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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ABDULGANI DAVUT, Petitioner, v. KRISTI NOEM, Secretary of the Department of Homeland Security, et al., Respondents.	Case No. 25-cv-03740-CAB-DDL **RESPONDENTS' RETURN IN OPPOSITION TO PETITIONER'S HABEAS PETITION AND OPPOSITION TO PETITIONER'S MOTION FOR TEMPORARY RESTRAINING ORDER**

I. INTRODUCTION

Petitioner has filed a habeas petition and motion for a temporary restraining order. ECF Nos. 1, 2. For purposes of judicial efficiency, given the petition and motion 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 requests for relief and dismiss the petition.

II. FACTUAL BACKGROUND

Petitioner was born in 2000 in Afghanistan. Declaration of Abdulgani Davut ("Davut Decl."), ECF No. 1-2 at ¶ 1; Declaration of Daniel Negrin ("Negrin Decl.") at ¶ 4. On or about November 20, 2024, Petitioner unlawfully entered the United States and was taken into Immigration and Customs Enforcement (ICE) custody. Davut Decl. at ¶ 5; Negrin Decl. at ¶ 4; Exhibit 1 (Form I-213, Record of Deportable/Inadmissible Alien).[1] Petitioner was subsequently provided with a credible fear interview. Davut Decl. at ¶ 6; Negrin Decl. at ¶ 5. The asylum officer made a positive credible fear finding, and Petitioner was then placed in removal proceedings. *Id.* at ¶ 5. On December 27, 2024, Petitioner was served with a Notice to Appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) (8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I)). *Id* at ¶ 6, Exhibit 2 (Notice to Appear). On December 27, 2024, ICE issued Petitioner parole pursuant to 8 U.S.C. § 1182(d)(5) and released Petitioner from custody. Negrin Decl. at ¶ 7; Exhibit 3 (Interim Notice Authorizing Parole). The parole was valid for one year. Negrin Decl. at ¶ 7. As part of his conditional release on parole, Petitioner was required to enroll in the Alternatives to Detention (ATD) program, to report to ICE for removal from the United States should he become subject to a final removal order, and comply with all requirements of the ATD program. *Id.* On December 28, 2024, Petitioner was enrolled in the Alternatives to Detention (ATD) program. *Id.* at ¶ 8.

[1] The attached Exhibits 1–5 are true copies, with redactions of private and confidential information, of documents obtained from ICE counsel.

On July 31, 2025, an immigration judge denied Petitioner's application for asylum and ordered Petitioner removed to Afghanistan, and Turkey in the alternative, but the immigration judge granted withholding of removal to Afghanistan under INA § 241(b)(3) (8 U.S.C. § 1231(b)(3)). Davut Decl. at ¶ 7; Negrin Decl. at ¶ 9; Exhibit 4 (Order of the Immigration Judge). The immigration judge did not grant withholding of removal to Turkey. Negrin Decl. at ¶ 9; Exhibit 4. Both Petitioner and the Department of Homeland Security (DHS) waived appeal and the order was final on this date. Negrin Decl. at ¶ 9.

On December 1, 2025, ICE Enforcement and Removal Operations (ERO) was notified by the Intensive Supervision Appearance Program (ISAP), which handles individuals enrolled in the ATD program, that Petitioner was not compliant with the program requirements. Negrin Decl. at ¶ 10; Exhibit 5 (Form I-213, Record of Deportable/Inadmissible Alien). On this date, ICE re-detained Petitioner to execute his final order of removal. Petitioner was not provided a written notice of the revocation of his release. Negrin Decl. at ¶ 10.

On December 4, 2025, ICE sent a travel document request to ERO Removal and International (RIO) headquarters for review. *Id.* at ¶ 10. ICE is pending further response from RIO on identifying a third country for removal. *Id.* ICE is not attempting to remove Petitioner to Turkey. *Id.* Turkey's government has only agreed to accept Turkish citizens. *Id.* ERO analyzed Petitioner's status regarding Turkish citizenship and could not find any identity documents linking Petitioner to Turkey. *Id.*

Should ERO identify a third country for removal, Petitioner will be notified in writing of the third country at least 24 hours prior to removal. *Id.* at ¶ 11. If Petitioner claims a fear of removal to the identified country, he will be referred to an asylum officer for processing of the fear-based claim. *Id.*

When a third country is identified for resettlement, standard ICE guidance and procedures provide that an ICE officer will provide written notice to the removable alien of the intended third country removal. *Id.* at ¶ 12. The written notice identifies the

country to which ICE intends to remove the alien. *Id.* ICE will generally wait at least 24 hours following service of the Notice of Removal before effectuating removal. *Id.* In exigent circumstances, ICE may execute a removal order six or more hours after service of the Notice of Removal as long as the alien is provided reasonable means and opportunity to speak with an attorney prior to removal. *Id.*

"ICE continues to diligently seek to identify a third country for Petitioner's removal and believes there is a significant likelihood of removal to a third country in the reasonably foreseeable future." *Id.* at ¶ 13.

III. ARGUMENT

A. Petitioner Fails to Establish Entitlement to a Restraining Order.

Petitioner has not established that he is entitled to a temporary restraining order. He cannot show that he is likely to succeed on the underlying merits of his habeas petition, he has not demonstrated irreparable harm, and the equities do not weigh in his favor.

In general, the showing required for a temporary restraining order is the same as that required for a preliminary injunction. *See Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 (9th Cir. 2001). To prevail on a motion for a temporary restraining order, a plaintiff must "establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *accord Nken v. Holder*, 556 U.S. 418, 426 (2009). Plaintiffs must demonstrate a "substantial case for relief on the merits." *Leiva-Perez v. Holder*, 640 F.3d 962, 967–68 (9th Cir. 2011). When "a plaintiff has failed to show the likelihood of success on the merits, we need not consider the remaining three [*Winter* factors]." *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015). The final two factors required for preliminary injunctive relief—balancing of the harm to the opposing party and the public interest—merge when the Government is the opposing party. *See Nken*, 556 U.S. at 435. "Few interests

can be more compelling than a nation's need to ensure its own security." *Wayte v. United States*, 470 U.S. 598, 611 (1985).

1. Petitioner is Unlikely to Succeed on the Merits.

Likelihood of success on the merits is a threshold issue. *See Garcia*, 786 F.3d at 740. Petitioner cannot establish that he is likely to succeed on the underlying merits of his claims because he is properly detained under 8 U.S.C. § 1231(a).

a. Petitioner is lawfully detained.

Authority to detain noncitizens who are subject to a final order of removal is governed by 8 U.S.C. § 1231(a). *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall detain" the alien during the 90-day removal period); *see also Zadvydas v. Davis*, 533 U.S. 678, 683 (2001).

