

1 TODD BLANCHE
Deputy Attorney General
2 BILAL A. ESSAYLI
First Assistant United States Attorney
3 DAVID M. HARRIS
Assistant United States Attorney
4 Chief, Civil Division
DANIEL A. BECK
5 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section
6 WHITNEY C. WAKEFIELD (WA Bar No. 61571)
Special Assistant United States Attorney
7 Federal Building, Suite 7516
300 North Los Angeles Street
8 Los Angeles, California 90012
Telephone: (213) 894-2574
9 E-mail: Whitney.Wakefield@usdoj.gov

10 Attorneys for Respondent

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

14 ERIAWIN HOVINEN NGADIMAN,

15 Petitioner,

16 v.

17 KRISTI NOEM,

18 Respondent.

Case No. 5:25-cv-03289-CV-PD

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

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1 **I. INTRODUCTION**

2 Petitioner Eriawin Howinen Ngadiman filed his Petition for Writ of Habeas Corpus
3 under 28 U.S.C. § 2241 requesting immediate release from immigration detention at the
4 Adelanto Immigration Processing Center.

5 Evidence (attached hereto as Exhibits A-D) of Petitioner’s criminal history and
6 failure to comply with release conditions strongly demonstrates that Petitioner is a flight
7 risk and poses a danger to the community if released from custody. Respondent
8 respectfully requests that the Court deny the Petition because: (1) the Petition fails to allege
9 any specific factual basis for habeas relief, violating the habeas pleading standard; (2)
10 Petitioner’s detention by ICE to effectuate a final removal order is authorized by statute;
11 (3) this Court lacks jurisdiction over the Petition to the extent it seeks to review ICE’s
12 decision to remove the Petitioner; and (4) Petitioner is not likely to succeed on the merits
13 of the Petition.

14 **II. ARGUMENT**

15 **A. The Petition Fails to Plead Any Factual Basis for Granting Relief**

16 Federal habeas petitioners are subject to a higher pleading standard than Fed. R.
17 Civ. P. Rule 8 and must make specific factual allegations. *See* Rules Governing Section
18 2254 Cases, Rule 2(c)(1)-(2) (federal habeas petitions must “specify all the grounds for
19 relief,” and “state the facts supporting each ground”); *see also* *Mayle v. Felix*, 545 U.S.
20 644, 655 (2005) (Fed. R. Civ. P. 8(a) requires only “fair notice” whereas Habeas Rule 2(c)
21 is “more demanding” and that federal habeas petitions are “expected to state facts that
22 point to a real possibility of constitutional error”) (citations omitted); *Jones v. Gomez*, 66
23 E.3d 199, 204-05 (9th Cir. 1995) (conclusory allegations unsupported by a statement of
24 specific facts do not warrant habeas relief); *Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th
25 Cir. 1990) (allegations that are vague, conclusory, or unsupported by a statement of
26 specific facts, are insufficient to warrant relief and subject to summary dismissal).

27 Here, the Petition is conclusory and vague, and unsupported by a statement of
28 specific facts. The Petition does not meet the basic pleading requirements for federal

1 habeas petitions, and it is insufficient to justify relief. The Petition purports to bring claims
2 on the grounds of Due Process requirements, but only describes legal concepts and makes
3 no factual assertions with the exception of the broad statement “I am being subject to
4 detention without any due process, and with no deportation on the foreseeable future.”
5 Petition at 7. There are no specific factual allegations explaining why the arrest or
6 detention is putatively unlawful, how the due process clause of the Fifth Amendment is
7 implicated, or how the agency is not following their own regulations. There are no factual
8 allegations made to determine even generally what regulations Petitioner is alleging
9 Respondent has failed to follow. Hence, there are not sufficient allegations to point to “a
10 real possibility of constitutional error.” *Mayle*, 545 U.S. at 655. Accordingly, the Petition
11 should be dismissed.

12 **B. The Government is Authorized to Arrest and Detain Non-Citizens to**
13 **Effectuate Final Removal Orders**

14 When a non-citizen receives a final removal order, their detention is mandatory for
15 the following 90 days. 8 U.S.C. § 1231(a)(2). After that time, detention is within ICE’s
16 discretion under 8 U.S.C. § 1231(a)(6). Detention for six months pursuant to a final
17 removal order is presumptively valid. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).
18 After that amount of detention time, a noncitizen may bring a habeas petition seeking
19 release, and it is his burden to show “there is no significant likelihood of removal in the
20 reasonably foreseeable future.” *Id.* The law does not require that “every [noncitizen] not
21 removed must be released after six months.” *Id.* Instead, it prevents only “indefinite” or
22 “potentially permanent” detention. *Id.* at 689–91. Furthermore, when a valid removal order
23 is issued and a non-citizen is released under an order of supervision, the government is
24 authorized to revoke supervised release pursuant to 8 C.F.R. § 241.1(l)(1), and 8 CFR §
25 241.4(l)(2).

26 Here, there is a final order of removal for Petitioner. At this juncture, Petitioner has
27 been in ICE custody significantly less than six months since the issuance of the final
28 removal order—from September 11, 2025, to present. *See, e.g., Exhibit D*. Petitioner fails

1 to allege any facts in his Petition overcoming the presumption of constitutional validity of
2 detention pursuant to a final removal order for less than six months of duration. *See*
3 *Zadvydas*, 533 U.S. at 701.

