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

9 EMRE DADAK,

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.: 3:26-cv-00121-DMS-SBC

TRAVERSE TO PETITION FOR
WRIT OF HABEAS CORPUS

1 **STATEMENT OF FACTS**

2 Emre DADAK, born June 1, 2000, is a member of an ethnic minority,
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4 the Kurds, in Turkey. He grew up in Turkey where he suffered such persecution
5 that he could no longer remain in Turkey safely. He was discriminated against in
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7 school, at work and every other social aspect of life in Turkey. He believed he
8 could no longer live in Turkey and he made his way to the United States. On
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10 November 4, 2023 he entered the United States and presented himself to the
11 authorities.

12 He entered the United States on November 4, 2023. He was detained
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14 for approximately 6 days and then he was paroled by release on recognizance
15 (OREC). He was paroled into the United States on November 10, 2023.

16 Mr. Dadak began his life in the United States after he was released.
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18 He received work authorization, found a place to live and integrated himself into
19 the local community. In the year and a half he has lived here he has established
20 himself financially as well. He filed his I-589 application for Asylum on January
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22 25, 2024.

23 On October 31, 2025, Mr. Dadak was driving north on the 5 interstate
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25 freeway from San Diego to San Francisco. He became hungry and found a
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27 McDonalds on his mobile app and decided to stop in for something to eat. When
28 he exited the 5 Freeway, the offramp led him directly into the line to enter Camp

1 Pendleton. The McDonalds is about a quarter mile down the road past the entrance.
2 The mobile app doesn't let the driver know they are entering a military base. Once
3 he realized they were in line to enter the base, there was no ability to turn around.
4 When he arrived to the guard booth he explained that he was trying to go to a
5 restaurant and didn't realize it was on base. He asked if he could simply turn
6 around and go back the way he came. The guard asked to see his ID. Mr. Dadak
7 asked the guard if they could turn around and be on their way. This was about 2:00
8 p.m. The officer there looked at his driver's license and asked if he had a green
9 card. Since he did not have one he asked him to pull over to the side of the road.
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14 The guard explained that his supervisor needed to come speak to him
15 and told him he had to wait. He asked several times if he was free to go. He was
16 told he could not leave. He presented proof of his work authorization and his
17 pending asylum application. No base personal ever explained what law he had
18 violated that allowed them to hold him their prisoner. They simply asserted that
19 since he didn't have a green card he had to wait. After about an hour ICE officers
20 arrived. He was told that he would be detained and his asylum hearing would be
21 sped up by being in detention. They the put him in handcuffs, leg irons and waist
22 restraint, as though he were a violent criminal. He was then led to an ICE vehicle
23 and transported to the ICE facility in downtown San Diego. From there he ended
24 up at Otay Mesa Detention Center. He was not told why he was arrested. He was
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1 not told what law he had violated. He was not advised of his Miranda rights. With
2 no cause and no explanation and no warrant he was put in the ICE vehicle and
3 transferred to the ICE facility in downtown San Diego. He was then transferred to
4 the Otay Mesa facility. The government's response does not refute the statement of
5 facts and any refutation is therefore waived.
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8 **The Petitioner was illegally detained and must be released.**

9 **Bond is not the appropriate remedy.**

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11 The government's response alleges that, pursuant to *Maldonado Bautista v.*
12 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----, 2025 WL 3289861
13 (C.D. Cal. Nov. 20, 2025) "Petitioner is detained under 8 U.S.C. § 1226(a) and is
14 entitled to an order from this Court directing a bond hearing be held pursuant to 8
15 U.S.C. § 1226(a)." ECF 4 p.2
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18 The process for revoking Mr. Dadak's parole is that it must be
19 terminated upon written notice after an individualized determination that the
20 humanitarian purposes no longer apply. 8 C.F.R. § 212.5(e)(2)(i). However, the
21 government's arrest and detention of Mr. Dadak was not authorized under color of
22 any law. His arrest and detention were a violation of his right to due process
23 guaranteed by the Fifth Amendment to the Constitution and was a violation of the
24 Administrative Procedures Act.
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1 Claim one of the Petition set out in detail how his detention was a violation
2 of the APA because the government did not follow it own rules regarding
3 revocation of parole. The government's response is silent on this issue. As a result
4 the government has waived any defense to this claim. The appropriate remedy for
5 this violation of the APA is not a bond hearing. The appropriate remedy is Mr.
6 Dadak' immediate release from custody.
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8
9 Claim two of the Petition set out in detail how his detention was a violation
10 of due process because the government did not follow its own procedural rules
11 regarding revocation of parole. In addition, the government did not afford the
12 petitioner any pre-detention notice or hearing regarding the termination of his
13 liberty interest he had accrued during the time he was on parole. The government's
14 response is silent on these issues. As a result the government has waived any
15 defense to this claim. The appropriate remedy for this violation of due process is
16 not a bond hearing. The appropriate remedy is Mr. Dadak' immediate release from
17 custody.
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22 Claim three set out in detail how his arrest and detention was executed
23 without a warrant and without probable cause. The government's response is silent
24 on this claim. As a result the government has waived any defense to this claim.
25 Respondents' warrantless arrest of Mr. Dadak constitutes an unreasonable and
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1 unlawful seizure in violation of the Fourth Amendment. The appropriate remedy is
2 Mr. Dadak' immediate release from detention.
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4 If Mr. Dadak' detention was unlawful, *ab initio*, he should not be required to
5 post a bond and, in effect, pay a ransom to be released from this illegal detention.
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7 Nothing in the government's response indicates that Mr. Dadak has somehow
8 become a flight risk or a danger to the community.

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10 In addition, the current practice at Otay Mesa Detention Center is, upon
11 release, to immediately enroll detainees in an Alternative to Detention program and
12 put an ankle monitor on them before their actual release. This is also done without
13 any individualized consideration of whether the detainee is a potential flight risk or
14 a danger to the community. Mr. Dadak has been at liberty for quite a while prior to
15 his detention and should not be enrolled in any ATD program and especially
16 should not be forced to wear an ankle monitor.
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19 CONCLUSION

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21 Petitioner respectfully requests this Court to grant the following:

22 (1) Declare that Petitioner's detention without an individualized
23 determination violates the Due Process Clause of the Fifth Amendment and the
24 Administrative Procedures Act;
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1 (2) Declare that Petitioner's warrantless arrest and detention
2 constitutes an unreasonable and unlawful seizure in violation of the Fourth
3 Amendment;
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5 (3) Issue a Writ of Habeas Corpus ordering Respondents to release
6 Petitioner from custody;
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8 (4) Issue and Order prohibiting the Respondents from enrolling the
9 Petitioner in any Alternative to Detention program, specifically barring them from
10 requiring an ankle monitor;
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12 (5) In the alternative, order a bond hearing for the Petitioner.
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14 (6) Grant any further relief this Court deems just and proper.

15 Dated: January 16, 2026

/s/ Brian J. McGoldrick
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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 January 16, 2026, I served a copy of this

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by the method and to the parties listed below:

On January 16, 2026, 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:

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