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Attorneys for Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

[redacted],

Petitioner,

v.

CHRISTOPHER LAROSE, Warden of Otay Mesa Detention Center, *et al.*,

Respondents.

Case No.: 26-cv-04652-JLS-MSB

RETURN TO AMENDED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

On August 14, 2026, Petitioner filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. The Court should dismiss the petition without prejudice for failure to state a claim. Petitioner challenges the legality of his detention in an adult detention facility, claiming that he is a minor who should not be in custody, and that his detention violates due process and the APA. ECF No. 1 at ¶ 32-40. Petitioner's assertion that he is a minor is false. The evidence indicates Petitioner is over the age of 18. From the Department of Homeland Security's (DHS) investigation, it was uncovered that Petitioner's birth certificate and national ID are fraudulent. In addition, a dental examination was conducted which determined that there is a 93.53% probability that Petitioner is at least 18. Lastly, Petitioner's own passport indicates he is over 18. *See* Exhibits 1-6 (Exhibits filed under seal). Accordingly, the Court should deny Petitioner's request for relief as proper regulatory procedures were complied with when Respondent's determined Petitioner was not a minor.

II. FACTUAL BACKGROUND

Petitioner, a native and citizen of Ethiopia, attempted to enter the U.S. without authorization on July 29, 2026, near Otay Mesa. Exhibit 5. Petitioner claimed he was a minor. *Id.* Petitioner provided a birth certificate and a national ID that listed his date of birth as May 13, 2009. Exhibit 2; Exhibit 6. Upon inspection of the birth certificate, it was determined that the birth certificate was fraudulent as it did not contain symbols traditionally provided in an authentic birth certificate issued in the city of Petitioner's birth. Exhibit 1; Exhibit 2. His Ethiopian ID was also determined to be fraudulent as it was issued 13 days before he was apprehended at the border. Exhibit 1; Exhibit 6. The date of issuance of his ID clearly lists July 16, 2026, on the left side. *Id.* While Petitioner's petition does not contain exact dates, the petition alleges that Petitioner was held by smugglers for "20 days" before he crossed the border. ECF No. 1 at ¶ 26. Thus, Petitioner's own timeline of events indicates he was with Mexican smugglers in Tijuana at the time his Ethiopian ID was issued, as he crossed the border on July 29, 2026, and

his ID was issued on July 16, 2026, 13 days before he crossed the border. *Id.* Exhibit 5; Exhibit 6. Therefore, it is a reasonable assumption that Petitioner's Ethiopian ID is fraudulent and was likely procured during the period of time that Petitioner concedes he was in Mexico. ECF No. 1 at ¶ 26. Exhibit 1.

In addition to the fraudulent documents, a radiographic analysis of Petitioner indicates that his age is estimated to be 20.24 and that there is a 93.53% chance that Petitioner is at least 18. Exhibit 3. Lastly, Petitioner's passport indicates that he was born on May 13, 2005. Thus, the evidence clearly provides that, as an adult, Petitioner is rightfully detained in an adult detention center.

III. ARGUMENT

Petitioner's habeas petition should be denied because he has failed to show a TVPRA, Administrative Procedures Act, or due process violation and Respondents have affirmatively demonstrated compliance. The William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA) requires federal agencies (HHS and DHS) to work together to formulate a set of policies and procedures for making age determinations. 8 U.S.C. § 1232(b)(4). The resulting policies and procedures are set forth in the Office of Refugee Resettlement (ORR) Guide, which, in section 1.6, outlines procedures for "Determining the Age of an Individual without Lawful Immigration Status." The ORR Guide expressly recognizes the difficult nature of making an age determination. These challenges include, but are not limited to, unavailable documentation and contrary or fraudulent identity documentation and/or statements. Under the governing procedures, each case must be evaluated carefully based on the totality of all available evidence. *Imon v. Keeton*, No. CV-20-00037-PHX-DWL, 2020 WL 4284378 (D. Ariz. 2020).

When the available evidence fails to indicate a clear answer, ORR case managers are specifically instructed to consider radiographs. *See* ORR Guide § 1.6.2 (identifying "Medical Age Assessments," including "the use of imaging technology, such as radiography," as one of the enumerated categories of evidence that ORR case managers

"should seek ... when conducting age determinations"). The TVPRA also contemplates their use, on a "non-exclusive" basis, when making an age determination. 8 U.S.C. § 1232(b)(4). ORR guidance also provides that "If an individual's estimated probability of being 18 or older is 75 percent or greater according to a medical age assessment, and this evidence has been considered in conjunction with the totality of the evidence, ORR must determine that the individual is 18 years or older." *See* ORR Guide § 1.6.2.

Respondents have complied with the ORR Guide and TVPRA by using dental radiography to determine Petitioner's age in combination with Petitioner's passport, which indicates Petitioner is not a minor. In addition, as explained above, Petitioner provided demonstrably falsified documents, Petitioner's birth certificate does not match authentic birth certificates issued in the area of Petitioner's birth, and Petitioner's national ID lists a date of issuance that lines up with when Petitioner alleges he was with Mexican smugglers in Tijuana. Under these circumstances, Petitioner cannot sustain any of his claims for relief as Respondent's complied with the ORR Guide and TVPRA.

IV. CONCLUSION

For all the foregoing reasons, Respondents urge the Court to deny the Petition.

DATED: August 19, 2026

Respectfully submitted,

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s/ Jacob T. Metzger
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