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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 XIAOYAN YU,

12
13 Petitioner,

14 v.

15 CHRISTOPHER J. LAROSE, et al.,

16 Respondents.
17

Case No.: 26-cv-2910-CAB-GC

**PETITIONER'S TRAVERSE
SUPPORTING PETITION FOR
WRIT OF HABEAS CORPUS**

18
19 In their Return, Respondents concede that this Court should order that Petitioner
20 receive a bond hearing. However, Respondents contend that Petitioner should bear the
21 burden of proof of establishing that Petitioner does not pose a danger to the community
22 or a risk of flight.

23 Petitioner disagrees and respectfully submits that in this case, due process requires

1 that the burden of clear and convincing evidence on the government. *See Singh v. Holder*,
2 638 F.3d 1196, 1203 (9th Cir. 2011), *abrogated on other grounds by Jennings v.*
3 *Rodriguez*, 583 U.S. 281 (2018) (“Given the substantial liberty interest at stake . . . we
4 hold that the government must prove by clear and convincing evidence that an alien is a
5 flight risk or a danger to the community to justify denial of bond[.]”); *see also Martinez*
6 *v. Clark*, 124 F.4th 775, 785–86 (9th Cir. 2024) (stating that “the BIA properly noted that
7 the government bore the burden to establish by clear and convincing evidence that
8 [petitioner] is a danger to the community” with respect to a bond hearing for a noncitizen
9 detained under § 1226(c)).

10 For noncitizens facing prolonged detention under 8 U.S.C. § 1226(c) (mandatory
11 criminal detention), like Petitioner here, due process requires the government to justify
12 continued custody. *Martinez v. Clark*, 124 F.4th 775, 781 (9th Cir 2024). In *Martinez v.*
13 *Clark*, the Ninth Circuit Court of Appeals applied due process constraints to noncitizens
14 facing prolonged mandatory detention under 8 U.S.C. § 1226(c). The Court established
15 that if detention becomes unreasonably prolonged, a bond hearing must be provided
16 where the government bears the burden of proof. *Id.*

17
18 Therefore, this Court should direct a bond hearing where the government must
19 prove by clear and convincing evidence that Petitioner is a danger to the community or a
20 flight risk.

21 Dated: May 26, 2026,

Respectfully submitted,

22 By: /s/ Bashir Ghazialam
Bashir Ghazialam
23 Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Southern District of California by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

By: /s/ Bashir Ghazialam
Bashir Ghazialam