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

12 ALMAS BAYAZITOV,
13
14 Petitioner,

15 v.

16 CHRISTOPHER LAROSE, Warden at
17 Otay Mesa Detention Center,
18
19 Respondents.

CIVIL CASE NO.: 26-cv-1642-BJC

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

20 In his amended petition, Almas Bayazitov explained that ICE revoked his
21 parole arbitrarily and without following regulations. He therefore made two
22 primary claims: (1) ICE had failed to comply with its own regulations, violating
23 the Administrative Procedures Act, and (2) ICE violated due process by revoking
24 parole without notice and an opportunity to be heard. Doc. 4 at 3–7. He therefore
25 asked this Court to order outright release. Doc. 4 at 7.

26 The government’s Return does not respond at all to these claims. Instead
27 the government purports to unilaterally redefine the “legal issues presented” in the
28 petition: Per the government, they involve only “the statutory authority for . . .
detention of Petitioner under 8 U.S.C. §§ 1225(b)(2)(A) or 1226(a), and whether
Petitioner is entitled to a bond hearing.” Doc. 7 at 2. **That is false—this is not a
Yajure Hurtado/Maldonado Bautista case, and the proper remedy is not a
bond hearing. This is a parole case, and the proper remedy is release.**

1 That follows from three considerations.

2 First, to state what should be obvious, the government does not get to
3 decide what “legal issues [are] presented” in a habeas petition. Doc. 7 at 2. The
4 petitioner does. And the petitioner primarily challenged the revocation of his
5 parole, not the government’s failure to provide a bond hearing. Docs. 1, 4.

6 Second, Mr. Bayazitov’s case does not at all implicate *Matter of Yajure*
7 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), *Maldonado-Bautista v. Noem*, No.
8 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), or
9 § 1226(a). *Yajure Hurtado* and *Maldonado Bautista* address the rights of
10 immigrants who successfully evaded detection at the border, entered the country
11 illegally, and lived for a time in the United States. *See Maldonado-Bautista*, 2025
12 WL 3713987, at *2 (defining the class to include people who “were not or will
13 not be apprehended upon arrival”). The former says that this population is barred
14 from bond hearings by § 1225(b), while the latter says that it is entitled to bond
15 hearings under § 1226(a). *Id.* at *12. But Mr. Bayazitov did not successfully
16 evade detection at the border, enter the country illegally, or live for a time in the
17 United States. He turned himself in immediately at the border. Doc. 4-1 at ¶ 1.
18 And everyone agrees that people caught immediately at the border are subject to
19 mandatory detention under § 1225(b), *unless*—as occurred here—ICE exercises
20 its discretionary authority to grant parole.

21 Thus, the problem with Mr. Bayazitov’s detention is not that the
22 government failed to provide him a statutorily guaranteed bond hearing. It is that
23 ICE exercised discretion to give him parole, then unlawfully revoked it.

24 Third, when an immigrant’s parole is unlawfully revoked, the remedy is
25 release, not a bond hearing. *See, e.g., Arias v. Larose*, No. 3:25-CV-02595-BTM-
26 MMP, 2025 WL 3295385, at *3 (S.D. Cal. Nov. 25, 2025) (“The Respondents shall
27 immediately release Arias from custody on her preexisting conditions.”); *Noori v.*
28 *LaRose*, 807 F. Supp. 3d 1146, 1154 (S.D. Cal. 2025) (“order[ing] his immediate

1 release”); *Salazar v. Casey*, No. 25-cv-2784 JLS-VET, 2025 WL 3063629 (S.D.
2 Cal. Nov. 3, 2025) (ordering that ICE “immediately release Petitioner from custody
3 subject to the conditions of her preexisting parole and Form I-94”); *Perez v.*
4 *LaRose*, No. 25-cv-02620-RBM-JLB, 2025 WL 3171742 (S.D. Cal. Nov. 13, 2025)
5 (ordering respondents “to immediately release Petitioner from custody, subject to
6 the conditions of his preexisting parole and Form I-94”); *Y-Z-L-H v. Bostock*, No.
7 25-cv-965-SI, 2025 WL 1898025, at *13 (D. Or. July 9, 2025) (ordering
8 respondents “immediately to release Petitioner from custody”). The government’s
9 cases granting bond hearings to persons wrongly detained under *Yajure Hurtado*
10 are inapposite, because they involve completely different claims.

11 Thus, this Court must not allow the government to redefine the claims in
12 the petition, rely on a set of inapplicable cases, and thereby deprive Mr. Bayazitov
13 of the relief to which he is entitled. This Court must instead address the claims in
14 the petition and—having received no response to those claims from the
15 government—grant outright release.

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17
18 Respectfully submitted,

19 Dated: March 25, 2026

s/ Katie Hurrelbrink
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