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

GILBERT OJONGATUMBA JOACHIM,

Petitioner,

v.

CHRISTOPHER J. LAROSE, Senior Warden,  
Otay Mesa Detention Center; PATRICK  
DIVVER, Field Office Director, San Diego Field  
Office, U.S. Immigration and Customs  
Enforcement; TODD M. LYONS, Acting  
Director, U.S. Immigration and Customs  
Enforcement; MARKWAYNE MULLIN,  
Secretary of U.S. Department of Homeland  
Security; and TODD BLANCHE, Acting  
Attorney General of the United States,

Respondents.

CIVIL CASE NO.: '26CV2574 DMS MMP

**PETITION FOR WRIT OF HABEAS  
CORPUS UNDER 28 U.S.C. § 2241;  
ORDER TO SHOW CAUSE WITHIN  
THREE DAYS; COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF**

**[Expedited Hearing Requested]  
[Oral Argument Requested]**

Petitioner Gilbert Ojongatumba Joachim, by and through his undersigned counsel,  
respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and states  
as follows:

**INTRODUCTION**

1. Petitioner Gilbert Ojongatumba Joachim (“Mr. Joachim” or “Petitioner”) is a native and  
citizen of Cameroon who has been detained at the Otay Mesa Detention Center in San Diego,  
California since June 3, 2025—a period now exceeding ten (10) months of civil immigration

1 detention without an individualized bond hearing. He entered the United States on that same date,  
2 crossing the border near Tecate, California, seeking asylum from persecution in Cameroon. He has  
3 no criminal history of any kind.

4       2. Mr. Joachim's application for asylum, withholding of removal, and protection under the  
5 Convention Against Torture was pretermitted—summarily barred without adjudication on the  
6 merits—by Immigration Judge Mark Sameit on March 18, 2026, based on the government's  
7 invocation of the Asylum Cooperative Agreement (“ACA”) with Uganda. That ruling is now on  
8 appeal before the Board of Immigration Appeals; Mr. Joachim's prior counsel timely filed a Notice  
9 of Appeal on March 25, 2026. The BIA has not yet acted.


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11       3. Mr. Joachim has never been to Uganda. He has no family nor friends there. In fact, he has  
12 no ties of any kind to Uganda. He seeks refuge from persecution in Cameroon, and the IJ's  
13 pretermission order sent him toward a country with which he has no connection whatsoever, based  
14 on a recently-executed agreement that multiple courts and commentators have found legally infirm.

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16       4. Mr. Joachim's continued detention pending the BIA appeal violates the Due Process Clause  
17 of the Fifth Amendment. He has now been held for over ten months without any individualized  
18 bond hearing. His civil confinement has no fixed end point while his appeal is pending and there is  
19 no scheduled date for his removal. This open-ended detention of an asylum seeker whose case is  
20 actively on appeal raises serious due process concerns. Moreover, on any constitutionally adequate  
21 standard, the government cannot show by clear and convincing evidence that he is a flight risk or  
22 danger to the community—particularly given that he has no criminal record, and instead has a  
23 sponsor willing to house him and strong incentives to appear for further proceedings.

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25       5. Mr. Joachim respectfully requests that this Court issue a writ of habeas corpus ordering his  
26 immediate release from custody, or in the alternative, order a constitutionally sufficient bond  
27 hearing before this Court at which the government bears the burden of proving, by clear and  
28 convincing evidence, that no combination of conditions can reasonably assure his appearance and

1 the safety of the community. See *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011);  
2 *Martinez v. Clark*, 124 F.4th 775, 785 (9th Cir. 2024).

3  
4 **PARTIES**

5 6. Petitioner GILBERT OJONGATUMBA JOACHIM (A-Number ) is a native  
6 and citizen of Cameroon. He is currently detained at the Otay Mesa Detention Center.

7 7. Respondent CHRISTOPHER J. LAROSE is the Senior Warden at the Otay Mesa Detention  
8 Center, where Mr. Joachim is being held. He is Mr. Joachim’s immediate custodian and is  
9 responsible for Mr. Joachim’s custody. Mr. Joachim sues him in his official capacity.

10 8. Respondent PATRICK DIVVER is the Field Office Director of ICE’s San Diego Field  
11 Office for Enforcement and Removal Operations. That office determines whether Mr. Joachim will  
12 be detained in ICE custody or released. Respondent Divver has custodial authority over Mr.  
13 Joachim, who sues him in his official capacity.

14 9. Respondent TODD M. LYONS is the Acting Director of the United States Immigration and  
15 Customs Enforcement. ICE is the agency responsible for enforcing immigration laws, including  
16 detaining Mr. Joachim. Respondent Lyons is sued in his official capacity.

17 10. Respondent MARKWAYNE MULLIN is the Secretary of the United States Department of  
18 Homeland Security. DHS is the federal agency that has ultimate custodial authority over Mr.  
19 Joachim, who names him in his official capacity.

20 11. Respondent TODD BLANCHE is the Acting Attorney General of the United States. He has  
21 supervisory authority over the Executive Office for Immigration Review (EOIR). Mr. Joachim sues  
22 him in his official capacity.  
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26 **JURISDICTION AND VENUE**  
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1 12. This action arises under the Constitution of the United States, the Immigration and  
2 Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., and the habeas corpus statute, 28 U.S.C. § 2241.

3 13. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2241  
4 (habeas corpus); 28 U.S.C. §§ 1361, 1651 (Mandamus and All Writs Act); 28 U.S.C. § 2201  
5 (Declaratory Judgment Act); and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, and the Fifth  
6 Amendment to the United States Constitution.

7 14. Federal district courts retain habeas corpus jurisdiction to review the legality of immigration  
8 detention, distinct from review of a final order of removal. See *Zadvydas v. Davis*, 533 U.S. 678,  
9 687–88 (2001); *INS v. St. Cyr*, 533 U.S. 289, 301 (2001); *Jennings v. Rodriguez*, 583 U.S. 281, 293  
10 (2018). This petition challenges only the legality of Mr. Joachim’s prolonged civil detention—not  
11 the underlying removal order—and therefore falls squarely within this Court’s § 2241 jurisdiction.  
12 See *Gao v. LaRose*, 805 F. Supp. 3d 1106 (S.D. Cal. 2025) (asserting § 2241 jurisdiction over  
13 prolonged § 1225(b) detention claim).

14 15. Section 1252(g) of the INA does not strip jurisdiction. That provision covers only the three  
15 discrete actions of “commenc[ing] proceedings, adjudicat[ing] cases, or execut[ing] removal  
16 orders.” *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). A challenge to  
17 the duration and constitutionality of civil detention pending appeal is not one of those three actions.

