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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 Mohammad EIVAZI

12 Petitioner,

13 v.

14 Christopher J. LAROSE, et al.

15 Respondents.

16 Case No.: 26CV2469 JES SBC

17 **PETITIONER'S TRAVERSE SUPPORTING**
18 **PETITION FOR WRIT OF HABEAS**
19 **CORPUS**

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26 Petitioner, Mohammad Eivazi, through counsel, traverses Respondents' Response
27 to Petition.
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2 **A. INTRODUCTION**

3 Respondents concede that Petitioner should receive a bond hearing, where the
4 government would bear the burden of proof establishing, by clear and convincing
5 evidence, that Petitioner poses a danger to the community or risk of flight risk. (ECF 4 at
6 1.) However, as argued in the petition, in practice, a bond hearing is not an adequate
7 remedy in this case.
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10 **B. DUE PROCESS REQUIRES THAT AN IMPARTIAL ADJUDICATOR DECIDE IF**
11 **PETITIONER'S CONTINUED DETENTION BEARS A REASONABLE RELATION TO**
12 **FLIGHT RISK AND DANGER TO THE COMMUNITY.**

13 "A neutral judge is one of the most basic due process protections." *Castro-Cortez*
14 *v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), abrogated on other grounds by *Fernandez-*
15 *Vargas v. Gonzales*, 548 U.S. 30 (2006). *See also Diouf v. Napolitano* ("Diouf II"), 634 F.3d
16 1081, 1091-92 (9th Cir. 2011) (neutral adjudication decreases the risk of erroneous
17 deprivation). Due process requires that immigration detention, "'bear [] a reasonable
18 relation to the purpose for which the individual was committed.'" *Demore v. Kim*, 538
19 U.S. 510, 527 (2003) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)). Specifically,
20 immigration detention must be reasonably related to the government's goals of
21 preventing flight and protecting the community from harm and be accompanied by
22 adequate procedural protections to ensure that those goals are being served. *See*
23 *Zadvydas*, 533 U.S. at 690-91. Chief among these procedural protections is "the
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1 guarantee of an impartial and disinterested tribunal," which the Due Process Clause
2 requires "in both civil and criminal cases." *Marshall v. Jerrica, Inc.*, 446 U.S. 238, 242
3 (1980).
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5 The systematic transformation of EOIR (the sub-agency within the DOJ that
6 houses the Immigration Courts and BIA) into an instrument of the current
7 administration's enforcement agenda has made it structurally incapable of providing
8 Petitioners with the impartial tribunal and individualized assessment that due process
9 requires. *See Perez Velasquez v. Bondi*, No. 26-cv-01759-GPC-DDL (S.D. Cal. April. 16,
10 2026) (ordering immediate release after finding Petitioner's post-habeas bond hearing
11 legally and constitutionally deficient.)
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15 The ongoing mass-scale purge of immigration and BIA judges, the installation of
16 explicitly enforcement-aligned "deportation judges," EOIR policy directives establishing
17 that adjudications favor the government over noncitizens, and explicit instructions to
18 defy district court rulings, demonstrate that the immigration system is not an
19 independent adjudicative body.¹ Since the administration change, DHS has filed 309%
20 more appeals. The increase in DHS bond appeals saw the most dramatic increase. The
21 BIA sustained DHS appeals at a markedly higher rate.² This increase in both DHS bond
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27 ¹ See ECF 1-2 at pp 30-51, NEW YORK TIMES, *How Trump Purged Immigration Judges to Speed Up*
28 *Deportations* April 9, 2026

² See Ex. 1 Jayashri Srikantiah and Rajan Lukose, *The Board of Immigration Appeals Under the Second*
Trump Administration An Empirical Analysis of Grant Rates and DHS Appellate Behavior March 3, 2026

1 appeals, and BIA grants of these appeals demonstrate an institution change seeking to
2 keep noncitizens unlawfully detained. Petitioner has received withholding of removal
3 and has been detained for over 13 months. Based on recent case law and statistics, a
4 bond hearing is not an adequate remedy in this case.
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7 Because a bond hearing in this context is likely to be biased, perfunctory, and
8 outcome-determinative in favor of detention, it would not cure the constitutional injury
9
10 Petitioner presently suffers from more than thirteen months of confinement without a
11 neutral, effective review. The traditional habeas remedy of release—squarely within the
12 historical core of habeas jurisdiction—therefore provides the only meaningful relief
13 capable of stopping the ongoing due-process violation.
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16 Dated: April 28, 2026

Respectfully submitted,

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18 By:/s/ Chantal Venter

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20 Chantal Venter

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22 Attorney for Petitioner
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TABLE OF EXHIBITS

Exhibit 1: Jayashri Srikantiah and Rajan Lukose, *The Board of Immigration Appeals Under the Second Trump Administration An Empirical Analysis of Grant Rates and DHS Appellate Behavior* March 3, 2026.

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