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Attorneys for Mr. Feh



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

VALORIA FEH,

Petitioner,

v.

KRISTI NOEM, Secretary of the
Department of Homeland Security,
PAMELA JO BONDI, Attorney General,
TODD M. LYONS, Acting Director,
Immigration and Customs Enforcement,
JESUS ROCHA, Acting Field Office
Director, San Diego Field Office,
JEREMY CASEY, Warden at Imperial
Regional Detention Center,

Respondents.

CIVIL CASE NO: 26CV0578 LL BLM

**Petition for Writ
of
Habeas Corpus
[28 U.S.C. § 2241]**

1 INTRODUCTION

2 On July 14, 2025, Valoria Feh received withholding of removal to his
3 native country of Cameroon. ICE continued to detain him for the next six months,
4 purportedly to remove him to a third country. But ICE has made no progress in
5 doing so. It does not appear that ICE has even asked a third country to take him.
6 Because “there is no significant likelihood of removal in the reasonably
7 foreseeable future,” Mr. Feh’s detention is no longer statutorily authorized, and
8 this Court must order his immediate release. *Zadvydas v. Davis*, 533 U.S. 678
9 (2001).

10 STATEMENT OF FACTS

11 **I. Mr. Feh received withholding of removal, and there is no evidence of**
12 **any progress in sending him to a third country.**

13 Mr. Feh was born in Cameroon on [REDACTED]. Exh. A at ¶ 1. He fled
14 threats from Cameroon’s military, who accused him of arming separatists, and he
15 came to the United States on January 25, 2025. *Id.* He was immediately arrested
16 and detained. *Id.* An immigration judge awarded him withholding of removal on
17 July 31, 2025. *Id.* at ¶ 2.

18 Since then, ICE has met with him only to sign internal ICE paperwork. *Id.*
19 at ¶ 3. At his 90 day review, ICE informed him that no third-country removal
20 candidate had yet been identified. *Id.* at ¶ 4. Now, about 180 days into Mr. Feh’s
21 detention, ICE has sent a request to headquarters inquiring about whether Mr. Feh
22 should be released, *id.*—a good indication that ICE still does not have a viable
23 third-country candidate in mind.

24 At none of these meetings has ICE ever identified a third country that might
25 take Mr. Feh. *Id.* at ¶ 5. No one has asked him to fill out any paperwork for third-
26 country removal or to talk to the consulate of any third country. *Id.* Nor can Mr.
27 Feh think of any reason why a third country would take him. He is not a citizen of
28 any country other than Cameroon. *Id.* at ¶ 6. He does not have legal status in any

1 other country. *Id.* Both of his parents are in Cameroon. *Id.* There is therefore no
2 apparent prospect of his removal from the United States.

3 **II. The government is carrying out deportations to third countries without**
4 **providing sufficient notice and opportunity to be heard.**

5 Though it is highly unlikely that ICE can remove Mr. Feh to a third country
6 in the reasonably foreseeable future, something could unexpectedly change to
7 make third-country removal plausible. If so, Mr. Feh would be in grave danger of
8 removal without due process.

9 The Trump administration reportedly has negotiated with at least 58
10 countries to accept deportees from other nations. Edward Wong et al, *Inside the*
11 *Global Deal-Making Behind Trump's Mass Deportations*, N.Y. Times, June 25,
12 2025. On June 25, 2025, the New York Times reported that seven countries—
13 Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and Rwanda—
14 had agreed to accept deportees who are not their own citizens. *Id.* Since then, ICE
15 has carried out highly publicized third country deportations to South Sudan and
16 Eswatini.

17 The Administration has reportedly negotiated with countries to have many
18 of these deportees imprisoned in prisons, camps, or other facilities. The
19 government paid El Salvador about \$5 million to imprison more than 200
20 deported Venezuelans in a maximum-security prison notorious for gross human
21 rights abuses, known as CECOT. *See id.* In February, Panama and Costa Rica
22 took in hundreds of deportees from countries in Africa and Central Asia and
23 imprisoned them in hotels, a jungle camp, and a detention center. *Id.*; Vanessa
24 Buschschluter, *Costa Rican court orders release of migrants deported from U.S.*,
25 BBC (Jun. 25, 2025). On July 4, 2025, ICE deported eight men, including one
26 pre-1995 Vietnamese refugee, to South Sudan. *See Wong, supra.* On July 15, ICE
27 deported five men to the tiny African nation of Eswatini, including one man from
28 Vietnam, where they are reportedly being held in solitary confinement. Gerald