Petitioner is subject to a final, executable order of removal, which means that he has no right to remain in the United States. He has a temporary right not to be repatriated to Afghanistan, but he has no right not to be resettled in a third country. ICE has long-standing authority to remove noncitizens and resettle them in third countries where removal to the country designated in the final order is "impracticable, inadvisable, or impossible." 8 U.S.C. § 1231(b)(2)(E)(vii); *see also* 8 U.S.C. § 1231(b) (outlining framework for designation). Accordingly, noncitizens like Petitioner, who have received protection against removal to the designated country (either withholding of removal under 8 U.S.C. § 1231(b)(3) or Convention Against Torture protection), may be removed and resettled in third countries.

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

> (i) The country from which the alien was admitted to the United States.
> (ii) The country in which is located the foreign port from which the alien left for the United States or for a foreign territory contiguous to the United States.
> (iii) A country in which the alien resided before the alien entered the country from which the alien entered the United States.
> (iv) The country in which the alien was born.

(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.

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

Id.

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

An alien ordered removed must be detained for 90 days pending the government's efforts to secure the alien's removal through negotiations with foreign governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall detain" the alien during the 90-day removal period); *see also Zadvydas*, 533 U.S. at 683. 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." *Zadvydas*, 533 U.S. at 689. The Supreme Court has held that a six-month period of post-removal detention constitutes a "presumptively reasonable period of detention." *Id.* at 683; *see also Clark v. Martinez*, 543 U.S. 371, 377 (2005) ("[T]he presumptive period during which the detention of an alien is reasonably necessary to effectuate his removal is six months . . . ."); *Lema v. INS*, 341 F.3d 853, 856 (9th Cir. 2003).

Release is not mandated after the expiration of the six-month period unless "there is no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 701; *see also Clark*, 543 U.S. at 377. The Supreme Court limited the statute, allowing "post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. "[O]nce

removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699. Ultimately, "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.

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. 2003). The alien must make such a showing to shift the burden to the government.

> 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. And for the detention to remain reasonable, as the period of prior postremoval confinement grows, what counts as the "reasonably foreseeable future" conversely would have to shrink.

Zadvydas, 533 U.S. at 701.

Petitioner's case is premature as the six-month presumptively reasonable removal period has not lapsed. *See Khalilova v. Smith*, No. 25-CV-2140 JLS (DDL), 2025 WL 3089522, at *3 (S.D. Cal. Nov. 5, 2025) (finding habeas petition was unripe for review where *Zadvydas* six-month period had not expired; dismissing petition without prejudice); *Ali v. Barlow*, 446 F. Supp. 2d 604, 609–10 (E.D. Va. 2006) (same); *Gonzales v. Naranjo*, No. EDCV 12–1392 DSF (FFM), 2012 WL 6111358, at *4–5 (C.D. Cal. Nov. 5, 2012) (same); *Waraich v. Ashcroft*, No. CVF051036RECSMSHC, 2005 WL 2671406, at *1 (E.D. Cal. Oct. 19, 2005) (same). *But see Trinh v. Homan*, 466 F. Supp. 3d 1077, 1093 (C.D. Cal. 2020) ("At no point did the *Zadvydas* Court preclude a noncitizen from challenging their detention before the end of the presumptively reasonable six-month period.").

Even if the removal period had extended beyond six months, Petitioner cannot show that there is no significant likelihood of removal in the reasonably foreseeable

future. ICE is in the process of obtaining travel documents from a third country pursuant to 8 U.S.C. § 1231(b)(2)(E), so it is premature for Petitioner to seek administrative or judicial review of that process. If ICE obtains travel documents for resettlement in a third country, Petitioner will have an opportunity to seek to reopen his removal proceedings. *See* 8 U.S.C. § 1229a(c)(7) (motions to reopen); 8 C.F.R. § 1003.23(b) ("Reopening or reconsideration before the immigration court"). Movants can also seek an emergency stay of removal. *See generally* 8 C.F.R. §§ 1003.2(f), 1003.23(b)(v). Judicial review of that process will be exclusive to the Ninth Circuit. *See* 8 U.S.C. § 1252(b)(6), (9). ICE is actively working to effect Petitioner's removal to a third country and his continued detention is not unconstitutionally indefinite. On this record, Petitioner cannot sustain his burden, and it would be premature to reach that conclusion before permitting ICE an opportunity to complete its diligent efforts to effect Petitioner's removal.

To the extent Petitioner is challenging ICE's decision to detain him for the purpose of removal, such a challenge is precluded by statute. *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); *see also 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."); *Limpin v. United States*, 828 Fed. App'x 429 (9th Cir. 2020) (holding district court properly dismissed under 8 U.S.C. § 1252(g) "because claims stemming from the decision to

arrest and detain an alien at the commencement of removal proceedings are not within any court's jurisdiction").

b. Petitioner's second claim is unsupported.

Petitioner also asserts that he is afraid that once a third country is identified, ICE will immediately deport him there without being given adequate time to investigate whether he could be persecuted in that country. ICE attests, however, that once a third country is identified, "an ICE officer will provide written notice to the removable alien of the intended third country removal. The written notice identifies the country to which ICE intends to remove the alien. ICE will generally wait at least 24 hours following service of the Notice of Removal before effectuating removal. In exigent circumstances, ICE may execute a removal order six or more hours after service of the Notice of Removal as long as the alien is provided reasonable means and opportunity to speak with an attorney prior to removal." Negrin Decl. at ¶ 12. Thus, Petitioner's concern that he will not receive adequate notice and an opportunity to be heard prior to his third country removal is not borne out by the evidence in this case.

Moreover, Petitioner's claim that he may not be removed to a third country without adequate notice and an opportunity to be heard is subject to ongoing litigation, with the Supreme Court staying an injunction imposed by a district court ordering the government to provide notice and an opportunity to be heard like that requested here. *See Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025). Given the Supreme Court's reversal of that injunction, Respondents' position is that imposition of a similar injunction would be reversed here.

c. Procedural defects do not require release from detention.

Petitioner also challenges the manner of his re-detention, claiming that Respondents failed to provide him a notice of revocation of release or an informal interview. *See* ECF No. 1 at 4:24–10:2. However, as Petitioner was never released from custody on an order of supervised release pursuant to 8 U.S.C. §§ 1231(a)(1)(A), 1231(a)(3), the regulations Petitioner points to as being violated are inapplicable.

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).[2] 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).

Here, Petitioner was previously released from custody on parole issued pursuant to 8 U.S.C. § 1182(d)(5) and was re-detain when he was non-compliant with the terms of his release and for ERO to execute Petitioner's removal order. However, Respondents acknowledge that Petitioner was not provided written notice of the revocation of his parole. *See* Negrin Decl. at ¶ 10; 8 C.F.R. § 212.5(e)(2). These facts, however, do not warrant release.

Even if the agency failed to follow its own regulations, Petitioner cannot establish that he 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

[2] Should Petitioner be released from custody, Respondents retain statutory authority to place Petitioner on an order of supervised release.