18 16. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(2), (e)(1), and 2243. Mr.  
19 Joachim is detained at the Otay Mesa Detention Center, 7488 Calzada de la Fuente, San Diego,  
20 California 92154, within this District. See *Rumsfeld v. Padilla*, 542 U.S. 426, 451–52 (2004).

21  
22 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

23 17. Exhaustion of administrative remedies is not required for constitutional claims brought  
24 under 28 U.S.C. § 2241. See *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). To the  
25 extent any exhaustion requirement is deemed applicable, it should be excused as futile and  
26 inadequate because: (a) Mr. Joachim has already been detained for over ten months without any  
27 bond hearing; (b) the immigration court at Otay Mesa lacks statutory authority to conduct a bond  
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1 hearing for an arriving alien detained under 8 U.S.C. § 1225(b), under *Matter of M-S-*, 27 I&N Dec.  
2 509 (A.G. 2019); and (c) as detailed below, the only other nominal “remedy” is the discretionary  
3 parole process, which is opaque, non-adjudicatory, and not capable of providing the individualized  
4 due process protections, including a neutral decisionmaker and an evidentiary record, that the  
5 Constitution requires. Under these circumstances, further pursuit of administrative relief would be  
6 futile and inadequate to protect his constitutional rights.  
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## 8 **FACTUAL BACKGROUND**

### 9 **A. Entry and Apprehension**

10 18. On June 3, 2025, Gilbert Ojongatumba Joachim—a 34-year-old Cameroonian national—  
11 entered the United States near Tecate, California. He was apprehended by U.S. Border Patrol. See  
12 **Ex. C** (Form I-213).  
13

14 19. Mr. Joachim is a native and citizen of Cameroon. His immigration record is negative; his  
15 criminal record shows nothing known. *Id.*

16 20. At the time of apprehension, Mr. Joachim indicated he was seeking protection and expressed  
17 a fear of return to Cameroon. *Id.*

18 21. Mr. Joachim was served with a Notice to Appear on September 26, 2025, charging him as  
19 removable under INA §§ 212(a)(6)(A)(i) (entry without inspection) and 212(a)(7)(A)(i)(I)  
20 (immigrant without valid entry documents). See **Ex. B** (Notice to Appear). He was ordered to  
21 appear at Otay Mesa Immigration Court for an initial hearing on October 9, 2025. His address in  
22 proceedings has been listed as c/o Otay Mesa Detention Center, 7488 Calzada de la Fuente, San  
23 Diego, CA 92154.

24 22. Mr. Joachim has been continuously detained at the Otay Mesa Detention Center since his  
25 apprehension on June 3, 2025. See **Ex. F** (Printout of Online Detainee Locator).

### 26 **B. Immigration Proceedings**

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1 23. Mr. Joachim appeared in removal proceedings before the Otay Mesa Immigration Court and  
2 filed a Form I-589, Application for Asylum and Withholding of Removal, based on his fear of  
3 persecution in Cameroon.

4 24. He is a businessman who was accused of selling car parts to Anglophone separatist fighters,  
5 a charge he contests. Cameroon has a documented, severe human rights situation, particularly  
6 relating to the Anglophone crisis. Mr. Joachim credibly fears persecution and torture if returned to  
7 Cameroon. His underlying asylum claim was never adjudicated on the merits.

8 **C. DHS's Motion to Pretermite Based on the Uganda ACA**

9 25. On January 22, 2026, DHS advised Mr. Joachim in writing that it intended to invoke the  
10 Asylum Cooperative Agreement ("ACA") between the United States and Uganda to pretermite his I-  
11 589. The ACA, published at 90 Fed. Reg. 42,597 (Sept. 3, 2025), provides that the United States  
12 may send third-country nationals to Uganda for processing of their protection claims, with certain  
13 exceptions.

14 26. DHS filed a motion to pretermite Mr. Joachim's I-589 based on INA § 208(a)(2)(A), the safe-  
15 third-country bar. Mr. Joachim filed an opposition to the motion on February 27, 2026.

16 27. On March 18, 2026, Immigration Judge Mark Sameit held a hearing and issued a written  
17 Decision and Order granting DHS's motion to pretermite. See **Ex. A** (Decision, March 18, 2026).

18 28. In his ruling, IJ Sameit found: (1) DHS had provided adequate notice; (2) the Uganda ACA  
19 properly applied because Mr. Joachim is not an unaccompanied minor or Ugandan citizen; and (3)  
20 Mr. Joachim failed to prove by a preponderance of the evidence that he would more likely than not  
21 be persecuted or tortured in Uganda. See **Ex. A**.

22 29. Notably, the IJ acknowledged that Mr. Joachim has never been to Uganda, has no family or  
23 friends there, and has no connection to Uganda of any kind. See **Ex. A**. The IJ did not address the  
24 legal sufficiency of the ACA itself, the validity of pretermite as applied to a third-country  
25 national with no Uganda ties, or the procedural adequacy of Uganda's asylum system for  
26 Cameroonian nationals.

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1 30. IJ Sameit's order pretermitted not only the asylum application but also Mr. Joachim's claims  
2 for withholding of removal under 8 U.S.C. § 1231(b)(3) and for protection under the Convention  
3 Against Torture under 8 C.F.R. §§ 1240.11(g)(4) and (h)(4). Mr. Joachim's underlying  
4 Cameroonian persecution claim was never heard on the merits.

5 **D. BIA Appeal**

6 31. On March 25, 2026, prior counsel timely filed a Notice of Appeal (Form EOIR-26) with the  
7 Board of Immigration Appeals. See **Ex. D** (Notice of Appeal). The BIA received the filing and  
8 issued a receipt. See **Ex. E** (BIA Receipts).

9 32. The grounds for appeal are: (a) the IJ abused his discretion by granting DHS's pretermission  
10 motion despite Mr. Joachim's objection; (b) Uganda has one of the worst human rights records in  
11 Africa; (c) Mr. Joachim demonstrated by a preponderance that he will be persecuted if removed on  
12 a protected ground; and (d) the IJ ignored the record and current country conditions. See **Ex. D**.

13 33. The BIA appeal is currently pending. No briefing deadline has yet been set. *Id.*

14 34. Mr. Joachim has been detained continuously since June 3, 2025—now over ten months—  
15 with no individualized bond hearing of any kind.

16 **E. No Criminal History; Sponsor Available**

17 35. Mr. Joachim has no criminal record of any kind. See **Ex. C** (I-213: "Criminal Record: None  
18 Known"; all NCIC, NGI, TECS, CIS, ABIS checks negative). He has never been arrested, charged,  
19 or convicted of any offense.

