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

12 SAMIL HERNANDEZ-MEJIAS,

CIVIL CASE NO.: 25-CV-3615-LL

13 Petitioner,

14 v.

**Traverse in Support of  
Amended Petition  
for a  
Writ of Habeas Corpus**

15 KRISTI NOEM, Secretary of the  
16 Department of Homeland Security,  
17 PAMELA JO BONDI, Attorney General,  
18 TODD M. LYONS, Acting Director,  
19 Immigration and Customs Enforcement,  
20 JESUS ROCHA, Acting Field Office  
21 Director, San Diego Field Office,  
22 CHRISTOPHER LAROSE, Warden at  
23 Otay Mesa Detention Center

24 Respondents.

25 This Court should grant Mr. Hernandez-Mejias's petition on all three  
26 grounds. The government concedes that ICE committed at least two regulatory  
27 violations in the course of re-detaining Mr. Hernandez-Mejias. That alone justifies  
28 release. Additionally, the government concedes that ICE currently has not  
identified any third country to which Mr. Hernandez-Mejias can be removed,  
meaning that the government cannot meet its burden under *Zadvydas*. ICE cannot  
predicate detention on Mr. Hernandez-Mejias's truthful statements that he was  
unwilling to voluntarily go to Mexico. Immigrants can be detained for bad faith  
obstruction, but not for telling the truth or taking advantage of legally viable paths

1 to relief. Finally, if—despite all evidence to the contrary—ICE is able to remove  
2 Mr. Hernandez-Mejias to a third country, ICE must at a minimum give him the  
3 process set forth in *D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. CV 25-10676-  
4 BEM, 2025 WL 1453640, at \*1 (D. Mass. May 21, 2025). Twenty-four hours’  
5 notice is not near enough to satisfy the Constitution. This Court should therefore  
6 grant this petition on all three counts.

7 **I. Count 1: The government admits that Mr. Hernandez-Mejias was not**  
8 **given notice or an interview in connection with his re-detention.**

9 Mr. Hernandez-Mejias’s petition alleged several regulatory violations, any  
10 one of which would offend due process and require his release. The government  
11 now admits to at least two of those violations. According to Deportation Officer  
12 (“DO”) Lara Ramirez, “petitioner was not provided a notice of revocation of release  
13 or an informal interview.” Doc. 6-1 at ¶ 10. ICE therefore violated 8 C.F.R.  
14 §§ 241.4(l), 241.13(i).

15 Contrary to the government’s arguments, these lapses violate due process  
16 and entitle Mr. Hernandez-Mejias to release without a showing of prejudice, as  
17 courts in this district have repeatedly found. *See, e.g., Ghafouri v. Noem*, 25-cv-  
18 2675-RBM, Dkt. 11 at 9–12 (S.D. Cal. Nov. 4, 2025); 25-cv-2740-BJC, Doc. 13 at  
19 8 (S.D. Cal. Nov. 13, 2025); *Soryadvongsa v. Noem*, 25-cv-2663-AGS, Dkt. 11 at  
20 4–5 (S.D. Cal. Nov. 8, 2025). “There are two types of regulations: (1) those that  
21 protect fundamental due process rights, and (2) and those that do not.” *Martinez v.*  
22 *Barr*, 941 F.3d 907, 924 n.11 (9th Cir. 2019) (cleaned up). “A violation of the first  
23 type of regulation . . . implicates due process concerns even without a prejudice  
24 inquiry.” *Id.* (cleaned up).

25 Here, “[t]here can be little argument that ICE’s requirement that noncitizens  
26 be afforded an informal interview—arguably the most bare-bones form of an  
27 opportunity to be heard—derives from the fundamental constitutional guarantee of  
28 due process.” *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 165 n.26 (W.D.N.Y.

1 2025). Indeed, “[w]hen the INS published 8 C.F.R. § 241.4 on December 21, 2000,  
2 it explained that the regulation was intended to provide aliens procedural due  
3 process, stating that § 241.4 ‘has the procedural mechanisms that . . . courts have  
4 sustained against due process challenges.’” *Jimenez v. Cronen*, 317 F. Supp. 3d  
5 626, 641 (D. Mass. 2018) (quoting *Detention of Aliens Ordered Removed*, 65 FR  
6 80281-01). And “[s]ection 241.13(i) includes provisions modeled on § 241.4(l) to  
7 govern determinations to take an alien back into custody,” *Continued Detention of*  
8 *Aliens Subject to Final Orders of Removal*, 66 FR 56967-01, meaning that it  
9 addresses the same due process concerns as 241.4(l). Thus, these regulations fall  
10 squarely into the first category requiring no prejudice showing.

