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

SAEID ZAREI,

Petitioner,

v.

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

Respondents.

Civil Case No.: 26-cv-2335-GPC-MMP

**Reply to Response to Petition for a
Writ of Habeas Corpus**

1 INTRODUCTION

2 This Court previously granted Saeid Zarei's habeas petition. *See Zarei v.*
3 *Larose, et al*, 26-cv-00308-GPC-MMP, Order, ECF No. 5, Order (attached here at
4 Exhibit A). In this previous petition, the Court held that Mr. Zarei's due process
5 rights had been violated because of his unreasonably prolonged fourteen-month
6 detention in immigration custody. *See* Exhibit A at 6. To redress this due process
7 violation, this Court ordered that Mr. Zarei receive a bond hearing at which
8 Respondents bore the burden of showing of clear and convincing evidence that
9 Mr. Zarei posed a danger or a flight risk. *Id.*

10 But at a subsequent bond hearing, an immigration judge ("IJ") flipped this
11 burden on its head. Despite reciting the correct standard, the IJ then overlooked
12 the DHS's failure to produce any meaningful evidence of flight risk and relied
13 entirely on his own unanswered questions regarding Mr. Zarei's sponsor to deny
14 bond. Because this violated both the Court's order and due process, this Court
15 should order his immediate release.

16 STATEMENT OF FACTS

17 Mr. Zarei was born into a Muslim family in Iran. Exh. A at 1. But as an
18 adult, [REDACTED]

19 [REDACTED] *Id.* After Mr. Zarei's conversion was disclosed to
20 Iranian authorities, he was arrested and tortured. *Id.* at 1–2.

21 Mr. Zarei fled Iran and entered the United States on March 27, 2025, to
22 seek asylum. *Id.* at 2. He was immediately arrested by Border Patrol and
23 expressed a fear of return to Iran. *Id.* Despite his assertion of fear, Mr. Zarei was
24 not given a credible fear interview or placed in removal proceedings for seven
25 months—instead, he was transferred between multiple immigration detention
26 facilities in California, Arizona, Louisiana, and Mississippi. *Id.* Finally, in
27 October 2025, he received a positive credible fear determination and was placed
28 in removal proceedings. *Id.* He is currently awaiting his final merits hearing.

1 On January 18, 2026, Mr. Zarei filed a habeas petition before this Court
2 alleging that his detention without a bond hearing had become constitutionally
3 prolonged. *See Zarei v. Larose, et al*, 26-cv-00308-GPC-MMP, ECF No. 1.
4 Several weeks later, this Court granted the petition and ordered that Mr. Zarei be
5 afforded a “prompt and individualized bond hearing, where Respondents must
6 justify his continued detention ‘by a showing of clear and convincing evidence
7 that [Mr. Zarei] would likely flee or pose a danger to the community if released.’”
8 Exh. A at 12 (quoting *Sadeqi v. LaRose*, No. 25-CV-2587-RSH-BJW, 2025 WL
9 3154520, at *4 (S.D. Cal. Nov. 12, 2025)).

10 On February 4, 2026, Mr. Zarei received a bond hearing. *See* Exhibit B,
11 Transcript of Bond Hearing. At the outset, the IJ placed the burden on Mr. Zarei’s
12 attorney to “tell me why [Mr. Zarei] is not a danger to the community, persons or
13 property, and why he is not such a flight risk that bond should not be granted.”
14 Exhibit B, Transcript of bond hearing at 4. Mr. Zarei’s attorney then correctly
15 pointed the IJ to the portion of this Court’s Order stating that the burden was in
16 fact on the DHS to show by “clear and convincing evidence that petitioner would
17 likely flee or pose a danger to the community if released.” *Id.* at 5. Accordingly,
18 the IJ turned to the DHS attorney to present such evidence. *Id.*

19 But the only evidence the DHS submitted was Mr. Zarei’s Notice to Appear
20 and the I-213 Record of Deportable/Inadmissible Alien. *See* Exhibit D, DHS
21 Bond Evidence. And despite the IJ repeatedly asking the DHS attorney for “[a]ny
22 argument” relating to flight risk, the DHS attorney relied on a single theory—that
23 entering without inspection was an “adverse factor” because it shows that
24 individuals didn’t “necessarily avail themselves of the immigration system when
25 they should have if they wanted to enter the United States correctly.” Exh. B at 5–
26 6. The DHS attorney also admitted that Mr. Zarei was found credible, had filed an
27 application for asylum, and had no criminal history. *Id.* at 5.
28

