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7 Attorneys for Respondents

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

10 JOSE LUIS UBEDA FLORIAN,  
11 **Petitioner,**

12 v.

13 WARDEN, OTAY MESA DETENTION  
14 CENTER,

15 **Respondent.**

Case No.: 26-cv-00167-TWR-BLM  
**SUPPLEMENTAL BRIEFING**

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1 In its January 27, 2026, minute order, the Court ordered Respondent to file  
2 supplemental briefing “concerning when Petitioner applied for withholding of  
3 removal.” ECF No. 5. This briefing follows.

4 Upon his arrest for unlawfully entering the United States on November 16, 2024,  
5 Petitioner expressed a fear of being returned to his native country of Nicaragua. *See*  
6 Exhibit (Ex.) 1 at 3 (Respondent’s Return to Petition), ECF No. 4. Based on Petitioner’s  
7 claimed fear, he received an interview with an asylum officer for U.S. Citizenship and  
8 Immigration Services (“USCIS”) to determine “whether [Petitioner] should be referred  
9 to an immigration judge to apply for withholding or deferral of removal.” *See* Ex. 6 at  
10 2 (I-899 “Record of Determination/Reasonable Fear Worksheet”). On December 2,  
11 2024, after a nearly three-hour interview, the asylum officer found that Petitioner was  
12 credible and that Petitioner had a reasonable fear of persecution if returned to  
13 Nicaragua. *Id.* at 3. On December 6, 2024, Petitioner received the asylum officer’s  
14 findings, notice that his claim had been referred to an Immigration Judge for a  
15 determination in accordance with 8 C.F.R. § 208.31(e), and more information about his  
16 rights during the withholding proceedings. *See* Exhibit 5 (I-863 “Notice of Referral to  
17 Immigration Judge”).” Petitioner’s withholding of removal proceedings remain  
18 pending, with Petitioner’s individual hearing scheduled for April 15, 2026. *See* Ex. 4 at  
19 1 (Notice of Hearing), ECF No. 4.

20 DATED: February 2, 2026

Respectfully submitted,

ADAM GORDON  
United States Attorney

*s/ Hunter V. Norton*  
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