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8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 MAGED ABDULHAMEED HAMOOD
13 ABDULLAH,

Case No.: 26-cv-176-BJC-BLM

14 Petitioner,

15 v.

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

20 Respondents.
21

**Reply in Support of
Motion for Temporary
Restraining Order and
Traverse in
Support of
Petition for Writ of
Habeas Corpus**

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1 **I. Introduction**

2 In its return, the government submits evidence that Saudi Arabia rejected
3 Mr. Abdullah in 2022, that ICE has not sought reconsideration from Saudi Arabia
4 since, that ICE internally decided to re-detain Mr. Abdullah on December 18,
5 2025, because he “did not possess valid immigration documents,” and that ICE
6 began its internal process to seek third countries to deport Mr. Abdullah to before
7 his re-detention and yet still has not heard back from headquarters about it. ECF
8 No. 7, Declaration of Jason Cole, ¶¶ 9, 18–20; ECF No. 7, Exhibit C.

9 None of this evidence rebuts Mr. Abdullah’s claim that he was re-detained
10 in violation of his regulatory and due process rights under § 241.13(i) and
11 § 241.13(l). Nor does it rebut Mr. Abdullah’s claim that there is not an
12 individualized, significant likelihood of his removal in the foreseeable future. ICE
13 tried and failed to obtain a travel document for Mr. Abdullah from Saudi Arabia
14 three years ago. It has not yet even identified a third country to remove him to
15 now.

16 **This Court should grant Mr. Abdullah’s petition. In the alternative, it**
17 **should grant his motion for temporary relief so that he may attend his spring**
18 **semester classes when they begin on February 2 while the Court resolves any**
19 **outstanding issues regarding his petition.**

20 **II. The government’s return includes new relevant evidence.**

21 The government’s return includes the following evidence:

- 22 • ICE’s internal notes indicating Mr. Abdullah was arrested at his check-in
23 on December 18, 2025, because “ICE determined that ABDULLA did not
24 possess valid immigration documents authorizing him to be or remain in
25 the United States legally,” ECF No. 7, Exhibit C;
- 26 • An immigration judge’s initial order in Mr. Abdullah’s case from June 9,
27 2022, ordering him removed to Saudi Arabia and declining to resolve his
28

1 application for withholding of removal from Yemen, noting, “If [DHS] is
2 unable to return Respondent to Saudi Arabia and intends to seek removal to
3 Yemen, parties should file a motion to reopen,” ECF No. 7, Exhibit E;

- 4 • An immigration judge’s order from November 3, 2022, ordering
5 Mr. Abdullah removed to Saudia Arabia and Yemen, and granting
6 withholding of removal from Yemen, ECF No. 7, Exhibit F;
- 7 • Following several DHS appeals, *see* ECF No. 7, Exhibits G-H, the same
8 final immigration judge order Mr. Abdullah submitted to this Court, ECF
9 No. 7, Exhibit I; *accord* ECF No. 1, Exhibit B (same order);
- 10 • The same December 18, 2025, notice of revocation of release Mr. Abdullah
11 submitted to this Court informing him he was re-detained after “a review of
12 your official alien file and a determination that there are changed
13 circumstances in your case,” and that “ICE will attempt removal to Saudi
14 Arabia or removal to a third country,” ECF No. 7, Exhibit J; *accord* ECF
15 No. 1, Exhibit C;
- 16 • Internal notes of an “initial informal interview” completed on December
17 18, 2025, by the same officer who gave Mr. Abdullah his notice of
18 revocation of release on the same day, noting that Mr. Abdullah told the
19 officer he “will accept a country that welcomes him,” including “Saudi
20 Arabia,” and that he would “like to have another option other than
21 remaining in detention,” such as “house arrest,” ECF No. 7, Exhibit J; and
- 22 • A declaration from a San Diego deportation officer explaining that:
 - 23 ○ “On September 7, 2022, the Consulate General of Saudi Arabia
24 denied ICE’s request for a travel document because Petitioner is not
25 a citizen of Saudi Arabia”;
 - 26 ○ In October 2025, local ICE contacted ICE headquarters “to seek a
27 third country for removal,” and “requested updates” on January 6,
28 2026, but had not yet heard back on either request; and

1 ○ “At this time, ICE is still in the process of identifying third countries
2 that may be willing to accept Petitioner,” ECF No. 7, Declaration of
3 Jason Cole, ¶¶ 9, 18–20.