11 If Mr. Hernandez-Mejias did need to show prejudice, however, he could. As  
12 his petition shows, he has good reason to contest that circumstances have changed  
13 or that ICE can remove him in the reasonably foreseeable future. And even if  
14 changed circumstances justified re-detention, that would give ICE only the  
15 *discretion* to detain Mr. Hernandez-Mejias. 8 C.F.R. § 241.13(i)(2). The informal  
16 interview process gave Mr. Hernandez-Mejias a chance to persuade ICE not to  
17 exercise that option.<sup>1</sup>

18 He would have had a strong argument against re-detention had ICE given  
19 him a prompt interview. Mr. Hernandez-Mejias was a model releasee, always  
20

21 \_\_\_\_\_  
22 <sup>1</sup> The government has sometimes claimed that a re-detained individual can  
23 contest only whether there is a significant likelihood of removal in the reasonably  
24 foreseeable future. But that limitation appears nowhere in the regulation. To the  
25 contrary, the regulation provides an “opportunity to respond to the reasons for  
26 revocation stated in the notification” and charges the interviewer with making “a  
27 determination whether the facts as determined warrant revocation and further denial  
28 of release.” 8 C.F.R. § 241.13(i)(3). A valid “respon[se] to the reasons for  
revocation” is to ask for discretionary release. *Id.* And an interviewer could validly  
“determine[e] [that] the facts” do not “warrant revocation and further denial of  
release” based on the immigrants reasons for requesting a favorable exercise of  
discretion.

1 checking in and never violating conditions. Doc. 5-1 at ¶ 2. And ICE was fully  
2 capable of trying to get a travel document while Mr. Hernandez-Mejias remained  
3 at liberty. ICE agents could simply have asked Mr. Hernandez-Mejias to check in  
4 whenever they need additional signatures or information from him. There is  
5 therefore a “plausible scenario[] in which the outcome of the proceedings would  
6 have been different if a more elaborate process were provided,” *Morales-Izquierdo*  
7 *v. Gonzales*, 486 F.3d 484, 495 (9th Cir. 2007) (cleaned up): A reasonable  
8 interviewer might well have decided not to detain a model releasee when detention  
9 was unnecessary to effectuate ICE’s goals.

10 Accordingly, for this reason alone, this Court must order Mr. Hernandez-  
11 Mejias’s immediate release.

12 **I. Count 2: Mr. Hernandez-Mejias’s detention violates *Zadvydas* and 8**  
13 **U.S.C. § 1231.**

14 Additionally, Mr. Hernandez-Mejias’s continued detention violates 8  
15 U.S.C. § 1231 as interpreted in *Zadvydas*, because there is no significant  
16 likelihood of his removal in the reasonably foreseeable future.

17 **A. The six-month grace period extends for six months from the date**  
18 **of the removal order—it does not require six months of detention.**

19 The government claims that the *Zadvydas* grace period has not yet passed in  
20 Mr. Hernandez-Mejias’s case. According to the government, the immigrant must  
21 actually be *detained* for a cumulative six months—if the immigrant is released, the  
22 clock pauses, resuming only when the immigrant is rearrested. *See, e.g., Nhean v.*  
23 *Brott*, No. CV 17-28 (PAM/FLN), 2017 WL 2437268, at \*2 (D. Minn. May 2,  
24 2017), *report and recommendation adopted*, 2017 WL 2437246 (D. Minn. June 5,  
25 2017) (adopting this view).

26 That misconstrues *Zadvydas*. As the Ninth Circuit has recognized, the six-  
27 month grace period is pegged to the start of the removal period. *See Ma*, 257 F.3d  
28 at 1102 n.5 (“[I]n *Zadvydas*, the Supreme Court read the statute to permit a

1 ‘presumptively reasonable’ detention period of *six months* after a final order of  
2 removal—that is, *three months* after the statutory removal period has ended.”);  
3 *Rodriguez v. Hayes*, 591 F.3d 1105, 1115 (9th Cir. 2010), *overruled in other part*  
4 *by Jennings v. Rodriguez*, 583 U.S. 281 (2018) (“The [*Zadvydas*] Court determined  
5 that for six months following the beginning of the removal period an alien’s  
6 detention was presumptively authorized.”). It is not calculated based on the length  
7 of detention. *See Bailey*, 2016 WL 5791407, at \*2 (adopting the correct view). Here,  
8 the government’s evidence shows that the removal period began on November 12,  
9 2020. Doc. 6-1 at ¶ 8. The *Zadvydas* grace period therefore ended six months later  
10 on May 12, 2021.

