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11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**  
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14 SAUL CONCHAS-VALDEZ,

15 Petitioner,

16 v.

17 JEREMY CASEY; et al.,

18 Respondents.  
19

Case No.: 25-cv-2469-DMS-JLB

**RETURN IN OPPOSITION  
TO PETITION FOR WRIT  
OF HABEAS CORPUS**

20  
21 **INTRODUCTION**

22 Petitioner has filed a habeas petition pursuant to 28 U.S.C. § 2241. For the  
23 reasons set forth below, the Court should deny Petitioner's requests for relief and  
24 dismiss the petition.

25 **FACTUAL BACKGROUND**

26 Petitioner is a native and citizen of Mexico. *See* Form I-213, Ex. I. He initially  
27 entered the United States at or near San Ysidro, California, on or about January 1, 1993.  
28 *Id.* Petitioner was not then admitted or paroled by an immigration officer. *Id.*

1 On February 10, 2012, Petitioner was convicted in the Second Judicial District  
2 Court of the State of Nevada for possession of a controlled substance, in violation of  
3 Nevada Revised Statutes 453.336. *Id.* On February 15, 2012, the Department of  
4 Homeland Security (DHS) determined that Petitioner was inadmissible pursuant to 8  
5 U.S.C. 1182(a)(6)(A)(i) and 8 U.S.C. 1182(a)(2)(A)(i)(II) and issued a Notice to  
6 Appear (NTA). *See* Notice to Appear, Ex. 2. On April 3, 2012, Immigration Judge  
7 Richard Phelps ordered Petitioner removed to Mexico. *See* Order, Ex. 3. Petitioner was  
8 subsequently removed from the United States on or about May 4, 2012. *See* Form I-  
9 213, Ex. 1.

10 On or about June 1, 2023, Petitioner re-entered the United States between ports  
11 of entry and without inspection. Form I-213, Ex. 1. On October 15, 2024, Petitioner  
12 was transferred into ICE custody. *Id.* At that time, DHS determined that Petitioner was  
13 removable pursuant to 8 U.S.C. 1182(a)(9)(C)(i)(II), as an alien who has been ordered  
14 removed and who enters or attempts to reenter the United States without being admitted.  
15 *Id.* Accordingly, Petitioner's 2012 removal order was reinstated, and he was placed into  
16 proceedings where he was able to seek relief from removal.

17 On February 19, 2025, Immigration Judge An Nguyen denied withholding of  
18 removal under both the Immigration and Nationality Act and Convention Against  
19 Torture (CAT) and granted deferral of removal under CAT. *See* Order, Ex. 4. Petitioner  
20 is currently detained in the Imperial Regional Detention Facility in Calexico, California.

21 According to Concepcion Arredondo, Supervisory Detention and Deportation  
22 Officer, Enforcement and Removal Operations (ERO), in the Imperial suboffice of the  
23 San Diego Field Office, ERO is actively working to locate a resettlement country, to  
24 effectuate Petitioner's removal to a third country. Decl. of Concepcion Arredondo, ¶5.  
25 On April 30, 2025, San Diego ERO submitted resettlement requests to the Removal  
26 Management Division (RIO) Detention and Deportation Officers (DDOs), who have  
27 primary responsibility for locating third countries and securing travel documents to  
28 effectuate third country resettlements. *Id.* On May 12, 2025, San Diego ERO sent a

1 follow up inquiry to RIO on the status of the Petitioner's removal to a third country. *Id.*  
 2 On September 4, 2025, San Diego ERO sent another request to RIO on the status of the  
 3 Petitioner's removal to a third country. RIO responded that the Department of  
 4 Homeland Security's leadership and the Department of State are working on a pathway  
 5 for removing the Petitioner to an alternate country and that the process remains ongoing.  
 6 *Id.*

## 7 ARGUMENT

8 Authority to detain noncitizens who are subject to a final order of removal is  
 9 governed by 8 U.S.C. § 1231(a). *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall  
 10 detain" the alien during the 90-day removal period); *see also Zadvydas v. Davis*, 533  
 11 U.S. 678, 683 (2001).

