

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

JOHN WELLS, SBN 358423  
Global Law Group San Diego, P.C.  
1455 Frazee Road, Suite 500  
San Diego, CA 92108  
Tel: (619) 858-0001  
Fax: (619) 829-3152

**DETAINED**

Attorney for Petitioner Hadi Kavosi

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

**HADI KAVOSI,**  
  
Petitioner,

Case No.: 3:26-cv-02185-BAS-MMP

A#: 

v.

**PETITIONER'S TRAVERSE IN  
SUPPORT OF HIS PETITION  
FOR WRIT OF HABEAS  
CORPUS**

**CHRISTOPHER J. LAROSE, Senior  
Warden of the Otay Mesa Detention  
Center; PATRICK DIVVER, Field  
Office Director, San Diego Office of  
Detention and Removal, U.S.  
Immigration and Customs Enforcement;  
TODD M. LYONS, Acting Director,  
U.S. Immigration and Customs  
Enforcement, U.S. Department of  
Homeland Security; and MARKWAYNE  
MULLIN, Secretary, U.S. Department  
of Homeland Security,**

**Respondents-Defendants.**

**PETITIONER'S TRAVERSE TO RESPONDENT'S RETURN**

1 Petitioner Hadi Kavosi, through undersigned counsel, respectfully submits this  
2 Traverse to Respondents' Response to Petition. Respondents ask the Court to dismiss  
3 or stay this habeas action because the Court previously granted habeas relief and  
4 because an Immigration Judge later conducted a bond hearing. Respondents' position  
5 misunderstands the nature of this petition and the continuing injury before the Court.  
6 Mr. Kavosi does not ask this Court merely to reweigh the bond evidence; he asks the  
7 Court to review whether his present and prolonged civil detention remains  
8 constitutionally lawful after months of continued custody, after medical and family  
9 harm, and after a bond process that did not require the Government to prove that  
10 detention remains necessary.  
11  
12  
13

## 14 I. INTRODUCTION

15  
16 Respondents' opposition rests on a simple premise: because this Court  
17 previously ordered a bond hearing and because an Immigration Judge held one,  
18 federal habeas review is over. That premise, however, is incorrect. Habeas jurisdiction  
19 does not disappear once the Government provides a procedurally inadequate or  
20 constitutionally incomplete custody hearing. Nor does a prior habeas victory bar a  
21 later petition challenging a continuing and aggravated deprivation of liberty. *See*  
22 *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 944–51 (9th Cir. 2008)  
23 (holding that federal habeas jurisdiction persisted over a petitioner's continued  
24 detention even though he had previously received a bond hearing, where that hearing  
25  
26  
27

1 was conducted under a now-defunct legal framework and he remained detained for  
2 nearly seven years with no meaningful opportunity to contest the necessity of his  
3 custody before a neutral decision-maker; the court reversed the district court's denial  
4 of habeas relief and directed a new hearing).

6 Civil immigration detention is not punishment, and it must remain reasonably  
7 related to legitimate regulatory purposes. When detention becomes prolonged,  
8 medically harmful, family-destabilizing, and unsupported by individualized evidence  
9 of danger or flight risk, due process requires judicial review.

12 This case is not about the merits of Mr. Kavosi's asylum claim or the ultimate  
13 outcome of removal proceedings. It is about whether the Government may continue  
14 to imprison a father of two, with no criminal record, no record of absconding, and a  
15 history of compliance with immigration supervision, while his proceedings remain  
16 pending before the Board of Immigration Appeals. The Government's own response  
17 confirms that the BIA process remains pending. Removal is therefore neither final nor  
18 immediate.

