

1 ADAM GORDON
United States Attorney
2 CAMILLE SAVEDRA
California Bar No. 336490
3 MICHAEL D. WALLACE
Maryland Bar No. 9912160256
4 Assistant U.S. Attorneys
Office of the U.S. Attorney
5 880 Front Street, Room 6293
San Diego, CA 92101-8893
6 Telephone: (619) 546-5084/8714
Email: camille.savedra@usdoj.gov
7 michael.wallace4@usdoj.gov

8 Attorneys for Respondent
9

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

12
13 DESMOND AKUOH NTANGKU,

14 Petitioner,

15 v.
16

17 CHRISTOPHER LAROSE,

18 Respondent.
19

Case No.: 26-cv-02257-AGS-VET

**RETURN TO AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

20
21 **I. INTRODUCTION**

22 Petitioner requests that the Court order his release from Immigration and
23 Customs Enforcement (ICE) custody. However, this Court lacks jurisdiction because
24 Petitioner's claims are barred by 8 U.S.C. § 1252(g). Moreover, as an applicant for
25 admission to the United States found to have a credible fear of persecution, Petitioner's
26 detention is mandated by 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his
27 removal proceedings. Accordingly, the Court should deny Petitioner's request for
28 relief.

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a native and citizen of Camaroon, who entered the United States without inspection near San Ysidro, California, on October 17, 2025. *See* ECF No. 13 at 4; Exhibit 1 (Form I-213).¹ Petitioner did not then have any valid entry documents to enter the United States. He was determined to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I), placed in expedited removal proceedings pursuant to 8 U.S.C. § 1225(b)(1), and taken into Immigration and Customs Enforcement (ICE) custody pursuant to 8 U.S.C. § 1225(b)(1)(B). *See id.* He was then interviewed by an asylum officer, pursuant to 8 U.S.C. § 1225(b)(1)(B). After receiving a positive credible fear determination, Petitioner was issued a Notice to Appear (NTA), which initiated removal proceedings against Petitioner, pursuant to 8 U.S.C. § 1229a. *See* Exhibit 2 (Notice to Appear).

In November 2025, Petitioner filed applications for relief from removal, including Asylum relief under 8 U.S.C. § 1158. *See* ECF No. 13 at 5. The Department of Homeland Security (DHS) subsequently filed a Motion to Pretermitt Petitioner's Applications for relief because he is subject to removal to Uganda under the Asylum Cooperative Agreement (ACA) between the U.S. and Uganda. *See id.*; Exhibit 3 (Order of the Immigration Judge). On March 23, 2026, an immigration judge granted DHS' motion and ordered Petitioner is subject to removal to Uganda. *Id.* Petitioner subsequently filed an appeal with the Board of Immigration Appeals (BIA). *See* Exhibit 4. The appeal is still pending. As a result, there is no administratively final order of removal at this time. Petitioner remains mandatorily detained under 8 U.S.C. § 1225(b)(1)(B).

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¹ The attached exhibits are true copies, with redactions of private information, of documents obtained from Immigration and Customs Enforcement (ICE) counsel.

III. STATUTORY BACKGROUND

Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C. § 1225, applies to an “applicant for admission,” defined as an “alien present in the United States who has not been admitted” or “who arrives in the United States.” 8 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid document.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if “the alien indicates an intention to apply for asylum . . . or a fear of persecution,” immigration officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii). “If the officer determines at the time of the interview that [the] alien has a credible fear of persecution . . . , the alien *shall be detained* for further consideration of the application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien does not indicate an intent to apply for asylum, does not express a fear of persecution, or is “found not to have such a fear,” they “shall be detained . . . until removed” from the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

IV. ARGUMENT

A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g).

Respondents contend that judicial review over Petitioner’s claim is barred by 28 U.S.C. § 1252(g), which states that “[n]o court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders.”

1 Here, Petitioner's claims of unlawful detention necessarily arise from the
2 Department of Homeland Security's² decision to commence removal proceedings
3 against him because that decision unavoidably triggers mandatory detention under 8
4 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
5 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
6 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
7 claim because the plaintiff's detention arose from the decision to commence removal
8 proceedings, and in turn, the "statute mandating detention during removal proceedings
9 of a person charged as an 'arriving alien.'").

