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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 YOUSSEF NASEIF,

11 Petitioner,

12 v.

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

Respondents.

Case No.: '26CV0030 BAS BJW

**PETITION FOR WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE WITHIN THREE DAYS;
COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Agency Doc. No.: A



1 Petitioner MOHAMMAD NASEIF petitions this Court for a writ of habeas
2 corpus under 28 U.S.C. § 2241 to remedy Respondents' detaining him unlawfully,
3 and states as follows:
4

5 INTRODUCTION


6 1. Petitioner, YOUSSEF NASEIF ("Mr. Naseif" or "Petitioner"), by and through his
7 undersigned counsel, hereby petitions this Court under 28 U.S.C. § 2241, et seq., to
8 issue a Writ of Habeas Corpus ordering Mr. Naseif's release from immigration
9 detention by the Department of Homeland Security, United States Immigration and
10 Customs Enforcement ("ICE"). Mr. Naseif seeks immediate release from custody
11 because Respondents have held him since 29 November, 2024—a prolonged period.
12 Mr. Naseif has been waiting over a year to have his asylum application adjudicated.
13 His first final hearing date was set for 15 May 2025. The government has repeatedly
14 rescheduled, cancelled and reschedule again his final hearing date. It is currently set
15 for 30 March 2026. However, IJ Anderson announced the day this hearing was set
16 that she will not be on the bench at the detention center so this date will be
17 cancelled and reset again. Mr. Naseif has already been waiting 8 months to have his
18 first day of testimony. There is no possibility of his removal in the foreseeable
19 future. His continued detention without a hearing as to flight risk and danger to the
20 community violates the U.S. Constitution and federal law.
21

22 CUSTODY

23
24

1 2. Mr. Naseif is currently in Respondents' legal and physical custody. They are
2 detaining him at the Otay Mesa Detention Center in San Diego, California. He is
3 under Respondents' and their agents' direct control.
4

5 **PARTIES**

6 3. Mr. Naseif is a 36-year-old citizen of Egypt born  He is currently
7 detained at the Otay Mesa Detention Center in San Diego, California.

8 4. Mr. Naseif is currently in Respondents' legal and physical custody at the Otay
9 Mesa Detention Center in San Diego, California. CoreCivic, Inc., a Maryland
10 corporation, operates that facility.

11 5. Respondent Christopher LAROSE is the Warden of the Otay Mesa Detention
12 Center where Petitioner is being held. Respondent Christopher LaRose oversees the
13 day-to-day operations of the Otay Mesa Detention Center and acts at the Direction of
14 Respondents Freden, Lyons and Noem. Respondent Christopher LaRose is a
15 custodian of Petitioner and is named in his official capacity.
16

17 6. Respondent Daniel A. BRIGHTMAN is the Acting Field Office Director of ICE in
18 San Diego, California and is named in his official capacity. ICE is the component of
19 the DHS that is responsible for detaining and removing noncitizens according to
20 immigration law and oversees custody determinations. In his official capacity, he is
21 the legal custodian of Petitioner.

22 7. Respondent Todd M. LYONS is the Acting Director of ICE and is named in his
23 official capacity. Among other things, ICE is a component of the DHS, 6 U.S.C. § 271,
24

1 and an “agency” within the meaning of the Administrative Procedure Act, 5 U.S.C. §
2 701(b)(1). It is the agency responsible for enforcing immigration laws, and it is
3 detaining Mr. Naseif. Respondent Lyons has custodial authority over Mr. Naseif, who
4 names him in his official capacity.

5 8. Respondent Kristi NOEM is the Secretary of the DHS and is named in her
6 official capacity. DHS is the federal agency responsible for enforcing immigration
7 laws and granting immigration benefits. See 8 U.S.C. § 1103(a); 8 C.F.R. § 2.1.
8 Respondent Noem has ultimate custodial authority over Mr. Naseif, who names her
9 in her official capacity.

10 9. Respondent Pam BONDI is the Attorney General of the United States and the
11 most senior official in the U.S. Department of Justice (DOJ) and is named in her
12 official capacity. She is responsible for the Immigration and Nationality Act’s
13 implementation and enforcement (see 8 U.S.C. §§ 1103(a)(1), (g)), and oversees the
14 Executive Office for Immigration Review, the office that administers Mr. Naseif’s
15 removal proceedings and is responsible for adjudicating Mr. Naseif’s asylum
16 application. Mr. Naseif names her in her official capacity.

