AYBUKE BORA
[redacted]
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154
Petitioner, Pro Se

FILED
JUN 26 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY JXG DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AYBUKE BORA,

Petitioner,

V.

WARDEN , OTAY MESA DETENTION CENTER; et al.,

Respondents.

(Case No. 3:26-cv-03115-JES-DEB)

PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C 2241

[Response to respondent's Return, ECF No.10]

Judge: Hon. James E. Simmons Jr.
Magistrate: Hon. Daniel E. Butcher

I. INTRODUCTION

I, Aybuke Bora, the petitioner in this case, respectfully submit this Traverse in support of my Petition for Writ of Habeas Corpus under 28 U.S.C. 2241. I am proceeeduing without an attorney, and I ask the court to construe my filings liberally as required under Erickson v. Pardus, 551 U.S. 89,94 (2007).

I want to make clear from the outset what this petition is, and what it is not.

This petition is not a challenge to my expedited removal order. It is not a request to reopen my credible fear determination. It is not an effort to relitigate my asylum claim.

Respondents emphasize that this my second habeas petition and refer to the dismissal of my prior case. But this Petition is materially different. My prior petition was dismissed without prejudice because the Court understood it as challenging the credible fear and expedited removal process. This Petition does not ask the Court to reopen asylum proceedings, review the credible fear determination, or vacate the expedited removal order. It challenges only my continued civil detention after months of confinement, the absence of meaningful custody review, and the lack of reliable evidence that removal has been confirmed or scheduled.

This court has oredered Respondents to respont and has preserved its jurisdiction by staying removal pending review (ECF No. 6).

What Iam asking for is much narrower, and rooted in basic contitutional protection: release from prolonge, unjustified detention, or alternative, a meaningful custody hearing. I have been detained at Otay Mesa for approximately eight months. The goverment attempted to remove me once, on December 18, 2025, and the attempt failed. Six months have now passed without a new removal date, without written custody review decision and without any meningful review of whether my continued detention is justified. My heart condition has worsened in custody.

Respondents' Return rests on three flawed premises: (1) that this petition is effectively another challenge to my expedited removal or credible fear process; (2) that my continued detention is entirely self-created because of the December 18 removal attempt and my later fear-based statement; and (3) that Pelich bars any due process challenge to prolonged detention in this case. Each premise overstates the record and should be rejected.

I respectfully ask this court to grant the petition and order my release on appropiate conditions, or in the alternative, order and individualized custody haring within fourteen days at which the goverment bears the burden of proving by clear and convincing evidence that my continued detention is justified.

II. PROCEDURAL POSTURE

I am a 28 year- old Turkish citizen. I entered the united states on october 21, 2025, and immediately expressed fear of returning to Turkey based on my history of forced marriage, severe domestic abuse, threats of honor-based violence, and my public renunciation of islam. I have been continuosly detained at Otay Mesa Detention Center since that date.

I received a negative credible fear determination, affirmed by and immigration Judge. My prior habeas petition was dismissed without prejudice. My attempted



Motion to Reopen was returned or rejected because the immigratuion court stated that the case was not pendeing. None of those determinations are challenged here.

On Decemeber 18, 2025, the goverment attempted to remove me through Los Angeles International Airport. At the airport, i expressed my fear of return to Turkey. I was returned to Otay Mesa. No removal attempt has been made in the six months since.

I filed the present petition on May 18, 2026 (ECF No. 1), challenging the contitutionality of my prologed detention not the underlying removal order. This court issued an Order to Show Cause and Stay of Removal on June 11, 2026 (ECF NO.6) and granted respondents' ex parte.

Motion to Extend Briefing Schedule on June 16, 2026 (ECF No.8). Respondets filed their Return on June 18, 2026 (ECF No.10). This traverse follows.

III. JURISDICTION

A. This Court Has Independent Habeas Jurisdiction Over the Detention Claim

Respondents may argue that Court lacks jurisdiction under 8 U.S.C. 1252(e)(2) and Departament of Homeland Security v. Thuraissigiam, 591 U.S. 103 (2020). That argument conflates two very different categories of Habeas review.

Thuraissigiam concerned habeas review of expedited removal orders themselves. The Supreme Court held only that aliens in expedited removal cannot use habeas to obtain " additional administrative review of their asylum claims" or to vacate their removal orders. Id. at 138-39.

I am not seeking either remedy. I am not asking this court to vacate my removal order. Iam not asking for redetermination of credible fear. I am not asking to reopen asylum proceeedings. I am asking only for waht every datained person is entitled to under the Fifth Amendment: review of whether my prolonged detention is constitutional.