11 The government’s contrary view not only runs afoul of Ninth Circuit  
12 precedent, but it also makes little sense in light of *Zadvydas*’s reasoning. *Zadvydas*  
13 established the six-month grace period to give ICE a fair chance to effectuate the  
14 removal before a court gets involved. 533 U.S. at 700–01. That was why the Court  
15 chose to expand the grace period beyond the 90-day statutory removal period:  
16 because Congress likely did not “believe[] that all reasonably foreseeable removals  
17 could be accomplished in that time.” *Id.* at 701. But in Mr. Hernandez-Mejias’s  
18 case, ICE has already had much more than six months effectuate the removal. They  
19 have had a final removal order in hand for over 5 years, during which time they had  
20 no success in removing him. Doc. 6-1 at ¶ 8. That Mr. Hernandez-Mejias was on  
21 release for most of that time makes no difference. ICE could just as effectively take  
22 steps to arrange his removal whether he was in a cell or on the street. While  
23 released, Mr. Hernandez-Mejias was required to attend yearly check-ins, giving  
24 ICE every opportunity to enlist his help in applying for travel documents. Doc. 5-1  
25 at ¶ 2. Yet, they never succeeded. Having already been given much more than six  
26 months to try to remove Mr. Hernandez-Mejias, there is no principled reason to  
27 give ICE an additional grace period.  
28

1 Finally, even if the grace period had not passed, Mr. Hernadnez-Mejias could  
2 still file this petition. That’s because the six-month grace period is only  
3 “*presumptively* reasonable.” *Zadvydas*, 533 U.S. at 701 (emphasis added). Several  
4 courts have concluded that an immigrant may rebut that presumption with  
5 sufficiently compelling evidence that his removal is not foreseeable. *See Trinh v.*  
6 *Homan*, 466 F. Supp. 3d 1077, 1092 (C.D. Cal. 2020) (collecting cases). And  
7 where, as here, ICE has had years to remove the person while they remained on  
8 supervision, the presumption is readily rebutted. *See Zavvar v. Scott*, No. CV 25-  
9 2104-TDC, 2025 WL 2592543, at \*4 (D. Md. Sept. 8, 2025).

10 For all these reasons, the six-month grace period poses no barrier to granting  
11 this *Zadvydas* petition.

12  
13 **B. The government provides no evidence that Mr. Hernandez-  
14 Mejias can be removed to Cuba, Mexico, or any other country.**

15 Mr. Hernandez-Mejias’s petition provided good reason to think that he  
16 would not be removed in the reasonably foreseeable future, because the evidence  
17 showed that he could not be removed to Cuba or Mexico. The government now  
18 admits that Cuba declined to accept Mr. Hernandez-Mejias for removal. Doc. 6-1  
19 at ¶ 11. And the government does not dispute that Mexico will accept only those  
20 who voluntarily agree to go there. DO Lara Ramirez’s declaration implicitly  
21 confirms as much, noting that Mr. Hernandez-Mejias would not “willingly go” to  
22 Mexico. *Id.* at ¶ 15. The government does not identify any other country that even  
23 might take Mr. Hernandez-Mejias. *Id.* at ¶ 16. The government has not even asked  
24 any other country to do so. *Id.* at ¶ 17. Thus, the government has not proved that  
25 Mr. Hernandez-Mejias will be removed in the reasonably foreseeable future.

