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8  
9 **UNITED STATES DISTRICT COURT**  
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 OWEN MUKIIBI KIWANA,

12  
13 Petitioner,

14 v.

15 CHRISTOPHER G. LAROSE, in his  
16 official capacity as Warden of CCA  
17 Detention facility; *et al.*,

18 Respondents.  
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Case No.: 25-cv-3678-JES-SBC

**RESPONDENTS' RESPONSE IN  
OPPOSITION TO PETITIONER'S  
HABEAS PETITION AND  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER**

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**I. Introduction**

Petitioner Owen Mukiibi Kiwana has filed a habeas petition and a motion for temporary restraining order. ECF Nos. 1, 2. On December 19, 2025, the Court issued an order to show cause as to why the petition should not be granted. ECF No. 3. For purposes of judicial efficiency, given the petition and motion for temporary restraining order assert the same claims and seek the same relief, Respondents respectfully respond to both the petition and motion herein. For the reasons set forth below, the Court should deny Petitioner’s request for interim relief and dismiss the petition.

**II. Factual and Procedural Background**

Petitioner is a citizen and national of Uganda. *See* ECF No. 1 at ¶ 17; *see also* Ex. 1 at 1.<sup>1</sup> Petitioner entered the United States in 1985 as a lawful permanent resident. Declaration of Marielle Ceja (Ceja Decl.) ¶ 6. In 2009, Petitioner was charged with removability from the United States based on an aggravated felony conviction and was placed into immigration proceedings. *Id.* ¶ 7. On June 29, 2010, Petitioner was ordered removed by an immigration judge. Ex. 2. The immigration judge denied Petitioner withholding of removal but granted deferral of removal under Article III of the Convention Against Torture. *Id.* On July 28, 2010, Petitioner was released from immigration custody on an Order of Supervision. Ceja Decl. ¶ 10.

On September 17, 2025, Petitioner failed to report for a scheduled check-in appointment with Immigration and Customs Enforcement (ICE). *Id.* ¶ 11. On November 3, 2025, pursuant to a warrant, ICE re-detained Petitioner to effect his removal. *See* Ex. 3. At that time Petitioner also was provided with a Notice of Revocation of Release, which stated that he failed to report for his appointment and ICE has determined Petitioner can be expeditiously removed from the United States. Ex. 4. Petitioner was afforded an informal interview the same day. *See* Ex. 5.

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<sup>1</sup> The attached exhibits are true copies, with redactions of private information, of documents obtained from ICE counsel.

1 **III. Argument**

2 **A. Claims and requests barred by 8 U.S.C. § 1252.**

3 Petitioner bears the burden of establishing that this Court has subject matter  
4 jurisdiction over his claims. *See Ass’n of Am. Med. Colls. v. United States*, 217 F.3d  
5 770, 778–79 (9th Cir. 2000). To the extent Petitioner’s claims arise from—or seek to  
6 enjoin—the decision to execute his removal order, they are jurisdictionally barred under  
7 8 U.S.C. § 1252(g). *See* 8 U.S.C. § 1252(g) (“Except as provided in this section and  
8 *notwithstanding any other provision of law* (statutory or nonstatutory), *including*  
9 *section 2241 of Title 28, or any other habeas corpus provision*, and sections 1361 and  
10 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on  
11 behalf of any alien arising from the decision or action by the Attorney General to  
12 commence proceedings, adjudicate cases, or *execute removal orders* against any alien  
13 under this chapter.”) (emphasis added); *Reno v. Am.-Arab Anti-Discrimination Comm.*,  
14 525 U.S. 471, 483 (1999) (“There was good reason for Congress to focus special  
15 attention upon, and make special provision for, judicial review of the Attorney  
16 General’s discrete acts of “commenc[ing] proceedings, adjudicat[ing] cases, [and]  
17 execut[ing] removal orders”—which represent the initiation or prosecution of various  
18 stages in the deportation process.”) (quoting 8 U.S.C. § 1252(g)). In other words,  
19 section 1252(g) removes district court jurisdiction over “three discrete actions that the  
20 Attorney General may take: her ‘decision or action’ to ‘commence proceedings,  
21 adjudicate cases, or execute removal orders.’” *Reno*, 525 U.S. at 482 (emphasis  
22 removed). Here, Petitioner’s claims necessarily arise “from the decision or action by  
23 the Attorney General to . . . execute removal orders,” over which Congress has explicitly  
24 foreclosed district court jurisdiction. 8 U.S.C. § 1252(g); *see also* 8 U.S.C. § 1252(f)(2)  
25 (“Notwithstanding any other provision of law, no court shall enjoin the removal of any  
26 alien pursuant to a final order under this section unless the alien shows by clear and  
27 convincing evidence that the entry or execution of such order is prohibited as a matter  
28 of law.”). Accordingly, to the extent Petitioner’s claims arise from—or seek to enjoin—

1 the decision to execute his removal order, the Court should deny and dismiss those  
2 claims for lack of jurisdiction under 8 U.S.C. § 1252.

