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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In the matter of: **MOSAZIG MEHARI MEDHANI** **Petitioner,** **v.** **JEREMY CASEY, et al.,** **Respondents.**	**Case Number: 3:26-cv-2090-CAB-JLB** [redacted] **MOTION TO ENFORCE JUDGMENT** **Challenge to Unlawful Incarceration; Request for Declaratory and Injunctive Relief**

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INTRODUCTION

Petitioner **Mosazig Mehari Medhani** ("Petitioner") moves to enforce this Court's May 12, 2026, judgment under 28 U.S.C. §§ 2241 and 1651(a). Although Respondents provided a custody-redetermination hearing on May 27, 2026, the written decision confirms that continued detention was sustained principally because Petitioner's evidence did not sufficiently establish a reliable sponsor and fixed residence not because the Government presented affirmative, clear, and convincing evidence that no reasonable condition of release could mitigate flight risk. Petitioner therefore seeks enforcement of the process and burden required by this Court's judgment.

1. On May 12, 2026, this Court granted habeas relief to the extent of ordering an individualized bond hearing by May 27, 2026. Respondents conceded that the Government would bear the burden of proving, by clear and convincing evidence, that Petitioner posed a danger to the community or a risk of flight. **A true and correct copy of the Court's Order is attached as Exhibit A.**
2. The Immigration Court conducted the required hearing on May 27, 2026. The parties agreed that the Immigration Court had jurisdiction and that the Government bore the burden fixed by this Court. The Immigration Judge received Petitioner's testimony and the parties' arguments.
3. The Department did not contend that Petitioner posed a danger to the community. It argued only that he presented a significant flight risk, focusing on whether he had a sufficiently reliable sponsor and fixed residence and on his manner of entry.
4. On July 13, 2026, the Immigration Judge issued a written Bond Memorandum explaining the May 27 denial. The memorandum recognized factors favoring Petitioner, including the absence of criminal activity and immigration violations outside the pending proceedings. It nevertheless concluded that the

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Government had shown significant flight risk because the record did not sufficiently establish that Petitioner's second cousin, Simon Tesfamariam, would provide housing and financial support, because the record contained limited evidence concerning other relatives and transportation, and because Petitioner entered the United States without permission. **A true and correct copy of the Bond Memorandum is attached as Exhibit B.**

5. The memorandum further concluded that no amount of bond would secure Petitioner's continued participation in removal proceedings. But it did not identify affirmative Government evidence demonstrating that Petitioner would abscond, or explain why reasonable conditions including a verified residence, sponsor undertakings, reporting, transportation assistance, electronic monitoring, or an affordable bond would be insufficient.
6. Petitioner timely filed a Notice of Appeal with the Board of Immigration Appeals on June 22, 2026. **A true and correct copy of the bond-appeal email confirmation is attached as Exhibit C.** The pending administrative appeal does not eliminate the ongoing constitutional injury or deprive this Court of authority to enforce its own judgment.
7. Petitioner has remained continuously detained since entering the United States near Tecate on or about March 19, 2025. The continuing deprivation of liberty is substantial, and a hearing that effectively treats gaps in Petitioner's proof as proof of flight risk does not satisfy the Government's clear-and-convincing burden.
8. Accordingly, Petitioner respectfully requests that the Court enforce its May 12, 2026 judgment and order his immediate release, or, alternatively, require a new constitutionally compliant bond hearing within seven days at which the Government bears the burden of proof by clear and convincing evidence, reasonable alternatives to detention and ability to pay are expressly considered, and any denial is supported by specific, individualized findings.

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STATEMENT OF FACTS

9. Petitioner **Mosazig Mehari Medhani** is a native and citizen of Eritrea. He entered the United States near Tecate on or about March 19, 2025, without permission and has remained in immigration custody since his arrival.