26 The government does not deny any of this. The government claims only that  
27 ICE can continue to hold Mr. Hernandez-Mejias because he would not voluntarily  
28 go to Mexico. That is incorrect. True, the removal period can be extended if the

1 noncitizen “fails or refuses to make timely application in good faith for travel or  
2 other documents necessary to the alien’s departure or conspires or acts to prevent  
3 the alien’s removal subject to an order of removal.” 8 U.S.C. § 1231(a)(1)(C). But  
4 the case law in the Ninth Circuit is clear: Section “1231(a)(1)(C) pertains only to  
5 *intentionally obstructionist, bad faith tactics* that are designed to frustrate the  
6 government’s attempts to effectuate a removal order . . . .” *Diouf v. Mukasey*, 542  
7 F.3d 1222, 1232 (9th Cir. 2008) (emphasis added); *accord Prieto-Romero v. Clark*,  
8 534 F.3d 1053, 1061 (9th Cir. 2008) (“We have previously held that an alien  
9 engages in [noncompliant] behavior when he willfully refuses to cooperate with the  
10 government in processing his deportation papers.”). In other words, the obstruction  
11 must be (1) in bad faith, and (2) designed to obstruct the present removal.

12 In *Lema v. I.N.S.*, 341 F.3d 853 (9th Cir. 2003), for example, the court held  
13 that there was elements of bad faith/obstruction where petitioner repeatedly  
14 obstructed removal efforts by lying about his nationality, refusing to accept a letter  
15 requiring him to apply for travel documents, refusing to provide the government  
16 with relevant documents, and refusing to contact the consulate. Similarly, in *Pelich*  
17 *v. I.N.S.*, 329 F.3d 1057, 1059 (9th Cir. 2003), the petitioner gave conflicting  
18 information regarding his name, his parents’ names, his parents’ birthplaces and  
19 residences, his birthplace and his nationality and refused to fill out passport  
20 application to his native country.

21 But telling the truth cannot be considered an act of obstruction, even if it  
22 deters the foreign officials from accepting removal. In *Seretse-Khama v. Ashcroft*,  
23 215 F. Supp. 2d 37, 51-53 (D.D.C. 2002), the fact that the deportee honestly told  
24 the consul on the phone that he did not want to return to Liberia, prompting a  
25 refusal, was not an act of obstruction triggering § 1231 suspension. The district  
26 court noted that, as here, no evidence showed the typical acts of obstruction seen in  
27 *Pelich* and *Lema*, and *Seretse-Khama*’s “obstruction” consisted solely in telling the  
28 truth. *Id.* at 51. “[P]etitioner’s simple and honest explanation that he did not want

1 to return to a country to which he had no ties, without any accompanying  
2 affirmative lack of cooperation, is not a refusal to cooperate that supports an  
3 extension of detention.” *Seretse-Khama v. Ashcroft*, 215 F. Supp. 2d 37, 53 (D.D.C.  
4 2002). “Respondents cite no case law to support their view that petitioner’s truthful  
5 (and somewhat self-evident) statement constitutes a lack of cooperation or failure  
6 to assist in his removal under 8 U.S.C. § 1231(a)(1)(C).” *Id.* at 51. *Seretse-Khama*  
7 therefore rejected the suspension argument and granted release. *See id.* at 54.

8 Similarly, in *Rajigah v. Conway*, 268 F. Supp. 2d 159, 165 (E.D.N.Y. 2003),  
9 the deportee’s lawyer truthfully told the Guyanese ambassador that Rajigah was  
10 considering taking further court action to fight his removal, even though the  
11 embassy had a policy not to accept repatriation while appeals were still pending;  
12 this was not bad-faith obstruction, and so the petition was granted over a § 1231  
13 suspension claim. *See id.* at 166 (“Respondents cite no case law, however, to  
14 support its argument that such truthful communication to an embassy falls within  
15 the purview of § 1231(a)(1)(C).”).

16 What’s more, petitioner’s “good faith attempt” to make use of legally  
17 available judicial review and remedies is not bad faith and obstruction. *Diouf*, 542  
18 F.3d at 1232 (rejecting government’s arguments that petitioner’s multiple petitions  
19 and motions to stay fell under § 1231(a)(1)(C)); *Prieto-Romero*, 534 F.3d at 1061  
20 (finding it “highly skeptical” “that an alien’s attempt to seek judicial relief from  
21 deportation constitutes “conspir[ing] or act[ing] to prevent [his] removal.”).

22 Analogously here, Mr. Hernandez-Mejias did not engage in bad faith  
23 obstruction by truthfully notifying the authorities that he did not meet Mexico’s  
24 criteria for third-country deportees. He was not required to pretend that he  
25 consented. Telling the truth was not bad faith obstruction.

