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6 Attorneys for Respondent

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

9 MEISAM ALIZADEH,

10 Petitioner,

11 v.

12 WARDEN, OTAY MESA DETENTION
13 CENTER,

14 Respondent.

Case No.: 3:26-cv-02924-JLS-MMP

RESPONSE TO PETITION

15
16 **I. Introduction**

17 Petitioner is a citizen of Afghanistan who unlawfully entered the United States
18 without inspection on November 27, 2025. A United States Border Patrol agent
19 apprehended him that same day, and he has remained in immigration custody since then.
20 Petitioner does not dispute that he is subject to mandatory detention as an arriving alien
21 and applicant for admission, but he seeks habeas relief on the basis that his mandatory
22 detention has become unreasonably prolonged. Even if the Court infers a constitutional
23 limit on the length of mandatory detention, Petitioner's detention of just over six months
24 (since November 27, 2025) does not reach the length that courts have found to be
25 unconstitutionally prolonged, and his habeas petition should be denied accordingly.

26 **II. Factual Background**

27 Petitioner is a citizen of Afghanistan who unlawfully entered the United States
28 without inspection near San Ysidro, California on November 27, 2025. Shortly

1 thereafter, he was apprehended by a United States Border Patrol agent and placed in
 2 immigration custody. On December 9, 2025, he was served with a Notice to Appear
 3 which initiated his removal proceedings before the immigration court. Those
 4 proceedings remain pending, and Petitioner is currently scheduled to appear for his next
 5 immigration hearing on June 10, 2026.

6 **III. Petitioner's Mandatory Detention has not Become Unreasonably** 7 **Prolonged**

8 Petitioner does not dispute that he is an arriving alien subject to mandatory
 9 detention under 8 U.S.C. § 1225(b)(1). Congress has directed that arriving aliens “shall
 10 be detained” until the conclusion of their removal proceedings. 8 U.S.C. §
 11 1225(b)(1)(B)(ii). Likewise, courts recognize that section 1225(b)(1) “mandate[s]
 12 detention . . . for further consideration of the application for asylum[.]” *Jennings v.*
 13 *Rodriguez*, 583 U.S. 281, 297 (2018) (“nothing in the statutory text imposes any limit
 14 on the length of detention” or “says anything whatsoever about bond hearings”).

15 Even if the Court infers a constitutional limit on the length of mandatory
 16 detention, Petitioner's detention of just over six months (since November 27, 2025)
 17 does not reach the length that courts have found to be unconstitutionally prolonged. *See*
 18 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
 19 April 20, 2023) (citation omitted) (“In general, as detention continues past a year, courts
 20 become extremely wary of permitting continued custody absent a bond hearing”); *see*
 21 *also Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607, at *5 (S.D.
 22 Cal. Feb. 21, 2024) (detained over two-and-a-half years); *Sanchez-Rivera v.*
 23 *Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL 139801, at *6 (S.D. Cal. Jan. 9,
 24 2023) (three years); *Yagao v. Figueroa*, No. 17-cv-2224-AJB-MDD, 2019 WL
 25 1429582, at *2 (S.D. Cal. March 29, 2019) (two years).

26 In similar cases, courts in this district have applied the test in *Lopez v. Garland*,
 27 631 F. Supp. 3d 870, 879 (E.D. Cal. 2022). *See, e.g., Sanchez-Rivera*, 2023 WL 139801,
 28 at *5 (“[W]hile the *Mathews [v. Eldridge]*, 424 U.S. 319 (1976)] factors may be well-

1 suited to determining whether due process requires a second bond hearing, they are not
2 particularly dispositive of whether prolonged mandatory detention has become
3 unreasonable in a particular case.”); *D.D. v. LaRose, et al.*, Case No. 25-cv-02581-BJC-
4 JLB, ECF No. 10 at 7 (S.D. Cal. Oct. 22, 2025) (considering a similar claim and finding
5 “the three-factor balancing test from *Lopez* . . . provides an appropriate assessment of
6 the possible constitutional implications of Petitioner’s ongoing detention without
7 process.”). Under *Lopez*, to determine whether continued mandatory detention has
8 become unreasonable, “the Court will look to the total length of detention to date, the
9 likely duration of future detention, and the delays in the removal proceedings caused by
10 the petitioner and the government.” 631 F. Supp. 3d at 879.

11 First, Petitioner has been detained for just over six months (since November 27,
12 2025). Courts in this district have found detention for much longer periods to be
13 unreasonably prolonged, but Petitioner’s current detention does not reach that level. *See*
14 *Durand v. Allen*, No. 3:23-cv-00279-RBM-BGS, 2024 WL 711607 at *5 (S.D. Cal. Feb.
15 21, 2024) (32 months); *Sibomana*, 2023 WL 3028093, at *4 (19 months); *Sanchez-*
16 *Rivera*, 2023 WL 139801 at *6 (three years); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768,
17 773 (S.D. Cal. 2020) (27 months); *Yagao*, 2019 WL 1429582, at *1 (42 months).
18 Second, Petitioner’s immigration proceedings are moving along as expected and in a
19 timely manner, and finally, there is no indication that the government has caused any
20 delay in the removal proceedings.

21 Accordingly, Petitioner is subject to mandatory detention, which does not violate
22 due process, and his habeas petition should be dismissed. *See Markov v. LaRose*, No.
23 25-CV-3811 JLS (SBC), 2026 WL 92069 (S.D. Cal. Jan. 13, 2026) (“Petitioner’s length
24 of detention, without more, does not render his detention unreasonable.”); *Duran*
25 *Romero v. LaRose*, No. 25-cv-3567-AGS-VET, ECF No. 7 (S.D. Cal. Jan. 14, 2026);
26 *Shahin v. Noem*, No. 25-cv-2496-AGS-KSC, ECF No. 12 (S.D. Cal. Dec. 23, 2025);
27 *Cordova Cordova*, No. 25-cv-2426-BAS-DDL, ECF No. 9 (S.D. Cal. Nov. 14, 2025);
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1 *Mendez Ramirez*, 612 F. Supp. 3d at 221; *Gonzalez Aguilar v. Wolf*, 448 F. Supp. 3d at
2 1212; *de la Rosa Espinoza*, 2020 WL 3452967, at *6-8.

3 **IV. Conclusion**

4 For the foregoing reasons, Respondents respectfully request that the Court deny
5 this habeas petition.

6 DATED: June 5, 2026

Respectfully submitted,

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8 United States Attorney

9 s/ Allie E. Malone
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11 Assistant United States Attorney
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