10. The Department of Homeland Security initiated removal proceedings by issuing a Notice to Appear charging Petitioner as inadmissible. Petitioner's next master-calendar hearing is scheduled for August 26, 2026. **A true and correct copy of the Notice to Appear is attached as Exhibit "D."**

11. Petitioner filed a petition for writ of habeas corpus in this Court, Case No. 3:26-cv-2090-CAB-JLB, challenging his prolonged detention and seeking an individualized bond hearing.

12. On May 12, 2026, this Court ordered Respondents to provide an individualized bond hearing by May 27, 2026. Under the Order, the Government bore the burden of establishing, by clear and convincing evidence, that Petitioner posed a danger to the community or a risk of flight.

13. Before the hearing, Petitioner submitted identity documents and evidence from his second cousin, Simon Tesfamariam, a United States citizen residing in Texas. The submission included a character letter and information concerning Mr. Tesfamariam's identity, citizenship, finances, employment, and residence.

14. At the May 27, 2026, hearing, Petitioner testified that he had no criminal convictions anywhere in the world. He testified that Mr. Tesfamariam was his paternal relative and that, if released, Petitioner would live with Mr. Tesfamariam and Mr. Tesfamariam's father. Petitioner further testified that Mr. Tesfamariam's wife and siblings could assist with transportation when Mr. Tesfamariam's work required him to travel.

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15. Petitioner argued that he had a proposed fixed address, substantial family support, no criminal history, no history of flight, and no prior immigration violations outside the pending proceedings. He also argued that any flight risk could be mitigated through a reasonable bond and alternative monitoring.

16. The Department did not argue that Petitioner posed a danger. Instead, it challenged the sufficiency of the sponsor evidence, emphasizing that Mr. Tesfamariam's letter did not expressly state that he would house or financially support Petitioner, that no separate evidence had been submitted from Mr. Tesfamariam's father, and that Mr. Tesfamariam's employment could require travel. The Department also relied on Petitioner's manner of entry.

17. The Immigration Judge denied a change in custody status on May 27, 2026. The July 13, 2026, Bond Memorandum found that the Government had not established danger but had established significant flight risk. It treated Petitioner's detention-based record of court appearances and his length of residence as neutral, acknowledged the absence of criminal activity and other immigration violations, and relied principally on uncertainty concerning sponsorship, housing, financial support, transportation, and Petitioner's manner of entry.

18. The Immigration Judge concluded that no amount of bond could secure Petitioner's continued participation in removal proceedings and denied release. Petitioner had reserved appeal and timely filed his Notice of Appeal with the Board of Immigration Appeals on June 22, 2026, before the stated June 26 deadline.

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LEGAL STANDARD FOR ENFORCEMENT OF THE COURT'S JUDGMENT

19. A federal court has both jurisdiction and authority to enforce its habeas judgment. Section 2241 authorizes this Court to determine whether Petitioner's custody violates the Constitution or laws of the United States. The All Writs Act further provides that federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions," 28 U.S.C. § 1651(a), including orders necessary to ensure that a prior judgment is obeyed. A judgment requiring a constitutionally adequate bond hearing is not satisfied by a hearing in name only.

20. Due process requires a meaningful custody determination before prolonged civil detention may continue. In this Circuit, the Government must justify continued detention by clear and convincing evidence, and the decisionmaker must consider whether detention is actually necessary in light of individualized facts. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011). Where release conditions can reasonably mitigate flight risk or danger, continued detention is not narrowly tailored to the Government's interests.

21. The required review must also account for less restrictive alternatives and financial circumstances. *Hernandez v. Sessions*, 872 F.3d 976, 990–94 (9th Cir. 2017). A bond order that fails to address alternatives, supervision, sponsorship, ability to pay, or proposed conditions of release does not provide the individualized process due before extended detention.

22. The regulations independently confirm that a subsequent custody redetermination is available when circumstances materially change after a prior determination. 8 C.F.R. § 1003.19(e).

