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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 MOHAMED ELJARAOUY,

12 Petitioner,

13 v.
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15 JEREMY CASEY, *Warden, Imperial*
Regional Detention Facility,

16 Respondent.
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Case No.: 26-cv-01449-BTM-AHG

**RESPONDENTS' RESPONSE IN
OPPOSITION TO MOTION TO
ENFORCE JUDGMENT**

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20 On March 6, 2026, Petitioner filed a Petition for Writ of Habeas Corpus challenging
21 the length of his detention without a bond hearing. ECF No. 1. Respondent responded that
22 he does not oppose a bond hearing for Petitioner. ECF No. 7. On April 8, 2026, this Court
23 ordered a bond hearing with the following requirements:

24 The Respondent must arrange for a Tarifit interpreter to be present, in person
25 or by telephone, for the bond hearing. The bond hearing must be before a
26 fair, neutral, and open-minded immigration judge who is ordered to
27 determine whether the Petitioner is a danger to the community or a flight
28 risk and what bond conditions, if any, would be appropriate to ensure the
Petitioner's appearance. During the bond hearing, the Government shall bear
the burden of establishing by clear and convincing evidence that the

1 Petitioner poses a danger or flight risk. *See Sandesh v. LaRose*, 2026 WL
2 622690, at *5 (S.D. Cal. Mar. 5, 2026). If the immigration judge denies
3 bond, the judge must make specific findings as to why the Petitioner is a
4 flight risk or a danger to the community.

5 ECF No. 10 at 2. On April 27, 2026, Petitioner received a bond hearing that satisfied all of
6 the Court's requirements as evidenced by the transcript of the hearing. *See* ECF No. 12 at
7 Exhibit A ("Transcript"). However, on May 8, 2026, Petitioner filed his Motion for Order
8 to Enforce Order, ECF No. 12, alleging that the bond hearing violated his right to due
9 process. Respondent respectfully requests that this Court deny the Motion and find that
10 Respondent has complied with the Court's order.

11 According to Petitioner, the immigration judge (IJ) improperly found that Petitioner
12 is a risk of flight due to his inability to speak any known language outside of that used in a
13 small village in his home country. ECF No. 12. However, Petitioner has not alleged any
14 wrongdoing by the IJ or the government that would justify this Court needing to enforce
15 its own order.

16 To determine whether a noncitizen is a flight risk or poses a danger to the
17 community, an IJ may consider "any or all of the following" factors: (1) whether the
18 noncitizen has a fixed address in the United States; (2) the noncitizen's length of residence
19 in the United States; (3) the noncitizen's family ties in the United States, (4) the
20 noncitizen's employment history, (5) the noncitizen's record of appearance in court, (6) the
21 noncitizen's criminal record, (7) the noncitizen's history of immigration violations; (8) any
22 attempts by the noncitizen to flee prosecution or otherwise escape from authorities; and (9)
23 the noncitizen's manner of entry to the United States. *Singh v. Holder*, 638 F.3d 1196, 1206
24 n.5 (9th Cir. 2011) (citing *Matter of Guerra*, 20 I & N Dec. 37, 40 (BIA 2006)).

25 I do not find him a danger. The question is, is he a risk of flight in this case?
26 The respondent does not have any family ties in the United States. He has
27 no employment history. He's been in custody the entire time he's been in the
28 United States. He has no ties to the United States whatsoever, no community
ties whatsoever. His matter of entry, he came illegally to the United States.

1 In relation to being able to communicate with others, to be able to show up
2 at his court hearings, to be able to communicate with his sponsors, he states
3 that he speaks Tarifit, but only a very specific subset of Tarifit that is only
spoken in his one particular village in Morocco.

4 We have used in this hearing a Tarifit interpreter who has tried to
5 speak to the respondent in numerous different languages, which he should
6 have some familiarity with. The respondent denies that he has any
7 familiarity with any of the languages spoken by the interpreter. We have
8 been able to communicate a little bit with the respondent in English, though
9 his English, he is not fluent by any means in English.

10 Based upon the foregoing, I find that the respondent is a risk of flight,
11 and the government has upheld their burden in this case that he is a risk of
12 flight. If released, he would not be able to communicate with any of his
13 sponsors or anybody that works at the organization about when and where
14 to show up. He would not be able to even get on a bus or a train. He would
15 not be able to function once he left the facilities based upon him not being
16 able to communicate with anybody in the community. I therefore find that
17 he is a risk of flight, and I will deny bond in this case.

18 Transcript at 8.

19 Because the IJ's denial of bond was well supported and satisfied all of the Court's
20 other conditions, the Court should deny Petitioner's Motion to Enforce.

21 DATED: May 26, 2026

Respectfully submitted,

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24 s/Hunter V. Norton
25 HUNTER V. NORTON
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