

1 ADAM GORDON
United States Attorney
2 DOUGLAS D. NELSON
Assistant U.S. Attorney
3 California Bar No. 177643
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8909
Facsimile: (619) 546-7751
6 Email: Douglas.Nelson@usdoj.gov

7 Attorneys for Respondents

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

10 DANILA KOMAROV,

11 Petitioner,

12 v.

13
14 WARDEN, OTAY MESA DETENTION
CENTER,

15 Respondents.
16

Case No.: 26cv03530 LL SBC

RESPONSE TO PETITION

17 **I. INTRODUCTION**

18
19 Petitioner requests the Court to order his immediate release from Immigration
20 and Customs Enforcement (ICE) custody, a bond hearing held by this Court, or require
21 that he be afforded a bond hearing with an immigration judge. However, as an arriving
22 alien found to have a credible fear of persecution Petitioner's detention is mandated by
23 8 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. As
24 Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(1)(B)(ii), the
25 Court should deny Petitioner's requests for relief.

26 **II. FACTUAL AND PROCEDURAL BACKGROUND**

27 Petitioner is a native of Russia and citizen of Russia. On November 18, 2025, he
28 applied for admission to the United States at a port of entry. *See* Exhibit 1 (Record of

1 Deportable/Inadmissible Alien). He did not possess legal documentation to be in or
2 enter the United States. *Id.* He was determined to be an arriving alien inadmissible under
3 8 U.S.C. § 1182(a)(7)(A)(i)(I), placed into expedited removal proceedings under 8
4 U.S.C. § 1225(b)(1), and taken into Immigration and Customs Enforcement (ICE)
5 custody pursuant to 8 U.S.C. § 1225(b)(1)(B). *Id.* He was then interviewed by an asylum
6 officer, pursuant to 8 U.S.C. § 1225(b)(1)(B). *See* ECF 8 Exh. 1 (First Declaration of
7 Danila Komarov) page 1, ¶ 2. After receiving a positive credible fear determination,
8 Petitioner was issued a Notice to Appear (NTA). Exh 2. The filing of the NTA initiated
9 removal proceedings, pursuant to 8 U.S.C. § 1229a, against Petitioner. Petitioner
10 submitted his application for asylum/protection from removal.¹

11 On May 6, 2026 the immigration judge conducted the Petitioner's hearing, denied
12 his application, and ordered him removed to Russia. Exh. 3, Order of the Immigration
13 Judge.² Petitioner filed a Notice of Appeal to the Board of Immigration Appeals (BIA)
14 and that proceeding is still ongoing. Exh 4 (Filing Receipt for Appeal). Because
15 Petitioner's appeal remains pending, there is no administratively final order of removal
16 at this time. Petitioner remains mandatorily detained under 8 U.S.C. §
17 1225(b)(1)(B)(ii).

18 III. STATUTORY BACKGROUND

19 Section 235 of the Immigration and Nationality Act (INA), codified at 8 U.S.C.
20 § 1225, applies to an "applicant for admission," defined as an "alien present in the

21
22 ¹ Within his removal proceedings under § 1229a, Petitioner had the opportunity to
23 apply for relief from removal before an immigration judge (IJ), including asylum
24 under 8 U.S.C. § 1158, withholding of removal under 8 U.S.C. § 1231(b)(3), and
25 relief under the Convention Against Torture.

26 ² The Order of the Immigration Judge included 11 pages of citations which have been
27 redacted as unnecessary as they were merely citations he relied upon in a separate oral
28 decision. The redacted citations do not include any analysis. The For purposes of this
Petition, the Order merely serves to show the merits of Petitioner's application were
heard, denied, and he was ordered removed to Russia.

1 United States who has not been admitted” or “who arrives in the United States.” 8
 2 U.S.C. § 1225(a)(1). “[A]pplicants for admission fall into one of two categories, those
 3 covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*,
 4 583 U.S. 281, 287 (2018).

