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

10 DIEN PHONG NGUYEN VO,

11 Petitioner,

12 v.

13 KRISTI NOEM, Secretary of the
Department of Homeland Security, *et al.*,

14 Respondents.
15
16
17

Case No. 26-cv-74-DMS-MSB

**RESPONDENTS' RETURN IN
OPPOSITION TO PETITIONER'S
HABEAS PETITION**

1 **I. Introduction**

2 Petitioner Dien Phong Nguyen Vo has filed a habeas petition. ECF No. 1. On
3 January 13, 2026, the Court issued an order to show cause as to why the petition should
4 not be granted. ECF No. 2. For the reasons set forth below, the Court should dismiss
5 the petition.

6 **II. Factual and Procedural Background¹**

7 Petitioner is a citizen and national of Vietnam. *See* First Declaration of Dien
8 Phong Nguyen Vo (Vo Decl.) ¶ 1, ECF No. 1-2 at 1; *see also* Ex. 1 at 1. On August 20,
9 1985, Petitioner was admitted into the United States as a refugee, and he later adjusted
10 his status to a legal permanent resident. Ex. 1 at 2. In 1997, Petitioner was convicted of
11 robbery. Declaration of Concepcion Arredondo (Arredondo Decl.) ¶ 5. Based on
12 Petitioner’s conviction, he was charged as removable from the United States and placed
13 in removal proceedings. *See* Ex. 2. On September 25, 2000, an immigration judge
14 ordered Petitioner removed to Vietnam. *See* Ex. 3. Petitioner was released from ICE
15 custody under an Order of Supervision on August 8, 2001, due to ICE’s then-inability
16 to effect Petitioner’s removal in the foreseeable future. *See* Arredondo Decl. ¶ 8. In
17 September 2016, Petitioner was convicted of conspiracy to distribute methamphetamine
18 in violation of 21 U.S.C. § 841(a)(1) and sentenced to 108 months in prison. *Id.* ¶ 13.

19 On December 17, 2025, Immigration and Customs Enforcement (ICE) re-
20 detained Petitioner to effect his removal to Vietnam. *See* Ex. 4; Arredondo Decl. ¶ 14.
21 At that time, Petitioner was served a Form I-200, Warrant for Arrest of Alien and shown
22 a Form I-205, Warrant of Removal/Deportation. *See* Exs. 4, 5. Petitioner was served a
23 formal Notice of Revocation of Release and afforded an informal interview the next
24 day. *See* Exs. 6, 7. The notice of revocation erroneously stated that Petitioner had been
25 granted withholding of removal to Vietnam. *See* Ex. 6.

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¹ The attached exhibits are true copies, with redactions of private information, of
28 documents obtained from ICE counsel.

1 ICE is routinely obtaining travel documents from Vietnam and able to arrange
2 travel itineraries to execute final orders of removal for Vietnamese citizens, including
3 those who immigrated to the United States before 1995, like Petitioner. Arredondo Decl.
4 ¶¶ 18–20. ICE is working expeditiously to effectuate Petitioner’s removal to Vietnam.
5 *Id.* ¶ 17. ICE’s Enforcement and Removal Operations is in the process of compiling a
6 travel document request for Petitioner. *Id.* Once Petitioner’s travel document is
7 obtained, ICE will arrange for his removal to Vietnam. *See id.* ¶ 21. ICE is not seeking
8 to remove Petitioner to a third country. *Id.* ¶ 16.

9 III. Argument

10 A. Because Petitioner’s claims regarding third countries are unfounded, this 11 Court lacks jurisdiction over Petitioner’s third claim for relief.

12 The Constitution limits federal judicial power to designated “cases” and
13 “controversies.” U.S. Const., art. III, § 2; *see also SEC v. Med. Comm. for Human*
14 *Rights*, 404 U.S. 403, 407 (1972) (federal courts may only entertain matters that present
15 a “case” or “controversy” within the meaning of Article III). “Absent a real and
16 immediate threat of future injury there can be no case or controversy, and thus no
17 Article III standing for a party seeking injunctive relief.” *Wilson v. Brown*, No. 05-cv-
18 1774-BAS-MDD, 2015 WL 8515412, at *3 (S.D. Cal. Dec. 11, 2015) (citing *Friends*
19 *of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc.*, 528 U.S. 167, 190 (2000) (“[I]n
20 a lawsuit brought to force compliance, it is the plaintiff’s burden to establish standing
21 by demonstrating that, if unchecked by the litigation, the defendant’s allegedly
22 wrongful behavior will likely occur or continue, and that the threatened injury is
23 certainly impending.”) (simplified)). At the “irreducible constitutional minimum,”
24 standing requires that a petitioner demonstrate the following: (1) an injury in fact
25 (2) that is fairly traceable to the challenged action of the United States and (3) likely to
26 be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–
27 61 (1992).