21 Before re-detention, Mr. Kavosi had been lawfully released under immigration  
22 supervision. He was released on his own recognizance, later obtained a Social  
23 Security number, work authorization, and a driver's license, complied with the  
24 conditions of his release, maintained a stable residence, possessed a vehicle, and lived  
25 with his wife and two sons in the United States. For approximately eleven months, he  
26



1 accountable to his community, and not a danger. The Immigration Judge  
2 acknowledged the support letters and other materials, but the bond process still placed  
3 the burden on Mr. Kavosi and denied release based on speculation arising from  
4 alleged inconsistencies about mandatory service in Iran approximately two decades  
5 ago. (*See generally* Gov. Resp. Ex. 2.) Due process requires more before continued  
6 detention can be justified.  
7

8  
9 For the reasons below, the Court should reject Respondents' attempt to convert  
10 a prior habeas order and a prior bond hearing into a jurisdictional shield. Petitioner  
11 requests that the Court should grant habeas relief and order Mr. Kavosi released under  
12 reasonable supervision. In the alternative, the Court should order a new  
13 constitutionally adequate bond hearing at which the *Government* bears the burden to  
14 prove, by clear and convincing evidence, that continued detention is necessary and  
15 that no less restrictive alternative can reasonably address any legitimate concern.  
16  
17

## 18 **II. FACTUAL AND PROCEDURAL BACKGROUND**

### 19 **A. Mr. Kavosi Entered Through CBP One, Was Placed in Removal** 20 **Proceedings, and Was Released Under Supervision.** 21 22

23 Mr. Kavosi is a citizen and national of Iran. He entered the United States with  
24 his wife, Leila Ghasemi Sani, and their two sons after presenting for a CBP One  
25 appointment at the San Ysidro Port of Entry on or about July 8, 2024. DHS records  
26  
27

1 identify the family unit together and identify Mr. Kavosi as the father of both children.  
2 DHS served Notices to Appear and placed the family in regular removal proceedings  
3 under 8 U.S.C. § 1229(a).  
4

5 Mr. Kavosi was then lawfully released under immigration supervision. He was  
6 released on his own recognizance, later obtained a Social Security number, work  
7 authorization, and a driver's license, complied with the conditions of his release, and  
8 appeared for immigration proceedings. During approximately eleven months of  
9 release, he maintained a stable residence, had transportation, lived with his family,  
10 and pursued his protection application. The Government does not identify any  
11 violation of those conditions.  
12  
13

14 **B. DHS Re-Detained Him Despite Compliance and Despite The Absence of**  
15 **Criminal History.**  
16

17 DHS re-detained Mr. Kavosi on or about June 22, 2025, and transferred him to  
18 Otay Mesa Detention Center.<sup>1</sup> Since then, Mr. Kavosi has remained in civil  
19 immigration custody.  
20

21 DHS records do not establish danger. Form I-213 lists 'Criminal Record: None  
22 Known' and records negative immigration and law-enforcement checks, including  
23  
24

25  
26 <sup>1</sup> The Government's Response states that detention began on June 22, 2026, but the record, the prior  
27 habeas order, and Respondents' own attachments reflect that the relevant re-detention occurred in  
28 June 2025.

1 ATS-P, TECS, NCIC, CIS, CLAIM, CCD, IAFIS, and EARM. (*See Evid. in Supp. of*  
2 *Traverse, Ex. A, at 1–5.*) The sworn-statement materials reflect that Mr. Kavosi  
3 denied any criminal record, denied involvement in organized criminal activity, and  
4 denied any training in or use of weapons. (*See Evid. in Supp. of Traverse, Ex. A, at*  
5 *6–21.*) The Government has not produced any conviction, criminal charge, violent  
6 incident, detention disciplinary record, or supervision violation.  
7

8  
9 **C. This Court Previously Granted Habeas Relief, But That Order Did Not End**  
10 **The Constitutional Inquiry Forever.**  
11

12 On December 18, 2025, this Court granted Mr. Kavosi’s prior habeas petition  
13 in Case No. 3:25-cv-03288-BAS-MMP. The Court held that Mr. Kavosi was in  
14 custody, sought release from custody, and had standing under 28 U.S.C. § 2241. The  
15 Court also rejected Respondents’ jurisdictional arguments under 8 U.S.C. §§ 1252(g)  
16 and 1252(b)(9), and ordered Respondents to provide a bond hearing within fourteen  
17 days.  
18

19  
20 Respondents complied with the narrow command of that order by producing  
21 Mr. Kavosi for a bond hearing on December 30, 2025. Compliance with that limited  
22 order, however, does not immunize the present detention from further constitutional  
23 review. The prior habeas order addressed the denial of access to a bond hearing at that  
24 time. This petition challenges the continued detention that followed, the adequacy of  
25  
26  
27

1 the bond process actually provided, and the changed and aggravated circumstances  
2 that have developed during ongoing custody.

