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10 **UNITED STATES DISTRICT COURT**

11 **SOUTHERN DISTRICT OF CALIFORNIA**

12  
13 GILBERT JOACHIM  
14 OJONGATUMBA,

15 Petitioner,

16 v.

17 CHRISTOPHER J. LAROSE, *et al.*,

18  
19 Respondents.  
20

Case No.: 26-cv-02764-RBM-JLB

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

21 1. Petitioner, through undersigned counsel, respectfully submits this  
22 Traverse in response to Respondents' Return.

23 2. Respondents concede that Petitioner's continued detention without a  
24 bond hearing violates due process and that this Court should order an  
25 individualized bond hearing at which the government bears the burden of proving  
26 by clear and convincing evidence that continued detention is justified. Petitioner  
27 appreciates Respondents' concession of the core constitutional issue. The parties'  
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1 dispute is therefore limited to the scope and timing of relief.

2 3. Petitioner respectfully requests that the Court order Respondents to  
3 provide a constitutionally adequate bond hearing within no more than seven (7)  
4 calendar days at the absolute latest. Petitioner further requests that the Court order  
5 Petitioner released under reasonable supervision conditions if such a hearing is  
6 not timely provided.

7 **RESPONDENTS' CONCESSION CONFIRMS THAT PETITIONER'S**  
8 **CURRENT DETENTION IS UNLAWFUL**

9 4. Respondents concede that Petitioner's prolonged detention under 8  
10 U.S.C. § 1225(b), without any custody hearing, violates due process. Courts in  
11 this District and the Ninth Circuit have repeatedly recognized that prolonged  
12 immigration detention without adequate procedural protections raise serious due  
13 process concerns. See *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772–74 (S.D. Cal.  
14 2020); *Singh v. Holder*, 638 F.3d 1196, 1203–04 (9th Cir. 2011); *Rodriguez v.*  
15 *Robbins*, 804 F.3d 1060, 1078–85 (9th Cir. 2015), rev'd on other grounds sub  
16 nom. *Jennings v. Rodriguez*, 583 U.S. 281 (2018).

17 5. Petitioner has now been detained continuously for more than ten  
18 months without any custody determination whatsoever. He was categorically  
19 denied bond under Matter of Q. Li and has never received any individualized  
20 assessment regarding danger, flight risk, alternatives to detention, or ability to  
21 pay.

22 **REQUEST FOR A PROMPT BOND HEARING**

23 6. Because Petitioner's current detention violates due process, any  
24 remedy must be prompt and meaningful. A delayed hearing would unnecessarily  
25 prolong the very constitutional violation Respondents now concede exists. Every  
26 additional day of detention now occurs after Respondents themselves have  
27 conceded that Petitioner's current detention without a hearing violates due  
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1 process.

2 7. Courts in this District routinely order expedited bond hearings, often  
3 within seven days, once prolonged detention has been found unlawful. See, e.g.,  
4 *Mendez-Vasquez v. Attorney General*, No. 26-cv-2243-RSH-MSB (S.D. Cal.  
5 Apr. 16, 2026) (ordering bond hearing within seven days); *Mikaelian v. Bondi*,  
6 No. 26-cv-201-JO-BLM (S.D. Cal. Jan. 27, 2026) (same); *Garcia-Fraga v.*  
7 *Noem*, No. 26-cv-1739-GPC-DDL (S.D. Cal. Mar. 25, 2026) (same).

8 8. The facts of the instant case warrant urgent treatment. Petitioner has  
9 already been detained for more than ten months. Respondents have already  
10 investigated and litigated the constitutional issue. There is no need for additional  
11 delay before providing the constitutionally required hearing.

12 9. Moreover, Petitioner continues to suffer ongoing physical and  
13 psychological harm while detained. Petitioner suffers continuing pain from a  
14 severe foot injury inflicted in Cameroon, experiences pain and difficulty walking  
15 after prolonged periods of standing, and has reported inadequate treatment while  
16 detained. He also experiences significant emotional distress arising from  
17 prolonged detention and separation from his family. Continued unconstitutional  
18 detention pending an unnecessarily delayed hearing would exacerbate those  
19 harms.

20 10. Accordingly, Petitioner respectfully requests that this Court order  
21 Respondents to provide a constitutionally adequate bond hearing within seven  
22 (7) calendar days.

23 **REQUEST THAT THE COURT SPECIFY THE REQUIRED**  
24 **PROCEDURAL PROTECTIONS**

25 11. To ensure the hearing meaningfully remedies the constitutional  
26 violation, Petitioner respectfully requests the Court to specify that: (a.) the  
27 government bears the burden of proving by clear and convincing evidence that  
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1 Petitioner presents either a danger to the community or a flight risk; (b.) the  
2 immigration judge must consider alternatives to detention; and (c.) the  
3 immigration judge must consider Petitioner's ability to pay in setting any  
4 monetary bond; and (d.) if Respondents fail to provide the hearing within the  
5 deadline ordered by the Court, Petitioner shall be immediately released subject  
6 to reasonable supervision conditions.

7 12. These procedural safeguards are required under the Fifth  
8 Amendment and controlling Ninth Circuit precedent. See *Singh v. Holder*, 638  
9 F.3d at 1203–05.

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13 DATE: May 6, 2026

Respectfully submitted,  
LAUREN K. ROSS, ESQ.

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17 s/ Lauren K. Ross

18 LAUREN K. ROSS, ESQ.

19 Pro Bono Counsel for Petitioner  
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