17 10. Respondent U.S. Immigration Customs Enforcement is the federal agency
18 responsible for custody decisions relating to non-citizens charged with being removable
19 from the United States, including the arrest, detention, and custody status of non-citizens.

20 11. Respondent U.S. Department of Homeland Security is the federal agency
21 that has authority over the actions of ICE and all other DHS Respondents.
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JURISDICTION AND VENUE

1
2 12. This action arises under the United States Constitution and the
3 Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., INA § 101 et seq., to
4 challenge Mr. Naseif’s detention under the INA and any inherent or plenary powers
5 the government may claim to continue holding him.
6


7 13. This Court has jurisdiction under 28 U.S.C. § 1331, § 2241; 5 U.S.C. §§
8 701–706 (Administrative Procedure Act, “APA”); and the Suspension Clause, U.S.
9 Const. art. I, § 9, cl. 2, and the Fifth and Eighth Amendments of the United States
10 Constitution. Jurisdiction is not limited by a petitioner’s nationality, immigration
11 status, or any other classification. *See Boumediene v. Bush*, 553 U.S. 723, 747 (2008).
12 The Court may grant relief under the Suspension Clause; the Fifth and Eighth
13 Amendments; 5 U.S.C. § 706 (APA); and 28 U.S.C. §§ 1361 (Mandamus Act), 1651
14 (All Writs Act), 2001 (Declaratory Judgment Act), and 2241 (habeas corpus).
15

16 14. Specifically, this Court has jurisdiction under 28 U.S.C. § 2241 to review
17 Mr. Naseif’s detention. Federal district courts possess broad authority to issue writs
18 of habeas corpus when a person is held “in custody in violation of the Constitution
19 or laws or treaties of the United States” (28 U.S.C. § 2241(c)(3)), and this authority
20 extends to immigration detention challenges that survived the REAL ID Act’s
21 jurisdictional restrictions. Because Mr. Naseif seeks the traditional habeas remedy
22 of release from allegedly unlawful detention, his petition presents precisely the type
23 of threshold legality-of-detention question that § 2241 was designed to address. *See*
24

1 *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Lopez-Marroquin v. Barr*, 955 F.3d
2 759, 759 (9th Cir. 2020) (citing *Singh v. Holder*, 638 F.3d 1196, 1211-12 (9th Cir.
3 2011)). And federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See*,
4 e.g., *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No court has ruled on the legality of
5 Mr. Naseif's detention.

6
7 15. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2) and (e)(1)
8 because a substantial part of the events or omissions giving rise to this claim have
9 happened here, Mr. Naseif is detained here, and his custodian resides here. Venue is
10 also proper under 28 U.S.C. § 2243 because Mr. Naseif's immediate custodian
11 resides in this District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 451-52 (2004)
12 (Kennedy, J., concurring).

13 **FACTUAL BACKGROUND**

14 16. Mr. Naseif was born in Egypt, to minority Christian Coptic parents. Mr.
15 Naseif and his family have spent years being discriminated against and persecuted
16 by  The United States State Department has
17 documented these abuses in its annual reports on religious freedom. *See generally*
18 United States Commission on International Religious Freedom.

19
20 17. Mr. Naseif has been attacked and beaten by vigilantes in his hometown
21 demanding that he abandon his Christian faith and convert to Islam. When he
22 reported the crimes to the police, they put him in a cell for several days, also
23 threatening him and upon his release warned him not to complain to them again.
24

1 When he returned home his assailants came to visit him again and beat him and
2 threatened his life. As the situation escalated, he realized he would only be safe if he
3 escaped Egypt.

4 18. He was able to make his way to Nicaragua, then through its neighboring
5 countries and arrived in Mexico where he applied for CBP One and wanted to wait
6 for an appointment. Even there he was met by robbers that extorted money from
7 him and then brought him to the border. He finally crossed into the United States on
8 November 29, 2025. He immediately encountered CBP officers and was taken into
9 custody. He has been in detention at Otay Mesa Detention Center since November
10 29, 2024.