20 36. Mr. Joachim has a sponsor in the United States willing to house him while his BIA appeal  
21 proceeds. His sponsor, U.S. citizen Gillian Eyongeta, is willing to house and financially support Mr.  
22 Joachim until he can secure his own housing and employment. See **Exhibit M** (Sponsor  
23 Documents). Ms. Eyongeta's sponsorship demonstrates that Mr. Joachim is not a flight risk and that  
24 any residual concerns can be addressed through standard conditions of release.  
25

26 **LEGAL STANDARDS**

27 **A. Habeas Corpus**

1 37. A person in custody in violation of the Constitution or laws of the United States may  
2 petition for a writ of habeas corpus under 28 U.S.C. § 2241(c)(3). The traditional remedy for  
3 unlawful custody is an order that ends or cures that custody—typically release. See *Preiser v.*  
4 *Rodriguez*, 411 U.S. 475, 484 (1973); *Munaf v. Geren*, 553 U.S. 674, 693 (2008). In the  
5 immigration context, courts routinely craft habeas relief that remedies constitutional defects in  
6 detention, including by ordering individualized bond hearings.

7 **B. Civil Immigration Detention and Due Process**

8 38. “Civil detention that exceeds the time necessary to effect removal raises a serious  
9 constitutional problem.” *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). Freedom from imprisonment  
10 lies at the heart of the liberty protected by the Due Process Clause of the Fifth Amendment. *Id.* at  
11 690.

12 39. Mr. Joachim is detained as an “arriving alien” under 8 U.S.C. § 1225(b)(1)(B)(ii), which  
13 requires detention of persons found to have a credible fear of persecution pending further  
14 consideration of their asylum application. This provision contains no time limit and no statutory  
15 mechanism for a bond hearing.

16 40. While *Jennings v. Rodriguez*, 583 U.S. 281 (2018), held that § 1225(b) does not statutorily  
17 require periodic bond hearings, the Supreme Court expressly declined to resolve the constitutional  
18 question. On remand, the Ninth Circuit expressed “grave doubts that any statute that allows for  
19 arbitrary prolonged detention without any process is constitutional.” *Rodriguez v. Marin*, 909 F.3d  
20 252, 255–56 (9th Cir. 2018).

21 41. The “entry fiction”—the doctrine that arriving aliens are legally treated as if they had not  
22 entered the United States—does not strip persons physically detained within U.S. territory of all  
23 constitutional due process protections against prolonged arbitrary detention. See **Ex. G**, *Kydyrali v.*  
24 *Wolf*, 499 F. Supp. 3d 768, 773–76 (S.D. Cal. 2020); **Ex. I**, *Banda v. McAleenan*, 385 F. Supp. 3d  
25 1099, 1107–11 (W.D. Wash. 2019). *DHS v. Thuraissigiam*, 591 U.S. 103 (2020), circumscribed due  
26 process rights relating to admission—not detention. See **Ex. H**, *Gao v. LaRose*, 805 F. Supp. 3d at  
27 6–7.

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1 **C. The Prolonged Detention Standard: The Banda/Kydyrali Six-Factor Test**

2 42. Courts in the Ninth Circuit and across the country apply a six-factor balancing test to  
3 determine whether prolonged mandatory detention under § 1225(b) has become unconstitutional.  
4 See *Banda*, 385 F. Supp. 3d at 1106 (adopting factors from *Jamal A. v. Whitaker*, 358 F. Supp. 3d  
5 853, 858–59 (D. Minn. 2019)); *Kydyrali*, 499 F. Supp. 3d at 773. **Ex. I; Ex. G.** The six factors are:  
6 a. The total length of detention to date;  
7 b. The likely duration of future detention;  
8 c. The conditions of detention;  
9 d. Delays in removal proceedings caused by the detainee;  
10 e. Delays in removal proceedings caused by the government; and  
11 f. The likelihood that removal proceedings will result in a final order of removal.

12 43. Courts have found prolonged detention unconstitutional after as few as nine months. See  
13 *Jamal A.*, 358 F. Supp. 3d at 858. In *Kydyrali*, this Court found 27 months unconstitutional (**Ex. G**);  
14 in *Banda*, 17 months (**Ex. I**). In *Gao v. LaRose*, Judge Huie found 10 months unconstitutional under  
15 the totality of circumstances, adding two additional factors beyond the standard six. See *Gao*, 805 F.  
16 Supp. 3d at 8–12 (**Ex. H**).

17 44. Where detention is found unreasonably prolonged, the government must be given an  
18 opportunity at a bond hearing to justify continued detention. At that hearing, the government bears  
19 the burden of proof and must establish by clear and convincing evidence that the detainee is a  
20 danger to the community or a flight risk that no combination of conditions can mitigate. *Singh v.*  
21 *Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *Kydyrali*, 499 F. Supp. 3d at 779 (**Ex. G**); *Banda*, 385  
22 F. Supp. 3d at 1120 (**Ex. I**).

23  
24 **CLAIMS FOR RELIEF**

25 **CAUSE OF ACTION**

26 **Fifth Amendment Due Process — Prolonged Detention (Against All Respondents)**

27 45. Mr. Joachim re-alleges and incorporates by reference all preceding paragraphs.  
28

1 **I. Mr. Joachim’s Prolonged Detention Without A Bond Hearing Violates The Fifth**  
2 **Amendment’s Due Process Clause.**

3 **a. The Banda/Kydyrali Six Factors Each Weigh in Favor of Mr. Joachim.**

4 **i. Factor 1: Total Length of Detention — Strongly Favors Petitioner (Most**  
5 **Important Factor)**

6 46. Mr. Joachim has been detained for over ten months, since June 3, 2025. Length of detention  
7 is “the most important factor.” *Banda*, 385 F. Supp. 3d at 1118 (Ex. I). Courts across this District  
8 and elsewhere have repeatedly found detention periods of comparable or shorter duration to be  
9 constitutionally infirm, particularly in the absence of a bond hearing. See *Kydyrali*, 499 F. Supp. 3d  
10 at 774 (27 months, “a very, very long time”) (Ex. G); *Banda*, 385 F. Supp. 3d at 1112 (“17 months  
11 is a very long time”) (Ex. I); *Gao v. LaRose*, 805 F. Supp. 3d at 8–9 (10 months; court ordered bond  
12 hearing) (Ex. H). Mr. Joachim’s ten-plus months of detention, without any individualized bond  
13 determination of any kind at any point, is unreasonably prolonged.