3 **B. Petitioner fails to establish entitlement to a restraining order.**

4 Alternatively, even if this Court determines that it has jurisdiction over  
5 Petitioner’s claims, Petitioner has not established that he is entitled to a temporary  
6 restraining order. He cannot show that he is likely to succeed on the underlying merits  
7 of his habeas petition, he has not demonstrated irreparable harm, and the equities do not  
8 weigh in his favor.

9 In general, the showing required for a temporary restraining order is the same as  
10 that required for a preliminary injunction. *See Stuhlberg Int’l Sales Co., Inc. v. John D.*  
11 *Brush & Co., Inc.*, 240 F.3d 832, 839 (9th Cir. 2001). To prevail on a motion for a  
12 temporary restraining order, a plaintiff must “establish that he is likely to succeed on  
13 the merits, that he is likely to suffer irreparable harm in the absence of preliminary  
14 relief, that the balance of equities tips in his favor, and that an injunction is in the public  
15 interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *accord Nken v.*  
16 *Holder*, 556 U.S. 418, 426 (2009). Plaintiffs must demonstrate a “substantial case for  
17 relief on the merits.” *Leiva-Perez v. Holder*, 640 F.3d 962, 967–68 (9th Cir. 2011).  
18 When “a plaintiff has failed to show the likelihood of success on the merits, we need  
19 not consider the remaining three [*Winter* factors].” *Garcia v. Google, Inc.*, 786 F.3d  
20 733, 740 (9th Cir. 2015).

21 The final two factors required for preliminary injunctive relief—balancing of the  
22 harm to the opposing party and the public interest—merge when the Government is the  
23 opposing party. *See Nken*, 556 U.S. at 435. “Few interests can be more compelling than  
24 a nation’s need to ensure its own security.” *Wayte v. United States*, 470 U.S. 598, 611  
25 (1985).

26 ***1. Petitioner is unlikely to succeed on the merits.***

27 Likelihood of success on the merits is a threshold issue. *See Garcia*, 786 F.3d  
28 at 740. Petitioner cannot establish that he is likely to succeed on the underlying merits

1 of his claims because he is properly detained under 8 U.S.C. § 1231(a), and his  
2 continued detention is not unconstitutionally indefinite. Since Petitioner’s re-detention,  
3 ICE Enforcement and Removal Operations (ERO) has worked diligently to effectuate  
4 Petitioner’s removal to a third country. *See* Ceja Decl. ¶ 14.

5 ICE’s authority to detain, release, and re-detain noncitizens who are subject to a  
6 final order of removal is governed by 8 U.S.C. § 1231(a). When an alien has been found  
7 to be unlawfully present in the United States and a final order of removal has been  
8 entered, the government ordinarily secures the alien’s removal during a subsequent 90-  
9 day statutory “removal period.” 8 U.S.C. § 1231(a)(1). The statute provides that the  
10 Attorney General “shall detain” the alien during this removal period. 8 U.S.C.  
11 § 1231(a)(2).

12 The Supreme Court held in *Zadvydas* that when removal is not accomplished  
13 during the 90-day removal period, the statute “limits an alien’s post-removal-period  
14 detention to a period reasonably necessary to bring about the alien’s removal from the  
15 United States” and does not permit “indefinite detention.” *Zadvydas*, 533 U.S. at 689.  
16 The Supreme Court has held that six months constitutes a “presumptively reasonable  
17 period of detention.” *Id.* at 701. Courts have repeatedly declined to grant habeas relief  
18 where the presumptively reasonable six-month period has not yet elapsed. *See*  
19 *Ghamelian v. Baker*, No. SAG-25-02106, 2025 WL 2049981, at \*4 (D. Md. July 22,  
20 2025) (“The government is entitled to its six-month presumptive period before  
21 Petitioner’s continued § 1231(a)(6) detention poses a constitutional issue.”); *Guerra-*  
22 *Castro v. Parra*, No. 1:25-cv-22487-GAYLES, 2025 WL 1984300, at \*4 (S.D. Fla. July  
23 17, 2025) (“The Court finds that the Petition is premature because Petitioner has not  
24 been detained for more than six months. Petitioner has been in detention since May 29,  
25 2025; therefore, his two-month detention is lawful under *Zadvydas*.”) (citations  
26 omitted); *Farah v. INS*, No. Civ. 02-4725(DSD/RLE, 2003 WL 221809, at \*5 (D. Minn.  
27 Jan. 29, 2013) (holding that when the government releases a noncitizen and then revokes  
28 the release based on changed circumstances, “the revocation would merely restart the

1 90-day removal period, not necessarily the presumptively reasonable six-month  
2 detention period under *Zadvydas*”).