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23. Respondents cannot avoid enforcement by characterizing this Motion as a request for discretionary review. Petitioner does not ask the Court to reweigh ordinary bond factors in the first instance; he asks the Court to enforce a federal judgment and determine whether the hearing complied with constitutional requirements. The Ninth Circuit has confirmed that federal courts may review legal and constitutional questions arising from detention decisions, including whether the agency applied the proper legal standard to established facts. *Martinez v. Clark*, 124 F.4th 775, 783–86 (9th Cir. 2024).

24. The Immigration Judge's July 13, 2026, Bond Memorandum demonstrates why enforcement is warranted. The Department alleged no danger, and the Immigration Judge identified no criminal history, prior immigration violations outside the pending proceedings, or attempt to flee authorities. The denial instead rested principally on perceived omissions in the sponsor's letter, uncertainty concerning housing, financial support, and transportation, and Petitioner's manner of entry. Those considerations may be relevant custody factors under *Matter of Guerra*, 24 I&N Dec. 37, 40–41 (BIA 2006), and sponsor reliability is relevant to flight risk under *Matter of Dobrotvorskii*, 29 I&N Dec. 211, 211–15 (BIA 2025). But neither authority displaced this Court's express order that the Government prove flight risk by clear and convincing evidence. See *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011).

25. The memorandum effectively treated gaps in Petitioner's evidence as affirmative proof for the Government. It reasoned that Mr. Tesfamariam's letter did not expressly promise housing or support, that no separate evidence had been submitted from other relatives, and that his employment might require travel. Under *Singh*, however, the Government bore the burden of producing evidence of high persuasive force that continued detention was

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justified. 638 F.3d at 1203–05. A detention decision cannot satisfy that burden merely by identifying evidence Petitioner could have submitted, particularly where the memorandum did not identify specific Government evidence that Petitioner intended to abscond.

26. The memorandum also did not explain why no reasonable condition could mitigate the perceived risk. Due process requires meaningful consideration of financial ability and alternative conditions of release. *Hernandez v. Sessions*, 872 F.3d 976, 990–94 (9th Cir. 2017). Yet the memorandum did not analyze whether a verified residence, written sponsor undertaking, scheduled reporting, transportation arrangements, electronic monitoring, or an affordable bond would reasonably assure Petitioner's appearance. Its categorical conclusion that "no amount of bond" would suffice therefore lacked the individualized connection between the evidence, available conditions, and the necessity of confinement required by this Court's judgment.

27. This Court may review and remedy those legal defects without reweighing bond factors de novo. Habeas jurisdiction extends to constitutional claims and legal error in immigration bond proceedings. *Singh*, 638 F.3d at 1200–02. The application of an agency detention standard to established facts is a reviewable mixed question of law and fact. *Martinez v. Clark*, 124 F.4th 775, 783–86 (9th Cir. 2024). And the All Writs Act authorizes orders necessary or appropriate in aid of this Court's jurisdiction. 28 U.S.C. § 1651(a). Accordingly, the Court may determine whether Respondents complied with the May 12 judgment by applying the ordered burden, considering reasonable alternatives, and supporting continued detention with legally sufficient individualized findings.

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JURISDICTION EXISTS AND EXHAUSTION IS NOT REQUIRED

28. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under color of federal authority and challenges that custody as unconstitutional. Section 2241 authorizes district courts to review whether detention violates the Constitution or laws of the United States, and habeas remains the proper vehicle for challenging unlawful immigration detention and seeking release or a constitutionally adequate custody hearing.

29. Federal habeas jurisdiction extends to noncitizens challenging the legality of executive detention. The Supreme Court has recognized habeas review in immigration detention cases, including where detention becomes prolonged or constitutionally suspect. See *Zadvydas v. Davis*, 533 U.S. 678, 687, 690 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003).

Exhaustion is not Required for Constitutional Challenges

30. Exhaustion of administrative remedies is not required where a petitioner raises constitutional claims that the agency lacks authority to resolve. The Ninth Circuit has consistently held that exhaustion is prudential, not jurisdictional, and does not apply where it would be futile or inadequate.

