UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

XIANWU LIN,

Petitioner,

- v -

PAMELA BONDI, in her official capacity as U.S. Attorney General, *et al.*,

Respondents.

25 Civ. 8568 (KMK)

RESPONDENTS' MEMORANDUM OF LAW IN OPPOSITION TO THE PETITION FOR A WRIT OF HABEAS CORPUS

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Respondents (the "government"), by their attorney, Jay Clayton, United States Attorney for the Southern District of New York, respectfully submit this memorandum of law in opposition to the petition for a writ of habeas corpus, Dkt. No. 1 ("Petition"), filed by petitioner Xianwu Lin ("Petitioner").

PRELIMINARY STATEMENT

Petitioner is a native and citizen of the People's Republic of China who entered the United States in or around 1993. In 2003, Petitioner was convicted in the U.S. District Court for the Southern District of New York on robbery, conspiracy, and firearms charges, which resulted in an aggregate sentence of over 60 years. In July 2022, Petitioner's sentence was reduced to time served plus three months. In October 2022, Petitioner conceded he was removable from the United States. He was ordered removed by an Immigration Judge and did not appeal the final order of removal. In February 2025, after a period of release on an order of supervision, Petitioner was taken into the custody of U.S. Immigration and Customs Enforcement ("ICE") to effectuate his final order of removal. In mid-November 2025, ICE obtained a travel document permitting Petitioner's removal to China and intends to effectuate Petitioner's removal from the United States as soon as practicable. Accordingly, ICE anticipates Petitioner will be removed in the foreseeable future.

In this habeas petition, Petitioner asserts that his detention is unlawful principally because he does not believe that his removal is reasonably foreseeable. The petition should be denied. First, the Court should reject Petitioner's claim that his removal is not reasonably foreseeable at this time and therefore violates due process. Petitioner does not meet his threshold burden of demonstrating that there is good cause to believe that there is no significant likelihood of removal in the reasonably foreseeable future, which he premises only on the length of his current detention. Moreover, even if Petitioner met his initial burden, the government easily rebuts it

here because ICE has secured a travel document for Petitioner's removal to China and is making plans for his removal.

Second, Petitioner's separate due process challenge fails because Petitioner's detention is reasonably related to valid immigration purposes. Principally, Petitioner's detention serves the purposes of ensuring that the government can effectuate Petitioner's removal from the United States pursuant to his final order of removal. Moreover, during the interim time while ICE was in the process of seeking travel documents, Petitioner's detention also served the purpose of preventing danger to the community, another valid purpose of immigration detention.

For these reasons, the petition should be denied.

BACKGROUND

A. Factual Background

1. Petitioner's Entry to the United States

Petitioner, a native and citizen of China, entered the United States without inspection at an unknown place and at unknown date and time. *See* Ex. A[1] (February 2025 encounter summary) at 2; Declaration of Supervisory Detention and Deportation Officer Kristopher Dawson ("Dawson Decl.") ¶ 3; *see also* Petition ¶ 13 (stating that Petitioner "entered the United States without inspection in or about June 1993"). In October 1993, Petitioner requested and obtained work authorization from the former Immigration and Naturalization Service ("INS").[2] Ex. B (Application for Employment Authorization, Form I-765).[3]

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[1] Unless otherwise noted, exhibits referenced as "Ex. __" refer to the exhibits to the Return to Habeas Petition, filed herewith.

[2] Also in 1993, Petitioner sought other relief from removal. However, the INS administratively closed the claim in 1996 when he did not appear for an interview. *See* Ex. A at 2.

[3] As part of his application for work authorization, Petitioner stated that he had entered the United States without inspection in July 1993 by crossing the border. Ex. B (Application for

2. Petitioner's Federal Criminal Conviction

In May 2003, after a jury trial, Petitioner was convicted in the United States District Court, Southern District of New York for the offenses of Conspiracy to Commit Robbery; Robbery; and Brandishing of a Firearm During a Crime of Violence, in violation of 18 U.S.C. §§ 2, 924(c), and 1951, which ultimately resulted in an aggregate sentence of 735 months, as imposed in a September 2006 amended judgment. Dawson Decl. ¶ 4; *see* Ex. A at 2; Ex. D (Amended Judgment in a Criminal Case); *see also United States v. Lin Xian Wu*, No. 02 Cr. 271-04 (S.D.N.Y.), docket entries dated May 29, 2003; *id.* Dkt. No. 103 (Amended Judgment filed Sept. 12, 2006).[4]

On July 7, 2022, the United States District Court, Southern District of New York granted a sentence reduction to time served plus three months. Dawson Decl. ¶ 5; Ex. A at 2; Ex. E (order reducing sentence); *see also United States v. Lin Xian Wu*, No. 02 Cr. 271-04, Dkt. No. 222 (S.D.N.Y. filed July 13, 2022).