3 Here, Petitioner’s removal order became final on June 29, 2010. *See* Ex. 2; Ceja  
4 Decl. ¶ 9. Petitioner was released from custody 29 days later on July 28, 2010. *See* Ceja  
5 Decl. ¶ 10. Petitioner was re-detained on November 3, 2025. *Id.* ¶ 12. Thus, Petitioner’s  
6 six-month presumptively reasonable removal period will not end until approximately  
7 April 4, 2026. Courts have repeatedly declined to grant habeas relief where the  
8 presumptively reasonable six-month period has not yet elapsed. *See Khalilova v. Smith*,  
9 No. 25-CV-2140 JLS (DDL), 2025 WL 3089522 (S.D. Cal. Nov. 5, 2025) (denying  
10 similar habeas petition brought on same grounds); *Ali v. Barlow*, 446 F. Supp. 2d 604,  
11 609–10 (E.D. Va. 2006) (finding habeas petition was unripe for review where *Zadvydas*  
12 six-month period had not expired; dismissing petition without prejudice); *Gonzales v.*  
13 *Naranjo*, No. EDCV 12-1392 DSF (FFM), 2012 WL 6111358 (C.D. Cal. 2012) (same);  
14 *Waraich v. Ashcroft*, No. CVF051036, 2005 WL 2671406, at \*1 (E.D. Cal. Oct. 19,  
15 2005) (same).

16 Even after the period of presumptive reasonableness has run, release is not  
17 required under *Zadvydas* unless “there is *no* significant likelihood of removal in the  
18 reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701 (emphasis added). As the  
19 Supreme Court instructed, “the habeas court must ask whether the detention in question  
20 exceeds a period reasonably necessary to secure removal. It should measure  
21 reasonableness primarily in terms of the statute’s basic purpose, namely, *assuring the*  
22 *alien’s presence at the moment of removal.*” *Id.* at 699 (emphasis added). In so holding,  
23 the Supreme Court recognized that detention is presumptively reasonable pending  
24 efforts to obtain travel documents, because the noncitizen’s assistance is often needed  
25 to obtain the travel documents, and because a noncitizen who is subject to an imminent,  
26 executable warrant of removal becomes a significant flight risk, especially if he or she  
27 is aware that it is imminent.

28 //

1 The Supreme Court also instructed that detention could exceed six months: “This  
2 6-month presumption, of course, does not mean that every alien not removed must be  
3 released after six months.” *Id.* at 701. “After this 6-month period, once the alien  
4 provides good reason to believe that there is no significant likelihood of removal in the  
5 reasonably foreseeable future, the Government must respond with evidence sufficient  
6 to rebut that showing.” *Id.* The Ninth Circuit has emphasized, “*Zadvydas* places the  
7 burden on the alien to show, after a detention period of six months, that there is ‘good  
8 reason to believe that there is no significant likelihood of removal in the reasonably  
9 foreseeable future.’” *Pelich v. INS*, 329 F. 3d 1057, 1059 (9th Cir. 2003) (quoting  
10 *Zadvydas*, 533 U.S. at 701); *see also Xi v. INS*, 298 F.3d 832, 840 (9th Cir. 2003).

11 Petitioner is subject to a final, executable order of removal, which means that he  
12 has no right to remain in the United States. ICE has long-standing authority to remove  
13 noncitizens and resettle them in third countries where removal to the country designated  
14 in the final order is “impracticable, inadvisable, or impossible.” 8 U.S.C.  
15 § 1231(b)(2)(E)(vii); *see also* 8 U.S.C. § 1231(b) (outlining framework for  
16 designation). Accordingly, noncitizens like Petitioner who have been granted deferral  
17 of removal for their country of designation may be removed and resettled in third  
18 countries.

19 Section 1231(b)(2)(E) provides that the Secretary of Homeland Security shall  
20 remove the noncitizen to any of the following countries:

- 21 (i) The country from which the alien was admitted to the United States.  
22 (ii) The country in which is located the foreign port from which the  
23 alien left for the United States or for a foreign territory contiguous  
24 to the United States.  
25 (iii) A country in which the alien resided before the alien entered the  
26 country from which the alien entered the United States.  
27 (iv) The country in which the alien was born.  
28 (v) The country that had sovereignty over the alien’s birthplace when  
the alien was born.  
(vi) The country in which the alien’s birthplace is located when the alien  
is ordered removed.

1 (vii) If impracticable, inadvisable, or impossible to remove the alien to  
2 each country described in a previous clause of this subparagraph,  
3 another country whose government will accept the alien into that  
country.

4 *Id.* Accordingly, if the Secretary of Homeland Security is unable to remove a noncitizen  
5 to a country of designation or an alternative country in subparagraph (D), the Secretary  
6 may, in her discretion, remove the noncitizen to any country listed in subparagraphs  
7 (E)(i) through (E)(vi).