1 Here, Petitioner’s third claim for relief alleges that “ICE’s policies threaten his
2 removal to a third country without adequate notice and an opportunity to be heard.”
3 ECF No. 1 at 14. But Respondents are not seeking to remove Petitioner to a third
4 country and are instead working to promptly remove Petitioner to Vietnam. *See*
5 Arredondo Decl. ¶¶ 16–17, 21. As such, there is no controversy concerning third-
6 country resettlement for this Court to resolve. Federal courts do not have jurisdiction
7 “to give opinions upon moot questions or abstract propositions, or to declare principles
8 or rules of law which cannot affect the matter in issue in the case before it.” *Church of*
9 *Scientology of Cal. v. United States*, 506 U.S. 9, 12 (1992) (internal quotations and
10 citations omitted). “A claim is moot if it has lost its character as a present, live
11 controversy.” *Am. Rivers v. Nat’l Marine Fisheries Serv.*, 126 F.3d 1118, 1123 (9th Cir.
12 1997) (citation omitted). The Court therefore lacks jurisdiction over Petitioner’s claims
13 concerning third-country resettlement because there is no live case or controversy. *See*
14 *Powell v. McCormack*, 395 U.S. 486, 496 (1969); *Murphy v. Hunt*, 455 U.S. 478, 481
15 (1982).

16 **B. Claims and requests barred by 8 U.S.C. § 1252.**

17 Petitioner bears the burden of establishing that this Court has subject matter
18 jurisdiction over his claims. *See Ass’n of Am. Med. Colls. v. United States*, 217 F.3d
19 770, 778–79 (9th Cir. 2000). To the extent Petitioner’s claims arise from—or seek to
20 enjoin—the decision to execute his removal order, they are jurisdictionally barred under
21 8 U.S.C. § 1252(g). *See* 8 U.S.C. § 1252(g) (“Except as provided in this section and
22 notwithstanding any other provision of law (statutory or nonstatutory), including
23 section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and
24 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on
25 behalf of any alien arising from the decision or action by the Attorney General to
26 commence proceedings, adjudicate cases, or execute removal orders against any alien
27 under this chapter.”) (emphasis added); *Reno v. Am.-Arab Anti-Discrimination Comm.*,
28 525 U.S. 471, 483 (1999) (“There was good reason for Congress to focus special

1 attention upon, and make special provision for, judicial review of the Attorney
2 General’s discrete acts of “commenc[ing] proceedings, adjudicat[ing] cases, [and]
3 execut[ing] removal orders”—which represent the initiation or prosecution of various
4 stages in the deportation process.”) (quoting 8 U.S.C. § 1252(g)). In other words,
5 section 1252(g) removes district court jurisdiction over “three discrete actions that the
6 Attorney General may take: her ‘decision or action’ to ‘commence proceedings,
7 adjudicate cases, or execute removal orders.’” *Reno*, 525 U.S. at 482 (emphasis
8 removed). Here, Petitioner’s claims necessarily arise “from the decision or action by
9 the Attorney General to . . . execute removal orders,” over which Congress has explicitly
10 foreclosed district court jurisdiction. 8 U.S.C. § 1252(g); *see also* 8 U.S.C. § 1252(f)(2)
11 (“Notwithstanding any other provision of law, no court shall enjoin the removal of any
12 alien pursuant to a final order under this section unless the alien shows by clear and
13 convincing evidence that the entry or execution of such order is prohibited as a matter
14 of law.”). Accordingly, to the extent Petitioner’s claims arise from—or seek to enjoin—
15 the decision to execute his removal order, the Court should deny and dismiss those
16 claims for lack of jurisdiction under 8 U.S.C. § 1252.

