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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MANUEL VAZQUEZ-GARCIA,

Petitioner,

v.

CHRISTOPHER J. LAROSE, et al.,

Respondents.

Case No.: 26-cv-02462-BHC-DEB

**TRAVERSE IN SUPPORT OF
PETITION FOR WRIT OF HABEAS
CORPUS**

1 Although Respondents now concede that Petitioner is a member of the *Maldonado*
2 *Bautista* Bond Eligible Class and do not oppose an order for a bond hearing under 8
3 U.S.C. § 1226(a) (DKT. 5 at 1), Petitioner maintains that immediate release is the only
4 constitutionally appropriate remedy. Petitioner has already sought a bond hearing, which
5 the Immigration Judge (IJ) denied for a purported lack of jurisdiction. As detailed in the
6 Petition, the Executive Office for Immigration Review (EOIR) is no longer a neutral
7 body capable of providing the individualized hearing required by due process. Therefore,
8 a secondary hearing would be futile and insufficient to remedy the unlawful detention.
9

10 On April 16, 2026, the Honorable Judge Gonzalo P. Curiel granted a motion to
11 enforce ordering release of Petitioner within forty-eight (48) hours subject to reasonable
12 conditions of supervision. *Perez Velasquez v. Bondi*, No. 3:26-cv-01759-GPC-DDL (Apr.
13 16, 2026). In *Perez Velasquez*, the Court granted the petition and ordered respondents to
14 provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) and following the
15 hearing, the IJ issued an order stating that bond is “[d]enied, because deemed to be a
16 flight risk, and no amount of bond will mitigate such risk.” *Id.* at 3. Petitioner filed a
17 motion to enforce arguing that his continued detention without an adequate bond hearing
18 violates his Fifth Amendment due process rights. *Id.* at 4. Respondents opposed
19 Petitioner’s petition solely on the grounds that Petitioner failed to exhaust his
20 administrative remedies. *Id.*
21
22

23 In granting the motion, the Court reasoned, “As to futility, Petitioner points to
24 evidence that BIA has been drastically reshaped within the past year, such that the **BIA**

1 **now functions to rubberstamp IJ bond denials** and facilitate noncitizen removal.[..]

2 While such evidence, on its own, is insufficient to waive exhaustion, the statistics support
3 the position that the reconstituted BIA is far less likely to provide Petitioner with any
4 efficacious relief” *Id. at 14*.

5 As to the judicial review provisions of 8 U.S.C. § 1226(e), the Court noted that
6 “district courts retain habeas jurisdiction over “constitutional claims or questions of law.”
7 *Id. at 4* (citing *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011; *Calderon-Rodriguez*
8 *v. Wilcox*, 374 F. Supp. 3d 1024, 1031 (W.D. Wash. 2019) (“Federal district courts have
9 habeas jurisdiction to review bond hearing determinations for constitutional claims and
10 legal error.”)).

11
12 On March 30, 2026, the Honorable Jinsook Ohta granted a petition for writ of
13 habeas corpus and ordered the Petitioner’s immediate release. *Izquierdo v. Casey*, No.
14 3:26-cv-01731-JO-SBC (S.D. Cal. Mar. 30, 2026). Like the Petitioner here,
15 the *Izquierdo* petitioner had entered without inspection and was detained for the first time
16 in the U.S. interior.¹ *Izquierdo v. Casey* is directly on point regarding Petitioner’s request
17 for immediate release.
18

19
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¹ *Izquierdo* entered the United States at or near San Ysidro, California on or about
21 September 29, 2007 and has continuously resided in the country with no criminal history
22 since. Pet. ¶ 45, 52; Dkt. 1-2 at 3. He married his U.S. citizen wife on October 9, 2020,
23 and his I-130 Petition for Alien Relative was approved on February 10, 2021. Pet. ¶¶ 45,
24 49; Dkt. 1-2 at 10. On June 17, 2022, an immigration judge dismissed *Izquierdo*’s
removal proceedings so that he could continue to pursue consular processing through his
U.S. citizen wife. Pet. ¶ 49; Dkt. 1-2 at 12. On February 3, 2026, border patrol agents
arrested *Izquierdo* at a checkpoint in Westmoreland, California. Pet. ¶ 3. Since that time,

Dated: April 24, 2026

Respectfully submitted,

By: /s/ Bashir Ghazialam
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Izquierdo had been detained at the Imperial Regional Detention Facility without a bond hearing. Id. ¶ 13.

CERTIFICATE OF SERVICE

I hereby certify that on April 24, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Southern District of California by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

Executed on: April 24, 2026

/s/ Bashir Ghazialam
Bashir Ghazialam