ADAM GORDON
United States Attorney
ROBBIN O. LEE
New York State Bar No. 5738067
Assistant U.S. Attorney
Office of the U.S. Attorney
880 Front Street, Room 6293
San Diego, CA 92101-8893
Telephone: (619) 546-7462
Facsimile: (619) 546-7751
Email: robbin.lee@usdoj.gov

Attorney for Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JUANA BEBSABE FLORES LARA,

Petitioner,

v.

CHRSTIOPHER J. LAROSE, *et al.*,

Respondents.

Case No. 3:25-cv-03565-RSH-DEB

RETURN IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

On December 12, 2025, Petitioner filed her habeas petition. ECF No 1. That same day, the Court issued an order (i) requiring that Respondents file their return by December 24, 2025, and (ii) scheduling oral argument for January 8, 2026. ECF No. 2. For the reasons set forth below, the Court should dismiss the petition.

II. FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a citizen and national of Honduras. *See* Declaration of Ramon Meraz ("Meraz Decl.") at ¶ 3. On April 26, 2024, Petitioner applied for admission to the United States. That same day, Petitioner was issued an expedited order of removal under 8 U.S.C. § 1225(b)(1)(A)(i). After asserting a fear of removal, she was referred to U.S. Citizenship and Immigration Services (USCIS) for a credible fear review. *Id.* at ¶ 4. She was later paroled into the country pending her credible fear review, and USCIS later determined that she established credible fear of returning to Honduras. *Id.* at ¶ 5.

In 2015, the Department of Homeland Security (DHS) issued Petitioner a Notice to Appear and placed her in removal proceedings under 8 U.S.C. § 1229a, charging her as inadmissible under 8 U.S.C. § 11821(a)(7)(A)(i)(I). *Id.* at ¶ 6. In 2016, Petitioner's case was consolidated with her family members, who were also in removal proceedings. *Id.* at ¶ 7. In 2019, an Immigration Judge denied all applications for relief and ordered Petitioner removed from the United States to Honduras. *Id.* at ¶ 8. Petitioner timely appealed the decision to the Board of Immigration Review (BIA), which dismissed her appeal on June 30, 2022. *Id.* at ¶¶ 8–9. Petitioner then filed a Petition for Review with the Ninth Circuit, which denied Petitioner's petition on November 29, 2022. *Id.* at ¶ 10.

On March 3, 2025, ICE detained Petitioner to effectuate the outstanding order of removal, placing her at Otay Mesa Detention Center, where she has remained since. *Id.* at ¶ 11. On March 20, 2025, Petitioner filed a Motion to Reopen her 2019 removal proceedings with the BIA. *See* ECF No. 1 at ¶ 27; *see also* Meraz Decl. at ¶ 13. As of December 19, 2025, Petitioner's Motion to Reopen with the BIA remains pending. Meraz Decl. at ¶ 13.

For ICE to effectuate Petitioner's removal to Honduras, the Honduran government only requires certain identification documents to accept individuals such as Petitioner. *Id.* at ¶ 12. ICE has obtained the documents necessary to effectuate Petitioner's removal to Honduras. *Id.* "ERO can execute Petitioner's removal promptly but is waiting for the BIA's decision on Petitioner's motion to reopen." *Id.* at ¶ 14.

III. ARGUMENT

A. Claims and Requests Barred by 8 U.S.C. § 1252.

Petitioner bears the burden of establishing that this Court has subject matter jurisdiction over her claims. *See Ass'n of Am. Med. Colls. v. United States*, 217 F.3d 770, 778–79 (9th Cir. 2000). To the extent Petitioner's claims arise from—or seek to enjoin—the decision to execute her removal order, they are jurisdictionally barred under 8 U.S.C. § 1252(g). *See* 8 U.S.C. § 1252(g) ("Except as provided in this section and *notwithstanding any other provision of law* (statutory or nonstatutory), *including section 2241 of Title 28, or any other habeas corpus provision*, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or *execute removal orders* against any alien under this chapter.") (emphasis added); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999) ("There was good reason for Congress to focus special attention upon, and make special provision for, judicial review of the Attorney General's discrete acts of "commenc[ing] proceedings, adjudicat[ing] cases, [and] execut[ing] removal orders"—which represent the initiation or prosecution of various stages in the deportation process.") (quoting 8 U.S.C. § 1252(g)). In other words, section 1252(g) removes district court jurisdiction over "three discrete actions that the Attorney General may take: her 'decision or action' to 'commence proceedings, adjudicate cases, or execute removal orders.'" *Reno*, 525 U.S. at 482 (emphasis removed). Here, Petitioner's claims necessarily arise "from the decision or action by the Attorney General to . . . execute removal orders," over which Congress has explicitly foreclosed