17 **C. Petitioner’s detention is lawful, and he has not established that there is no**
18 **significant likelihood of removal in the reasonably foreseeable future.**

19 ICE’s authority to detain, release, and re-detain noncitizens who are subject to a
20 final order of removal is governed by 8 U.S.C. § 1231(a). When an alien has been found
21 to be unlawfully present in the United States and a final order of removal has been
22 entered, the government ordinarily secures the alien’s removal during a subsequent 90-
23 day statutory “removal period.” 8 U.S.C. § 1231(a)(1). The statute provides that the
24 Attorney General “shall detain” the alien during this removal period. 8 U.S.C.
25 § 1231(a)(2).

26 The Supreme Court held in *Zadvydas* that when removal is not accomplished
27 during the 90-day removal period, the statute “limits an alien’s post-removal-period
28 detention to a period reasonably necessary to bring about the alien’s removal from the

1 United States” and does not permit “indefinite detention.” *Zadvydas*, 533 U.S. at 689.
2 The Supreme Court has held that six months constitutes a “presumptively reasonable
3 period of detention.” *Id.* at 701. “This 6-month presumption, of course, does not mean
4 that every alien not removed must be released after six months.” *Id.* Even after the
5 period of presumptive reasonableness has run, release is not required under *Zadvydas*
6 unless “there is *no* significant likelihood of removal in the reasonably foreseeable
7 future.” *Id.* (emphasis added). “After this 6-month period, once the alien provides good
8 reason to believe that there is no significant likelihood of removal in the reasonably
9 foreseeable future, the Government must respond with evidence sufficient to rebut that
10 showing.” *Id.* The Ninth Circuit has emphasized, “*Zadvydas* places the burden on the
11 alien to show, after a detention period of six months, that there is ‘good reason to believe
12 that there is no significant likelihood of removal in the reasonably foreseeable future.’”
13 *Pelich v. INS*, 329 F. 3d 1057, 1059 (9th Cir. 2003) (quoting *Zadvydas*, 533 U.S. at
14 701); *see also Xi v. INS*, 298 F.3d 832, 840 (9th Cir. 2003).

15 As the Supreme Court instructed, “the habeas court must ask whether the
16 detention in question exceeds a period reasonably necessary to secure removal. It should
17 measure reasonableness primarily in terms of the statute’s basic purpose, namely,
18 *assuring the alien’s presence at the moment of removal.*” *Zadvydas*, 533 U.S. at 699
19 (emphasis added). In so holding, the Supreme Court recognized that detention is
20 presumptively reasonable pending efforts to obtain travel documents, because the
21 noncitizen’s assistance is often needed to obtain the travel documents, and because a
22 noncitizen who is subject to an imminent, executable warrant of removal becomes a
23 significant flight risk, especially if he or she is aware that it is imminent.

24 Here, although Petitioner’s total time in detention since September 2000 has
25 exceeded the 6-month period of presumptive reasonableness, his claim still fails at the
26 next step because he cannot meet his burden to establish “that there is no significant
27 likelihood of removal in the reasonably foreseeable future.” *Zadvydas*, 533 U.S. at 701.
28 Petitioner was re-detained for removal on December 17, 2025, after ICE had been

1 successfully obtaining travel documents for Vietnamese citizens who immigrated to the
2 United States before 1995 and removing them. Arredondo Decl. ¶¶ 14, 18–20. ICE is
3 compiling Petitioner’s travel document request to submit to the Removal and
4 International Operations unit for processing. *Id.* ¶ 17. Once ICE receives Petitioner’s
5 travel document, he can be removed promptly as ICE has routine flights to Vietnam.
6 *See id.* ¶¶ 20–21. There is no bar against Petitioner’s removal to Vietnam, and the
7 government is currently arranging for that removal.

8 It is true that that twenty-six years ago the government was not able to remove
9 Petitioner to Vietnam, as with other similarly situated individuals, because the prior
10 political relationship between the United States and Vietnam prevented their removals.
11 That produced significant litigation from detainees who argued that they could not be
12 removed to their home nations due to the lack of cooperation, and so their detentions
13 were indefinite. But that barrier to removal was removed. This issue was exhaustively
14 addressed in more recent litigation addressing detainees facing removal to Vietnam. In
15 2020, the *Trinh* court explained the then-current state of affairs:

16 The parties now agree that Vietnam does not maintain a blanket policy of
17 refusing to repatriate pre-1995 immigrants. ... Instead, Vietnam now
18 considers each request from ICE on a case-by-case basis. ICE frequently
19 requests travel documents from Vietnam for pre-1995 immigrants, and
20 Vietnam issues them in a non-negligible portion of cases. ...

