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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HORACIO MUNOZ-SAUCEDO,

Petitioner,

v.

YOLANDA PITTMAN, *et al.*,

Respondents.

Hon. Christine P. O'Hearn, U.S.D.J.

Civil Action No. 25-2258 (CPO)

**RESPONDENTS' SUPPLEMENTAL BRIEF IN FURTHER RESPONSE TO
THE PETITION FOR A WRIT OF HABEAS CORPUS AND IN OPPOSITION
TO PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER**

On the Brief:

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PRELIMINARY STATEMENT

Petitioner's detention pending removal is authorized under 8 U.S.C. § 1231(a)(6). And it is not unconstitutionally prolonged under the Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Rather, the detention is "presumptively reasonable" under the Supreme Court's decision. *See id.* at 701. Notwithstanding this precedent, Petitioner claims his detention—which is under five months to date—is unconstitutionally indefinite because "there is no country in the world to which he may be removed." *See* ECF No. 12 ("Pet. Reply"), at 14-17.

Petitioner, however, has not carried his burden of demonstrating there is "no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701. Instead, the evidence demonstrates that U.S. Immigration and Customs Enforcement ("ICE") is engaged in continuing and progressing efforts to effectuate Petitioner's removal to an alternate country. Indeed, ICE has identified and is engaging the appropriate channels regarding outreach to a potential third country for approval of Petitioner's removal. As a result, it would be premature to conclude Petitioner's detention exceeds the time reasonably necessary to secure his removal or that there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future. Furthermore, Petitioner's assertions that ICE cannot effectuate his removal are speculative. For these reasons, the Court should dismiss the *Zadvydas* claim in Count I of the petition.

BACKGROUND

A. Procedural Background and Supplemental Briefing Order

On April 2, 2025, Petitioner filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. ECF No. 1. Count I asserts that Petitioner's removal is not reasonably foreseeable and therefore his detention is unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001). *See id.* ¶¶ 36-43. In addition, Petitioner brings claims under the Administrative Procedure Act ("APA") and Due Process Clause, challenging the conditions which the U.S. Department of Homeland Security ("DHS") set in the Order of Supervision and its revocation of his supervised release, as well as the lack of present indication as to which countries ICE is attempting to remove him. *Id.* ¶¶ 44-56. On April 24, 2025, Petitioner filed a motion for a temporary restraining order ("TRO") or preliminary injunction, seeking immediate release from custody. *See* ECF No. 4.

On April 30, 2025, Respondents filed an answer to the habeas petition and opposition to the TRO motion. ECF No. 9 ("Resp. Br."). Among other things, Respondents argued that: (1) Petitioner's *Zadvydas* claim is premature because he has not been detained beyond the six-month period following a final order of removal, which is considered "presumptively reasonable"; (2) Petitioner cannot demonstrate there is no significant likelihood of removal in the reasonably foreseeable future; and (3) the petition fails to state an APA and due process violation. *See id.* at 20-31.

Petitioner filed a reply on May 5, 2025, arguing in part that his present detention is unlawful under *Zadvydas* because his removal is not reasonably

foreseeable. *See* Pet. Reply, at 14-17. According to Petitioner, he cannot be removed to his native country, Mexico, *id.* at 14, and one month into his recent re-detention, “ICE still has not indicated which country it believes he could be removed to,” *id.* at 16. As a result, Petitioner argues, “there is nowhere [in the world] he can be removed.” *Id.* at 16-17.

On May 6, 2025, the Court ordered supplemental briefing addressing whether Petitioner’s “removal is not reasonably foreseeable because there is no country in the world to which he may be removed.” ECF No. 13 (quoting Pet. Reply). Specifically, the Court ordered Respondents to address, with a “full and complete factual basis” whether: (1) Petitioner’s removal is reasonably foreseeable, and if so, why; (2) the efforts the Government has taken to effectuate Petitioner’s third-country removal since the entry of the final removal order; and (3) the “results or status of all such efforts.” *Id.*

