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16 Attorneys for Respondents

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

19 SARAH BRUNO REYES,

20 Petitioner,

Case No. 25-cv-02959-JLS-JLB

21 **RESPONDENTS' RETURN TO THE**  
**HABEAS PETITION**

22 v.

23 CHRISTOPHER LAROSE, Senior  
24 Warden, Otay Mesa Detention Center, et  
25 al.,

26 Respondents.

27 **I. INTRODUCTION**

28 Respondents hereby submit their return to Petitioner's habeas petition. For the  
reasons set forth below, Respondents respectfully request the Court to deny the petition.

29 **II. BACKGROUND**

30 Petitioner is a native and citizen of Mexico, who unlawfully entered the United  
31 States on multiple occasion in the early 2000s. *See* ECF No. 1 at ¶¶ 16, 17. On February  
32 19, 2013, an Immigration Judge ordered Petitioner removed and granted her

1 withholding of removal to Mexico. *See* ECF No. 1-4 at 2. The next day, Immigration  
2 and Customs Enforcement (ICE) released Petitioner from custody under an Order of  
3 Supervision. *See* ECF No. 1 at ¶ 22.

4 On March 11, 2025, ICE re-detained Petitioner for purposes of executing her  
5 removal to a third country. *See* ECF No. 1-9 at 3–5. Since Petitioner’s detention, ICE  
6 has been seeking to identify a third country where Petitioner may be removed.  
7 Declaration of Hugo Lara Ramirez (Ramirez Decl.) at ¶¶ 6, 10. According to the  
8 declaring officer, “there is a significant likelihood of removal to a third country.” *Id.* at  
9 ¶ 10.

### 10 III. ARGUMENT

11 The INA provides that an alien ordered removed must be detained for 90 days  
12 pending the government’s efforts to secure the alien’s removal through negotiations  
13 with foreign governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General “shall  
14 detain” the alien during the 90-day removal period under subsection (a)(1)).  
15 Additionally, 8 U.S.C. § 1231(a)(6) “authorizes further detention if the Government  
16 fails to remove the alien during those 90 days.” *Zadvydas v. Davis*, 533 U.S. 678, 682  
17 (2001).

18 In *Zadvydas*, the Supreme Court observed that § 1231(a)(6) raises constitutional  
19 concerns because it permits potentially indefinite detention. *See id.* at 690. It thus  
20 applied the canon of constitutional avoidance to hold that an alien’s post-removal  
21 detention under § 1231(a)(6) is limited “to a period reasonably necessary to bring about  
22 that alien’s removal from the United States. It does not permit indefinite detention.” 533  
23 U.S. at 689. The *Zadvydas* court also held that a six-month period of post-removal  
24 detention constitutes a “presumptively reasonable period of detention.” *Id.* at 701. But  
25 release is not mandated after the expiration of the six-month period unless “there is no  
26 significant likelihood of removal in the reasonably foreseeable future.” *Id.*

27 ICE re-detained Petitioner on March 11, 2025, invoking its authority to pursue  
28 third country removal under 8 U.S.C. § 1231(b)(2)(E). *See* Ramirez Decl. at ¶ 5.

1 Relevant here, if an individual ordered removed “is not removed to his or her country  
2 of choice or citizenship, he or she shall be removed to any of the following countries”  
3 listed in 8 U.S.C. § 1231(b)(2)(E):

- 4 (i) The country from which the alien was admitted to the United States
- 5 (ii) The country in which is located the foreign port from which the alien  
left for the United States or for a foreign territory contiguous to the United  
States.
- 6 (iii) A country in which the alien resided before the alien entered the  
country from which the alien entered the United States.
- 7 (iv) The country in which the alien was born.
- 8 (v) The country that had sovereignty over the alien's birthplace when the  
alien was born.
- 9 (vi) The country in which the alien's birthplace is located when the alien  
is ordered removed.

10 *Hadera v. Gonzales*, 494 F.3d 1154, 1156–57 (9th Cir. 2007) (quoting  
11 § 1231(b)(2)(E)(i)–(vi)). “If removal to any of these countries is ‘impracticable,  
12 inadvisable, or impossible,’ the individual shall be removed to ‘another country whose  
13 government will accept the alien into that country.’” *Id.* (quoting § 1231(b)(2)(E)(vii)),

14 As mentioned above, Petitioner was granted withholding of removal to Mexico—  
15 her country of birth and citizenship, as well as the country designated during her  
16 removal proceedings. *See* ECF Nos. 1 at ¶ 6; 1-4 at 2. Petitioner has not designated any  
17 other country for removal. *See* ECF No. 1-9 at 5. (“BRUNO did not designate a third  
18 country for removal.”). Apart from Mexico, there appears to be no other country that  
19 would meet the definitions under subsections (i) through (vi), and Petitioner has made  
20 no showing to the contrary. Because removal to the above enumerated countries is  
21 “impracticable, inadvisable, or impossible,” ICE may remove Petitioner to a third  
22 country that will accept Petitioner’s removal. 8 U.S.C. § 1231(b)(2)(E)(vii).

23 To that end, on March 14, 2025, ICE submitted a Form I-241, Request for  
24 Acceptance of Alien, to Guatemala, El Salvador, and Ecuador, requesting for those  
25 countries to accept Petitioner. *See* Ramirez Decl. at ¶ 6. The countries have since denied  
26 ICE’s requests. *Id.* at ¶¶ 7–9. ICE continues to seek to identify a third country where  
27  
28

1 Petitioner may be removed and believes there is a significant likelihood of Petitioner's  
2 removal to a third country. *Id.* at ¶ 10.

3 Additionally, Petitioner claims that the agency failed to comply with its  
4 regulations for revoking her Order of Supervision. But even assuming the agency's  
5 compliance with the regulations fell short, Petitioner has not established prejudice nor  
6 a constitutional violation. *See Brown v. Holder*, 763 F.3d 1141, 1148–50 (9th Cir. 2014)  
7 (“The mere failure of an agency to follow its regulations is not a violation of due  
8 process.”); *United States v. Tatoyan*, 474 F.3d 1174, 1178 (9th Cir. 2007) (“Compliance  
9 with . . . internal [customs] agency regulations is not mandated by the Constitution”)  
10 (internal quotation marks omitted); *United States v. Barraza-Leon*, 575 F.2d 218, 221–  
11 22 (9th Cir. 1978) (holding that even assuming that the judge had violated the rule by  
12 failing to inquire into the alien's background, any error was harmless because there was  
13 no showing that the petitioner was qualified for relief from deportation).

14 **IV. CONCLUSION**

15 For the reasons stated herein, Respondents respectfully request that the Court  
16 deny the habeas petition.

17 DATED: November 7, 2025

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21 Attorneys for Respondents