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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

11 R  K 

12 Petitioner,

13 vs.

14 JEREMY CASEY, in his official
15 capacity as Warden of the Imperial
16 Regional Detention Facility; et al.,

17 Respondents.

Case No. 25cv1926 DMS DEB

**SUR-REPLY TO PETITIONER'S
SUPPLEMENTAL BRIEFING**

18
19 This a sur-reply to Petitioner's August 7, 2025, post-hearing, Supplemental Brief.
20 ECF No. 21.

21 **July 10, 2025 interview with ICE Officer Linda Lopez**

22 Petitioner provides handwritten notes that provide details of his interview with
23 Officer Lopez on July 10, 2025. *Id.* at 11. Those notes corroborate Officer Lopez's
24 statement¹ that there was an interview during which she provided an explanation and
25 answered his questions, and they show that Petitioner was represented by counsel at the
26 time of the interview, *id.* ("my attorney was present, Mr. "), and that his
27

28 ¹ Attached is a copy of the redacted email, which was provided to the Court and
Petitioner's counsel on August 6, 2025.

1 counsel was permitted to ask questions. *Id.* (“May attorney asked if they can issue bond or
2 place me on an ankle monitor and she said no”).

3 Petitioner’s notes directly contradict his own July 29, 2025 sworn declaration. *See*
4 ECF No. 2-2, para. 10 (“Upon my arrival, ICE advised that my release was revoked, and
5 ICE detained me immediately without explanation or discussion”), para. 13 (“I have not
6 participated in any interview, discussion, or other procedure”), *id.*, para. 20 (“Aside from
7 the Notice of Revocation, I have received no explanation for my detention.”).

8 Also, Petitioner’s notes were written “[o]n the advice of his immigration counsel,”
9 ECF No. 21 at 2, who was present at the July 10, 2025 interview. According to Petitioner’s
10 handwritten notes concerning the May 6, 2025 interview, the ICE officer told him to return
11 in two months and that Petitioner asked the officer “why in 2 months because I’ve been
12 checking in every 12 months.” *Id.* at 10. Petitioner’s notes show that he was concerned
13 about the upcoming July 10, 2025 check-in, which explains why he brought his
14 immigration attorney with him to the July 10, 2025 interview. This raises the question
15 whether Petitioner’s notes, written upon the advice of counsel, accurately reflect all that
16 occurred at the interview.

17 **July 30, 2025 interview with ICE Officer Adrian Gonzalez**

18 Petitioner also provides handwritten notes about his July 30, 2025 interview with
19 Officer Gonzalez, which state that he asked Officer Gonzalez about the success rate of
20 resettling Iranians and that Officer Gonzalez responded that “80% stay in the U.S. if they
21 can’t find a 3rd country to deport to.” *Id.* at 8. Officer Gonzalez reported to the undersigned
22 that Petitioner is the first Iranian that he has ever processed for removal, whether it be for
23 repatriation or resettlement. And, as the Court noted at the August 6, 2025 hearing, the
24 current resettlement program is recent and unprecedented, so there is clearly not enough
25 data to formulate a statistic about the success rate of resettlements. The statistics offered
26 by Petitioner concern repatriations of Iranians in the last five years, *id.* at 3, and if Officer
27 Gonzalez was referring to those statistics, they have no bearing on what ICE’s success rate
28 will be under the current resettlement program.

1 **The period of presumptively reasonable re-detention**

2 Petitioner argues that that there is no presumptively reasonable period of detention
3 upon re-detention, even after a lengthy period of supervised release. That argument does
4 not jibe with the Supreme Court’s holding in *Zadvydas*, which is based on reasonableness
5 and a heightened standard after ICE has been given a reasonable opportunity to execute the
6 outstanding warrant of removal. Likewise, it would not be reasonable to interpret ICE’s
7 regulatory framework in a manner that would make re-detentions for removal
8 impracticable. ICE has broad discretion to revoke an order of supervision to execute a
9 warrant of removal. *See* 8 C.F.R. § 241.4(l)(2)(iii) (“Release may be revoked in the exercise
10 of discretion when, in the opinion of the revoking official . . . (iii) It is appropriate to enforce
11 a removal order or to commence removal proceedings against an alien. . .”).