1 Imray, *3 Deported by US held in African Prison Despite Completing Sentences,*
2 *Lawyers Say*, PBS (Sept. 2, 2025). Many of these countries are known for human
3 rights abuses or instability. For instance, conditions in South Sudan are so
4 extreme that the U.S. State Department website warns Americans not to travel
5 there, and if they do, to prepare their will, make funeral arrangements, and appoint
6 a hostage-taker negotiator first. *See Wong, supra.*

7 On June 23 and July 3, 2025, the Supreme Court issued a stay of a national
8 class-wide preliminary injunction issued in *D.V.D. v. U.S. Department of*
9 *Homeland Security*, No. CV 25-10676-BEM, 2025 WL 1142968, at *1, 3 (D.
10 Mass. Apr. 18, 2025), which required ICE to follow statutory and constitutional
11 requirements before removing an individual to a third country. *U.S. Dep't of*
12 *Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025) (mem.); *id.*, No. 24A1153, 2025
13 WL 1832186 (U.S. July 3, 2025).¹ On July 9, 2025, ICE rescinded previous
14 guidance meant to give immigrants a “‘meaningful opportunity’ to assert claims
15 for protection under the Convention Against Torture (CAT) before initiating
16 removal to a third country” like the ones just described. Exh. B.

17 Under the new guidance, ICE may remove any immigrant to a third country
18 “without the need for further procedures,” as long as—in the view of the State
19 Department—the United States has received “credible” “assurances” from that
20 country that deportees will not be persecuted or tortured. *Id.* at 1. If a country fails
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22 _____
23 ¹ Though the Supreme Court’s order was unreasoned, the dissent noted that the
24 government had sought a stay based on procedural arguments applicable only to
25 class actions. *Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153, 2160 (2025)
26 (Sotomayor, J., dissenting). Thus, “even if the Government [was] correct that
27 classwide relief was impermissible” in *D.V.D.*, Respondents still “remain[]
28 obligated to comply with orders enjoining [their] conduct with respect to individual
plaintiffs” like Mr. Feh. *Id.* Thus, the Supreme Court’s decision does not override
courts’ authority to grant individual injunctive relief. *See Nguyen v. Scott*, No. 2:25-
CV-01398, 2025 WL 2419288, at *20–23 (W.D. Wash. Aug. 21, 2025).

1 to credibly promise not to persecute or torture releasees, ICE may still remove
2 immigrants there with minimal notice. *Id.* Ordinarily, ICE must provide 24 hours’
3 notice. But “[i]n exigent circumstances,” a removal may take place in as little as
4 six hours, “as long as the alien is provided reasonably means and opportunity to
5 speak with an attorney prior to the removal.” *Id.*

6 Upon serving notice, ICE “will not affirmatively ask whether the alien is
7 afraid of being removed to the country of removal.” *Id.* (emphasis original). If the
8 noncitizen “does not affirmatively state a fear of persecution or torture if removed
9 to the country of removal listed on the Notice of Removal within 24 hours, [ICE]
10 may proceed with removal to the country identified on the notice.” *Id.* at 2. If the
11 noncitizen “does affirmatively state a fear if removed to the country of removal”
12 then ICE will refer the case to U.S. Citizenship and Immigration Services
13 (“USCIS”) for a screening for eligibility for withholding of removal and
14 protection under the Convention Against Torture (“CAT”). *Id.* at 2. “USCIS will
15 generally screen within 24 hours.” *Id.* If USCIS determines that the noncitizen
16 does not meet the standard, the individual will be removed. *Id.* If USCIS
17 determines that the noncitizen has met the standard, then the policy directs ICE to
18 either move to reopen removal proceedings “for the sole purpose of determining
19 eligibility for [withholding of removal protection] and CAT” or designate another
20 country for removal. *Id.*

21 **CLAIMS FOR RELIEF**

22 This Court should grant this petition and order Mr. Feh’s immediate
23 release, because there is “no significant likelihood of removal in the reasonably
24 foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). The Court
25 should also enjoin his removal without due process.
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1 **I. Count 1: Mr. Feh’s detention violates *Zadvydas* and 8 U.S.C. § 1231.**

