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

IAN TRANDIN,

Petitioner,

vs.

CHRISTOPHER LAROSE, et al.,
Respondents..

Case No.: 3:26-cv-03772-DMS-AHG
**PETITIONER'S TRAVERSE IN
SUPPORT
OF PETITION FOR WRIT OF
HABEAS CORPUS AND REQUEST
FOR TEMPORARY
RESTRAINING ORDER**

I. INTRODUCTION

Petitioner, IAN TRANDIN  respectfully submits this Traverse in Support of his Petition for Writ of Habeas Corpus and renews his request for injunctive relief and a Temporary Restraining Order (TRO) to prevent his imminent removal to the Russian Federation under an unconstitutional and defective expedited removal framework. Petitioner fled severe state-sponsored

1 persecution, political oppression, and targeted harm in Russia, seeking asylum
2 protection in the United States. Despite these grave dangers, Petitioner was
3 subjected to fundamentally defective, rushed, and constitutionally inadequate
4 expedited removal procedures that completely stripped him of a meaningful
5 opportunity to present his fear-based claims. His credible fear interview (CFI) was
6 conducted in a rushed and adversarial manner without proper advisal of rights, he
7 was deprived of access to counsel, and the Immigration Judge's cursory review
8 failed to provide any opportunity to be heard or to submit critical evidence.
9 Respondents' Return to Petition for Writ of Habeas Corpus fails to address or rebut
10 the primary procedural due process violations raised in the Petition. Instead,
11 Respondents rely on a generalized jurisdictional argument and statutory detention
12 authority under 8 U.S.C. § 1225(b), attempting to foreclose judicial review
13 entirely. While Petitioner acknowledges that his civil detention is statutorily
14 governed by § 1225(b), mandatory statutory authority cannot insulate executive
15 action from federal court scrutiny where the underlying proceedings violate the
16 Due Process Clause of the Fifth Amendment and governing administrative
17 regulations. This Court maintains habeas jurisdiction to review complete process
18 deprivations, and Petitioner's habeas claims remain live, unmooted, and urgent.
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II. FACTUAL AND PROCEDURAL BACKGROUND

1 Petitioner Ian Trandin is a native and citizen of the Russian Federation 

2  Petitioner previously entered the United States in or about 2023 and
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4 resided in the country for approximately a year and a half before being granted
5 voluntary departure in June 2024 following removal proceedings. Facing
6 escalating danger, severe political repression, and potential forced conscription
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8 upon his return to Russia, Petitioner was forced to flee his home country once
9 again to seek safety and protection in the United States.

10 On or about May 5, 2026, Petitioner re-entered the United States approximately
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12 one mile west of the Tecate, California Port of Entry and 500 meters north of the
13 U.S.-Mexico border. Upon apprehension by U.S. Border Patrol and Department of
14 Homeland Security (DHS) officers, Petitioner immediately expressed a genuine
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16 fear of persecution and torture if returned to Russia. Consequently, DHS referred
17 Petitioner for an expedited removal fear screening pursuant to 8 U.S.C.

18 §1225(b)(1). On or about May 26, 2026, a USCIS asylum officer conducted
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20 Petitioner's Credible Fear Interview (CFI). The screening process was marred by
21 significant procedural deficiencies. Petitioner was not properly advised of his right
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23 to consult with counsel or given an adequate opportunity to obtain legal
24 representation prior to the interview. The interview was conducted hastily and
25 failed to elicit critical facts surrounding Petitioner's individualized risk of
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27 persecution in Russia. Based on this flawed record, the asylum officer issued a
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1 negative credible fear determination. Thereafter, Petitioner requested review of the
2 negative determination by an Immigration Judge (IJ). The IJ review hearing was
3 conducted without providing Petitioner an opportunity to consult with counsel,
4 present documentary evidence, or voice his due process objections. The
5 Immigration Judge summarily affirmed the negative credible fear finding without
6 conducting an independent or meaningful review of the defective record. Having
7 exhausted all available administrative procedures within the expedited removal
8 scheme, Petitioner filed the instant Petition for Writ of Habeas Corpus on June 29,
9 2026, challenging the gross constitutional and regulatory violations that infected
10 his removal proceedings. On July 20, 2026, Respondents filed their Return to the
11 Petition, asserting that Petitioner's detention is statutorily mandated under 8 U.S.C.
12 § 1225(b), that this Court lacks jurisdiction under 8 U.S.C. § 1252, and claiming
13 that a recent administrative referral on July 16, 2026, for additional fear screening
14 moots Petitioner's claims. As set forth below, Respondents' arguments are legally
15 flawed and unpersuasive.