3. Petitioner's Immigration History Following Imprisonment

On or around October 3, 2022, while Petitioner remained in federal criminal custody, he made a sworn statement before an ICE officer in which he admitted that he was a native and citizen of China; that he entered the United States as a stowaway on a boat and did not have legal immigration status; and that he wanted to return to China. Dawson Decl. ¶ 6; Ex. C (Record of Sworn Statement in Administrative Proceedings); Ex. F (Record of Deportable/Inadmissible Alien, Form I-213, dated Oct. 4, 2022).

Employment Authorization, Form I-765. In a sworn statement he made to ICE in 2022, Petitioner said he had entered as a stowaway on a boat in 1993. Ex. C (Record of Sworn Statement in Administrative Proceedings) at 2. In any event, Petitioner does not claim that he has a valid immigration status permitting him to remain in the United States.

[4] The Petition states that Petitioner has state criminal history as well. *See* Petition ¶¶ 14-15.

On October 7, 2022, Petitioner was served with a Notice to Appear ("NTA"), the charging document used to commence removal proceedings, asserting that Petitioner was removable from the United States because he (i) was an alien present in the United States without being admitted or paroled; (ii) had been convicted of a crime involving moral turpitude; and (iii) had been convicted of two or more offenses for which the aggregate sentences of confinement were more than five years. Dawson Decl. ¶ 7; Ex. G (NTA, Form I-862); *see* 8 U.S.C. § 1182(a)(2)(A)(i)(I), (a)(2)(B), (a)(6)(A)(i). ICE also served Petitioner with a Warrant for Arrest of Alien, Form I-200. Ex. H (Warrant for Arrest of Alien, Form I-200). Petitioner's NTA was subsequently served on the Executive Office for Immigration Review in Georgia, thereby commencing removal proceedings against Petitioner. Dawson Decl. ¶ 8. On October 7, 2022, Petitioner signed a form stating that he admitted that he was the United States illegally and waived his right to a hearing. Dawson Decl. ¶ 9; Ex. I (Notice of Rights and Request for Disposition, Form I-826). Petitioner did not seek relief from removal. Petition ¶ 18. On October 31, 2022, Petitioner was ordered to be removed from the United States by an Immigration Judge. Dawson Decl. ¶ 10; Ex. J (Removal Order); *see* Ex. A at 2. Petitioner waived his right to appeal, and the removal order became final. Dawson Decl. ¶ 10; *see* Petition ¶ 18.

ICE made a request to the Chinese Embassy for a travel document for Petitioner on November 29, 2022, and later requested a status update on January 12, 2023, as to which ICE does not have a record of a response. Dawson Decl. ¶ 11. On January 23, 2023, ICE released Petitioner on an order of supervision, and set a first reporting date in February 2023. Dawson Decl. ¶ 12; Ex. K (Release Notification); Ex. L (Order of Supervision); *see* Petition ¶ 19. Petitioner appeared for several subsequent check-ins. Dawson Decl. ¶ 12.

On February 24, 2025, after Petitioner appeared at his scheduled check-in at 26 Federal Plaza, New York, New York, ICE revoked Petitioner's order of supervision and advised him that he was being detained because ICE was in the process of acquiring a travel document on his behalf. Dawson Decl. ¶ 13; Ex. M (Notice of Revocation of Release). Petitioner was processed for detention and transferred from 26 Federal Plaza to Orange County Jail ("OCJ") in Goshen, New York. Dawson Decl. ¶ 13.