B. Efforts to Effectuate Petitioner’s Third-Country Removal

The following is a summary of ICE’s efforts to effectuate Petitioner’s removal to an alternate third country from December 2022 to today. This summary addresses the second and third questions in the Court’s Order. Thereafter, Respondents address in the legal argument section the Court’s first question—explaining why Petitioner’s *Zadvydas* claim is premature and, in any event, should be dismissed. As discussed further below, Petitioner has not carried his initial burden and there is a significant likelihood of his removal to an alternate country in the reasonably foreseeable future.

i. Mandatory Detention Period: Dec. 2022 – Mar. 2023

Petitioner is subject to a final order of removal as of December 15, 2022. *See* ECF No. 1-6 (“Order of the Immigration Judge”). After the removal order became final, ICE detained Petitioner for 90 days at the Moshannon Valley Processing Center. *See* ECF No. 15-1 (“Detention History”). During the 90-day mandatory removal period, ICE attempted to find a third country for removal pursuant to 8 U.S.C. § 1231(b)(2), which allows the government to arrange removal to “additional removal countries” when removal to the country from which the alien was born, admitted to the United States, or last resided is not possible. On January 18, 2023, ICE’s Enforcement and Removal Operations (“ERO”), which manages all aspects of the immigration enforcement process, sent inquiries to Guatemala, Honduras, and the Dominican Republic to determine whether those countries would accept Petitioner for removal. *See* Declaration of Jason Nusom (“Nusom Decl.”), ¶ 8. ICE-ERO heard back from Guatemala on January 19 and the Dominican Republic on February 10, 2023; neither agreed to accept the Petitioner for removal at that time. *See id.* ¶¶ 9-10. ICE-ERO did not hear back from Honduras. *Id.* ¶ 11. ICE’s efforts to find an alternate country for removal during the initial period of Petitioner’s mandatory detention were unsuccessful.

ii. Supervised Release and Absence of Good-Faith Efforts by Petitioner to Assist in Third-Country Removal: Mar. 2023 – Mar. 2025

On March 15, 2023, following expiration of the mandatory 90-day removal period, ICE released Petitioner from custody pursuant to an Order of Supervision.

See 8 U.S.C. § 1231(a)(3) (“If the alien does not leave or is not removed within the [90-day] removal period, the alien, pending removal, shall be subject to supervision under regulations” found at 8 C.F.R. §§ 241.4, 241.5); *see* ECF No. 15 (“Cabezas Decl.”), ¶ 6; *see also* ECF No. 1-7, at PageID: 38 (“Release Notification”); ECF No. 1-7, at PageID: 40 (“Form I-220B, Order of Supervision (Addendum)”); ECF No. 1-7, at PageID: 42 (“Form, I220B, Order of Supervision”). Upon leaving custody, Petitioner was notified that his release from the initial 90-day detention “does not affect [his] removal and does not constitute an admission to the United States.” Release Notification. Petitioner was also notified that “At any time, [he] may be taken back into ICE custody should [his] removal become practicable.” *Id.* Moreover, Petitioner was on notice that he was “required by law to continue to make good faith efforts to secure a travel document on [his] own and provide proof of [his] efforts to ICE.” *Id.*

Between his release on March 15, 2023, and recent re-detention on March 28, 2025, Petitioner was required to “provide ICE with written copies of requests to Embassies or Consulates requesting the issuance of a travel document.” Order of Supervision (Addendum). Petitioner also had to “provide ICE with written responses from the Embass[ies] or Consulate[s] regarding [his] request[s].” *Id.* And he was similarly notified of his responsibility to “assist [ICE] in obtaining any necessary travel documents” to effectuate his removal to a safe third country. Order of supervision. Petitioner’s assertion that “ICE has never requested any information from [him] to help facilitate the production of travel documents,” ECF No. 12, at 15, is belied by these documents.

iii. Efforts to Effectuate Petitioner's Third-Country Removal Since Recent Re-Detention: March 28, 2025 – Today

On March 28, 2025, ICE revoked Petitioner's supervised release and re-detained him pending execution of the final removal order. *See Cabezas Decl.*, ¶¶ 8-9; *see also* Declaration of Maurice E. Williams ("Williams Decl."), ¶ 6. Petitioner is currently detained at the El Paso Service Processing Center pending his removal from the United States. *See Cabezas Decl.*, ¶ 18.

