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9 Attorneys for Mr. Hadi



10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 ISMAIL HADI,

13 Petitioner,

14 v.

15 KRISTI NOEM, Secretary of the
16 Department of Homeland Security,
17 PAMELA JO BONDI, Attorney General,
18 TODD M. LYONS, Acting Director,
19 Immigration and Customs Enforcement,
20 JESUS ROCHA, Acting Field Office
21 Director, San Diego Field Office,
22 CHRISTOPHER LAROSE, Warden at
23 Otay Mesa Detention Center,

24 Respondents.

CIVIL CASE NO.:

**Opposition to
Motion to Expedite**

25 The government requests an expedited hearing and ruling, noting that ICE
26 has scheduled Mr. Hadi's removal for the first week of February. Mr. Hadi opposes
27 this motion to expedite for several reasons.

28 First, the government asks that this Court decide the case before Mr. Hadi's
traverse date on February 2, 2026. That would be unfair, as it would deprive
Mr. Hadi of the opportunity to counter the government's arguments before this
Court decides his case. Counsel cannot file an earlier traverse due to her workload.
Counsel carries a large immigration habeas caseload, comprising both intakes and

1 an increasing number of court referrals. Counsel also carries a full appellate case
2 load and is currently struggling to finish a Ninth Circuit reply brief ahead of a
3 March 3, 2026 oral argument. And counsel has a preplanned vacation that will last
4 from January 29 to February 2.

5 Second, as noted, counsel will be on leave from January 29 to February 2.
6 She will therefore be unavailable at the government's requested hearing date of
7 January 29, 2026.

8 Third, the government does not identify any harm that would be visited on
9 the government should it stick to the current schedule. The government does not
10 claim that it is difficult to arrange air travel to Somalia. And the government notes
11 that Mr. Hadi's travel document does not expire until March 17, 2026.

12 Fourth, Mr. Hadi has a strong claim to release. The government admits that
13 it did not comply with regulations before releasing Mr. Hadi. And many courts in
14 this district have granted habeas petitions on regulatory violations even when the
15 government has travel documents in hand. *See Truong v. Noem*, 25-cv-2597-JES-
16 MMP, Dkt. 13 (S.D. Cal. Oct. 22, 2025); *Khambounheuang v. Noem*, 25-cv-2575-
17 JO-SBC, Dkt. 17 (S.D. Cal. Oct. 23, 2025); *Ngo v. Noem*, 25-cv-2739-TWR-
18 MMP, Dkt. 11 (S.D. Cal. Oct. 23, 2025); *Sphabmixay v. Noem*, 25-cv-2648-LL
19 (S.D. Cal. Oct. 30, 2025); *Thammavongsa v. Noem*, 25-cv-2836-JO-AHG (S.D.
20 Cal. Oct. 30, 2025); *Touch v. Noem*, 25-cv-03118-RBM-AHG, Dkt. 14 (S.D. Cal.
21 Nov. 26, 2025).

22
23 Respectfully submitted,

24 Dated: January 27, 2026

s/ Katie Hurrelbrink

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