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

CHEIKHOU SARR,

Petitioner,

v.

JERMEY CASEY,

Respondent,

Case No.: 26-cv-2343-RBM-MSB

RESPONSE TO PETITION

Petitioner filed a habeas petition (ECF No. 1) on April 10, 2026 seeking his release from immigration custody which began on May 29, 2025. His petition omits critical procedural history –namely, that he already received a bond hearing on March 6, 2026. “After full consideration of the evidence presented,” the immigration judge determined that Petitioner “poses a risk of flight” and denied bond accordingly. Order of the Immigration Judge, attached as *Exhibit 1*. As set forth in the order, that decision is based on the immigration judge’s finding that Petitioner’s “proposed sponsor was a serial sponsor whom he falsely claimed to have personally met,” Petitioner “has no relatives or ties to any community, save and except a relative who is undocumented,” and he “presented no proof of a stable residence or employment.” *Id.*

Petitioner reserved appeal of the immigration judge’s order, but he did not file a timely appeal with the Board of Immigration Appeals (BIA), and he now improperly seeks to challenge the order before this Court. It is well established that habeas

1 petitioners must exhaust all available administrative remedies before seeking habeas
2 relief in federal court. *Rojas-Garcia v. Ashcroft*, 339 F.3d 814, 819 (9th Cir. 2003)
3 (“The exhaustion requirement avoids premature interference with the agency’s
4 processes and helps to compile a full judicial record”). Petitioner’s failure to exhaust is
5 dispositive, as habeas relief is not an appropriate substitute for administrative review by
6 the BIA.

7 Moreover, Petitioner does not allege that his bond hearing on March 6, 2026 was
8 constitutionally deficient. Nor does he allege any specific issue with that hearing (in
9 fact, the Petition does not even mention the prior bond hearing). Instead, Petitioner’s
10 only apparent issue with that hearing is that the immigration judge did not rule in his
11 favor. But mere disagreement with the outcome of the bond hearing does not give rise
12 to a cognizable habeas claim. Rather, to the extent Petitioner challenges the immigration
13 judge’s order, the proper remedy lies in the administrative appeal process before the
14 BIA. Petitioner failed to exhaust administrative remedies by failing to file an appeal
15 with the BIA and his Petition should be dismissed accordingly.

16 DATED: May 4, 2026

Respectfully submitted,

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