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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AJAYA RANA,

Petitioner,

v.

CHRISTOPHER LAROSE,

Respondents.

Case No.: 26-cv-02563-RSH-DDL

RESPONDENTS' RESPONSE TO MOTION TO RECONSIDER

I. Introduction

Petitioner has filed a Motion to Reconsider, claiming that Respondent's did not comply with this Court's order. Based on the arguments set forth below, the Court should dismiss the Motion.

II. Factual Background[1]

On January 16, 2026, Petitioner filed her first petition for writ of habeas corpus. *Rana v. LaRose*, 26-cv-00285-RSH-DDL (S.D. Cal.), ECF No. 1. On February 2, 2026, this Court granted Petitioners habeas petition, and ordered Petitioners to arrange an individualized bond hearing for Petitioner before an immigration court within fourteen (14) days of this order "at which Respondents must justify his continued detention by a showing of clear and convincing evidence that Petitioner would likely flee or pose a danger to the community if released." *See id.*, ECF No. 5. Petitioner's bond hearing was initially scheduled for February 5, 2026, but was subsequently rescheduled to February 11, 2026, giving her time to hire an attorney. *See* Exhibit 1 (First Notice of Hearing); *see also* Exhibit 2 (Second Notice of Hearing). Despite her claim that she had hired an attorney for her bond hearing, her attorney had entered an appearance for "All proceedings other than custody and bond proceedings." *See* Exhibit 3 (Form E-28). This meant Petitioner was pro se for her bond proceedings. *See id.* On February 11, 2026, her bond hearing went forward, and she was denied bond by the immigration judge (IJ) holding that Petitioner is "[d]eemed to be a significant flight risk, and no amount of bond will mitigate such risk." *See* Exhibit 4 (IJ Order Denying Bond). Petitioner never appealed her bond denial to the Board of Immigration Appeals (BIA). *See* Exhibit 5 (EOIR Courts & Appeals System Printout). On March 2, 2026, Petitioner filed a Motion to Enforce Judgement. *Rana v. LaRose,* ECF No. 7. Respondent's filed their reply on March 13, 2026. *See id.*, ECF No 9. On March 13, 2026, this Court denied Petitioner's Motion to Enforce Judgement, holding that "there is no indication that Petitioner has

[1] The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel.

exhausted administrative remedies by first appealing that denial to the Board of Immigration Appeals and obtaining a ruling." *See id.*, ECF No. 11.

On April 22, 2026, 2026, Petitioner filed a second petition for writ of habeas corpus. *Rana v. LaRose,* 26-cv-02563-RSH-DDL (S.D. Cal.), ECF No. 1. On April 29, 2026, this Court dismissed Petitioner's second petition. *See id.*, ECF No. 3. On May 6, 2026, Petitioner filed a Motion to Reconsider the dismissal of the second Petition. *See id.*, ECF No. 5. On May 27, 2026, this Court ordered Respondents to reply to Petitioner's Motion to Reconsider. *See id.*, ECF No. 6. Respondent's will now address Petitioner's arguments on the Motion to Reconsider. Based on the arguments set forth below, the Court should deny any requests for relief and dismiss the Motion to Reconsider.

III. Argument

A. Petitioner is Lawfully Detained

Section 1226 provides for arrest and detention "pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § 1226(a). Under § 1226(a), the government may detain an alien during his removal proceedings, release him on bond, or release him on conditional parole. By regulation, immigration officers can release aliens upon demonstrating that the alien "would not pose a danger to property or persons" and "is likely to appear for any future proceeding." 8 C.F.R. § 236.1(c)(8). An alien can also request a custody redetermination (i.e., a bond hearing) by an IJ at any time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19.

As set forth above, pursuant to this court's previous order, Petitioner was already given a bond hearing pursuant to this Court's order. Her bond hearing was adjudicated on the merits, and the IJ denied Petitioner's bond request accordingly. Petitioner claims that the IJ improperly denied her the opportunity to have her attorney present at the bond hearing, yet she never had an attorney representing her in her bond proceedings. Nevertheless, the evidence shows that Petitioner was still given a continuance. Even

with the continuance, Petitioner failed to hire an attorney, and so her bond hearing moved forward, and was adjudicated on the merits. Therefore, Petitioner is lawfully detained.

B. Administrative Remedies Should Be Exhausted

The Court should ensure Petitioner properly exhausts administrative remedies. The Ninth Circuit requires that "habeas petitioners exhaust available judicial and administrative remedies before seeking relief under § 2241." *Castro–Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001). "When a petitioner does not exhaust administrative remedies, a district court ordinarily should either dismiss the petition without prejudice or stay the proceedings until the petitioner has exhausted remedies, unless exhaustion is excused." *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011); *see also Alvarado v. Holder*, 759 F.3d 1121, 1127 n.5 (9th Cir. 2014) (issue exhaustion is a jurisdictional requirement); *Tijani v. Holder*, 628 F.3d 1071, 1080 (9th Cir. 2010) (no jurisdiction to review legal claims not presented in the petitioner's administrative proceedings before the BIA).

Here, as explained above, Respondents provided Petitioner with the Court ordered bond hearing before an IJ pursuant to this Court's order. The IJ properly denied bond. Petitioner failed to file a BIA appeal in her bond denial. In other words, Petitioner has failed to exhaust administrative remedies. Accordingly, the Court should dismiss without prejudice or stay these proceedings until a bond appeal is conducted and concluded before the BIA.

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IV. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Court dismiss this action.

DATED: June 11, 2026

Respectfully submitted,

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s/ Antonio Estrada
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