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

10 Y.A.A.,  
11 **Petitioner,**  
12 v.  
13 CHRISTOPHER LAROSE, *et al.*,  
14 **Respondents.**

Case No.: 26-cv-3071-LEK-VET

**RETURN TO AMENDED  
PETITION FOR WRIT OF  
HABEAS CORPUS**

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1 **I. INTRODUCTION**

2 The Court should dismiss without prejudice this petition for writ of habeas corpus  
3 under 28 U.S.C. § 2241 for failure to state a claim. Petitioner challenges the legality of  
4 his detention in an adult detention facility, arguing that he is a minor who should not be  
5 in custody. He falsely asserts that he is a minor. In fact, the government conducted a  
6 thorough age determination appropriately based on the totality of circumstances,  
7 including Petitioner’s own inconsistent statements, a dental examination, and a  
8 contested hearing regarding his age during a bond hearing before an immigration judge  
9 (IJ) in which the IJ found that Petitioner is an adult. Accordingly, the Court should  
10 deny Petitioner’s request for relief.

11 **II. FACTUAL AND ARGUMENT**

12 Petitioner, a native and citizen of Ethiopia, attempted to enter the U.S. without  
13 authorization on December 29, 2025, more than a mile west of the San Ysidro Port of  
14 Entry. Exhibit (Ex.) 1 (I-213). Interestingly, Petitioner had no identity documents when  
15 he was detained but now claims to have a valid birth certificate and has submitted death  
16 certificates for his parents, dated July 2, 2025, in his asylum proceedings. *Id.*; ECF No.  
17 4. No birth certificate has been provided as an exhibit in these proceedings or in the  
18 immigration court hearing. *See* ECF No. 4. In a sworn statement on December 30, 2025,  
19 and to Border Patrol Agents at the time of his apprehension, Petitioner admitted his  
20 birth date is June 1, 2006. Ex. 1; Ex. 2 at p. 2 (Record of Sworn Statement in  
21 Proceedings, Statement of Y.A.A.).<sup>1</sup> In the same statement, Petitioner stated that he did  
22 not know where his parents were residing “now.” Ex. 2 at p. 2. Petitioner now claims  
23 that his parents were killed prior to his departure for the United States. ECF No. 4; Ex.  
24 3 at p. 4-6 (Credible Fear Interview). During the credible fear interview on January 16,  
25 2026, and in his current petition, Petitioner claims his birth date is June 1, 2008.<sup>2</sup> Ex. 3  
26

27 <sup>1</sup> The Exhibits attached hereto are true copies, with appropriate redactions, of official  
28 government records supplied by ICE. Given the protected, nonpublic nature of this Return and the  
relevance of Petitioner’s birthdate, information regarding his birthdate has not been redacted.

<sup>2</sup> Respondents note that, even if the birth date now claimed by the Petitioner were true, he

1 at 11. Following his new birth date claim, ICE conducted a forensic dental examination  
2 which concluded that the probability that Petitioner had reached the age of 18 at  
3 87.05%. Ex. 4 (Dental Age Report). On May 22, 2026, an immigration judge held a  
4 custody redetermination hearing in which the IJ heard evidence from DHS and  
5 Petitioner, through his immigration counsel, and found that Petitioner is an adult and  
6 denied a change in detention. Ex. 5 (IJ Hearing Audio).<sup>3</sup> Because Petitioner is an adult,  
7 Petitioner is in adult detention.

8 Petitioner's habeas petition should be denied because he has failed to show a  
9 TVPRA, Administrative Procedures Act, or due process violation and Respondents  
10 have affirmatively demonstrated compliance. The William Wilberforce Trafficking  
11 Victims Protection Reauthorization Act of 2008 (TVPRA) requires federal agencies  
12 (HHS and DHS) to work together to formulate a set of policies and procedures for  
13 making age determinations. 8 U.S.C. § 1232(b)(4). The resulting policies and  
14 procedures are set forth in the Office of Refugee Resettlement (ORR) Guide, which, in  
15 section 1.6, outlines procedures for "Determining the Age of an Individual without  
16 Lawful Immigration Status." The ORR Guide expressly recognizes the difficult nature  
17 of making an age determination. These challenges include, but are not limited to,  
18 unavailable documentation and contrary or fraudulent identity documentation and/or  
19 statements. Under the governing procedures, each case must be evaluated carefully  
20 based on the totality of all available evidence. *Imon v. Keeton*, 2020 WL 4284378  
21 (D.Ariz. 2020).

22 When the available evidence fails to indicate a clear answer, ORR case managers  
23 are specifically instructed to consider radiographs. See ORR Guide § 1.6.2 (identifying  
24 "Medical Age Assessments," including "the use of imaging technology, such as  
25 radiography," as one of the enumerated categories of evidence that ORR case managers  
26 "should seek ... when conducting age determinations"). The TVPRA also contemplates

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28 would reach the age of 18 in five days.

<sup>3</sup> Ex. 5 is an audio file and was lodged via email to chambers and Petitioner's counsel.

1 their use, on a “non-exclusive” basis, when making an age determination. 8 U.S.C. §  
2 1232(b)(4). Respondents have complied with the ORR Guide and TVPRA by using the  
3 dental radiography to determine Petitioner’s age in combination with the presentation  
4 of evidence at a hearing before an immigration judge where Petitioner had counsel and  
5 an opportunity to respond where Petitioner’s age was proven to be over 18. Under these  
6 circumstances, Petitioner cannot sustain any of his claims for relief.

7 **III. CONCLUSION**

8 For all the foregoing reasons, Respondents urge the Court to deny the Petition.  
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10 DATED: May 27, 2026

Respectfully submitted,

11 ADAM GORDON  
12 United States Attorney

13 *s/ Cindy M. Cipriani*  
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