5 Section 1225(b)(1) applies to arriving aliens and “certain other” aliens “initially
 6 determined to be inadmissible due to fraud, misrepresentation, or lack of valid
 7 document.” *Id.* (citing 8 U.S.C. § 1225(b)(1)(A)(i)). These aliens are generally subject
 8 to expedited removal proceedings. *See* 8 U.S.C. § 1225(b)(1)(A)(i). But if “the alien
 9 indicates an intention to apply for asylum . . . or a fear of persecution,” immigration
 10 officers will refer the alien for a credible fear interview. 8 U.S.C. § 1225(b)(1)(A)(ii).
 11 “If the officer determines at the time of the interview that [the] alien has a credible fear
 12 of persecution . . . , the alien *shall be detained* for further consideration of the
 13 application for asylum.” 8 U.S.C. § 1225(b)(1)(B)(ii) (emphasis added). If the alien
 14 does not indicate an intent to apply for asylum, does not express a fear of persecution,
 15 or is “found not to have such a fear,” they “shall be detained . . . until removed” from
 16 the United States. 8 U.S.C. §§ 1225(b)(1)(A)(i), (B)(iii)(IV).

17 IV. ARGUMENT

18 A. Petitioner’s Claim is Barred Under 8 U.S.C. § 1252(g).

19 Respondents contend that judicial review over Petitioner’s claim is barred by 28
 20 U.S.C. § 1252(g), which states that “[n]o court shall have jurisdiction to hear any cause
 21 or claim by or on behalf of any alien arising from the decision or action by the Attorney
 22 General to commence proceedings, adjudicate cases, or execute removal orders.”

23 Here, Petitioner’s claims of unlawful detention necessarily arise from the
 24 Department of Homeland Security’s³ decision to commence removal proceedings
 25 against him because that decision unavoidably triggers mandatory detention under 8

27 ³ “In 2002, Congress transferred the Attorney General’s immigration enforcement
 28 responsibilities to the Secretary of Homeland Security.” *Ibarra-Perez v. United States*,
 154 F.4th 989, 995 n.2 (9th Cir. 2025).

1 U.S.C. § 1225(b)(1)(B)(ii) until the conclusion of his removal proceedings. *See, e.g.,*
2 *Wang v. United States*, No. CV 10-0389 SVW (RCx), 2010 WL 11463156, at *6 (C.D.
3 Cal. Aug. 18, 2010) (finding section 1252(g) bars judicial review of false imprisonment
4 claim because the plaintiff's detention arose from the decision to commence removal
5 proceedings, and in turn, the "statute mandating detention during removal proceedings
6 of a person charged as an 'arriving alien.'").

7 As explained by another district court, removal proceedings are commenced
8 when, as occurred here, "the alien is issued a Notice to Appear before an immigration
9 court." *Herrera-Correra v. United States*, No. CV 08-2941 DSF (JCx), 2008 WL
10 11336833, at *3 (C.D. Cal. Sept. 11, 2008). The government "may arrest the alien
11 against whom proceedings are commenced and detain that individual until the
12 conclusion of those proceedings." *Herrera-Correra*, 2008 WL 11336833, at *3. "Thus,
13 an alien's detention throughout this process arises from the [government's] decision to
14 commence proceedings" and review of claims arising from such detention is barred
15 under section 1252(g). *Id.* (citing *Sissoko v. Rocha*, 509 F.3d 947, 949 (9th Cir. 2007));
16 *see also Wang*, 2010 WL 11463156, at *6.

17 Because this habeas petition brings a claim "arising from the decision or action
18 by the [government] to commence proceedings," review of Petitioner's claim is barred
19 under 8 U.S.C § 1252(g). Thus, the Court must dismiss the petition.

20 **B. Petitioner is Lawfully Detained Under the INA and the Constitution.**

21 Even if the Court assumed jurisdiction to review Petitioner's claim, the Court
22 must deny his habeas petition because Petitioner's detention is statutorily mandated
23 under 8 U.S.C. § 1225(b)(1)(B)(ii) and has not been unconstitutionally prolonged.