3  
4 **D. The Bond Hearing Denied Release Based on Speculation, Not Present**  
5 **Dangerousness or Flight Risk.**

6 The Immigration Judge denied bond on the grounds that Mr. Kavosi had not  
7 shown he was not a danger. (*See generally* Gov. Resp. Ex. 2.) The bond memorandum  
8 focused on allegedly conflicting statements concerning mandatory service in Iran and  
9 references to the Islamic Revolutionary Guard Corps. (*See id.*) But, the memorandum  
10 expressly declined to find that Mr. Kavosi was actually a member of a terrorist  
11 organization. (*See id.*) It also acknowledged that he had not been charged with or  
12 convicted of any crime. (*See id.*) The decision did not identify any violent conduct in  
13 the United States, any supervision violation, any failure to appear, or any present act  
14 showing danger to persons or property. (*See generally id.*)  
15  
16  
17  
18

19 The record regarding military service is materially different from proof of  
20 dangerousness. At most, it shows confusion, translation issues, or inconsistent  
21 terminology about mandatory service more than twenty years ago in Iran. The same  
22 record contains repeated statements that Mr. Kavosi was not a member of the IRGC,  
23 had no weapons training, and had never used weapons. Civil detention cannot  
24 constitutionally rest on speculation where the Government offers no current,  
25  
26  
27

1 individualized evidence that release under supervision would endanger the  
2 community.

3  
4 **E. Additional Facts Concerning Mandatory Service and The Bond Record.**

5 Petitioner further holds, and will support with the Iranian attorney's letter and  
6 any available service or medical documentation, that his military service was  
7 completed in 2004, when he was eighteen; it was compulsory and not voluntary. (*See*  
8 *Evid. in Supp. of Traverse, Ex. A, at 6–21; Ex. F at 54–57.*) Public country  
9 information confirms that military service is compulsory for Iranian men and that  
10 conscripts may be assigned to the regular army, law-enforcement entities, or the IRGC  
11 rather than choosing the branch themselves. (*See Evid. in Supp. of Traverse, Ex. G,*  
12 *at 58–87.*)

13  
14  
15  
16 Petitioner also holds that, before the bond denial, no objection had been raised  
17 concerning his compulsory service. The Immigration Court accepted or requested his  
18 sponsor materials and requested evidence addressing whether he was a danger.  
19 Counsel responded with nine letters of support from U.S. citizens, educated  
20 professionals, church members, and community supporters. (*See Evid. in Supp. of*  
21 *Traverse, Ex. E, at 35–53.*) The later denial occurred after a change in Immigration  
22 Judge and gave dispositive weight to the military-service issue without meaningfully  
23 engaging the prior parole release, sponsor package, or letters. (*See generally Gov.*  
24 *Resp. Ex. 2.*)



1 individualized evidence of voluntary material support, command responsibility,  
2 weapons use, intelligence work, persecution, or violent conduct by Mr. Kavosi.

3  
4 **F. His Immigration Proceedings Remain Pending and Removal Is Not**  
5 **Imminent.**

6 Respondents acknowledge that Mr. Kavosi appealed the bond order to the  
7 Board of Immigration Appeals and that the appeal remains pending, (*See Evid. in*  
8 *Supp. of Traverse, Ex. B, at 22–25*). Mr. Kavosi’s immigration merits case also  
9 remains subject to BIA review. Accordingly, this is not a case in which removal is  
10 final or immediate. Continued detention serves no removal-related necessity that  
11 could justify ignoring the escalating due-process concerns.  
12  
13

