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8

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

11 Khalid HAKIMI,

12  
13 Petitioner-Plaintiff,

14 vs.

15 Christopher J. LAROSE, in his official  
16 capacity as Warden of Otay Mesa  
17 Detention Center; Daniel A.  
18 BRIGHTMAN, in his official capacity as  
19 San Diego Field Office Director, ICE  
20 Enforcement Removal Operations; Todd  
21 LYONS, in his official capacity as  
22 Acting Director of ICE; Daren  
23 MARGOLIN is the Acting Director of  
24 EOIR; and Pamela BONDI, U.S.  
25 Attorney General; Kristi NOEM, in her  
26 official capacity as Secretary of  
27 Homeland Security

28 Respondents-Defendants.

Case No.: 3:26-cv-01458-JO-MMP

**TRAVERSE IN SUPPORT OF  
PETITION FOR WRIT OF  
HABEAS CORPUS UNDER 28  
U.S.C. § 2241 AND REQUEST FOR  
EXPEDITED RELIEF**

Agency File No.:



**TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF  
HABEAS CORPUS UNDER 28 U.S.C. § 2241**

**Introduction**

1. Petitioner, Khalid HAKIMI, presented himself to immigration officials at the San Ysidro Port of Entry on July 20, 2024 after making an appointment on the CBP One App. He was questioned, provided biometric information and subsequently paroled into the United States after it was determined that he was not a danger to the community nor a flight risk.
2. For over one year, Petitioner lived his life in the United States. He studied at a local high school, enrolled in community college, started working and fostered relationships with church leaders and friends. All the while, he complied with all court orders and appeared to all hearings related to his immigration removal proceedings.
3. On January 9, 2026, immigration agents arrested Petitioner near his home in El Cajon, California. The Respondents have characterized his arrest as “collateral” in an enforcement operation targeting another person.
4. Petitioner has been in Respondents’ custody for over 70 days and is currently detained at the Otay Mesa Detention Center.
5. On March 7, 2026 Petitioner filed this habeas petition challenging his unlawful detention. He asserted that 1) Petitioner’s detention without any pre-deprivation hearing violates his right to due process under the Fifth

1 Amendment, 2) Petitioner's Detention Violates the Administrative  
2 Procedure Act (APA), and 3) Petitioner's Detention Violates the  
3 Immigration and Nationality Act (INA).  
4

5 6. On March 19, Respondents replied to Petitioners Habeas Petition with a  
6 Return/Notice of Non-Opposition to Petitioner's immediate release. In the  
7 one sentence Return, the Respondent added that Petitioner shall be "subject  
8 to supervision during his removal proceedings".  
9

10  
11 **A) Respondents do not contest immediate release or any of the facts and**  
12 **arguments in the Petitioners habeas petition**  
13

14 7. Respondents do not contest any of the facts or arguments made in Petitioners  
15 habeas, therefore the omission should be construed as a concession. *See*  
16 *Ramirez v. Ghilotti Bros. Inc.*, 941 F. Supp. 2d 1197, 1210 n.7 (N.D. Cal  
17 2013) (finding an argument was conceded where defendant failed to address  
18 it in its opposition); *Stichting Pensioenfonds ABP v. Countrywide Fin.*  
19 *Corp.*, 802 F. Supp. 2d 1125, 1132 (C.D. Cal. 2011) ("In most  
20 circumstances, failure to respond in an opposition brief to an argument put  
21 forward in an opening brief constitutes waiver or abandonment in regard to  
22 the uncontested issue."  
23  
24  
25  
26

1 8. Petitioner agrees that immediate release is the proper remedy given the facts  
2 and violations.  
3

4 **B) Petitioner should be immediately released under the same conditions prior**  
5 **to his unlawful arrest on January 9, 2026**  
6

7  
8 9. In the one sentence Return, the Respondents wrote; “Respondents submit  
9 their Notice of Non-Opposition to Petitioner’s release in this matter, *subject*  
10 *to supervision during his removal proceedings.*” (Emphasis added)  
11

12 10. While it is unclear what “supervision” means, Petitioner’s position continues  
13 to be that he is entitled to immediate release under the same conditions prior  
14 to his unlawful arrest.<sup>1</sup>  
15

16 11. Petitioner has complied with all court orders and appeared to all hearings  
17 related to his immigration removal proceedings. He has no criminal history.  
18 Prior to his detention on January 9, 2026 he was not required to wear any  
19

