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

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Civil Case No.: 26-cv-2159-BAS

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
PAMELA JO BONDI, Attorney General,
TODD M. LYONS, Acting Director,
Immigration and Customs Enforcement,
JESUS ROCHA, Acting Field Office
Director, San Diego Field Office,
JEREMY CASEY, Warden at Otay Mesa
Detention Center,

Respondents.

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

On April 20, 2026, Itoe Philemon Sakwe filed an amended habeas petition arguing that his prolonged detention in immigration custody has violated the Due Process Clause of the Fifth Amendment. *See Sakwe Amended Petition*, ECF No. 9 The government filed its response to Mr. Sakwe’s amended petition on April 28, 2026. *See Gov. Response*, ECF No. 11. The government does not dispute any of the facts set forth in Mr. Sakwe’s petition. *Id.* Moreover, the government concedes “that this Court should order that Petitioner receive a bond hearing, where the government would bear the burden of proof of establishing, by clear and convincing evidence, that Petitioner poses a danger to the community or a flight risk.” *Id.*

1 Mr. Sakwe appreciates the government’s concessions but argues that
2 **immediate release is the proper remedy** given his unreasonably prolonged
3 detention of *fifteen months*. “In recent months, courts across the country have
4 ordered the release of detainees in similar situations.” *Moctezuma v. Henkey*, No.
5 25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that
6 the government’s repeated use of unlawful detention policies across the country,
7 causing petitioners to “sit in jail waiting for a judicial decision,” the court would
8 order immediate release instead of causing additional delay through a bond
9 hearing) (citing *Lepe v. Andrews*, 801 F. Supp. 3d 1104 (E.D. Cal. 2025); *J.U. v.*
10 *Maldonado*, No. 25-CV-4836, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29,
11 2025); *Rosado v. Figueroa*, No. 25-CV-2157, 2025 WL 2337099, at *19 (D. Ariz.
12 Aug. 11, 2025); *Pinchi v. Noem*, No. 25-CV-05632, 2025 WL 1853763, at *4
13 (N.D. Cal. July 4, 2025). *Santiago v. Noem*, No. EP-25-CV-361, 2025 WL
14 2792588, at *13-14 (W.D. Tex. Oct. 2, 2025) (“Without a legitimate interest in
15 her detention, immediate release appropriately remedies Respondents’ violation of
16 [Petitioner’s] due process rights through her continued detention.”). Order, ECF
17 No. 14 at 19, *Miri v. Bondi*, No. 5:26-CV-00698-MEMF (C.D. Cal. March 5,
18 2026) (“Miri’s prompt release is the remedy that will best return Miri to the status
19 quo and restore his position as it was prior to the detention that Miri contends was
20 in violation of his constitutional and statutory protections.”).

21 **Thus, Mr. Sakwe should be granted immediate release.**

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Respectfully submitted,

Dated: April 28, 2026

s/ Camille Fenton

Camille Fenton
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Attorneys for Mr. Sakwe
Email: camille_fenton@fd.org