12 Petitioner is subject to a final, executable order of removal, which means that he  
 13 has no right to remain in the United States. He has a temporary right not to be  
 14 repatriated to Mexico but has no right not to be resettled in a third country. ICE has  
 15 long-standing authority to remove noncitizens and resettle them in third countries  
 16 where removal to the country designated in the final order is "impracticable,  
 17 inadvisable, or impossible." 8 U.S.C. § 1231(b)(2)(E)(vii); *see also* 8 U.S.C. § 1231(b)  
 18 (outlining framework for designation). Accordingly, noncitizens like Petitioner, who  
 19 have received protection against removal to the designated country (either withholding  
 20 of removal under 8 U.S.C. § 1231(b)(3) or CAT protection), may be removed and  
 21 resettled in third countries.

22 Section 1231(b)(2)(E) provides that the Secretary of Homeland Security shall  
 23 remove the noncitizen to any of the following countries:

24 (i) The country from which the alien was admitted to the United  
 States.

25 (ii) The country in which is located the foreign port from which the  
 26 alien left for the United States or for a foreign territory contiguous to the  
 United States.

27 (iii) A country in which the alien resided before the alien entered  
 the country from which the alien entered the United States.

28 (iv) The country in which the alien was born.

1 (v) The country that had sovereignty over the alien's birthplace  
2 when the alien was born.

3 (vi) The country in which the alien's birthplace is located when the  
4 alien is ordered removed.

5 (vii) If impracticable, inadvisable, or impossible to remove the alien  
6 to each country described in a previous clause of this subparagraph,  
7 another country whose government will accept the alien into that country.

8 *Id.*

9 Accordingly, if the Secretary of Homeland Security is unable to remove a  
10 noncitizen to a country of designation or an alternative country in subparagraph (D), the  
11 Secretary may, in her discretion, remove the noncitizen to any country listed in  
12 subparagraphs (E)(i) through (E)(vi).

13 An alien ordered removed must be detained for 90 days pending the  
14 government's efforts to secure the alien's removal through negotiations with foreign  
15 governments. See 8 U.S.C. § 1231(a)(2) (the Attorney General "shall detain" the alien  
16 during the 90-day removal period); *see also Zadvydas v. Davis*, 533 U.S. 678, 683  
17 (2001). The statute "limits an alien's post-removal detention to a period reasonably  
18 necessary to bring about the alien's removal from the United States" and does not permit  
19 "indefinite detention." *Zadvydas*, 533 U.S. at 689. The Supreme Court has held that a  
20 six-month period of post-removal detention constitutes a "presumptively reasonable  
21 period of detention." *Id.* at 683; *see also Clark v. Martinez*, 543 U.S. 371, 377 (2005)  
22 ("[T]he presumptive period during which the detention of an alien is reasonably  
23 necessary to effectuate his removal is six months..."); *Lema v. INS*, 341 F.3d 853, 856  
24 (9th Cir. 2003).

25 Release is not mandated after the expiration of the six-month period unless "there  
26 is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*,  
27 533 U.S. at 701; *see also Clark*, 543 U.S. at 377. The Supreme Court limited the statute,  
28 allowing post-removal detention "to a period reasonably necessary to bring about that  
alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. "[O]nce removal  
is no longer foreseeable, continued detention is no longer authorized by statute." *Id.* at  
699. Ultimately, "an alien can be held in confinement until it has been determined that

1 there is no significant likelihood of removal in the reasonably foreseeable future  
2 [(“SLRRFF”)].” *Id.*

3 As the Ninth Circuit has emphasized, “*Zadvydas* places the burden on the alien  
4 to show, after a detention period of six months, that there is ‘good reason to believe that  
5 there is no significant likelihood of removal in the reasonably foreseeable future.’”  
6 *Pelich v. INS*, 329 F. 3d 1057, 1059 (9th Cir. 2003) (quoting *Zadvydas*, 533 U.S. at  
7 701); *see also Xi v. INS*, 298 F.3d 832, 840 (9th Cir. 2003). The alien must make such  
8 a showing to shift the burden to the government.

9 [O]nce the alien provides good reason to believe that there is no significant  
10 likelihood of removal in the reasonably foreseeable future, the Government must  
11 respond with evidence sufficient to rebut the showing. And for the detention to remain  
12 reasonable, as the period of prior post-removal confinement grows, what counts as the  
13 “reasonably foreseeable future” conversely would have to shrink.