14 **ii. Factor 2: Likely Duration of Future Detention — Strongly Favors**  
15 **Petitioner**

16 47. Mr. Joachim’s BIA appeal was filed March 25, 2026, and has not yet been briefed. BIA  
17 review typically takes months. If the BIA affirms, Mr. Joachim may petition the Ninth Circuit for  
18 review. The BIA appeal itself, at minimum, portends many additional months of detention. As the  
19 court recognized in *Gao*, where an appeal is pending and the removal order is not final, the detainee  
20 “faces an undetermined, but likely significant, period of mandatory detention through the appeals  
21 process.” *Gao*, 805 F. Supp. 3d at 9. This factor strongly favors Mr. Joachim.

22 **iii. Factor 3: Conditions of Detention — Favors Petitioner**

23 48. Mr. Joachim is detained at the Otay Mesa Detention Center, a for-profit facility operated by  
24 CoreCivic, Inc., which also operates state penitentiaries. As this Court recognized in *Kydyrali*,  
25 conditions of confinement at Otay Mesa are “indistinguishable from penal confinement.” *Kydyrali*,  
26 499 F. Supp. 3d at 775. See also *Gao*, 805 F. Supp. 3d at 10 (“conditions of confinement at Otay  
27 Mesa Detention Center are not dissimilar to criminal confinement”). This factor favors Mr.  
28 Joachim.

1                    **iv. Factor 4: Delays Caused by the Detainee — Favors Petitioner**

2            49. Mr. Joachim has not caused any undue delay in his proceedings. He appeared for all  
3 hearings. His attorney filed a substantive opposition to DHS’s pretermission motion. He filed his  
4 BIA appeal within the statutory deadline. Exercising one’s legal right to appeal is not “delay.” See  
5 *Gao*, 805 F. Supp. 3d at 10 (“Although he has chosen to appeal the denial of asylum, as is his right,  
6 there is no indication that he is responsible for undue delay in the proceedings”). This factor favors  
7 Mr. Joachim.

8                    **v. Factor 5: Delays Caused by the Government — Neutral, Slightly Favors**  
9                    **Petitioner**

10            50. The government has not caused obvious dilatory delay in the removal proceedings per se—  
11 the case moved from NTA (September 26, 2025) to the pretermission hearing (March 18, 2026) in  
12 approximately five months. This factor is largely neutral. However, any BIA delay attributable to  
13 the agency’s own briefing schedules and crowded docket would properly be attributed to the  
14 government. See *Kydyrali*, 499 F. Supp. 3d at 776 (“‘crowded dockets’ . . . courts typically attribute  
15 to the Government—not the Petitioner”). At minimum, this factor is neutral and does not favor the  
16 government.

17                    **vi. Factor 6: Likelihood of Final Removal Order — Strongly Favors**  
18                    **Petitioner**

19            51. Unlike typical prolonged detention cases where the IJ has already denied asylum on the  
20 merits, here no merits adjudication ever occurred. The IJ granted pretermission—a procedural bar.  
21 The BIA appeal challenges the legal validity of applying the Uganda ACA to a person with no  
22 connection to Uganda. Several considerations strongly reduce the likelihood of a final removal  
23 order to Uganda:

24            52. First, the ACA with Uganda is a recently-executed agreement (90 Fed. Reg. 42,597, Sept. 3,  
25 2025) that has never been upheld by any circuit court. Its application to individuals with no  
26 connection to Uganda is legally novel and contested.

27            53. Second, the IJ himself acknowledged that Mr. Joachim has never been to Uganda, has no  
28 family there, and has no connections whatsoever. The pretermission was based on a finding that

1 Uganda “cooperates with UNHCR”—a generic finding that does not establish Uganda’s ability to  
2 adjudicate the specific claim of a Cameroonian national accused of ties to separatist fighters.

3 54. Third, even if the BIA affirms, Mr. Joachim may petition for Ninth Circuit review of the  
4 ACA’s legal validity. The Ninth Circuit has not yet ruled on whether the Uganda ACA may be  
5 applied to third-country nationals with no Uganda connection. As detailed in Argument II below,  
6 the legal arguments against the ACA’s application here are substantial.

7 55. This factor weighs strongly in Mr. Joachim’s favor. The appeal is legally viable, and  
8 removal to Uganda is not reasonably foreseeable.

9 **b. Two Additional *Gao* Factors Further Favor Mr. Joachim.**

10 56. In *Gao v. LaRose*, Judge Huie identified two additional factors beyond the standard six that  
11 the court found dispositive. Both apply here.

12 **i. *Gao* Additional Factor 1: No Bond Determination Has Ever Been Made;  
13 Government Has No Particularized Interest in Continued Detention.**

14 57. In *Gao*, the court found it significant that: (a) the government had previously granted parole,  
15 then revoked it solely due to circumstances beyond the petitioner’s control; (b) two parole requests  
16 went entirely unanswered; and (c) at hearing, the government could articulate no particular interest  
17 in continued detention beyond general enforcement. *Gao*, 805 F. Supp. 3d at 10–11.

18 58. Mr. Joachim has never received any individualized custody determination. He has no  
19 criminal record whatsoever. His I-213 reflects all-negative records checks. The government cannot  
20 point to any flight risk, criminal history, or danger to the community to justify ten months of  
21 detention. The government’s only basis for continued confinement is statutory—the mandatory  
22 detention provision of § 1225(b)—which provides no procedural safeguard of any kind. This factor  
23 strongly favors Mr. Joachim.

24 **ii. *Gao* Additional Factor 2: Removal Is Not Reasonably Foreseeable Even  
25 If the Appeal Fails.**

26 59. In *Gao*, the court found it significant that even if the petitioner’s appeal were withdrawn, he  
27 would not be immediately removable because he had been granted withholding of removal and was  
28

1 unable to secure third-country travel documents. *Gao*, 805 F. Supp. 3d at 11. Similarly, Mr.  
2 Joachim’s removal is not reasonably foreseeable:

3       60. Even if the BIA affirms the pretermission order, the validity of the Uganda ACA—and  
4 Uganda’s actual willingness and capacity to accept Cameroonian nationals for processing—remains  
5 legally contested. The government has not established a realistic prospect of removing Mr. Joachim  
6 to Uganda within a reasonably foreseeable time frame. There is no evidence that Uganda has agreed  
7 to accept him, that travel documents are available or in process, or that any consular coordination  
8 has occurred. The I-213 is silent on Uganda travel documents or consular contact. Removal to  
9 Uganda is therefore speculative, contingent on unresolved legal and diplomatic issues, and far from  
10 imminent. In this posture, continued detention serves no immediate removal purpose and instead  
11 exacerbates the constitutional concerns associated with open-ended civil confinement. See  
12 *Zadvydas*, 533 U.S. at 699. This factor strongly favors Mr. Joachim.