24 **1. Petitioner is mandatorily detained under 8 U.S.C. § 1225(b)(1).**

25 Petitioner is an arriving alien. *See* ECF No. 7, Exh A. Therein Petitioner admits
26 he "presented [himself] at the Otay Mesa Port of Entry and asked for asylum" without
27 ever claiming he had documents to lawfully enter the United States. *Id.* at page 1, ¶1.
28 As discussed above, arriving aliens are applicants for admission who are subject to

1 expedited removal proceedings, *see* 28 U.S.C. § 1225(b)(1)(A)(i), unless—as occurred
2 here—an asylum officer has determined that they have a credible fear of persecution,
3 *see* 28 U.S.C. § 1225(b)(1)(B)(ii). In such cases, the INA mandates that “the alien *shall*
4 *be detained* for further consideration of the application for asylum.” 8 U.S.C.
5 § 1225(b)(1)(B)(ii) (emphasis added); *see also Matter of M-S*, 27 I. & N. Dec. 509, 519
6 (AG 2019) (“all aliens transferred from expedited to full [removal] proceedings after
7 establishing a credible fear are ineligible for bond”). Because Petitioner is an arriving
8 alien found to have a credible fear of persecution and placed in full removal
9 proceedings, his detention is mandated by section 1225(b) until the conclusion of his
10 removal proceedings. *See Jennings*, 583 U.S. at 302 (“§§ 1225(b)(1) and (b)(2)
11 mandate detention of aliens throughout the completion of applicable proceedings”).

12 Petitioner requests that the Court order him released from ICE custody. But the
13 Supreme Court has rejected such contention, explaining: “Read most naturally, §§
14 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain
15 proceedings have concluded. . . . Nothing in the statutory text imposes any limit on the
16 length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything
17 whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297. Except for temporary
18 parole granted at the discretion of the Attorney General “for urgent humanitarian
19 reasons or significant public benefit” under 8 U.S.C. § 1182(d)(5), “there are no *other*
20 circumstances under which aliens detained under § 1225(b) may be released.” *Id.* at 300
21 (emphasis in original).

22 As Petitioner’s removal proceedings are pending, and he has not been granted
23 temporary parole, section 1225(b)(1)(B) mandates his detention until the proceedings
24 have concluded. *Jennings*, 583 U.S. at 297 (“Once those proceedings end, detention
25 under § 1225(b) must end as well.”). Because Petitioner is lawfully detained under
26 section 1225(b)(1)(B) and the statute does not entitle him to release at this time, his
27 petition must be denied. *See, e.g., Zelaya-Gonzalez v. Matuszewski*, No. 23-CV-151
28

1 JLS-KSC, 2023 WL 3103811, at *3 (S.D. Cal. April 25, 2023) (applying *Jennings* to
2 find that the petitioner had no right to release or a bond hearing).

3 **2. Petitioner’s detention is not unconstitutionally prolonged.**

4 In *Jennings*, the Supreme Court evaluated the proper interpretation of 8 U.S.C.
5 § 1225(b). The Supreme Court stated that, “[r]ead most naturally, [8 U.S.C.]
6 §§ 1225(b)(1) and (b)(2) . . . mandate detention of applicants for admission until certain
7 proceedings have concluded.” *Id.* at 297. In other words, neither 8 U.S.C. § 1225(b)(1)
8 nor § 1225(b)(2) “impose[] any limit on the length of detention” and “neither
9 § 1225(b)(1) nor § 1225(b)(2) say[] anything whatsoever about bond hearings.” *Id.* The
10 Supreme Court added that the sole means of release for noncitizens detained pursuant
11 to 8 U.S.C. §§ 1225(b)(1) or (b)(2) prior to removal from the United States is temporary
12 parole at the discretion of the Attorney General under 8 U.S.C. § 1182(d)(5). *Id.* at 300
13 (“That express exception to detention implies that there are no *other* circumstances
14 under which aliens detained under [8 U.S.C.] § 1225(b) may be released.”) (emphasis
15 in original). “In sum, [8 U.S.C.] §§ 1225(b)(1) and (b)(2) mandate detention of aliens
16 throughout the completion of applicable proceedings[.]” *Id.* at 302.

17 In *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 207–09 (1953), a
18 noncitizen in exclusion proceedings filed a habeas petition claiming that his prolonged
19 detention without a hearing violated his constitutional rights. The Supreme Court
20 rejected the petition, concluding that the noncitizen’s continued detention did not
21 deprive him of any due process rights, stating: “[A]n alien on the threshold of initial
22 entry stands on a different footing: ‘Whatever the procedure authorized by Congress
23 is, it is due process as far as an alien denied entry is concerned.’” *Id.* at 212 (citation
24 omitted).