31. In *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011), the Ninth Circuit confirmed that due process challenges to bond procedures are properly brought in habeas and do not require exhaustion where the agency cannot provide the requested relief. Similarly, in *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017), the court held that noncitizens may seek habeas relief to challenge constitutionally deficient bond proceedings.

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32. District courts across this Circuit have applied the same principle in prolonged detention cases. Where the claim is that the process itself is unconstitutional, requiring exhaustion would serve no purpose because the agency cannot cure the constitutional defect.

Exhaustion is Excused Where it Would be Futile or Inadequate

33. Even where exhaustion might otherwise apply, it is excused where administrative remedies are inadequate or futile. See *Laing v. Ashcroft*, 370 F.3d 994, 1000–01 (9th Cir. 2004) (recognizing exceptions to exhaustion where remedies are inadequate, futile, or where irreparable harm would result).

34. Here, exhaustion is futile because Petitioner challenges the legal sufficiency of the bond hearing framework itself, not merely an individual discretionary decision. The Board of Immigration Appeals lacks authority to remedy Respondents' noncompliance with this Court's judgment or to restructure detention proceedings to conform to the due process requirements recognized in *Rodriguez Diaz*.

35. Moreover, Petitioner faces ongoing and irreparable harm from continued unlawful detention. Under such circumstances, courts routinely excuse exhaustion.

Courts in This District Routinely Exercise Jurisdiction Without Requiring Exhaustion

36. Courts in this District, including this Court, regularly exercise habeas jurisdiction over immigration detention claims without requiring exhaustion, particularly where constitutional violations are alleged.

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37. Most importantly, in *Khan v. Noem*, No. 3:26-cv-01274-JO-MMP (S.D. Cal.), the court granted a motion to enforce judgment based on an inadequate bond hearing.

38. Similarly, in *Rumiantseva v. Larose*, No. 3:26-cv-02214-JO-DEB (S.D. Cal.), the court granted a motion to enforce judgment based on an inadequate bond hearing.

39. Likewise, in *Hagos v. Warden Jeremy Casey*, No. 3:26-cv-02365-JO-SBC (S.D. Cal.), the court granted a motion to enforce judgment based on an inadequate bond hearing.

40. These cases reflect a consistent practice: where detention violates constitutional standards, federal courts do not require prolonged administrative exhaustion before granting relief.

41. Here, Petitioner's challenge is not to the outcome of a discretionary decision, but to the constitutional adequacy of the process itself. Because the agency cannot remedy Respondents' noncompliance with this Court's judgment, exhaustion is not required.

42. Requiring Petitioner to pursue additional administrative remedies would merely prolong his unlawful detention and deepen the irreparable harm he continues to suffer. Because the claim concerns the constitutional adequacy of the process afforded and Respondents' compliance with this Court's judgment, exhaustion should be excused and the Court should reach the merits.

CLAIMS FOR RELIEF

GROUND ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS-FAILURE TO PROVIDE CONSTITUTIONALLY ADEQUATE PROCEDURAL SAFEGUARDS

43. The allegations in the above paragraphs are realleged and incorporated herein.

44. Due process requires more than a nominal custody proceeding. When the Government seeks to continue civil detention for a prolonged period, the hearing must provide meaningful procedural safeguards sufficient to protect Petitioner's fundamental liberty interest.

45. A constitutionally adequate bond hearing requires the Government to bear the burden of proof, to satisfy that burden by clear and convincing evidence, and to demonstrate that detention remains necessary because Petitioner presents a current danger or flight risk. The adjudicator must also consider less restrictive alternatives to detention, proposed release conditions, sponsorship, compliance history, and ability to pay.

46. Petitioner has been denied such a hearing.

47. Despite substantial evidence showing that Petitioner is neither a danger to the community nor a flight risk, Respondents continue to detain him without meaningful individualized review. The record reflects a proposed residence with his second cousin in Texas, family support, proposed release conditions, and a willingness to comply with supervision—facts that directly undermine continued detention.

48. The absence of these procedural safeguards renders Petitioner's continued detention unconstitutional and inconsistent with the relief previously ordered by this Court.