13           **c. The Government Cannot Justify Continued Detention at a Bond Hearing.**

14       61. Under binding Ninth Circuit precedent, where civil immigration detention becomes  
15 prolonged, due process requires an individualized bond hearing at which the government bears the  
16 burden to justify continued detention by clear and convincing evidence. The government must  
17 prove that the detainee poses either a danger to the community or a flight risk that cannot be  
18 mitigated by any combination of conditions. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir.  
19 2011); *Martinez v. Clark*, 124 F.4th 775 (9th Cir. 2024).

20       62. The government cannot meet this burden. Mr. Joachim has no criminal record of any kind.  
21 He crossed the border on June 3, 2025, seeking asylum—not to evade law enforcement. He has a  
22 sponsor in the United States. He has appeared for every court proceeding. He has every incentive to  
23 continue appearing: his BIA appeal is pending, he has genuine fear of return to Cameroon, and he  
24 has the support of counsel. He is not a flight risk and is not dangerous.

25       63. Within the Ninth Circuit, numerous district courts have granted habeas relief to § 1225(b)  
26 detainees held for prolonged periods without a bond hearing, concluding that the Constitution  
27 requires an individualized hearing with the government bearing a clear-and-convincing burden. See,  
28 e.g., *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1104–07 (W.D. Wash. 2019); *Calderon-*

1 *Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024, 1030–34 (W.D. Wash. 2019); *Sataby Kydyrali v. Wolf*,  
2 499 F. Supp. 3d 769, 773–79 (S.D. Cal. 2020). These cases reject formalistic distinctions among  
3 detention statutes and focus, instead, on the shared liberty interest in freedom from prolonged civil  
4 confinement. See *Singh*, 638 F.3d at 1205 (quoting *Diouf v. Napolitano*, 634 F.3d 1081, 1087 (9th  
5 Cir. 2011)) (‘Regardless of the stage of the proceedings, the same important interest is at stake—  
6 freedom from prolonged detention.’).

7 **II. MR. JOACHIM HAS A VIABLE APPEAL OF THE PRETERMISSION**  
8 **RULING; REMOVAL IS NOT REASONABLY FORESEEABLE.**

9 64. The pretermission ruling is legally vulnerable for the following reasons, each of which  
10 supports the conclusion that removal to Uganda is not reasonably foreseeable:

11 a. **The INA’s Safe-Third-Country Bar Requires a Meaningful Assessment of**  
12 **Protection; the Uganda ACA Does Not Meet That Standard As Applied to Mr.**  
13 **Joachim.**

14 65. INA § 208(a)(2)(A) bars asylum if an alien “may be removed” to a safe third country. The  
15 statutory phrase “may be removed” requires a genuine determination that the country can and will  
16 provide the applicant with a fair opportunity to seek protection. Merely pointing to a signed  
17 agreement with a country does not establish that the agreement applies to this particular applicant in  
18 these particular circumstances.

19 66. Mr. Joachim has no connection to Uganda. The country conditions evidence submitted to the  
20 IJ demonstrated significant human rights problems in Uganda—arbitrary killings, torture, arbitrary  
21 arrest and detention—even as to refugees. The IJ’s reliance on Uganda’s “cooperation with  
22 UNHCR” as sufficient assurance of protection is contrary to the required individualized assessment.  
23 The BIA has not yet addressed whether the Uganda ACA may be applied to persons who have no  
24 ties to Uganda, who fear being returned to their home country, and who face specific documented  
25 risks.

26 b. **Statutory Misfit: The Uganda ACA Does Not Satisfy INA § 208(a)(2)(A).**

27 67. INA § 208(a)(2)(A) presupposes a genuinely safe third country with a functioning asylum  
28 system. The only prior safe-third-country agreement was with Canada—a safe nation with a robust

1 asylum system, implemented via detailed regulation. 84 Fed. Reg. 63,994 (Nov. 19, 2019). The  
2 Uganda ACA designates a country that cannot be deemed a “safe” third country for a Cameroonian  
3 national with no ties there; the Rule’s stated aim to “distribute hundreds of thousands of asylum  
4 claims” is mere burden-shifting. See 84 Fed. Reg. at 63,994.

5 68. The statutory structure reflects Congress’s intent that safe-third-country designations be  
6 meaningful. The designation of Uganda—a country with a documented record of persecution of  
7 refugees, suppression of political dissent, and limited legal infrastructure—as a safe third country  
8 for a Cameroonian national with zero connection to Uganda is irreconcilable with the statutory text  
9 and purpose.

10 **c. The ACA Rule Lacks Individualized Inquiry Into Whether the Third Country**  
11 **Can Provide Fair Protection.**

12 69. The ACA Rule does not allow IJs to consider whether the individual would lack access to a  
13 full and fair process in the ACA country. Gilbert is a Cameroonian national being ordered removed  
14 to Uganda—a country he has zero ties to, never transited through, and with no cultural or family  
15 connections.

16 70. The IJ’s generic finding that Uganda “cooperates with UNHCR” does not substitute for an  
17 individualized inquiry into whether this particular applicant would receive fair and full protection  
18 there. A Cameroonian businessman with no linguistic/cultural/familial ties to Uganda, appearing  
19 before Ugandan asylum adjudicators without access to counsel, without language support, and  
20 without family ties has no meaningful opportunity to establish his claim. The Rule’s failure to  
21 permit any individualized assessment renders it legally infirm.

22 **d. The Uganda ACA Lacks the Safeguards Required for a Valid Safe-Third-**  
23 **Country Arrangement.**

24 71. Unlike the U.S.–Canada Safe Third Country Agreement, the Uganda ACA has no  
25 mechanism to monitor or enforce non-refoulement obligations and lacks provisions for legal  
26 counsel access or family reunification exceptions.

27 72. The absence of these safeguards is not a technical deficiency—it is the difference between a  
28 genuine third-country protection arrangement and a deportation mechanism dressed in the language

1 of refugee law. For Mr. Joachim, transfer to Uganda would mean confronting an asylum system  
2 without counsel, in a country whose language he may not speak, with no family support, no cultural  
3 ties, and no institutional capacity to evaluate his Cameroonian persecution claim. This is not  
4 protection; it is refolement.

5 **e. The ACA Rule Is Arbitrary and Capricious Under the Administrative**  
6 **Procedure Act.**

7 73. The ACA Rule is arbitrary and capricious because it fails to ensure safe, fair processing  
8 consistent with statutory and international obligations, and the safety determinations were made  
9 without verifiable country capacity data. The government's failure to gather verifiable capacity data  
10 before designating a country as "safe" for tens of thousands of third-country nationals is the  
11 paradigm of arbitrary agency action. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*,  
12 463 U.S. 29, 43 (1983) ("The agency must examine the relevant data and articulate a satisfactory  
13 explanation for its action.").