14  
15 **G. Continued Detention Is Causing Medical and Family Harm.**

16 Mr. Kavosi’s detention has produced deterioration in his mental health. He  
17 receives psychiatric treatment, takes prescribed medication, and previously required  
18 approximately one week of hospitalization or intensive observation in the detention  
19 setting due to severe psychological distress. (*See Evid. in Supp. of Traverse, Ex. C, at*  
20 *26–29.*) Those facts are directly relevant to the reasonableness and proportionality of  
21 continued civil detention.  
22  
23

24 His family is also suffering. His wife and children reside in the United States.  
25 His sons have endured prolonged separation from their father. His youngest son is  
26  
27

1 currently in therapy, and suffers from symptoms of trauma, including nighttime  
2 headaches. The Court should consider that evidence because civil detention must be  
3 reasonable in relation to its purpose; it cannot be assessed in isolation from the  
4 concrete harm it inflicts when less restrictive alternatives exist.  
5

6 **H. The Record Contains Strong Sponsorship, Family, and Community**  
7 **Support.**  
8

9 Mr. Kavosi has strong ties to the United States. He lived with his wife and  
10 children, maintained a stable residence, possessed transportation, complied with  
11 supervision, and participated in a faith community. In the prior habeas and bond  
12 process, his sponsorship materials were approved, and nine letters of support from  
13 United States citizens and church members were submitted in response to the Court's  
14 request for evidence of good character. Those letters are relevant evidence of  
15 community ties, accountability, rehabilitation-free character evidence, and lack of  
16 dangerousness. (*See Evid. in Supp. of Traverse, Ex. E, at 35–53.*) They should be  
17 considered again in evaluating whether continued detention remains constitutionally  
18 reasonable.  
19  
20  
21  
22

23 **III. LEGAL STANDARD**

24 A writ of habeas corpus under 28 U.S.C. § 2241 is available to a person held in  
25 custody in violation of the Constitution or laws of the United States. The traditional  
26  
27

1 function of the writ is to secure release from unlawful restraint. *Preiser v. Rodriguez*,  
2 411 U.S. 475, 484 (1973). Noncitizens in immigration custody may invoke § 2241 to  
3 challenge detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*,  
4 538 U.S. 510, 516–17 (2003).

6 This Court’s jurisdiction is especially clear where, as here, success would  
7 directly affect the fact, duration, or conditions of physical custody by producing  
8 release or a new custody hearing capable of producing release. *See Nettles v. Grounds*,  
9 830 F.3d 922, 934 (9th Cir. 2016); *Pinson v. Carvajal*, 69 F.4th 1059, 1072 (9th Cir.  
10 2023). Section 1226(e) does not bar review of constitutional claims or statutory-  
11 authority questions; it limits review of discretionary judgments, not the Court’s ability  
12 to determine whether detention is legally authorized and constitutionally adequate.  
13 *Jennings v. Rodriguez*, 583 U.S. 281, 294–96 (2018).

17 Due process protects all persons in the United States from arbitrary physical  
18 restraint. *Zadvydas*, 533 U.S. at 690; *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).  
19 Civil detention is permissible only when it is nonpunitive and reasonably related to  
20 legitimate regulatory purposes. *United States v. Salerno*, 481 U.S. 739, 746–47  
21 (1987). As detention lengthens, the private liberty interest becomes more weighty and  
22 the Government’s justification must become more concrete. *See Casas-Castrillon*,  
23 535 F.3d at 950–52; *Singh v. Holder*, 638 F.3d 1196, 1203–08 (9th Cir. 2011).

**IV. ARGUMENT**

**I. The Prior Habeas Case Does Not Bar Review of The Current Detention.**

Respondents emphasize that this is Mr. Kavosi’s second habeas petition. (*See* Gov. Resp. at 2–3.) That fact is not a basis for dismissal. The prior petition was granted because Mr. Kavosi had been denied access to a bond hearing. The present petition challenges a different and continuing injury: prolonged detention after the ordered hearing, a hearing that did not require the Government to justify detention under constitutionally adequate procedures, and ongoing detention despite new medical and family harm. (*See generally* Gov. Resp. Ex. 2.)

