

1 **Camille Fenton**

2 Federal Defenders of San Diego, Inc.

3 225 Broadway, Suite 900

4 San Diego, California 92101-5030

5 Telephone: (619) 234-8467

6 Facsimile: (619) 687-2666

7 camille\_fenton@fd.org

8 Attorneys for Mr. Belal

9  
10 **UNITED STATES DISTRICT COURT**  
11 **SOUTHERN DISTRICT OF CALIFORNIA**  
12

13 MOHAMMED BELAL,

14 Petitioner,

15 v.

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

25 Respondents.

Civil Case No.: 26-cv-1427-BAS

**Traverse in Support of  
Amended Petition for a Writ  
of Habeas Corpus**

26 On March 30, 2026, Mohammed Belal filed an amended habeas petition  
27 arguing that his prolonged detention in immigration custody has violated the Due  
28 Process Clause of the Fifth Amendment. Mohammed Belal Amended Petition,  
ECF No. 1 The government filed its response to Mr. Belal's petition on April 10,  
2026. *See* Gov. Response, ECF No. 11. The government does not dispute any of  
the facts set forth in Mr. Belal's petition or address any of his substantive  
arguments. *Id.* Instead, the government argues that this Court should dismiss  
Mr. Belal's habeas petition as "an abuse of the writ" given his previous habeas  
petition before this Court. *Id.* at 2. But the government conveniently ignores that

1 this Court denied Mr. Belal's previous habeas petition *without prejudice*, thereby  
2 allowing him to bring these claims again. *See* Order, ECF No. 5, Case No. 26-cv-  
3 00283-BAS. Moreover, Mr. Belal has shown cause for bringing a successive  
4 petition: His prolonged detention has become further prolonged in violation of  
5 due process as more time has passed since the denial of the first petition.

6 The government also argues that this Court should dismiss Mr. Belal's  
7 amended habeas petition because he has "not exhausted his administrative  
8 remedies" before the Board of Immigration Appeals ("BIA"). Gov. Response at  
9 2–5. This argument is similarly without merit because "[t]he BIA does not have  
10 jurisdiction to determine the constitutionality of the statutes it administers."  
11 *Padilla-Padilla v. Gonzales*, 463 F.3d 972, 977 (9th Cir. 2006). "Because the BIA  
12 could not have addressed [Mr. Belal's] constitutional due process claim, [he was]  
13 not required to exhaust the issue before the BIA." *Id.*

14 Accordingly, this Court should grant Mr. Belal the relief requested in his  
15 amended habeas petition and order his immediate release from custody or, in the  
16 alternative, a bond hearing with safeguards and oversight provided by this Court.  
17 *See* Mohammed Belal Amended Petition at 17–18.

18  
19  
20 Respectfully submitted,

21 Dated: April 14, 2026

s/ Camille Fenton

22 Camille Fenton  
23 Federal Defenders of San Diego, Inc.  
24 Attorneys for Mr. Belal  
25 Email: [camille\\_fenton@fd.org](mailto:camille_fenton@fd.org)  
26  
27  
28