10 As explained by another district court, removal proceedings are commenced
11 when, as occurred here, "the alien is issued a Notice to Appear before an immigration
12 court." *Herrera-Correra v. United States*, No. CV 08-2941 DSF (JCx), 2008 WL
13 11336833, at *3 (C.D. Cal. Sept. 11, 2008); *see also* Exhibit 3 (Notice to Appear). The
14 government "may arrest the alien against whom proceedings are commenced and detain
15 that individual until the conclusion of those proceedings." *Herrera-Correra*, 2008 WL
16 11336833, at *3. "Thus, an alien's detention throughout this process arises from the
17 [government's] decision to commence proceedings" and review of claims arising from
18 such detention is barred under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d
19 947, 949 (9th Cir. 2007)); *see also Wang*, 2010 WL 11463156, at *6.

20 Because this habeas petition brings a claim "arising from the decision or action
21 by the [government] to commence proceedings," review of Petitioner's claim is barred
22 under 8 U.S.C § 1252(g). Thus, the Court must dismiss the petition.

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27 ² "In 2002, Congress transferred the Attorney General's immigration enforcement
28 responsibilities to the Secretary of Homeland Security." *Ibarra-Perez v. United States*,
154 F.4th 989, 995 n.2 (9th Cir. 2025).

B. Petitioner is Lawfully Detained Under the INA and the Constitution.

Petitioner's detention is statutorily mandated under 8 U.S.C. § 1225(b)(1)(B)(ii) and has not been unconstitutionally prolonged. Accordingly, the Court must deny his habeas petition.

1. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(1).

Petitioner's claim fails because he is subject to mandatory detention under 8 U.S.C. § 1225(b)(1). Under 8 U.S.C. § 1225(a)(1), an "applicant for admission" is defined as an "alien present in the United States who has not been admitted or who arrives in the United States." As explained above, applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)." *Jennings*, 583 U.S. at 287. Section 1225(b)(1) – the provision relevant here – applies because Petitioner was found in the United States without proper documents authorizing his presence. And that statute mandates detention when an immigration officer determines that the alien has a credible fear of persecution. *See* 8 U.S.C. § 1225(b)(1)(B)(ii) ("If the officer determines at the time of the interview that [the] alien has a credible fear of persecution . . . , the alien *shall be detained* for further consideration of the application for asylum.") (emphasis added); *see also Matter of M-S*, 27 I. & N. Dec. 509, 519 (AG 2019) ("all aliens transferred from expedited to full [removal] proceedings after establishing a credible fear are ineligible for bond").

Petitioner requests that the Court order him released from ICE custody. But the Supreme Court has rejected such contention, explaining: "Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded. . . . Nothing in the statutory text imposes any limit on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings." *Jennings*, 583 U.S. at 297. Except for temporary parole granted at the discretion of the Attorney General "for urgent humanitarian reasons or significant public benefit" under 8 U.S.C. § 1182(d)(5), "there are no *other*

1 circumstances under which aliens detained under § 1225(b) may be released.” *Id.* at 300
2 (emphasis in original).

3 As Petitioner’s removal proceedings are pending, and he has not been granted
4 temporary parole, section 1225(b)(1)(B) mandates his detention until the proceedings
5 have concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention
6 under § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
7 section 1225(b)(1)(B) and the statute does not entitle him to release at this time, his
8 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
9 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
10 find that the petitioner had no right to release or a bond hearing).

11 **2. Petitioner’s detention is not unconstitutionally prolonged.**

12 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
13 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
14 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
15 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
16 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
17 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
18 Supreme Court added that the sole means of release for noncitizens detained pursuant
19 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
20 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
21 (“That express exception to detention implies that there are no *other* circumstances
22 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
23 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
24 throughout the completion of applicable proceedings[.]” *Id.* at 302.

25 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
26 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
27 detention without a hearing violated his constitutional rights. The Supreme Court
28 rejected the petition, concluding that the noncitizen’s continued detention did not

1 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
2 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
3 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
4 omitted).

5 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
6 (2020), the Supreme Court once again addressed the due process rights of inadmissible
7 arriving noncitizens seeking initial entry into the United States. The Supreme Court
8 stated that such individuals have no due process rights “other than those afforded by
9 statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in respondent’s position has only
10 those rights regarding admission that Congress has provided by statute.”). The
11 Supreme Court noted that its determination was supported by “more than a century of
12 precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United States*, 142 U.S. 651, 660
13 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950); *Mezei*, 345 U.S.
14 at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)). Because the only process due to
15 Petitioner is afforded under section 1225(b), the Court must reject his claim that his
16 detention violates the Fifth Amendment’s Due Process Clause and deny his requested
17 relief. *See Thuraissigiam*, 591 U.S. at 138–40; *Mendoza-Linares*, 51 F.4th at 1167;
18 *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206 (9th Cir. 2022) (“The recognized
19 liberty interests of U.S. citizens and aliens are not coextensive: the Supreme Court has
20 ‘firmly and repeatedly endorsed the proposition that Congress may make rules as to
21 aliens that would be unacceptable if applied to citizens.’”) (quoting *Demore v. Kim*,
22 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*, 2023 WL 3103811, at *4 (“Binding Ninth
23 Circuit and Supreme Court precedents are clear that Petitioner lacks any rights beyond
24 those conferred by statute, and no statute entitles Petitioner to a bond hearing.”).