21 **III. ARGUMENT**

22 **I. Concession Regarding Statutory Authority Under 8 U.S.C. § 1225(b)**

23 Petitioner concedes Respondents' statutory position that, as an applicant for
24 admission who was encountered near the border shortly after entry, his
25 detention status falls within the purview of 8 U.S.C. § 1225(b) as interpreted by
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1 the Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281 (2018) and *DHS v.*
2 *Thuraissigiam*, 591 U.S. 103 (2020). Petitioner recognizes that 8 U.S.C. §
3 1225(b)(1) and § 1225(b)(2) authorize civil immigration detention during the
4 pendency of expedited removal and credible fear proceedings.
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7 However, statutory detention authority does not grant the executive branch
8 unbridled power to hold noncitizens in custody pursuant to administrative
9 orders issued in direct violation of the United States Constitution and federal
10 regulations. While § 1225(b) mandates detention during lawful proceedings, it
11 does not validate detention rooted in a fundamentally defective, ultra vires, and
12 unconstitutional screening mechanism. Where the underlying process used to
13 order a noncitizen's removal is void due to complete procedural deprivations,
14 the continuous detention derived from that unlawful process cannot stand.
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18 **II. This Court Maintains Habeas Jurisdiction Over Complete Process**
19 **Deprivations**

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21 Respondents contend that 8 U.S.C. § 1252(b)(9) and § 1252(a)(5) bar habeas
22 jurisdiction over Petitioner's claims. Respondents' argument mischaracterizes the
23 Petition and exceeds the statutory jurisdictional limits. Respondents assert that 8
24 U.S.C. § 1252 forecloses judicial review of expedited removal determinations.
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26 However, Petitioner is not asking this Court to reweigh the evidence, evaluate the
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1 asylum officer's credibility findings, or review the substantive merits of his
2 underlying asylum application.

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4 Rather, Petitioner challenges the complete deprivation of procedural due process
5 throughout his expedited removal screening, including: (1) the denial of a
6 meaningful opportunity to consult with legal counsel prior to and during
7 proceedings; (2) the denial of the right to present evidence and make statements
8 during the IJ review; (3) the failure to adhere to mandatory regulatory advisals; and
9 (4) the lack of adequate notice throughout the process. These procedural and legal
10 challenges remain fully reviewable under federal habeas corpus jurisdiction (28
11 U.S.C. § 2241). See *INS v. St. Cyr*, 533 U.S. 289 (2001); *Iasu v. Smith*, 511 F.3d
12 881 (9th Cir. 2007); *Nadarajah v. Gonzales*, 443 F.3d 1069 (9th Cir. 2006).

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16 Contrary to Respondents' contention, 8 U.S.C. § 1252(e)(2) specifically preserves
17 habeas review in expedited removal for legal and constitutional challenges.
18 Congress cannot constitutionally eliminate judicial review over colorable
19 constitutional claims without running afoul of the Suspension Clause. Courts retain
20 jurisdiction at a minimum to ensure agency compliance with the Constitution and
21 federal regulations. These are pure questions of law, not discretionary factual
22 determinations, and therefore fall outside the jurisdictional bar of § 1252(g).
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26 **III. *Thuraissigiam* Does Not Bar Review of Complete Process Deprivation**

1 Respondents rely heavily on *DHS v. Thuraissigiam*, 591 U.S. 103 (2020).
2 However, *Thuraissigiam* limits habeas review when a noncitizen seeks to
3 challenge routine factual findings or the substantive outcome of a credible fear
4 determination. It does not bar judicial review where an individual is subjected to a
5 total process deprivation—where the agency fails to provide mandatory advisals,
6 cuts off requests for counsel, denies the right to speak or present evidence, and
7 rushes proceedings.
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10 Federal courts consistently distinguish between limited review of credible fear
11 outcomes and complete process deprivations. This case falls squarely in the latter
12 category. Under the long-standing *Accardi* doctrine, executive agencies are strictly
13 required to follow their own administrative regulations. When an agency fails to
14 adhere to its mandatory rules, the underlying proceeding is legally void and
15 defective. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).
16 The IJ's failure to comply with regulatory mandates under 8 C.F.R. § 1240.10(a)
17 renders the credible fear review legally invalid.
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19 **IV. Respondents Do Not Dispute Key Procedural Violations**