In March 2025, ICE submitted a request for a travel document for Petitioner to the Chinese Embassy in Washington, D.C. Dawson Decl. ¶¶ 14-15. In May 2025, ICE provided Petitioner with a Notice of Imminent Removal. Dawson Decl. ¶ 16; Ex. N. After ICE requested additional updates on the status of the travel document request during June 2025, ICE received notification on June 30, 2025, that the travel document was approved. Dawson Decl. ¶ 17. However, ICE Enforcement and Removal Operations in New York ("ERO-NY") did not receive the approved travel document at that time. *Id.* ¶ 18. Accordingly, ERO-NY requested additional information from ICE headquarters about the status of the approved travel document in July, August, and September 2025. *Id.*

On September 23, 2025, an ICE panel conducted an interview with Petitioner at OCJ to determine whether his detention should continue. Dawson Decl. ¶ 19; Ex. O. The panel determined that Petitioner's detention should continue because it determined that Petitioner was a significant danger to the community based upon his criminal convictions. *Id.*

On October 8, 2025, ICE's headquarters informed ERO-NY that the previously issued travel document had expired. Dawson Decl. ¶ 20. Accordingly, ERO-NY submitted a new travel document request to ICE's headquarters on October 22, 2025, and ICE's headquarters

submitted a new travel document request to the Chinese Embassy on November 4, 2025. *Id.* ¶¶ 21-22.

ICE has now obtained a Permit for Entry from the Chinese Embassy dated November 17, 2025, permitting Petitioner's removal to China. Dawson Decl. ¶ 23; Ex. P (Permit for Entry). The travel document is valid for three months from the date of issuance. *Id.* ICE avers that it intends to effectuate Petitioner's removal from the United States as soon as practicable, and that the agency is unaware of any impediment to effectuating Lin's removal to China. Dawson Decl. ¶ 25.

B. Procedural History

On October 16, 2025, Petitioner filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Dkt. No. 1. On December 3, 2025, upon Petitioner's motion,[5] the Court ordered the government to show cause why a writ of habeas corpus should not be granted. Dkt. No. 23. At present, Petitioner is still being held at OCJ pending removal. Dawson Decl. ¶ 24.

ARGUMENT

Petitioner asserts that his detention violates due process because his removal is not presently foreseeable and because his detention does not serve valid immigration purposes. *See* Petition ¶¶ 25-33. These claims should be rejected.

First, Petitioner fails to meet his initial burden of demonstrating that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. While he has been detained for more than nine months, the length of his detention alone is not

[5] Petitioner's motion for an order to show cause states that he "properly served" the respondents, Dkt. No. 21 at 3. However, he does not assert that he served the Petition on the U.S. Attorney's Office, as required by Rule 4(i) of the Federal Rules of Civil Procedure, and this Office has no record of such service.

sufficient to show that his detention is not reasonably foreseeable. Moreover, the government has rebutted Petitioner's claim by demonstrating that it is in the process of effectuating Petitioner's removal to China. Indeed, a few weeks ago, the Chinese Embassy provided travel documents to ICE permitting Petitioner's removal, which are valid for three months from the date of issuance. Dawson Decl. ¶ 23; Ex. P. Accordingly, because Petitioner's removal is significantly likely to occur in the reasonably foreseeable future, his continued detention does not violate due process.

Second, Petitioner's alternate due process claim fails because his detention is reasonably related to the valid immigration purposes of allowing the government to effectuate his final order of removal, and—in the interim—preventing danger to the community. Petitioner's serious criminal history, including crimes of violence, justifies his continued detention pending removal.

Accordingly, the petition should be denied.

I. LEGAL STANDARDS

Pursuant to 8 U.S.C. § 1231, ICE has authority to detain an alien subject to a final removal order. 8 U.S.C. § 1231(a)(2); *see Johnson v. Arteaga-Martinez*, 596 U.S. 573, 578 (2022) (noting that § 1231 "governs the detention, release, and removal of individuals 'ordered removed'"); *accord Wang v. Ashcroft*, 320 F.3d 130, 145 (2d Cir. 2003). An order of removal is final upon the earlier of "(i) a determination by the Board of Immigration Appeals affirming such order; or (ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals." 8 U.S.C. § 1101(a)(47)(B); *see Chupina v. Holder*, 570 F.3d 99, 103 (2d Cir. 2009) (interpreting § 1101(a)(47)(B) to provide that "[a]n order of removal is 'final' upon the earlier of the BIA's affirmance of the immigration judge's order of removal or the expiration of the time to appeal the immigration judge's order of removal to the BIA.").