Since ICE's revocation of Petitioner's supervised release and Petitioner's re-detention, on March 28, 2025, the government has engaged in continuing efforts to effectuate Petitioner's removal to a third country under 8 U.S.C. § 1231(b)(2). Specifically, on April 9, 2025, Supervisory Detention and Deportation Officer ("SDDO") Maurice Williams contacted ICE-ERO to inquire about Petitioner's third country removal. *See Williams Decl.* ¶ 8. In response to this inquiry, an ICE Officer in the Removal Management Division advised that Guatemala was a potential country for removal, pending compliance of the procedures outlined in the then-TRO in *D.V.D. v. U.S. Dep't of Homeland Sec.*, No. 25-10676 (D. Mass.). *Id.* ¶ 9. On May 9, 2025, SDDO Williams learned that ICE ERO will seek clearance to approach the Guatemalan government regarding potential removal to Guatemala. *Id.* ¶ 10. According to SDDO Williams, Petitioner's removal to Guatemala would not take place until the Guatemalan government formally approves the removal, and Petitioner receives the notice-and-opportunity procedures required by the preliminary injunction now in effect in the *D.V.D.* case. *Id.* ¶¶ 10-11.

On May 12, 2025, ICE-ERO sent a Form I-241 Request for Acceptance of Alien to the Consulates of Canada, Guatemala, and Honduras. *Id.* ¶ 12. Canada and Honduras have not yet responded to these inquiries, which remain pending. *Id.* ¶ 13. On May 16, 2025, the Consulate General of Guatemala informed ICE-ERO that the Consulate General had not yet received instructions about accepting migrants from other nationalities as of that date. *Id.* ¶ 14. As of this filing, ICE continues to engage in outreach through the appropriate channels to determine whether the Guatemalan government will agree to accept Petitioner for removal. *See id.* ¶ 15. In particular, on May 19, 2025, the ICE-ERO Readiness and Individual Operations (RIO) Unit Chief for Mexico “reached out to ICE’s Deputy Attaché for Removal in Guatemala City to ask about this Petitioner’s case, and whether Guatemala would accept Petitioner for removal.” *Id.* ¶ 15 Based on the status of these ongoing efforts to date, ICE, through SDDO Williams, believes that Petitioner’s removal is significantly likely in the reasonably foreseeable future. *Id.* ¶ 16.

LEGAL ARGUMENT

I. Petitioner’s Detention is Lawful and the “SLRRFF” Inquiry is Premature

At the outset, Petitioner’s present detention is presumptively reasonable under *Zadvydas*, so any prolonged detention claim is premature and fails to state a claim. *See* ECF No. 9, at 20-25. Petitioner is subject to a final order of removal. As a result, he was held in mandatory detention for 90 days from the date the removal order became administratively final, December 15, 2022, until March 15, 2023. *See* 8 U.S.C. § 1231(a)(2); *see also* Nusom Decl. ¶ 6.

The Immigration and Nationality Act (“INA”) further provides that aliens who are inadmissible under 8 U.S.C. § 1182 may be detained beyond the 90-day period pending removal. *See* 8 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.4(a)(1), (4). Petitioner was found to be inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i). He was recently re-detained on March 28, 2025, pending execution of the final removal order. *See* Cabezas Decl. ¶¶ 8-9; Williams Decl. ¶ 6. Accordingly, ICE has detained Petitioner for approximately 143 days—90 days initially, followed by 53 days on the recent re-detention—pursuant to the final removal order.

