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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 SYLVIOUS ATANGA,

12 Petitioner,

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14 v.

15 CHRISTOPHER LAROSE, *et al.*,

16 Respondents.  
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Case No.: 26-cv-2312-BAS-MSB

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

Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281 (2018). However, the government acknowledges that courts in this District have repeatedly inferred a constitutional right against prolonged mandatory detention. Taking into consideration those prior rulings and the length of time Petitioner has been in custody, 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 risk of flight. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12, 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26, 2025).<sup>1</sup>

**Petitioner Improperly Argues Immigration Judges' Neutrality is Compromised.**

Respondents wholly reject Petitioner's claim that local immigration judges are compromised such that this Court should grant immediate release or micromanage the custody redetermination process. This level of district court involvement, in addition to being unwarranted and unnecessary, severely undermines administrative exhaustion principles. Petitioner has administrative remedies available if he disagrees with the immigration judge's bond ruling. The proper avenue for any grievance in the event of bond denial is to utilize the administrative scheme and appeal his bond denial to the Board of Immigration Appeals (BIA).

The BIA is an appellate body within the Executive Office for Immigration Review and possesses delegated authority from the Attorney General. 8 C.F.R. §§ 1003.1(a)(1), (d)(1). The BIA is "charged with the review of those administrative adjudications under the [Immigration and Nationality Act (INA)] that the Attorney General may by regulation assign to it," including immigration judge custody determinations. 8 C.F.R. §§ 1003.1(d)(1), 236.1, 1236.1. The BIA not only resolves

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<sup>1</sup> Petitioner's appeal of his removal order is still pending with the BIA.

1 particular disputes before it, but is also directed to, “through precedent decisions, . . .  
2 provide clear and uniform guidance to [the Department of Homeland Security], the  
3 immigration judges, and the general public on the proper interpretation and  
4 administration of the [INA] and its implementing regulations.” 8 C.F.R. § 1003.1(d)(1).  
5 Decisions rendered by the BIA are final, except for those reviewed by the Attorney  
6 General. 8 C.F.R. § 1003.1(d)(7).

7 “District Courts are authorized by 28 U.S.C § 2241 to consider petitions for  
8 habeas corpus.” *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001), *abrogated*  
9 *on other grounds by Hernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). The Ninth  
10 Circuit “require[s], as a prudential matter, that habeas petitioners exhaust available  
11 judicial and administrative remedies before seeking relief under § 2241.” *Id.*  
12 Specifically, “courts may require prudential exhaustion if (1) agency expertise makes  
13 agency consideration necessary to generate a proper record and reach a proper decision;  
14 (2) relaxation of the requirement would encourage the deliberate bypass of the  
15 administrative scheme; and (3) administrative review is likely to allow the agency to  
16 correct its own mistakes and to preclude the need for judicial review.” *Puga v. Chertoff*,  
17 488 F.3d 812, 815 (9th Cir. 2007) (cleaned up).

18 Here, agency expertise is required to determine immigration bond decisions.  
19 “[T]he BIA is the subject-matter expert in immigration bond decisions[.]” *Aden v.*  
20 *Nielsen*, No. C18-1441RSL, 2019 WL 5802013, at \*2 (W.D. Wash. Nov. 7, 2019); *see*  
21 *also Delgado v. Sessions*, No. C17-1031-RSL-JPD, 2017 WL 4776340, at \*2 (W.D.  
22 Wash. Sept. 15, 2017) (noting a denial of bond to an immigration detainee was “a  
23 question well suited for agency expertise”). Allowing a skip-the-BIA-and-go-straight-  
24 to-federal-court strategy would needlessly increase the burden on district courts. *See*  
25 *Bd. of Tr. of the Constr. Laborers’ Pension Trust for S. Cal. v. M.M. Sundt Constr. Co.*,  
26 37 F.3d 1419, 1420 (9th Cir. 1994) (“Judicial economy is an important purpose of  
27 exhaustion requirements.”) (citation omitted); *Santos-Zacaria*, 598 U.S. at 418 (noting  
28 “exhaustion promotes efficiency”). As this Court noted, if the immigration judge errs,

1 the district court should allow the administrative process to correct itself. *See Sharma*  
2 *v. Archambault*, 2026 WL 381611, at \*2 (S.D. Cal. February 11, 2026) (“Exhaustion  
3 would protect administrative authority and promote judicial efficiency. Release on bond  
4 falls within the agency’s discretionary power and falls within its special expertise.”).

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

12 Significantly, despite Petitioner’s assertion that all immigration judges are  
13 compromised by fear of termination, counsel cites no habeas case from this district  
14 where the Court found a local immigration judge deliberately flouted a court order to  
15 hold a bona fide bond hearing or where DHS failed to comply with an immigration  
16 judge’s order granting bond following a district court order. To the contrary, numerous  
17 habeas cases in this district confirm that immigration judges have complied in good  
18 faith with this court’s orders, conducted individualized bond hearings, and granted bond  
19 in many cases, often on a very quick turnaround. *See, e.g., Ramirez Ceja v. Divver*, No.  
20 26-cv-00254-DMS-DEB, ECF No. 6 (S.D. Cal. Feb. 19, 2025) (Joint Status Report  
21 reflecting immigration judge granted bond at Otay Mesa Immigration Court);  
22 *Prabhpreet v. LaRose*, No. 26-cv-00393-JES-SBC, ECF No. 10 (S.D. Cal. Feb. 19,  
23 2026) (same); *I.E. v. Casey*, No. 25-cv-03227-DMS-DDL, ECF No. 10 (S.D. Cal. Dec.  
24 16, 2025) (same for Imperial Regional Detention Facility); *Gautam v. Correctional*  
25 *Corp. of Am.*, No. 25-cv-03600-JES-DEB, ECF No. 8 (S.D. Cal. Jan. 9, 2026) (Notice  
26 of Compliance); *Alemanji v. Mayorkas*, No. 25-cv-03499-JO-DDL, ECF No. 13 (S.D.  
27 Cal. Dec. 23, 2025) (Notice Confirming Bond Hearing); *Xie v. LaRose*, No. 26-cv-  
28 00529-RBM-DDL (Notice of Compliance; bond granted)(S.D. Cal. March 4, 2026)

1 *Ding v. LaRose*, 26-cv-01117-TWR-JLB (bond granted)(S.D. Cal. March 4, 2026);  
2 *Jacinto Rodriguez v. LaRose*, 26-cv-00693-BAS-DEB (S.D. Cal. Feb. 24, 2026) (bond  
3 granted); and *Lorenzo v. LaRose*, 26cv1041-LL (S.D. Cal. March 2, 2026) (bond  
4 granted); 26 CV 1338 JO VET. ) (bond granted); *Luis Alberto Corado-Serrano v. Bondi*,  
5 26-CV-1338-JO VET (S.D. Cal. March 27, 2026) (bond granted); *Paniagua-Padilla v.*  
6 *Bondi*, 26-cv-01332-JO-VET (S.D. Cal. April 1, 2026) (bond granted); and *Fawaz Ali*  
7 *v. Mullin*, 26-cv-1565 JES-JLB (S.D. Cal. April 10, 2026) (Notice of Compliance; bond  
8 granted).

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

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12 Dated: May 11, 2026

Respectfully submitted,

13 ADAM GORDON  
14 United States Attorney

15 s/ Michael D. Wallace  
16 MICHAEL D. WALLACE  
17 Assistant United States Attorney  
18 Attorneys for Respondents  
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