2 **A. Legal background**

3 Mr. Feh’s indefinite detention violates the statute authorizing detention, 8
4 U.S.C. § 1231(a)(6). In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme
5 Court considered a problem affecting people like Mr. Feh. Federal law requires
6 ICE to detain an immigrant during the “removal period,” which typically spans
7 the first 90 days after the immigrant is ordered removed. 8 U.S.C. § 1231(a)(1)-
8 (2). After that 90-day removal period expires, detention becomes discretionary—
9 ICE may detain the migrant while continuing to try to remove them. *Id.*
10 § 1231(a)(6). Ordinarily, this scheme would not lead to excessive detention, as
11 removal happens within days or weeks. But some detainees cannot be removed
12 quickly. Perhaps their removal “simply require[s] more time for processing,” or
13 they are “ordered removed to countries with whom the United States does not
14 have a repatriation agreement,” or their countries “refuse to take them,” or they
15 are “effectively ‘stateless’ because of their race and/or place of birth.” *Kim Ho Ma*
16 *v. Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and other
17 circumstances, detained immigrants can find themselves trapped in detention for
18 months, years, decades, or even the rest of their lives.

19 If federal law were understood to allow for “indefinite, perhaps permanent,
20 detention,” it would pose “a serious constitutional threat.” *Zadvydas*, 533 U.S. at
21 699. In *Zadvydas*, the Supreme Court avoided the constitutional concern by
22 interpreting § 1231(a)(6) to incorporate implicit limits. *Id.* at 689.

23 As an initial matter, *Zadvydas* held that detention is “presumptively
24 reasonable” for at least six months. *Id.* at 701. This acts as a kind of grace period
25 for effectuating removals.

26 Following the six-month grace period, courts must use a burden-shifting
27 framework to decide whether detention remains authorized. First, the petitioner
28 must make a prima facie case for relief: He must prove that there is “good reason

1 to believe that there is no significant likelihood of removal in the reasonably
2 foreseeable future.” *Id.*

3 If he does so, the burden shifts to “the Government [to] respond with
4 evidence sufficient to rebut that showing.” *Id.* Ultimately, then, the burden of
5 proof rests with the government: The government must prove that there is a
6 “significant likelihood of removal in the reasonably foreseeable future,” or the
7 immigrant must be released. *Id.*

8 **A. The six-month grace period will expire before the court decides
9 this petition.**

10 As an initial matter, the six-month grace period has ended. The *Zadvydas*
11 grace period lasts for “*six months* after a final order of removal—that is, *three*
12 *months* after the statutory removal period has ended.” *Kim Ho Ma v. Ashcroft*, 257
13 F.3d 1095, 1102 n.5 (9th Cir. 2001). Here, Mr. Feh was ordered removed on July
14 31, 2025. Exh. A at ¶ 2. Accordingly, his 90-day removal period began then. 8
15 U.S.C. § 1231(a)(1)(B). The *Zadvydas* grace period will thus expire six months
16 after the removal period began, on January 31, 2026. The threshold requirement
17 will therefore be met when this Court decides the case.

18 **B. There is good reason to believe that there is no significant
19 likelihood of Mr. Feh removal in the reasonably foreseeable
20 future.**

21 Because the six-month grace period will have passed, this Court must
22 evaluate Mr. Feh’s *Zadvydas* claim using the burden-shifting framework. At the
23 first stage of the framework, there must be “good reason to believe that there is no
24 significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*,
25 533 U.S. at 701. This standard can be broken down into three parts.

26 **“Good reason to believe.”** The “good reason to believe” standard is a
27 relatively forgiving one. “A petitioner need not establish that there exists no
28 possibility of removal.” *Freeman v. Watkins*, No. CV B:09-160, 2009 WL

1 10714999, at *3 (S.D. Tex. Dec. 22, 2009). Nor does “[g]ood reason to
2 believe’ . . . place a burden upon the detainee to demonstrate no reasonably
3 foreseeable, significant likelihood of removal or show that his detention is
4 indefinite; it is something less than that.” *Rual v. Barr*, No. 6:20-CV-06215 EAW,
5 2020 WL 3972319, at *3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401
6 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says:
7 Petitioners need only give a “good reason”—not prove anything to a certainty.