49. Likewise, Petitioner has due process rights to challenge his detention. *Zadvydas v. Davis*, 533 U.S. 678, 693, 695 (2001) (while noncitizens outside the United States' "geographic borders" lack constitutional protections, all "persons" within them are protected by the Due Process Clause, regardless of immigration status); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1205–06 (9th Cir. 2022) (although constitutional rights of citizens and noncitizens "are not

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coextensive," noncitizens are entitled to due process, including the right to challenge detention pending proceedings).

50. As the Ninth Circuit held, the Due Process Clause applies to noncitizens regardless of whether they are "seeking admission" or are "admitted" under immigration law. *Wong v. United States*, 373 F.3d 952, 973 (9th Cir. 2004), abrogated on other grounds by *Wilkie v. Robbins*, 551 U.S. 537 (2007); see also *Padilla v. U.S. Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1171 (W.D. Wash. 2023). The Due Process Clause allows Petitioner to challenge his detention.

51. Petitioner challenges the deprivation of his liberty through civil detention, not the merits of his admission or removal proceedings. His claim concerns the constitutional adequacy of the custody process and Respondents' failure to provide the safeguards required before continued detention may lawfully be imposed.

52. To the extent Respondents take the extraordinary position that Petitioner has no due process rights at all, that position is unsupported by law. See *Rosales-Garcia v. Holland*, 322 F.3d 386, 412 (6th Cir. 2003) (en banc); *Jean v. Nelson*, 472 U.S. 846, 874 (1985) (Marshall, J., dissenting). Thus, there is no question that Petitioner has the right to challenge the constitutionality of his prolonged detention under the Due Process Clause of the Fifth Amendment.

53. Petitioner has a protected liberty interest in freedom from continued civil detention unless the Government demonstrates, through constitutionally adequate procedures, that detention remains necessary. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1205–06 (9th Cir. 2022). That liberty interest is not extinguished merely because Petitioner entered without inspection or remains in removal proceedings.

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54. Courts in this District have granted motions to enforce judgment where a bond hearing failed to comply with the constitutionally required burden and individualized analysis. See, e.g., *Tiboko-Tfiuh v. Noem*, No. 3:26-cv-01215 (S.D. Cal.).

55. Similarly, this District has enforced habeas judgments where the post-judgment bond hearing was constitutionally inadequate. See *Rumiantseva v. Larose*, No. 3:26-cv-02214-JO-DEB (S.D. Cal.).

GROUND TWO

FAILURE TO COMPLY WITH FEDERAL COURT ORDER

56. The allegations in the preceding paragraphs are realleged and incorporated herein. This Ground Two seeks enforcement of this Court's May 12, 2026, Order, not ordinary appellate review of the Immigration Judge's discretionary custody determination. The issue before this Court is whether Respondents complied with the federal judgment and provided the constitutionally adequate process the judgment required.

57. The May 12, 2026, Order required Respondents to provide Petitioner with a meaningful bond hearing consistent with due process. A hearing is meaningful only if the Government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary because Petitioner is a danger to the community or a flight risk. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011). The adjudicator must also meaningfully consider less restrictive alternatives to detention and ability to pay. *Hernandez v. Sessions*, 872 F.3d 976, 990–94 (9th Cir. 2017).

58. Respondents did not comply with that Order. Although a bond hearing occurred, the proceeding did not apply the required constitutional safeguards. The Government did not establish by clear and convincing evidence that detention was necessary, and the Immigration Judge did not adequately

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address the individualized facts showing that Petitioner can be safely released under reasonable conditions. A hearing that shifts the burden to Petitioner, omits meaningful consideration of favorable evidence, fails to address alternatives to detention, or does not provide specific reasons for rejecting release does not satisfy due process. *Singh*, 638 F.3d at 1205–09.