district court jurisdiction. 8 U.S.C. § 1252(g); *see also* 8 U.S.C. § 1252(f)(2) ("Notwithstanding any other provision of law, no court shall enjoin the removal of any alien pursuant to a final order under this section unless the alien shows by clear and convincing evidence that the entry or execution of such order is prohibited as a matter of law."). Accordingly, to the extent Petitioner's claims arise from—or seek to enjoin—the decision to execute his removal order, the Court should deny and dismiss those claims for lack of jurisdiction under 8 U.S.C. § 1252.[1]

Moreover, the Ninth Circuit has explicitly held that section 1252(g) divests district courts of jurisdiction to issue a stay of removal pending the adjudication of pending motions to reopen removal proceedings. *See Rauda v. Jennings*, 55 F.4th 773, 777 (9th Cir. 2022); *Louangmilith v Noem*, No. 25-cv-2502-JES-MSB, 2025 WL 2881578, at *3 (S.D. Cal. Oct. 9, 2025) (finding that *Rauda* "precludes jurisdiction over Petitioner's claim seeking a stay of his removal pending adjudication of his motion to reopen" removal proceedings).

Here, Petitioner's motion to reopen removal proceedings remains pending. Meraz Decl. at ¶ 13. To the extent Petitioner seeks from this Court a stay of removal while that motion to reopen is pending, the Court lacks jurisdiction to grant the requested relief. And in any event, ICE may lawfully detain a noncitizen with a final order or removal even when the noncitizen has a pending motion to reopen removal proceedings. *See* 8 C.F.R. § 241.4(b)(1) ("An alien who has filed a motion to reopen immigration proceedings for consideration of relief from removal . . . shall remain subject to the provisions of this section unless the motion to reopen is granted.").

B. Petitioner is Lawfully Detained.

ICE's authority to detain, release, and re-detain noncitizens who are subject to a final order of removal is governed by 8 U.S.C. § 1231(a). When an alien has been found to be unlawfully present in the United States and a final order of removal has been

[1] Pursuant to 8 U.S.C. § 1252(g), Respondents respectfully request that the Court lift its order staying Petitioner's removal so that Respondents can effectuate removal and their statutorily mandated duties.

entered, the government ordinarily secures the alien's removal during a subsequent 90-day statutory "removal period." 8 U.S.C. § 1231(a)(1). The statute provides that the Attorney General "shall detain" the alien during this removal period. 8 U.S.C. § 1231(a)(2).

The Supreme Court held in *Zadvydas v. Davis* that when removal is not accomplished during the 90-day removal period, the statute "limits an alien's post-removal-period detention to a period reasonably necessary to bring about the alien's removal from the United States" and does not permit "indefinite detention." 533 U.S. 678, 689 (2001). The Supreme Court has held that six months constitutes a "presumptively reasonable period of detention." *Id.* at 701. Courts have repeatedly declined to grant habeas relief where the presumptively reasonable six-month period has not yet elapsed.[2]

Even after the period of presumptive reasonableness has run, release is not required under *Zadvydas* unless "there is *no* significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701 (emphasis added). As the Supreme Court instructed, "the habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure removal. It should measure reasonableness primarily in terms of the statute's basic purpose, namely, *assuring the alien's presence at the moment of removal*." *Id.* at 699 (emphasis added). In so holding, the Supreme Court recognized that detention is presumptively reasonable pending efforts to obtain travel documents, because the noncitizen's assistance is often needed to obtain the travel documents, and because a noncitizen who is subject to an imminent,

