

1 **Jessie Agatstein**
2 Cal. Bar No. 319817
3 **Federal Defenders of San Diego, Inc.**
4 225 Broadway, Suite 900
5 San Diego, California 92101-5030
6 Telephone: (619) 234-8467
7 Facsimile: (619) 687-2666
8 jessie_agatstein@fd.org
9 Attorneys for Mr. Karimi

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

10 MOHAMMAD REZA KARIMI,

No.: 26-cv-2539-BAS-AHG

11 Petitioner,

12 v.

**Traverse in support of unopposed
petition for writ of habeas corpus**

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

22 Respondents.

23 In their return, Respondents “acknowledge that Petitioner is entitled to be
24 released from custody subject to conditions of supervision” set by ICE under “8
25 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1).” ECF No. 4 at 1.

26 Respondents do not address or dispute Mr. Karimi’s third claim in his
27 petition, regarding the process to which he is entitled if Respondents identify a
28 country other than Iran to remove him to. *Id.*; see ECF No. 1 at 5–7, 16–19.
Mr. Karimi provided evidence that Respondents’ current policy is to violate Ninth

1 Circuit precedent regarding the notice and process he is due in that situation. *See*
2 ECF No. 1, Exhibit E (policy is to “not affirmatively ask whether the alien is
3 afraid of being removed”).

4 This Court should thus grant Mr. Karimi’s habeas petition and order his
5 requested relief, ECF No. 1 at 20:

- 6 1. Enjoin Respondents to immediately release Petitioner from custody
7 under conditions set by Respondents under 8 U.S.C. § 1231(a)(3);
- 8 2. Enjoin Respondents from re-detaining Petitioner without first
9 following the procedures set forth in 8 C.F.R. §§ 241.4(l), 241.13(i);
10 and
- 11 3. Enjoin Respondents from removing Petitioner to a third country
12 unless they provide the following process:
 - 13 a. written notice to both Petitioner and Petitioner’s counsel in a
14 language Petitioner can understand;
 - 15 b. a meaningful opportunity, and a minimum of ten days, to raise
16 a fear-based claim for CAT protection prior to removal;
 - 17 c. if Petitioner is found to have demonstrated “reasonable fear”
18 of removal to the country, Respondents must move to reopen
19 Petitioner’s immigration proceedings;
 - 20 d. if Petitioner is not found to have demonstrated a “reasonable
21 fear” of removal to the country, a meaningful opportunity, and
22 a minimum of fifteen days, for the Petitioner to seek reopening
23 of his immigration proceedings.

24 Respectfully submitted,

25
26 Dated: April 28, 2026

s/ Jessie Agatstein
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Karimi
Email: jessie_agatstein@fd.org