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Attorneys for Respondents

11 UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 ABDIKADIR DIINI TALASO,

14 Petitioner,

15 v.

16 PAM BONDI, Attorney General;
17 KRISTI NOEM, Secretary of the
Department of Homeland Security;
18 ERNESTO SANTA CRUZ, U.S. ICE
Field Office Director for the Los
19 Angeles Field Office; FERETI
SEMAIA, Warden of Adelanto ICE
20 Processing Detention Facility,

21 Respondents.
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No. 5:25-cv-01854-HDV-SP

**RESPONDENTS' ANSWER TO
PETITION FOR WRIT OF HABEAS
CORPUS**

*[Declaration of Lourdes Palacios filed
concurrently herewith]*

Honorable Sheri Pym
United States Magistrate Judge

ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

Petitioner Abdikadir Diini Talaso (“Petitioner”) brought a Petition for Writ of Habeas Corpus (the “Petition”) challenging his detention pending removal pursuant to the Fifth Amendment’s Due Process Clause and *Zadvydas v. Davis*, 533 U.S. 678 (2001). *See* Petition, ECF No. 1. In his Petition, Petitioner seeks immediate release from detention.

Petitioner is subject to a final order of removal. Respondents are currently seeking travel documents to remove Petitioner to multiple countries and now answer the Petition as follows.

II. RELEVANT FACTS AND PROCEDURAL HISTORY

The following background facts are offered as not in dispute from Plaintiff’s Petition, ECF No. 1, and the Declaration of Lourdes Palacios (“Palacios Decl.”), ECF No. 7-1.

Petitioner is a native of Somalia and most recently resided in a refugee camp in Kenya prior to his entry to the United States. Petition ¶ 6; Palacios Decl. ¶¶ 5, 12. Petitioner entered the United States on September 3, 2004, as a refugee and adjusted his status to a Lawful Permanent Resident on August 3, 2006. Palacios Decl. ¶¶ 5 & 6; Petition ¶ 12.

On October 3, 2012, Petitioner was convicted in South Dakota state court of the offense of Contributing to abuse, neglect, or causing child to become child in need of supervision in violation of South Dakota Criminal Law Section 26-9-1 and was sentenced to 365 days in jail. Palacios Decl. ¶ 8. On January 13, 2016, Petitioner was convicted in New York state court of the offense of Sexual Abuse in the First Degree in violation of New York Penal Law Section 130.65.01 and was sentenced to three years imprisonment. *Id.* ¶ 9.

On September 7, 2016, Petitioner was served with a Notice to Appear, charging him as removable under section 237(a)(2)(A)(iii) & (E)(i) of the Immigration and

1 Nationality Act. *Id.* ¶ 10; *see* 8 U.S.C. § 1227(a)(2)(A)(iii) & (E)(i). On May 16, 2018,
 2 the immigration judge issued a removal order, ordering Petitioner to be removed to
 3 Somalia or Kenya. Palacios Decl. ¶ 12; Petition ¶ 11. The immigration judge also
 4 granted deferral of removal under Article 3 of the Convention Against Torture as to
 5 Somalia. Palacios Decl. ¶ 12. ICE requested documents from Somalia on July 26, 2018,
 6 to effectuate Petitioner's removal to other countries and that request remains pending.
 7 *Id.* ¶ 13. The removal order became final on that same date after Petitioner waived his
 8 appeal. Petition ¶ 6. Petitioner was released on an order of supervision on November
 9 16, 2018. Palacios Decl. ¶ 14.

10 On January 27, 2025, Petitioner was arrested at his residence in Buffalo, New
 11 York, and has been in detention since that date. *Id.* ¶ 17; Petition ¶ 11. On April 14,
 12 2025, ICE began efforts to remove Petitioner to Kenya. Palacios Decl. ¶ 23. ICE's
 13 Headquarters Removal and International Operations ("HQ RIO") advised the Los
 14 Angeles Enforcement and Removal Operations ("LA ERO") that Kenya would not
 15 accept a travel document request without a completed Form I-241, Request for
 16 Acceptance of Alien. *Id.* ¶ 25. LA ERO sent the Form I-241 to HQ RIO on May 5,
 17 2025, and the request remains outstanding. *Id.* ¶ 26. ICE renewed its request to Somalia
 18 for documents on April 16, 2025, which remains pending. *Id.* ¶ 24.

19 On July 24, 2025, LA ERO issued a request to HQ RIO for Petitioner to be
 20 considered for removal to multiple third-party countries not previously contacted. *Id.*
 21 ¶ 29. That request is pending review by HQ RIO. *Id.*

22 **III. APPLICABLE LAW**

23 Petitioner's detention is authorized under is 8 U.S.C. § 1231(a)(2), which provides
 24 that "[d]uring the removal period, the Attorney General shall detain the alien." 8 U.S.C.
 25 § 1231(a)(2). Under 8 U.S.C. § 1231(a)(1)(A), the government generally has 90 days to
 26 facilitate the alien's removal. *Thai v. Ashcroft*, 366 F.3d 790, 793 (9th Cir. 2004)
 27 (citation omitted); *see also* 8 U.S.C. § 1231(a)(1)(A). Where removal cannot be
 28 accomplished within the 90-day removal period, continued detention is authorized by 8

1 U.S.C. § 1231(a)(6) (“An alien ordered removed ... who has been determined by the
2 Attorney General to be a risk to the community or unlikely to comply with the order of
3 removal, may be detained beyond the removal period...”).