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 his challenge is framed in constitutional or regulatory terms, [Petitioner] must demonstrate how 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 due process when DHS 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 his petition, Petitioner fails to advance any facts or any argument demonstrating what actual prejudice, if any, he allegedly suffered because he was not provided a notice of revocation of release or provided an informal interview after he was detained for the purposes of removal. Even now, with the assistance of counsel and an opportunity to make his case, Petitioner has not presented the information he would have disclosed to immigration officials that would have impacted ICE's decision to detain him for purposes of removal. He has therefore failed to carry his burden demonstrating a significant possibility that any violation affected the ultimate outcome of the agency's action, namely, re-detaining Petitioner

and facilitating his removal. And because Respondents had, and continue to have, an evidentiary basis to conclude there is a likelihood that Petitioner will be removed in the reasonably foreseeable future, any challenge that Petitioner would have raised to the revocation prior to or after his re-detention would have failed.

Because Petitioner cannot show prejudice under these circumstances, the alleged violation of agency regulations does not warrant the relief he 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 Labor*, 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 his petition, Petitioner cites various decisions within and outside this district for the proposition that ICE's failure to follow its own regulations should result in an automatic release from detention. *See* ECF No. 1 at 9:4–22. Most of these cases, however, do not discuss prejudice or harmless error. 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).

2. Petitioner Has Not Shown Irreparable Harm.

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

Petitioner suggests that being subjected to allegedly unjustified detention itself constitutes irreparable injury.[3] But this argument "begs the constitutional questions presented in [his] petition by assuming that [P]etitioner has suffered a constitutional injury." *Cortez v. Nielsen*, No. 19-cv-00754-PJH, 2019 WL 1508458, at *3 (N.D. Cal. April 5, 2019). Moreover, Petitioner's "loss of liberty" is "common to all aliens seeking review of their custody or bond determinations." *Resendiz v. Holder*, No. C 12–04850 WHA, 2012 WL 5451162, at *5 (N.D. Cal. Nov. 7, 2012). He faces the same alleged irreparable harm as any habeas corpus petitioner in immigration custody, and he has not

[3] Detention is different than removal. But a removal is also not an inherently irreparable injury. *See Nken*, 556 U.S. at 435.

shown extraordinary circumstances warranting a temporary restraining order.

Importantly, the purpose of civil detention is facilitating removal, and the government is working to timely remove Petitioner. Here, because Petitioner's alleged harm "is essentially inherent in detention, the Court cannot weigh this strongly in favor of Petitioner." *Lopez Reyes v. Bonnar*, No. 18-cv-07429-SK, 2018 WL 7474861, at *10 (N.D. Cal. Dec. 24, 2018).

3. The Balance of Equities Does Not Tip in Petitioner's Favor.

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

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

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IV. CONCLUSION

For the foregoing reasons, the Court should deny Petitioner's request for injunctive relief and dismiss the petition.

Dated: January 5, 2026

Respectfully submitted,

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s/ Matthew Riley
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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ABDULGANI DAVUT, Petitioner, v. KRISTI NOEM, Secretary of the Department of Homeland Security, et al., Respondents.	Case No. 25-cv-03740-CAB-DDL **TABLE OF EXHIBITS**

EXHIBITS:

1. Form I-213, Record of Deportable/Inadmissible Alien, dated November 21, 2024
2. Notice to Appear, dated December 24, 2024
3. Interim Notice Authorizing Parole and ATD Enrollment - Notice to Alien, both dated December 27, 2024
4. Order of the Immigration Judge, dated July 31, 2025
5. Form I-213, Record of Deportable/Inadmissible Alien, dated December 1, 2025

Dated: January 5, 2026

Respectfully submitted,

ADAM GORDON
United States Attorney

s/ Matthew Riley
MATTHEW RILEY
Assistant United States Attorney
Attorney for Respondents

EXHIBIT 1

U.S. Department of Homeland Security Subject ID: [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS) DAVUT, ABDULGANI	First	Middle		Sex M	Hair BLK	Eyes BRO	Complxn MED
Country of Citizenship AFGHANISTAN	Passport Number and Country of Issue	CASE No: [redacted]		Height 69	Weight 158	Occupation LABORER	
U.S. Address IN DHS CUSTODY				Scars and Marks None Indicated			
Date, Place, Time, and Manner of Last Entry 11/20/2024, 1000, 5.4 mile(s) E of TEC, PWA (Afoot)		Passenger Boarded at		F.B.I. Number [redacted]	☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated		
Number, Street, City, Province (State) and Country of Permanent Residence KUNDUZ, KUNDUZ, AFGHANISTAN				Method of Location/Apprehension PB			
Date of Birth [redacted] Age:23	Date of Action 11/21/2024	Location Code SDC/CAO		At/Near CAMPO, CA	Date/Hour 11/20/2024 1037		
City, Province (State) and Country of Birth KUNDUZ, KUNDUZ, AFGHANISTAN	AR ☒	Form: (Type and No.) Lifted ☐ Not Lifted ☐		By THOMAS SMITH			
NIV Issuing Post and NIV Number	Social Security Account Name			Status at Entry PWA Mexico	Status When Found TRAVEL/SEEKING		
Date Visa Issued	Social Security Number			Length of Time Illegally in U.S. AT ENTRY			
Immigration Record NEGATIVE		Criminal Record None Known					
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children			
Father's Name, Nationality, and Address, if Known See Narrative		Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? ☐ Yes ☐ No	Systems Checks See Narrative	Charge Code Words(s) I7A1				
Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary Hr	Employed from/to				

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 whic[redacted]rative and/or criminal violation. Indicate means and route o[redacted]ior.)

FINS #: [redacted] I77 #: [redacted] DNA Envelope #: [redacted]

[redacted]

[redacted]

Left Index Print

[redacted]

Right Index Print

ARREST COORDINATES:

Latitude: 32.59288
Longitude: -116.42637

Subject to the Proclamation (SB)

CONSEQUENCE DELIVERY SYSTEM:

Classification: FIRA

Program: EBC

Alien has been advised of communication privileges 11/21/2024 (Date/Initials)

SHANNON JONES
SUPERVISORY BORDER PATROL AGENT
(Signature and Title of Immigration Officer)

Distribution:

Received: (Subject and Documents) (Report of Interview)

Officer: SHANNON JONES

on: November 21, 2024 at 0903 (time)

Disposition: Expedited Removal - Securing the Border

Examining Officer:

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name	File Number	Date
DAVUT, ABDULGANI	[redacted] Event No: [redacted]	11/20/2024

FATHER NAME AND ADDRESS:

Nationality:AFGHANISTAN ABDULGANI

KUNDUZ, KUNDUZ, AFGHANISTAN

MOTHER NAME AND ADDRESS:

Nationality:AFGHANISTAN HACI ROZI

KUNDUZ, KUNDUZ, AFGHANISTAN

RECORDS CHECKED:

CIS Negative
ABIS Negative
EARM Negative
NCIC Positive
NGI Negative
TECS Negative

Other Family/Associates Not in Event:

Father, , [redacted]
Mother, ,

NARRATIVE:

IMMIGRATION HISTORY:
Number of VRs: See records
Number of Removals: See records
Last Removal Date and Place: N/A

CRIMINAL HISTORY:
See records

ENCOUNTER:
Border Patrol Agent (BPA) Thomas Smith encountered Abdulgani DAVUT (DOB: [redacted], a citizen of Afghanistan, A# [redacted] on 11/20/2024 at approximately 10:3[redacted] CAMPO, CA. Border Patrol Agent (BPA) Thomas Smith then determined that DAVUT had unlawfully entered the United States of America near TECATE, CA from Mexico at a time and place other

Signature	Title
SHANNON JONES	SUPERVISORY BORDER PATROL AGENT

Form I-831 Continuation Page (Rev. 08/01/07)

Alien's Name	File Number	Date
DAVUT, ABDULGANI	[redacted] Event No: [redacted]	11/20/2024

than as designated by the Secretary of Homeland [redacted]VUT was apprehended within a group of 42 individuals.