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20  
21 <sup>1</sup> This relief has been granted in similar matters here in the Southern District of  
22 California. See, e.g. *Singh v. Warden of Imperial Reg'l Adult Det. Facility*, No. 26-  
23 cv-432-JO-JLB, 2026 U.S. Dist. LEXIS 27685 (S.D. Cal. Feb. 10, 2026); *Abdias St.*  
24 *Fort v. LaRose*, No. 26cv519-LL-SBC, 2026 U.S. Dist. LEXIS 55749 (S.D. Cal.  
25 Mar. 17, 2026); *Desulma v. Dir., Otay Mesa Det. Ctr.*, No. 26-cv-01324-BAS-JLB,  
26 2026 U.S. Dist. LEXIS 52687 (S.D. Cal. Mar. 13, 2026); *Perez v. Noem*, No. 3:25-  
cv-03777-CAB-JLB, 2026 U.S. Dist. LEXIS 8505 (S.D. Cal. Jan. 14, 2026);  
*Rameau v. Larose*, No. 3:26-cv-1439-CAB-SBC, 2026 U.S. Dist. LEXIS 58259  
(S.D. Cal. Mar. 19, 2026)

1 invasive and painful surveillance technologies such as ankle monitors or  
2 bracelets.

3  
4 12. Requiring additional surveillance as a condition to Petitioners immediate  
5 release, is arbitrary and capricious and would be a change that has no true  
6 basis on Petitioners “danger to the community” or “flight risk”.

7  
8 13. Moreover, Respondents have not offered an explanation as to why additional  
9 supervision is necessary.

10  
11 14. For these reasons Petitioner respectfully request that he be immediately  
12 released under the same conditions he was subjected to, prior to his unlawful  
13 arrest on January 9, 2026. Allowing respondents to place unwarranted  
14 limitations on Petitioners liberty interest would be improper in this case.

15  
16 **C) Respondents should return any confiscated property, including any**  
17 **identification or work authorization documents belonging to Petitioner or his**  
18 **family members**

19 15. Since Petitioner’s immediate release is an uncontested issue, we respectfully  
20 request that all property confiscated by Respondents be returned to  
21 Petitioner. This includes but is not limited to any identification, work  
22 authorization documents, wallets, keys, and cellphones belonging to  
23 Petitioner or his family members that were confiscated during his January 9<sup>th</sup>  
24  
25  
26

1 arrest.<sup>2</sup>

2 16. The Respondent does not contest that Petitioners arrest and detention was  
3 unlawful. Moreover, the Respondent has not offered a reason as to why the  
4 property confiscated during the arrest must be retained. The Petitioner kindly  
5 asks that all property be returned upon his release from custody so that he  
6 could continue to work and provide for his family as he was doing before his  
7 arrest.  
8  
9

10  
11 **D) Respondents should be enjoined from re-detaining Petitioner**

12  
13 17. Petitioner respectfully requests that Respondents be enjoined from re-  
14 detaining the Petitioner unless there is a pre-deprivation hearing before a  
15 neutral decision-maker at which Respondents must prove material changes  
16 in circumstances justify his re-detention.<sup>3</sup>  
17  
18

19  
20 <sup>2</sup> This relief has been granted in similar matters here in the 9<sup>th</sup> circuit. *Mumaev v.*  
21 *Semaia*, No. 5:25-cv-03409-FLA (MAR), 2026 U.S. Dist. LEXIS 40377 (C.D. Cal.  
22 Feb. 20, 2026); *Tsyamba v. Hermosillo*, No. 2:25-cv-02623-GJL, 2026 U.S. Dist.  
23 LEXIS 17411 (W.D. Wash. Jan. 29, 2026); *Lira v. Hermosillo*, No. 2:25-cv-02713-  
24 LK, 2026 U.S. Dist. LEXIS 32058 (W.D. Wash. Feb. 17, 2026).

25 <sup>3</sup> This relief has been granted in similar matters. See, e.g., *Matute*, 807 F. Supp. 3d  
26 1120, 2025 WL 2817795, at \*8; *Pinchi*, 792 F. Supp. 3d 1025, 2025 WL 2084921,  
27 at \*5; *Doe v. Becerra*, 787 F. Supp. 3d 1083, 1097 (E.D. Cal. 2025); *Martinez*  
28 *Hernandez v. Andrews*, No. 25-CV-1035 JLT HBK, 2025 U.S. Dist. LEXIS  
168147, 2025 WL 2495767, at \*14 (E.D. Cal. Aug. 28, 2025).

1 18. As emphasized in the habeas, Petitioner has a substantial liberty interest that  
2 is protected by the 5<sup>th</sup> Amendment. As mentioned above, the Respondent  
3 does not contest this issue and therefore concedes this argument and request  
4 for relief.  
5

6  
7 **Conclusion**

- 8 1. For the reasons referenced above, Petitioners' requests for relief should be  
9 granted and we request that a final order be made before the scheduled  
10 hearing on March 26, 2026.  
11  
12 2. Respondents do not contest Petitioners immediate release.  
13  
14 3. Respondents do not offer any explanation as to why the conditions why  
15 Petitioner should be subject to any new conditions that are beyond what he  
16 was subject to prior to his unlawful arrest.  
17

18  
19 **Dated: March 20, 2026**

**Respectfully submitted,**  
By: /s/ Nicholas Paúl  
Pro Bono Attorney for Petitioner  
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