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8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

DANIS YATCIN

Petitioner,

v.

TODD M. LYONS, in his official capacity as
Acting Director, U.S. Immigration and Customs
Enforcement; Warden of Imperial Regional Adult
Det Fac; Deputy Field Director of San Diego Field
Office, U.S. Immigration and Customs
Enforcement; Secretary of Homeland Security;
PAMELA BONDI, in her official capacity as
Attorney General of the United States,
Respondents.

Case No.: 26-cv-01707-DMS-VET

**PETITIONER'S TRAVERSE TO
RESPONDENT'S RESPONSE**

10

11

1 **INTRODUCTION**

2 The Government's Return concedes nearly everything that matters and offers nothing that
3 could justify Petitioner's continued detention.

4 The Government does not dispute the operative facts. It does not contest that Petitioner was
5 previously released on his own recognizance, lived in the community for years in full compliance
6 with all ICE requirements, and was re-detained despite posing no danger and no risk of flight. It
7 does not challenge the Immigration Judge's alternative findings confirming that Petitioner is an
8 appropriate candidate for release on bond.

9 Instead, the Government submits a cursory, boilerplate response that contains no
10 individualized analysis whatsoever. It relies almost entirely on listing case names and
11 incorporating arguments from unrelated cases, without explaining how those authorities apply to
12 the specific facts of this case. Such an approach does not assist the Court; it shifts the burden to
13 the Court to analyze authorities that the Government itself has failed to meaningfully address.

14 Indeed, the Government acknowledges that courts in this District have reached contrary
15 conclusions in materially indistinguishable cases, yet it makes no effort to explain why those
16 decisions should not control here. Nor does it analyze the factual distinctions, if any, that led to
17 different outcomes in other cases it cites. This omission is critical. As courts have recognized
18 habeas review requires a fact-specific and individualized inquiry, and the Government's failure to
19 meaningfully engage with those facts weighs heavily in favor of relief.

20 The Return is so generic that it could be filed in virtually any case without modification.
21 Strikingly, Petitioner's name does not appear even once in the substantive analysis. The
22 Government offers no discussion of Petitioner's history, no evaluation of his compliance, and no
23 attempt to justify detention under the specific circumstances presented here.

1 Most critically, the Government asserts, without any factual analysis, that Petitioner is
2 subject to mandatory detention under 8 U.S.C. § 1225(b). That conclusory assertion, untethered to
3 the record, is legally insufficient. The Government’s own concessions are dispositive. The law in
4 this District is settled. The facts are undisputed. There is no basis for a different outcome here.

5 Accordingly, this Court should follow its consistent precedent, reject the Government’s
6 unsupported mandatory detention theory, and grant the writ.

7 **ARGUMENTS**

8 **I. The Government Fails to Dispute the Operative Facts and Offers No Individualized**

9 **Justification for Detention**

10 The Government’s Return is notable for what it does not say. It does not dispute any of the
11 operative facts presented in the Petition. It does not challenge that Petitioner was previously
12 released on his own recognizance, that he resided in the community for an extended period of time,
13 or that he complied fully with all conditions imposed by immigration authorities. Nor does it
14 dispute that Petitioner has no criminal history and poses no danger to the community.

15 This failure is significant. Habeas review requires an individualized determination of
16 whether detention is justified. As recognized in *Singh v. Warden of Golden State Annex Detention*
17 *Facility*, No. 1:26-cv-00179-JLT-HBK (E.D. Cal. 2026), the Government’s failure to
18 meaningfully engage with the petitioner’s circumstances weighs in favor of granting relief and
19 underscores the lack of a constitutionally adequate process.

20 Critically, the Government does not address the Immigration Judge’s alternative findings,
21 which explicitly recognize that Petitioner is an appropriate candidate for release on bond under
22 reasonable conditions. These findings confirm that Petitioner’s continued detention is not based
23 on any individualized assessment of risk, but solely on a perceived lack of jurisdiction.

1 The absence of any individualized justification is fatal. Civil immigration detention must
2 be reasonably related to its regulatory purposes; namely, ensuring appearance and protecting the
3 community. Where the Government does not even attempt to argue that those purposes are served,
4 continued detention becomes arbitrary and unconstitutional.

5 **II. The Government’s Abbreviated, Boilerplate Response Is Legally Insufficient**

6 Rather than engaging with the facts of this case, the Government submits an abbreviated,
7 generic response that relies almost entirely on incorporation by reference to arguments made in
8 unrelated cases.

9 Courts have consistently required the Government to justify detention based on the specific
10 record before the Court. In *Singh v. Warden of Golden State Annex Detention Facility*, No. 1:26-
11 cv-00179-JLT-HBK (E.D. Cal. 2026), the court criticized the Government’s cursory response for
12 failing to meaningfully address the petitioner’s due process arguments and factual circumstances.
13 The Government cannot satisfy its burden by relying on arguments raised in unrelated cases
14 involving different petitioners and distinct factual records.