Basic preclusion principles do not bar claims based on later conduct or later-accruing injury. A prior judgment does not give the Government a continuing license to impose unconstitutional custody after new facts arise. *See Lawlor v. Nat’l Screen Serv. Corp.*, 349 U.S. 322, 328 (1955) (finding a prior judgment does not bar claims based on conduct occurring after the first judgment). Habeas principles likewise recognize that a later-ripening challenge is not barred merely because an earlier petition was litigated before the later injury became ripe. *See Panetti v. Quarterman*, 551 U.S. 930, 947 (2007).

The Court’s prior order required a bond hearing within fourteen days. It did not adjudicate whether future detention would remain reasonable after the hearing,

1 whether the hearing would satisfy due process, whether the Government would  
2 continue to detain Mr. Kavosi for months without adequate proof, or whether medical  
3 and family harm would later make continued custody disproportionate. Those  
4 questions are before the Court now.

6 **II. The Prior Bond Hearing Does Not Foreclose Habeas Review Because The**  
7 **Petition Challenges Constitutional Adequacy and Continuing Detention, Not**  
8 **Merely Discretionary Weighing.**

10 Respondents frame the petition as disagreement with how the Immigration  
11 Judge weighed evidence. (*See Gov. Resp. at 2.*) That framing is too narrow. Mr.  
12 Kavosi does not ask this Court to substitute its discretion for the Immigration Judge's.  
13 He asks the Court to decide constitutional questions: whether prolonged detention  
14 may continue when the detainee bore the burden, when the Government was not  
15 required to prove danger or flight risk by clear and convincing evidence, when less  
16 restrictive alternatives were not meaningfully analyzed, and when the resulting  
17 detention has become medically and family-wise destructive.

21 A bond hearing can satisfy a court order without satisfying due process. The  
22 Constitution requires a meaningful opportunity to be heard, not a formal proceeding  
23 that leaves the burden on the detained person while the Government relies on  
24 speculation. For prolonged civil detention, due process requires the Government to  
25 justify custody with reliable, individualized evidence. *Singh*, 638 F.3d at 1203–08.

1 The hearing must also meaningfully consider alternatives to detention, including  
2 supervision, GPS monitoring, check-ins, sponsor custody, and bond.

3  
4 Here, the record strongly supports alternatives. Mr. Kavosi already complied  
5 with supervision for approximately eleven months. He appeared as required, lived  
6 with his family, maintained stable residence and transportation, complied with release  
7 supervision, and had no criminal record. These facts are not minor equities. They are  
8 direct evidence that less restrictive alternatives can accomplish the Government's  
9 regulatory purposes.  
10

11  
12 **III. Exhaustion Is Prudential, Not Jurisdictional, and Should Be Waived or**  
13 **Deemed Satisfied Under The Circumstances.**

14  
15 Respondents rely on *Rojas-Garcia v Ashcroft*, 339 F.3d 814 (9th Cir. 2003),  
16 and *Leonardo v Crawford*, 646 F.3d 1157 (9th Cir. 2011), to argue that the Court  
17 should dismiss or stay pending BIA review. (See Gov. Resp. at 2.) But exhaustion for  
18 § 2241 immigration detention claims is not a jurisdictional bar. It is a prudential  
19 doctrine. Courts may waive prudential exhaustion where administrative review is  
20 inadequate, futile, unduly delayed, or incapable of preventing irreparable harm. See  
21 *Laing v. Ashcroft*, 370 F.3d 994, 997–1000 (9th Cir. 2004).  
22

23  
24 This is an appropriate case for waiver. First, Mr. Kavosi raises constitutional  
25 challenges to the adequacy of the custody process and the reasonableness of  
26

1 prolonged detention, not merely a routine request for the BIA to reweigh evidence.  
2 Second, the continuing deprivation of physical liberty is irreparable. Third, the harm  
3 is aggravated by psychiatric treatment, prior detention-related hospitalization or  
4 intensive observation, and serious family harm. Fourth, the Government's requested  
5 dismissal would leave Mr. Kavosi detained while the very injury challenged in this  
6 case continues.  
7