Section 1231 establishes a 90-day "removal period" within which the government generally must effectuate removal after a removal order becomes final, and during which the government "shall" detain the alien pending removal. *See* 8 U.S.C. § 1231(a)(1)(A), (a)(2)(A). When the government is unable to secure removal within the removal period, while detention is no longer mandatory, the government "may" continue to detain four categories of aliens: (1) "inadmissible" aliens; (2) aliens who are "removable" for national-security or foreign-policy reasons or for violating entry conditions, status requirements, or certain criminal laws; (3) aliens who pose a "risk to the community," and (4) aliens who are "unlikely to comply with the order of removal." 8 U.S.C. § 1231(a)(6). Aliens who fall outside those categories (or who fall within them but are not detained) are subject to supervision upon release. 8 U.S.C. § 1231(a)(3), (a)(6).

The Supreme Court addressed ICE's authority to detain aliens after their removal orders become final in *Zadvydas v. Davis*, 533 U.S. 678 (2001). There, the Court held that 8 U.S.C. § 1231(a)(6) authorizes immigration detention for a period reasonably necessary to accomplish the alien's removal from the United States. 533 U.S. at 699-700. The Supreme Court recognized six months as a presumptively reasonable period of time to allow the government to accomplish an alien's removal. *Id.* at 701. However, the Court did not require the government to release every alien whose detention exceeds six months. Rather, the Court held:

> After this 6-month period, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing. And for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as "reasonably foreseeable future" conversely would have to shrink. This 6-month presumption, of course, 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.

Id.[6] Thus, the Supreme Court placed the initial burden on the alien to demonstrate the lack of a likelihood of removal; if the alien fails to meet that burden, or if the government rebuts the alien's showing, then continued detention is permissible. *See id.*

Pursuant to regulations promulgated by the Department of Homeland Security ("DHS"), ICE "shall have authority, in the exercise of discretion, to revoke release and return to [government] custody an alien previously approved for release under the procedures in this section." 8 C.F.R. § 241.4(*l*)(2). The regulation permits ICE to exercise its discretion to revoke release when, in the opinion of the revoking official: " . . . (iii) [i]t is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) . . . any other circumstance[] indicates that release would no longer be appropriate." *Id.*

ICE utilizes different review procedures in instances where an alien subject to a final removal order has "provided good reason to believe there is no significant likelihood of removal to the country to which he or she was ordered removed . . . in the reasonably foreseeable future." 8 C.F.R. § 241.13(a). In those circumstances, ICE may choose to release an alien subject to "appropriate conditions of supervision." 8 C.F.R. § 241.13(c), (g)(1).

ICE "may revoke an alien's release under this section and return the alien to custody if, on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2).

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[6] In *Zadvydas*, the concern of "indefinite detention" arose where the petitioners could not be removed from the United States because their home countries would not accept their repatriation, yet the government continued to detain them. *See Zadvydas*, 533 U.S. at 684-86. But "indefinite" does not merely mean of uncertain duration; the concerns animating *Zadvydas* pertained to aliens in a "removable-but-unremovable limbo," *Jama v. ICE*, 543 U.S. 335, 347 (2005), where an alien's confinement is "not limited, but potentially permanent," *Zadvydas*, 533 U.S. at 691.

ICE also has "discretion" to "grant a stay of removal or deportation for such time and under such conditions as [it] may deem appropriate." 8 C.F.R. § 241.6(a).

II. PETITIONER'S REMOVAL IS REASONABLY FORESEEABLE

Petitioner states that his continued detention is impermissible because his removal is not reasonably foreseeable. *See* Petition ¶¶ 26-31. Beyond the length of his detention pending removal to the date of the petition, however, Petitioner does not make any showing that his removal is not reasonably foreseeable. In light of this, his due process claim fails.