8 **“No significant likelihood of removal.”** This component focuses on
9 whether Mr. Feh will likely be removed: Continued detention is permissible only
10 if it is “significant[ly] like[ly]” that ICE will be able to remove him. *Zadvydas*,
11 533 U.S. at 701. This inquiry targets “not only the *existence* of untapped
12 possibilities, but also [the] probability of *success* in such possibilities.” *Elashi v.*
13 *Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis added). In
14 other words, even if “there remains *some* possibility of removal,” a petitioner can
15 still meet its burden if there is good reason to believe that successful removal is
16 not significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-8019, 2002 WL
17 31520362, at *4 (E.D. Pa. Nov. 8, 2002) (emphasis added).

18 **“In the reasonably foreseeable future.”** This component of the test
19 focuses on when Mr. Feh will likely be removed: Continued detention is
20 permissible only if removal is likely to happen “in the reasonably foreseeable
21 future.” *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on ICE’s
22 removal efforts. If the Court has “no idea of when it might reasonably expect
23 [Petitioner] to be repatriated, this Court certainly cannot conclude that his removal
24 is likely to occur—or even that it might occur—in the reasonably foreseeable
25 future.” *Palma v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at *3
26 (S.D. Miss. July 7, 2020), *report and recommendation adopted*, 2020 WL
27 4876859 (S.D. Miss. Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d
28 93, 102 (W.D.N.Y. 2019)). Thus, even if this Court concludes that Mr. Feh

1 “would *eventually* receive” a travel document, he can still meet his burden by
2 giving good reason to anticipate sufficiently lengthy delays. *Younes v. Lynch*,
3 2016 WL 6679830, at *2 (E.D. Mich. Nov. 14, 2016).

4 Mr. Feh has very good reason to doubt his removal. ICE has made no
5 progress whatsoever in removing him, despite having six months to do so. And
6 there is an obvious explanation for ICE’s inability to remove him: The IJ’s order
7 prohibits Mr. Feh’s removal to his home country of Cameroon, “which is the only
8 country to which he has a claim to citizenship or legal immigration status.”
9 *Villanueva*, 2025 WL 2774610, at *10. “This substantially increases the difficulty
10 of removing him.” *Munoz-Saucedo*, 789 F. Supp. 3d at 398.

11 That’s because “alternative-country removal is rare.” *Johnson v. Guzman-*
12 *Chavez*, 594 U.S. 523, 537 (2021). Between 2020 and 2023, data apparently show
13 that “ICE removed . . . only *five* non-citizens granted withholding or CAT relief to
14 alternative countries.” *Munoz-Saucedo v. Pittman*, 789 F. Supp. 3d 387, 398 (D.N.J.
15 2025) (emphasis original). In fiscal year 2017, there were at most 21 people of the
16 thousands with withholding of removal deported to *any* country; that number
17 includes dual citizens who only received withholding from one of their two other
18 countries of origin. See American Immigration Council & National Immigrant
19 Justice Center, *The Difference Between Asylum and Withholding of Removal*, 7
20 (Oct. 2020)² (cited in *Guzman-Chavez*, 594 U.S. at 537). That means that “less than
21 two percent of those granted withholding of removal were deported to a third
22 country.” *Puertas-Mendoza*, 2025 WL 3142089 at *3 (citing American
23 Immigration Council & National Immigrant Justice Center, *supra*).

24 “[T]hat is not simply a matter of United States policy—foreign governments
25 ‘routinely deny’ requests to receive people who lack a connection to the would-be
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27 ²Available at [https://www.americanimmigrationcouncil.org/wp-](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf)
28 [content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf](https://www.americanimmigrationcouncil.org/wp-content/uploads/2025/01/the_difference_between_asylum_and_withholding_of_removal.pdf)

1 receiving country.” *Puertas-Mendoza*, 2025 WL 3142089 at *3. “The reason so few
2 people are deported to third countries is because,” while “customary international
3 law holds that a country has a duty to accept the return of its nationals,” usually,
4 “countries have no incentive to accept non-citizens.” American Immigration
5 Council & National Immigrant Justice Center, *supra*, at 7.