4 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that 8 U.S.C.
5 § 1231(a)(6) contained an implicit “reasonable time” limitation. *Zadvydas*, 533 U.S. at
6 682. The Court concluded that, for the sake of uniform administration in the federal
7 courts, six months was a presumptively reasonable period of detention pending removal.
8 *Id.* at 701. The Court elaborated:

9 After this 6-month period, once the alien provides good reason to believe that
10 there is no significant likelihood of removal in the reasonably foreseeable
11 future, the Government must respond with evidence sufficient to rebut that
12 showing ... This 6-month presumption, of course, does not mean that every
13 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.

14 *Zadvydas*, 533 U.S. at 701 (emphasis added.)

15 Thus, even when an alien is detained for longer than six months, the alien is not
16 automatically entitled to habeas relief. He still has the burden to show that there is
17 “good reason to believe that there is no significant likelihood of removal in the
18 reasonably foreseeable future.” *Id.*; see also *Clark v. Suarez-Martinez*, 543 U.S. 371,
19 377–78 (2005). The Ninth Circuit has held that meeting this burden requires the alien to
20 show that he “is unremovable because the destination country will not accept him or his
21 removal is barred by our own laws.” *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th
22 Cir. 2008). Only if the alien can make this showing does the burden shift to
23 Respondents to provide rebuttal evidence. *Zadvydas*, 533 U.S. at 701.

24 Here, it is undisputed that Petitioner has been detained since January 27, 2025,
25 which is more than six months. ICE is seeking travel documents from multiple countries
26 and no country has yet refused these requests. Petitioner has not alleged that any
27 destination country is refusing to accept him, such that it is unlikely he will be removed
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1 in the reasonably foreseeable future—he has instead alleged that those efforts are
2 ongoing.

3 ICE is continuing to detain Petitioner while removal efforts are ongoing.
4 Respondents have no additional documents or information to provide to the Court at this
5 time.

6 **IV. CONCLUSION**

7 Respondents respectfully submit that Petitioner’s Habeas Petition is now ripe for
8 adjudication. Respondents do not believe that an evidentiary hearing is required.
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10 Dated: August 11, 2025

Respectfully submitted,

11 BILAL A. ESSAYLI
Acting United States Attorney
12 DAVID M. HARRIS
Assistant United States Attorney
13 Chief, Civil Division
DANIEL A. BECK
14 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
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17 /s/Ryan C. Chapman
RYAN C. CHAPMAN
Assistant United States Attorney

18 Attorneys for Defendant
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DECLARATION OF LOURDES PALACIOS

I, Lourdes Palacios, do hereby declare and state as follows:

1. I am employed as a Deportation Officer ("DO") by the U.S. Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), Office of Enforcement and Removal Operations ("ERO"). I have been employed by DHS since February 28, 2021.

2. I am currently assigned to the ERO Los Angeles Field Office, Adelanto Sub Office.

3. The following information is based on my personal knowledge and my review of information obtained from other individuals employed by DHS, information obtained from government databases maintained by DHS, documents contained in Petitioner's alien file ("A-file") and/or other official government records related to Petitioner's removal proceedings. And unless otherwise stated, this declaration is based on that review. If called as a witness, I could and would competently testify thereto.

4. My responsibilities as DO include the review of detained alien cases. As part of my duties, I reviewed the case of Abdikadir Dini Talaso (TALASO).

5. The Petitioner, TALASO, is a native and citizen of Somalia.

6. On or about September 3, 2004, TALASO entered the United States as a Refugee at New York, New York.

7. On August 3, 2006, TALASO adjusted his status to a Lawful Permanent Resident.

8. On October 3, 2012, TALASO was convicted in the Second Judicial Circuit Court of South Dakota, County of Minnehaha for the offense of Contributing to abuse, neglect, or causing child to become child in need of supervision in violation of South Dakota Criminal Law Section 26-9-1. He was sentenced to 365 days in jail.

9. On January 13, 2016, TALASO was convicted in the New York State Supreme Court, County of Erie, for the offense of Sexual Abuse in the First Degree in

1 violation of New York State Penal Law Section 130.65.01. He was sentenced to a term
2 of imprisonment of three years.

3 10. On September 7, 2016, TALASO was served by mail with a Notice to
4 Appear, charging him as removable from the United States under Immigration and
5 Nationality Act (INA) § 237(a)(2)(A)(iii), in that, at any time after admission, he was
6 convicted of an aggravated felony as defined in section 101(a)(43)(F) of the Act, a law
7 relating to a crime of violence for which the term of imprisonment imposed is at least one
8 year; and Immigration and Nationality Act (INA) § 237(a)(2)(E)(i), an alien who at any
9 time after entry has been convicted of domestic violence, crime of stalking, or crime of
10 child abuse, child neglect, or child abandonment.