4 **III. There is no jurisdictional bar to resolution of the petition or TRO.**

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

11 In *Ibarra-Perez*, the Ninth Circuit squarely held that “§ 1252(g) does not
12 prohibit challenges to unlawful practices merely because they are in some fashion
13 connected to removal orders.” *Id.* Instead, § 1252(g) is “limited . . . to actions
14 challenging the Attorney General's discretionary decisions to initiate proceedings,
15 adjudicate cases, and execute removal orders.” *Arce v. United States*, 899 F.3d
16 796, 800 (9th Cir. 2018). The statute does not apply to arguments that the
17 government “entirely lacked the authority, and therefore the discretion,” to carry
18 out a particular action. *Id.* at 800.

19 The same logic applies to Mr. Abdullah’s claims. He challenges violations
20 of ICE’s mandatory duties under statutes, regulations, and the Constitution.
21 “Though 8 U.S.C § 1252(g) precludes this Court from exercising jurisdiction over
22 the executive’s decision to ‘commence proceedings, adjudicate cases, or execute
23 removal orders against any alien,’ this Court has habeas jurisdiction over the
24 issues raised here, namely the lawfulness of [Mr. Abdullah’s] continued detention
25 and the process required in relation to third country removal.” *Y.T.D.*, 2025 WL
26 2675760 at *5.

27 Mr. Abdullah does not challenge whether the government may “execute”
28 his removal under 8 U.S.C § 1252(g)—only whether it may detain him up to the

1 date it does so or remove him to a third country without notice and an opportunity
2 to be heard. This Court has jurisdiction.

3 **IV. Mr. Abdullah’s claims succeed on the merits.**

4 **A. Claim One: ICE did not adhere to key regulations implementing**
5 **the due process rights to notice and a meaningful opportunity to**
6 **be heard, warranting release.**

7 1. Mr. Abdullah did not receive notice of the reasons for his
8 revocation or have an opportunity to contest those reasons.

9 The government does not claim to have fully complied with 8 C.F.R.
10 §§ 241.4 and 241.13. *See* ECF No. 7 at 7–9. For Mr. Abdullah, those regulations
11 permit his re-detention only if ICE: (1) “determines that there is a significant
12 likelihood that the alien may be removed in the reasonably foreseeable future,”
13 § 241.13(i)(2); (2) makes that finding “on account of changed circumstances,” *id.*;
14 (3) “upon revocation,” “notifie[s]” the noncitizen “of the reasons for revocation of
15 his or her release,” § 241.13(i)(2), 241.4(l)(1); and (4) “affords the [person] an
16 opportunity to respond to the reasons for revocation,” *id.*

17 As Mr. Abdullah explained in his petition and motion, ICE did not comply
18 with these requirements.

19 First, the evidence before this Court indicates ICE did not determine that
20 there were “changed circumstances” such that, unlike in 2022 when Saudi Arabia
21 declined to accept Mr. Abdullah, there is now “a significant likelihood that [Mr.
22 Abdullah] may be removed in the reasonably foreseeable future.” § 241.13(i)(2).
23 ICE’s internal record for Mr. Abdullah, its I-213, indicates it lacked any
24 information about what happened in 2022 with Saudi Arabia. ICE officers re-
25 detained him at his check-in because, they wrote, he “did not possess valid
26 immigration documents.” ECF No. 7, Exhibit C. That, of course, was not a
27 changed circumstance from when Mr. Abdullah was released on supervision.

28 Next, upon Mr. Abdullah’s revocation, ICE did not notify him of “the
reasons for revocation of his . . . release.” § 241.13(i)(2)(iii); § 241.4(l)(1). As he

1 explained in his declaration, “[n]o one from ICE has told me what changed to
2 make it possible to deport me.” ECF No. 1, Exhibit A, ¶ 8. His declaration is
3 consistent with the written notification he received that day. It informed him only
4 that “your order of supervision has been revoked . . . based on a review of your
5 official alien file and a determination that there are changed circumstances in your
6 case.” ECF No. 6, Exhibit J. “ICE has determined that you can be expeditiously
7 removed from the United States pursuant to the outstanding order of removal
8 against you. ICE will attempt removal to Saudi Arabia or removal to a third
9 country.” *Id.*