After determining that DAVUT was an alien who illegally entered the United States of America, DAVUT was arrested and transported to the San Diego Central Processing Center (SAN DIEGO, CA) for further processing using the e3/IDENT and Next Generation Identification (NGI) Systems.

IMMIGRATION VIOLATION:
At the San Diego Central Processing Center, DAVUT stated that they are a citizen and national of Afghanistan without the necessary legal documents to enter, pass through, or remain in the United States. DAVUT illegally crossed the international boundary on 11/20/2024 at approximately 10:00 AM near TECATE, CA without being inspected by an immigration officer at a designated Port of Entry.

CONSULAR NOTIFICATION:
DAVUT was notified of their right to communicate with a Consular Officer from their country as per Article 36(1)(b) of the Vienna convention on Consular Relations. DAVUT indicated understanding this right but declined to speak with anyone at this time.

DISPOSITION/ADDITIONAL INFORMATION:
DAVUT was served with DHS forms I-860 and I-296. DAVUT is being held in Department of Homeland Security custody pending removal proceedings as an Expedited Removal as per Section 235(b)(1) of the INA. DAVUT was apprehended within fourteen days of their last entry into the United States, and within 100 air miles of any United States land border.

DAVUT made an unlawful entry into the United States during the suspension of and limitation on entry described in the Presidential Proclamation, Securing the Border. DAVUT does not qualify for an exception to the Proclamation. DAVUT will be processed for Expedited Removal under the provisions of 8 C.F.R. 235.15. DAVUT was given a list of free legal services.

While in Border Patrol custody, DAVUT did not manifest a fear of return, express an intention to apply for asylum or related protection, express a fear of persecution or torture, or express a fear of return to their country or the country of removal.

DAVUT will be removed at a time, place and in a manner consistent with removal proceedings for a citizen of their designated country of removal.

Based on the information provided DAVUT does not derive or acquire U.S. citizenship.

UNITED STATES POINT OF CONTACT INFORMATION:
Point of contact name not provided
IN DHS CUSTODY
Point of contact phone number not provided

Signature	Title
SHANNON JONES	SUPERVISORY BORDER PATROL AGENT

EXHIBIT 2

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

Subject to Securing the Border (SB)

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: [redacted]

In the Matter of:

Respondent: ABDULGANI DAVUT currently residing at:

KARNES CO IMMIGRATION PROCESS CTR, 409 FM 1144, KARNES CITY TX, 78118

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Afghanistan and a citizen of AFGHANISTAN;
3. You entered the United States at an unknown location on or about [[[11/20/2024]]];
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document;
5. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General.

☒ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☒ Section 235(b)(1) order was vacated pursuant to: ☒ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

566 VETERAN DR, STE 101, PEARSALL, TX, 78061

(Complete Address of Immigration Court, including Room Number, if any)

on 01/29/2025 *(Date)* at 9:30 AM *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

Andrea Clifford Supervisory Asylum Officer

(Signature and Title of Issuing Officer)

Date: 12/24/2024 Houston, TX

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.
Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at **www.uscis.gov/i-589**. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at **http://www.ice.gov/contact/ero**, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is TURKISH

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

_____ Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 12-27-24, in the following manner and in compliance with section 239(a)(1) of the Act.

☑ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☐ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

[redacted]

(Signature of Respondent if Personally Served) *(Signature and Title of officer)*

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EXHIBIT 3

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

Date: 12/27/2024
In Reference to: A[redacted]
Name: Davut, Abdulgani

INTERIM NOTICE AUTHORIZING PAROLE

This letter is to inform you that U.S. Immigration and Customs Enforcement (ICE) has decided to parole you from its custody pursuant to its authority under section 212(d)(5)(A) of the Immigration and Nationality Act. This notice is being issued to you in lieu of Form I-94, *Arrival-Departure Record*, *see* 8 C.F.R. § 235.1(h)(2), and you should maintain a copy of this letter in your possession at all times.

Your parole authorization is valid for one year beginning from the date on this notice and will automatically terminate upon your departure or removal from the United States or at the end of the one-year period unless ICE provides you with an extension at its discretion. ICE may also terminate parole on notice prior to the automatic termination date. Parole is entirely within the discretion of ICE and can be terminated at any time and for any reason. Your parole is not valid for work authorization and is not an admission in lawful status.

Parole is conditioned on you complying with the terms and conditions of your release. You must notify ICE and the immigration judge of any address correction or address change. You must report for every scheduled hearing before the immigration court and every appointment as directed by ICE (including for removal from the United States should you become subject to a final removal order). You must not violate any local, State or Federal laws or ordinances. You must comply with any other specified conditions if identified separately.

I certify that I received a copy of this notice.

Davut, Abdulgani	X [redacted]	12/27/2024
Alien Name	Alien Signature	Date

CERTIFICATE OF SERVICE

I certify that on today's date, I served the respondent a copy of this parole notice by the following method (as checked):

☑ In person ☐ Other: _____

R. Davila; DO		12/27/2024
ICE Official Name	ICE Official Signature	Date
Gutierrez, Sostenes M; SDDO		12/27/2024
Deciding Official Name	Deciding Official Signature	Date

Parole bond on the amount of:

Continuation Page for Interim Notice Authorizing Parole

To: Davut, Abdulgani
17065 W BERNARDO DR # 380
SAN DIEGO , CA 92127
(518) 419-9493

Date: 12/27/2024
File: A# [redacted]
Bond: **(Parole with Reporting Requirements)**

You have been released from service custody pending a final decision in your exclusion/deportation hearing. It is understood that you will be residing at the above address. As stated on the previous page, you are required to notify the Immigration Judge (at the address shown below) of any address correction or address change. When doing so, be sure to include your name and the File Number shown above in your written communication. The attached form, EOIR-33 can be used for this purpose.