1 Mr. Zarei's attorney then explained why entering without inspection did not
2 render him a flight risk—most notably because he had entered several months
3 after the CBP One program became “inoperable” and thus had no choice *but* to
4 enter without inspection to apply for asylum. *Id.* at 7. Mr. Zarei's attorney also
5 noted that he had submitted a meritorious asylum application and that “the simple
6 fact of the matter is he has nowhere to go. He's fleeing persecution and he has a
7 credible claim to relief.” *Id.*

8 At this point in the hearing, the IJ began to pick apart Mr. Zarei's sponsor,
9 who was also his cousin. *Id.* at 7. Though the DHS attorney had raised no
10 concerns about this sponsor, the IJ expressed the following doubts, stating that:

- 11 • “I have absolutely no way to prove that . . . they're related”;
- 12 • “[S]he makes approximately \$25,000 to \$30,000 a year living in San
13 Diego, California,” which is “exceptionally, exceptionally,
14 exceptionally expensive”;
- 15 • “I don't know if she's married, if she has kids that depend upon her
16 support, if where she's living at is a home or an apartment”;
- 17 • “She could be renting a room in the house. I don't know.”;
- 18 • She was living at a “different address” in 2024 than in 2025 and
19 2026;
- 20 • “[W]hy wasn't the lady present here in the courtroom here in San
21 Diego on WebEx with us? I ask that because in another case I had a
22 respondent's daughter present as a bond sponsor.”

23 *Id.* at 7–9. The IJ then concluded the hearing, stating that he would issue a written
24 decision. *Id.* at 9.

25 Later that day, the IJ completed a pre-printed form denying Mr. Zarei bond.
26 Exhibit E, IJ bond decision. After checking the box marked “Denied,” the IJ
27 simply stated: “Flight risk. Matter of Iurii DOBROTVORSKII, 29 I&N Dec. 211
28 (BIA 2025).” *Id.*

1 On April 13, 2026, Mr. Zarei filed a second pro se petition for a writ of
2 habeas corpus before this Court. ECF 1. In this petition, he argued that while this
3 Court “ordered that Respondents hold a true and meaningful bond hearing for
4 me,” the IJ’s denial of his bond request was “in contrast with the spirit of the Writ
5 of Habeas Corpus.” ECF 1 at 7. He thus requested that this Court grant him
6 appointed counsel and “immediately release me from ICE custody.” ECF 1 at 8.
7 This Court issued an Order to Show Cause, granted Mr. Zarei’s motion for
8 appointment of counsel, and appointed Federal Defenders of San Diego, Inc., to
9 represent him. ECF 5 at 1.

10 **ARGUMENT**

11 **I. The IJ misplaced the burden by not requiring the DHS to show by**
12 **clear and convincing evidence that Mr. Zarei posed a risk of flight.**

13 At the outset of the hearing, the IJ believed that the burden was on
14 Mr. Zarei to show that he was not a flight risk. Exh. B at 4. But even after he was
15 corrected and recited the proper legal standard, the IJ’s course of conduct—
16 combined with the DHS’s utter lack of evidence—shows that the IJ incorrectly
17 placed the burden on Mr. Zarei, in violation of this Court’s order.

18 First, the DHS not only failed to submit “clear and convincing evidence”
19 that Mr. Zarei was a flight risk—it failed to submit *any* meaningful evidence of
20 flight risk. The DHS’s only submission was Mr. Zarei’s Notice to Appear and
21 Record of Inadmissible/ Deportable Alien, which simply established that
22 Mr. Zarei entered the U.S. unlawfully. Exh. D. Indeed, when the IJ repeatedly
23 asked the DHS to meet their burden to show flight risk, “entering without
24 inspection” is the only argument the DHS attorney made. *See* Exh. B at 5–6. But
25 as Mr. Zarei’s attorney explained, the only lawful path to seek asylum at the
26 border was through the CBP One app, which became “inoperable” two months
27 before his entry. Exh. B at 7. In other words, at the time Mr. Zaret arrived in the
28

