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

11 MUSTAFA ALSHAHER,

12 Petitioner,

13 v.

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

23 Respondents.

Civil Case No.: 26-cv-2402-BAS-VET

**Traverse in Support of
Petition for Writ
of
Habeas Corpus**

**[Civil Immigration Habeas,
28 U.S.C. § 2241]**

1 In his amended petition for a writ of habeas, Mr. Alshaher argued that he
2 was eligible for a bond hearing under 8 U.S.C. § 1226(a) as an individual who
3 entered on a visa and overstayed. Dkt. 6. In their Return, Respondents agree that
4 Mr. Alshaher overstayed his visa and is “detained pursuant to 8 U.S.C. § 1226(a)”
5 such that he is “eligible for a bond hearing before an immigration judge (IJ)
6 pursuant to 8 U.S.C. § 1226(a).” Dkt. 8. But Respondents then claim that
7 Mr. Alshaher “has not requested one as of today” and go on to argue that he is
8 “lawfully detained,” that “administrative remedies must be exhausted,” that his
9 habeas claims are “improper,” and that his requested relief is “jurisdictionally
10 barred.” Dkt. 8 at 2–8.

11 Respondents’ arguments are non-responsive and unnecessary. As
12 Mr. Alshaher explained in his amended petition, the only reason he has not
13 received a bond hearing is because he was arrested *after* his proceedings in front
14 of the IJ concluded and his case was on appeal at the BIA. Dkt. 6 at 2. Thus, he
15 has had no hearings before an IJ while detained and no opportunity to request a
16 bond hearing. Because the parties agree that Mr. Alshaher is detained under
17 § 1226(a) and eligible for a bond hearing, this Court may resolve this habeas by
18 simply ordering that Mr. Alshaher receive a bond hearing.

19 Respectfully submitted,

20
21 Dated: May 11, 2026

s/ Kara Hartzler

Federal Defenders of San Diego, Inc.

Attorneys for Petitioner

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