25 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
26 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
27 Due Process Clause that Petitioner might have raised in this petition: Does an alien
28 detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond

1 hearing after being detained for a certain period of time? The answer is no. *See*
2 *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2
3 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment
4 right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023
5 WL 3103811, *3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*,
6 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F.
7 Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579
8 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

9 Even if the Court infers a constitutional right against prolonged mandatory
10 detention, Petitioner’s claim still fails. “In general, as detention continues past a year,
11 courts become extremely wary of permitting continued custody absent a bond hearing.”
12 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
13 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
14 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half
15 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
16 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
17 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
18 years). Here, Petitioner’s detention falls short of the length courts have found to raise
19 due process concerns.

20 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
21 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,
22 at *5 (“[W]hile the *Mathews* [*v. Eldridge*, 424 U.S. 319 (1976)] factors may be well-
23 suited to determining whether due process requires a second bond hearing, they are not
24 particularly dispositive of whether prolonged mandatory detention has become
25 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
26 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
27 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
28

1 the possible constitutional implications of Petitioner's ongoing detention without
2 process.").

3 Here, Petitioner appears to rely on the test in *Banda v. McAleenan*, which
4 considers: (1) the total length of detention to date; (2) the likely duration of future
5 detention; (3) conditions of detention; (4) delays in the removal proceedings caused by
6 the detainee; (5) delays in the removal proceedings caused by the government; and (6)
7 the likelihood that the removal proceedings will result in a final order of removal. *See*
8 385 F. Supp. 3d 1099, 1106 (W.D. Wash. 2019). The *Lopez* test considers substantially
9 similar factors, with the exception of the conditions of detention factor. *See* 631 F.
10 Supp. 3d at 879. Because conditions of confinement claims are not cognizable in
11 habeas, Respondent contends that the *Lopez* test is more appropriate here. *See*
12 *Zelaya-Gonzalez v. Matuszewski*, No. 23-cv-151-JLS-KSC, 2023 WL 3103811, at
13 *3 (S.D. Cal. Apr. 25, 2023) (Claim alleging "unconstitutional conditions of
14 confinement, is not cognizable in habeas.") (citing *Nettles v. Grounds*, 830 F.3d 922,
15 933 (9th Cir. 2016)).

16 Under *Lopez*, to determine whether continued mandatory detention has become
17 unreasonable, "the Court will look to the total length of detention to date, the likely
18 duration of future detention, and the delays in the removal proceedings caused by the
19 petitioner and the government." 631 F. Supp. 3d at 879.

20 First, Petitioner has been detained for approximately seven months. Courts in
21 this district have found detention for much longer periods to be unreasonably
22 prolonged. *See Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at
23 *5 (S.D. Cal. Feb. 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19
24 months); *Sanchez-Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499
25 F. Supp. 3d 768, 773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1
26 (42 months). The length of detention "is the most important factor." *Sanchez-Rivera*,
27 2023 WL 139801, at *6 (citation omitted). And Petitioner's current detention does not
28 fall within the range those courts have found to be unreasonable. Moreover, the length

1 of Petitioner's detention, by itself, does not favor granting habeas relief. *See Sadeqi v.*
2 *LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3 (S.D. Cal. Nov. 12,
3 2025) ("The Court agrees with Respondents that the length of Petitioner's detention to
4 date—almost 12 months—does not by itself, without more, establish prolonged
5 detention in violation of due process."). Not only does the length of Petitioner's
6 detention fall comparatively short of the length courts in this district have found to
7 warrant habeas relief, but the other *Lopez* factors do not favor habeas relief either.
8 Second, the likely duration of future detention weighs against Petitioner. On March 23,
9 2026, an immigration judge ordered Petitioner's removal to Uganda. *See Exhibit 4.*
10 Petitioner promptly filed an appeal, which is still pending with the BIA. *See Exhibit 5.*
11 Finally, there is no indication of any delay in the removal proceedings on the part of
12 the government.

