	Employed from/to	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)					
FINS #: [REDACTED]		I77 #: [REDACTED]		DNA Envelope #: [REDACTED]	
[REDACTED]		[REDACTED]		[REDACTED]	
		Left Index Print		Right Index Print	
ARREST COORDINATES:					
Latitude: 32.54256					
Longitude: -117.042196					
CONSEQUENCE DELIVERY SYSTEM:					
Classification: FIRA					
Program: EBC					
Alien has been advised of communication privileges		11/22/2024		ZACHARY L. PARLIER Date: 2024.11.21 23:33:30 -07:00 0150566606.CBP ZACHARY PARLIER Border Patrol Agent	
Distribution:		(Date/Initials) (Signature and Title of Immigration Officer)			
Received: (Subject and Documents) (Report of Interview)		Officer: ZACHARY PARLIER on: November 22, 2024 at 0133 (time) Disposition: Expedited Removal - Securing the Border Examining Officer:			

Subject to the Proclamation (SB)

EOIR - 4 of 26

Exh. 9 - Adm.

U.S. Department of Homeland Security

Continuation Page for Form


I213

Alien's Name YALNIZKURT, OZGUR	File Number XXXXXXXXXX Event No: XXXXXXXXXX	Date 11/21/2024
<p>FATHER NAME AND ADDRESS: ----- Nationality: TURKIYE YALNIZKURT, MUSTAFA KAHTA, TURKIYE</p> <p>MOTHER NAME AND ADDRESS: ----- Nationality: TURKIYE EMINE, YAJMUR KAHTA, TURKIYE</p> <p>RECORDS CHECKED: ----- CIS Negative ABIS Negative EARM Negative NCIC Positive NGI Negative TECS Negative</p> <p>Other Family/Associates Not in Event: ----- Father, YALNIZKURT, MUSTAFA, TURKE Mother, EMINE, YAJMUR, TURKE</p> <p>NARRATIVE: ----- IMMIGRATION HISTORY: Number of VRs: See records Number of Removals: See records Last Removal Date and Place: N/A</p> <p>CRIMINAL HISTORY: See records</p> <p>ENCOUNTER: Border Patrol Agent (BPA) Alberto Martinez encountered Ozgur YALNIZKURT (DOB: XXXXXXXXXX a citizen of Turkiye, A# 249121457) on 11/21/2024 at approximately 01:18 PM near SAN YSIDRO, CA. Border Patrol Agent (BPA) Alberto Martinez then determined that YALNIZKURT had unlawfully entered the United States of America near SAN YSIDRO, CA from Mexico at a time and place other than as designated by the Secretary of Homeland Security. YALNIZKURT was apprehended within a group of 29 individuals.</p>		
Signature ZACHARY PARLIER	ZACHARY L PARLIER Date: 2024.11.21 23:33:44 -07:00 0150566606.CBP	Title Border Patrol Agent

U.S. Department of Homeland Security

Continuation Page for Form

I213

Alien's Name YALNIZKURT, OZGUR	File Number  Event No: 1	Date 11/21/2024
<p>After determining that YALNIZKURT was an alien who illegally entered the United States of America, YALNIZKURT was arrested and transported to the San Diego Central Processing Center (SAN DIEGO, CA) for further processing using the e3/IDENT and Next Generation Identification (NGI) Systems.</p>		
<p>IMMIGRATION VIOLATION: At the San Diego Central Processing Center, YALNIZKURT stated that they are a citizen and national of Turkiye without the necessary legal documents to enter, pass through, or remain in the United States. YALNIZKURT illegally crossed the international boundary on 11/21/2024 at approximately 12:30 PM near SAN YSIDRO, CA without being inspected by an immigration officer at a designated Port of Entry.</p>		
<p>CONSULAR NOTIFICATION: YALNIZKURT was notified of their right to communicate with a Consular Officer from their country as per Article 36(1)(b) of the Vienna convention on Consular Relations. YALNIZKURT indicated understanding this right but declined to speak with anyone at this time.</p>		
<p>DISPOSITION/ADDITIONAL INFORMATION: YALNIZKURT was served with DHS forms I-860 and I-296. YALNIZKURT is being held in Department of Homeland Security custody pending removal proceedings as an Expedited Removal as per Section 235(b)(1) of the INA. YALNIZKURT was apprehended within fourteen days of their last entry into the United States, and within 100 air miles of any United States land border.</p>		
<p>YALNIZKURT made an unlawful entry into the United States during the suspension of and limitation on entry described in the Presidential Proclamation, Securing the Border. YALNIZKURT does not qualify for an exception to the Proclamation. YALNIZKURT will be processed for Expedited Removal under the provisions of 8 C.F.R. 235.15. YALNIZKURT was given a list of free legal services.</p>		
<p>While in Border Patrol custody, YALNIZKURT did not manifest a fear of return, express an intention to apply for asylum or related protection, express a fear of persecution or torture, or express a fear of return to their country or the country of removal.</p>		
<p>YALNIZKURT will be removed at a time, place and in a manner consistent with removal proceedings for a citizen of their designated country of removal.</p>		
<p>Based on the information provided YALNIZKURT does not derive or acquire U.S. citizenship.</p>		
<p>UNITED STATES POINT OF CONTACT INFORMATION: Point of contact name not provided IN DHS CUSTODY Point of contact phone number not provided</p>		
Signature ZACHARY PARLIER	ZACHARY L PARLIER Date: 2024.11.21 12:33:47 -07:00 0150566606.CBP	Title Border Patrol Agent