14 74. Applied to Mr. Joachim, this deficiency is acute. The government designated Uganda as a  
15 safe third country without determining whether Uganda had the capacity to adjudicate claims from  
16 Cameroonian nationals, without establishing that non-refoulement would be enforced for  
17 Cameroonian claimants, and without gathering data on whether Uganda's asylum system—already  
18 strained by one of the world's largest refugee populations—could provide any meaningful  
19 protection.

20 **f. Under *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. 291 (BIA 2025), Mr.**  
21 **Joachim Has Met His Burden.**

22 75. In *Matter of C-I-G-M- & L-V-S-G-*, 29 I&N Dec. 291 (BIA 2025), the BIA clarified that  
23 where DHS invokes an ACA, the respondent bears the burden to show more likely than not  
24 persecution or torture in the third country. Contrary to the IJ's ruling, Mr. Joachim has met this  
25 burden.

26 76. As a Cameroonian national with no ties to Uganda, no cultural or linguistic connections, and  
27 no access to legal representation in Uganda, Mr. Joachim faces a more-than-likely prospect of harm  
28 and/or denial of meaningful protection. Uganda's documented persecution of political dissidents,

1 arbitrary detention of refugees, and limited institutional capacity to evaluate claims by Cameroonian  
2 nationals with no connection to Uganda collectively establish that Mr. Joachim would more likely  
3 than not face persecution or torture in Uganda, or at minimum, be denied any meaningful  
4 opportunity to establish his claim before being refouled to Cameroon.

5 77. The IJ’s ruling failed to apply the *Matter of C-I-G-M* standard properly. A finding that  
6 Uganda “cooperates with UNHCR” is not a finding that Mr. Joachim specifically would receive  
7 protection there. The BIA should address—and reverse—the IJ’s failure to conduct the  
8 individualized inquiry required by the BIA’s own precedent.

9 **g. Application of ACAs to Third-Country Nationals With No Connection to the**  
10 **Third Country Raises Serious Legal Questions.**

11 78. The ACA framework—particularly as applied to individuals with no prior presence in, ties  
12 to, or relationship with the designated country—raises novel and unresolved legal questions. ACAs  
13 have traditionally been applied to persons who transited through or have connections to the safe  
14 third country. Application to a Cameroonian national based solely on a recent agreement signed  
15 with Uganda, without any individualized assessment of his particular vulnerabilities in Uganda, is  
16 legally untested and legally vulnerable.

17 **h. The Legal Foundation for ACA-Based Pretermissions Remains Unsettled.**

18 79. The legal foundation for ACA-based pretermissions remains unsettled, as the statutory and  
19 regulatory framework underpinning these agreements has been subject to ongoing legal challenge.  
20 Multiple courts have questioned whether ACAs—particularly as applied to third-country nationals  
21 with no connection to the designated country—satisfy the requirements of INA § 208(a)(2)(A). The  
22 legal viability of the Uganda ACA in cases like Mr. Joachim’s remains an open question that the  
23 BIA and the Ninth Circuit have not yet resolved.

24 **i. The BIA Appeal Is Timely, Meritorious, and Pending.**

25 80. Mr. Joachim’s BIA appeal was timely filed on March 25, 2026. See **Ex. D**; **Ex. E**. He has  
26 requested oral argument and indicated intent to file a written brief. See **Ex. D**. The appeal squarely  
27 challenges the IJ’s pretermission as an abuse of discretion that failed to account for country  
28 conditions and Mr. Joachim’s total lack of connection to Uganda. Where an appeal raises genuine

1 legal questions going to the validity of a novel ACA application—with no prior Ninth Circuit or  
2 BIA precedent on point—removal is not “reasonably foreseeable” for purposes of a prolonged  
3 detention analysis. See *Kydyrali*, 499 F. Supp. 3d at 774 (pending Ninth Circuit petition supports  
4 finding that removal is not imminent); *Banda*, 385 F. Supp. 3d at 1117 (pending BIA appeal  
5 supports finding of uncertain future duration of detention).

6 **III. *SHAUGHNESSY V. UNITED STATES EX REL. MEZEI* DOES NOT APPLY AND**  
7 **DOES NOT BAR RELIEF.**

8 81. The government may invoke *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 73  
9 S.Ct. 625, 97 L.Ed. 956 (1953) (**Ex. J**), for the proposition that arriving aliens have no due process  
10 right to contest their exclusion or detention. *Mezei* does not apply here for multiple reasons.

11 **b. *Mezei* Was a National Security Case. Mr. Joachim’s Detention Is Not.**

12 82. The *Mezei* case involved a permanent resident who had been behind the Iron Curtain for 19  
13 months and was excluded by the Attorney General on the ground that his entry would be  
14 “prejudicial to the public interest for security reasons.” 345 U.S. at 208. (**Ex. J**) The Court’s holding  
15 was expressly grounded in the national security context. The Court noted that “[a]n exclusion  
16 proceeding grounded on danger to the national security . . . presents different considerations.” *Id.* at  
17 215 n.6. The entire statutory framework invoked—the Passport Act of 1918 and wartime  
18 proclamations—was security-specific.

19 83. Mr. Joachim is detained for one reason: he is an asylum seeker whose application was  
20 pretermitted based on a safe-third-country agreement. There is no national security basis for his  
21 detention. No security finding has been made. All records checks—NCIC, NGI, TECS, CIS,  
22 ABIS—are negative. See **Ex. C**. *Mezei* simply does not apply to non-security civil immigration  
23 detention.

24 **b. *Mezei*’s Entry Fiction Cannot Be Used to Justify Indefinite Detention Without**  
25 **Any Process.**

26 84. Even the *Mezei* majority acknowledged that aliens who have “passed through our gates,  
27 even illegally, may be expelled only after proceedings conforming to traditional standards of  
28 fairness encompassed in due process of law.” 345 U.S. at 212. (**Ex. J**) This Court and others have

1 held that the entry fiction cannot be used to strip physically-present persons of all constitutional  
2 protection against indefinite detention. See *Kydyrali*, 499 F. Supp. 3d at 773–75 (Ex. G); *Banda*,  
3 385 F. Supp. 3d at 1107–11 (Ex. I); *Gao*, 805 F. Supp. 3d at 5–7 (Ex. H).

4 **c. *Mezei*'s Own Dissenters Underscored Its Narrow Reach.**

5 85. Justice Jackson's dissent—joined by Justice Frankfurter—argued that when “confinement is  
6 no longer ancillary to exclusion” but has “become an end in itself,” due process requires the alien be  
7 informed of the grounds and given a fair chance to overcome them. *Mezei*, 345 U.S. at 225  
8 (Jackson, J., dissenting) (Ex. J). After ten months of detention, with a pending BIA appeal that may  
9 take many more months to resolve, Mr. Joachim's confinement has become exactly that: an end in  
10 itself, a punitive detention of an asylum seeker who has no criminal record, no security concerns,  
11 and no connection to the country to which the government seeks to send him.