Court Address
Office of the Immigration Judge
566 Veterans Dr.
Pearsall, TX 78061

You must report in person to: 880 Front Street, Suite 2242, San Diego, CA 92101; (619) 436-0410 T-Thu, 0800-1500

On: Tuesday January 28, 2025 @ Time: 9:00A.M


PHOTO


RIGHT INDEX

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

ATD ENROLLMENT - NOTICE TO ALIEN

Name:	Field Office:	A Number:
Davut, Abdulgani	San Antonio Field Office	[redacted]

Your release is contigent upon your enrollment and successful participation in an Alternatives to Dentention (ATD) program as designated by the U.S. Dpartment of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination for your release conditions or your arrest and detention.

If fitted with a U.S. Immigration and Customs Enforcement GPS monitoring device, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. **The unautorized removal of the GPS monitoring device will result in damage to property of the United States.** Damaging or attempting to damage the GPS monitoring device or any of its associated equipment (including, but not limited to, the charging station, batteries, and power chords) may result in your arrest, detention, and prosecution under **18 U.S.C. § 1361** and /or **18 U.S.C. § 641,** each punishable by a fine, up to ten years' imprisonemt, or both.

RECORD OF SERVICE

Served On: (Alien's Signature)	Date:
X [redacted]	12/27/2024

By signing I acknowledge that this form was provided to me in a language I understand or was read to me in a language I understand. I further acknowledge that tampering with, damaging, and/or removing the GPS Device, or any of its assocaited equipment, without permission may resuly in damage to federal property for which I may be criminally prosecuted.

Served By: (Print Name and Ttile of Officer)	Location Of Service:
R. Davila; DO	Karnes County Immigration Processing Center

Officer's Signature	Date:
	12/27/2024

Spanish

AVISO AL EXTRANJERO - INSCRIPCIÓN ATD

Su puesta en libertad está supeditada a su inscripción y participación exitosa en un programa de Alternativas a la Detención (ATD, por sus siglas en inglés) según lo designado por el Departamento de Seguridad Nacional de los Estados Unidos. Como parte del programa ATD, usted estará sujeto a monitoreo electrónico y también a un toque de queda. El incumplimiento de los requisitos del programa ATD resultará en una nueva determinación de sus condiciones de su puesta en libertad o su arresto y detención.

Si está equipado con una tobillera de rastreo GPS del Servicio de Inmigración y Control de Aduanas de los Estados Unidos, no manipule o se quite el dispositivo. Bajo la ley federal, es un delito dañar intencionalmente o intentar dañar la propiedad de los Estados Unidos. Quien se quite sin autorización el dispositivo de vigilancia GPS resultará en daños a la propiedad de los Estados Unidos. Dañar o intentar dañar el dispositivo de vigilancia GPS o cualquiera de sus componentes relacionados (incluyendo, entre otros, la estación de carga, baterías, cables de alimentación, etc.) puede resultar en su arresto, detención y enjuiciamiento en virtud del Título 18, Artículo 1361 del Código de los Estados Unidos y del Título 18, Artículo 641 del Código de los Estados Unidos con una sanción de multa y prisión no superior a diez años, o ambos.

CERTIFICADO DE ENTREGA

Yo, el abajo firmante, confirmo que este formulario se me presentó o leyó en un idioma que entiendo. Confirmo además que manipular, dañar, y/o quitarse el dispositivo GPS, sin permiso, o cualquiera de sus componentes relacionados, puede dar lugar a daños a la propiedad federal por los que puedo ser procesado penalmente.

Portuguese

INSCRIÇÃO NO ATD - AVISO AO ESTRANGEIRO

A sua libertação depende da sua inscrição e participação com sucesso num programa de Alternativa à Detenção (ATD), como designado pelo Departamento de Segurança Interna dos Estados Unidos. Como parte do programa ATD, estará sujeito a monitorização eletrônica e poderá estar sujeito a um toque de recolher. O não cumprimento dos requisitos do programa ATD resultará numa re-determinação das suas condições de libertação ou na sua prisão e detenção.

Se equipado com uma tornozeleira de rastreamento GPS da Imigração e Controle Aduaneiro dos EUA, não adultere ou remova o dispositivo. De acordo com a lei federal, é crime danificar ou tentar danificar intencionalmente propriedade dos Estados Unidos. A remoção não autorizada do dispositivo de monitoramento GPS resultará em danos à propriedade dos Estados Unidos. Danificar ou tentar danificar a tornozeleira de rastreamento GPS ou qualquer um de seus equipamentos associados (incluindo, mas não se limitando a, estação de carga, baterias, cabos de alimentação, etc.) pode resultar em sua prisão, detenção e ações judiciais sob 18 U.S.C. § 1361 e/ou 18 U.S.C. § 641, cada um deles punível com uma multa, até dez anos de prisão, ou até mesmo ambos.

REGISTRO DE DISTRIBUIÇÃO

Ao assinar, reconheço que este formulário foi fornecido em um idioma que eu entendo ou que foi lido para mim em um idioma que eu entendo. Eu também reconheço que adulterar, danificar e / ou remover o dispositivo GPS, ou qualquer um de seus equipamentos associados, sem permissão, pode resultar em danos à propriedade federal, pela qual posso ser processado criminalmente.

Somali

ISDIIWAAN-GALINTA(ATD) - OGEYSIISKA AJNABIGA

Siideyntaadu waxay ku xiran tahay isdiiwaangalintaada iyo ka qeybgalkaaga guuleysta ee Barnaamijka Xiritaanka lagu badalo (ATD) sida ay u qoorsheysay Waaxda Amniga Gudaha Dalka Mareykanka. Iyadoo qayb ka ah Barnaamijka ATD-da, waxaa lagu saari doonaa ilaalin Elektiroonig ah waxaana suurtowda in lagu saaro baandow. U hogaan- sanaan la'aanta shuruudaha Barnaamijka ATD, waxay keenaysaa in dib u qiimeyn lagu samaynayo shuruurdihii siidayntaadii amaba xiritaankaaga iyo xabsi galintaada.

Haddii ay Hay'adda Socdaalka iyo Dhaqangalinta Canshuuraha Mareykanku Jijin GPS leh kuu galiso anqowga lugta, ha isku dayin inaad taataabato ama iska saarto qalabkaas. Sida uu qabo sharciga Federaalku, waa dambi in si ula kac ah loo waxyeeleeyo ama la isku dayo in la kharibo hantida dawladda Mareykanka. Ka saaridda qalabka GPS-ka ee aan la fasaxin waxay keenaysaa dhaawac soo gaara hantida Dawladda Mareykanka. Waxyeelaynta ama isku dayga waxyeelaynta GPS-ka raad-raaca Jijinta anqowga ku xiran, ama wax kasta oo qalabkeeda la xiriira (Ma aha kaliya , saldhigga koronta buuxinta, batariga, waayarradda korontada, iwm.) waxay keeni kartaa qabashadaada, xarigaaga, iyo in lagugu qaado sharci dambiyeedkan 18 U.S.C. § 1361 iyo/ama 18 U.S.C. §641, oo mid walba ciqaabteedu tahay ganaax, ilaa toban sano, ama labadaba.