EOIR - 6 of 26

EXHIBIT 2

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event No: [REDACTED]

File No: [REDACTED]

Date: November 21, 2024

In the Matter of: OZGUR YALNIZKURT

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) [] (6)(C)(i); [] (6)(C)(ii); [x] (7)(A)(i)(I); [] (7)(A)(i)(II); [] (7)(B)(i)(I); and/or [] (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1. You are not a citizen or national of the United States;
2. You are a native of Turkiye and a citizen of Turkiye ;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
4. to wit, on or about Thursday, November 21, 2024, you illegally entered the United States at or near SAN YSIDRO, CA and were not inspected by an Immigration Officer.

Border Patrol Agent

Name and title of immigration officer (Print)

WILLIAM JOSA

Date: 2024.11.21 23:46:22 -08:00
0814029195.CBP



Signature of immigration officer

ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Border Patrol Agent

Name and title of immigration officer (Print)

WILLIAM JOSA

Date: 2024.11.21 23:46:25 -08:00
0814029195.CBP



Signature of immigration officer

ACTING/PATROL AGENT IN CHARGE

Name and title of supervisor (Print)

ANTONIO PADILLA

Date: 2024.11.21 23:11:57 -08:00
0721946545.CBP



Signature of supervisor, if available

[] Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on 11/21/2024

WILLIAM JOSA
Date: 2024.11.21 23:46:29 -08:00
0814029195.CBP

Signature of immigration officer

Border Patrol Agent


(Date)

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

ACKNOWLEDGEMENT

I acknowledge receipt of this notification _____


Signature of alien

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

DETERMINATION OF INADMISSIBILITY

Event No: [REDACTED]

File No: [REDACTED]

Date: November 21, 2024

In the Matter of: OZGUR YALNIZKURT

Pursuant to section 235(b)(1) of the Immigration and Nationality Act (Act), (8 U.S.C. 1225(b)(1)), the Department of Homeland Security has determined that you are inadmissible to the United States under section(s) 212(a) [] (6)(C)(i); [] (6)(C)(ii); [x] (7)(A)(i)(I); [] (7)(A)(i)(II); [] (7)(B)(i)(I); and/or [] (7)(B)(i)(II) of the Act, as amended, and therefore are subject to removal, in that:

- 1. You are not a citizen or national of the United States;
2. You are a native of Turkiye and a citizen of Turkiye ;
3. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act;
4. to wit, on or about Thursday, November 21, 2024, you illegally entered the United States at or near SAN YSIDRO, CA and were not inspected by an Immigration Officer.

Border Patrol Agent
Name and title of immigration officer (Print)

WILLIAM JOSA
Date: 2024.11.21 23:46:22 -08:00
0814029195.CBP
Signature of immigration officer

ORDER OF REMOVAL UNDER SECTION 235(b)(1) OF THE ACT

Based upon the determination set forth above and evidence presented during inspection or examination pursuant to section 235 of the Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be inadmissible as charged and ordered removed from the United States.

Border Patrol Agent
Name and title of immigration officer (Print)

WILLIAM JOSA
Date: 2024.11.21 23:46:25 -08:00
0814029195.CBP
Signature of immigration officer

ACTING/PATROL AGENT IN CHARGE
Name and title of supervisor (Print)

ANTONIO PADILLA
Date: 2024.11.21 23:11:57 -08:00
0721946545.CBP
Signature of supervisor, if available

[] Check here if supervisory concurrence was obtained by telephone or other means (no supervisor on duty).

CERTIFICATE OF SERVICE

I personally served the original of this notice upon the above-named person on 11/21/2024
WILLIAM JOSA
Date: 2024.11.21 23:46:29 -08:00
0814029195.CBP
Signature of immigration officer
Border Patrol Agent
(Date)

U.S. Department of Homeland Security

Notice and Order of Expedited Removal

ACKNOWLEDGEMENT

I acknowledge receipt of this notification



Signature of alien

EXHIBIT 3

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

Subject to Securing the Border (SB)

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: 

In the Matter of:

Respondent: OZGUR YALNIZKURT currently residing at:
OTAY MESA DETENTION CENTER, 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154 619-661-4071
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Republic of Turkiye and a citizen of REPUBLIC OF TURKIYE;
3. You entered the United States at an unknown location on or about 2024-11-21;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
5. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CA, 92154
(Complete Address of Immigration Court, including Room Number, if any)

on 02-04-2025 at 01:00pm to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.



Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: 01/21/2025

Tustin, CA
(City and State)

EOIR - 1 of 34

Exh. 1 - Adm.