1 United States, there was simply no option for an asylum seeker *other than*
2 unlawful entry.

3 What's more, many courts, including the BIA, have determined that a
4 "noncitizen's unlawful status cannot provide a legitimate consideration upon
5 which an Immigration Judge may deny a request for release on bond . . . given
6 that every individual who appears before an Immigration Judge for custody
7 redetermination lacks lawful status." *Alvarado Lopez v. Dillman*, No. 25-cv-2456-
8 LMB-LRV, 2026 WL 688958, at *6 (E.D. Va. Mar. 11, 20026); *see also*
9 *Chavarria Mejia v. Crawford*, No. 26-cv-253-LMB-LRV, 2026 WL 819603, at
10 *5 (E.D. Va. Mar. 25, 2026); *Lemus Crispin v. Bondi*, No. 26-cv-191-LMB-WEF,
11 2026 WL 768859, at *5–6 (E.D. Va. Mar. 18, 2026); *Segura v. Bondi*, No. 26-cv-
12 304-LMB-WEF, 2026 WL 688862, at *6 (E.D. Va. Mar. 11, 2026); *Argueta-*
13 *Portillo v. Bondi, et al.*, No. 26-cv-122-MSN-LRV, ECF No. 16 (E.D. Va. Mar. 2,
14 2026).

15 The IJ's consideration of this fact violated this Court's order that Mr. Zarei
16 receive an individualized bond hearing subject to fundamental due process
17 principles. *See id.* This is because, an individual's bond hearing cannot be
18 individualized and "comport with due process where an Immigration Judge relies
19 on considerations that would lead to an automatic denial of bond in all cases."
20 *Argueta-Portillo*, No. 26-cv-122-MSN-LRV, ECF No. 16. *See also See N.A. v.*
21 *Warden*, No. 25-cv-03007-MBK, 2026 WL 734587, at *8 (C.D. Cal. Feb. 20,
22 2026), *report and recommendation adopted sub nom. N.A. v. Warden*, No. 25-cv-
23 03007-MBK, 2026 WL 734585 (C.D. Cal. Mar. 12, 2026) (opining that factors
24 that are true of "virtually every asylum seeker apprehended at the border" cannot
25 meet the DHS's burden to show flight risk).

26 BIA precedent confirms this conclusion. In *Matter of Patel*, the BIA
27 considered whether an IJ erred in releasing a noncitizen on a \$500 bond rather
28 than releasing him on his own recognizance ("OR"). 15 I. & N. Dec. 666, 666–67

1 (BIA 1976). In choosing bond over OR, the IJ relied upon the noncitizen having
2 overstayed his student visa and the fact that his visa petition was denied because
3 he lacked a labor certification. *Id.* at 667. But the BIA found that “[t]hese factors
4 bear little if any relevance to the issue of whether or not the [noncitizen] is likely
5 to appear for his deportation proceeding.” *Id.* According to the BIA, “[s]uch a
6 broad interpretation of what constitutes an ‘adverse factor’ in this context could
7 result in requiring a bond of almost every alien who is held in deportation
8 proceedings.” *Id.* Therefore, the BIA released the noncitizen on his own
9 recognizance. *Id.* The BIA has continued to cite *Matter of Patel* for the
10 proposition that “factors unique to each alien must be evaluated in determining
11 suitability for release on custody.” *In re Helia de la Cruz-Palencia*, 2011 WL
12 2261251, at *1 (BIA May 13, 2011) (unpublished).

13 Because the DHS did not carry its burden to show by “clear and convincing
14 evidence” that Mr. Zarei was a flight risk, the IJ began digging into Mr. Zarei’s
15 sponsor. Exh. B at 7–9. But the nature of the IJ’s concerns over this sponsor made
16 it clear that the IJ had impermissibly shifted the burden to Mr. Zarei.

17 Importantly, none of the IJ’s concerns about the sponsor arose from “clear
18 and convincing evidence” that the DHS had affirmatively submitted showing
19 flight risk—rather, they arose from the IJ’s questions regarding an *absence* of
20 evidence. For instance, the IJ complained that he had “absolutely no way to
21 prove” that Mr. Zarei and his sponsor were related. Exh. B at 7. The IJ stated that
22 he didn’t know “if she’s married,” if she “has kids that depend upon her support,”
23 or if “where she’s living at is a home or an apartment.” *Id.* at 8. The IJ surmised
24 that the sponsor “could be renting a room in the house. I don’t know.” *Id.* at 8.
25 And the IJ questioned why the sponsor wasn’t “present here in the courtroom here
26 in San Diego on WebEx with us” because “in another case I had a respondent’s
27 daughter present as a bond sponsor.” *Id.* at 9.