8 To effectuate Petitioner’s removal to a third country, the ERO San Diego Field  
9 Office contacted the International Operations Division of ERO Headquarters to identify  
10 a third country willing to accept Petitioner for removal. Ceja Decl. ¶ 14. That request  
11 remains pending. *Id.* Should a third country accept Petitioner, ICE will provide  
12 Petitioner with written notice of this third country. *Id.* ¶ 15. If Petitioner claims a fear  
13 of removal to the identified country, he will be referred to an asylum officer for  
14 processing of the fear-based claim. *Id.* Petitioner may argue that the government is still  
15 working to locate a third country for resettlement and that it did not already locate a  
16 third country for resettlement before taking him back into custody. But *Zadvydas* does  
17 not require the government to pre-arrange a noncitizen’s removal before detaining them.

18 On this record, Petitioner cannot sustain his burden, and it would be premature  
19 to conclude otherwise before permitting ICE an opportunity to complete its diligent  
20 efforts to effect his removal. Evidence of progress, even slow progress, in negotiating a  
21 petitioner’s repatriation will satisfy *Zadvydas* until the petitioner’s detention grows  
22 unreasonably lengthy. *See, e.g., Sereke v. DHS*, Case No. 19-cv-1250-WQH-AGS, ECF  
23 No. 5 at \*5 (S.D. Cal. Aug. 15, 2019) (slip op.) (“The record at this stage in the litigation  
24 does not support a finding that there is no significant likelihood of Petitioner’s removal  
25 in the reasonably foreseeable future.”); *Marquez v. Wolf*, Case No. 20-cv-1769-WQH-  
26 BLM, 2020 WL 6044080, at \*3 (S.D. Cal. Oct. 13, 2020) (denying petition because  
27 “Respondents have set forth evidence that demonstrates progress and the reasons for  
28 the delay in Petitioner’s removal”).

1 Based on the foregoing, Petitioner cannot prevail on his *Zadvydas* claim.

2 **2. *Petitioner has not shown irreparable harm.***

3 To prevail on his request for interim injunctive relief, Petitioner must demonstrate  
4 “immediate threatened injury.” *Caribbean Marine Services Co., Inc. v. Baldrige*, 844  
5 F.2d 668, 674 (9th Cir. 1988) (citing *Los Angeles Memorial Coliseum Commission v.*  
6 *Nat’l Football League*, 634 F.2d 1197, 1201 (9th Cir. 1980)). Merely showing a  
7 “possibility” of irreparable harm is insufficient. *See Winter*, 555 U.S. at 22. And  
8 detention alone is not an irreparable injury. *See Reyes v. Wolf*, No. C20-0377JLR, 2021  
9 WL 662659, at \*3 (W.D. Wash. Feb. 19, 2021), *aff’d sub nom. Diaz Reyes v. Mayorkas*,  
10 No. 21-35142, 2021 WL 3082403 (9th Cir. July 21, 2021). Further, “[i]ssuing a  
11 preliminary injunction based only on a possibility of irreparable harm is inconsistent  
12 with [the Supreme Court’s] characterization of injunctive relief as an extraordinary  
13 remedy that may only be awarded upon a clear showing that the plaintiff is entitled to  
14 such relief.” *Winter*, 555 U.S. at 22.

15 Petitioner suggests that being subjected to unjustified detention itself constitutes  
16 irreparable injury.<sup>2</sup> But this argument “begs the constitutional questions presented in his  
17 petition by assuming that [P]etitioner has suffered a constitutional injury.” *Cortez v.*  
18 *Nielsen*, 2019 WL 1508458, at \*3 (N.D. Cal. Apr. 5, 2019). Moreover, Petitioner’s “loss  
19 of liberty” is “common to all [noncitizens] seeking review of their custody or bond  
20 determinations.” *See Resendiz v. Holder*, 2012 WL 5451162, at \*5 (N.D. Cal.  
21 Nov. 7, 2012). He faces the same alleged irreparable harm as any habeas corpus  
22 petitioner in immigration custody, and he has not shown extraordinary circumstances  
23 warranting a mandatory preliminary injunction.

24 Importantly, the purpose of civil detention is facilitating removal, and the  
25 government is working to timely remove Petitioner. Here, because Petitioner’s alleged  
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27 <sup>2</sup> Detention is different than removal. But a removal is also not an inherently irreparable  
28 injury. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

1 harm “is essentially inherent in detention, the Court cannot weigh this strongly in favor  
2 of Petitioner.” *Lopez Reyes v. Bonnar*, No. 18-CV-07429-SK, 2018 WL 7474861,  
3 at \*10 (N.D. Cal. Dec. 24, 2018).

4 **3. *The balance of equities does not tip in Petitioner’s favor.***

5 It is well settled that “the public interest in enforcement of the immigration laws  
6 is significant.” *Blackie’s House of Beef, Inc. v. Castillo*, 659 F.2d 1211, 1221 (D.C.  
7 Cir. 1981) (collecting cases); see *Nken*, 556 U.S. at 436 (“There is always a public  
8 interest in prompt execution of removal orders: The continued presence of an alien  
9 lawfully deemed removable undermines the streamlined removal proceedings [the  
10 Illegal Immigration Reform and Immigrant Responsibility Act] established, and permits  
11 and prolongs a continuing violation of United States law.”) (simplified). And ultimately,  
12 “the balance of the relative equities ‘may depend to a large extent upon the  
13 determination of the [movant’s] prospects of success.’” *Tiznado-Reyna v. Kane*, Case  
14 No. C 12-1159-PHX-SRB (SPL), 2012 WL 12882387, at \* 4 (D. Ariz. Dec. 13, 2012)  
15 (quoting *Hilton v. Braunskill*, 481 U.S. 770, 778 (1987)).