In *Zadvydas*, the Supreme Court interpreted 8 U.S.C. § 1231(a)(6) to limit an alien’s detention beyond the period “reasonably necessary to bring about the alien’s removal from the United States.” 533 U.S. at 689. And the Court held that a detention for six months pursuant to a final removal order is “presumptively reasonable.” *Id.* Based on this precedent, courts routinely reject prolonged detention claims where, as here, a petitioner has been detained pursuant to a final removal order for less than six months. *See Arias Gudino v. Lowe*, No. 25-571, 2025 WL 1162488, at *10 (M.D. Pa. Apr. 21, 2025) (citing *Alvarez v. DHS*, No. 6-3320 (MLC), 2006 WL 2385119, at *5 (D.N.J. Aug. 17, 2006) (denying habeas challenge to detention when petitioner had not been detained for six months and observing, “[o]nly if DHS continues to detain Petitioner beyond the six-month period determined to be presumptively reasonable ... will [the] habeas claim mature.”)).¹

¹ *See also, e.g., Kobo v. Lowe*, No. 24-12, 2024 WL 310211, at *2 (M.D. Pa. Jan. 26, 2024) (“Thus, where a removable alien has been detained under § 1231 for less than six months following a final order of removal, his [or her] challenge must be

In this case, Petitioner has been in custody for approximately 53 days on the recent re-detention (or about six days before filing this § 2241 petition). Thus, adding the initial 90-day period and the recent re-detention, the duration of Petitioner's detention pursuant to the final removal order under 8 U.S.C. § 1231(a) is 143 days—or slightly less than five months. Thus, the detention is lawful and the *Zadvydas* claim is premature. *See supra* n. 1.

II. There Is a Significant Likelihood of Removal to a Third Country in the Reasonably Foreseeable Future

Even if it were not premature, Petitioner's *Zadvydas* claim fails because Petitioner has not met his initial burden of showing there is no significant likelihood of removal in the reasonably foreseeable future. In *Zadvydas*, the Supreme Court cautioned that even a detention beyond the six-month period “does not mean that every alien not removed must be released after six months. To the contrary, an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” 533 U.S. at 701. The

denied.”); *Kevin A.M. v. Warden, Essex Cnty. Corr. Facility*, No. 21-11212 (SDW), 2021 WL 4772130, at *2 (D.N.J. Oct. 12, 2021) (“Pursuant to *Zadvydas*, any challenge to § 1231(a) for less than six months must be dismissed as premature.”); *accord Alex B. K. K. v. Russo*, No. 21-9187 (SDW), 2021 WL 4704971, at *2 (D.N.J. Oct. 8, 2021) (same); *Fabian A. v. DHS*, No. No. 21-1384 (SDW), 2021 WL 3486905, at *2 (D.N.J. Aug. 9, 2021) (same); *Casimiro S. v. Decker*, No. 20-7414 (SDW), 2020 WL 5562912, at *3 (D.N.J. Sept. 17, 2020); *Charles U.-A. v. Anderson*, No. 20-251 (SRC), 2020 WL 2989083, at *3 (D.N.J. June 4, 2020) (same); *Fernanda J. v. Barr*, No. 19-14609 (SRC), 2019 WL 6975061, at *2 (D.N.J. Dec. 19, 2019); *Akinwale v. Ashcroft*, 287 F.3d 1050, 1052 (11th Cir. 2002) (holding six-month period “must have expired at the time [the petitioner's] § 2241 petition was filed in order to state a claim under *Zadvydas*.”). The cases Petitioner relies on to argue otherwise are non-binding out-of-district and out-of-circuit decisions. *See* Pet. Reply at 13-14.

Supreme Court's interpretation of 8 U.S.C. § 1231(a)(6) in *Zadvydas* aims to protect against the indefinite detention of aliens who the government is unable to remove—those in “removable-but-unremovable limbo.” *Jama v. ICE*, 543 U.S. 335, 347 (2005). That is not this case.

a. Petitioner Has Not Met His Initial Burden of Demonstrating Good Reason to Believe There is No Significant Likelihood of Removal in the Reasonably Foreseeable Future

The Supreme Court has held that, after the six-month period—which, in this case, has not yet elapsed—the alien bears the initial burden to demonstrate “good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701.; see *Barenboy v. Atty. Gen.*, 150 F. App'x 258, 261 n.2 (3d Cir. 2005) (“Once the six-month period has passed, the burden is on the alien to provide[] good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” (quotation omitted)). Here, Petitioner has failed to carry this initial burden.