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[2] *See Ghamelian v. Baker*, No. SAG-25-02106, 2025 WL 2049981, at *4 (D. Md. July 22, 2025) ("The government is entitled to its six-month presumptive period before Petitioner's continued § 1231(a)(6) detention poses a constitutional issue."); *Guerra-Castro v. Parra*, No. 1:25-cv-22487, 2025 WL 1984300, at *4 (S.D. Fla. July 17, 2025) ("The Court finds that the Petition is premature because Petitioner has not been detained for more than six months. Petitioner has been in detention since May 29, 2025; therefore, his two-month detention is lawful under *Zadvydas*.") (citations omitted).

executable warrant of removal becomes a significant flight risk, especially if he or she is aware that it is imminent.

The Supreme Court also instructed that detention could exceed six months: "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.* at 701. "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." *Id.* The Ninth Circuit has emphasized, "*Zadvydas* places the burden on the alien to show, after a detention period of six months, that there is 'good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.'" *Pelich v. INS*, 329 F. 3d 1057, 1059 (9th Cir. 2003) (quoting *Zadvydas*, 533 U.S. at 701); *see also Xi v. INS*, 298 F.3d 832, 840 (9th Cir. 2002).

Here, Petitioner contends that her "prolonged detention . . . where there is no significant likelihood of removal in the reasonably foreseeable future violates the Due Process Clause." ECF No. 1 at ¶ 41. She alleges that Respondents "failed to comply with the regulations in that they have not placed petitioner on an order of supervision." *Id.* at ¶ 33. This argument lacks merit. Petitioner has indeed been detained for nine months, but any delay in Petitioner's imminent removal to Honduras is predominantly attributable to her filing a belated motion to reopen her removal proceeding with the BIA on March 20, 2025—only after she was detained by ICE on March 3, 2025. *See* ECF No. 1 at ¶ 27; *see also* Meraz Decl. at ¶¶ 11-13.

Kumar v. Gonzales, 555 F. Supp. 2d 1061 (N.D. Cal. 2008), is instructive. There, the petitioner was ordered removed and had "been held in ICE custody for nearly a year[.]" *Id.* at 1062. While in ICE custody, he filed a petition with the Ninth Circuit to review his unsuccessful appeal before the BIA. *Id.* The Ninth Circuit issued a stay of removal while it considered the petition. *Id.* In response, ICE notified the petitioner that

it would continue to detain him because it was in possession of a valid travel document, which made his actual removal possible, and because his removal had been delayed solely due to his petition to the Ninth Circuit. *Id.* The petitioner then filed a habeas petition in district court challenging ICE's decision to continue detaining him. *Id.*

The court rejected the petitioner's argument. It reasoned that the petitioner failed to carry his burden because (i) "it is very likely that Petitioner will be removed (or else he will be released) once the Ninth Circuit rules on his petition for judicial review"; (ii) "ICE is in possession of valid travel documents for Petitioner; (iii) ICE "would have removed him already had it not been for the stay of removal Petitioner obtained from the court of appeals"; and (iv) "the delay in Petitioner's removal is of his own making." *Id.* at 1065.

The *Kumar* court relied on the Ninth Circuit's decision in *Pelich v. INS*, 329 F.3d 1057 (9th Cir. 2003), concluding that a petitioner "cannot simultaneously take steps to prevent his removal while seeking a writ of habeas corpus on the basis that he has not yet been removed." *Id.* at 1065 (citing *Pelich*, 329 F.3d at 1060) ("[T]he detainee cannot convincingly argue that there is no significant likelihood of removal in the reasonably foreseeable future if the detainee controls the clock."). Indeed, according to the Ninth Circuit in *Pelich*, "[t]he risk of indefinite detention that motivated the Supreme Court's statutory interpretation in *Zadvydas* does not exist when an alien is the *cause* of his own detention." 392 F.3d at 1060 (emphasis added).