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/I-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is

KURDISH

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 01-22-2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # requested by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the Kurdish language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

Tanya S. Mendoza DO (Signature and Title of officer)

EOIR - 2 of 34

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT 4



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

Respondent Name:
YALNIZKURT, OZGUR

To:
Szeles, David
1455 Frazee Road
Suite 500
San Diego, CA 92108

A-Number:



Riders:
In Custody Redetermination Proceedings

Date:
05/30/2025

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
Individuals in expedited removal proceedings are subject to mandatory detention "pending a final determination of credible fear of persecution and, if found not to have such a fear, until removed." INA § 235(b)(1)(B)(iii)(IV); see also Matter of M-S, 27 I&N Dec. 509, 519 (A.G. 2019) (aliens transferred from expedited to full proceedings after establishing a credible fear are ineligible for bond).
- Granted. It is ordered that Respondent be:
- released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Immigration Judge: DIXON, PAULA 05/30/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 06/30/2025

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Noncitizen | [] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : YALNIZKURT, OZGUR | A-Number :



Riders:

Date: 05/30/2025 By: Alilin, Vanessa, Court Staff

EXHIBIT 5

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Ozgur YALNIZKURT, 

Respondent

FILED

Nov 03, 2025

ON BEHALF OF RESPONDENT: Mario G. Portugal, Esquire

IN BOND PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Otay Mesa, CA

Before: Owen, Appellate Immigration Judge

OWEN, Appellate Immigration Judge

The respondent appeals from the Immigration Judge's May 30, 2025, order denying his request for a custody redetermination. The Immigration Judge's rationale was provided in a memorandum dated June 27, 2025. The appeal will be dismissed.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under the de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

The Immigration Judge concluded that she lacked jurisdiction to consider a change in the respondent's custody status because he was subject to expedited removal pursuant to section 235(b)(1) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1225(b)(1). The Immigration Judge explained that pursuant to section 235(b)(1)(B)(ii) of the INA, an alien like the respondent who is placed in expedited removal proceedings and expresses a credible fear of persecution or torture, shall be detained for further consideration of the asylum claim. The Immigration Judge relied on *Matter of M-S-*, 27 I&N Dec. 509, 516-17 (A.G. 2019), where the Attorney General determined that an alien who is transferred from expedited removal proceedings after establishing a credible fear is ineligible for release on bond.

The respondent does not challenge the basis for his detention. Rather, he argues that he is entitled to a custody redetermination after a prolonged detention under *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013). The Supreme Court of the United States overruled *Rodriguez*, although the permanent injunction issued by the United States District Court for the Central District of California remains in effect. *Jennings v. Rodriguez*, 583 U.S. 281 (2018). The respondent cites to no evidence he is detained in the Central District of California or that removal proceedings were initiated against him in that jurisdiction. The record reflects the Otay Mesa Immigration Court has jurisdiction over the respondent's bond and removal proceedings, where the respondent is detained. We take administrative notice that the Otay Mesa Immigration Court



is within the geographic bounds of the United States District Court for the Southern District of California. 8 C.F.R. § 1003.1(d)(3)(iv). Therefore, we agree with the Immigration Judge that she lacked jurisdiction to conduct a custody redetermination under section 235(b)(1)(B)(ii) of the INA, 8 U.S.C. § 1225(b)(1)(B)(ii).


Further, during the pendency of this appeal, the Board issued a precedential decision holding that, based on the plain language of section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), Immigration Judges lack the authority over bond requests for aliens who are present in the United States without admission. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220-28 (BIA 2025). The Notice to Appear issued in this case demonstrates that the respondent is charged as inadmissible under section 212(a)(6)(A)(i) of the INA, 8 U.S.C. § 1182(a)(6)(A)(i). Pursuant to the Board's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. at 220-28, the Immigration Judge also lacked authority to hear the respondent's request for a bond because the respondent is an applicant for admission and is subject to mandatory detention under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and the regulation at 8 C.F.R. § 235.3(b)(1)(ii).

Accordingly, the following order will be entered.


ORDER: The appeal is dismissed.

EXHIBIT 6

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

LEAD FILE: 
IN REMOVAL PROCEEDINGS
DATE: Dec 9, 2025
EAD Clock: 244 days elapsed

TO: Global Law Group, P.C.
Portugal, Mario G
1455 Frazee Road
Suite 500
San Diego, CA 92108

RE:  YALNIZKURT, OZGUR

Notice of In-Person Hearing

Your case has been scheduled for a **INDIVIDUAL hearing** before the immigration court on:

Date: Jan 16, 2026
Time: 09:00 A.M. PT
Court Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL[M] PERSONAL SERVICE[P] ELECTRONIC SERVICE[E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
[E] Noncitizen ATT/REP | [E] DHS
DATE: 12-09-2025 BY: COURT STAFF VA
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.



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ঠিকিস তু' অনলাইন পড়ন সই ঠিক পঠি 'উ বেড তু' সইন বরন সই সনাতরইন টে ঠিকি টি বরই বরি।

অনলাইনে নো-টীপ পড়ার জন্য এই পজেরে ক্যাডাটা স্ক্যান করতে স্মার্টফোনে ক্যামেরা ব্যবহার করুন

सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्व्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entelijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

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