14 Here, Petitioner cannot show that there is no significant likelihood of removal in  
15 the reasonably foreseeable future. ICE is actively working to locate a third country for  
16 resettlement to effectuate Petitioner’s removal. Decl. of Concepcion Arredondo, ¶5.  
17 The agency has diligently submitted settlement requests to the Removal Management  
18 Division (RIO) Detention and Deportation Officers (DDOs), who have primary  
19 responsibility for locating third countries and securing travel documents to effectuate  
20 third country resettlements. *Id.* The first such request was submitted on April 30, 2025.  
21 *Id.* On May 12, 2025, San Diego ERO sent a follow up inquiry to RIO regarding the  
22 status of Petitioner’s removal to a third country. *Id.* On September 4, 2025, San Diego  
23 ERO sent another request to RIO inquiring about the status of the Petitioner’s removal.  
24 *Id.* RIO responded that the Department of Homeland Security’s leadership and the  
25 Department of State are working on a pathway for removing the Petitioner to an  
26 alternate country and that the process remains ongoing. *Id.*

27 Given the agency’s diligence following up on Petitioner’s resettlement and the  
28 ongoing collaboration between the two federal agencies working to effectuate his  
removal, Petitioner has not met his burden here.

CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Court deny the Petition.

DATED: September 25, 2025

Respectfully submitted,

ADAM GORDON

United States Attorney

s/ Cindy Cipriani

CINDY CIPRIANI

Assistant United States Attorney

Attorneys for Respondents

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

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**TABLE OF EXHIBITS**

Exhibits:

1. Form I-213, Record of Deportable/Inadmissible Alien, dated October 15, 2024
2. Notice to Appear, dated February 15, 2012
3. Order of the Immigration Judge, dated April 3, 2012
4. Order of Immigration Judge, dated February 19, 2025

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**DECLARATION OF CONCEPCION  
ARREDONDO**

22            I, Concepcion Arredondo, pursuant to 28 U.S.C. § 1746, hereby declare under  
23 penalty of perjury that the following statements are true and correct, to the best of my  
24 knowledge, information, and belief:

25            1.     I am a Supervisory Detention and Deportation Officer (SDDO) with the  
26 U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement  
27 (ICE), Enforcement and Removal Operations (ERO), in the Imperial suboffice of the  
28 San Diego Field Office. I have been with ICE since 2006 and have held my position as

1 a SDDO since 2015. I currently remain serving in that position. As an SDDO, I am  
2 responsible for, among other things, supervising the daily operation of ICE ERO  
3 deportation officers assigned to the Imperial Regional Detention Center in Imperial,  
4 California, and ensuring that those officers comply with all relevant laws, regulations,  
5 and policies.

6  
7 2. I am familiar with ICE policy and procedures governing the detention and  
8 removal of aliens who come into ICE's custody. The following information is based on  
9 my personal knowledge, as well as my review of government databases and  
10 documentation relating to Petitioner Saul Conchas-Valdez (Petitioner).

11 3. Petitioner is a citizen and national of Mexico.

12 4. On February 19, 2025, an immigration judge ordered Petitioner removed  
13 to and granted his application for deferral of removal under the Convention Against  
14 Torture.

15 5. ERO is actively working to locate a third country for resettlement to effect  
16 Petitioner's removal to a third country. On April 30, 2025, San Diego ERO submitted  
17 resettlement requests to the Removal Management Division (RIO) Detention and  
18 Deportation Officers (DDOs), who have primary responsibility for locating third  
19 countries and securing travel documents to effectuate third country resettlements. On  
20 May 12, 2025, San Diego ERO sent a follow up inquiry to RIO on the status of the  
21 Petitioner's removal to a third country. On September 4, 2025, San Diego ERO sent  
22 another request to RIO on the status of the Petitioner's removal to a third country. RIO  
23 responded that the Department of Homeland Security leadership and the Department of  
24 State are working on a pathway for removing the Petitioner to an alternate country and  
25 that the process remains ongoing.

26  
27 I declare under penalty of perjury under the laws of the United States that the  
28 foregoing is true and correct.

Executed on September 25, 2025, in Imperial, California.

Concepcion Arredondo  
Supervisory Detention and Deportation Officer  
Enforcement and Removal Operations  
U.S. Immigration and Customs Enforcement