12 At the August 6, 2025 hearing, the undersigned referred to caselaw holding that,
13 upon re-detention, ICE has at least ninety days to execute the warrant of removal before
14 having to bear the burden of showing significant likelihood of removal in the reasonably
15 foreseeable future. *See Nhean v. Brott*, No. CV 17-28 (PAM/FLN), 2017 WL 2437268, at
16 *2 (D. Minn. May 2, 2017), *report and recommendation adopted*, No. CV 17-28
17 (PAM/FLN), 2017 WL 2437246 (D. Minn. June 5, 2017) (“Nhean’s 90-day removal period
18 began to run on October 12, 2010, when his removal order became final, and he was
19 released after 91 days of custody to supervised release on January 11, 2011. Nhean was
20 transferred back into ICE custody on August 26, 2016. Nhean’s detention was
21 presumptively reasonable for an additional 90 days (six months in total)”), *cited in Sied v.*
22 *Nielsen*, No. 17-CV-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018); *Farah*
23 *v. INS*, No. Civ. 02-4725(DSD/RLE), 2003 WL 221809, at *5 (D. Minn. Jan. 29, 2013)
24 (holding that when the government releases a noncitizen and then revokes the release based
25 on changed circumstances, “the revocation would merely restart the 90-day removal
26 period, not necessarily the presumptively reasonable six-month detention period under
27 *Zadvydas*”).

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1 **Recent resettlements**

2 As the undersigned stated at the hearing, it was widely reported on August 5, 2025,
3 that the administration is making progress with resettlements. *See, e.g., CNN, Rwanda*
4 *agrees to take in up to 250 migrants deported from the US*, Aug. 5, 2025,
5 <https://www.cnn.com/2025/08/05/africa/us-rwanda-migrants-deal-intl>; Associated Press,
6 *Rwanda agrees to take deportees from the US after a previous migrant deal with the UK*
7 *collapsed*, Aug. 5, 2025, [https://apnews.com/article/trump-immigrants-deportees-rwanda-](https://apnews.com/article/trump-immigrants-deportees-rwanda-us-bb5edea43bb470e76af3ecee5ddad10c)
8 [us-bb5edea43bb470e76af3ecee5ddad10c](https://apnews.com/article/trump-immigrants-deportees-rwanda-us-bb5edea43bb470e76af3ecee5ddad10c) (“Government spokesperson Makolo said the
9 agreement with the U.S. was Rwanda doing its part to help with international migration
10 issues because ‘our societal values are founded on reintegration and rehabilitation.’”); *see*
11 *also* Associated Press, *US completes deportation of 8 men to South Sudan after weeks of*
12 *legal wrangling*, July 5, 2025, [https://apnews.com/article/trump-south-sudan-djibouti-](https://apnews.com/article/trump-south-sudan-djibouti-deport-supreme-court-50f9162cff680b5c8729873e11d514e9)
13 [deport-supreme-court-50f9162cff680b5c8729873e11d514e9](https://apnews.com/article/trump-south-sudan-djibouti-deport-supreme-court-50f9162cff680b5c8729873e11d514e9) (“The immigrants from
14 Cuba, Laos, Mexico, Myanmar, Vietnam and South Sudan arrived in South Sudan on
15 Friday after a federal judge cleared the way for the Trump administration to relocate them
16 in a case that had gone to the Supreme Court.”).

17 **Ninety-Day Custody Review**

18 As the undersigned stated at the August 6, 2025 hearing, and as Officer Gonzalez
19 explained to Petitioner, a ninety-day custody review will be conducted pursuant to 8 C.F.R.
20 § 241.4(l)(3). The undersigned therefore recommends a status report and/or hearing in mid-
21 October 2025.

22 DATED: August 7, 2025

ADAM GORDON
United States Attorney

23 *s/ Samuel W. Bettwy*
24 SAMUEL W. BETTWY

25 MARY CILE GLOVER-ROGERS
26 Assistant U.S. Attorneys

From: Lopez, Linda
To: Contreras, Julia; Shields, Charles R
Cc: [REDACTED]
Subject: [REDACTED]
Date: Wednesday, August 6, 2025 6:48:57 AM

Good morning,

A [REDACTED] was provided an interview regarding his OSUP revocation.

On 07/10/2025, [REDACTED] reported to the Santa Ana Sub-Office (SAA) ERO, and was interviewed regarding his immigration case. I explained to [REDACTED] that all immigration cases were being reviewed and due to the fact that he had a final order of removal issued, his OSUP was being revoked, and he was going to be taken into immigration custody to effect his removal. After explaining this, I asked [REDACTED] if he had any further questions. Once his questions were answered, he was arrested. When [REDACTED] was served the OSUP revocation memo and the Warrant of Removal, Form I-205, I reiterated to [REDACTED] that his OSUP was revoked to effect his removal from the U.S., and I asked if he had any further questions or concerns. He did, and I answered his questions. Two questions he asked that I was not able to answer at that time were: Where was he to be housed, and what time would he be transferred from SAA ERO.

Please advise if any further information is needed.

Respectfully,

Linda Lopez
Deportation Officer
Los Angeles Field Office, Santa Ana Sub-office
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
[REDACTED]

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