12 **d. Subsequent Supreme Court Authority Has Narrowed *Mezei*'s Reach.**

13 86. *Zadvydas v. Davis*, 533 U.S. 678 (2001), held that indefinite post-removal-order detention  
14 raises serious constitutional problems and imposed a presumptive six-month limit on such  
15 detention. Although *Zadvydas* reserved the question of whether the same rule applies to the  
16 exclusion context, the Court's reasoning—that “a statute permitting indefinite detention of an alien  
17 would raise a serious constitutional problem”—applies with equal force here. *Id.* at 690. Mr.  
18 Joachim is not a national security threat; he is an asylum seeker who entered to seek protection.  
19 There is no constitutional justification for indefinite detention in these circumstances.

20 **IV. THE BANDA FACTORS SUPPORT RELEASE OR A BOND HEARING.**

21 87. As set forth in detail under Argument Section I above, application of the *Banda v.*  
22 *McAleenan* factors—(1) length of detention; (2) likely future duration; (3) conditions; (4) no  
23 detainee-caused delay; (5) neutral government delay; and (6) low likelihood of final removal  
24 order—each weighs in Mr. Joachim's favor, or at most is neutral. The additional *Gao* factors—  
25 absence of any prior individualized custody determination and non-foreseeability of removal—  
26 further support the constitutional violation. Under the totality of circumstances, Mr. Joachim's  
27 continued detention is unreasonably prolonged and violates due process.

28

1       **V.     IN THE ALTERNATIVE, THIS COURT SHOULD CONDUCT A**  
2               **CONSTITUTIONALLY SUFFICIENT BOND HEARING—NOT REMAND TO**  
3               **EOIR.**

4       88. Should this Court decline to order Mr. Joachim’s immediate release, Mr. Joachim  
5 respectfully requests that this Court conduct the bond hearing itself, rather than remanding to the  
6 Executive Office for Immigration Review. The structural inability of immigration courts to provide  
7 a constitutionally sufficient bond hearing—documented in the record by recent public reporting,  
8 confirmed by federal courts in analogous cases in this District, and underscored by the extraordinary  
9 pressures currently bearing down on the immigration judiciary—renders an EOIR remand  
10 constitutionally inadequate.

11               **c.   Immigration Judges Are Not Independent Article III Adjudicators; They Are**  
12               **Executive Branch Employees Subject to Political Control.**

13       89. Immigration judges are not part of the federal judiciary. They are employees of the  
14 Department of Justice, under the direct supervisory authority of the Attorney General, who serves at  
15 the pleasure of the President. See 8 U.S.C. § 1101(b)(4). This means that the adjudicators who  
16 would conduct any bond hearing remanded by this Court are employees of the same executive  
17 branch that is a party before them—indeed, ICE and DHS are the Respondents in this very case.

18       90. This structural conflict is not theoretical. Recent investigative reporting confirms that  
19 immigration judges have been explicitly and systematically directed to rule in the government’s  
20 favor on bond determinations. The *New York Times* recently published a major investigation based  
21 on interviews with more than 85 people and analysis of millions of immigration court cases, finding  
22 that “[t]he Trump administration has systematically pressured the nation’s immigration judges,  
23 threatening them with disciplinary action if they do not deport more people and firing those seen as  
24 insufficiently supportive of the president’s aggressive enforcement agenda.” Nicholas Nehamas et  
25 al., *How Trump Purged Immigration Judges to Speed Up Deportations*, N.Y. Times (Apr. 9, 2026).  
26 See Ex. L.

27       91. The pressure is not abstract. The *New York Times* investigation documented that Chief  
28 Immigration Judge Teresa Riley has received daily reports on bond rulings, and her office has

1 emailed judges asking them to explain decisions to grant bond. See **Ex. L**. One current immigration  
2 judge stated that “the ‘pressure to deny bond is overt’” and that there is “a requirement to inform a  
3 supervisor every time bond was granted, underscoring how closely the administration was  
4 monitoring decisions.” *Id.*

5 92. The same investigation documented a June 2025 memo by then-acting EOIR Director Sircce  
6 Owen accusing immigration judges of “tolerating bias . . . in favor of an alien” and warning that  
7 judges who appeared to favor one side “may be subject to corrective or disciplinary action.” *Id.* One  
8 judge interpreted this as “telling us: ‘You should be more friendly to the government.’” *Id.* More  
9 than 100 immigration judges—those who were seen as insufficiently aligned with the  
10 administration’s enforcement agenda—were fired. *Id.* The fired judges had previously granted  
11 asylum at a 46% rate; those who remain are granting it at 15%. *Id.* New hires are granting asylum at  
12 roughly 6%. *Id.*

13 93. These systemic conditions preclude a meaningfully neutral bond determination before an  
14 immigration judge. A bond hearing before an adjudicator who has been explicitly warned that  
15 favorable-to-the-immigrant rulings will trigger supervision inquiries and potential discipline—and  
16 who knows that colleagues who deviated from the government’s preferred outcomes have been  
17 fired—cannot satisfy due process. See *Withrow v. Larkin*, 421 U.S. 35, 47 (1975) (“The contention  
18 that the combination of investigative and adjudicative functions necessarily creates an  
19 unconstitutionally biased adjudicator” is cognizable; due process requires a neutral adjudicator).

20 **b. EOIR Leadership Has Directed Immigration Judges to Disregard Federal**  
21 **Court Orders Requiring Bond Hearings.**

22 94. Reuters reported in January 2026 that Chief Immigration Judge Teresa Riley sent an email  
23 to immigration judges nationwide directing them that they were not bound by federal district court  
24 rulings—including a court-issued declaratory judgment—that declared the administration’s practice  
25 of denying bond hearings unlawful. See **Ex. K**.

26 95. The ACLU, which discovered this email and attached it to a federal court filing,  
27 characterized it as evidence that “the government has deliberately and systematically instructed  
28 every Immigration Judge in the country not to comply with final declaratory judgments.” *Id.* The

1 Reuters article explicitly noted what makes this structurally significant: “Immigration judges are not  
2 part of the federal judiciary but are instead employees of the Justice Department, which is part of  
3 the Trump administration.” *Id.*

4 96. The concrete impact was immediate: immigration courts that had begun holding bond  
5 hearings in compliance with a federal court’s declaratory judgment reverted to denying bond  
6 hearings within days of Riley’s email. See *Id.* This is precisely the situation in *Rodriguez v. Marin*,  
7 where the Ninth Circuit expressed “grave doubts” about prolonged detention without any process,  
8 and precisely the dynamic that renders an EOIR remand constitutionally insufficient in this case.

