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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 AMORNRIT CHAN SIRIPAN,
12 Petitioner,
13 v.
14 TONYA ANDREWS, *et al.*,
15 Respondents.

No. 1:25-cv-1933-DC-CKD

**RESPONSE TO PETITION FOR WRIT OF
HABEAS CORPUS AND OPPOSITION TO
MOTION FOR PRELIMINARY INJUNCTION**

1 Petitioner is a citizen and national of Thailand who entered the United States illegally. He was
2 convicted of crimes in the United States and served time in prison. He was encountered at the Calipatria
3 State Prison, Calipatria, California, and was issued a Notice to Appear. On February 26, 2004, the
4 Immigration Judge in Imperial, CA ordered him removed to Thailand. As of this date, there are no
5 active appeals pending for him with the BIA or the 9th Circuit Court of Appeals. He is detained under 8
6 U.S.C. § 1231(a)(6) as he has a final order of removal, and it is past the 90-day mandatory detention
7 period of 1231(a)(2). He had been on an order of supervision (OSUP), which was revoked October 14,
8 2025, under 8 CFR 241.4(l). ERO is currently working on obtaining a travel document to Thailand.

9 Counsel for the government has reviewed the cases cited in the Court's minute order (Docket
10 No. 4) and there are factual and/or legal issues in this case that render it distinct from the court's prior
11 orders. The Petition summarily describes the revocation process but fails to provide any evidence or
12 details regarding the informal interview pursuant to 241.13(i). Dkt. 1 at 6:15-20. Courts have found
13 that such lack of evidence does not show entitlement to relief. *See Nguyen v. Noem*, 797 F.Supp.3d 651,
14 660-663 (N.D. Tex. 2025); *see also Nouansisouhak v. Noem*, 2025 WL 3165161 (N.D. Tex., Oct. 9,
15 2025, No. 3:25-CV-2222-K-BW), report and recommendation adopted (N.D. Tex., Nov. 12, 2025, No.
16 3:25-CV-2222-K-BW) 2025 WL 3161730. The petition itself demonstrates that the respondents have an
17 increased interest in completing travel documents for non-citizens subject to a final order of removal,
18 and, through their actions, their intent to remove the Petitioner in specific. Petitioner has not
19 demonstrated that he will not be removed in the reasonably foreseeable future.

20 Petitioner has not established that he "is unremovable because the destination country will not
21 accept him, or his removal is barred by our own laws." *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063
22 (9th Cir. 2008) (*citing Zadvydas v. Davis*, 533 U.S. 678 (2001)). It is true that Petitioner's detention lacks
23 a certain end date, but this uncertainty alone does not render his detention indefinite in the sense the
24 Supreme Court found constitutionally problematic in *Zadvydas*. Petitioner foreseeably remains capable
25 of being removed—even if it has not yet finally been determined that he should be removed—and so the
26 government retains an interest in "assuring [his] presence at removal." *See Zadvydas*, 533 U.S. at 699. 8
27 C.F.R. § 241.4(l) and 241.13 direct attention to re-detention, Petitioner has already received an
28 individualized determination of the governmental interest in his continued detention. Petitioner is not

1 entitled to habeas relief because he cannot show that the alleged due process violation adversely affected
2 the IJ's determination. Petitioner's claims are without evidence that the respondents did not follow
3 proper procedures, or that any perceived error was not harmless considering the procedure that he has
4 received. Petitioner's request for release is not justified.

5 Dated: December 22, 2025

Respectfully submitted,

6 ERIC GRANT
7 United States Attorney

8 By: /s/ Jeffrey J. Lodge
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10 Assistant United States Attorney
11 Attorneys for Respondents
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