8  
9 Respondents' exhaustion position also overlooks that the exhaustion  
10 requirement they invoke is prudential as applied to this custody challenge. Courts may  
11 waive prudential exhaustion where administrative remedies are inadequate or not  
12 efficacious, pursuit would be futile, irreparable injury will result, or the administrative  
13 proceedings would be void. *See Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir.  
14 2017); *Laing*, 370 F.3d at 1000; *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).  
15  
16

17 Those factors favor waiver here. The BIA appeal will likely take many months,  
18 while Mr. Kavosi remains physically confined and while the record shows continuing  
19 mental-health treatment and harm to his children. The BIA also cannot provide the  
20 complete federal remedy sought here: release from unlawful detention, or a  
21 constitutionally adequate hearing ordered by this Court with proper burdens,  
22 interpretation safeguards, and consideration of noncustodial alternatives. *See Wang v.*  
23 *Reno*, 81 F.3d 808, 815-16 (9th Cir. 1996) (determining agency inability to adjudicate  
24 constitutional claims undermines the purposes of exhaustion).  
25  
26  
27



1 claims. His wife and children live in the United States. He has a sponsor and a faith  
2 community. The Government identifies no failure to appear, no absconding, no  
3 supervision violation, and no attempt to evade authorities after release.  
4

5 Danger is unsupported. The Government relies on alleged inconsistencies  
6 about Iranian military service or IRGC terminology. But a due-process finding of  
7 danger cannot rest on speculation. The record also reflects no criminal history,  
8 negative checks, no weapons training or use, no terrorism charge, no violent conduct,  
9 no detention disciplinary incident, no community complaint, (*See Evid. in Supp. of*  
10 *Traverse, Ex. A, p. 1–5*), and nine letters from U.S. citizens and church members  
11 supporting his good character, (*See Evid. in Supp. of Traverse, Ex. E, p. 35–53*). The  
12 Immigration Judge declined to find that Mr. Kavosi was a terrorist-organization  
13 member, yet detention continues as if such a finding had been made.  
14  
15  
16

17 The danger finding also rests on agency records whose reliability is specifically  
18 disputed. According to Mr. Kavosi, the July 2024 interviews occurred between  
19 approximately 2:00 a.m. and 5:00 a.m., after travel and detention, and the DHS  
20 records identify interpretation in ‘Farsi - Afgani’ rather than Petitioner’s native  
21 Iranian Persian/Farsi. (*See Evid. in Supp. of Traverse, Ex. A, p. 6.*) Mr. Kavosi has  
22 consistently volunteered the same core point: any reference to the IRGC concerned  
23 compulsory service, not voluntary membership or operational affiliation. The Court  
24  
25  
26  
27

1 should not treat dialect, fatigue, or summary-note ambiguities as clear and convincing  
2 proof of present danger.

3  
4 The Ninth Circuit has cautioned that border or airport-style interviews may be  
5 unreliable impeachment sources because of the conditions under which they are taken.  
6 See *Li v. Ashcroft*, 378 F.3d 959, 962–63 (9th Cir. 2004). Government forms may  
7 carry a presumption of reliability only absent evidence to the contrary. See *Espinoza*  
8 *v. INS*, 45 F.3d 308, 310–11 (9th Cir. 1995). The BIA likewise requires assessment  
9 of whether border-interview records bear sufficient indicia of reliability before they  
10 are used against an applicant. See *Matter of J-C-H-F-*, 27 I&N Dec. 211, 215–16 (BIA  
11 2018).  
12

13  
14 Here, the reliability concerns are concrete: the interpretation was not in his  
15 precise dialect; the interview conditions were late-night or early-morning; the notes  
16 are government summaries rather than a verbatim transcript of what he intended to  
17 convey; and the alleged inconsistency is consistent with the ordinary distinction  
18 between mandatory conscription and voluntary membership. Continued detention  
19 must be justified by the Government through reliable, individualized evidence, not  
20 speculative inferences from ambiguous translated notes. *Singh v. Holder*, 638 F.3d  
21 1196, 1203–05 (9th Cir. 2011).  
22  
23