25 In *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 138–40
26 (2020), the Supreme Court once again addressed the due process rights of individuals
27 like Petitioner—inadmissible arriving noncitizens seeking initial entry into the United
28 States. The Supreme Court stated that such individuals have no due process rights

1 “other than those afforded by statute.” *Id.* at 107; *see also id.* at 140 (“[A]n alien in
 2 respondent’s position has only those rights regarding admission that Congress has
 3 provided by statute.”). The Supreme Court noted that its determination was supported
 4 by “more than a century of precedent.” *Id.* at 138 (citing *Nishimura Ekiu v. United*
 5 *States*, 142 U.S. 651, 660 (1892); *U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537,
 6 544 (1950); *Mezei*, 345 U.S. at 212; *Landon v. Plasencia*, 459 U.S. 21, 32 (1982)).
 7 Because the only process due Petitioner is that afforded under section 1225(b), the
 8 Court must reject his claim that his detention violates the Fifth Amendment’s Due
 9 Process Clause and deny his requested relief. *See Thuraissigiam*, 591 U.S. at 138–40;
 10 *Mendoza-Linares*, 51 F.4th at 1167; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206
 11 (9th Cir. 2022) (“The recognized liberty interests of U.S. citizens and aliens are not
 12 coextensive: the Supreme Court has ‘firmly and repeatedly endorsed the proposition
 13 that Congress may make rules as to aliens that would be unacceptable if applied to
 14 citizens.’”) (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)); *Zelaya-Gonzalez*,
 15 2023 WL 3103811, at *4 (“Binding Ninth Circuit and Supreme Court precedents are
 16 clear that Petitioner lacks any rights beyond those conferred by statute, and no statute
 17 entitles Petitioner to a bond hearing.”).

18 Since the Supreme Court’s decision in *Thuraissigiam*, numerous published
 19 decisions have acknowledged *Thuraissigiam*’s impact on the precise Fifth Amendment
 20 Due Process Clause that Petitioner might have raised in this petition: Does an alien
 21 detained under 8 U.S.C. § 1225(b)(1) have a due process right to release or a bond
 22 hearing after being detained for a certain period of time? The answer is no. *See*
 23 *Mendoza-Linares v. Garland*, No. 21-cv-1169-BEN (AHG), 2024 WL 3316306, *2
 24 (S.D. Cal. June 10, 2024) (“[T]he Court finds that Petitioner has no Fifth Amendment
 25 right to a bond hearing pending his removal proceedings.”); *Zelaya-Gonzalez*, 2023
 26 WL 3103811. *3 (S.D. Cal. Apr. 25, 2023) (same); *Rodriguez Figueroa v. Garland*,
 27 535 F. Supp. 3d 122, 126–27 (W.D.N.Y. 2021); *Gonzales Garcia v. Rosen*, 513 F.

1 Supp. 3d 329, 336 (W.D.N.Y. 2021); *St. Charles v. Barr*, 514 F. Supp. 3d 570, 579
 2 (W.D.N.Y. 2021); *Petgrave v. Aleman*, 529 F. Supp. 3d 665, 667 (S.D. Tex. 2021).

3 Even if the Court infers a constitutional right against prolonged mandatory
 4 detention, Petitioner's claim still fails. "In general, as detention continues past a year,
 5 courts become extremely wary of permitting continued custody absent a bond hearing."
 6 *Sibomana v. LaRose*, No. 22-cv-933-LL-NLS, 2023 WL 3028093, at *4 (S.D. Cal.
 7 April 20, 2023) (citation omitted); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-
 8 BGS, 2024 WL 711607, at *5 (S.D. Cal. Feb. 21, 2024) (detained over two-and-a-half
 9 years); *Sanchez-Rivera v. Matuszewski*, No. 22-cv-1357-MMA (JLB), 2023 WL
 10 139801, at *6 (S.D. Cal. Jan. 9, 2023) (three years); *Yagao v. Figueroa*,
 11 No. 17-cv-2224-AJB-MDD, 2019 WL 1429582, at *2 (S.D. Cal. March 29, 2019) (two
 12 years). Petitioner's detention falls significantly short of the length courts have found to
 13 raise due process concerns.

