

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Ozgur Yalnizkurt v. Christopher LaRose, et al.

Yalnizkurt · No. 3:25-cv-3752-CAB-MSB · Decided December 29, 2025

SUMMARY

The United States District Court for the Southern District of California orders immigration officials to respond to Ozgur Yalnizkurt’s 28 U.S.C. § 2241 habeas petition challenging his detention without a bond hearing. The court sets deadlines for the respondents’ response and petitioner’s reply and orders that the petitioner not be transferred outside the Southern District of California while the petition is pending.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cathy Ann Bencivengo
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 29, 2025
DOCKET	3:25-cv-3752-CAB-MSB
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking immediate release or a bond hearing. The court declined to summarily dismiss the petition, ordered respondents to respond, permitted a reply, and temporarily prohibited transfer of the petitioner outside the Southern District of California.
STANDARD OF REVIEW	Summary dismissal of a habeas petition is appropriate only when the petition's allegations are vague or conclusory, palpably incredible, or patently frivolous or false.
PRECEDENTIAL VALUE	Unknown; district court order to respond and preserve the status quo.
PARTIES	Ozgur Yalnizkurt v. Christopher LaRose, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- procedural due process
- civil procedure

PRACTICE AREAS

immigration detention

federal habeas corpus

civil procedure

QUESTIONS PRESENTED

1. Whether the habeas petition warranted summary dismissal at the pleading stage.
2. Whether the court should require a response and preserve the status quo by prohibiting respondents from transferring petitioner outside the Southern District of California while the petition was pending.

HOLDINGS

1. Summary dismissal was unwarranted at that time because the petition did not fall within the category of allegations that may be summarily dismissed as vague or conclusory, palpably incredible, or patently frivolous or false.
2. Respondents and persons acting in concert with them were ordered not to transfer petitioner outside the Southern District of California pending resolution of the petition.

KEY QUOTATIONS

“Summary dismissal is appropriate only where the allegations in the petition are vague or conclusory, palpably incredible, or patently frivolous or false.” (1128)

“Additionally, to maintain the status quo, Respondents, their officers, agents, servants, employees, attorneys, and other persons who act in concert or participation with Respondents SHALL NOT transfer Petitioner outside of the Southern District of California pending the Court’s resolution of the Petition.” (Order ¶ 4)

FACTUAL BACKGROUND

Ozgur Yalnizkurt alleged that Immigration and Customs Enforcement was detaining him without a bond hearing. He asserted violations of the Fourth and Fifth Amendments, the Administrative Procedure Act, and 8 U.S.C. § 1225(b), and sought immediate release or a bond hearing within fourteen days. The court also addressed the need to prevent his transfer outside the district while resolving the petition.

PROCEDURAL HISTORY

On December 23, 2025, Yalnizkurt filed a § 2241 habeas petition alleging that ICE was detaining him without a bond hearing in violation of the Fourth and Fifth Amendments, the Administrative Procedure Act, and 8 U.S.C. § 1225(b). The district court found summary dismissal unwarranted at that stage, ordered a response and reply, and directed respondents to preserve the status quo by not transferring petitioner outside the district while the petition remained pending.

DISPOSITION

other

CASES CITED

- *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001)
- *Doe v. Bondi*, Case No. 3:25-cv-805-BJC-JLB, 2025 WL 1870979, at *1 (S.D. Cal. June 11, 2025)

OPINION

1 2 3 4 5 6 7 8 9 10 UNITED STATES DISTRICT COURT 11 SOUTHERN DISTRICT OF
CALIFORNIA 12 13 OZGUR YALNIZKURT, Case No.: 3:25-cv-3752-CAB-MSB 14 Petitioner,
ORDER TO RESPOND 15 v. 16 CHRISTOPHER LAROSE, et al., [Doc. No. 1] 17 Respondents.
18 19 On December 23, 2025, Petitioner Ozgur Yalnizkurt filed a petition for a writ of 20 habeas
corpus pursuant to 28 U.S.C. § 2241.

[Doc. No. 1 (“Petition”).] In his Petition, 21 Petitioner claims that he is being detained by
Immigration and Customs Enforcement 22 (“ICE”) without a bond hearing in violation of the
Fourth Amendment, Fifth Amendment, 23 Administrative Procedure Act, and 8 U.S.C. § 1225(b).
[Petition at 6–12.] He seeks 24 immediate release or, at minimum, a bond hearing within 14 days.

[Id. at 12–13.] 25 Having reviewed the Petition, the Court finds summary dismissal is unwarranted
at 26 this time. See *Kourteva v. INS*, 151 F. Supp. 2d 1126, 1128 (N.D. Cal. 2001) (“Summary 27
dismissal is appropriate only where the allegations in the petition are vague or conclusory, 28
palpably incredible, or patently frivolous or false.”).

The Court therefore ORDERS a 1 ||response to the Petition as follows: 2 1. Respondents must file
a response to the Petition no later than January 5, 3 ||2026. The response must address the
allegations in the Petition and must include any 4 ||documents relevant to the determination of the
issues raised in the Petition. 5 2. Petitioner may file a reply by January 8, 2026.

6 3. The Clerk of Court shall provide the Civil Division of the U.S. Attorney’s 7 || Office with a
copy of the Petition, [Doc. No. 1], and this Order. 8 4. Additionally, to maintain the status quo,
Respondents, their officers, agents, 9 ||servants, employees, attorneys, and other persons who act in
concert or participation with 10 ||Respondents SHALL NOT transfer Petitioner outside of the
Southern District of 11 || California pending the Court’s resolution of the Petition.!

12 It is SO ORDERED. 13 Dated: December 29, 2025 € 14 Hon. Cathy Ann Bencivengo 15
United States District Judge 16 17 18 19 20 21 22 23 24 25 26 ' See *Doe v. Bondi*, Case No. 3:25-
cv-805-BJC-JLB, 2025 WL 1870979, at *1 (S.D. Cal. June 11, 2025) 27 (“Federal courts retain
jurisdiction to preserve the status quo while determining whether [they have] 28 subject matter
jurisdiction over a case and while a petition is pending resolution from the court.”) (collecting
cases).