13 Balancing the above factors, the record does not support a finding that "detention
14 has become so unreasonable as to require an initial bond hearing," *Sanchez-Rivera*,
15 2023 WL 139801, at *6, or an order requiring Petitioner's release.

16 Accordingly, Petitioner is subject to mandatory detention, which does not violate
17 due process. *See Markov v. LaRose*, No. 25-CV-3811 JLS (SBC), 2026 WL 92069 (S.D.
18 Cal. Jan. 13, 2026) ("Petitioner's length of detention, without more, does not render his
19 detention unreasonable."); *Duran Romero v. LaRose*, No. 25-cv-3567-AGS-VET, ECF
20 No. 7 (S.D. Cal. Jan. 14, 2026); *Shahin v. Noem*, No. 25-cv-2496-AGS-KSC, ECF No.
21 12 (S.D. Cal. Dec. 23, 2025); *Cordova Cordova*, No. 25-cv-2426-BAS-DDL, ECF No.
22 9 (S.D. Cal. Nov. 14, 2025); *Mendez Ramirez*, 612 F. Supp. 3d at 221; *Gonzalez Aguilar*
23 *v. Wolf*, 448 F. Supp. 3d at 1212; *de la Rosa Espinoza*, 2020 WL 3452967, at *6-8.

24 **C. Petitioner Improperly Argues Immigration Judges' Neutrality is**
25 **Compromised.**

26 Respondent wholly rejects Petitioner's claim that local immigration judges are
27 compromised such that this Court should grant immediate release or micromanage the
28 custody redetermination process. This level of district court involvement, in addition to

1 being unwarranted and unnecessary, severely undermines administrative exhaustion
2 principles. Petitioner has administrative remedies available if he disagrees with the
3 immigration judge's bond ruling. The proper avenue for any grievance in the event of
4 bond denial is to utilize the administrative scheme and appeal his bond denial to the
5 Board of Immigration Appeals (BIA).

6 The BIA is an appellate body within the Executive Office for Immigration
7 Review and possesses delegated authority from the Attorney General. 8 C.F.R.
8 §§ 1003.1(a)(1), (d)(1). The BIA is "charged with the review of those administrative
9 adjudications under the [Immigration and Nationality Act (INA)] that the Attorney
10 General may by regulation assign to it," including immigration judge custody
11 determinations. 8 C.F.R. §§ 1003.1(d)(1), 236.1, 1236.1. The BIA not only resolves
12 particular disputes before it, but is also directed to, "through precedent decisions, . . .
13 provide clear and uniform guidance to [the Department of Homeland Security], the
14 immigration judges, and the general public on the proper interpretation and
15 administration of the [INA] and its implementing regulations." 8 C.F.R. § 1003.1(d)(1).
16 Decisions rendered by the BIA are final, except for those reviewed by the Attorney
17 General. 8 C.F.R. § 1003.1(d)(7).

18 "District Courts are authorized by 28 U.S.C § 2241 to consider petitions for
19 habeas corpus." *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001), *abrogated*
20 *on other grounds by Hernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth
21 Circuit "require[s], as a prudential matter, that habeas petitioners exhaust available
22 judicial and administrative remedies before seeking relief under § 2241." *Id.*
23 Specifically, "courts may require prudential exhaustion if (1) agency expertise makes
24 agency consideration necessary to generate a proper record and reach a proper decision;
25 (2) relaxation of the requirement would encourage the deliberate bypass of the
26 administrative scheme; and (3) administrative review is likely to allow the agency to
27 correct its own mistakes and to preclude the need for judicial review." *Puga v. Chertoff*,
28 488 F.3d 812, 815 (9th Cir. 2007) (cleaned up).

1 Here, agency expertise is required to determine immigration bond decisions.
2 “[T]he BIA is the subject-matter expert in immigration bond decisions[.]” *Aden v.*
3 *Nielsen*, No. C18-1441RSL, 2019 WL 5802013, at *2 (W.D. Wash. Nov. 7, 2019); *see*
4 *also Delgado v. Sessions*, No. C17-1031-RSL-JPD, 2017 WL 4776340, at *2 (W.D.
5 Wash. Sept. 15, 2017) (noting a denial of bond to an immigration detainee was “a
6 question well suited for agency expertise”). Allowing a skip-the-BIA-and-go-straight-
7 to-federal-court strategy would needlessly increase the burden on district courts. *See*
8 *Bd. of Tr. of the Constr. Laborers’ Pension Trust for S. Cal. v. M.M. Sundt Constr. Co.*,
9 37 F.3d 1419, 1420 (9th Cir. 1994) (“Judicial economy is an important purpose of
10 exhaustion requirements.”) (citation omitted); *Santos-Zacaria*, 598 U.S. at 418 (noting
11 “exhaustion promotes efficiency”). As this Court noted, if the immigration judge errs,
12 the district court should allow the administrative process to correct itself. *See Sharma*
13 *v. Archambault*, 2026 WL 381611, at *2 (S.D. Cal. February 11, 2026) (“Exhaustion
14 would protect administrative authority and promote judicial efficiency. Release on bond
15 falls within the agency’s discretionary power and falls within its special expertise.”).