The same logic applies here. The only reason Petitioner has remained in ICE custody for almost nine months (and not removed to Honduras) is because of her own decisions. Her original appeal and petition were denied by the BIA and Ninth Circuit on June 30, 2022, and November 29, 2022, respectively. She did nothing for two and a half years. It was only after she was detained by ICE on March 3, 2025, that Petitioner filed a Motion to Reopen her removal proceedings with the BIA on March 20, 2025. *See* ECF No. 1 at ¶ 27; *see also* Meraz Decl. at ¶ 13. Her Motion to Reopen remains pending with the BIA and is the reason ICE—which currently possesses documents

necessary to remove her—has not effectuated her removal. Meraz Decl. at ¶¶ 11–14. Critically, over the last four years, ICE has routinely removed individuals to Honduras. *See* ICE Annual Report Fiscal Year 2024, at p. 99, https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf (last visited Dec. 22, 2025) (reporting that removals to Honduras ranged from 6,309 to 45,923 per fiscal year during fiscals years 2019–2024). So once the BIA acts on Petitioner's Motion to Reopen, ICE is ready to act. That is, there are no obstacles hindering ICE from completing her removal, and there is no risk of "indefinite detention" here.

In its essence, Petitioner holds the key to her ongoing detention, and her situation is "analogous to cases in which an alien's removal is prevented by the alien's refusal to cooperate with officials in obtaining travel documents." *See Bonilla-Montano v. Holder*, No. CV-07-1469, 2010 WL 1727803, at *5 (C.D. Cal. March 25, 2010) (denying habeas petition because "the record fully supports that the sole reason petitioner's removal . . . has been delayed is petitioner's own acts to prevent his own removal [through various motions and petitions].").

In fact, when delays in removal are caused by Petitioner's own appeals or motions, courts regularly reject due process challenges. *See Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir. 2008) (denying habeas relief when "two of [petitioner's] three years of federal custody have passed while he has been awaiting" judicial review because, "although his removal has certainly been delayed by his pursuit of judicial review of his administratively final removal order, he is not stuck in a 'removable-but-not removable limbo,' as the petitioners in *Zadvydas* were," and repatriations to petitioner's country of origin "are routine and the government stands ready to remove [petitioner] as soon as judicial review is complete."); *Ahmed v. Tate*, No. 4:19-cv-4889, 2020 WL 3402856, at *4 (S.D. Texas. June 19, 2020) (denying habeas petition for detention over a year because "had Ahmed not filed a Motion to Reconsider and Stay with BIA, he would have been deported some five months ago" and therefore "it is not action of the Government that has kept him in 'detention;' but it is his own appeal");

Severino-Zuniga v. Attorney General, No. 17-cv-529, 2017 WL 6419001, at *4–5 (S.D. Cal. Dec. 15, 2017) (denying habeas petition for detention "for well over a year," in part, because "the delay in his removal directly correlates with the various petitions and appeals he has pursued during his review process"); *Gomez v. Holder*, No. SACV-13-718 (MAN), 2013 WL 12144082, at *2 (C.D. Cal. May 6, 2013) (denying habeas petition because "[a]ny delay is the result of Petitioner's own efforts to delay the removal. As such, Petitioner is not entitled to relief for her allegedly 'indefinite detention.'"); *Singh v. Chertoff*, No. CV-07-380, 2009 WL 211894, at *4 (E.D. Wash. Jan. 13, 2009) (denying habeas petition for detention lasting over two and a half years because "it appears the only obstacle preventing Petitioner's removal at present is the judicial stay he obtained in concert with his petition for review before the Ninth Circuit Petitioner cannot now be heard to complain about circumstances which he has created.").

Respondents have therefore provided sufficient evidence to rebut Petitioner's argument that her removal is not reasonably foreseeable. ICE has obtained the documents necessary to effectuate her removal and has decided to wait for a decision by the BIA on her post-detention Motion to Reopen. *See Prieto-Romero*, 534 F.3d at 1065 (denying habeas relief for three-year detention because the petitioner "foreseeably remains *capable* of being removed—even if it has not yet finally been determined that he *should be* removed) (emphasis in original); *Severino-Zuniga*, 2017 WL 6419001, at *5 (citing *Khotesouvan v. Morones*, 386 F.3d 1298, 1300 (9th Cir. 2004)) ("Since *Zadvydas* came down, the Supreme Court has clarified that the *Zadvydas* due process analysis applies only if a danger of indefinite detention exists and there is no significant likelihood of removal in the reasonably foreseeable future.").