4 **C. To the Extent Petitioner May be Challenging his Final Removal Order,**
5 **this Court Lacks Jurisdiction Over Such Claims**

6 A federal court generally may not rule on the merits of a case without first
7 determining that it has jurisdiction. *Sinochem Int'l Co. v. Malaysia Int'l Shipping Corp.*,
8 549 U.S. 422, 430-31 (2007). “The limits upon federal jurisdiction, whether imposed by
9 the Constitution or by Congress, must be neither disregarded nor evaded.” *Owen Equip.*
10 *& Erection Co. v. Kroger*, 437 U.S. 365, 374 (1978). In general, a district court may
11 exercise jurisdiction over a § 2241 habeas petition when the petitioner is in custody and
12 alleges that the custody violates the Constitution, laws, or treaties of the United States. 28
13 U.S.C. § 2241(c); *Maleng v. Cook*, 490 U.S. 488, 490 (1989). However, that jurisdiction
14 is constrained in immigration contexts by two specific statutes. First, 8 U.S.C. § 1252(g)
15 provides that:

16 [e]xcept as provided in this section and notwithstanding any other provision
17 of law (statutory or nonstatutory), including section 2241 of title 28, or any
18 other habeas corpus provision, and sections 1361 and 1651 of such title, no
19 court shall have jurisdiction to hear any cause or claim by or on behalf of any
20 alien arising from the decision or action by the Attorney General to
21 commence proceedings, adjudicate cases, or execute removal orders against
22 any alien under this chapter.

23 “When asking if a claim is barred by § 1252(g), courts must focus on the action being
24 challenged.” *Canal A Media Holding, LLC v. U.S. Citizenship & Imm. Servs.*, 964 F.3d
25 1250, 1257-58 (11th Cir. 2020).

26 Section 1252(g) applies “to three discrete actions[:]. . . [the] ‘decision or action’ to
27 ‘commence proceedings, adjudicate cases, or execute removal orders.’” *Reno v.*
28 *American-Arab Anti-Discrimination Comm.* (“AADC”), 525 U.S. 471, 482 (1999)

1 (emphasis in original); *Rauda v. Jennings*, 55 F.4th 773, 777 (9th Cir. 2022) (§ 1252(g)
2 precludes judicial review of execution of removal order). Thus, to the extent Petitioner’s
3 generic claims is challenging the government’s decision to execute the final removal order,
4 § 1252(g) renders this Court without jurisdiction. *See Eliazar G.C. v. Wolford*, 2025 WL
5 1124688, at *3 (E.D. Cal. Apr. 16, 2025) (no habeas jurisdiction over habeas petition
6 seeking to stay execution of removal order).

7 Second, under § 1252(b)(9), “judicial review of all questions of law . . . including
8 interpretation and application of statutory provisions . . . arising from any action
9 taken . . . to remove an alien from the United States” is only proper before the appropriate
10 federal court of appeals in the form of a petition for review of a final removal order. *See* §
11 U.S.C. § 1252(b)(9); *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471,
12 483 (1999). Section 1252(b)(9) is an “unmistakable ‘zipper’ clause” that “channels judicial
13 review of all [claims arising from deportation proceedings]” to a court of appeals in the
14 first instance. *Id.*

15 Moreover, § 1252(a)(5) provides that a petition for review is the exclusive means
16 for judicial review of removal proceedings:

17 Notwithstanding any other provision of law (statutory or nonstatutory), . . . a
18 petition for review filed with an appropriate court of appeals in accordance
19 with this section shall be the sole and exclusive means for judicial review of
20 an order of removal entered or issued under any provision of this chapter,
21 except as provided in subsection (e) [concerning aliens not admitted to the
22 United States].

23 8 U.S.C. § 1252(a)(5). “Taken together, § 1252(a)(5) and § 1252(b)(9) mean that *any*
24 issue—whether legal or factual—arising from *any* removal-related activity can be
25 reviewed *only* through the [petition-for-review] process.” *J.E.F.M. v. Lynch*, 837 F.3d
26 1026, 1031 (9th Cir. 2016) (emphasis in original); *see id.* at 1035 (“§§ 1252(a)(5) and
27 [(b)(9)] channel review of all claims, including policies-and-practices challenges . . .
28 whenever they ‘arise from’ removal proceedings”).

1 Here, there is a final removal order for Petitioner. Langill Decl. ¶ 7. Petitioner has
2 presently been detained for less than the presumptively reasonable length of six months
3 pursuant to a final removal order. *Id.* ¶¶ 7-8, 11; *see Zadvydas*, 533 U.S. at 701. While
4 Petitioner purports to bring due process and double jeopardy claims (Petition at 6), to the
5 extent that this is construed as an attempt to challenge his final removal order, those claims
6 can only be reviewed through the petition for review process, and this Court lacks
7 jurisdiction over them. Petitioner additionally alleges that agencies must follow their own
8 regulations. *See* Petition at 7. To the extent that this is an attempt to challenge the
9 “interpretation and application of statutory provisions” arising from his removal
10 proceedings, that is also expressly barred by 8 U.S.C. § 1252(b)(9).

11 **III. CONCLUSION**

12 Respondent respectfully requests that the Court deny the habeas petition and dismiss
13 the action. Respondent does not believe that an evidentiary hearing is required.

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15 Dated: January 9, 2026

Respectfully submitted,

16 TODD BLANCHE
Deputy Attorney General
17 BILAL A. ESSAYLI
First Assistant United States Attorney
18 DAVID M. HARRIS
Assistant United States Attorney
19 Chief, Civil Division
DANIEL A. BECK
20 Assistant United States Attorney
Chief, Complex and Defensive Litigation Section

21 /s/ Whitney Wakefield
22 WHITNEY WAKEFIELD
Special Assistant United States Attorney

23 Attorneys for Respondent
24

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26 **L.R. 11-6.1 Certification**

27 Counsel of record for Respondent certifies that this brief contains 1,530 words,
28 which complies with the word limit of L.R. 11-6.1.