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

12 **MOHAMED ELJARAOUY,**
13 **Petitioner,**

14 **v.**

15 **JEREMY CASEY, Warden at Imperial**
16 **Regional Detention Facility,**
17 **Respondents.**

Civil Case No.: 26-cv-1449-BTM

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

18 On March 6, 2026, Mohamed Eljaraouy filed a habeas petition arguing that
19 his prolonged detention in immigration custody has violated the Due Process
20 Clause of the Fifth Amendment. Mohamed Eljaraouy Petition at 5, ECF No. 1
21 The government filed its response to Mr. Eljaraouy's petition on March 27, 2026.
22 See Gov. Response, ECF No. 7. The government does not dispute any of the facts
23 set forth in Mr. Eljaraouy's petition. *Id.* Moreover, the government concedes "that
24 this Court should order that Petitioner receive a bond hearing, where the
25 government would bear the burden of proof of establishing, by clear and
26 convincing evidence, that Petitioner poses a danger to the community or a flight
27 risk." *Id.*

28 Mr. Eljaraouy appreciates the government's concessions but argues that
immediate release is the proper remedy given the reason for his unreasonably

1 prolonged *fifteen-month* detention. Mr. Eljaraouy only speaks Tarifit. Exhibit A,
2 Attorney Elizabeth Lopez Decl. (hereinafter “Attorney Decl.”) at ¶ 2. He has not
3 had a credible fear interview because the immigration court has failed to obtain a
4 Tarifit interpreter. *Id.* at ¶ 5. The immigration court has repeatedly continued his
5 court hearings because it has failed to obtain a Tarifit interpreter for him each and
6 every time, notwithstanding the fact that it knows he only speaks Tarifit. *Id.* at
7 ¶ 6. This has caused significant delays in Mr. Eljaraouy’s immigration
8 proceedings. *Id.*

9 Given the immigration court’s repeated failure to obtain a Tarifit interpreter
10 for Mr. Eljaraouy in nearly fifteen months, the likelihood that it will successfully
11 obtain one for a rapidly set bond hearing is very low. Mr. Eljaraouy will not have
12 a fair hearing unless he is able to communicate with his attorney and the
13 immigration judge. Allowing further delays to give the government time to obtain
14 the proper interpreter is not the solution either. Fifteen months have already
15 passed without a Tarifit interpreter. The government should not be permitted to
16 detain him any further.

17 “In recent months, courts across the country have ordered the release of
18 detainees in similar situations.” *Moctezuma v. Henkey*, No. 25-CV-00741-BLW,
19 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that the government’s
20 repeated use of unlawful detention policies across the country, causing petitioners
21 to “sit in jail waiting for a judicial decision,” the court would order immediate
22 release instead of causing additional delay through a bond hearing) (citing *Lepe v.*
23 *Andrews*, 801 F. Supp. 3d 1104 (E.D. Cal. 2025); *J.U. v. Maldonado*, No. 25-CV-
24 4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Rosado v. Figueroa*,
25 No. 25-CV-2157, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *Pinchi v.*
26 *Noem*, No. 25-CV-05632, 2025 WL 1853763, at *4 (N.D. Cal. July 4, 2025).
27 *Santiago v. Noem*, No. EP-25-CV-361, 2025 WL 2792588, at *13-14 (W.D. Tex.
28 Oct. 2, 2025) (“Without a legitimate interest in her detention, immediate release

1 appropriately remedies Respondents' violation of [Petitioner's] due process rights
2 through her continued detention."). Order, ECF No. 14 at 19, *Miri v. Bondi*, No.
3 5:26-CV-00698-MEMF (C.D. Cal. March 5, 2026) ("Miri's prompt release is the
4 remedy that will best return Miri to the status quo and restore his position as it
5 was prior to the detention that Miri contends was in violation of his constitutional
6 and statutory protections.").

7 **Thus, Mr. Eljaraouy should be granted immediate release.** He has an
8 immigration attorney and Casa Marianella, a nonprofit in Austin, Texas, ready to
9 support him if the Court agrees to this remedy. Casa Marianella is acting as
10 Mr. Eljaraouy's sponsor and will transport him to Austin and house him once he
11 arrives there.

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13
14 Respectfully submitted,

15 Dated: March 30, 2026

s/ Camille Fenton

Camille Fenton

Federal Defenders of San Diego, Inc.

Attorneys for Mr. Eljaraouy

Email: camille_fenton@fd.org

EXHIBIT A

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Civil Case No.: 26-cv-1449-BTM

Declaration of
Immigration Attorney Elizabeth
Lopez in Support of Petition
for a Writ of Habeas Corpus

17 I, Elizabeth Lopez, declare:

- 18 1. I am an immigration attorney with the Southern California Immigration
19 Project. I represent Mohamed Eljaraouy in immigration court.
- 20 2. Mr. Eljaraouy is a Moroccan man who only speaks Tarifit. He cannot read
21 Tarifit and only can read the most basic Arabic.
- 22 3. Mr. Eljaraouy has been in immigration detention since December 31, 2024,
23 for nearly fifteen months.
- 24 4. I first appeared in Mr. Eljaraouy's case on March 27, 2026. His case has
25 been prolonged due to the court's inability to find a Tarifit interpreter.
- 26 5. Mr. Eljaraouy had not had his credible fear interview because there was no
27 Tarifit interpreter available to him for the interview.
- 28 6. The immigration court has failed to obtain a Tarifit interpreter for all of
Mr. Eljaraouy's court appearances. As a result, the court has repeatedly

1 continued his court appearances. This has caused significant delays in
2 Mr. Eljaraouy's immigration proceedings.

3
4 I declare under penalty of perjury that the foregoing is true and correct,
5 executed on March 26, 2026.

6
7 /s/ Elizabeth Lopez

8 **ELIZABETH LOPEZ**

9 Declarant
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