12 19. Respondents initially held Mr. Naseif for several days without a custody
13 determination. He was eventually given a Credible Fear Interview. The asylum
14 officer found that he did have a credible fear of returning to Egypt. The respondents
15 waited two months to finally initiate 240 removal proceedings, filing the NTA on
16 1/24/2025 and setting his first Master Calendar for 2/20/2025, three months after
17 his detention. This hearing was moved to 18 Feb. The proceeding was continued to
18 allow for time to find counsel and filed documents. The subsequent hearings were:

20 12 March – Master Calendar, continued;

21 17 April – Master Calendar. Request for Individual Hearing where application is
22 adjudicated. Set for 23 September – five months after the calendar hearing.

23 Case switched from Judge Robinson to Judge Najjar which led to cancellation of
24 the 23 Sept hearing and a new master set for 15 May

1 16 May – Master Calendar with request for Individual hearing granted and set for
2 8 August.

3 Judge Najjar was terminated by DHS so case returned to Judge Robinson. This
4 reset the calendar on 01 August and set a Master Calendar with Judge Robinson
5 again on 11 August

6 11 August – master calendar with a request for Individual Hearing granted and
7 set for 16 November

8 25 August – Case reassigned again to IJ Heesh. Master calendar with new judge
9 set for 10 September

10 10 September – Case set for Individual hearing on 6 November

11 6 November – Attorney became ill flying out to San Diego for Individual. Reset.

12 8 December – Individual hearing scheduled. Case reassigned again to IJ Anderson
13 on November 16. New Master set for 23 December

14 23 December – IJ Anderson sets for Individual on 30 March 2026. IJ Anderson
15 announces from the bench that she will be reassigned prior to that date and this
16 case will be reassigned again and a new master calendar will be set.

17 Individual hearings are where the asylum application is actually adjudicated with
18 testimony and cross examination. Each Individual hearing in the detention court
19 system is only 2 hours long. Mr. Naseif’s case will take much longer than that so
20 he can expect his case to be continued for at least 2 times. Once for more
21 testimony and once for closing and disposition by the judge.
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3 20. To recap the above: Mr. Naseif has had his case set for adjudication at
4 individual hearings 5 times. No actual individual hearing has taken place because
5 each one is cancelled or reset by the court. Mr. Naseif's case as been assigned to a
6 new judge 4 times, each reassignment requiring cancellation of Individual hearing
7 and another master calendar to be set.
8

9 21. Mr. Naseif's first Individual hearing was set for 23 September 2025, 10
10 months after he was initially detained. His latest Individual hearing is set for 30
11 March 2023, six months after the first one was set and 15 months after he was
12 initially detained. Judge Anderson announced at the master hearing that even
13 though she was giving 30 March as an Individual hearing date, the case would be
14 reset again because she will no longer be hearing detained cases.
15

16 22. All but one of these delays is the result of the Department continually
17 reassigning or terminating Judges. There is no end in sight. As the Department plays
18 musical chairs with judges, Mr. Naseif languishes in detention ... not because he is a
19 flight risk or a threat to the community. That has never been determined. He
20 remains in detention because the administration insists that all people that lack a
21 green card or citizenship must be detained.

22 23. On July 8, 2025, the Department of Homeland Security ("DHS")
23 instituted a notice titled "Interim Guidance Regarding Detention Authority for
24 Applicants for Admission" (the "Notice") requiring, in general, that anyone arrested

1 in the United States and charged with being inadmissible to be considered an
2 “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A), subject to mandatory
3 detention under 8 U.S.C. § 1225(b)(2)(A) and not subject to detention under 8 U.S.C.
4 § 1226(a).

5 24. In *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.
6 Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the district court declared
7 the Notice unlawful under the Administrative Procedures Act but did not issue a
8 final judgment. On December 18, 2025, however, the *Bautista* court entered final
9 judgement. *Bautista*, ECF No. 94.

10 25. Mr. Naseif has not moved for a bond redetermination due to the fact
11 that IJ’s have consistently ruled that they do not have jurisdiction to redetermine the
12 conditions of custody over individuals who have been apprehended shortly after
13 entering the United States and who have been processed under Section 235(b)(1)
14 expedited removal statute, and who have been placed in removal proceedings. Even
15 after *Maldonado, supra*, was decided, Immigration Judges have still held that they do
16 not have jurisdiction to conduct bond hearings.

17 26. Mr. Naseif has come to believe that his detention will have no end and
18 that the Department will continue to play this game of setting and cancelling
19 Individual hearings until he finally breaks down and agrees to voluntary departure.
20 There is no other logical explanation for what is currently going on.

