

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)

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