15 By merely listing cases, some favorable, some unfavorable, without analysis, the
16 Government effectively asks this Court to construct its arguments for it. That is not the role of the
17 Court.

18 This deficiency is particularly striking here, where the Court specifically evaluates
19 individualized liberty interests. As recognized in *Singh*, the Government’s failure to meaningfully
20 address a petitioner’s due process claims weighs heavily in favor of granting habeas relief.

21 The Government’s failure to provide any fact-specific strongly undermines its position and
22 demonstrates that it has not met its burden to justify Petitioner’s continued detention.

23

1 **III. Courts Have Consistently Applied § 1226(a)—Not § 1225(b)—Governs Petitioner’s**

2 **Detention**

3 The Government’s primary argument that Petitioner is subject to mandatory detention
4 under § 1225(b), has been rejected by courts within this Circuit and across the country.

5 As recognized in *Singh*, courts have concluded that noncitizens who were previously
6 released into the United States and later re-detained are not “applicants for admission” subject to
7 § 1225(b), but instead remain governed by § 1226(a).

8 This conclusion is grounded in both statutory interpretation and longstanding agency
9 practice. For decades, individuals like Petitioner who entered without inspection but were
10 apprehended and released into the interior were treated under § 1226(a), which provides for
11 discretionary detention and access to bond hearings.

12 The Government’s recent attempt to recharacterize such individuals as subject to
13 mandatory detention under § 1225(b) has been widely rejected as inconsistent with the statutory
14 framework, the relationship between §§ 1225 and 1226, and decades of settled practice.

15 Here, the Government concedes that courts in this District have repeatedly rejected its
16 position and further acknowledges that the facts of this case are not materially distinguishable from
17 those prior decisions. That concession strongly supports Petitioner’s position. This Court should
18 follow its consistent precedent and conclude that Petitioner’s detention is governed by § 1226(a).

19 **IV. Even If § 1225(b) Applied, Due Process Requires a Bond Hearing**

20 Even assuming arguendo that § 1225(b) applies, the Constitution independently requires
21 meaningful procedural safeguards. The Government has not provided meaningful process before
22 depriving Petitioner of his liberty.

1 The Fifth Amendment protects all persons within the United States from arbitrary
2 detention. As recognized in *Singh*, due process protections apply once a noncitizen is physically
3 present in the United States, regardless of formal admission status.

4 At a minimum, due process requires a meaningful opportunity to challenge detention. Under
5 the *Mathews v. Eldridge* framework:

- 6 • Petitioner’s liberty interest is fundamental;
- 7 • The risk of erroneous deprivation is extraordinarily high in the absence of a bond hearing;
- 8 • The Government’s burden in providing such a hearing is minimal.

9 Courts have recognized that detention without any individualized hearing, particularly
10 following release into the community, violates due process. The Government’s position would
11 permit indefinite detention without any review, a result fundamentally incompatible with
12 constitutional principles.

13 As emphasized in *Singh*, the risk of erroneous deprivation is particularly high where no
14 individualized custody determination has been made. The absence of a bond hearing or any neutral
15 review renders detention constitutionally deficient.

16 **V. Continued Detention Is Arbitrary in Light of the Immigration Judge’s Findings**

17 This case presents an even more compelling scenario than typical habeas cases because the
18 Immigration Judge has already made alternative findings confirming that Petitioner is suitable for
19 release.

20 Although the Immigration Judge concluded that jurisdiction was lacking under Matter of
21 Yajure Hurtado, the court explicitly determined that Petitioner could be released on a \$2,500 bond
22 and appropriate supervisory conditions.

23 These findings strongly undermine justification for continued detention. They confirm that
24 Petitioner does not pose a danger to the community and is not a flight risk.

1 Under these circumstances, continued detention is unsupported by any individualized
2 determination and is therefore arbitrary. Petitioner remains detained not based on any assessment
3 of risk, but solely due to a legal interpretation that courts in this District have repeatedly rejected.

4 **VI. Habeas Relief Is Warranted**

5 Where detention lacks both statutory and constitutional justification, habeas relief is
6 required.

7 Given the undisputed facts, the Immigration Judge's findings, and the controlling authority
8 within this District, the appropriate remedy is immediate release. At a minimum, the Court should
9 order a prompt bond hearing at which the Government bears the burden of justifying continued
10 detention by clear and convincing evidence.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Petitioner Danis Yatein respectfully request that this Court grant the following
13 relief:

14 **A. Immediate Release from ICE Custody**

- 15 1) Assume jurisdiction over this matter;
- 16 2) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner
17 immediately;
- 18 3) Order Respondents to show cause why the writ should not be granted within three days
19 and set a hearing on this Petition within five days of the return, as required by 28 U.S.C.
20 § 2243;
- 21 4) Declare that Petitioner's continued detention is no longer reasonably related to any
22 legitimate governmental purpose, and that under the totality of the circumstances,
23 detention has become excessive, arbitrary, and punitive in effect.
- 24 5) Declare that Respondents' actions violate the Administrative Procedure Act;

