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

9 TEKLEMARIAM BAHRI SEMERE,
10
11 Plaintiff,

12 vs.

13 JEREMY CASEY, Warden of Imperial
14 Regional Detention Center;
15 PATRICK DIVVER, San Diego Field
16 Office Director, Immigration and Customs
17 Enforcement and Removal Operations
18 (“ICE/ERO”);
19 TODD LYONS, Acting Director of
20 Immigration Customs Enforcement
21 (“ICE”);
22 MARKWAYNE MULLIN, Secretary of
23 the Department of Homeland Security
24 (“DHS”);
25 ACTING Attorney General of the United
26 States,
27 U.S. DEPARTMENT OF HOMELAND
28 SECURITY;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondents.

Case No.: 3:26-cv-03073-LEK-DDL

TRAVERSE TO PETITION FOR
WRIT OF HABEAS CORPUS

1 **The Petitioner was illegally detained and must be released.**

2 **Bond is not the appropriate remedy.**

3
4 The government's response states "... the government does not oppose the
5 petition and defers to the Court on the appropriate relief." ECF 4 p. 3. Petitioner
6 asserts the government's arrest and detention of Mr. Semere was not authorized
7 under color of any law. His arrest and detention were a violation of his right to due
8 process guaranteed by the Fifth Amendment to the Constitution and was a
9 violation of the Administrative Procedures Act.
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12 Count One of the Petition set out in detail how his detention was a violation
13 of the APA because the government did not follow its own rules regarding
14 revocation of his liberty. The appropriate remedy for this violation of the APA is
15 not a bond hearing. The appropriate remedy is Mr. Semere's immediate release
16 from custody.
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19 Count Two of the Petition set out in detail how his detention was a violation
20 of due process because the government did not follow its own procedural rules
21 regarding revocation of his liberty. In addition, the government did not afford the
22 petitioner any pre-detention notice or hearing regarding the termination of his
23 liberty interest he had accrued during the time he was on parole and thereafter. The
24 appropriate remedy for this violation of due process is not a bond hearing. The
25 appropriate remedy is Mr. Semere's immediate release from custody.
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1 If Mr. Semere's detention was unlawful, *ab initio*, he should not be required
2 to post a bond and, in effect, pay a ransom to be released from this illegal
3 detention. Nothing in the government's response indicates that Mr. Semere has
4 somehow become a flight risk or a danger to the community.
5

6 In addition, the current practice at Imperial Detention Center is, upon
7 release, to immediately enroll detainees in an Alternative to Detention program and
8 put an ankle monitor on them before their actual release. This is also done without
9 any individualized consideration of whether the detainee is a potential flight risk or
10 a danger to the community. Mr. Semere has been at liberty for quite a while prior
11 to his detention and should not be enrolled in any ATD program and especially
12 should not be forced to wear an ankle monitor. This court has authority to include
13 conditions upon release. While habeas relief commonly includes reprieve from
14 physical imprisonment, "release need not be the exclusive remedy." *Boumediene v.*
15 *Bush*, 553 U.S. 723, 779–80 (2008) ("depending on the circumstances, more
16 [relief] may be required").
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22 Finally, another practice at Imperial Detention Center is to retain the
23 Petitioner's documents that were taken when he was unlawfully detained. In
24 particular they retain the driver's license and the work authorization card of the
25 petitioner. This ends up being a huge burden for the petitioner because it is so
26 difficult to get those documents replaced, especially the work authorization
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28

1 document. Petitioner requests the court order that any documents taken from Mr.
2 Semere upon his detention be returned upon his release.

3
4 **CONCLUSION**

5 Petitioner respectfully requests this Court to grant the following:

6
7 (1) Declare that Petitioner's detention violates the Due Process Clause
8 of the Fifth Amendment and the Administrative Procedures Act;

9
10 (2) Issue a Writ of Habeas Corpus ordering Respondents to release
11 Petitioner from custody;

12
13 (3) Issue an Order prohibiting Petitioner's redetention without notice
14 and a predetention hearing before a neutral third party as to flight risk and danger
15 to the community;

16
17 (4) Issue an Order prohibiting the Respondents from enrolling the
18 Petitioner in any Alternative to Detention program, specifically barring them from
19 requiring an ankle monitor upon his release;

20
21 (5) Issue an Order requiring the Respondents to return Petitioner's
22 documents that were confiscated upon his arrest and detention;

23
24 (6) Grant any further relief this Court deems just and proper.

25 Dated: May 25, 2026

26 /s/ Brian J. McGoldrick
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28 attorney@brianmgoldrick.com

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CERTIFICATE OF SERVICE

I, Brian J. McGoldrick, CERTIFY

I am over the age of 18 and not a party to this matter. My business address is 4916 Del Mar Avenue, San Diego, CA 92107. On May 25, 2026, I served a copy of this **TRAVERSE TO PETITION FOR WRIT OF HABEAS CORPUS** by the method and to the parties listed below:

On May 25, 2026, I accessed the electronic mailing list for CM/ECF users in this case and representatives of all parties are CM/ECF users and are noticed as follows:

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