Courts in this District have repeatedly exercised 2241 jurisdiction over detention habeas claims, even from individuals in expedited removal. See Sadeqi v. LaRose, No 22-CV-933-LL-NLS, 2023 U.S. Dist. LEXIS 69635 (S.D. Cal. Apr. 20, 2023); A.M. v. LaRose, No. 25-cv-01412 (S.D. Cal. June 4, 2025); Doe v. Bondi, No. 25-cv-805-BJC-JLB, 2025 WL 1870979 (S.D. Cal. Junel1, 2025). The Supreme Court has long recognized habeas review of immigration detention. See Zadvydas V. Davis, 533 U.S. 678 (2001); Demore V. Kim, 538 U.S. 510 (2003).

Respondents acknowledge that this Petition challenges only my continued dtention as unlawful, unreasonably prolonged, and in violation of due process. Thet matters. Because this case does not seek review of the expedited removal order or the credible fear determination, Respondents' reliance on Thuraissigiam does not resolve the actual issue before this Court: whether continued civil detention for approximately



eight months, after one failed removal attempt and whitout maninful custody review, remains lawful.

Thuraissigiam concerned habeas review of expedited removal and asylum-related determinations. It did not hold that a detained person mey be held indefinitely without meaningful custody review simply because she is subject to an expedited removal order.

B. The Court's Jurisdiction Has Been Preserved Throuhg These Proceedings

On June 11, 2026, this court issued an order to show cause and stayed my removal (ECF No. 6). respondents' subsequent conduct-including their Ex Parte Motion to Extend Briefing Schedule (ECF No. 7) and the filing of their Return (ECF No. 10) – confirms that this case is properly before the Court. I do not rely on waiver; I rely on this Court's independet habeas jurisdiction over the constitutionality of continued detention.

IV. MY DETENTION IS UNLAUWFUL

Courys in this District evaluate prolonged immigration detention claims under the framework set out in Banda v. McAleenan, 385 F. Supp. 3D 1099, 1106 (W.D. Wash. 2019). the Banda factors, applied to my specific situation, weigh decisively in favor of release.

A. Length of Detention and Absence of Removal Progress

I have been detained continuously for approximately eight months. While this Court has noted that prolonged detention claims become "particularly compelling" after one year, see Sibomana v. LaRose, No. 22-CV-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal. Apr. 20, 2023), the eight-month threshoold is not insulated from constitutional review. Banda recognizes length as "the most important factor", but it must be weighed alongside allother circumstances.

Respondents indentify only one internal inquiry on March 17, 2026 regarding possible charter removal. But Respondents do not indentify a confirmed new removal date, a second actual removal attempt, a written removal plan provided to me, or a meaningful post-order custody review. To my knowledge, in the six months since that date:

- No new removal date has been scheduled or communicated to me;
- No travel-document issuance date, removal logistics timeline, or written removal plan has been provided to me;
- No written Post-Order Custody Review decision has been issued;
- No reliable evidence has been produced showing that my removal is significantly likely in the reasonably foreseeable future.



Respondents' own declaration confirms that no new removal date has been secured. Deportation Officer Castellanos states only that ERO "is now seeking to secure" a new commercial removal flight. That language shows that removal has not been confirmed, scheduled, or completed. It does not establish that removal is significantly likely in the reasonably foreseeable future without further concrete evidence.

Under Zadvydas v. Davis, 533 U.S. 678, 701 (2001), once detention exceeds six months, the Government must come forward with evidence that removal is "significantly likely in the reasonably foreseeable future". Conclusory assertions that removal "remains possible" do not meet this standard. The Ninth Circuit has extended Zadvydas's framework to similarly-situated detainees. See Diouf V. Napolitano, 634 F.3d 1081, 1086 (9th Cir. 2011).

B. My Medical Condition Has Worsened in Custody

I surffer from documented cardiac arrhythmia, including premature ventricular contractions (PVCs), and chronic migraines. These conditions were diagnosed in Turkey before i came to the United States. They have worsened during my detention due to the chronic stress of indefinite custody. See my Declaration submitted with the original Petition.

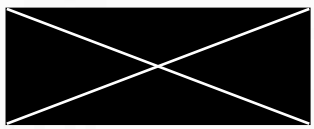
Detention is not supposed to be punishment. But for me, the conditions of confinement a smal cell, no certainty about when or whether I will be removed, no meaningful contact with the outside world, and limited access to specialized cardiac care have become punitive in their effect on my health. I have requested complete medical records from Otay Mesa, which will be supplemented when received.

Updated medical records reflecting additional active medical problems are attached as Exhibit B.

