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

12 **HABEN MEBRATU TEFASLASIE,**  
13 **Petitioner,**  
14 **v.**  
15 **WARDEN JEREMY CASEY,**  
16 **Respondent.**

Case No.: 26-cv-1983-JES-SBC

**Traverse in support of unopposed  
petition for writ of habeas corpus**  
**[Civil Immigration Habeas Petition  
Under 28 U.S.C. § 2241]**

17 In his *pro se* habeas petition, Mr. Mebratu requested this Court order his  
18 “[i]mmediate release or bond.” ECF No. 1 at 2. He explained that he had been  
19 detained since March 20, 2025, without a bond hearing. *Id.*

20 In response, the government “concedes that this Court should order that  
21 Petitioner receive a bond hearing, where the government would bear the burden of  
22 proof of establishing, by clear and convincing evidence, that Petitioner poses a  
23 danger to the community or a risk of flight.” ECF No. 6 at 1.

24 Mr. Mebratu submits this traverse for two reasons.

25 First, he submits a declaration explaining a few more details regarding his  
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28 <sup>1</sup> Mr. Mebratu’s financial eligibility for counsel has been simultaneously submitted  
on a form CJA 23 with this filing.

1 case. Exhibit A. He came to the U.S. border on May 20, 2025, and has been  
2 detained since, under 8 U.S.C. § 1225(b). *Id.* He came to the United States from  
3 Ethiopia, seeking asylum from persecution based ~~XXXXXXXXXX~~ and he went  
4 forward with that claim as promptly as he could. *Id.* On February 9, 2026, the  
5 immigration court held a hearing in which he learned that the government was  
6 seeking his deportation to a third country, Uganda, in which he does not have  
7 immigration status and to which he has never been. *Id.* He was ordered removed  
8 to Uganda that day. *Id.* He is appealing. The Bureau of Immigration Appeals  
9 received his timely notice of appeal on March 2, 2026, and it has not yet set a  
10 briefing schedule. *See* Exhibit B.

11 Under the *Banda* factors, and as the government concedes, his continued  
12 detention without a bond hearing has become unreasonable and due process  
13 requires the government to provide him with an individualized bond hearing. *See,*  
14 *e.g., Sandesh v. LaRose*, No. 26-cv-846-JES-DDL, 2026 WL 622690, \*2–\*4 (S.D.  
15 Cal. Mar. 5, 2026) (applying the *Banda* factors).

16 Second, Mr. Mebratu requests at a minimum the following relief regarding  
17 his bond hearing, most of which the government has affirmatively conceded is  
18 appropriate, *see id.* at \*4–\*6:

- 19 1. Mr. Mebratu receive an individualized bond hearing within the next  
20 14 days, at which hearing the government shall bear the burden of  
21 proof of establishing by clear and convincing evidence that he poses  
22 a danger to the community or is a risk of flight, and at which the  
23 court shall consider alternative conditions of release and Mr.  
24 Mebratu’s ability to pay bond; and
- 25 2. Respondents make a complete record of the hearing available to  
26 Petitioner and his counsel.

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Respectfully submitted,

Dated: April 6, 2026

s/ Jessie Agatstein  
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