10 As Judge Montenegro recently explained as to an identically worded
11 written revocation notification, “ICE’s conclusory explanations for revoking
12 Petitioner’s release ‘did not offer him adequate notice of the basis for the
13 revocation decision such that he could meaningfully respond at the post-detention
14 informal interview.’” *Raskhamdee v. Noem*, No.25-cv-2816-RBM-DEB, 2025
15 WL 3102037, *4 (S.D. Cal. Nov. 6, 2025) (quoting *Diaz v. Wofford*, No. 25-cv-
16 1079-JLT-EPG, 2025 WL 2581575, *8 (E.D. Cal. Sept. 5, 2025)); *accord Quoc*
17 *Anh Nguyen v. Noem*, No. 25-cv-2792-LL-VET, 2025 WL 3101979, *2 (S.D. Cal.
18 Nov. 6, 2025) (holding that a similarly “bare-bones explanation does not contain
19 reasons for the revocation of Petitioner’s release”). “Simply to say that
20 circumstances had changed . . . is not enough. Petitioner must be told *what*
21 circumstances had changed or *why* there was now a significant likelihood of
22 removal in order to meaningfully respond to the reasons and submit evidence in
23 opposition, as allowed under § 241.13(i)(3).” *Sarail A.*, __ F. Supp. 3d __, 2025
24 WL 2533673 at *10 (emphasis in original).

25 Finally, ICE did not “afford[] [Mr. Abdullah] an opportunity to respond to
26 the reasons for revocation.” 8 C.F.R. §§ 241.13(i)(3); 241.4(l)(1). “[W]hile an
27 informal interview apparently occurred, Petitioner could not have responded to
28 the reasons for revocation, because they were not given.” *Sarail A.*, __ F. Supp.

1 3d ___, 2025 WL 2533673 at *10. Instead, Mr. Abdullah’s informal interview
2 apparently revolved solely around the fact that he would like to be removed to
3 Saudi Arabia, which will not accept him, and that he would like to not be re-
4 detained. ECF No. 7, Exhibit J. Without reasons for why ICE thought his removal
5 was now likely in the foreseeable future, that was all he could bring up.

6 In the last two months, multiple judges from this district have ordered
7 release for failure to follow these regulations for similar reasons. *See, e.g.,*
8 *Soryadvongsa*, 2025 WL 3125821; *Ghafouri v. Noem*, No. 25-cv-2675-RBM,
9 ECF No. 11 (S.D. Cal. Nov. 4, 2025); *Phan v. Noem*, 2025 WL 2898977, No. 25-
10 cv-2422-RBM-MSB, *3–*5 (S.D. Cal. Oct. 10, 2025); *Constantinovici v. Bondi*,
11 __ F. Supp. 3d ___, 2025 WL 2898985, No. 25-cv-2405-RBM (S.D. Cal. Oct. 10,
12 2025); *Truong v. Noem*, No. 25-cv-02597-JES, ECF No. 10 (S.D. Cal. Oct. 10,
13 2025); *Khambounheuang v. Noem*, No. 25-cv-02575-JO-SBC, ECF No. 12 (S.D.
14 Cal. Oct. 9, 2025); *Rokhfirooz v. Larose*, No. 25-cv-2053-RSH, 2025 WL
15 2646165 (S.D. Cal. Sept. 15, 2025); *Sun v. Noem*, 2025 WL 2800037, No. 25-cv-
16 2433-CAB (S.D. Cal. Sept. 30, 2025); *Van Nikolayev v. Noem*, 2025 WL
17 2770623, No. 25-cv-2334-JES, *3 (S.D. Cal. Sept. 29, 2025). This Court should
18 do the same.

19 2. Mr. Abdullah need not show prejudice, although he can,
20 because the regulations implement the core due process
21 guarantees of notice and an opportunity to be heard while
22 being detained.

23 The government’s two remaining arguments on Mr. Abdullah’s regulatory
24 claims—that Mr. Abdullah must show prejudice, and that the regulations do not
25 implement due process and protected liberty interests—also fail.