16 Here, as explained above, Petitioner cannot succeed on the merits of his claims  
17 and the public interest in the prompt execution of removal orders is significant. The  
18 balancing of equities and the public interest thus weigh against granting equitable relief  
19 in this case.

20 **IV. CONCLUSION**

21 For the foregoing reasons, Respondents respectfully request that the Court deny  
22 the application for a temporary restraining order and dismiss the habeas petition.

23 DATED: December 29, 2025

ADAM GORDON  
United States Attorney

25 s/ Kelly A. Reis  
26 KELLY A. REIS  
Assistant United States Attorney

27 Attorneys for Respondents  
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**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

Owen Mukiibi Kiwana<sup>1</sup>

Petitioner,

v.

Christopher G. LaRose, et al.

Respondents.

No. 3:25-cv-3678-JES-SBC

**DECLARATION OF  
MARIELLE CEJA**

I, Marielle Ceja, declare the following under 28 U.S.C. § 1746, and state that under the penalty of perjury, the following is true and correct to the best of my knowledge and belief:

1. I am a Supervisory Detention and Deportation Officer (SDDO) with the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), in the Otay Mesa, California suboffice of the San Diego Field Office.

2. I have been employed by ICE as a law enforcement officer since February 2, 2020, and have held my position as an SDDO since December 29, 2024. My responsibilities include supervising the daily operations of ICE ERO deportation officers assigned to the Otay Mesa Regional Detention Center in Otay Mesa, California and ensuring that those officers are in compliance with

\_\_\_\_\_

<sup>1</sup> The official records of the U.S. Department of Homeland Security record Petitioner's name as Kiwana Owen Mukiibi.

1 all relevant laws, regulations, and policies.

2 3. This declaration is based on my personal knowledge and  
3 experience as a law enforcement officer and information provided to me in my  
4 official capacity as a Supervising Detention and Deportation Officer in the  
5 Otay Mesa suboffice of the ICE ERO San Diego Field Office.

6 4. I have reviewed official files and records maintained by DHS  
7 relating to Kiwana Owen Mukiibi, hereinafter referred to as Petitioner.

8 5. Petitioner is a native and citizen of Uganda. He was born in 1978  
9 in Uganda.

10 6. On June 23, 1985, Petitioner was admitted to the United States  
11 for lawful permanent residence.

12 7. On or about November 5, 2009, Petitioner was served with a Notice  
13 to Appear that charged him with being removable from the United States  
14 pursuant to Immigration and Nationality Act (INA) § 237(a)(2)(A)(iii) (alien  
15 convicted of an aggravated felony).

16 8. On June 29, 2010, the Immigration Judge ordered Petitioner  
17 removed to Uganda on the charge contained in the Notice to Appear. The  
18 Immigration Judge also denied Petitioner's applications for asylum, statutory  
19 withholding of removal, and withholding of removal under the regulations  
20 implementing Article III of the United Nations Convention Against Torture  
21 (CAT), but granted Petitioner's application for deferral of removal under the  
22 CAT.

23 9. Both Petitioner and DHS waived appeal of the Immigration  
24 Judge's decision. It is therefore administratively final.

25 10. On July 28, 2010, Petitioner was released from ICE custody on an  
26 Order of Supervision. That release occurred prior to September 27, 2010, the  
27 date upon which the 90-day statutory removal period expired.

28 11. On September 17, 2025, Petitioner failed to report for a scheduled

1 check-in appointment with ICE ERO.

2 12. On November 3, 2025, Petitioner was served with a Notice of  
3 Revocation of Release. The notice identified changed circumstances that  
4 warranted revocation of his release on supervision. Those changed  
5 circumstances were (1) ICE's determination that Petitioner can be  
6 expeditiously removed from the United States pursuant to the unexecuted  
7 order of removal and (2) Petitioner's failure to report to a scheduled check-in  
8 appointment.

9 13. On November 3, 2025, ERO informally interviewed Petitioner to  
10 afford him an opportunity to respond to the reasons stated in the Notice of  
11 Revocation of Release.

12 14. Following Petitioner's return to custody, the ERO San Diego Field  
13 Office contacted the International Operations Division of ERO Headquarters  
14 to identify a third country willing to accept Petitioner for removal. That request  
15 remains pending.

16 15. Should a third country accept Petitioner, ICE will provide  
17 Petitioner with written notice of this third country. If Petitioner claims a fear  
18 of removal to the identified country, he will be referred to an asylum officer for  
19 processing of the fear-based claims.