C. Procedural Defects Do Not Require Release from Detention

Petitioner also challenges the manner of her detention, claiming that Respondents failed to provide her an informal interview after the revocation of her supervised release pending her removal. *See* ECF No. 1 at ¶¶ 14–22. This argument also lacks merit.

A noncitizen who is not removed within the removal period may be released from ICE custody "pending removal . . . subject to supervision under regulations prescribed by the Attorney General." 8 U.S.C. §§ 1231(a)(1)(A), 1231(a)(3); *see also* 8 U.S.C. § 1231(a)(6). An order of supervision may be issued under 8 C.F.R. § 241.4, and the order may be revoked under 8 C.F.R. § 241.4(*l*)(2)(iii) where "appropriate to enforce a removal order." *See also* 8 C.F.R. § 241.5 (conditions of release after removal period). ICE may also revoke the order of supervision where, "on account of changed circumstances, [ICE] 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). The regulations further provide:

> Upon revocation, the alien will be notified of the reasons for revocation of his or her release or parole. The alien will be afforded an initial informal interview promptly *after* his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.

8 C.F.R. § 241.4(*l*)(1).

Even if the agency failed to follow its own regulations, Petitioner cannot establish that she was prejudiced by these acts or omissions. *See Brown v. Holder*, 763 F.3d 1141, 1148–50 (9th Cir. 2014) ("[T]he mere failure of an agency to follow its regulations is not a violation of due process."); *United States v. Tatoyan,* 474 F.3d 1174, 1178 (9th Cir. 2007) (holding that "[c]ompliance with . . . internal [customs] agency regulations is not mandated by the Constitution") (simplified); *Bd. of Curators of Univ. of Mo. v. Horowitz*, 435 U.S. 78, 92 n.8 (1978) (holding that *Accardi* "enunciate[s] principles of federal administrative law rather than of constitutional law").

Indeed, "whether [her] challenge is framed in constitutional or regulatory terms, [Petitioner] must demonstrate how [s]he was prejudiced by the alleged error." *Reynoso Perez v. Garland*, No. 20-72326, 2023 WL 154961, at *1 (9th Cir. 2023) (quoting *Gomez-Velazco v. Sessions*, 879 F.3d 989, 993 (9th Cir. 2018) ("As a general rule, an individual may obtain relief for a due process violation only if he shows that the

violation caused him prejudice, meaning the violation potentially affected the outcome of the immigration proceeding.")).

Consider the case in *Thurton v. Garland*, No. 20-73025, 2021 WL 4690959 (9th Cir. Oct. 7, 2021). There, the petitioner alleged that DHS violated his due process when it violated its own regulation, arguing that he should have been granted 10 days to file a response to a Notice of Intent to Issue a Final Administrative Deportation Order. The government failed to provide him an opportunity to respond, and it conceded that this was a procedural error. *Id.* at *1. Nevertheless, on appeal, the Ninth Circuit held that the petitioner had "not demonstrated how he was prejudiced by the error," and therefore concluded "that the agency's error was harmless." *Id.* (citing *United States v. Calderon-Medina*, 591 F.2d 529, 531 (9th Cir. 1979)).

This logic applies with equal force here. In her petition, Petitioner fails to advance any facts or any argument demonstrating what actual prejudice, if any, she allegedly suffered because she was not granted an informal interview after she was detained for the purposes of removal. Even now, with the assistance of counsel and an opportunity to make her case, Petitioner fails to present any information she would have disclosed to immigration officials that would have impacted ICE's decision to detain her for the purposes of removal. As for changed circumstance, ICE has reinvigorated its efforts to repatriate individuals to Honduras,[3] has obtained travel documents for Petitioner, and stands ready to effectuate her removal order. Meraz Decl. at ¶ 11-13.

Petitioner has therefore failed to carry her burden demonstrating a significant possibility that any alleged violation of a regulation affected the ultimate outcome of the agency's action, namely, re-detaining Petitioner and facilitating her removal. This is especially the case because an Immigration Judge has already ordered her removed, BIA denied her appeal, and the Ninth Circuit has also denied her petition. *See* Meraz Decl. at ¶¶ 8–13.