26 First, Mr. Abdullah need not show prejudice from these regulatory claims.
27 “[T]he ‘norm’ when ICE fails to conduct an ‘informal interview promptly’ is that
28 ‘courts across the country have ordered the release of individuals stemming from
ICE’s illegal detention.” *Soryadvongsa*, 2025 WL 3125821 at *3 (quoting *KEO v.*

1 *Woosley*, No. 4:25-CV-74-RGJ, 2025 WL 2553394, *6–*7 (W.D. Ky. Sept. 4,
2 2025)). As Judge Schopler recently reasoned, “Especially in the context of civil
3 detentions—when constitutional safeguards are at their zenith—this Court is
4 unwilling to import such a prejudice analysis into regulations or binding caselaw
5 that don’t mention it.” *Id.*

6 To flesh this point out, “[t]here are two types of regulations: (1) those that
7 protect fundamental due process rights, and (2) and those that do not.” *Martinez v.*
8 *Barr*, 941 F.3d 907, 924 n.11 (9th Cir. 2019) (cleaned up). “A violation of the
9 first type of regulation . . . implicates due process concerns even without a
10 prejudice inquiry.” *Id.* (cleaned up). Here, “[t]here can be little argument that
11 ICE’s requirement that noncitizens be afforded an informal interview—arguably
12 the most bare-bones form of an opportunity to be heard—derives from the
13 fundamental constitutional guarantee of due process.” *Ceesay v. Kurzdorfer*, 781
14 F. Supp. 3d 137, 165 n.26 (W.D.N.Y. May 2, 2025). No showing of prejudice is
15 required.

16 Regardless, a violation of a regulation is prejudicial where, as here, “the
17 merits” of an immigrant’s case for relief “were never considered by the agency at
18 all.” *Arizmendi-Medina v. Garland*, 69 F.4th 1043, 1052 (9th Cir. 2023). Faced
19 with that total deprivation, a petitioner need not point to the specific “evidence
20 [he] would have presented to support [his] assertions” or make “any allegations as
21 to what the petitioner or his witnesses might have said.” *Id.* (cleaned up).

22 And Mr. Abdullah could “present plausible scenarios in which the outcome
23 of the proceedings would have been different if a more elaborate process were
24 provided.” *Morales-Izquierdo v. Gonzales*, 486 F.3d 484, 495 (9th Cir. 2007)
25 (cleaned up). He would have had a very strong argument against re-detention had
26 ICE given him notice and an opportunity to respond. Importantly, he could have
27 explained that there was no reason to think Saudi Arabia would take him now,
28 and that ICE is fully capable of trying to get a travel document from a third

1 country while Mr. Abdullah remained at liberty. It began that internal third-
2 country process several months before re-detaining him, although it has not gotten
3 far. It was able to do so likely because Mr. Abdullah has complied with ICE’s
4 requests while he remained at liberty. ECF No. 1, Exhibit A ¶ 5. Detaining him is
5 therefore unnecessary. Mr. Abdullah deserved a chance to make that case upon
6 his re-detention. Because ICE did not make any of the proper findings, let alone
7 give Mr. Abdullah timely notice and a chance to contest them, he must be
8 released.

9 Second, of course § 241.13(i) and § 241.4(1)(1) implement the basic due
10 process protections of notice and an opportunity to be heard before being detained
11 indefinitely. Their violation is an enforceable violation of a protected interest in
12 being free from indefinite detention. “When someone’s most basic right of
13 freedom is taken away, that person is entitled to at least some minimal process;
14 otherwise, we all are at risk to be detained—and perhaps deported—because
15 someone in the government thinks we are not supposed to be here.” *Ceesay*, 781
16 F. Supp. 3d at 165.

17 In arguing otherwise, the government “confuses [Mr. Abdullah’s] right to
18 an order of supervision, which ICE indeed has discretion to grant or deny, with
19 his right not to be detained without adequate—in fact, without *any*—process. The
20 right to be free from detention can never be dismissed as discretionary.” *Id.* (citing
21 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)).

