

**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

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).

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