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1 But these unanswered questions were the IJ’s equivalent of saying that
2 *Mr. Zarei* had failed to submit the necessary proof to obviate flight risk—not that
3 *the DHS* had carried its burden by clear and convincing evidence. Other courts
4 have concluded that such skepticism around what a petitioner *did* present and the
5 related “emphasis on [Mr. Zarei’s] failure to present [certain] evidence at the bond
6 hearing” constitutes the “IJ’s improper allocation of the burden of proof[.]”
7 *Blandon v. Barr*, 434 F.Supp.3d 30, 40 (W.D.N.Y. 2020). And “which party bears
8 the burden of proof is no empty legalism: it ‘serves to allocate the risk of error
9 between the litigants and to indicate the relative importance attached to the
10 ultimate decision.’” *Rajnish v. Jennings*, No. 20-cv-07819-WHO, 2020
11 WL7626414, at *4 (N.D. Cal. Dec. 22, 2020) (quoting *Addington v. Texas*, 441
12 U.S. 418, 423 (1979)).

13 Not only was the IJ’s misallocation of the burden of proof in direct
14 violation of this Court’s order, but it also violated the Constitution. When the IJ
15 denied Mr. Zarei bond because he failed to present evidence that he is not a flight
16 risk, he ignored the Ninth Circuit’s directive that “it is improper to ask the
17 individual to share equally with society the risk of error when the possible injury
18 to the individual—deprivation of liberty—is so significant[.]” *Singh v. Holder*,
19 638 F.3d 1196, 1203–04 (9th Cir. 2011) (internal quotation and citation omitted).
20 In so doing, the IJ violated due process. *See Rajnish v. Jennings*, No. 3:20-CV-
21 07819-WHO, 2020 WL 7626414, at *3 (N.D. Cal. Dec. 22, 2020) (finding a due
22 process violation when the IJ improperly put the burden on the noncitizen at his
23 immigration bond hearing).

24 Nor can the IJ’s “written decision” justify his conclusion. The IJ’s only
25 basis for his decision consisted of two sentence fragments on a pre-printed form:
26 “Flight Risk. Matter of Iurii DOBROTVORSKII, 29 I&N Dec. 211 (BIA 2025).”
27 Exh. E at 1. In *Matter of Dobrotvorskii*, a BIA decision issued eight months ago,
28 the BIA held that “the existence of a valid, reliable, and credible sponsor is

1 relevant to the determination of flight risk” and that IJs may consider “all relevant
2 and probative evidence, regardless of which party filed it,” to make custody
3 determinations. 29 I&N Dec. at 211.

4 But an IJ’s ability to *consider* a sponsor’s reliability is different than
5 whether the DHS has met its burden to *affirmatively show* by clear and
6 convincing evidence that a sponsor’s unreliability renders the individual a flight
7 risk. Any other conclusion would effectively relieve the DHS of its burden, render
8 this Court’s order a nullity, and raise serious due process concerns. Here, for
9 instance, the DHS did not show that Mr. Zarei was *not* related to his sponsor, or
10 that his sponsor was in a house or apartment where he could *not* live, or that his
11 sponsor was married or had children such that she could *not* support Mr. Zarei. So
12 the IJ’s unanswered questions were just that—inconclusive inquiries that did not
13 correctly place the burden on the DHS or satisfy its burden to show flight risk by
14 clear and convincing evidence.

15 What’s more, this case is easily distinguishable from the facts in *Matter of*
16 *Dobrotvorskii*. For instance, in *Matter of Dobrotvorskii*, the BIA relied on the fact
17 that the record did not “include any statement or affidavit from [the sponsor]
18 expressing his willingness to provide support to the respondent that could assist in
19 his appearance at future hearings.” 29 I&N Dec. at 213. But here, Mr. Zarei’s
20 sponsor stated:

21 I hereby declare that if Saeid is released, I am fully prepared to provide him with complete support,
22 including housing, emotional support, and any necessary assistance throughout his immigration
23 proceedings in the United States. I assure the Court that Saeid will be under my supervision and
support and will fully comply with all laws, regulations, and court orders.