Petitioner's claim that his “removal is not reasonably foreseeable because there is nowhere he can be removed,” ECF No. 12, at 16, has four premises: (1) he cannot be deported to Mexico because he has withholding of removal to Mexico; (2) “ICE has historically managed to remove only a tiny fraction of non-citizens granted withholding or CAT to alternative countries”; (3) ICE was unable to secure travel documents or identify an alternate country during the initial 90-day period; and (4) any removal to an alternate third country now “would require additional, lengthy proceedings.” Pet. ¶ 41. These assertions are too speculative and conclusory to satisfy

Petitioner's burden of demonstrating "good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future." 533 U.S. at 701; *see Rene v. DHS*, No. 06-336 (JAG), 2007 WL 708905, at *4 (D.N.J. Mar. 5, 2007) ("To carry his burden, Petitioner must present evidence beyond his own speculation."); *cf. James v. Lowe*, No. 23-1862, 2024 WL 1837216, at *3 (M.D. Pa. Apr. 26, 2024) (rejecting "unsupported contentions" and speculation that "it could take 'years' for" removal).

As an initial matter, the fact that Petitioner has withholding of removal to Mexico, coupled with historical statistics from fiscal years 2020 through 2023 about ICE's efforts to remove aliens granted withholding or CAT relief, *see* Pet. ¶¶ 18, 41, are insufficient to carry Petitioner's burden of showing there is no significant likelihood of removal in the reasonably foreseeable future. Whether ICE has historically removed aliens with withholding of removal during a three-year period in the past does not mean that his *present* detention is unreasonable or that ICE will not remove Petitioner to an alternate third country. ICE is actively pursuing Petitioner's removal and has identified a potential third country in Guatemala (with I-241 Requests for Acceptance of Alien pending with two other countries). *See supra* p. 6-7; *see also Barenboy v. Att'y Gen.*, 160 F. App'x 258, 261 n.3 (3d Cir. 2005) (finding petitioner failed to show no reasonable likelihood of removal in foreseeable future where embassy was still willing to consider citizenship application).

Whether ICE was unable to secure travel documents or identify an alternate country during the initial 90-day period, from late 2022 to early 2023, also has no bearing on ICE's present efforts. Nor does the fact that Petitioner's removal will only

take place after completion of the *D.V.D.* notice-and-opportunity protections render his detention indefinite. *Cf. Lojo v. Garland*, No. 22-6340, 2023 WL 2867791, at *4 (W.D.N.Y. Apr. 10, 2023) (finding petitioner did not satisfy initial burden because he “has come forward with no evidence to suggest that he cannot be swiftly removed upon the conclusion of his withholding-only proceedings, assuming he is not successful thereon.”).

Furthermore, the absence of an exact date of Petitioner’s removal does not undermine the conclusion that there is still a significant likelihood of removal in the reasonably foreseeable future. The Third Circuit has specifically held that removal remains “reasonably foreseeable” under *Zadvydas* even when the detention lacks a specific end date. *See Castellanos v. Holder*, 337 F. App’x 263 (3d Cir. 2009). In *Castellanos*, the petitioner’s removal order was reinstated, and his case was remanded to an immigration judge to conduct full withholding-of-removal proceedings. *See id.* at 264-67. The Third Circuit upheld the district court’s rejection of the petitioner’s *Zadvydas* claim that his removal was no longer reasonably foreseeable (he had been detained for over six months) simply because the execution of his removal order was contingent on the resolution of a claim for humanitarian protection, the end date of which was unknown. *See id.* at 268 (“While Castellanos’ detention lacks a certain end date, the end is still reasonably foreseeable—completion of removal proceedings.”).²

² Although not the focus of this supplemental brief, Petitioner has failed to make any good faith efforts to assist in his removal. *See* Resp. Br. at 23-25. As discussed in the Respondents’ answer to the petition, the INA places a shared

b. There is a Significant Likelihood of Removal to a Third Country in the Reasonably Foreseeable Future

Only if the alien makes the initial showing must the government “respond with evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 701; *see also Soberanes v. Comfort*, 388 F.3d 1305, 1310-11 (10th Cir. 2004) (stating “onus is on the alien to provide [] good reason to believe that there is no [such] likelihood’ before ‘the Government must respond with evidence sufficient to rebut that shown.’ (internal citation omitted)). Here, even if the Court were to conclude Petitioner met his burden, Respondents have rebutted that showing because the evidence establishes that there is a significant likelihood of Petitioner’s removal in the reasonably foreseeable future.