9 97. Directing subordinate judges to disregard binding federal court judgments is itself a  
10 constitutional violation. A bond hearing conducted by an adjudicator operating under a directive to  
11 ignore this Court’s prior rulings—and who faces discipline for rulings that favor the detainee—is  
12 not a constitutionally sufficient hearing. It is an administrative exercise that provides the form of  
13 process but none of its substance.

14 **c. This Court Has Inherent Authority to Conduct a Bond Hearing in Habeas**  
15 **Proceedings.**

16 98. Under 28 U.S.C. § 2241 and the All Writs Act, 28 U.S.C. § 1651(a), this Court has broad  
17 power to fashion appropriate relief that will actually remedy the constitutional violation. When  
18 remanding to an administrative body “cannot provide adequate or effective relief”—as it cannot  
19 here—a district court exercising habeas jurisdiction may itself conduct the proceeding necessary to  
20 remedy the unlawful detention. See *INS v. St. Cyr*, 533 U.S. 289, 301 (2001) (habeas jurisdiction  
21 exists to ensure some court can provide meaningful review); *Boumediene v. Bush*, 553 U.S. 723,  
22 779 (2008) (habeas “must be a real remedy and not a mere shadow” of one).

23 99. Courts in this District and the Central District of California have recognized this authority.  
24 See *Rodas-Diequez v. Noem*, No. 3:26-cv-00976-RBM-MMP (S.D. Cal. Feb. 27, 2026) (ordering  
25 immediate release where immigration court refused to hold bond hearings; Respondents conceded §  
26 1226(a) applied); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL  
27 3288403 (C.D. Cal. Nov. 25, 2025) (class-wide relief holding mandatory detention policy contrary  
28 to law).

1 100. The due process requirement of a “neutral adjudicator” necessarily means an  
2 adjudicator who is not subject to the directives of the party adverse to the detainee. *Concrete Pipe &*  
3 *Prods. of Cal., Inc. v. Constr. Laborers Pension Tr. for S. Cal.*, 508 U.S. 602, 617 (1993); *Marshall*  
4 *v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980). An immigration judge who faces documented pressure  
5 and potential discipline for ruling in Mr. Joachim’s favor does not meet that standard. This Court—  
6 an Article III court with life-tenured judges who are accountable only to the Constitution—does.

7 101. Accordingly, if this Court is unwilling to order immediate release, Mr. Joachim  
8 respectfully requests that this Court conduct the bond hearing itself, applying the *Singh v. Holder*  
9 standard: the government must prove by clear and convincing evidence that no combination of  
10 conditions can reasonably assure Mr. Joachim’s appearance and community safety. *Singh*, 638 F.3d  
11 at 1203.

12  
13 **PRAYER FOR RELIEF**

14 WHEREFORE, Petitioner Gilbert Ojongatumba Joachim respectfully requests that this Court:

- 15 1. Issue a writ of habeas corpus directing Respondents to immediately release Gilbert  
16 Ojongatumba Joachim from immigration custody on his own recognizance or on  
17 such reasonable conditions as this Court deems appropriate;
- 18 2. In the alternative, if this Court declines to order immediate release, order and  
19 conduct a constitutionally sufficient bond hearing before this Court that complies  
20 with due process and the requirements set forth in *Singh v. Holder*, 638 F.3d 1196  
21 (9th Cir. 2011), at which the government bears the burden of proving by clear and  
22 convincing evidence that no combination of conditions can reasonably assure  
23 Petitioner's appearance and community safety;
- 24 3. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
- 25 4. Issue an Order to Show Cause under 28 U.S.C. § 2243, requiring Respondents to  
26 show cause within three (3) days why the relief requested should not be granted,  
27 and set a hearing on this matter within five (5) days of Respondents' return;
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5. Declare that Mr. Joachim's continued detention without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment;
6. Enjoin Respondents from continuing to detain Petitioner absent a lawful, individualized custody determination conducted before a constitutionally neutral adjudicator;
7. Bar transfer of Petitioner outside this District without prior notice to counsel and to the Court during the pendency of this action;
8. Award reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), and any other applicable authority; and
9. Grant any other relief that this Court deems just and proper.

DATED: April 23, 2026

Respectfully submitted,

/s/ Christina Tong  
Christina Liao Tong (CA Bar No. 337433)

Attorney for Petitioner

**TABLE OF EXHIBITS**

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- Exhibit A:** Immigration Judge Mark Sameit, Decision and Order Granting DHS’s Motion to Pretermitt (dated Mar. 18, 2026)
- Exhibit B:** Notice to Appear
- Exhibit C:** Form I-213
- Exhibit D:** Notice of Appeal filed March 25, 2026
- Exhibit E:** BIA Receipts:
  - BIA Appeal Fee Receipt (paid March 25, 2026)
  - BIA Filing Receipt and eFiling Confirmation Notices
- Exhibit F:** Printout of Online Detainee Locator
- Exhibit G:** *Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020)
- Exhibit H:** *Gao v. LaRose*, 805 F. Supp. 3d 1106 (S.D. Cal. 2025)
- Exhibit I:** *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019)
- Exhibit J:** *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 73 S.Ct. 625, 97 L.Ed. 956 (1953)
- Exhibit K:** Nate Raymond, Top US immigration judge says bond hearings should be denied despite court rulings, documents show, *Reuters*, Jan. 16, 2026
- Exhibit L:** Nicholas Nehamas, Allison McCann, Steven Rich, Jazmine Ulloa & Hamed Aleaziz, How Trump Purged Immigration Judges to Speed Up Deportations, *New York Times*, Apr. 9, 2026 (updated Apr. 13, 2026)
- Exhibit M:** Sponsor Documents from Gillian Oyere Eyongeta
  - Letter from Sponsor
  - Proof of U.S. Citizenship
  - Proof of Residence
  - Proof of Financial Ability to Support Mr. Joachim

1 **VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT TO**  
2 **28 U.S.C. § 2242**

3 I, Christina Tong, do depose and state:

4 I represent Petitioner Gilbert Ojongatumba Joachim in these habeas corpus proceedings. Mr.  
5 Joachim is currently being held in detention at the Otay Mesa Detention Center and is not able to  
6 appear in my office to sign this Verification. I have reviewed the record of his detention and  
7 discussed this matter with Mr. Joachim. I verify that the information contained in the foregoing  
8 petition is true and correct to the best of my knowledge and belief.  
9

10  
11 Dated: April 23, 2026

12 By: /s/ Christina Tong  
13 Christina Tong

14 Attorney for Petitioner  
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