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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 ARIA TADAYYONI MOGHADDAM,
11
12 Petitioner,


CASE NO.: 3:26-cv-2018-BAS-MSB

13 v.

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

14 MARKWAYNE MULLIN, Secretary of
15 the Department of Homeland Security,
16 TODD BLANCHE, Acting Attorney
17 General, TODD M. LYONS, Acting
18 Director, Immigration and Customs
19 Enforcement, JESUS ROCHA, Acting
20 Field Office Director, San Diego Field
21 Office, CHRISTOPHER
22 LAROSE, Warden of Otay Mesa
23 Detention Center,

24 Respondents.

21 In his habeas petition, Mr. Moghaddam explained that he is a citizen of Iran
22 who was tortured as a result of his decision to  in 2017.
23 Dkt. 7, Exh. A at ¶ 1. He has been detained in immigration custody for about 13
24 months. *Id.* at ¶ 2. Yet Respondents inaccurately claim that Mr. Moghaddam is
25 responsible for the bulk of the delays in this case—even though the government is
26 responsible for more than *twice* the length of delay as Mr. Moghaddam. And as
27 Respondents themselves acknowledge, “as detention continues past a year, courts
28 become extremely wary of permitting continued custody absent a bond hearing.”

1 Dkt. 9 at 6 (quoting *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL
2 3028093, at *4 (S.D. Cal. Apr. 20, 2023)). Accordingly, this Court should grant
3 the petition.

4 To argue that Mr. Moghammad’s detention has not become
5 unconstitutionally prolonged, Respondents make numerous statements that are
6 inaccurate or misleading. Mr. Moghammad addresses each in turn:

7 ***“Petitioner’s initial merits hearing was scheduled on June 16, 2025.”***

8 While Respondents claim that Mr. Moghammad’s “initial *merits* hearing was
9 scheduled on June 16, 2025,” Dkt. 9 at 2 (emphasis added), their own information
10 sheet shows that this was actually a “Master” calendar hearing:

Master	06-16-2025	SAN DIEGO	OTAY MESA DETENTION CENTER	OTM	O'Brien, Leah		Court Closure
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14 Dkt. 9-4, Exh. 4. This matters because delaying a final hearing on the merits of
15 one’s asylum application is more dilatory than delaying a simple status hearing.
16 What’s more, this entry also shows that this June 16, 2025, hearing did not
17 happen due to “Court closure”—i.e., delay on the part of Respondents, rather than
18 Mr. Moghaddam. Dkt. 9-4, Exh. 4.


19 ***“Petitioner delayed the merits hearing at least four times during his***
20 ***detention.”*** Respondents are correct that Mr. Moghaddam asked for attorney
21 preparation time on four occasions, which resulted in a total delay of
22 approximately 14 weeks. Dkt. 9-4, Exh. 4. But Respondents do not acknowledge
23 their own delays during proceedings, which included a “Court closure,” an
24 “Unplanned IJ Leave,” two “IJ Reassignments,” and one unlabeled continuance.
25 Dkt. 9-4, Exh. 4. What’s more, the proceedings include two continuances for
26 “MC TO IC—MERITS HEARING” to allow “time to file and process
27 applications for relief before the hearing on the merits”—even though
28 Mr. Moghaddam had already filed his application months earlier. Dkt. 9-4, Exh. 4




1 and 5. All told, Respondents’ delays accounted for 31 weeks (or over seven
2 months)—more than twice the length of Mr. Moghaddam’s delays. *Id.*

3 **“Petitioner did not file an application for relief until August 2025.”** While
4 factually correct, Respondents’ accusation that Mr. Moghaddam “did not file an
5 application for relief until August 2025” does not explain why this was
6 unreasonable. Dkt. 9-4, Exh. 4. Respondents’ own records reflect that
7 Mr. Moghaddam filed his asylum application on August 15, 2025—only a month-
8 and-a-half after his first hearing on June 30, 2026. Dkt. 9-4, Exh. 4. Respondents
9 cite no evidence suggesting that this was out of line with other typical filing times
10 or otherwise excessive or unreasonable.

11 **“Petitioner’s final merits hearing is only three days away, on April 16,**
12 **2026.”** Although this was correct at the time Respondents filed their return,
13 Mr. Moghaddam’s hearing has since been continued two more times and is
14 currently scheduled for April 29, 2026:

Automated Case Information

Name: TADAYYONI MOGHADDAM, ARIA |  Docket Date: 6/9/2025

<p> Next Hearing Information</p> <p>Your upcoming INDIVIDUAL hearing is IN PERSON on April 29, 2026 at 8:00 AM.</p> <p style="text-align: center;">JUDGE Obrien, Leah</p>	<p> Court Decision and Motion Information</p> <p style="text-align: right;"></p>
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23 What’s more, Mr. Moghaddam stated in his declaration that, “[i]f I am denied
24 asylum, I will appeal to the BIA,” and “[i]f the BIA dismisses my appeal, I will
25 appeal to the Ninth Circuit.” Dkt. 7, Exh. A at ¶ 4. Thus, even assuming
26 Mr. Moghaddam’s merits hearing occurs in the near future, he potentially faces
27 years of additional detention.
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