DIIWAANKA ADEEGGA

Saxiixaygan, waxaan ku qiranayaa in Foomkan la igu sliyay luqad aan fahmayo ama la iigu akhriyay luqad aan fahmayo. Waxaan sidoo kale qiranayaa in faragalinteeda, dhaawiciddeeda, iyo/ama ka-saaridda qalabka GPS-ka, ama qalab kasta oo la xiriira, ogolaansho la'aan, uu keeni karo dhaawac hantida federaalka oo aniga dambi ciqaabeed iiga iman karo.

Vietnamese

GHI DANH THAY THẾ GIAM GIỮ- THÔNG BÁO CHO NGOẠI KIỀU

Việc trả tự do của quý vị tùy thuộc vào sự ghi danh và tham dự thành công trong chương trình Thay Thế cho Giam Giữ (ATD) như đã được chỉ định bởi Bộ Nội An Hoa Kỳ. Là một phần của chương trình ATD, quý vị sẽ là đối tượng giám sát điện tử và có thể là đối tượng bị giới nghiêm. Không tuân theo các đòi hỏi của chương trình ATD sẽ đưa đến kết quả quyết định lại các điều kiện trả tự do của quý vị hay việc bắt giữ quý vị.

Nếu được gắn vòng cổ chân theo dõi của Văn Phòng Thực Thi Hải Quan và Di Trú Hoa Kỳ, không nên phá hay cởi bỏ thiết bị. Theo luật liên bang, khi cố tình làm hư hỏng hay tìm cách làm hư hỏng tài sả?n của Hoa Kỳ là một tội phạm. Việc tháo bỏ thiết bị theo dõi Định Vị không có phép sẽ đưa đến kết quả trong việc hư hỏng tài sản của Hoa Kỳ. Làm hư hỏng hay tìm cách làm hư hỏng vòng cổ chân định vị hay bất cứ dụng cụ liên hệ đến nó (kể cả, nhưng không giới hạn đến, trụ điểm nạp điện, pin, giây điện) có thể đưa đến kết quả quý vị bị bắt, giam giữ?, và bị truy tố theo Luật Hoa Kỳ tiêu đề 18 mục 1361 và/hay Luật Hoa Kỳ tiêu đề 18 mục 641, mỗi tội sẽ bị phạt tiền, đến mười năm tù , hay cả hai.

CHỨNG NHẬN CHUYỂN GIAO

Bằng cách ký nhận, tôi công nhận rằng mẫu đơn này đã được cung cấp cho tôi bằng một ngôn ngữ tôi hiểu được hay đã được đọc cho tôi bằng một ngôn ngữ tôi hiểu. Tôi công nhận thêm rằng phá hoại với, làm hư hỏng, và/hay, không được phép, cởi bỏ thiết bị Định Vị, hay bất cứ dụng cụ nào liên hệ với nó, có thể đưa đến kết quả hư hỏng tài sản liên bang mà theo đó tôi có thể bị truy tố hình sự.

French

INSCRIPTION AU PROGRAMME ATD - AVIS AUX ETRANGERS

Votre libération dépend de votre inscription et participation réussie dans le programme « Alternatives to Detention » ATD [Détention Alternative] désigné par le DHS. Dans le cadre de ce programme ATD, vous serez surveillé électroniquement et peut-être vous devriez obéir à un couvre-feu. Le non-respect des conditions du programme ATD mènera à une ré-détermination des conditions de votre liberté conditionnelle ou votre arrestation et détention.

Au cas où ICE vous fournit un appareil de surveillance GPS, n'essayez ni de l'enlever, ni de le modifier. En vertu de la loi fédérale, endommager ou essayer d'endommager délibérément des biens appartenant aux Etats-Unis, constitue un délit grave. L'enlèvement non-autorisé de l'appareil de surveillance GPS aura comme conséquence le dommage aux biens des Etats-Unis. Endommager ou essayer d'endommager l'appareil de surveillance GPS ou l'équipement y lié (y compris, mais pas limité à : la borne de recharge, les batteries et les câbles) pourrait mener à votre arrestation, détention ou des poursuites en vertu de 18 U.S.C. § 1361 et/ou U.S.C. § 641, chacune des infractions passible d'une amende et/ou une incarcération maximum de dix ans.,

ACCUSE DE RECEPTION

En signant, je reconnais avoir reçu ce document dans une langue que je comprends ou qu'on me l'a lu dans une langue que je comprends. En outre, je reconnais que modifier, endommager et/ou enlever, sans permission, l'appareil GPS ou tout équipement y lié, pourrait avoir comme conséquence le dommage aux biens des Etats-Unis et pour ce fait je pourrais être l'objet de poursuites pénales

Mandarin Chinese

ATD登记 - 外国人通知书

你的获释乃取决于你登记并成功参加美国国土安全部指定的替代拘留 (Alternatives to Detention, ATD) 计划。作为ATD计划的一部分，你须受电子监察，以及可能的宵禁。未能遵守ATD计划的要求，将导致重新决定你的释放条件，或对你逮捕及拘留。

如果配戴上美国移民和海关执法局的GPS监察设备，请不要胡乱搞弄或移除该装置。根据联邦法律，故意毁损或尝试毁损美国政府财产**是刑事罪**行。未经授权而移除GPS监察设备，将导致毁损美国财产。毁损或尝试毁损 GPS 监察设备，或任何与其相关的配备 (包括，但不限于，充电器、电池、电源线等等) 可导致根据18 U.S.C. § 1361及／或18 U.S.C. § 641对你逮捕、拘留，与起诉，而每项均可判以罚金，监禁长达十年，或两者兼罚的惩罚。

服务记录

通过签署，本人确认此表格是以本人理解的语言提供给本人，或者已经以本人理解的语言阅读给本人听。本人进一步承认，未经允许擅自胡乱搞弄，毁损和/或移除GPS设备或其任何相关配备，可能会导致毁损联邦财产，本人可能因此受到刑事起诉。

EXHIBIT 4

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
SAN DIEGO IMMIGRATION COURT

Respondent Name:
DAVUT, ABDULGANI

To:
KAHVECI, BUSRANUR
1990 N CALIFORNIA BLVD
8TH FLOOR STE 38
WALNUT CREEK, CA 94596

A-Number:
[redacted]

Riders:
In Removal Proceedings
Initiated by the Department of Homeland Security
Date:
07/31/2025

ORDER OF THE IMMIGRATION JUDGE

☐ This is a summary of the oral decision entered on . The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.

☑ Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent ☐ removable ☑ inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(7)(A)(i)(I).