21 Petitioners do not appear to dispute that once Vietnam issues a travel
22 document, removal becomes significantly likely, rendering class members
unable to meet their initial burden under *Zadvydas*.

23 *Trinh v. Homan*, 466 F. Supp. 3d 1077, 1090 (C.D. Cal. 2020) (citations omitted).

24 Petitioner may complain that the government did not already obtain his travel
25 documents before taking him back into detention. *Zadvydas* does not require the
26 government to pre-arrange a noncitizen’s removal travel before arresting them, which
27 would often be extremely difficult if not impossible. The constitutional standard is
28 whether there is “a significant likelihood of removal” in the “reasonably foreseeable

1 future.” The law does not require that “every [noncitizen] not removed must be released
2 after six months.” *Zadvydas*, 533 U.S. at 701. Instead, the Supreme Court was clear that
3 the Constitution prevents only “indefinite” or “potentially permanent” detention. *Id.*
4 at 689–91. Courts properly deny *Zadvydas* claims under such circumstances. *See*
5 *Malkandi v. Mukasey*, No. C07-1858RSM, 2008 WL 916974, at *1 (W.D. Wash.
6 April 2, 2008) (denying *Zadvydas* petition where petitioner had been detained more
7 than 14 months post-final order); *Nicia v. ICE Field Office Dir.*, No. C13–0092–RSM,
8 2013 WL 2319402, at *3 (W.D. Wash. May 28, 2013) (holding petitioner “failed to
9 satisfy his burden of showing that there is no significant likelihood of his removal in
10 the reasonably foreseeable future” where he had been detained more than seven months
11 post-final order).

12 That Petitioner does not yet have a specific date of anticipated removal does not
13 make his detention unconstitutionally indefinite. *See Diouf v. Mukasey*, 542 F.3d 1222,
14 1233 (9th Cir. 2008) (explaining that a demonstration of “no significant likelihood of
15 removal in the reasonably foreseeable future” would include a country’s refusal to
16 accept a noncitizen or that removal is barred by our own laws). On the contrary, as
17 courts in this district have found, “evidence of progress, albeit slow progress, in
18 negotiating a petitioner’s repatriation will satisfy *Zadvydas* until the petitioner’s
19 detention grows unreasonably lengthy.” *Kim v. Ashcroft*, Case No. 02-cv-1524-J-LAB,
20 ECF No. 25 at 8:8–10 (S.D. Cal. June 2, 2003) (finding that petitioner’s one year and
21 four-month detention does not violate *Zadvydas* given respondent’s production of
22 evidence showing governments’ negotiations are in progress and there is reason to
23 believe that removal is likely in the foreseeable future); *see also Marquez v. Wolf*, No.
24 20-cv-1769-WQHBLM, 2020 WL 6044080, at *3 (S.D. Cal. Oct. 13, 2020) (denying
25 petition because “Respondents have set forth evidence that demonstrates progress and
26 the reasons for the delay in Petitioner’s removal”); *Sereke v. DHS*, Case No. 19-cv-
27 1250-WQH-AGS, ECF No. 5 at 5:4–6 (S.D. Cal. Aug. 15, 2019) (“[T]he record at this
28

1 stage in the litigation does not support a finding that there is no significant likelihood
2 of Petitioner’s removal in the reasonably foreseeable future.”).

3 Petitioner’s continued detention is thus not unconstitutionally prolonged under
4 *Zadvydas*.

5 **D. Petitioner’s complaints about procedural defects in his re-detention do not**
6 **establish a basis for habeas relief.**

7 Petitioner’s first claim for relief—that ICE failed to comply with its regulations
8 revoking Petitioner’s order of supervision—is also deficient.

9 A noncitizen who is not removed within the removal period may be released from
10 ICE custody “pending removal . . . subject to supervision under regulations prescribed
11 by the Attorney General.” 8 U.S.C. §§ 1231(a)(1)(A), 1231(a)(3); *see also* 8 U.S.C.
12 § 1231(a)(6). An order of supervision may be issued under 8 C.F.R. § 241.4, and the
13 order may be revoked under 8 C.F.R. § 241.4(l)(2)(iii) where “appropriate to enforce a
14 removal order.” *See also* 8 C.F.R. § 241.5 (conditions of release after removal period).
15 ICE may also revoke the order of supervision where, “on account of changed
16 circumstances, [ICE] determines that there is a significant likelihood that the alien may
17 be removed in the reasonably foreseeable future.” 8 C.F.R. § 241.13(i)(2). The
18 regulations further provide:

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

23 8 C.F.R. § 214.4(l) (emphasis added).