59. The Bond Memorandum itself establishes noncompliance with the constitutional requirements imposed by this Court. Although the Immigration Judge recited that the Department bore the clear-and-convincing burden, the analysis did not require the Department to produce affirmative, particularized evidence that Petitioner would abscond. Instead, the denial rested on perceived gaps in Petitioner's release evidence: that Mr. Tesfamariam's letter did not expressly promise housing or financial support, that no separate statement had been submitted from other relatives, and that Mr. Tesfamariam's employment might require travel. Those observations identify what Petitioner supposedly failed to prove; they do not constitute clear and convincing evidence offered by the Government that continued detention was necessary. Under *Singh*, due process requires the Government, not the detained person, to justify continued confinement with evidence of high persuasive force. 638 F.3d at 1203–05.

60. The memorandum further confirms that the Government did not prove either statutory basis for continued detention. The Department did not argue danger, and the Immigration Judge found no danger. The memorandum also acknowledged favorable factors: Petitioner has no criminal history, no prior immigration violations outside these proceedings, and no record of flight or escape. In the absence of danger, criminality, prior nonappearance, or prior evasion of authorities, the Government was required to present specific evidence establishing a present and substantial flight risk. Reliance on uncertainty about the sponsor's written commitment and on Petitioner's

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manner of entry does not satisfy the heightened burden, particularly where Petitioner entered to seek protection and has been detained continuously since arrival, leaving him no opportunity to develop a domestic appearance history outside custody.

61. The constitutional defect is especially clear because the Bond Memorandum leapt from sponsor uncertainty to the categorical conclusion that "no amount of bond" could secure Petitioner's appearance without analyzing less restrictive alternatives. Due process requires meaningful consideration of alternatives to detention and financial ability. *Hernandez*, 872 F.3d at 990–94. Yet the memorandum did not address whether the identified concerns could be cured through a verified Texas residence, a supplemental sponsor declaration, written financial and transportation undertakings, periodic reporting, telephonic check-ins, electronic monitoring, or an affordable bond. A decision that fails to explain why specific conditions would be inadequate cannot constitutionally support continued civil detention.

62. Nor did *Matter of Guerra* or *Matter of Dobrotvorskii* permit the Immigration Judge to dilute this Court's constitutional standard. Those authorities allow an Immigration Judge to consider sponsor reliability, fixed address, manner of entry, court appearances, and other probative factors in the ordinary exercise of bond discretion. They do not authorize detention based on speculation, omissions in a respondent's evidence, or a failure to prove release eligibility. Once this Court ordered a bond hearing at which the Government bore the burden by clear and convincing evidence, the dispositive question became whether Respondents affirmatively proved that no reasonable condition could secure appearance. The Bond Memorandum contains no such showing.

63. The written decision also lacks the individualized findings required for meaningful judicial enforcement. It states general concerns about housing, support, transportation, and manner of entry, but it does not identify what

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Government evidence made those concerns highly probable, why Petitioner's sworn testimony was insufficient, why additional sponsor conditions could not resolve the issue, or why detention rather than supervision was necessary. Without that analysis, the finding that Petitioner posed such a significant flight risk that no bond would suffice is conclusory. A constitutionally adequate hearing requires more than a formal recitation of the correct burden; it requires findings that show the burden was actually applied.

64. The July 13, 2026, Bond Memorandum supplies the factual basis for enforcement. Petitioner has remained detained since his arrival in the United States near Tecate on or about March 19, 2025; the Department did not allege danger; the Immigration Judge found no danger; and the written decision acknowledged no criminal history, no prior immigration violations outside the pending proceedings, and no record of flight or escape. The denial nevertheless rested on uncertainty concerning sponsorship, housing, financial support, transportation, and manner of entry rather than affirmative Government evidence proving that no reasonable release condition would secure Petitioner's appearance.