responsibility as between immigration officials and the alien in effectuating removal—the latter has an affirmative duty “to make timely application in good faith for travel and other documents necessary to [his or her] departure.” *See id.* at 25 (quoting 8 U.S.C. § 1253(a)(1)). Petitioner failed to make any such efforts over a two-year period, which resulted in the revocation of supervised release. This failure weighs against Petitioner’s claim that there is no significant likelihood of removal. *See U.S. ex rel. Kovalev v. Ashcroft*, 71 F. App’x 919, 924 (3d Cir. 2003) (“*Zadvydas* does not save an alien who fails to provide requested documentation to effectuate his [or her] removal.”). Petitioner’s arguments to the contrary suggest that ICE has never asked Petitioner for “any information ... to help facilitate the production of travel documents,” Pet. Reply at 15, but the Release Notification expressly notified Petitioner that he was “required by law to continue to make good faith efforts to secure a travel document ... and provide proof of [such] efforts,” and the Order of Supervision contained similar requirements. *See supra* p. 5. And Respondents do not argue Petitioner has “obstruct[ed] the issuance of otherwise available travel documents.” Pet. Reply at 16. But it is not in dispute that Petitioner failed to make any efforts to request travel documents from potential third countries. This places the burden solely on the government to find an alternate third country for removal and, as discussed below, that process is ongoing to this day. Consistent with the underlying premise behind cases like *Kovalev* and the District of New Jersey cases cited at Resp. Br. at 23, the Court should reject Petitioner’s claim that his detention is indefinite because he has done nothing to assist in the process despite an obligation to do so.

As discussed above and detailed in the attached declarations, since March 28, 2025, ICE has engaged in continuing efforts to effectuate Petitioner's removal to a third country. Most recently, on May 9, 2025, ICE began the process of seeking clearance to approach the Guatemalan government about Petitioner's case. See Williams Decl. ¶ 10. That process remains ongoing. On May 12, 2025, ICE-ERO followed up by sending a Form I-241 Request for Acceptance of Alien to consular offices in three countries, including Guatemala. *Id.* ¶ 12. As of today's date, ICE is awaiting responses from two of the countries contacted about Petitioner's removal (Honduras and Canada), *id.* ¶ 13, while continuing efforts to engage with the Guatemalan government, through the appropriate channels, to determine whether Guatemala will accept Petitioner for removal, *id.* ¶ 15. Accordingly, given the status of the efforts underway, it is the professional judgment of Maurice E. Williams, a SDDO with ICE-ERO, that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future. *Id.* ¶ 16. That determination is entitled to deference.

The Supreme Court has stressed that the reasonably-foreseeable inquiry requires taking "appropriate account of the greater immigration-related expertise of the Executive Branch, of the serious administrative needs and concerns inherent in the necessarily extensive [ICE] efforts to enforce this complex statute, and the Nation's need to speak with one voice in immigration matters." *Zadvydas*, 533 U.S. at 700. In addition, courts must "recognize Executive Branch primacy in foreign policy matters," and "grant the Government appropriate leeway when its judgments rest upon foreign policy expertise." *Id.* Taking these considerations into account, the

Court adopted a six-month presumptively reasonable period “to limit the occasions when courts will need to make” the type of “difficult judgments” inherent in reviewing this area of “primary Executive branch responsibility.” *Id.* at 700-01.

In this case, where the government is authorized to detain Petitioner for the “period reasonably necessary to bring about [his] removal from the United States,” *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022) (cleaned up), his detention is within the presumptively reasonable six-month period, *see supra* p. 7-9, and ICE is actively engaged in continuing efforts to effectuate Petitioner’s third-country removal, it would be premature to conclude that Petitioner’s detention exceeds the time reasonably necessary to secure his removal or that there is no significant likelihood of Petitioner’s removal in the reasonably foreseeable future.

CONCLUSION

For these reasons, the Court should dismiss the *Zadvydas* claim (Count I).

Respectfully submitted,

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