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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 HANIBAL TEKLE ZIENAGEBRIEL,
12 Petitioner,

13 v.

14 KRISTI NOEM, et al.,
15 Respondents.
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Case No.: 26-cv-1385-BAS-MSB

RESPONSE TO PETITION

Judge: Hon. Cynthia Bashant

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19 Respondents submit their Notice of Non-Opposition to a bond hearing for
20 Petitioner in this matter, subject to supervision during his removal proceedings.

21 Petitioner argues that he should be allowed to bypass this process—with the Court
22 ordering his immediate release—"because of newly emerging evidence that the neutrality
23 of Otay Mesa's immigration judges ("IJ") have been compromised." ECF No. 5 at 2. But
24 the "evidence" to support this argument merely consists of (1) news articles relying
25 largely on hearsay, (2) a smattering of inapposite district court cases from other parts of
26 the country, and (3) conclusory testimony from an attorney declaration in a different
27 habeas case stating that, inter alia, "I believe that many immigration judges at Otay Mesa
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1 and the Department of Homeland Security ('DHS') have implemented strategies to
2 ensure that persons granted bond hearings via habeas petitions will not have a fair
3 opportunity to seek release." *Elsayed v. Noem*, Case No. 26-CV-368, Dec. 5-2 at ¶ 7 (S.D.
4 Cal. Feb. 9, 2026). That attorney declaration cites no specific case, bond order, or bond
5 hearing transcript which forms the basis for his beliefs. And despite Petitioner's
6 speculative assertions about Otay Mesa immigration judges being "compromised," he
7 cites no habeas cases from this district in which the Court found that an immigration
8 judge had deliberately flouted this Court's order to hold a *bona fide* bond hearing or
9 where DHS failed to comply with an IJ order granting bond following a district court
10 order. On the contrary, there are numerous habeas cases from this district confirming that
11 IJs have complied in good faith with this Court's orders to conduct individualized bond
12 hearings, often on a very quick turnaround, and as recently as last week. *See, e.g. Ramirez*
13 *Ceja v. Divver*, No. 26-CV-254-DMS-DEB, ECF No. 6 (S.D. Cal. Feb. 19, 2026) (Joint
14 Status Report reflecting IJ granting bond at Otay Mesa Immigration Court); *Prabhpreet*
15 *v. LaRose*, No. 26-CV-393-JES-SBC, ECF No. 10 (S.D. Cal. Feb. 19, 2026) (same); *I.E.*
16 *v. Casey*, No. 25-CV-3227-DMS-DDL, ECF No. 10 (S.D. Cal. Dec. 16, 2025) (same for
17 Imperial Regional Detention Facility); *Gautam v. Correctional Corp. of Am.*, No. 25-cv-
18 03600-JES-DEB, ECF No. 8 (S.D. Cal. Jan. 9, 2026) (Notice of Compliance); *Alemanji*
19 *v. Mayorkas*, No. 25-cv-03499-JO-DDL, ECF No. 13 (S.D. Cal. Dec. 23, 2025) (Notice
20 Confirming Bond Hearing). Petitioner cites no case supporting his assertion that DHS has
21 applied for an automatic stay for the purpose of frustrating these post-habeas bond orders.

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1 Thus the Court should decline Petitioner's invitation to insert itself into the position
2 of the immigration judge and should order a bond hearing in immigration court, subject
3 to the appropriate standards as set forth in *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir.
4 2011).

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7 DATED: March 18, 2026

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10 Assistant United States Attorney
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