14 In similar cases, courts in this district have applies the test in *Banda v.*
 15 *McAleenan*, 385 F. Sup. 3d 1099, 1106 (W.D. Wash. 2019), first adopted by Judge
 16 Battaglia in *Kydyrali v. Wolf*, 499 F. Supp. 3d 768 (S.D. Cal. 2020). Under *Banda*, to
 17 determine whether continued mandatory detention has become unreasonable, courts
 18 look at (1) total length of detention to date; (2) likely duration of future detention; (3)
 19 conditions of detention; (4) delays in the removal proceedings caused by the detainee;
 20 (5) delays in the removal proceedings caused by the government; and (6) the likelihood
 21 that the removal proceedings will result in a final order of removal. *Banda*, 385 F. Sup.
 22 3d at 1106.

23 First, Petitioner's approximate 7 ½ month detention should not favor granting
 24 his release. The length of detention in *Kydyrali* was 27 months, more than three times
 25 as long as Petitioner's detention. *See Kydyrali*, 499 F. Supp. 3d at 773. This relatively
 26 short duration does not justify habeas relief. *See Prieto-Romero v. Clark*, 534 F.3d
 27 1053, 1065 (9th Cir. 2008) (finding no constitutional violation in detention of more
 28 than three years under § 1226(a)); *see also Durand v. Allen*, No. 3:23-cv-00279-RBM-

1 BGS, 2024 WL 711607 at *5 (S.D. Cal. Feb. 21, 2024) (32 months); *Sibomana*, 2023
2 WL 3028093, at *4 (19 months); *Sanchez-Rivera*, 2023 WL 139801 at *6 (three years);
3 *Yagao v. Figueroa*, No. 17-CV-2224-AJB-MDD, 2019 WL 1429582, at *1 (S.D. Cal.
4 Mar. 29, 2019) (42 months).

5 Notably, “the length of detention . . . is the most important factor.” *Banda*, 385
6 F. Supp. 3d at 1118. In short, the period of Petitioner’s detention is reasonable.
7 Moreover, the length of Petitioner’s detention, by itself, does not favor granting habeas
8 relief. *See Sadeqi v. LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520, at *3
9 (S.D. Cal. Nov. 12, 2025) (“The Court agrees with Respondents that the length of
10 Petitioner’s detention to date—almost 12 months—does not by itself, without more,
11 establish prolonged detention in violation of due process.”).

12 Second, the likely duration of future detention weighs against Petitioner.
13 Petitioner has completed his merits hearing with the immigration judge. His appeal at
14 the BIA is pending. Any length of detention from this point is purely speculative. The
15 fourth and fifth factors (delays in the removal proceedings caused by Petitioner and the
16 government) are neutral, as the record does not evidence any delays in removal
17 proceedings. The sixth and final factor weighs in favor of Respondents because an
18 immigration judge has entered a removal order against Petitioner, which Petitioner has
19 appealed to the BIA

20 Balancing the above factors, the record does not support a finding that “detention
21 has become so unreasonable as to require an initial bond hearing,” *Sanchez-Rivera*,
22 2023 WL 139801, at *6, or an order requiring Petitioner’s release.

23 Petitioner was lawfully detained when he applied for admission to the United
24 States. As a result, Petitioner is rightly considered an applicant for admission, and his
25 mandatory detention does not violate due process. *See Markov v. LaRose*, No. 25-CV-
26 3811 JLS (SBC), 2026 WL 92069 (S.D. Cal. Jan. 13, 2026) (“Petitioner’s length of
27 detention, without more, does not render his detention unreasonable.”); *Duran Romero v.*
28 *LaRose*, No. 25-cv-3567-AGS-VET, ECF No. 7 (S.D. Cal. Jan. 14, 2026); *Shahin v.*

1 *Noem*, No. 25-cv-2496-AGS-KSC, ECF No. 12 (S.D. Cal. Dec. 23, 2025); *Cordova*
2 *Cordova*, No. 25-cv-2426-BAS-DDL, ECF No. 9 (S.D. Cal. Nov. 14, 2025); *Mendez*
3 *Ramirez*, 612 F. Supp. 3d at 221; *Gonzalez Aguilar v. Wolf*, 448 F. Supp. 3d at 1212; *de*
4 *la Rosa Espinoza*, 2020 WL 3452967, at *6-8.