24 Exh. C at 8. In another letter, Mr. Zarei’s sponsor stated under penalty of perjury
25 that she is “willing to financially support him if he is released from custody” and
26 that she will “help secure transportation for future appointments/hearings related
27 to the immigration case.” Exh. C at 14.

1 Other distinctions exist between Mr. Zarei's case and *Matter of*
2 *Dobrotvorskii*. In *Matter of Dobrotvorskii*, for instance, the individual did not
3 have "any family ties that may entitle him to remain in the United States
4 permanently, or in fact any family ties to the United States at all." 29 I&N Dec. at
5 214. By contrast, Mr. Zarei has at least an aunt and a cousin. Exh. B at 7. And in
6 *Matter of Dobrotvorskii*, the sponsor had "three different addresses" with no
7 explanation as to which address the noncitizen would live at. 29 I&N Dec. at 213.
8 But here, while the IJ noted that the sponsor had a different address in 2024 than
9 in 2025 and 2026, this meant that she had likely just moved from one location to
10 another—not that she had "different addresses." Again, the IJ's unanswered
11 questions do not constitute the DHS's affirmative showing of flight risk by clear
12 and convincing evidence.

13 Because the IJ failed to apply the correct legal standard by placing the
14 burden on Respondents to show by clear and convincing evidence that Mr. Zarei
15 poses a flight risk, Respondents did not comply with this Court's order.

16 **II. As in *Miri*, *Garcia*, and *Zheng*, this Court should order Mr. Zarei's**
17 **immediate release.**

18 In situations where IJs have proven unable to conduct a fair and neutral
19 bond hearing, courts are increasingly ordering release. *See, e.g., Hernandez-*
20 *Garcia v. Warden*, No. 26-cv-1248-JO-BLM, ECF No. 11 (Mar. 26, 2026);
21 *Izquierdo Mendez v. Casey*, No. 26-cv-1731-JO-SBC, ECF No. 6 (Mar. 30, 2026).
22 This is especially true where courts are finding the IJ's failure to apply the correct
23 legal standard violated due process. For instance, the district court in *Miri v.*
24 *Bondi* ordered the petitioner's "prompt release" and prohibited the government
25 from redetaining him "absent compliance with due process and his legal
26 protections." No. 26-cv-00698-MEMF-MAR, 2026 WL 622302, at *11 (C.D. Cal.
27 Mar. 5, 2026). The court found this to be "the remedy that will best return Miri to
28 the status quo and restore his position as it was prior to the detention." *Id.*

1 The District of Rhode Island did the same when facing similar bond hearing
2 violations late last year. *Garcia v. Hyde*, __ F.Supp.3d __, 2025 WL 3466312, at
3 *11 (D.R.I. Dec. 3, 2025). In so doing, it reasoned, “Given the due process
4 violations that pervaded his bond hearing, the Court finds that [Petitioner’s]
5 immediate release is appropriate.” *Id.* It cited to *Morrissey v. Brewer*, 408 U.S.
6 471, 481 (1972), for the proposition that “due process is flexible and calls for such
7 procedural protections as the particular situation demands.” *Id.* It noted, “The
8 Court is mindful that, in recent months, IJs have faced enormous pressure from
9 the Executive Branch to dismiss cases quickly and rule in certain ways.” *Id.*
10 (footnotes omitted). “However, ‘[d]ue process is not satisfied . . . by rubberstamp
11 denials [of bond],’ and IJs are not absolved of their duty to ensure that noncitizens
12 receive constitutionally adequate bond hearings.” *Id.* (internal alterations in
13 original) (quoting *Chi Thon Ngo v. INS*, 192 F.3d 398 (3d Cir. 1999)).

14 In *Zheng v. Rokosky*, No. 26-cv-01689, 2026 WL 800203, at *3 (D.N.J.
15 Mar. 23, 2026), the district court similarly held that the petitioner’s five-month
16 detention had “become so unreasonable” that “the only just remedy in these
17 circumstances is immediate release.” *Id.* at *8. It explained that “Respondents
18 have now violated Petitioner’s due process rights twice: first when they initially
19 detained him unlawfully under § 1225(b), and then again when they deprived him
20 of a constitutionally adequate bond hearing.” *Id.* It noted that “[c]ourts across the
21 country confronting due process violations akin to that here have recognized that
22 a new hearing would either be unnecessary, futile, or an inadequate remedy.” *Id.*
23 at *10 (collecting cases). Not only was the record “entirely devoid of any
24 individualized justification for Petitioner’s continued detention,” there was no
25 longer “any reason to believe that a second hearing would be fundamentally fair.”
26 *Id.* Given that Respondents were “given an opportunity to cure their earlier
27 constitutional violation by providing Petitioner a fundamentally fair bond
28

1 hearing” but “woefully failed to do so,” the court declined to give them a “third
2 bite at the apple” and ordered immediate release. *Id.* at *11.