The immigration laws authorize ICE to detain aliens subject to final orders of removal. 8 U.S.C. § 1231(a)(2), (a)(6). As noted above, the Supreme Court has held that aliens subject to final removal orders may be detained for as long as is "reasonably necessary to bring about that alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. The Court concluded that six months was a presumptively reasonable period of time for detention in order to execute a removal order. *Id.* at 701. While it found that this period was presumptively reasonable, the "6-month presumption, of course, does not mean that every alien not removed must be released after six months." *Id.* An alien challenging a post-removal-order detention bears the initial burden of "providing good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future," after which "the Government must respond with evidence sufficient to rebut that showing." *Id.*

Petitioner has not met his threshold burden of showing that there is good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701. He offers only a conclusory statement that his removal is not reasonably foreseeable. However, "mere assertions that removal is unforeseeable do not satisfy this burden." *Juma v. Mukasey*, No. 09 Civ. 3122 (PAC) (AJP), 2009 WL 2191247, at *3 (S.D.N.Y. July 23, 2009) (quoting *Zadvydas*, 533 U.S. at 701); *see Callender v. Shanahan*, 281

F. Supp. 3d 428, 434-35 (S.D.N.Y. 2017) (allegations that an embassy "will not issue a travel document in the foreseeable future" or that "government has been unable to obtain a travel document to date" do not satisfy petitioner's burden). And as noted below, here the record is to the contrary. ICE ERO-NY was informed on or around June 30, 2025, that travel documents were issued to authorize Petitioner's removal to China, but ERO-NY did not receive those documents and was informed that they had expired on October 8, 2025. *See* Dawson Decl. ¶¶ 17-18, 20. In November 2025, Petitioner was issued a new travel document permitting his removal. *Id.* ¶ 23; Ex. P. While Petitioner alleges that "China has consistently refused to accept its nationals subject to removal from the United States, particularly those who sought political asylum," Petition ¶ 30(c), this assertion is undermined by the fact that China has issued a travel document permitting Petitioner's removal to China, *see* Dawson Decl. ¶ 23; Ex. P.

Moreover, Petitioner cannot meet his burden by merely relying on the length of his detention—which, to date, is more than nine months—because the passage of time without issuance of a travel document, by itself, does not show that there is no significant likelihood of removal within the reasonably foreseeable future. *See, e.g.*, *Beckford v. Lynch*, 168 F. Supp. 3d 533, 539-40 (W.D.N.Y. 2016) (collecting cases); *Newell v. Holder*, 983 F. Supp. 2d 241, 248 (W.D.N.Y. 2013) ("[T]he mere passage of time [is] insufficient to meet the petitioner's burden to demonstrate no significant likelihood of removal."). This is not a case where a petitioner has identified a specific impediment to his removal. *Cf. Montestime v. Reilly*, 704 F. Supp. 2d 453, 456, 458 (S.D.N.Y. 2010) (finding a "likelihood of indefinite detention" due to the United States' then-existing moratorium on deportations to Haiti following 2010 earthquake); *Hassoun v. Sessions*, No. 18 Civ. 586, 2019 WL 78984, at *4 (W.D.N.Y. Jan. 2, 2019) (finding that

petitioner had met his burden where he "has shown that the countries with which he has any affiliation," including Lebanon, Sweden, and the United Arab Emirates, "will not accept him").

Even if Petitioner could meet his initial burden, the government has rebutted any showing here by demonstrating that his removal is in fact reasonably foreseeable. In order to repatriate Petitioner to China, ICE was required to submit an application to obtain travel documents to the Chinese Embassy in Washington, D.C. ICE obtained the documents needed to complete the application, and submitted an initial request for travel documents to the Chinese Embassy in Washington, D.C. in March 2025. Dawson Decl. ¶¶ 14-15. ICE ERO-NY was advised that travel documents were issued permitting his removal to China on June 30, 2025, but was advised on October 8, 2025, that the documents expired, before Petitioner could be removed. *See id.* ¶¶ 17-18, 20.

Following a request by ERO-NY to ICE headquarters on October 22, 2025, ICE made another request for travel documents to the Chinese Embassy on November 4, 2025. *Id.* ¶¶ 21-22. And pursuant to that request, ICE obtained a travel document dated November 17, 2025, that permits Petitioner's removal to China within the three months following its issuance. *Id.* ¶ 23; Ex. P. Accordingly, the government has shown that Petitioner's removal is significantly likely to occur in the reasonably foreseeable future. *Cf. Newell*, 983 F. Supp. 2d at 248 (denying habeas petition where a foreign consulate previously "issued a travel document for petitioner, and travel arrangements for his removal were made by DHS but were cancelled" after petitioner filed a petition for review and requested a stay of removal).

