

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. _____

DAVID BADER,

Petitioner,

v.

FIELD OFFICE DIRECTOR,

Miami Field Office,
U.S. Immigration and Customs Enforcement,

Respondent.

_____ /

PETITIONER'S TRAVERSE

The petitioner, by and through the undersigned, submits this traverse in support of his Verified Petition for Writ of Habeas Corpus (D.E. 1) and Memorandum of Law (D.E. 1-1), and in response to the Respondent's Response to Order to Show Cause (D.E. 7).

Argument

The petitioner's opening memorandum of law essentially addresses each of the points made by the government. The government does not make any argument to distinguish the various district court cases cited by the petitioner, and does not make any argument as to why it believes such decisions are incorrect. Rather, in response to the district court cases cited by the petitioner, the government argues that "these cases are from other district courts and not binding on this Court" (D.E. 7, at 6), but does not make any argument about the persuasiveness of those decisions. The government also states that "Respondents are bound by Decisions of the BIA," and that "Respondents maintain that under *A-W-*, Petitioner is subject to detention without bond." (*Id.*) As such, the petitioner adds nothing further, and rests on his opening memorandum of law.

As for the petitioner's due process claim, the government does not meaningfully address the petitioner's argument that the *Matter of A-W-*, 25 I. & N. Dec. 45 (BIA 2009), violates **substantive** due process because it offers no special justification for civil detention without opportunity to request bail from a neutral arbiter in support of its holding, much less a statutorily authorized special justification. As such, the petitioner adds nothing further, and rests on his opening memorandum of law

Conclusion

The Court should grant the petitioner's request for a writ of habeas corpus.

Dated: February 2, 2026

s/ Mark A. Prada
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