3 Mr. Zarei has been detained nearly *three times longer* than the petitioner in
4 *Zheng*. So as in *Zheng*, his detention has “become so unreasonable” that “the only
5 just remedy in these circumstances is immediate release.” *Id.* at *8. And just as in
6 *Zheng*, Respondents were “given an opportunity to cure their earlier constitutional
7 violation by providing [Mr. Zarei] a fundamentally fair bond hearing” but
8 “woefully failed to do so,” and this Court should decline to give them a “third bite
9 at the apple.” *Id.* at *11. Immediate release is “the remedy that will best return
10 [Mr. Zarei] to the status quo and restore his position as it was prior to the
11 detention.” *Miri*, 2026 WL 622302, at *11. *Id.*

12 **III. Respondents’ other arguments are not persuasive.**

13 In their return, Respondents argued that Mr. Zarei was “provided a bond
14 hearing on February 5, 2026,” and that the IJ “denied bond on the basis that
15 Petitioner poses a flight risk.” ECF 7 at 2. But Respondents did not discuss
16 whether this bond hearing complied with the Court’s order requiring the DHS to
17 show by “clear and convincing evidence” that Petitioner would likely flee or pose
18 a danger to the community if released.” Instead, Respondents make two different
19 arguments, neither of which are persuasive.

20 First, Respondents argue that Mr. Zarei has not “exhausted his
21 administrative remedies.” Dkt. 7 at 2–6. But Respondents correctly admit that
22 exhaustion of agency decisions is “a prudential matter” that may be “excused.”
23 Dkt. 7 at 3–4. Nevertheless, Respondents argue that “requiring Petitioner to
24 exhaust administrative remedies is warranted because agency expertise is
25 required.” Dkt. 7 at 4. But no “agency expertise” is required to see that the IJ
26 failed to correctly apply the burden as this Court ordered. What’s more, this Court
27 has authority to ensure that its orders are enforced independent of the BIA’s
28 review. Thus, requiring Mr. Zarei to appeal the bond determination would only

1 waste time and further the prolonged detention that triggered this Court's Order
2 granting habeas.

3 This is precisely what a district court concluded in *Miri v. Bondi*, No. 5:26-
4 CV-00698-MEMF-MAR, 2026 WL 622302 (C.D. Cal. Mar. 5, 2026). There, the
5 district court found that "requiring [petitioner] to go before the Board of
6 Immigration Appeals would prolong his unconstitutional detention, thereby
7 causing irreparable injury." *Id.* at *11. What's more, the fact that his challenge
8 "involves a legal question" and was not "fact-intensive" weighed against
9 requiring exhaustion. *Id.* Thus, the district court concluded that he was "not
10 required to exhaust administrative remedies given the questions of law at issue."
11 *Id.*

12 Here, Mr. Zarei has been detained for nearly 15 months—*nine months*
13 *longer* than the noncitizen in *Miri*. *Id.* at *1. Thus, requiring a BIA appeal would
14 "prolong his unconstitutional detention, thereby causing irreparable injury." *Id.* at
15 *11. And as in *Miri*, the challenge here is not "fact-intensive"—indeed, this Court
16 need only read the ten-page bond transcript to resolve it. *See* Exh. B. So as in
17 *Miri*, exhaustion to the BIA is not required.

18 Respondents' second argument is that "conditions of confinement
19 allegations are not proper habeas claims." ECF 7 at 6–7. Because Mr. Zarei never
20 raised any arguments regarding conditions of confinement and does not rely on
21 them, this argument is irrelevant.

22 CONCLUSION

23 For these reasons, this Court should grant Mr. Zarei's habeas petition and
24 order his immediate release.

25 Respectfully submitted,

26 Dated: May 12, 2026

27 s/ Kara Hartzler
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28