The immigration court found Respondent ☐ not removable ☐ not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

☑ Asylum was ☐ granted ☑ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☑ Withholding of Removal under INA § 241(b)(3) was ☑ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Withholding of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Deferral of Removal under the Convention Against Torture was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

☐ Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

☐ Special Rule Cancellation of Removal under INA § 240A(b)(2) was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

C. Waiver

☐ A waiver under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

D. Adjustment of Status

☐ Adjustment of Status under INA § was ☐ granted ☐ denied ☐ withdrawn with prejudice ☐ withdrawn without prejudice

E. Other

Respondent's application for asylum as it pertains to Afghanistan is DENIED. Respondent's application for withholding of removal under INA Section 241(b)(3) as it pertains to Afghanistan is GRANTED. The Court did not reach the remaining applications. Parties would agree to reopening for a decision on the relief applications as they pertain to Turkey if removal to Turkey becomes imminent.

III. Voluntary Departure

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ denied.

☐ Respondent's application for ☐ pre-conclusion voluntary departure under INA § 240B(a) ☐ post-conclusion voluntary departure under INA § 240B(b) was ☐ granted, and Respondent is ordered to depart by . The respondent must post a $ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.

☐ The respondent is subject to the following conditions to ensure his or her timely departure from the United States:

☐ Further information regarding voluntary departure has been added to the record.

☐ Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

☐ the presumptive civil monetary penalty amount of $3,000.00 USD

☐ $ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses to depart from the United States pursuant to the order of removal, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

IV. Removal

☑ Respondent was ordered removed to AFGHANISTAN.

☑ In the alternative, Respondent was ordered removed to TURKEY.

☐ Respondent was advised of the penalties for failure to depart pursuant to the removal order:

> If Respondent is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, to present himself or herself at the time and place required for removal by the DHS, or conspires to or takes any action designed to prevent or hamper Respondent's departure pursuant to the order of removal, Respondent may be subject to a civil monetary penalty for each day Respondent is in violation. If Respondent is removable pursuant to INA § 237(a), then he or she shall be further fined or imprisoned for up to 10 years.

V. Other

☐ Proceedings were ☐ dismissed ☐ terminated with prejudice
☐ terminated without prejudice ☐ administratively closed.

☐ Respondent's status was rescinded under INA § 246.

☐ Other:

Immigration Judge: ANDERSON, AMELIA 07/31/2025

Appeal: Department of Homeland Security: ☑ waived ☐ reserved
Respondent: ☑ waived ☐ reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [P] Noncitizen | [ ] Noncitizen c/o custodial officer | [E] Noncitizen's atty/rep. | [E] DHS

Respondent Name : DAVUT, ABDULGANI | A-Number : [redacted]

Riders:

Date: 07/31/2025 By: DELGADO, MARTHA, Court Staff

EXHIBIT 5

U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS) DAVUT, ABDULGANI	First	Middle	Sex M	Hair BLK	Eyes BRO	Cmplxn MED
Country of Citizenship AFGHANISTAN	Passport Number and Country of Issue	A# [redacted]	Height 69	Weight 158	Occupation UNR
U.S. Address 7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA, 92154,			Scars and Marks		
Date, Place, Time, and Manner of Last Entry 11/20/2024 Unknown Time, SDP, WI-Without Inspection		Passenger Boarded at	F.B.I. Number [redacted]	☐ Single ☐ Divorced ☐ Married ☐ Widower ☐ Separated	
Number, Street, City, Province (State) and Country of Permanent Residence			Method of Location/Apprehension NCA		
Date of Birth [redacted] Age: 25	Date of Action 12/01/2025	Location Code SND/SND	At/Near See I-831	Date/Hour 12/01/2025 21:16	
City, Province (State) and Country of Birth KUNDUZ, AFGHANISTAN	AR ☒	Form (Type and No.) Listed ☐ Not Listed ☐	By ROGELIO NUNEZ		
NIV Issuing Post and NIV Number	Social/Equity Account Name		Status at Entry	Status When Found	
Date Visa Issued	Social Security Number		Length of Time Illegally in U.S.		
Immigration Record POSITIVE - See Narrative		Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)			Number and Nationality of Minor Children None		
Father's Name, Nationality, and Address, if Known [redacted]		Mother's Present and Maiden Names, Nationality, and Address, if Known [redacted]			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed	Fingerprinted? ☒ Yes ☐ No	Systems Checks See Narrative	Charge Code Word(s) See Narrative		
Name and Address of (Last/Current) U.S. Employer	Type of Employment Unemployed or Retired	Salary Hr	Employed from/to		

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.)

FIN: [redacted]

Left Index fingerprint

[redacted]

Right Index fingerprint

[redacted]

[redacted]

Family Information

Father: [redacted] is a citizen of AFGHANISTAN, , his immigration status is No Status.
Mother: [redacted] is a citizen of AFGHANISTAN, , her immigration status is No Status.
Spouse:Subject is not married.
Child:Subject does not have children or dependents.

...(CONTINUED ON I-831)

Alien has been advised of communication privileges 12/01/2025 M.N. (Date/Initials)

MARTIN NANCETT
Deportation Officer
(Signature and Title of Immigration Officer)

Distribution:

File

Stats

EARM

Received: (Subject and Documents) (Report of Interview)

Officer MARTIN NANCETT

on December 1, 2025 (time)

Disposition Bag and Baggage

Examining Officer JOHNSON, L. 7079

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name	File Number	Date
DAVUT, ABDULGANI	[redacted] Event No: [redacted]	12/01/2025

OTHER ALIASES KNOWN BY:

OCAK, DAVUT

IMMIGRATION RECORD

History was expected but not provided

Subject Health Status

The subject claims good health.

Current Administrative Charges

12/01/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)

RECORDS CHECKED

CIS checked on 12/01/2025 with Positive result.

Arrested At/Near

5024 Field Street San Diego CA 92110 USA

Record of Deportable/Excludable Alien:

NAME: Davut, Abdulgani
A#: [redacted]
DOB: [redacted]
COB: Afghanistan
FBI: [redacted]
CASE TYPE: Final Order
AGENCY: ICE - ATD/NDU
I; Deportation Officer, R. Nunez, am currently assigned to the San Diego Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), with an area of operational enforcement to include, but not limited to, the San Diego County area. In part, this unit is responsible for locating and identifying criminal aliens and processing them for removal proceedings in most cases when applicable under the law..
ENCOUNTER DATA
On December 1, 2025, at approximately 9:00 am, San Diego ERO Deportation Officers (DO) R. Nunez, Supervisory Detention and Deportation Officer (SDDO) J. Barile and (DO) A. Morales., responded to 5024 Field St, San Diego, CA 92110. Officers were notified by Intensive Supervision Appearance Program (ISAP) that Davut, Abdulgani, DOB: [redacted], [redacted] was not being compliant with the program. Davut has a final order from the immigration judge to Afghanistan with withholding of removal. Davut will be removed to Turkey as the appropriate and designated country. An I-200 (Warrant for Arrest of Alien) had been issued and signed by Supervisory Detention and Deportation Officer (SDDO) J. Barile.
At approximately 10:55 am, Officers approached a male subject matching the physical description of Davut, Abdulgani and introduced themselves as Immigration Officers. I, DO R. Nunez conducted a field interview and verified that the male subject was the intended target by verifying his name and DOB. Davut, Abdulgani was advised of the warrant for his arrest and was placed under arrest per the I-200, Warrant for Arrest of Alien. Davut, Abdulgani was

Signature	Title
MARTIN NANCETT	Deportation Officer

Form I-831 Continuation Page (Rev. 08/01/07)

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name	File Number	Date
DAVUT, ABDULGANI	[redacted] Event No: [redacted]	12/01/2025

asked of any known medical conditions and was taken to SND staging by (DO) R. Nunez, SDDO Barile and (DO) Morales., for processing without incident.
Davut, Abdulgani was escorted and turned over to Officers in the San Diego Field Office (SDFO) for further processing. Davut will be remanded into ICE custody, pending removal proceedings.