1 **II. Count 3: ICE may not remove Mr. Hernandez-Mejias to a third**  
2 **country without adequate notice and an opportunity to be heard.**

3 The record therefore reflects that Mr. Hernandez-Mejias will not be removed  
4 to a third country in the reasonably foreseeable future. But ICE would remove him  
5 to a third country if it could, and something could unexpectedly change to make  
6 that feasible. To protect against that possibility, this Court should require the  
7 government to provide the notice set forth in *D.V.D. v. U.S. Dep't of Homeland*  
8 *Sec.*, No. CV 25-10676-BEM, 2025 WL 1453640, at \*1 (D. Mass. May 21, 2025),  
9 before removing Mr. Hernandez-Mejias to any other third country. The  
10 government's three arguments to the contrary are meritless.

11 *First*, the Supreme Court's decision in *D.V.D.* does not affect this Court's  
12 authority to order injunctive relief in this individual case. In *D.V.D.*, the government  
13 sought a stay based on procedural arguments applicable only to class actions. *Dep't*  
14 *of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153, 2160 (2025) (Sotomayor, J.,  
15 dissenting). But "even if the Government [was] correct that classwide relief was  
16 impermissible" in *D.V.D.*, Respondents still "remain[] obligated to comply with  
17 orders enjoining [their] conduct with respect to individual plaintiffs" like  
18 Mr. Hernandez-Mejias. *Id.* Thus, the Supreme Court's decision does not override  
19 this Court's authority to grant individual injunctive relief. *See Nguyen v. Scott*, No.  
20 2:25-CV-01398, 2025 WL 2419288, at \*20–23 (W.D. Wash. Aug. 21, 2025).

21 *Second*, Mr. Hernandez-Mejias can seek this relief in this habeas petition  
22 despite the pending class action. The Ninth Circuit held as much in analogous  
23 circumstances in *Pride v. Correa*, which permitted a detained person to individually  
24 challenge his own inadequate medical care despite a pending class action  
25 challenging medical care at the facility. 719 F.3d 1130, 1137 (9th Cir. 2013). The  
26 Ninth Circuit reasoned that "[i]ndividual claims for injunctive relief related to  
27 medical treatment are discrete from the claims for systemic reform addressed in" a  
28 class action. *Id.* "Consequently, where an inmate brings an independent claim for

1 injunctive relief solely on his own behalf for medical care that relates to him alone,  
2 there is no duplication of claims or concurrent litigation.” *Id.* Otherwise, individual  
3 plaintiffs “would be powerless to petition the courts for redress of the violation  
4 until” a class action, which can take years to finish, “has been fully resolved.” *Id.*  
5 The Court therefore rejected the contention that “an individual claim for injunctive  
6 relief may be delayed because a pending class action seeks systemic reform relating  
7 to the same general subject matter.” *Id.*

8 So too here. Mr. Hernandez-Mejias brings individual claims related to him  
9 alone, rather than asking for the systemic reforms sought in *D.V.D.* And per the  
10 government’s arguments in *D.V.D.*, these claims must be brought on an individual  
11 basis; they cannot be brought in a class action. The government’s position therefore  
12 would bar Mr. Hernandez-Mejias from seeking relief individually, even while the  
13 government argues in *D.V.D.* that he cannot get that relief as part of a class. This  
14 Court should reject that “heads, I win; tails, you lose” reasoning. Under *Plata*,  
15 “[t]he class certification order in *D.V.D.* does not prevent this Court from  
16 adjudicating Petitioner’s claims regarding third-country removal.” *Nguyen v. Scott*,  
17 796 F. Supp. 3d 703, 730 (W.D. Wash. 2025).

18 *Third*, 24 hours’ notice is not near enough to satisfy due process.  
19 Mr. Hernandez-Mejias may not even have heard of the third country to which ICE  
20 intends to deport him, let alone have extensive information about the dangers he  
21 could face there. He will need time to research the country conditions before he can  
22 make a fair, intelligent decision about whether he fears removal. And if he does  
23 fear removal, but ICE does not consider his fear reasonable, he will need time to  
24 obtain an attorney and file a motion to reopen. That is why the court in *D.V.D.* laid  
25 out a two-step timeline for receiving notice about third countries: Petitioners need  
26 10 days to decide whether to raise a fear-based claim and, if ICE decides that they  
27 do not have a reasonable fear, an additional 15 days to move to reopen. *D.V.D. v.*

28

1 *U.S. Dep't of Homeland Sec.*, No. CV 25-10676-BEM, 2025 WL 1453640, at \*1  
2 (D. Mass. May 21, 2025). This Court should follow suit.