24 Here, Petitioner claims that his detention is unlawful because the agency failed
25 to comply with its regulations *before* re-detaining him. ECF No. 1 at 7. Specifically,
26 Petitioner argues that ICE did not identify any “changed circumstances” to justify re-
27 detaining him, ICE did not inform him of the reasons for re-detaining him, and he was
28

1 not given an informal interview. *Id.* at 9–10.² Notably, the regulations do not require
2 written notice, advance notice, an advanced interview, nor for DHS to prove to the
3 satisfaction of a petitioner that changed circumstances are present.³

4 Yet it is clear that there *were*, at the time of Petitioner’s detention, changed
5 circumstances—namely, ICE’s revived ability to obtain travel documents from the
6 Vietnamese government and to schedule routine removal flights to Vietnam. Arredondo
7 Decl. ¶¶ 18–20. These facts are fatal to Petitioner’s claim, because even if the agency
8 had failed to provide Petitioner with “advance notice” of the revocation, Petitioner could
9 not establish that he was prejudiced by that omission nor that a constitutional level
10 violation has occurred. *See Brown v. Holder*, 763 F.3d 1141, 1148–50 (9th Cir. 2014)
11 (“[T]he mere failure of an agency to follow its regulations is not a violation of due
12 process.”); *United States v. Tatoyan*, 474 F.3d 1174, 1178 (9th Cir. 2007) (holding that
13 “[c]ompliance with . . . internal [customs] agency regulations is not mandated by the
14 Constitution”) (simplified); *Bd. of Curators of Univ. of Mo. v. Horowitz*, 435 U.S. 78,
15 92 n.8 (1978) (holding that *Accardi* “enunciate[s] principles of federal administrative
16 law rather than of constitutional law”).

17 For example, in *Ahmad v. Whitaker*, the government revoked the petitioner’s
18 release but did not provide him an informal interview. *Ahmad v. Whitaker*, No. C18-27-

20 ² ICE provided Petitioner with a formal Notice of Revocation of Release and
21 interviewed him on December 18, 2025, the day after he was re-detained. *See*
22 Arredondo Decl. ¶¶ 14–15; Ex. 6 (Notice of Revocation of Release dated December 18
23 and Proof of Service); Ex. 7 (Informal Interview Notes). The notice of revocation
24 incorrectly stated that Petitioner was granted withholding of removal to Vietnam.
Compare Ex. 3 (Order of Removal) *with* Ex. 6 (Notice of Revocation of Release).

25 ³ There are obvious law enforcement reasons for not providing “advance” notice of a
26 re-detention before executing a warrant of removal, just as there is no requirement to
27 provide prior notice of execution of an arrest warrant. Providing such notice “creates a
28 risk that the alien will leave town before the delivery or deportation date.” *United States*
v. Gonzales & Gonzales Bonds & Ins. Agency, Inc., 103 F. Supp. 3d 1121, 1137 (N.D.
Cal. 2015).

1 JLR-BAT, 2018 WL 6928540, at *6 (W.D. Wash. Dec. 4, 2018), *report and*
2 *recommendation adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019). The petitioner
3 argued the revocation of his release was unlawful because, he contended, the federal
4 regulations prohibited re-detention without, among other things, an opportunity to be
5 heard. *Id.* at *5. In rejecting his claim, the court held that although the regulations called
6 for an informal interview, petitioner could not establish “any actionable injury from this
7 violation of the regulations given that ICE had procured a travel document and
8 scheduled [petitioner’s] removal.” *Id.* Similarly, in *Doe v. Smith*, the court held that
9 even if an ICE detained petitioner had not received a timely interview following her
10 return to custody, there was “no apparent reason why a violation of the regulation, even
11 assuming it occurred, should result in release.” *Doe v. Smith*, No. 18-11363-FDS, 2018
12 WL 4696748, at *9 (D. Mass. Oct. 1, 2018). The court elaborated, “it is difficult to see
13 an actionable injury stemming from such a violation. Doe is not challenging the
14 underlying justification for the removal order. . . . Nor is this a situation where a prompt
15 interview might have led to her immediate release—for example, a case of mistaken
16 identity.” *Id.*