22 “When the INS published 8 C.F.R. § 241.4 on December 21, 2000, it
23 explained that the regulation was intended to provide aliens procedural due
24 process, stating that § 241.4 ‘has the procedural mechanisms that . . . courts have
25 sustained against due process challenges.’” *Jimenez v. Cronen*, 317 F. Supp. 3d
26 626, 641 (D. Mass. 2018) (quoting *Detention of Aliens Ordered Removed*, 65 FR
27 80281-01). And “[s]ection 241.13(i) includes provisions modeled on § 241.4(1)
28 to govern determinations to take an alien back into custody,” *Continued Detention*

1 of Aliens Subject to Final Orders of Removal, 66 FR 56967-01, meaning that it
2 addresses the same due process concerns as 241.4(l). “The procedures in § 241.4”
3 and § 241.13 therefore “are not meant merely to facilitate internal agency
4 housekeeping, but rather afford important and imperative procedural safeguards to
5 detainees.” *Jimenez*, 317 F. Supp. 3d at 642. Because the procedures in 8 C.F.R.
6 §§ 241.4, 241.13 are “intended to provide due process to individuals in [Mr.
7 Abdullah’s] position,” *Santamaria Orellana v. Baker*, No. CV 25-1788-TDC,
8 2025 WL 2444087, *6 (D. Md. Aug. 25, 2025), they are enforceable.

9 Because the government failed to comply with core requirements of § 241.4
10 and § 241.13 when revoking Mr. Abdullah’s release, it should, “[l]ike many other
11 district courts within this circuit,” “find[] that these failures constitute a violation
12 of Petitioner’s due process rights and justif[y] his release.” *Bui v. Warden of Otay*
13 *Mesa Detention Facility*, No. 25-cv-2111-JES, 2025 WL 2988356, *5 (S.D. Cal.
14 Oct. 23, 2025).

15 **B. Claim Two: The government has not proved that there is a**
16 **significant likelihood of removal in the reasonably foreseeable**
17 **future under *Zadvydas* and § 1231.**

18 Next, government provides insufficient evidence to meet its burden to show
19 that Mr. Abdullah will likely be removed to an unidentified third country in the
20 reasonably foreseeable future.

21 The government does not dispute that the six-month *Zadvydas* grace period,
22 in which Mr. Abdullah’s detention is presumptively reasonable, has passed. ECF
23 No. 7 at 4–7. The burden has therefore shifted to the government to prove that
24 there is a “significant likelihood of removal in the reasonably foreseeable future.”
Zadvydas, 533 U.S. at 701.

25 “[M]ere generalizations, divorced from any documentary support,” do not
26 “suffice for *Zadvydas* purposes.” *Azzo v. Noem*, No. 25-cv-3122-RBM-BJW,
27 2025 WL 3535208, *4 n.3 (S.D. Cal. Dec. 10, 2025). The government has offered
28 no more than generalizations in this case.

1 *Azzo* is instructive. There, the district court received a declaration for a
2 habeas petitioner who had received relief from removal to his country of
3 citizenship under the Convention Against Torture, asserting that although it had
4 not yet identified a third country for removal ICE “believes there is a significant
5 likelihood of removal to a third country in the reasonably foreseeable future.” *Id.*
6 at *4. Upon surveying relevant case law, the court noted that the declaration
7 resulted in an “even weaker evidentiary showing” than in other cases that had still
8 granted *Zadvydas* petitions and ordered immediate relief. *Id.* *4 (discussing,
9 among other cases, *Kamyab v. Bondi*, No. C-25-389RSL, 2025 WL 2917522
10 (W.D. Wash. Oct. 14, 2025), and *Phan v. Warden of Otay Mesa Detention*
11 *Facility*, No. 25-cv-2369-AJB-BLM, 2025 WL 3141205 (S.D. Cal. Nov. 10,
12 2025)). There, as here, with ““little more than generalizations regarding the
13 likelihood that removal will occur,” Respondents “have not met their burden to
14 ‘respond with evidence sufficient to rebut’ Petitioner’s showing.” *Id.*

15 Further, despite the government’s arguments, good faith efforts to secure a
16 travel document do not themselves satisfy *Zadvydas*. In fact, the petitioner in
17 *Zadvydas* appealed a “Fifth Circuit h[olding] [that] [the petitioner’s] continued
18 detention [was] lawful as long as good faith efforts to effectuate deportation
19 continue and [the petitioner] failed to show that deportation will prove
20 impossible.” 533 U.S. at 702 (cleaned up). The Supreme Court reversed, finding
21 that the Fifth Circuit’s good-faith-efforts standard “demand[ed] more than our
22 reading of the statute can bear.” *Id.*

23 Thus, “under *Zadvydas*, the reasonableness of Petitioner’s detention does
24 not turn on the degree of the government’s good faith efforts. Indeed, the
25 *Zadvydas* court explicitly rejected such a standard. Rather, the reasonableness of
26 Petitioner’s detention turns on whether and to what extent the government’s
27 efforts are likely to bear fruit.” *Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019
28 WL 78984, at *5 (W.D.N.Y. Jan. 2, 2019). Accordingly, “the Government is

1 required to demonstrate the likelihood of not only the *existence* of untapped
2 possibilities, but also of a probability of success in such possibilities.” *Elashi v.*
3 *Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010).