[3] *See* https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf (stating ICE deported 45,923 individuals to Honduras in FY 2024, compared to 6,309 and 22,274 in FY 2022 and FY 2023, respectively).

Put differently, whether or not an informal interview was provided, there is no basis to believe ICE would have released her or otherwise stopped pursuing her removal. And because Respondents had, and continue to have, an evidentiary basis to conclude there is a significant likelihood that Petitioner will be removed to Honduras in the reasonably foreseeable future, any challenge that Petitioner would have raised to the revocation prior or after her re-detention would have failed.

Because Petitioner cannot show prejudice under these circumstances, the alleged violation of agency regulations does not warrant the relief she seeks. *See, e.g.*, *Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th Cir. 2009), *opinion amended and superseded on other grounds*, 591 F.3d 1105 (9th Cir. 2010) ("While the regulation provides the detainee some opportunity to respond to the reasons for revocation, it provides no other procedural and no meaningful substantive limit on this exercise of discretion as it allows revocation 'when, in the opinion of the revoking official . . . [t]he purposes of release have been served . . . [or] [t]he conduct of the alien, or *any other circumstance*, indicates that release would no longer be appropriate.'") (emphasis in original) (citing 8 C.F.R. §§ 241.4(*l*)(2)(i), (iv)); *Carnation Co. v. Sec'y of Lab.*, 641 F.2d 801, 804 n.4 (9th Cir. 1981) ("violations of procedural regulations should be upheld if there is no significant possibility that the violation affected the ultimate outcome of the agency's action" (citation omitted)); *United States v. Hernandez-Rojas*, 617 F.2d 533, 535 (9th Cir. 1980) (INS' failure to follow regulations requiring that an arrested alien be advised of his right to speak to his consul was not prejudicial and thus not a ground for challenging the conviction); *United States v. Barraza-Leon*, 575 F.2d 218, 221–22 (9th Cir. 1978) (holding that even assuming that the judge had violated the rule by failing to inquire into the alien's background, any error was harmless because there was no showing that the petitioner was qualified for relief from deportation).

In her petition, Petitioner cites various district court decisions within the Ninth Circuit for the proposition that ICE's failure to provide an informal interview should result in an automatic release from detention. *See* ECF No. 1 at ¶ 20. These cases,

however, (i) do not discuss prejudice or harmless error and (ii) relied on *Ceesay v. Kuzrdorfer*, 781 F. Supp. 3d 137 (W.D.N.Y. 2025). That is problematic, because the court in *Ceesay* did not have to conduct a prejudice inquiry. *See id.* at 158 ("[A]t least in this circuit, 'when a regulation is promulgated to protect a fundamental right derived from the Constitution or a federal statute, and [the government] fails to adhere to it, the challenged deportation proceeding in invalid and a remand to the agency is required'—even in the absence of a showing a prejudice.'") (quoting *Waldron v. I.N.S.*, 17 F.3d 511, 518 (2d Cir. 1993)).

The court here should conduct such an inquiry. For example, in *Doe v. Smith*, the court held that even if an ICE detained petitioner had not received a timely interview following her return to custody, there was "no apparent reason why a violation of the regulation, even assuming it occurred, should result in release." *Doe v. Smith*, No. 18-11363-FDS, 2018 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). The court elaborated, "it is difficult to see an actionable injury stemming from such a violation. Doe is not challenging the underlying justification for the removal order. . . . Nor is this a situation where a prompt interview might have led to her immediate release—for example, a case of mistaken identity." *Id.*

And should this Court apply a prejudice and harmless error standard, Respondents contend that release under a habeas petition is not the appropriate remedy. *See Karki v. Raycraft*, No. 2:25-cv-13186, 2025 WL 3516782, at *6–7 (E.D. Mich. Dec. 8, 2025) (dismissing habeas action premised on a lack of notice and informal interview because "any deprivation of process by the Government's failure to follow its regulatory procedures is harmless and the Court cannot justify ordering Karki's release.") (emphasis added).

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For the foregoing reasons, Respondents respectfully request that the Court dismiss Petitioner's habeas petition.

Dated: December 24, 2025

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ ROBBIN O. LEE
ROBBIN O. LEE
Assistant United States Attorney

Attorneys for Respondents