17 So too here. At the time of his re-detention, Petitioner knew he was subject to a
18 final order of removal to Vietnam. *See Vo Decl.* ¶ 2. He does not challenge that order
19 in this lawsuit or offer any indication that he intends to do so. Petitioner was informed
20 of the reason for his re-detention when he was served with the Notice of Revocation of
21 Release on December 18, 2025, and the Form I-200, Warrant for Arrest of Alien. *See*
22 *Arredondo Decl.* ¶ 15; Ex. 4 (Form I-200, Warrant for Arrest of Alien); Ex. 6 (Notice
23 of Revocation of Release). Petitioner was afforded an informal interview on December
24 18, the day after he was re-detained. *See Ex. 7.* And because Respondents had, and
25 continue to have, an evidentiary basis to conclude there is a significant likelihood that
26 Petitioner will be removed to Vietnam in the reasonably foreseeable future, any
27 challenge that Petitioner would have raised to the revocation prior to or after his re-
28 detention would have failed. Because Petitioner cannot show prejudice under these

1 circumstances, the alleged violation of agency regulations does not warrant release here.
2 *See, e.g., Rodriguez v. Hayes*, 578 F.3d 1032, 1044 (9th Cir. 2009), *opinion amended*
3 *and superseded on other grounds*, 591 F.3d 1105 (9th Cir. 2010) (“While the regulation
4 provides the detainee some opportunity to respond to the reasons for revocation, it
5 provides no other procedural and no meaningful substantive limit on this exercise of
6 discretion as it allows revocation ‘when, in the opinion of the revoking official . . . [t]he
7 purposes of release have been served . . . [or] [t]he conduct of the alien, or *any other*
8 *circumstance*, indicates that release would no longer be appropriate.’”) (emphasis in
9 original) (citing 8 C.F.R. §§ 241.4(l)(2)(i), (iv)); *Carnation Co. v. Sec’y of Lab.*, 641
10 F.2d 801, 804 n.4 (9th Cir. 1981) (“[V]iolations of procedural regulations should be
11 upheld if there is no significant possibility that the violation affected the ultimate
12 outcome of the agency’s action.” (citation omitted)); *United States v. Hernandez-Rojas*,
13 617 F.2d 533, 535 (9th Cir. 1980) (INS’ failure to follow regulations requiring that an
14 arrested alien be advised of his right to speak to his consul was not prejudicial and thus
15 not a ground for challenging the conviction); *United States v. Barraza-Leon*, 575 F.2d
16 218, 221–22 (9th Cir. 1978) (holding that even assuming that the judge had violated the
17 rule by failing to inquire into the alien’s background, any error was harmless because
18 there was no showing that the petitioner was qualified for relief from deportation).

19 Thus, whatever procedural deficiencies or delays may have occurred, they do
20 not warrant Petitioner’s release and indeed could be cured by means well short of
21 release. Petitioner does not challenge his removal order, nor could he. *See supra*
22 Section III.B. ICE’s Enforcement and Removal Operations is working diligently to
23 compile a travel document request to submit to the Removal and International
24 Operations division for processing. Arredondo Decl. ¶¶ 17. With Petitioner’s removal
25 likely to occur in the reasonably foreseeable future, no purpose would be served by this
26 Court’s ordering his release—other than frustrating “the statute’s basic purpose,
27 namely, assuring the alien’s presence at the moment of removal.” *Zadvydas*, 533 U.S.
28 at 699.

1 **IV. Conclusion**

2 For the foregoing reasons, Respondents respectfully request that the Court
3 dismiss Petitioner’s habeas petition.⁴

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5 Dated: January 20, 2026

6 Respectfully submitted,

7 ADAM GORDON
8 United States Attorney

9 s/ Kelly A. Reis
10 KELLY A. REIS
11 Assistant United States Attorney

12 Attorneys for Respondents
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26 ⁴ Because the record shows that Petitioner is not entitled to habeas relief, there is no
27 need for an evidentiary hearing in this matter. *See Schriro v. Landrigan*, 550 U.S. 465,
28 474 (2007) (“[I]f the record refutes the applicant’s factual allegations or otherwise
precludes habeas relief, a district court is not required to hold an evidentiary hearing.”).