C. Any Compliance Concerns Can Be Managed Through Strict Supervision

I have no criminal history in the United States or in Turkey. I have had no disciplinary infractions during my eight months of custody. I have a stable proposed residence and a committed sponsor (see Section VI below). I am willing to comply with strict conditions of supervision, including GPS monitoring, regular ICE check-ins, address reporting, sponsor supervision, and travel restrictions. Any compliance concerns can be manged through these conditions rather than continued detention.

Respondents' own records show that no wants or warrants were found for me. This supports that I do not present a public-safety concern and can be managed through sponsor-supported release and reasonable supervision.



DECEMBER 18 WAS NOT "OBSTRUCTION"

Respondents argue that my continued detention is justified because I allegedly "refused to comply" with removal efforts and thereby prolonged my own detention. I respectfully disagree.

Respondents characterize the December 18 incident as "refusal" and "noncompliance". I do not deny that removal was attempted that day. But the issue before this Court is whether a single fear-based, amotional, and nonviolent reaction can justify continued civil detention for months without meaningful custody review. It cannot.

A. The Facts of Decemeber 18 Reflect Fear, Not Obstruction

On December 18, when I realized i was being placed on a plane to Turkey, i expressed my fear of returning, i did no assault any officer. I did not flee. I did not damage property. I did not threaten anyone. I simply, said -through my words and through my reaction- that i was terrified of what would happen to me if i returned. My response was emotional, fear-based, and nonviolent.
Petitioner does not claims that fear alone cancels a removal order.
Rather, Petitioner submits thet her fear-based, nonviolent response on December 18 Should not be treated as a permanent basis for indefinite civil detention without meaningful custody review.the right to express fear of persecution is recognized in the Convention Against Torture (Art. 3), the Refugee Convention's principle of non-refoulement (Art.33), 8 U. S. C. 1231(b)(3), and the Due Process Clause of the Fifth Amendment. To treat such expresion as "noncompliance" -and to justify months of additional detention on that basis – would chill all protection claims.

B. The Backgrounds to My Fear (Offered for a Limited Purpose)

The facts in this section are not offered to relitigate credible fear or asylum. They are offered only to explain why the December 18 event was fear-based and nonviolent, not obstruction, and why continued detention should not be justified as punishment for the exercise of a right.

I am a Turkish woman who:

- [redacted]
- Was beaten by my father for reading secular books and was forced to leave school;
- Was forcibly married at age 18 to a man whose family belongs to Menzil religious order;
- Was beaten, threatened with knives, and [redacted] by my former husband;
- Has publicly renounced Islam -an act that places me at risk of honor-based violence;
- Continues to receive death threats from my former husband and his family to this day.

[redacted]

These facts are corroborated by sworn declarations from four independent witnesses – my sister Merve Isik, my sister Aleyna Abul, my close friend Beste Kala, and my brother-in-law Emre Isik -all submitted with original Petition. They are presented here only to establish that my fear on December 18 was sincere, documented, and reasonable -not pretextual, not strategic, and not a basis for treating my conduct as noncompliance.

C. A Single Incident Does Not Justify Indefinite Detention

Even if Respondents characterize December 18 as "noncompliance" it was a single incident. I have not refused to cooperate in any other way during my eight months at Otay Mesa. I have had no disciplinary issues. I have appeared at every required proceeding.

More importanly: the Government has had six months since December 18 to attempt removal again. They have not done so. If my fear-based response on a single day were the only obstacle to removal, the Government could have re-attempted long ago. The fact that they have not -and that no new removal date has been schedule- demonstrates that the obstacle is not me. The obstacle is the absence of a viable removal plan.

D. Respondents "Self-Created Detention" Argument Overtates the Record

Respondents rely on Pelich and Alfaro-Mejia, but those cases do not justify denying this Petition with prejudice. My situation is materially different. I have consistently expressed fear of return to Turkiyefrom the beginning of my case. The December 18 incident was one fear-based, emotional, and nonviolent reaction to being placed on a plane to the country where i fear serious harm. I did not assault anyone, flee, damage property, or threaten any officer.

Respondents also cite my March 24 statement that I would not go back to Turkiye. Thet statement should be understood in context. It was a continuation of the same fear iI expressed during the credible fear process and again during the December 18 removal attempt. It was not a new strategy to manufacture delay.

Respondents identify one failed removal attempt, one internal inquiry about possible charter removal, and one fear-based statement. They do not indentify a confirmed new removal date, a second actual removal attempt, a written removal plan provided to me , or a meaningful custody review considering release under supervision. A sincere fear-based statement is not the same as ongoing strategic obstruction.

