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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ELENA SAMOILOVA,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, TODD BLANCHE, Acting Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, CHRISTOPHER LAROSE, Warden at Otay Mesa Detention Center,

Respondents.

Civil Case No.: 26-cv-3101-JO-VET

Traverse in Support of Petition for Writ of Habeas Corpus

[Civil Immigration Habeas, 28 U.S.C. § 2241]

In her amended petition for a writ of habeas, Ms. Elena Samoilova made two arguments. In its return, the government states that "Respondents oppose Petitioner's assertions and claims" but "do not oppose an order from this court ordering Petitioner's immediate release." ECF 13 at 1.

Because Respondents do not address Ms. Samoilova's arguments, they have waived—or at least forfeited—their opportunity to contest the due process violations or arguments regarding arrest without warrant. *See United States v. Castillo-Marin*, 684 F.3d 914, 919 (9th Cir. 2012) (determining that the government concedes an argument that "was available at the time it filed its answering brief") (citing *United States v. McEnry*, 659 F.3d 893, 902 (9th Cir. 2011)).

Further, Ms. Samoilova respectfully requests that this Court rule on the merits of her amended petition despite Respondents not opposing her release. The chance of Ms. Samoilova's re-detention—and therefore a reoccurrence of the exact circumstances currently before this Court—without an order from this Court instructing otherwise is not just conceivable but very possible.

For the above reasons and the reasons argued in her amended petition, Ms. Samoilova respectfully requests that this Court rule on the merits of her amended petition and order her immediate release.

Respectfully submitted,

Dated: July 10, 2026

s/ Hannah Basalone

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