24  
25 The proportionality analysis has also changed. Detention has now continued  
26 for months after re-detention and after the prior habeas order. During that time, Mr.  
27

1 Kavosi's mental health has deteriorated and his children have suffered harm. The  
2 Government's interest in custody is weak where supervision already worked; the  
3 private interest is overwhelming where detention separates a father from his children  
4 and worsens medical conditions. The risk of erroneous deprivation is high when a  
5 detained person bears the burden and when detention rests on ambiguous record  
6 statements rather than current evidence. *See Mathews v. Eldridge*, 424 U.S. 319  
7 (1976).  
8  
9

10 **V. The Government Should Bear The Burden at Any New Hearing, and The**  
11 **Burden Should Be Clear and Convincing Evidence.**  
12

13 At a minimum, due process requires a new hearing with constitutionally  
14 adequate safeguards. *The Government*, not Mr. Kavosi, should bear the burden of  
15 proving that continued detention remains necessary. Physical detention is the most  
16 severe restraint the Government can impose in a civil proceeding. Requiring a  
17 detained asylum seeker to disprove danger after months of custody, while the  
18 Government relies on vague concerns, creates an unacceptable risk of error.  
19  
20

21 The Ninth Circuit has recognized that when immigration detention becomes  
22 prolonged, due process requires heightened procedural protection, including the  
23 Government bearing the burden of proof by clear and convincing evidence. *Singh*,  
24 638 F.3d at 1203-08. This is especially true where the Government asserts  
25 dangerousness or national-security concerns based on circumstantial material. Clear  
26  
27

1 and convincing proof is necessary to ensure that civil detention remains regulatory  
2 rather than punitive.

3  
4 A constitutionally adequate hearing should require: (1) a competent Farsi  
5 interpreter; (2) meaningful access to the evidence relied upon; (3) the Government  
6 bearing the burden of proof; (4) proof by clear and convincing evidence that detention  
7 is necessary; (5) express consideration of less restrictive alternatives, including  
8 sponsor custody, GPS, reporting, bond, and home supervision; (6) consideration of  
9 medical and family hardship evidence; and (7) a written decision explaining why  
10 release conditions cannot reasonably address any identified risk.  
11  
12

13 **VI. The Court Should Consider The Sponsorship Packet, Nine Letters of**  
14 **Support, and His Son's Therapy in Assessing Present Custody.**  
15

16 Respondents note that the Immigration Judge acknowledged letters and  
17 documents, but acknowledgement is not meaningful consideration. (*See Gov. Resp.*  
18 *at 2.*) The sponsorship packet and nine letters of support directly address the legal  
19 issues before the Court: whether Mr. Kavosi is a flight risk, whether he is a danger,  
20 and whether alternatives to detention can work. (*See Evid. in Supp. of Traverse, Ex.*  
21 *E, p. 35–53.*) These materials show that he has a responsible sponsor, community  
22 accountability, religious-community ties, and United States citizens willing to support  
23 and monitor his compliance.  
24  
25  
26  
27

1 The Court should also consider Petitioner’s youngest son’s therapeutic history.  
2 The point is not to convert family hardship into an immigration merits claim. The  
3 point is that civil detention must be reasonable. When prolonged detention inflicts  
4 serious harm on minor children and less restrictive alternatives have already worked  
5 in the past, continued custody becomes disproportionate to its regulatory purpose.  
6

7  
8 These family circumstances also bear directly on the proportionality of  
9 detention. After the July 2024 processing and interviews, Mr. Kavosi was detained  
10 for approximately eight days and then released with his family on parole/I-94. He then  
11 complied within the community. His prior release demonstrates that DHS itself  
12 previously found supervised community placement adequate. The later bond record  
13 included a U.S. citizen sponsor and nine letters from U.S. citizens, professionals,  
14 church members, and community supporters confirming that they know Mr. Kavosi  
15 and his family and do not view him as a danger. (*See Evid. in Supp. of Traverse, Ex.*  
16 *E, p. 35–53.*)  
17  
18  
19

