

1 **Daniel J. Yadron, Jr.**

2 Federal Defenders of San Diego, Inc.

3 225 Broadway, Suite 900

4 San Diego, California 92101-5030

5 Telephone: (619) 234-8467

6 Facsimile: (619) 687-2666

7 danny_yadron@fd.org

8 Attorneys for Mr. Mbepdem Tongwa

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

11 **ROLAND MBEPDEM TONGWA,**

12 **Petitioner,**

13 **v.**

14 **MARKWAYNE MULLIN, Secretary of**
15 **the Department of Homeland Security,**
16 **PAMELA JO BONDI, Attorney General,**
17 **TODD M. LYONS, Acting Director,**
18 **Immigration and Customs Enforcement,**
19 **JESUS ROCHA, Acting Field Office**
20 **Director, San Diego Field Office,**
21 **CHRISTOPHER LAROSE, Warden at**
22 **Otay Mesa Detention Center,**

23 **Respondents.**

Case No. 3:26-cv-2345-BJC-GC

Traverse in Support of a Petition
for a
Writ of Habeas Corpus

24 **INTRODUCTION**

25 This case requires only a brief Traverse. Respondents' exhibits confirm that
26 Mr. Tongwa was paroled into the United States so that he could pursue a
27 legitimate asylum claim. ECF No. 8-1 at 3. The exhibits also confirm that, in
28 2023, the immigration judge terminated removal proceedings. *Id.*; *see also* Pet. 2.
That is sufficient to grant the Petition.

1 Mr. Tongwa had been paroled into the country and, as this Court has
 2 recognized in similar cases, developed a due process interest in staying here as his
 3 immigration case proceeded. *See, e.g.,* Order Granting Petition at 2, *Zambrano v.*
 4 *Mullin*, No. 26-cv-897-BJC-JLB (S.D. Cal April 9, 2026).

5 Petitioner was entitled to due process, including written notice, the
 6 reasons for the termination, and an opportunity to contest the
 7 determination, prior to termination of his parole. *Noori v. LaRose*,
 8 No. 25-CV-1824-GPC-MSB, 2025 WL 2800149, at *11 (S.D. Cal.
 9 Oct. 1, 2025). Petitioner contends, and Respondents do not dispute,
 10 that Petitioner was provided no individualized determination, and no
 opportunity to be heard before he was detained. The Court finds
 Petitioner's re-detention violated his due process rights.

11 *Id.*

12 So too here.

13 It is telling that the Return does not expressly acknowledge that
 14 Mr. Tongwa was on parole. Rather it simply argues at length that Mr. Tongwa
 15 was not subject to prolonged detention. But Mr. Tongwa does not challenge the
 16 length of his detention. To the contrary, he seeks to continue to pursue his asylum
 17 claim while he lives and works in the United States—something he has done
 18 successfully and without incident for years. Why the government now objects to
 19 him doing so is both “arbitrary” and “capricious.” 5 U.S.C. § 706(2)(A).

20 The Court should grant the Petition.

21
 22 Respectfully submitted,

23 Dated: May 11, 2026

s/ Daniel J. Yadron, Jr.

Daniel J. Yadron, Jr.

Federal Defenders of San Diego, Inc.

Email: danny_yadron@fd.org