6 Because third country removal is exceedingly rare, and ICE has made no
7 progress in removing Mr. Feh to one over the last six months, Mr. Feh has met his
8 initial burden. Thus, unless the government can prove a “significant likelihood of
9 removal in the reasonably foreseeable future,” Mr. Feh must be released. *Zadvydas*,
10 533 U.S. at 701.

11 **II. Count 2: ICE may not remove Mr. Feh to a third country without**
12 **adequate notice and an opportunity to be heard.**

13 There is therefore no current likelihood that Mr. Feh will be removed to a
14 third country. But ICE is trying to do just that, and in this rapidly evolving removal
15 landscape, something unforeseen could suddenly change to make that feasible.
16 ICE’s “credible threat of enforcement” of this third-country removal plan is
17 sufficient to make this claim justiciable, even ICE does not have any current
18 feasible plan to remove Mr. Feh to a third country. *See Susan B. Anthony List v.*
19 *Driehaus*, 573 U.S. 149, 156–57, 161 (2014) (finding standing, even though the
20 politician seeking enforcement of an unconstitutional law was no longer running
21 for office). And if ICE did suddenly prove able to remove Mr. Feh to a third
22 country, it would do so under a policy that violates the Fifth Amendment, the
23 Convention Against Torture, and implementing regulations.

24 **A. Legal background**

25 U.S. law enshrines protections against dangerous and life-threatening
26 removal decisions. By statute, the government is prohibited from removing an
27 immigrant to any third country where they may be persecuted or tortured, a form
28

1 of protection known as withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The
2 government “may not remove [a noncitizen] to a country if the Attorney General
3 decides that the [noncitizen’s] life or freedom would be threatened in that country
4 because of the [noncitizen’s] race, religion, nationality, membership in a particular
5 social group, or political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16.
6 Withholding of removal is a mandatory protection.

7 Similarly, Congress codified protections enshrined in the CAT prohibiting
8 the government from removing a person to a country where they would be tortured.
9 *See* FARRA 2681-822 (codified as 8 U.S.C. § 1231 note) (“It shall be the policy of
10 the United States not to expel, extradite, or otherwise effect the involuntary return
11 of any person to a country in which there are substantial grounds for believing the
12 person would be in danger of being subjected to torture, regardless of whether the
13 person is physically present in the United States.”); 28 C.F.R. § 200.1; *id.*
14 §§ 208.16-208.18, 1208.16-1208.18. CAT protection is also mandatory.

15 To comport with the requirements of due process, the government must
16 provide notice of the third country removal and an opportunity to respond. Due
17 process requires “written notice of the country being designated” and “the statutory
18 basis for the designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v.*
19 *Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash. 2019); *accord D.V.D. v. U.S.*
20 *Dep’t of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL 1453640, at *1 (D.
21 Mass. May 21, 2025); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999).

22 The government must also “ask the noncitizen whether he or she fears
23 persecution or harm upon removal to the designated country and memorialize in
24 writing the noncitizen’s response. This requirement ensures DHS will obtain the
25 necessary information from the noncitizen to comply with section 1231(b)(3) and
26 avoids [a dispute about what was said].” *Aden*, 409 F. Supp. 3d at 1019. “Failing to
27 notify individuals who are subject to deportation that they have the right to apply
28 for asylum in the United States and for withholding of deportation to the country to

1 which they will be deported violates both INS regulations and the constitutional
2 right to due process.” *Andriasian*, 180 F.3d at 1041.

3 If the noncitizen claims fear, measures must be taken to ensure that the
4 noncitizen can seek asylum, withholding, and relief under CAT before an
5 immigration judge in reopened removal proceedings. The amount and type of
6 notice must be “sufficient” to ensure that “given [a noncitizen’s] capacities and
7 circumstances, he would have a reasonable opportunity to raise and pursue his
8 claim for withholding of deportation.” *Aden*, 409 F. Supp. 3d at 1009
9 (citing *Mathews v. Eldridge*, 424 U.S. 319, 349 (1976) and *Kossov v. I.N.S.*, 132
10 F.3d 405, 408 (7th Cir. 1998)); *cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring the
11 government to move to reopen the noncitizen’s immigration proceedings if the
12 individual demonstrates “reasonable fear” and to provide “a meaningful
13 opportunity, and a minimum of fifteen days, for the non-citizen to seek reopening
14 of their immigration proceedings” if the noncitizen is found to not have
15 demonstrated “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice
16 and time for a respondent to file a motion to reopen and seek relief).

