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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT COURT OF CALIFORNIA**

MUHAMMET BOZASLAN)

Petitioner,)

v.)

CHRISTOPHER J. LAROSE,)
Warden of Otay Mesa Detention Facility)

Kenneth C. Smith,)
San Diego Field Office Director,)
U.S. Immigration and Customs Enforcement,)

Todd Lyons,)
Acting Director of Immigration)
Customs Enforcement ("ICE");)

Kristi Noem,)
Secretary of the U.S. Department of)
Homeland Security)

Pamela Bondi,)
Attorney General of the United States)

Defendants)

CIVIL No. 3:26-cv-00161-GPC-DEB

AGENCY CASE No:



PETITIONER'S TRAVERSE

Petitioner, Muhammet Bozaslan, through undersigned counsel, respectfully submits this

Traverse to Respondents' Return and states as follows:

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I. INTRODUCTION

Petitioner respectfully moves this Court to enforce habeas relief and issue an order directing Respondents to provide an immediate bond hearing pursuant to 8 U.S.C. § 1226(a).

Respondents have expressly conceded in their Return, filed on January 16, 2026, that Petitioner is detained under § 1226(a) and “is entitled to an order from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).” Despite this concession, and despite Petitioner’s timely traverse requesting that a bond hearing be held within seven (7) days, Petitioner remains detained and no bond hearing has been scheduled.

Because Respondents’ concession has not resulted in actual relief, the habeas petition is not moot, and continued detention without a timely bond hearing constitutes an ongoing violation of due process. Court intervention is now required.

II. PROCEDURAL BACKGROUND

1. Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 challenging his continued civil immigration detention.

2. On January 16, 2026, Respondents filed their Return acknowledging that, following final judgment in *Maldonado Bautista v. Santacruz*, Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to a bond hearing pursuant to that statute.

3. On January 20, 2026 Petitioner filed a Traverse requesting that the Court order Respondents to provide a bond hearing within seven (7) days.

4. As of the date of this motion:

- The Court has not yet issued an order;
- No bond hearing has been scheduled; and
- Petitioner remains detained.

III. ARGUMENT

A. The Case Is Not Moot Because Petitioner Remains Detained

1 A habeas petition is not moot where the petitioner continues to suffer the injury challenged
2 in the petition. Respondents' agreement in principle does not moot the case where no bond
3 hearing has occurred and detention continues.

4 Courts routinely hold that informal assurances or unimplemented concessions do not
5 provide habeas relief. Without a court-ordered hearing by a certain date, Respondents retain
6 unilateral control over the timing of relief—precisely what habeas review is intended to prevent.
7

8 B. Continued Detention Without a Timely Bond Hearing Violates Due Process

9 Detention under § 1226(a) is constitutionally permissible only if accompanied by a prompt
10 bond hearing at which the government bears the burden of justification.

11 Here:

- 12
- 13 • Respondents concede § 1226(a) applies;
 - 14 • Respondents concede Petitioner is entitled to a bond hearing;
 - 15 • Yet Petitioner remains detained with no hearing scheduled.

16 This delay constitutes a continuing due process violation warranting immediate court
17 intervention.

18 C. The Court Has Authority to Enforce Habeas Relief and Order Immediate Compliance

19 This Court has broad authority under 28 U.S.C. § 2241 to:

- 20
- 21 • Enforce habeas relief;
 - 22 • Impose deadlines for compliance; and
 - 23 • Order release where Respondents fail to provide constitutionally adequate process.

24 Where, as here, Respondents concede entitlement to a bond hearing, the Court may—and
25 should—issue a narrowly tailored enforcement order directing that the hearing occur within a
26 fixed timeframe and clarifying the applicable burden of proof.
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IV. REQUESTED RELIEF

Petitioner respectfully requests that the Court:

1. Order Respondents to provide a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days of the Court’s order;
2. Clarify that DHS bears the burden of proving by clear and convincing evidence that Petitioner poses a danger to the community or a flight risk;
3. Order Petitioner’s immediate release if the bond hearing is not timely held; and
4. Grant such other and further relief as the Court deems just and proper.

V. CONCLUSION

Respondents’ concession without implementation has left Petitioner in continued civil detention without due process. Because Petitioner remains detained and the relief acknowledged by Respondents has not been effectuated, enforcement by this Court is necessary.

Respectfully submitted,

Dated: January 20, 2026

Respectfully Submitted,



/s/ Chimnaz Shahbazzade
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