ICE avers that it is unaware of any impediments to effectuating Petitioner's removal to China now that it has obtained travel documents, and intends to effectuate Petitioner's removal as soon as practicable. Dawson Decl. ¶ 25. Accordingly, this is not a case where the detention is

"indefinite and potentially permanent." *Demore v. Kim*, 538 U.S. 510, 528 (2003). Petitioner's "'due process rights are not jeopardized by his continued detention as long as his removal remains reasonably foreseeable.'" *Portillo v. Decker*, No. 21 Civ. 9506 (PAE), 2022 WL 826941, at *6 (S.D.N.Y. Mar. 18, 2022) (quoting *Wang*, 320 F.3d at 146)); *accord Leslie v. Mule*, 423 F. App'x 29, 30 (2d Cir. 2011) (summary order).

In light of the fact that ICE is actively pursuing Petitioner's removal and has received a travel document to effectuate his removal to China, his detention pending removal does not violate due process.

III. PETITIONER'S DETENTION SERVES VALID IMMIGRATION PURPOSES AND DOES NOT VIOLATE HIS DUE PROCESS RIGHTS

Petitioner argues that his detention violates due process because it does not serve a lawful immigration purpose. Petition ¶¶ 33-39. This claim is without merit.

Petitioner's detention pending his removal from the United States, following the issuance of a final order of removal, is statutorily authorized by 8 U.S.C. § 1231. The statute's "basic purpose" is "effectuating an alien's removal." *Zadvydas*, 533 U.S. at 697. Moreover, in detaining noncitizens under § 1231 pending removal, the government also seeks to effectuate additional "regulatory goals" for detention, which include "ensuring the appearance of aliens at future immigration proceedings and preventing danger to the community." *Zadvydas*, 533 U.S. at 690 (brackets and quotation marks omitted). The government's interests in "(1) ensuring that noncitizen[s] do not abscond and (2) ensuring they do not commit crimes" are "well-established." *Velasco Lopez v. Decker*, 978 F.3d 842, 854 (2d Cir. 2020) (citing *Zadvydas*, 533 U.S. at 690; *Hernandez v. Sessions*, 872 F.3d 976, 990-91 (9th Cir. 2017)).

Petitioner makes a conclusory claim that he poses no flight risk or danger, Petition ¶¶ 34-36, but Petitioner has a significant criminal history, which is particularly notable for his

conviction for robbery, conspiracy, and firearms offenses. *See* Dawson Decl. ¶ 4; Ex. D. He was initially sentenced to more than sixty years' imprisonment, a term that was later reduced to approximately twenty years following a sentence reduction in 2022. Dawson Decl. ¶¶ 4-5; Ex. D, Ex. E. Pursuant to DHS regulations, in September 2025, an ICE panel conducted a custody review regarding Petitioner while ICE's request for travel documents was pending, but declined to release him based on his prior convictions. Dawson Decl. ¶ 19; Ex. O. His conviction of these offenses is a sufficient basis to demonstrate potential danger to the community, which separately justifies his continued detention pending removal to China.

Therefore, because Petitioner's detention serves the valid immigration purposes of ensuring that ICE can effectuate his final order of removal, and preventing danger to the public pending his removal, his due process claim fails. *See Zadvydas*, 533 U.S. at 690-91; *Velasco Lopez*, 978 F.3d at 854.

CONCLUSION

For the foregoing reasons, the petition for a writ of habeas corpus should be denied.

Dated: December 6, 2025
New York, New York

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Civil Rule 7.1(c) and Rule II.B of Judge Karas's Individual Rules of Practice, the undersigned counsel hereby certifies that this memorandum complies with the word-count limitations of this Court's Local Civil Rules and Judge Karas's Individual Rules. As measured by the word processing system used to prepare it, and excluding the items set forth in the rule, there are 4,355 words in this memorandum.

/s/ Samuel Dolinger
SAMUEL DOLINGER
Assistant United States Attorney