20 16. This declaration is based on my personal knowledge and  
21 experience as a law enforcement officer and information provided to me in my  
22 official capacity as a Supervisory Detention and Deportation Officer.

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1 I declare under penalty of perjury under the law of the United States  
2 that the foregoing is true and correct.

3  
4 Dated:

**MARIELLE CEJA**

Digitally signed by MARIELLE  
CEJA

Date: 2025.12.22 17:25:44 -08'00'

5  
6 Marielle Ceja  
7 Supervisory Detention and Deportation Officer  
8 San Diego Field Office, Otay Mesa Suboffice  
9 Enforcement and Removal Operations  
10 U.S. Immigration and Customs Enforcement  
11 U.S. Department of Homeland Security  
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7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 OWEN MUKIIBI KIWANA,  
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14 Detention facility; *et al.*,  
15 Respondents.  
16

Case No. 25-cv-3678-JES-SBC

**TABLE OF EXHIBITS**

17  
18 Exhibits:

- 19 1. Record of Deportable/Inadmissible Alien, Form I-213, dated November 3, 2025
- 20 2. Order of the Immigration Judge, dated June 29, 2010
- 21 3. Warrant for Arrest of Alien, Form I-200, dated November 3, 2025
- 22 4. Notice of Revocation of Release, dated November 3, 2025
- 23 5. Alien Informal Interview, dated November 3, 2025

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# EXHIBIT 1

U.S. Department of Homeland Security


Subject ID :

Record of Deportable/Inadmissible Alien

|  |  |  |  |   |                                       |   |                          |
|--|--|--|--|---|---------------------------------------|---|--------------------------|
| Family Name (CAPS)<br><b>MUKIIBI, KIWANA OWEN</b>  |  | First  | Middle   | Sex<br><b>M</b>   | Hair<br><b>BLK</b>                    | Eyes<br><b>BRO</b>                                      | Complexion<br><b>DRK</b> |
| Country of Citizenship<br><b>UGANDA</b>  | Passport Number and Country of Issue<br> |  | EDL Number<br>   | Height<br><b>68</b>   | Weight<br><b>136</b>                  | Occupation<br><b>LABORER</b>                            |                          |
| U.S. Address<br><b>SAN DIEGO, CALIFORNIA, 92101,</b>   |  |  |  | Scars and Marks   |                                       |   |                          |
| Date, Place, Time, and Manner of Last Entry<br><b>01/01/1985 Unknown Time,</b>   |  |  | Passenger Boarded at   |   | F.R.I. Number<br>                     |   |                          |
| Number, Street, City, Province (State) and Country of Permanent Residence  |  |  |  | <input type="checkbox"/> Single<br><input type="checkbox"/> Divorced <input type="checkbox"/> Married<br><input type="checkbox"/> Widower <input type="checkbox"/> Separated            |                                       |   |                          |
| Date of Birth<br>  | Age: <b>47</b>                           | Date of Action<br><b>11/03/2025</b>  | Location Code<br><b>SND/SND</b>  | Method of Location/Apprehension<br><b>NCA</b>   |                                       |   |                          |
| City, Province (State) and Country of Birth<br><b>UGANDA</b>   |  | AK <input checked="" type="checkbox"/>   | Form (Type and No.) Lified <input type="checkbox"/> Not Lified <input type="checkbox"/>                            | At/Near<br><b>See I-831</b>   |                                       | Date/Hour<br><b>11/03/2025 12:30</b>                    |                          |
| NIV Issuing Post and NIV Number  |  | Social Security Account Name   |  | By<br><b>See Narrative</b>  |                                       |   |                          |
| Date Visa Issued   |  | Social Security Number   |  | Status at Entry   |                                       | Status When Found                                       |                          |
| Immigration Record<br><b>NEGATIVE</b>  |  |  |  | Criminal Record<br><b>See Narrative</b>   |                                       |   |                          |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)   |  |  |  |   |                                       | Number and Nationality of Minor Children<br><b>None</b> |                          |
| Father's Name, Nationality, and Address, if Known<br><b>MUKIIBI, STEVE NATIONALITY: UGANDA</b>   |  |  | Mother's Present and Maiden Names, Nationality, and Address, if Known<br><b>MUKIIBI, LUCIE NATIONALITY: UGANDA</b> |   |                                       |   |                          |
| Monies Due/Property in U.S. Not in Immediate Possession<br><b>None Claimed</b>   |  | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |  | Systems Checks<br><b>See Narrative</b>  |                                       | Charge Code Words(s)<br><b>See Narrative</b>            |                          |
| Name and Address of (Last) Current U.S. Employer<br><b>na, na na, CALIFORNIA, 9999, UNITED STATES</b>  |  | Type of Employment<br><b>Unemployed or Retired</b>                                 |  | Salary  | Employed from to<br><b>11/03/2025</b> |   |                          |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) |  |  |  |   |                                       |   |                          |
| <b>FIN: 1084399228</b>   |  | <b>Left Index fingerprint</b>  |  | <b>Right Index fingerprint</b>  |                                       |   |                          |
|  |  |  |  |   |                                       |   |                          |
| OTHER ALIASES KNOWN BY:<br>-----<br><b>MUKIIBI, OWEN</b><br>-----  |  |  |  |   |                                       |   |                          |
| Subject Health Status<br>-----<br>The subject claims good health. Subject is taking  once a day for Schizophrenia.<br>-----  |  |  |  |   |                                       |   |                          |
| Current Administrative Charges<br>-----<br>... (CONTINUED ON I-831)  |  |  |  |   |                                       |   |                          |
| Alien has been advised of communication privileges <u>11/03/25</u> <u>DB</u> (Date/Initials)   |  |  |  | <br><b>GOMEZ</b><br>Deportation Officer<br>(Signature and Title of Immigration Officer)   |                                       |   |                          |
| Distribution:<br><br><b>TO FILE</b><br><br><b>TO EARM</b><br><br><b>TO STAT</b>  |  |  |  | Received: (Subject and Documents) (Report of Interview)<br>Officer: <b>GOMEZ</b><br>on: <b>November 3, 2025</b> (time)<br>Disposition: <b>Other</b><br>Examine Officer: <b>JOHNSON,</b> |                                       |   |                          |