16 Moreover, as stated above, the government vigorously disputes Petitioner’s
17 contention that immigration judges in this district are biased or compromised.
18 Petitioner’s “trend evidence” lacks foundation and relevance and is replete with
19 inadmissible opinions and hearsay. It wholly fails to establish that government
20 procedures governing bond proceedings violate due process. *Rodriguez Diaz*, 53 F.4th
21 at 1189, 1213 (quoting *Ching v. Mayorkas*, 725 F.3d 1149, 1156 (9th Cir. 2013) (“It is
22 process that the procedural due process right protects, not the outcome.”)).

23 Significantly, despite Petitioner’s assertion that all immigration judges are
24 compromised by fear of termination, counsel cites no habeas case from this district
25 where the Court found a local immigration judge deliberately flouted a court order to
26 hold a bona fide bond hearing or where DHS failed to comply with an immigration
27 judge’s order granting bond following a district court order. To the contrary, numerous
28 habeas cases in this district confirm that immigration judges have complied in good

1 faith with this court's orders, conducted individualized bond hearings, and granted bond
2 in many cases, often on a very quick turnaround. *See, e.g., Ramirez Ceja v. Divver*, No.
3 26-cv-00254-DMS-DEB, ECF No. 6 (S.D. Cal. Feb. 19, 2025) (Joint Status Report
4 reflecting immigration judge granted bond at Otay Mesa Immigration Court);
5 *Prabhpreet v. LaRose*, No. 26-cv-00393-JES-SBC, ECF No. 10 (S.D. Cal. Feb. 19,
6 2026) (same); *I.E. v. Casey*, No. 25-cv-03227-DMS-DDL, ECF No. 10 (S.D. Cal. Dec.
7 16, 2025) (same for Imperial Regional Detention Facility); *Gautam v. Correctional*
8 *Corp. of Am.*, No. 25-cv-03600-JES-DEB, ECF No. 8 (S.D. Cal. Jan. 9, 2026) (Notice
9 of Compliance); *Alemanji v. Mayorkas*, No. 25-cv-03499-JO-DDL, ECF No. 13 (S.D.
10 Cal. Dec. 23, 2025) (Notice Confirming Bond Hearing); *Xie v. LaRose*, No. 26-cv-
11 00529-RBM-DDL (Notice of Compliance; bond granted)(S.D. Cal. March 4, 2026)
12 *Ding v. LaRose*, 26-cv-01117-TWR-JLB (bond granted)(S.D. Cal. March 4, 2026);
13 *Jacinto Rodriguez v. LaRose*, 26-cv-00693-BAS-DEB (S.D. Cal. Feb. 24, 2026) (bond
14 granted); and *Lorenzo v. LaRose*, 26cv1041-LL (S.D. Cal. March 2, 2026) (bond
15 granted); 26 CV 1338 JO VET.) (bond granted); *Luis Alberto Corado-Serrano v. Bondi*,
16 26-CV-1338-JO VET (S.D. Cal. March 27, 2026) (bond granted); *Paniagua-Padilla v.*
17 *Bondi*, 26-cv-01332-JO-VET (S.D. Cal. April 1, 2026) (bond granted); and *Fawaz Ali*
18 *v. Mullin*, 26-cv-1565 JES-JLB (S.D. Cal. April 10, 2026) (Notice of Compliance; bond
19 granted).

20 V. CONCLUSION

21 For the reasons stated herein, Respondent respectfully requests that the Court
22 dismiss this petition for lack of jurisdiction or deny it on the merits.

23 Dated: May 8, 2026

Respectfully submitted,

24 ADAM GORDON
United States Attorney

25 s/ Camille Savedra
26 CAMILLE SAVEDRA
27 MICHAEL D. WALLACE
Assistant United States Attorneys
28 Attorneys for Respondent