

MINUTE ORDER

CASE NUMBER: CIV. NO. 26-00067 SASP-KJM

CASE NAME: Rahul v. Dosanj et al.

JUDGE: Shanlyn A.S. Park DATE: 03/24/2026

COURT ACTION: EO: ORDER DENYING PETITION FOR A WRIT OF HABEAS CORPUS, FILED FEBRUARY 12, 2026 [ECF NO. 1]

Rahul Rahul (“Rahul”) is an immigration detainee confined at the Federal Detention Center Honolulu (“FDC Honolulu”). Less than six months after he was ordered removed, on February 12, 2026, he filed a Petition for a Writ of Habeas Corpus (“Petition”). For the reasons stated herein, Rahul’s Petition is DENIED WITHOUT PREJUDICE.

The following summary is an abbreviated version of the underlying facts. Rahul is a native and citizen of India. [Pet., ECF No. 1 ¶ 2; Decl. of Emilio Ortegon, Jr. (“Ortegon Decl.”), ECF No. 12-1 ¶ 6.] He was detained upon entry without inspection into the United States and later released from the custody of United States Immigration and Customs Enforcement (“ICE”). [Pet. ¶ 3; Ortegon Decl. ¶ 9.] More than one month following his release, Rahul was re-detained and, since then, has remained in ICE custody. [Pet. ¶¶ 3–4; Ortegon Decl. ¶¶ 10, 12.] Currently, he is housed at FDC Honolulu. [Pet. ¶ 4; Ortegon Decl. ¶ 17.] Although his re-detention occurred on November 7, 2024, a final removal order was not issued against him until October 27, 2025. [Pet. ¶¶ 4–5, 7; Ortegon Decl. ¶¶ 12, 18.]

Less than six months after he was ordered removed, on February 12, 2026, Rahul filed the current Petition against the warden of FDC Honolulu and three other United States government officials pursuant to 28 U.S.C. § 2241. [Pet., ECF No. 1.] In his Petition, Rahul argues that his continued detention violates 8 U.S.C. § 1231(a)(6) of the Immigration and Nationality Act (“INA”) because his removal from the United States is not reasonably foreseeable. [*Id.* ¶¶ 47–50, 69–71.] This

point of contention between the parties is the primary focus of the pleadings in this case. But release under § 1231(a)(6) is a remedy not yet available to Rahul.

Fundamentally, § 1231(a) “applies to detention *after* the entry of a final order of removal.” *Avilez v. Garland*, 69 F.4th 525, 530 (9th Cir. 2023) (emphasis added). Subsection (6) specifically authorizes detention of a *removable alien* beyond the 90-day removal period, with no express limitation on the length of time detention may persist under the statute’s authority. 8 U.S.C. § 1231(a)(1)(A), (a)(6). But in *Zadvydas v. Davis*, 533 U.S. 678 (2001), the United States Supreme Court (“Supreme Court”) held that § 1231(a)(6) does not authorize indefinite or permanent detention of a *removable alien*, construing this provision “to contain an implicit ‘reasonable time’ limitation.” 533 U.S. at 682. Thus, under *Zadvydas*, *post-removal-order detention* is limited “to a period reasonably necessary to bring about that alien’s removal from the United States.” *Id.* at 689. This period, the Supreme Court has determined, is presumptively six months. *Id.* at 701.

But the presumptive six-month period has not lapsed in this case. As stated previously, the final order of removal was issued on October 27, 2025. Thus, the six-month clock does not expire until April 27, 2026. As § 1231(a) “does not apply to detention during the pendency of administrative or judicial removal proceedings,” *Avilez*, 69 F.4th at 530–31, this provision does not provide Rahul the relief he seeks.

In his Petition, Rahul also raises 5 U.S.C. § 706(2)(A) of the Administrative Procedure Act and the due process clause of the Fifth Amendment to the United States Constitution as bases to challenge the legality of his detention. These arguments, however, are only made incidentally and are not fully developed in the parties’ pleadings. Therefore, the Court is unable to meaningfully assess and decide the viability of such arguments.

The Court has not been presented with a valid reason for immediate release or a bond hearing in immigration court. Accordingly, Rahul’s Petition is DENIED WITHOUT PREJUDICE. Upon the expiration of the six-month clock, however, should Rahul still be in custody at FDC Honolulu and should § 1231(a)(6) still apply to his detention, the Court invites a new habeas petition to be filed in this case no later than May 1, 2026. If no new petition is filed by the prescribed deadline, the Court will take no further action on this matter and direct the Clerk’s Office to close this case.

IT IS SO ORDERED.