U.S. Department of Homeland Security

Continuation Page for Form I-213

|  |   |                    |
|--|---|--------------------|
| Alien's Name<br>MUKIIBI, KIWANA OWEN   | File Number<br>[REDACTED]<br>Event No: [REDACTED] | Date<br>11/03/2025 |
| 11/03/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)  |   |                    |
| RECORDS CHECKED<br>-----<br>EARM Pos<br>CIS Pos<br>NCIC Pos<br>TECS Pos<br>O Pos   |   |                    |
| ARRESTING AGENTS<br>-----<br>[REDACTED] MEJIA LIMON<br>[REDACTED] SMOAK-MCFARLAND  |   |                    |
| FUNDS IN POSSESSION<br>-----<br>United States Dollar 169.00  |   |                    |
| AT/NEAR<br>-----<br>SAN DIEGO, CALIFORNIA  |   |                    |
| Record of Deportable/Excludable Alien:<br>-----<br>Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), San Diego Non-Detained Unit (NDU) conducted a custodial arrest on Mukiibi, Kiwana Owen [REDACTED]. Born on [REDACTED], a male citizen and national of Uganda. Mukiibi, Kiwana Owen [REDACTED] reported to ERO on November 3, 2025. On November 03, 2025, at approximately 12:30PM, San Diego ERO Deportation Officer (DO) Mejia identified himself as an ICE officer and informed Mukiibi, Kiwana Owen [REDACTED] that he was being placed under arrest and would be served Form I-200, Warrant for Arrest of Alien to be taken into custody. DO Mejia and DO Smoak escorted Mukiibi, Kiwana Owen [REDACTED] to SND staging for processing without incident. |   |                    |
| Mukiibi, Kiwana Owen was ordered removed by an immigration judge on June 29, 2010<br>Mukiibi, Kiwana Owen [REDACTED] claims he is schizophrenic - no diagnostic by a professional.<br>Mukiibi, Kiwana Owen [REDACTED] will be detained at the Otay Mesa Detention Center (OMDC) pending removal.<br>Mukiibi, Kiwana Owen [REDACTED] resides in [REDACTED] San Diego, CA 92101 and current phone number is [REDACTED]<br>Mukiibi, Kiwana Owen [REDACTED] place of birth is Uganda<br>Mukiibi, Kiwana Owen [REDACTED] does not have any children.  |   |                    |
| Other Identifying Numbers<br>-----<br>ALIEN-[REDACTED]<br>U.S. Social Security Number-[REDACTED]<br>State Criminal Number/State Bureau Number-CA11635489 (UNITED STATES)   |   |                    |
| Signature<br>[REDACTED] GOMEZ   | Title<br>Deportation Officer                      |                    |

U.S. Department of Homeland Security

Continuation Page for Form I-213

|   |   |                    |
|---|---|--------------------|
| Alien's Name<br>MUKIIBI, KIWANA OWEN  | File Number<br>[REDACTED]<br>Event No: [REDACTED] | Date<br>11/03/2025 |
| Inmate Number - [REDACTED] (UNITED STATES)<br>..COMMENT: California Dept of Corrections/Rehab                     |   |                    |
| Signature<br>[REDACTED] GOMEZ  | Title<br>Deportation Officer                      |                    |

U.S. Department of Homeland Security

Continuation Page for Form I213

|                                      |   |                    |
|--------------------------------------|---|--------------------|
| Alien's Name<br>MUKIIBI, KIWANA OWEN | File Number<br>[REDACTED]<br>Event No: [REDACTED] | Date<br>11/03/2025 |
|--------------------------------------|---|--------------------|


ADDENDUM TO RECORD OF DEPORTABLE/EXCLUDABLE ALIEN

Name: MUKIIBI, KIWANA OWEN  
A: [REDACTED]  
DOB: [REDACTED]  
COB: UGANDA  
FBI: [REDACTED]  
FINS: [REDACTED]

I, Deportation Officer GOMEZ, D. was assigned processing duties located at the San Diego Field Office located at 880 Front Street San Diego, California 92101. During the course of my duties, I was tasked by the Supervisory Detention and Deportation Officer on shift with the processing of MUKIIBI, KIWANA OWEN A [REDACTED] as a REMAND. I, Deportation Officer GOMEZ, D., was not the arresting officer for this case.

