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6 Attorneys for Respondents

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

9 HADI KAVOSI,
10
11 Petitioner,
12 v.
13 CHRISTOPHER J. LAROSE, et al.,
14 Respondents.

Case No.: 3:26-cv-02185-BAS-MMP
RESPONSE TO PETITION

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1 This is the second Petition for Writ of Habeas Corpus that Petitioner has filed to
2 challenge his detention by U.S. Immigration and Customs Enforcement, which began
3 on June 22, 2026. His first Petition (3:25-cv-03288-BAS-MMP) was granted, and
4 Respondents complied with the applicable Order¹ by providing a bond hearing before
5 an immigration judge on December 30, 2025.

6 After full consideration of the evidence presented at the bond hearing, the
7 immigration judge denied bond. (Order of the Immigration Judge dated December 30,
8 2025, attached as *Exhibit 1*). As set forth in the immigration judge's Bond
9 Memorandum, "the Court found that Respondent failed to meet his burden to show that
10 he does not pose a danger to the community." (Bond Memorandum, attached as *Exhibit*
11 *2*, pg. 2). In particular, the immigration judge determined that "[i]n multiple interviews
12 with immigration officials, [REDACTED]

13 [REDACTED]
14 [REDACTED] *Id.* The immigration judge
15 acknowledged that Petitioner presented letters of support from the community and
16 various other documents, but he concluded, "based on the totality of the facts and
17 circumstances presented, Respondent failed to demonstrate that he does not present a
18 danger to the community." *Id.* at 3. Plaintiff then appealed the immigration judge's
19 Order to the Board of Immigration Appeals (BIA), and his appeal remains pending.

20 It is well established that habeas petitioners must exhaust all available
21 administrative remedies before seeking habeas relief in federal court. *Rojas-Garcia v.*
22 *Ashcroft*, 339 F.3d 814, 819 (9th Cir. 2003) ("The exhaustion requirement avoids
23 premature interference with the agency's processes and helps to compile a full judicial
24 record"). "When a petitioner does not exhaust administrative remedies, a district court
25 ordinarily should either dismiss the petition without prejudice or stay the proceedings
26 until the petitioner has exhausted remedies[.]" *Leonardo v. Crawford*, 646 F.3d 1157,
27 1160 (9th Cir. 2011).

28 ¹ 3:25-cv-03288-BAS-MMP, ECF No. 8 (filed December 18, 2025)

1 Petitioner has already been afforded a constitutionally sufficient bond hearing to
2 contest his detention, and his only apparent issue with that hearing is that the
3 immigration judge did not weigh the evidence in his favor. *See* ECF No. 1, pg. 13. But
4 disagreement with how the immigration judge weighed the evidence and ultimately, the
5 outcome of the hearing, does not give rise to a cognizable habeas claim. Rather, to the
6 extent Petitioner challenges the immigration judge's Order, the proper remedy lies in
7 the administrative appeal process before the BIA. Accordingly, the Court should
8 dismiss this Petition without prejudice or stay these proceedings until the bond appeal
9 is decided before the BIA.

10 DATED: April 23, 2026

Respectfully submitted,

11 ADAM GORDON
12 United States Attorney

13 *s/ Allie Malone Subke*
14 ALLIE MALONE SUBKE
15 Assistant United States Attorney
16 Attorneys for Respondents
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