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8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 **Bin Ibrahim,**

12 Petitioner,

13 v.

14 **Todd Blanche**, Acting United States
15 Attorney General; **Markwayne Mullin**,
16 Secretary of Homeland Security; **Todd M.**
17 **Lyons**, Acting Director of Immigration
18 and Customs Enforcement; **Patrick**
19 **Divver**, San Diego Field Office Director,
20 Immigration and Customs Enforcement;
Christopher J. LaRose, Senior Warden,
Otay Mesa Detention Center

21 Respondents.

Case No. 26-cv-03847-LL-DDL

Agency No. 

Petitioner's Traverse

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1 “Out of fear of inadvertently dignifying [Respondents’] argument[s] with a longer
2 discussion of [them],” *United States v. Fernández-Jorge*, 894 F.3d 36, 49 n.1 (1st Cir.
3 2018), Petitioner Bin Ibrahim provides the following brief remarks concerning
4 Respondents’ return.

5 First, courts have overwhelmingly—and correctly—rejected Respondents’
6 contention, *see* ECF No. 5 at 4-5, that 8 U.S.C. § 1252(g) strips jurisdiction over
7 prolonged-detention claims by noncitizens in DHS custody. *See, e.g., Ramirez v. Noem*,
8 815 F. Supp. 3d 1162, 1166 (S.D. Cal. 2025); *Garcia v. Noem*, 803 F. Supp. 3d 1064,
9 1073-74 (S.D. Cal. 2025).

10 Second, Respondents’ assertion that Mr. Ibrahim is detained under 8 U.S.C. §
11 1225(b), *see* ECF No. 5 at 6, is correct, but irrelevant. Mr. Ibrahim’s habeas petition does
12 not assert that his detention lacks a statutory basis; it claims only that his unreviewed
13 detention has become prolonged in violation of due process.

14 Third, Respondents are incorrect that Mr. Ibrahim has been detained for only “5
15 months and 21 days.” ECF No. 5 at 9, 10. Respondents’ own evidence shows that Mr.
16 Ibrahim was detained on January 2, 2026. ECF No. 5-1 at 15. Thus, Mr. Ibrahim had
17 been detained for exactly six months when he filed his habeas petition on July 2, 2026.
18 *See* ECF No. 1.

19 Fourth, Respondents’ attempt to hold Mr. Ibrahim’s appeal of his removal order
20 against him is unavailing. *See* ECF No. 5 at 10. The rich body of prolonged-detention
21 jurisprudence that has recently and abruptly developed in this district illustrates that the
22 factor involving procedural delays caused by the petitioner is not tantamount to a penalty
23 assessed against petitioners who have not assented to their removal. *See, e.g., Markosian*
24 *v. Bondi*, No. 25-cv-3494-JES-BLM, 2026 WL 25850, at *3 (S.D. Cal. Jan. 5, 2026)
25 (“[A] petitioner’s pursuit of defenses to removal should not be held against a
26 determination that they are entitled to due process.”). On Respondents’ telling, if Mr.
27 Ibrahim wishes not to be detained any longer, he should simply agree to be removed to a
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1 country where he may be executed for his sexual orientation. The Constitution surely
2 demands better than this.

3 Finally, Mr. Ibrahim is not quite sure what to make of Respondents' assertion that
4 "[f]urthermore, the immigration judge's decision was controlled by an international
5 agreement between the United States and Uganda." ECF No. 5 at 10. But if Respondents'
6 point is that international law informs whether his removal to Uganda is permissible, then
7 Mr. Ibrahim surely has the better of this battle of treaty citations. *See E. Bay Sanctuary*
8 *Covenant v. Trump*, 932 F.3d 742, 757 (9th Cir. 2018) (explaining how the Immigration
9 and Nationality Act implements the U.N. Convention Relating to the Status of Refugees);
10 *Maldonado v. Lynch*, 786 F.3d 1155, 1162 (9th Cir. 2015) ("In 1988, the United States
11 signed the Convention Against Torture and Other Cruel, Inhuman or Degrading
12 Treatment or Punishment," Article 3 of which "states that a signatory nation must not
13 'expel, return . . . or extradite' a person to a country 'where there are substantial grounds
14 for believing that he would be in danger of being subjected to torture.'")

15 The Court should grant Mr. Ibrahim's petition for a writ of habeas corpus.
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17 Respectfully submitted,
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19 Dated: July 20, 2026

s/ Christopher Paul Kailani Medeiros

20 Christopher Paul Kailani Medeiros
21 Attorney for Bin Ibrahim
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