The above narrative was provided by the arresting officer and/or agency.

MUKIIBI claims to have entered on approximately January 01, 1985. Subject does not remember exact time nor date due to being 5 yrs old at the time of entry and cannot recall exact date nor manner of entry.

|   |                              |
|---|------------------------------|
| Signature<br>[REDACTED] GOMEZ  | Title<br>Deportation Officer |
|---|------------------------------|

# EXHIBIT 2

IMMIGRATION COURT  
401 WEST A STREET, SUITE #800  
SAN DIEGO, CA 92101

In the Matter of

MUKIIBI, KIWANA OWEN  
Respondent

Case No.: [REDACTED]  
IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on June 29, 2010  
This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- The respondent was ordered removed from the United States to UGANDA  
~~or in the alternative to~~
- Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to .
- Respondent's application for voluntary departure was granted until upon posting a bond in the amount of \$ \_\_\_\_\_ with an alternate order of removal to .

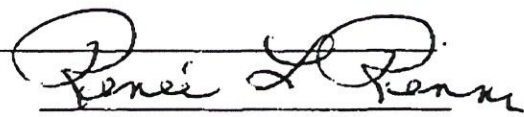
Respondent's application for:

- Asylum was ( ) granted ( ) denied ( ) withdrawn.
- Withholding of removal was ( ) granted (X) denied ( ) withdrawn.
- A Waiver under Section \_\_\_\_\_ was ( ) granted ( ) denied ( ) withdrawn.
- Cancellation of removal under section 240A(a) was ( ) granted ( ) denied ( ) withdrawn.

Respondent's application for:

- Cancellation under section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn. If granted, it is ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- Cancellation under section 240A(b)(2) was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- Adjustment of Status under Section \_\_\_\_\_ was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.
- Respondent's application of ( ) withholding of removal (X) deferral of removal under Article III of the Convention Against Torture was (X) granted ( ) denied ( ) withdrawn.
- Respondent's status was rescinded under section 246.
- Respondent is admitted to the United States as a \_\_\_\_\_ until \_\_\_\_\_.
- As a condition of admission, respondent is to post a \$ \_\_\_\_\_ bond.
- Respondent knowingly filed a frivolous asylum application after proper notice.
- Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- Proceedings were terminated.
- Other:

Date: Jun 29, 2010

  
RENEE L. RENNER  
Immigration Judge

Appeal: Waived/Reserved Appeal Due By:

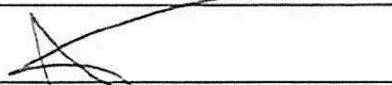
by both

# EXHIBIT 3



U.S. Department of Homeland Security

Continuation Page for Form I-200

|   |   |                    |
|---|---|--------------------|
| Alien's Name<br>MUKIIBI, KIWANA OWEN  | File Number<br>[REDACTED]<br>Event No: [REDACTED] | Date<br>11/03/2025 |
| OTHER ALIASES KNOWN BY<br>-----   |   |                    |
| MUKIIBI, OWEN   |   |                    |
| Signature<br>MARTINEZ, [REDACTED]  | Title<br>SDDO                                     |                    |

# EXHIBIT 4

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security  
880 Front ST  
San Diego, CA, 92101



U.S. Immigration  
and Customs  
Enforcement

Mukiibi, Kiwana Owen



**Notice of Revocation of Release**

This letter is to inform you that your order of supervision has been revoked, and you will be detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your official alien file and a determination that there are changed circumstances in your case.

ICE has determined that you can be expeditiously removed from the United States pursuant to the outstanding order of removal against you and failure to report to your appointment.

Based on the above, and pursuant to 8 C.F.R. § 241.13, you are to remain in ICE custody pending removal. You will promptly be afforded an informal interview at which you will be given an opportunity to respond to the reasons for the revocation. You may submit any evidence or information you wish to be reviewed in support of your release.

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. Section 1253(a).

  
\_\_\_\_\_  
Signature and Title of Authorized Official

NOV 03 2025  
\_\_\_\_\_  
Date

Notice of Revocation of Release

Page 2

**PROOF OF SERVICE**

**(1) Personal Service**

(a) I Mejia, Deportation Officer

certify that I served Mukiibi, Kiwana Owen with a copy of

this document at San Diego on 11/03/2025 at  Time  Institution  Date

Detainee Signature: *[Signature]* Date:

- ( ) cc: Attorney of Record or Designated Representative
- ( ) cc: A-File

# EXHIBIT 5