11 11. On May 22, 2017, the immigration judge sustained both charges of
12 removability against the respondent. As relief from removal, TALASO filed a Form I-
13 589, Application for Asylum and for Withholding of Removal, and sought protection
14 under Article 3 of the Convention Against Torture.

15 12. On May 16, 2018, the immigration judge issued a removal order, ordering
16 TALASO removed to Somalia or, in the alternative, to Kenya. DHS designated Kenya as
17 an alternative country of removal because TALASO had previously been admitted to
18 Kenya as a refugee and his wife and children were in Kenya. The immigration judge
19 withheld TALASO's removal to Somalia by granting deferral of removal under Article 3
20 of the Convention Against Torture.

21 13. On July 26, 2018, a travel document (TD) from Somalia was requested. This
22 request is pending.

23 14. On or about November 16, 2018, TALASO ERO issued a release notification
24 with an Order of Supervision (OSUP).

25 15. On or about November 16, 2018, TALASO was turned over to the New York
26 State Department of Corrections and Community Supervision due to retake warrant.

27 16. On May 17, 2022, TALASO reported to ERO for an in-person check-in and
28 served with a new OSUP.

1 17. On January 27, 2025, TALASO was encountered and arrested by ICE ERO
2 Buffalo and HSI Buffalo at his residence at 278 Grant Street, Buffalo, New York 14213,
3 during a targeted enforcement action in Buffalo, New York.

4 18. On or about February 7, 2025, TALASO began removal efforts to execute
5 TALASO's order of removal pending a travel document ("TD") application.

6 19. On or about March 4, 2025, ERO served TALASO a Warning for Failure to
7 Depart (Form I-229).

8 20. On or about April 1, 2025, TALASO was placed in ICE Air transfer.

9 21. On or about April 9, 2025, TALASO was removed from ICE Air transfer.

10 22. On or about April 9, 2025, ERO conducted a Post Order Custody Review
11 (POCR) of TALASO's detention. ERO determined continued detention is warranted.

12 23. On or about April 14, 2025, ERO initiated efforts to repatriate TALASO to
13 Kenya.

14 24. On or about April 16, 2025, another request for a TD was sent to Somalia.
15 This request is pending.

16 25. On or about April 24, 2025, Headquarters Removal and International
17 Operation (HQ RIO) advised ERO Los Angeles that Kenya would not accept a travel
18 document request without an accompanying Form I-241, Request for Acceptance of Alien.

19 26. On or about May 5, 2025, ERO sent a Form I-241, Request for Acceptance
20 of Alien, to HQ RIO to request a travel document for TALASO. This request is still
21 outstanding.

22 27. On or about June 28, 2025, ERO served TALASO with another Warning for
23 Failure to Comply (Form I-229).

24 28. On or about July 17, 2025, ERO conducted a second POCR interview. ERO
25 recommended continued detention.

26 29. On July 24, 2025, ERO requested from local management to elevate
27 TALASO's case to HQ RIO for review and potential submission for acceptance to
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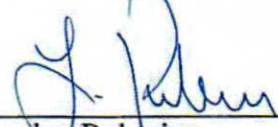
1 multiple third-party countries not previously contacted by ERO. This request is still
2 pending review by HQ RIO.

3 30. On July 29, 2025, ERO served TALASO with another Warning for Failure
4 to Comply (Form I-229).

5 31. As of the date of this declaration, travel document requests for TALASO are
6 still pending and TALASO's acceptance to Kenya has not been declined.

7 I declare under penalty of perjury under the laws of the United States that the
8 foregoing is true and correct.

9 Executed this 7th day of August, 2025, at Adelanto, California.

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12 _____
13 Lourdes Palacios
14 Deportation Officer
15 DHS/ICE/ERO
16 Adelanto, California
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PROOF OF SERVICE BY MAILING

I am over the age of 18 and not a party to the within action. I am employed by the Office of United States Attorney, Central District of California, and am readily familiar with the practice of this office for collection and processing of mail. My business address is 300 North Los Angeles Street, Suite 7516, Los Angeles, California 90012.

On **August 11, 2025**, I served **RESPONDENTS' ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS** on persons or entities named below by enclosing a copy in a sealed envelope with postage fully prepaid and addressed as shown below and placing the envelope for collection and mailing with the United States Postal Service on the date and at the place shown below following our ordinary office practices.

Date of mailing: **August 11, 2025**. Place of mailing: Los Angeles, California.


Person(s) and/or Entity(ies) to Whom mailed:

Abdikadir Djini Talaso
Adelanto ICE Processing Center
Dorm 4D-202 01 L
10250 Rancho Road
Adelanto, CA 92301

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **August 11, 2025** at Los Angeles, California.


CAROL M. YBARRA