4 Here, then, “[w]hile the respondent asserts that [Mr. Abdullah’s] travel
5 document requests” remain pending, “this is insufficient. It is merely an assertion
6 of good-faith efforts to secure removal; it does not make removal likely in the
7 reasonably foreseeable future.” *Gilali v. Warden of McHenry Cnty.*, No. 19-CV-
8 837, 2019 WL 5191251, at *5 (E.D. Wis. Oct. 15, 2019).

9 **V. Claim 3: The government has no legal argument for how ICE’s third-**
10 **country removal process complies with existing Ninth Circuit law**
11 **regarding the process due to noncitizens in third-country removal**
12 **proceedings.**

13 This Court should also prohibit ICE from removing Mr. Abdullah to a third
14 country without adequate notice and a meaningful opportunity to be heard
15 regarding his statutory and related rights to seek asylum, withholding of removal,
16 and Convention Against Torture relief as to that third country.

17 The government identifies certain components of the third-country removal
18 policy challenged in his habeas petition. Compare ECF No. 7 at 9 with ECF No. 1
19 at 7–9, 20–23, Exhibit G. But the government does not explain how this policy
20 complies with due process or Ninth Circuit law.

21 As Mr. Abdullah explained in his habeas petition, “This policy contravenes
22 Ninth Circuit law.” *Nguyen*, __ F. Supp. 3d __, 2025 WL 2419288 at *19. “It
23 would be impossible to comply both with Ninth Circuit precedent and the policy.”
24 *Id.* ““Failing to notify individuals who are subject to deportation that they have the
25 right to apply . . . for withholding of deportation to the country to which they will
26 deported violates both INS regulations and the constitutional right to due
27 process.”” *Id.* at *18 (quoting *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir.
28 1999). Yet that is exactly what existing ICE policy allows for. *See* ECF No. 1 at
7–9, 20–23, Exhibit G. The government has no response on this point.

1 Nor does the government articulate any reason why this Court cannot order
2 it to provide Mr. Abdullah with notice and a meaningful opportunity to be heard
3 before deporting him to an as-yet unidentified third country. *See* ECF No. 9 at 6.
4 “This relief has been granted in similar matters.” *Azzo*, 2025 WL 3535208 at *8
5 n.6. Indeed, just this summer, the Supreme Court confirmed that habeas
6 petitioners may raise claims regarding the process due to them in removal
7 proceedings, and that district courts should use those habeas petitions to articulate
8 “in the first instance the precise process necessary to satisfy the Constitution.”
9 *AARP v. Trump*, 605 U.S. 91, 95 (2025).

10 **VI. The remaining TRO factors decidedly favor Mr. Abdullah**

11 This Court need not evaluate the other TRO factors—the Court may simply
12 grant the petition outright. But if the Court does decide to evaluate irreparable
13 harm, the balance of harms, and the public interest, Mr. Abdullah should prevail,
14 as he explained in his motion for temporary relief. The government apparently
15 does not dispute this point, as it does not address these remaining TRO factors.

16 **VII. Conclusion**

17 For all these reasons, this Court should grant the petition and (1) order
18 Mr. Abdullah’s immediate release; (2) prohibit Respondents from re-detaining
19 Mr. Abdullah unless and until Respondents obtain a travel document; (3) prohibit
20 Respondents from re-detaining Mr. Abdullah without first following all regulatory
21 procedures; and (4) prohibit Respondents from removing Mr. Abdullah to a third
22 country without following the process laid out in his prayer for relief.

23 In the alternative, this Court should grant Mr. Abdullah’s motion for
24 temporary release and order his immediate release so he may begin his spring
25 semester courses on February 2, 2026, while this Court considers any lingering
26 issues or questions regarding his habeas petition.

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Respectfully submitted,

Dated: January 26, 2026

s/ Jessie Agatstein

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