21 27. Mr. Naseif’s continued detention without a tenable justification and
22 without a demonstration that removal is significantly likely in the reasonably
23
24

1 foreseeable future violates constitutional due process. Zadvydas v. Davis, 533 U.S.
2 678 (2001); Kydyrali v. Wolf, 499 F. Supp. 3d 768 (S.D. Cal. 2020).

3 28. The government has failed to effectuate Mr. Naseif's removal within a
4 reasonable period of time or present any evidence that his removal is significantly
5 likely to occur in the reasonably foreseeable future.

6 29. Mr. Naseif's detention without a tenable justification violates his rights
7 under the Due Process Clause of the Fifth Amendment.
8

9 EXHAUSTION OF REMEDIES

10 30. For habeas claims, exhaustion of administrative remedies is prudential,
11 not jurisdictional. *Hernandez*, 872 F.3d at 988. A court may waive the prudential
12 exhaustion requirement if "administrative remedies are inadequate or not
13 efficacious, pursuit of administrative remedies would be a futile gesture, irreparable
14 injury will result, or the administrative proceedings would be void." *Id.* (quoting
15 *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (citation and quotation marks
16 omitted)). Petitioner asserts that exhaustion should be waived because
17 administrative remedies are (1) futile and (2) his continued detention results in
18 irreparable harm.
19

20 31. Exhausting administrative remedies here is futile because Respondents
21 contend Mr. Naseif is subject to mandatory detention. As such, no request to release
22 him from custody would be considered by ICE. Moreover, immigration judges in this
23 district claim to have no jurisdiction to conduct a custody redetermination hearing
24

1 as to individuals procedurally situated like Mr. Naseif. Indeed, in contravention to
2 the INA and long-standing precedent and practice, the Board of Immigration
3 Appeals and Attorney General have deemed no noncitizen eligible for bond before
4 an immigration judge (with the exception of only noncitizens who entered the U.S.
5 on a visa). As such, any attempts to exhaust administrative remedies would be
6 entirely futile.

7
8 32. Recently, under *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-
9 SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), the AUSA
10 has asserted that bond hearings are now available. However, after the final decision
11 in *Maldonado* was entered, DHS sent out a directive to Immigration Judges to ignore
12 this case and continue to deny jurisdiction. IJ Begovich has already denied several
13 bond requests claiming, once again, lack of jurisdiction.

14 33. Moreover, no statutory exhaustion requirements apply to Petitioner's
15 claim of unlawful custody in violation of his due process rights, and there are no
16 administrative remedies that he needs to exhaust. *See Am.-Arab Anti-Discrimination*
17 *Comm. v. Reno*, 70 F.3d 1045, 1058 (9th Cir. 1995) (finding exhaustion to be a "futile
18 exercise because the agency does not have jurisdiction to review" constitutional
19 claims); *In re Indefinite Det. Cases*, 82 F. Supp. 2d 1098, 1099 (C.D. Cal. 2000)
20 (same).

21
22 34. More importantly, every day that Petitioner remains detained causes
23 him harm that cannot be repaired. His continued detention puts his mental health at
24

1 greater risk, further warranting a finding of irreparable harm and the waiver of the
2 prudential exhaustion requirement.

3 35. The Court must consider this in its irreparable harm analysis of the
4 effects on Petitioner as his detention continues. *See De Paz Sales v. Barr*, No. 19-CV-
5 07221-KAW, 2020 WL 353465, at *4 (N.D. Cal. Jan. 21, 2020) (noting that the
6 petitioner “continues to suffer significant psychological effects from his detention,
7 including anxiety caused by the threats of other inmates and two suicide attempts,”
8 in finding that petitioner would suffer irreparable harm warranting waiver of
9 exhaustion requirement).

11 **FIRST CAUSE OF ACTION**
12 **Fifth Amendment Due Process Violation**

13 36. Mr. Naseif re-alleges and incorporates by reference, as if fully set forth
14 herein, the allegations in paragraphs 1-35 above.