3 **III. Section 1252(g) does not deprive this Court of jurisdiction on any issue**  
4 **in this petition.**

5 Finally, contrary to the government's arguments, § 1252(g) does not bar  
6 review of "all claims arising from deportation proceedings." *Reno v. Am.-Arab*  
7 *Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Instead, courts "have  
8 jurisdiction to decide a purely legal question that does not challenge the Attorney  
9 General's discretionary authority." *Ibarra-Perez v. United States*, \_\_ F.4th \_\_, 2025  
10 WL 2461663, at \*6 (9th Cir. Aug. 27, 2025) (cleaned up).

11 In *Ibarra-Perez*, the Ninth Circuit squarely held that § 1252(g) does not  
12 prohibit immigrants from asserting a "right to meaningful notice and an opportunity  
13 to present a fear-based claim before [they] [are] removed," *id.* at \*7<sup>2</sup>—the same  
14 claim that Mr. Hernandez-Mejias raises here with respect to third-country  
15 removals. The Court reasoned that "§ 1252(g) does not prohibit challenges to  
16 unlawful practices merely because they are in some fashion connected to removal  
17 orders." *Id.* Instead, 1252(g) is "limited . . . to actions challenging the Attorney  
18 General's discretionary decisions to initiate proceedings, adjudicate cases, and  
19 execute removal orders." *Arce v. United States*, 899 F.3d 796, 800 (9th Cir. 2018).  
20 It does not apply to arguments that the government "entirely lacked the authority,  
21 and therefore the discretion," to carry out a particular action. *Id.* at 800. Thus,  
22 § 1252(g) applies to "discretionary decisions that [the Secretary] actually has the  
23 power to make, as compared to the violation of his mandatory duties." *Ibarra-*  
24 *Perez*, 2025 WL 2461663, at \*9.

25 \_\_\_\_\_  
26 <sup>2</sup> Mr. Ibarra-Perez raised this claim in a post-removal Federal Tort Claims Act  
27 ("FTCA") case, *id.* at \*2, while this is a pre-removal habeas petition. But the  
28 analysis under § 1252(g) remains the same, because both Mr. Ibarra-Perez and  
Mr. Nguyen are challenging the same kind of agency action. *See Kong*, 62 F.4th at  
616–17 (explaining that a decision about § 1252(g) in an FTCA case would also  
affect habeas jurisdiction).

1 The same logic applies to all of Mr. Hernandez-Mejias’s claims, because he  
2 challenges only violations of ICE’s mandatory duties under statutes, regulations,  
3 and the Constitution. Accordingly, “[t]hough 8 U.S.C § 1252(g), precludes this  
4 Court from exercising jurisdiction over the executive’s decision to ‘commence  
5 proceedings, adjudicate cases, or execute removal orders against any alien,’ this  
6 Court has habeas jurisdiction over the issues raised here, namely the lawfulness of  
7 [Mr. Nguyen’s] continued detention and the process required in relation to third  
8 country removal.” *Y.T.D.*, 2025 WL 2675760, at \*5. Many courts agree. *See, e.g.*,  
9 *Kong*, 62 F.4th at 617 (“§ 1252(g) does not bar judicial review of Kong’s challenge  
10 to the lawfulness of his detention,” including ICE’s “fail[ure] to abide by its own  
11 regulations”); *Cardoso v. Reno*, 216 F.3d 512, 516 (5th Cir. 2000) (“[S]ection  
12 1252(g) does not bar courts from reviewing an alien detention order[.]”); *Parra v.*  
13 *Perryman*, 172 F.3d 954, 957 (7th Cir. 1999) (1252(g) did not apply to a “claim  
14 concern[ing] detention”); *J.R. v. Bostock*, No. 2:25-CV-01161-JNW, 2025 WL  
15 1810210, at \*3 (W.D. Wash. June 30, 2025) (1252(g) did not apply to claims that  
16 ICE was “failing to carry out non-discretionary statutory duties and provide due  
17 process”); *D.V.D. v. U.S. Dep’t of Homeland Sec.*, 778 F. Supp. 3d 355, 377–78 (D.  
18 Mass. 2025) (1252(g) did not bar review of “the purely legal question of whether  
19 the Constitution and relevant statutes require notice and an opportunity to be heard  
20 prior to removal of an alien to a third country”).

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Respectfully submitted,

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