A. Boca

VI. RELEASE PLAN

I have a comprehensive plan for release, ready for immediate implementation:

A. Sponsor and Residence

Upon release, i will reside at a stable address with a committed sponsor who is willing to provide housing, financial support, transportation to all ICE check-ins and immigration appoinments, and assistance with medical care. A Declaration of Sponsor is being filed in support of this Traverse and will be supplemented upon receipt of any required supporting documents.

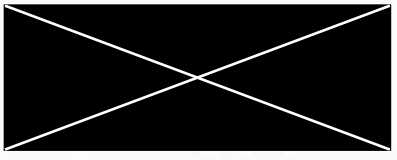
B. Compliance and Risk Profile

- No criminal history in the United States or in Turkey;
- No immigration violations beyond the underlying expedited removal order;
- Full compliance with detention facility rules during eight months of custody;
- Stable proposed residence and committed sponsor;
- Willingness to accept any conditions of supervision, and travel restrictions.

VII. ALTERNATIVE RELIEF: CUSTODY HEARING

If this Court determines that immediate release is not warranted on the current record, I respectfully ask, in the alternative, for an individualized custody hearing within fourteen (14) days. At such a hearing, Respndents should bear the burden of proving by clear and convincing evidence that I pose a danger to the community or a risk of flight sufficient to justify continued detention.

This alternative is consistent with the Ninth Circuit's recognition that prolonged immigration detention requires meaningful individualized review. See Singh v. Holder, 638 F. 3D 1196, 1203 (9th Cir. 2011). it also aligns with Zadvydas's recognition that prolonged detention raises "serious constitutional concerns" requiring individualized procedural protection. 533 U.S. At 690-92.



VIII. THE STAY MUST REMAIN

This Court's June 11, 2026 Stay of Removal must remain in full force through final resolution of this case and any appeal. Without it, Respondents could effectively moot this Court's jurisdiction by removing me before a ruling on the merits. See A.A.R.P. v. Trump, 605 U.S. 91, 97 (2025) (federal courts have " the power to issue injuctive relief to prevent irreparable harm to the applicant and to preserve [] jurisdiction over the matter").

Because Respondents state that ERO is seeking to secure a new commercial removal flight, the saty remains necessary to preserve this Court's jurisdiction until the detention claim is fully resolved.

IX. CONCLUSION

For the foregoing reasons, I respectfully request that this Court:

1. GRANT the Petition and order my immediate release on reasonable conditions of supervision; OR, in the alternative,
2. ORDER and individualized custody hearing within fourteen (14) days at which Respondents bear the burden of justifying my continued detention by clear and convincing evidence;
3. MAINTAIN the Stay of Removal entered June 11, 2026 through final resolution and any appeal; and
4. GRANT such other and further relief as this Court deems just ans proper.
5. DENY Respondents' request to dismiss this Petition with prejudice.

If the Court denies immedite release, Petitioner respectfully request that any denial not be with prejudice, because the legality of immigration detention depends on envolving facts, including the length of detention, custody review, removal efforts, medical condition, and available release plan.

Respectfully submitted,

Dated: June 25, 2026



AYBÜKE BORA

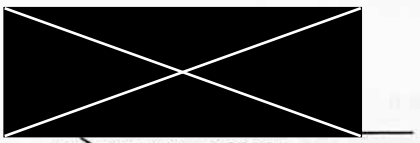
Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154
Petitioner, Pro Se

VERIFICATION

I , Aybuke Bora, declare under penalty of perjury under the laws of the United States of America that:

1. I am the Petitioner in this action;
2. I have read the foregoing Treaverse;
3. The facts stated here in are true and correct to the best of my knowledge, except as to matters stated on information and belief, which I believe to be true.

Exectued on June 25, 2026, at Otay Mesa Detention Center, San Diego, California.



AYBUKE BORE
Petitioner, Pro Se

CERTIFICATE OF SERVICE AND
PRISON MAILBOX RULE DECLARATION

I, Aybuke Bora, certify and declare under penalty of perjury pursuant to 28 U.S. C. 1746 and Houston v. Lack, 487 U.S. 266 (1988):

1. On June 25, 2026, I placed the foregoing Petitioner's Treverse in the legal mail system at Otay Mesa Detention Center, with postage prepaid, addressed to:

Clerk of the Court
U.S. District Court
Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101

2 . On the same date, I also placed a true and correct copy of this Traverse in the legal mail system, with pstage prepaid, addressed to Respondent's counsel:

Hunter V. Norton, Esq.
U.S. Attorney's Office, Civil Division
Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on June 25, 2026, at Otay Mesa Detention Center, San Diego, California.

[redacted]
AYBUKE BORA
[redacted]
Petitioner, Pro Se