Other Identifying Numbers

ALIEN-249121298

Signature	Title
MARTIN NANCETT	Deportation Officer

Form I-831 Continuation Page (Rev. 08/01/07)

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name	File Number	Date
DAVUT, ABDULGANI	[redacted] Event No: [redacted]	12/01/2025

ADDENDUM TO RECORD OF DEPORTABLE/EXCLUDABLE ALIEN

CASE SUMMARY:

On December 01, 2025, SND-CAP was assigned processing duties located at the San Diego ICE Office at 880 Front Street, San Diego, CA 92101. During the course of the daily duties, SND-CAP was tasked with processing of SND ATD/NDU field arrest cases from San Diego Supervision Appearance Program (ISAP). The subject will be processed using the information given by the arresting Officers.

Upon arrival SND-CAP verified the Subject's biographical information and health status. Subject stated he did not have a legal immigration status to remain or reside in the United States. Subject claimed to be in good health and stated he is not taking any medication, statements made willingly and without coercion. Subject communicated in a relaxed but fluid manner and appeared fully aware and cognizant in understanding the questions and in providing his answers. SND-CAP informed us that the subject was under arrest for immigration law violations.

Immigration History:
On 07/31/2025 subject was ordered removed by an Immigration Judge. IJ stated ordered to Afghanistan or alternate Turkey.

Criminal History:
None Indicated.

DAVUT did not claim that he served in the U.S. Armed Forces.
DAVUT did not claim that his parents are United States citizens.
DAVUT freely admitted that he did not get inspected, admitted, or paroled into the United States.
DAVUT does claim fear returning to Afghanistan.

DAVUT will be processed as a Bag and Baggage. DAVUT is subject to mandatory detention guidelines and will be transferred to the Otay Mesa Detention Center pending commencement of Removal.

Signature	Title
MARTIN NANCETT	Deportation Officer

Form I-831 Continuation Page (Rev. 08/01/07)

ADAM GORDON
United States Attorney
MATTHEW RILEY
California Bar No. 257643
Assistant U.S. Attorney
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880 Front Street, Room 6293
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Attorneys for Respondents

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ABDULGANI DAVUT, Petitioner, v. KRISTI NOEM, Secretary of the Department of Homeland Security, et al., Respondents.	Case No. 25-cv-03740-CAB-DDL **DECLARATION OF DANIEL NEGRIN**

I, Daniel Negrin, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following statements are true and correct, to the best of my knowledge, information, and belief:

1. I am employed by the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO), in the San Diego Field Office, as a Deportation Officer (DO). I have held this position since July 2024.

2. I am currently assigned to the Otay Mesa suboffice and my responsibilities include enforcing final orders of deportation and removal from the United States for

aliens and requesting travel documents from foreign consulates as part of the removal process.

3. I am currently responsible for monitoring this case. I make this declaration based upon my own personal knowledge and experience as a law enforcement officer and information provided to me in my official capacity as a DO in the ICE ERO San Diego Field Office. I make this declaration based on my review of Abdulgani Davut's (Petitioner) alien file, consultation with other ICE officers, and review of official documents and records maintained by ICE.

4. Petitioner is a native and citizen of Afghanistan. On or about November 20, 2024, Petitioner unlawfully entered the United States and was taken into ICE custody.

5. Petitioner was subsequently provided with a credible fear interview. The asylum officer made a positive credible fear finding. Petitioner was then placed in removal proceedings.

6. On December 27, 2024, Petitioner was served with a Notice to Appear charging inadmissibility under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I).

7. On December 27, 2024, ICE issued Petitioner parole pursuant to 8 U.S.C. § 1182(d)(5) and released Petitioner from custody. The parole was valid for one year. As part of his conditional release on parole, Petitioner was required to enroll in the Alternatives to Detention (ATD) program, to report to ICE for removal from the United States should he become subject to a final removal order, and comply with all requirements of the ATD program.

8. On December 28, 2024, Petitioner was enrolled in the Alternatives to Detention (ATD) program.

9. On July 31, 2025, an Immigration Judge (IJ) denied Petitioner's application for asylum and ordered Petitioner removed to Afghanistan, and Turkey in the alternative, but the immigration judge granted withholding of removal to

Afghanistan under INA § 241(b)(3). The IJ did not grant withholding of removal to Turkey. Both Petitioner and DHS waived appeal and the order was final on this date.

10. On December 1, 2025, ICE ERO was notified by the Intensive Supervision Appearance Program (ISAP), which handles individuals enrolled in the ATD program, that Petitioner was not compliant with the program requirements. On this date, ICE re-detained Petitioner to execute his final order of removal. Petitioner was not provided a written notice of the revocation of his release.

10. On December 4, 2025, ICE sent a travel document request to ERO Removal and International (RIO) headquarters for review. ICE is pending further response from RIO on identifying a third country for removal. ICE is not attempting to remove Petitioner to Turkey. Turkey's government has only agreed to accept Turkish citizens. ERO analyzed Petitioner's status regarding Turkish citizenship and could not find any identity documents linking Petitioner to Turkey.

11. Should ERO identify a third country for removal, Petitioner will be notified in writing of the third country at least 24 hours prior to removal. If Petitioner claims a fear of removal to the identified country, he will be referred to an asylum officer for processing of the fear-based claim.

12. When a third country is identified for resettlement, standard ICE guidance and procedures provide that an ICE officer will provide written notice to the removable alien of the intended third country removal. The written notice identifies the country to which ICE intends to remove the alien. ICE will generally wait at least 24 hours following service of the Notice of Removal before effectuating removal. In exigent circumstances, ICE may execute a removal order six or more hours after service of the Notice of Removal as long as the alien is provided reasonable means and opportunity to speak with an attorney prior to removal.

13. ICE continues to diligently seek to identify a third country for Petitioner's removal and believes there is a significant likelihood of removal to a third country in the reasonably foreseeable future.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 5th day of January 2026.

DANIEL NEGRIN Digitally signed by DANIEL NEGRIN Date: 2026.01.05 10:25:42 -08'00'

Daniel Negrin
Deportation Officer
San Diego Field Office