17 “[L]ast minute” notice of the country of removal will not suffice, *Andriasian*,
18 180 F.3d at 1041; *accord Najjar v. Lunch*, 630 Fed. App’x 724 (9th Cir. 2016), and
19 for good reason: To have a meaningful opportunity to apply for fear-based
20 protection from removal, immigrants must have time to prepare and present
21 relevant arguments and evidence. Merely telling a person where they may be sent,
22 without giving them a chance to look into country conditions, does not give them a
23 meaningful chance to determine whether and why they have a credible fear.

24 **B. The June 6, 2025 memo’s removal policies violate the Fifth**
25 **Amendment, 8 U.S.C. § 1231, the Conviction Against Torture, and**
26 **Implementing Regulations.**

27 The policies in the June 6, 2025 memo do not adhere to these requirements.
28 First, under the policy, ICE need not give immigrants *any* notice or hearing before

1 removing them to a country that—in the State Department’s estimation—has
2 provided “credible” “assurances” against persecution and torture. Exh. B. By
3 depriving immigrants of any chance to challenge the State Department’s view, this
4 policy violates “[t]he essence of due process,” “the requirement that a person in
5 jeopardy of serious loss be given notice of the case against him and opportunity to
6 meet it.” *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976) (cleaned up).

7 Second, even when the government has obtained no credible assurances
8 against persecution and torture, the government can still remove the person with
9 between 6 and 24 hours’ notice, depending on the circumstances. Exh. B.
10 Practically speaking, there is not nearly enough time for a detained person to assess
11 their risk in the third country and marshal evidence to support any credible fear—let
12 alone a chance to file a motion to reopen with an IJ. An immigrant may know
13 nothing about a third country, like Eswatini or South Sudan, when they are
14 scheduled for removal there. Yet if given the opportunity to investigate conditions,
15 immigrants would find credible reasons to fear persecution or torture—like patterns
16 of keeping deportees indefinitely and without charge in solitary confinement or
17 extreme instability raising a high likelihood of death—in many of the third
18 countries that have agreed to removal thus far. Due process requires an adequate
19 chance to identify and raise these threats to health and life. This Court must prohibit
20 the government from removing Mr. Feh without these due process safeguards.

21 **III. This Court must hold an evidentiary hearing on any disputed facts.**

22 Resolution of a prolonged-detention habeas petition may require an
23 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009). Mr.
24 Feh hereby requests such a hearing on any material, disputed facts.

25 **IV. Prayer for relief**

26 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 27 1. Order Respondents to immediately release Petitioner from custody;
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- 2. Enjoin Respondents from re-detaining Petitioner under 8 U.S.C. § 1231(a)(6) unless and until Respondents obtain a travel document for his removal;
- 3. Enjoin Respondents from removing Petitioner unless they provide the following process, *see D.V.D. v. U.S. Dep't of Homeland Sec.*, No. CV 25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025):
 - a. written notice to both Petitioner and Petitioner’s counsel in a language Petitioner can understand;
 - b. a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection prior to removal;
 - c. if Petitioner is found to have demonstrated “reasonable fear” of removal to the country, Respondents must move to reopen Petitioner’s immigration proceedings;
 - d. if Petitioner is not found to have demonstrated a “reasonable fear” of removal to the country, a meaningful opportunity, and a minimum of fifteen days, for the Petitioner to seek reopening of his immigration proceedings.
- 4. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: January 29, 2026

s/ Katie Hurrelbrink

KATIE HURRELBRINK
 Federal Defenders of San Diego, Inc.
 Email: Katie_Hurrelbrink@fd.org

PROOF OF SERVICE

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I, the undersigned, will cause the attached Petition for a Writ of Habeas Corpus to be emailed to the U.S. Attorney’s Office for the Southern District of California at USACAS.Habeas2241@usdoj.gov when I receive the court-stamped copy.

Date: 1/29/2026

/s/ Katie Hurrelbrink
Katie Hurrelbrink