20 The Court should weigh the sponsor package, prior parole release, and support  
21 letters together with the medical and therapeutic record. Civil detention is lawful only  
22 to serve appearance and safety; when the same goals can be served through sponsor  
23 supervision, ICE check-ins, address reporting, electronic or telephonic monitoring,  
24 and restrictions tailored to the case, continued incarceration becomes excessive. *See*  
25 *Zadvydas, 533 U.S. at 690; Foucha, 504 U.S. at 80; Hernandez, 872 F.3d at 990–92.*  
26  
27

1 **VII. Immediate Release Is The Appropriate Remedy; Alternatively, The**  
2 **Court Should Order a New Constitutionally Adequate Bond Hearing.**

3  
4 Immediate release under reasonable conditions is appropriate because the  
5 Government has already had a bond hearing and *still* has not produced individualized  
6 evidence that detention is necessary. Conditions can include sponsor custody,  
7 periodic ICE check-ins, notice of address changes, electronic GPS ankle monitoring  
8 if ordered, restrictions on travel outside the district or state without permission, and  
9 any other reasonable condition the Court finds appropriate. These conditions are not  
10 hypothetical; they mirror the type of supervision with which Mr. Kavosi previously  
11 complied.  
12

13  
14 Proposed release conditions are available and adequate. Mr. Kavosi can reside  
15 with his family and approved sponsor, report to ICE as directed, keep the Court and  
16 DHS informed of any address change, appear for all immigration and federal-court  
17 proceedings, comply with any GPS/ATD or telephonic reporting condition the Court  
18 finds necessary, and remain available for the BIA and immigration-court process.  
19 These conditions directly address the only permissible purposes of civil immigration  
20 detention.  
21  
22

23  
24 Alternatively, a new bond hearing should expressly require the Immigration  
25 Judge to: (1) treat mandatory military service as distinct from voluntary terrorist  
26 affiliation; (2) consider the Iranian attorney's letter and country evidence on  
27

1 compulsory service; (3) evaluate translation, dialect, and early-morning interview  
2 reliability; (4) place the burden on the Government; (5) require clear and convincing  
3 proof of present danger or flight risk; and (6) consider non-monetary alternatives and  
4 the existing sponsor and support-letter package.  
5

6 In the alternative, the Court should order a new bond hearing within seven days.  
7  
8 The hearing should be constitutionally adequate and should not repeat the error of  
9 placing the burden on Mr. Kavosi. The Government should be required to prove, by  
10 clear and convincing evidence, that continued detention is necessary because no less  
11 restrictive alternative can reasonably address a proven risk of flight or danger. If the  
12 Government cannot meet that burden, Mr. Kavosi should be released under  
13 reasonable supervision.  
14

## 15 V. CONCLUSION

16  
17 Respondents' opposition should be rejected. The existence of a prior habeas  
18 order and a prior bond hearing does not defeat habeas review of present prolonged  
19 detention. Mr. Kavosi remains in custody; his removal is not final or immediate; his  
20 BIA proceedings remain pending; his medical condition and family hardship have  
21 worsened; and the Government has not shown that detention remains necessary.  
22  
23

24 For these reasons, Petitioner respectfully requests that the Court grant the  
25 Petition, order his immediate release under reasonable conditions, and prohibit  
26  
27

1 transfer outside this District absent leave of Court. In the alternative, Petitioner  
2 requests that the Court order a new constitutionally adequate bond hearing within  
3 seven days, with the Government bearing the burden of proof by clear and convincing  
4 evidence, with express consideration of less restrictive alternatives, medical evidence,  
5 family impact, sponsorship, and community support, and with a written decision  
6 explaining any continued detention.  
7  
8

9  
10 Respectfully submitted,

11 Dated: April 30, 2026  
12  
13

14 //s// John Wells

15 John Wells, SBN 358423

16 Attorney for Petitioner Hadi Kavosi  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27