15 37. The Supreme Court has long recognized that the Fifth and Fourteenth
16 Amendments refer to all “persons,” not just “citizens.” Aliens, even inadmissible or
17 removable aliens, must be afforded due process protection. *See Yick Wo v. Hopkins*,
18 118 U.S. 356, 369 (1886) (“The Fourteenth Amendment to the Constitution is not
19 confined to the protection of citizens.”). As stated by the Court, the provisions of the
20 Fourteenth Amendment “are universal in their application, to all persons within the
21 territorial jurisdiction, without regard to any differences of race, of color, or of
22 nationality” *Id.* (emphasis added).
23
24

1 38. The Supreme Court has held that “even one whose presence in this
2 country is unlawful, involuntary, or transitory is entitled to that constitutional
3 protection [of the Due Process Clauses of the Fifth and Fourteenth Amendments]”
4 *Mathews v. Diaz*, 426 U.S. 67, 75 n.7 (1976); see also *Plyler v. Doe*, 457 U.S. 202, 210
5 (1982) (“Whatever his status under the immigration laws, an alien is surely a
6 ‘person’ in any ordinary sense of that term.”); *Wong Wing v. United States*, 163 U.S.
7 228, 238 (1896) (“Persons within the territory of the United States... even aliens...
8 [may not]... be deprived of life, liberty or property without due process of law.”).

9
10 39. As there is no final order of removal, and there doesn’t appear to be
11 one in the reasonably foreseeable future, Mr. Naseif may not be removed from the
12 United States. His removal is not reasonably foreseeable, and his detention no
13 longer serves any legitimate purpose under the INA.

14 40. In *Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020), a judge in this
15 District granted habeas relief in a substantially similar case, applying a six-factor
16 balancing test first articulated in *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D.
17 Wash. 2019), which considers: (1) total length of detention to date; (2) likely
18 duration of future detention; (3) conditions of detention; (4) delays in the removal
19 proceedings caused by the detainee; (5) delays in the removal proceedings caused
20 by the government; and (6) the likelihood that the removal proceedings will result
21 in a final order of removal. The court determined that prolonged detention, when
22 considered alongside other due process concerns, can rise to the level of a
23 constitutional violation warranting release. *Kydyrali*, 499 F. Supp. 3d at 773.
24

1 41. Applying the Banda six-factor framework here supports granting Mr.
2 Naseif's petition.

3 42. The final factor—finality—strongly supports the grant of this habeas
4 petition and request for a bond hearing. Mr. Naseif has been languishing in
5 detention for over 13 months with no end in sight.

6 43. All delays but one in this case are attributable to the government, and
7 none whatsoever are attributable to Mr. Naseif. He promptly applied for asylum at
8 the border, he has timely attended all of his interviews and court hearings. He has
9 requested only one continuance for document preparation and has retained counsel
10 at a very early stage of his case to represent him. His individual hearing was initially
11 scheduled on 23 September 2025. The cancellations, resets and changes in judges is
12 outlined above. His continued detention is solely a result of the Department's
13 continual changes.

14 44. Mr. Naseif has now been detained by ICE for more than thirteen months
15 since his arrival in the United States on November 29, 2024. This period is well
16 beyond the presumptively reasonable six-month period set forth in Zadvydas, 533
17 U.S. at 701. Courts consistently find detention beyond this threshold triggers due
18 process scrutiny. See Kydyrali, 499 F.Supp. 3d at 774–75.

19 45. Conditions of confinement also raise constitutional concerns as the
20 medical treatment available at the Otay Mesa Detention Center is not adequate to
21 address Mr. Naseif's health conditions.
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1 46. Mr. Naseif poses no risk of flight and no danger to the community. He
2 has no criminal history, has demonstrated compliance with all prior immigration
3 requirements, and has community support in the United States.

4 47. Mr. Naseif's continued detention without a tenable justification violates
5 his Fifth Amendment right to due process.

6
7 **PRAYER FOR RELIEF**

8 Mr. Naseif asks this Court to grant the following relief:

- 9
- 10 1. Issue a Writ of Habeas Corpus ordering Respondents to release
11 Mr. Naseif from custody immediately;
 - 12 2. Declare the continued detention of Mr. Naseif without a tenable
13 justification a violation of the Due Process Clause of the U.S. Constitution;
 - 14 3. Alternatively, order an immediate bond hearing before a neutral
15 decisionmaker where DHS bears the burden of justifying Mr. Naseif's
16 continued detention by clear and convincing evidence and where
17 alternatives to detention and Mr. Naseif's ability to pay a bond are
18 considered;
 - 19 4. Order Respondents to show cause why Mr. Naseif is being
20 subjected to unlawful and unconstitutional detention; and
 - 21 5. Grant any other relief that may be fit and proper.