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21 Respondents' Return is entirely silent on the specific factual allegations detailed in
22 the Petition regarding procedural defects. Under settled legal principles,
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1 Respondents' failure to contest or rebut these factual allegations constitutes an
2 effective admission:
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4 • **Failure to Provide Counsel Advisals:** The Immigration Judge failed to
5 provide the mandatory advisals required by 8 C.F.R. § 1240.10(a) . Respondents
6 do not dispute this omission. While noncitizens do not have a right to
7 government-funded counsel, they possess a clear regulatory right to consult with
8 counsel of their choice during IJ review proceedings under 8 C.F.R. §
9 1240.10(a). The Ninth Circuit has held that the failure to advise a noncitizen of
10 the right to counsel is per se prejudicial. See *Montes-Lopez v. Holder*, 694 F.3d
11 1085 (9th Cir. 2012).
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15 • **Denial of Opportunity to Present Evidence or Speak:** During the credible
16 fear review hearing, Petitioner attempted to speak, request time to obtain legal
17 assistance, and present evidence regarding his fear of return to Russia. He was
18 repeatedly cut off and silenced. Respondents do not contest this allegation.
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20 • **Lack of Access to Record and Filings:** Petitioner was denied access to
21 critical agency records and docket items necessary to meaningfully participate in
22 his credible fear review and present his legal defense. Respondents do not
23 dispute this lack of access.
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V. Petitioner's Habeas Claims Are Not Moot

Respondents argue that because DHS referred Petitioner for additional fear screening on July 16, 2026, his challenges to the initial May 2026 fear screening are moot. This argument is unsupported by law and prematurely raised. A case becomes moot only when it is impossible for the court to grant any effectual relief whatever. See *Cook Inlet Treaty Tribes v. Shalala*, 166 F.3d 986, 989 (9th Cir. 1999).

As Respondents candidly admit in their Return filed on July 20, 2026, government counsel has been unable to confirm the results, legal validity, or procedural posture of the alleged July 16 interview. Merely scheduling a secondary administrative interview does not automatically cure pre-existing constitutional violations or guarantee that Petitioner's rights to counsel and evidence presentation were protected in the subsequent proceeding. Because Petitioner remains in continuous, unconstitutional mandatory custody predicated on a defective expedited removal order, a live legal controversy persists. This Court retains full jurisdiction to review the legality of Petitioner's custody and ensure complete compliance with constitutional due process.

1 **VI. A Temporary Restraining Order Is Necessary to Prevent Irreparable**
2 **Harm**

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4 A Temporary Restraining Order (TRO) is appropriate where the petitioner
5 demonstrates: (1) likelihood of success on the merits; (2) irreparable harm absent
6 relief; (3) the balance of equities tips in his favor; and (4) the public interest favors
7 injunctive relief. See *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20
8 (2008). All four factors strongly support granting injunctive relief here:
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11 1. **Likelihood of Success on the Merits:** Petitioner has established strong
12 claims that his expedited removal proceedings violated fundamental due process
13 and regulatory mandates. Courts retain jurisdiction to remedy unconstitutional
14 agency action.
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16 2. **Irreparable Harm:** Petitioner faces imminent removal to the Russian
17 Federation, where he is at extreme risk of political persecution, retaliatory harm,
18 and severe violence. Courts consistently recognize that removal to a country
19 where an individual faces threats of persecution constitutes irreparable harm.
20 See *Nken v. Holder*, 556 U.S. 418, 435 (2009). Furthermore, forced removal
21 would deprive this Court of jurisdiction, rendering his habeas petition moot and
22 permanently frustrating judicial review.
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25 3. **Balance of Equities:** The government suffers no prejudice from a temporary
26 stay of removal while this Court adjudicates serious constitutional claims. In
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1 contrast, Petitioner faces severe harm or death if removed. The balance of
2 equities tips sharply in Petitioner's favor.

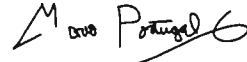
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4 4. **Public Interest:** The public interest is served by ensuring that federal
5 agencies comply with the U.S. Constitution and statutory commands.

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7 **IV. CONCLUSION**

8 Petitioner respectfully requests that the Court:

- 9 1. **GRANT** Petitioner's Petition for Writ of Habeas Corpus for immediate
10 release. In the alternative, send this case for individualized custody
11 redetermination hearing;
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13 2. **ISSUE** a Temporary Restraining Order and Preliminary Injunction barring
14 Respondents from removing Petitioner from the United States during the
15 pendency of these habeas proceedings;
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17 3. **DECLARE** that Petitioner's expedited removal fear screening violated
18 procedural due process and federal regulations;
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20 4. **ORDER** Respondents to provide Petitioner with a constitutionally
21 compliant fear screening with full access to counsel and the opportunity to
22 present evidence, or in the alternative, grant an individualized bond hearing
23 before an Immigration Judge; and
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25 5. **GRANT** such other and further relief as the Court deems just and proper.
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1 Dated: 07/20/2026



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