5 **C. Petitioner Improperly Argues Immigration Judges' Neutrality is**
6 **Compromised.**

7 Respondents wholly reject Petitioner's claim that local immigration judges are
8 biased or compromised such that this Court should grant immediate release or
9 micromanage the custody redetermination process. This level of district court
10 involvement is unwarranted and unnecessary.

11 As argued above, Petitioner is subject to mandatory detention under 8 U.S.C. §
12 1225(b)(1)(B)(ii). Petitioner's "trend evidence", *see* ECF 8, page 12, line 22, lacks
13 foundation and relevance and is replete with inadmissible opinions and hearsay. It
14 wholly fails to establish that government procedures governing bond proceedings
15 violate due process. *Rodriguez Diaz*, 53 F.4th at 1189, 1213 (quoting *Ching v.*
16 *Mayorkas*, 725 F.3d 1149, 1156 (9th Cir. 2013) ("It is process that the procedural due
17 process right protects, not the outcome.")).

18 Significantly, despite Petitioner's assertion that immigration judges are
19 compromised by fear of termination, counsel cites no habeas case from this district
20 where the Court found a local immigration judge deliberately flouted a court order to
21 hold a bona fide bond hearing or where DHS failed to comply with an immigration
22 judge's order granting bond following a district court order. To the contrary, numerous
23 habeas cases in this district confirm that immigration judges have complied in good
24 faith with this court's orders, conducted individualized bond hearings, and granted bond
25 in many cases, often on a very quick turnaround. *See, e.g., Ramirez Ceja v. Divver*, No.
26 26-cv-00254-DMS-DEB, ECF No. 6 (S.D. Cal. Feb. 19, 2025) (Joint Status Report
27 reflecting immigration judge granted bond at Otay Mesa Immigration Court);
28 *Prabhpreet v. LaRose*, No. 26-cv-00393-JES-SBC, ECF No. 10 (S.D. Cal. Feb. 19,

2026) (same); *I.E. v. Casey*, No. 25-cv-03227-DMS-DDL, ECF No. 10 (S.D. Cal. Dec. 16, 2025) (same for Imperial Regional Detention Facility); *Gautam v. Correctional Corp. of Am.*, No. 25-cv-03600-JES-DEB, ECF No. 8 (S.D. Cal. Jan. 9, 2026) (Notice of Compliance); *Alemanji v. Mayorkas*, No. 25-cv-03499-JO-DDL, ECF No. 13 (S.D. Cal. Dec. 23, 2025) (Notice Confirming Bond Hearing); *Xie v. LaRose*, No. 26-cv-00529-RBM-DDL (Notice of Compliance; bond granted)(S.D. Cal. March 4, 2026); *Ding v. LaRose*, 26-cv-01117-TWR-JLB (bond granted)(S.D. Cal. March 4, 2026); *Jacinto Rodriguez v. LaRose*, 26-cv-00693-BAS-DEB (S.D. Cal. Feb. 24, 2026) (bond granted); and *Lorenzo v. LaRose*, 26cv1041-LL (S.D. Cal. March 2, 2026) (bond granted); 26 CV 1338 JO VET.) (bond granted); *Luis Alberto Corado-Serrano v. Bondi*, 26-CV-1338-JO VET (S.D. Cal. March 27, 2026) (bond granted); *Paniagua-Padilla v. Bondi*, 26-cv-01332-JO-VET (S.D. Cal. April 1, 2026) (bond granted); and *Fawaz Ali v. Mullin*, 26-cv-1565 JES-JLB (S.D. Cal. April 10, 2026) (Notice of Compliance; bond granted).

V. CONCLUSION

For the reasons stated herein, Respondents respectfully request that the Court dismiss this petition for lack of jurisdiction or deny it on the merits.

DATED: July 9, 2026

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Douglas D. Nelson
DOUGLAS D. NELSON
Assistant United States Attorney
Attorneys for Respondents