22 Dated: January 4, 2026

Respectfully submitted,

23 By: /s/ Brian J. McGoldrick
24 Brian J. McGoldrick, Esq.
Attorney for Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. 2242

I am submitting this verification on behalf of the Petitioner because I am Petitioner’s attorney. I have discussed with the Petitioner the events described in the Petition. Based on those discussions, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on this 4th day of January, 2026, in San Diego, California.

/s/ Brian J. McGoldrick
Brian J. McGoldrick, Esq.
Attorney for Petitioner

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7 Attorneys for Petitioner

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 YOUSSEF NASEIF,

11 Petitioner,

12 v.

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

Respondents.

Case No.: '26CV0030 BAS BJW

**DECLARATION IN SUPPORT OF
PETITION FOR WRIT OF HABEAS
CORPUS**

Agency Doc. No.: A 

1 **Declaration of Youssef Naseif**

2 I, Youssef Naseif, declare:

3 I am a resident of the State of California and the United States of America. I am
4 over the age of 18 years and I make this declaration of my personal knowledge and if
5 called as a witness would competently testify thereto.

6 I left Egypt because I was afraid for my life. I made my way to the United States
7 via Nicaragua, through Central America and the Mexico. On November 29, 2024 I
8 entered the United States. Shortly after that I encountered CBP and was detained at Otay
9 Mesa Detention Center. I was then interviewed for a credible fear and was found to have
10 a credible fear of persecution if returned to my home country. After that determination I
11 was placed in 240 removal proceedings. My court dates over the last year are as follows:

12 **18 February 2025** – initial master calendar hearing;

13 **12 March 2025** – second master calendar hearing continued to file required documents;

14 **17 April 2025** – Requested Individual Hearing and was set for 23 September 2025;

15 Case switched from Judge Robinson to Judge Najjar which led to cancellation of the 23
16 Sept hearing and a new master set for 16 May;

17 16 May – Master Calendar with request for Individual hearing granted and set for 8

18 August;

19 Judge Najjar was terminated by DHS so case returned to Judge Robinson. This reset the

20 calendar on 01 August and set a Master Calendar with Judge Robinson again on 11

21 august;

22 **11 August** – master calendar with a request for Individual Hearing granted and set for 16

23 November;

24 **25 August** – Case reassigned again to IJ Heesh. Master calendar with new judge set for

10 September;

1 **10 September** – Case set for Individual hearing on 6 November;

2 **6 November** – Attorney became ill flying out to San Diego for Individual. Reset.

3 **8 December** – Individual hearing scheduled. Case reassigned again to IJ Anderson on
4 November 16. New Master set for 23 December;

5 **23 December** – IJ Anderson set for Individual on 30 March 2026. IJ Anderson
6 announced from the bench that she will be reassigned prior to that date and this case will
7 be reassigned again and a new master calendar will be set.

8
9 Individual hearings in detention court are only allotted 2 hours per hearing. My
10 testimony will consume the first hearing. It is likely my hearing will be continued at least
11 two more times. Once for cross examination and redirect. The second for closing
12 arguments and disposition by the court. Currently Individual hearings are being set 4 to 6
13 months out – my current hearing of 30 March 2026 was set 4 months out from the last
14 master. This means another year before a conclusion to my request for asylum.

15 There is no foreseeable end to the resolution of my case and certainly not even a
16 remote possibility of removal in the next year.

17 My detention is excessive and has caused me great harm. I have become very
18 depressed and hopeless in detention. Each day is just a little bit worse than the day
19 before. I am not a criminal; I am not detained because of a criminal conviction. I am not a
20 flight risk or a danger. I came here full of hope that I would be able to make my case for
21 asylum and live free from the persecution I experienced in my home country. Instead, I
22 have been locked away for over a year with no end in sight. I ask this court to release me
23 from this unbearable detention.
24

1 This declaration was read to me in my native language and I have
2 understood it and attest to its accuracy.
3

4 I declare under penalty of perjury under the laws of the United States and the
5 State of California that the foregoing is true and correct. Executed this 3rd day of

6 January, 2024 at San Diego, California.
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DECLARATION IN SUPPORT OF PETITION