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

12 SAMARE ALI,  
13  
14 Petitioner,

Civil Case No.: 26-cv-1699-RBM

15 v.

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

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 JEREMY CASEY, Warden at Imperial  
24 Regional Detention Facility,

25 Respondents.

26 On April 1, 2026, Samare Ali filed an amended habeas petition arguing that  
27 his prolonged detention in immigration custody has violated the Due Process  
28 Clause of the Fifth Amendment. *See* Ali Amended Petition, ECF No. 8 The  
government filed its response to Mr. Ali’s amended petition on April 10, 2026.  
*See* Gov. Response, ECF No. 9. The government does not dispute any of the facts  
set forth in Mr. Ali’s petition. *Id.* Moreover, the government concedes “that this  
Court should order that Petitioner receive a bond hearing, where the government  
would bear the burden of proof of establishing, by clear and convincing evidence,  
that Petitioner poses a danger to the community or a flight risk.” *Id.*

1 Mr. Ali appreciates the government's concessions but argues that  
2 immediate release is the proper remedy given the reason for his unreasonably  
3 prolonged detention of *fifteen months*. Mr. Ali only speaks Moba. Exhibit A, Ali  
4 Decl. (hereinafter "Decl.") at ¶ 4, ECF No. 8. The immigration court has  
5 repeatedly continued his court hearings because it has failed to obtain a Moba  
6 interpreter for him each and every time, notwithstanding the fact that it knows he  
7 only speaks Moba. *Id.* at ¶ 5. This has caused significant delays in Mr. Ali's  
8 immigration proceedings. *Id.*

9 Given the immigration court's repeated failure to obtain a Moba interpreter  
10 for Mr. Ali in all this time, the likelihood that it will successfully obtain one for a  
11 rapidly set bond hearing is very low. And he has a right to an interpreter that  
12 speaks his preferred language. *See* 8 C.F.R. § 208.30(d)(5) ("If the alien is unable  
13 to proceed effectively in English, and if the asylum officer is unable to proceed  
14 competently in a language the alien speaks and understands, *the asylum officer*  
15 *shall arrange* for the assistance of an interpreter in conducting the interview.")  
16 (emphasis added); *Perez-Lastor v. Immigr. & Naturalization Serv.*, 208 F.3d 773,  
17 778 (9th Cir. 2000) ("If an alien does not speak English, deportation proceedings  
18 must be translated into a language the alien understands."). This guarantee flows  
19 from the principle that "a competent translation is fundamental to a full and fair  
20 hearing." *Perez-Lastor*, 208 F.3d at 778. "Moreover, an incorrect or incomplete  
21 translation is the functional equivalent of no translation: the alien must be able to  
22 understand the questions posed to him and to communicate his answers to the IJ."  
23 *Id.* Thus, Mr. Ali will not have a fair hearing that comports with due process  
24 unless he is able to communicate with his attorney and the immigration judge.

25 Allowing further delays to give the government time to obtain the proper  
26 interpreter is not the solution either. Fifteen months have already passed without a  
27 Moba interpreter. The government should not be permitted to detain him any  
28 further.