65. The pending BIA bond appeal does not bar enforcement. Petitioner timely appealed the May 27, 2026, custody denial by filing a Notice of Appeal on June 22, 2026, before the June 26, 2026, deadline, and that appeal remains pending. Exhaustion in Section 2241 immigration detention cases is prudential, not jurisdictional, and may be excused where administrative remedies are inadequate, futile, or would cause irreparable harm. *Laing v. Ashcroft*, 370 F.3d 994, 997–1001 (9th Cir. 2004); *Puga v. Chertoff*, 488 F.3d 812, 815–16 (9th Cir. 2007). Administrative delay cannot cure Respondents' noncompliance with this Court's May 12, 2026, Order or the ongoing constitutional injury caused by unlawful detention. Requiring Petitioner to

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wait indefinitely while he remains detained would make the May 12, 2026 judgment ineffective.

66. Nor does this Motion ask the Court to substitute its judgment for the agency's ordinary discretionary bond determination. Petitioner asks the Court to decide whether Respondents complied with the federal judgment and whether the hearing provided the process the judgment required. Federal courts retain habeas jurisdiction to review immigration detention for constitutional claims and legal error. *Singh*, 638 F.3d at 1200–02. In addition, the Ninth Circuit has confirmed that application of the dangerousness standard to established facts is a reviewable mixed question of law and fact. *Martinez v. Clark*, 124 F.4th 775, 783–86 (9th Cir. 2024). Thus, the Court may review whether the IJ's stated reasons were legally sufficient, supported by specific evidence, and tied to the required standard without engaging in prohibited review of a purely discretionary judgment.

67. Respondents may rely on *Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th Cir. 2022), but that case does not foreclose relief here. *Rodriguez Diaz* rejected a categorical entitlement to a second bond hearing in every Section 1226(a) case after an initial bond hearing; it did not hold that federal courts are powerless to remedy a constitutionally inadequate hearing or to enforce a prior federal judgment. Here, Petitioner raises an individualized enforcement challenge based on the failure to apply the proper burden, the failure to consider alternatives and ability to pay, and the failure to support continued detention with affirmative, individualized evidence of present flight risk.

68. Respondents' failure to provide a constitutionally adequate hearing has caused concrete prejudice. Petitioner remains confined at the Imperial Regional Adult Detention Facility and has been detained continuously since March 2025. His removal proceedings remain pending, and continued detention imposes an

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ongoing deprivation of liberty without the constitutionally required showing that detention is necessary.

69. The Court also has authority to enforce compliance with its own judgment. Federal courts possess inherent power to enforce their orders and ensure that their judgments are not rendered meaningless. The All Writs Act, 28 U.S.C. § 1651(a), further authorizes writs necessary or appropriate in aid of the Court's jurisdiction. When a habeas judgment requires a constitutionally adequate custody hearing, a later hearing that omits the required procedural protections does not satisfy the judgment merely because a hearing occurred in form. The Court may therefore enforce the May 12, 2026, Order by requiring release or a new hearing that complies with the constitutional standard.

70. Accordingly, Respondents failed to comply with this Court's May 12, 2026, Order. The Court should enforce its judgment by ordering Petitioner's immediate release or, at minimum, by ordering a new constitutionally compliant bond hearing within seven days at which the Government bears the burden of proof by clear and convincing evidence and the adjudicator expressly considers alternatives to detention, materially changed circumstances, sponsorship, supervision, and Petitioner's ability to pay.

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PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

1. Enforce its May 12, 2026, Order;

2. Order Petitioner's immediate release from custody; or, in the alternative,

3. Order, in the alternative, a constitutionally compliant bond hearing within seven (7) days at which the Government bears the burden of proof by clear and convincing evidence, the adjudicator considers less

restrictive alternatives to detention and ability to pay, and any denial of release is supported by specific, individualized findings;

4. Issue an Order to Show Cause;

5. Award attorney's fees and costs; and

6. Grant any further relief the Court deems just and proper.

DATED: August 25, 2026

Respectfully submitted,

Naira Zohrabyan

Attorney for Petitioner

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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date I filed this Motion to Enforce Judgment using the Court's CM/ECF system.

DATED: August 25, 2026

Respectfully submitted,

Naira Zohrabyan
Attorney for Petitioner
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