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

NATSNET GUESH MRACH,

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.: '26CV1676 JO DEB

**Petition for Writ
of
Habeas Corpus**

**[Civil Immigration Habeas Petition
Under 28 U.S.C. § 2241]**

1 INTRODUCTION

2 Natsnet Guesh Mrach was [REDACTED]. She
3 fled Eritrea and crossed the border into the United States on April 29, 2025, to
4 seek asylum. But an asylum officer twice found that she did not have a credible
5 fear of returning to Eritrea, and an immigration judge affirmed that denial on
6 October 3, 2025. Ms. Mrach does not have a passport or any document identifying
7 her as an Eritrean citizen, and Respondents have been unable to remove her for
8 six months. Ms. Mrach must therefore be released, because “there is no significant
9 likelihood of removal in the reasonably foreseeable future.” *Zadvydas v. Davis*,
10 533 U.S. 678 (2001).

11 STATEMENT OF FACTS

12 Ms. Mrach was born in Eritrea. Exhibit A, Declaration of Natsnet Guesh
13 Mrach, at ¶ 1. Because her father was a former government official, he was
14 imprisoned for many years. *Id.* at ¶ 1. The military would frequently come to their
15 house and torture Ms. Mrach and her family. *Id.* at ¶ 1. [REDACTED]
16 [REDACTED] *Id.* at ¶ 1. As a result, she fled Eritrea and made her way to Mexico.
17 *Id.* at ¶ 1.

18 Ms. Mrach crossed into the United States on April 29, 2025, to seek asylum
19 and immediately turned herself in to a Border Patrol agent. *Id.* at ¶ 2. She was
20 taken into custody and has been detained ever since. *Id.* at ¶ 2.

21 Immigration officials gave Ms. Mrach a credible fear interview, but they
22 told her she had no credible fear of returning to Eritrea. *Id.* at ¶ 3. Several months
23 later, she asked for another credible fear interview, and they told her same thing.
24 *Id.* at ¶ 3.

25 On October 3, 2025, an immigration judge reviewed Ms. Mrach’s credible
26 fear denials. *Id.* at ¶ 4. However, he did not allow her to give testimony or explain
27 why she was afraid of returning to Eritrea. *Id.* at ¶ 4. Instead, the IJ merely read
28 the asylum officer’s credible fear decision and affirmed it. *Id.* at ¶ 4.

1 Ms. Mrach does not have a passport or other documents showing that she is
 2 from Eritrea. *Id.* at ¶ 5. As a result, Respondents have been unable to remove her.

3 Because of the [REDACTED] she endured in Eritrea, Ms. Mrach suffers
 4 from depression and has frequent nightmares. *Id.* at ¶ 6. She is unable to sleep and
 5 takes medication. *Id.* at ¶ 6.

6 CLAIMS FOR RELIEF

7 This Court should grant this petition and order Ms. Mrach's immediate
 8 release. *Zadvydas v. Davis* holds that immigration statutes do not authorize the
 9 government to detain immigrants for whom there is "no significant likelihood of
 10 removal in the reasonably foreseeable future." 533 U.S. 678, 701 (2001).

11 **I. Count One: Petitioner's detention violates *Zadvydas* and 8 U.S.C. 12 § 1231.**

13 **A. Legal background**

14 Ms. Mrach's indefinite detention violates the statute authorizing detention,
 15 8 U.S.C. § 1231(a)(6). In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme
 16 Court considered a problem affecting similarly situated people. Federal law
 17 requires ICE to detain an immigrant during the "removal period," which typically
 18 spans the first 90 days after the immigrant is ordered removed. 8 U.S.C.
 19 § 1231(a)(1)-(2). After that 90-day removal period expires, detention becomes
 20 discretionary—ICE may detain the migrant while continuing to try to remove
 21 them. *Id.* § 1231(a)(6). Ordinarily, this scheme would not lead to excessive
 22 detention, as removal happens within days or weeks. But some detainees cannot
 23 be removed quickly. Perhaps their removal "simply require[s] more time for
 24 processing," or they are "ordered removed to countries with whom the United
 25 States does not have a repatriation agreement," or their countries "refuse to take
 26 them," or they are "effectively 'stateless' because of their race and/or place of
 27 birth." *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1104 (9th Cir. 2001). In these and
 28 other circumstances, detained immigrants can find themselves trapped in

1 detention for months, years, decades, or even the rest of their lives.

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

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

9 Following the six-month grace period, courts must use a burden-shifting
10 framework to decide whether detention remains authorized. First, the petitioner
11 must make a prima facie case for relief: She must prove that there is “good reason
12 to believe that there is no significant likelihood of removal in the reasonably
13 foreseeable future.” *Id.*

14 If she does so, the burden shifts to “the Government [to] respond with
15 evidence sufficient to rebut that showing.” *Id.* Ultimately, then, the burden of
16 proof rests with the government: The government must prove that there is a
17 “significant likelihood of removal in the reasonably foreseeable future,” or the
18 immigrant must be released. *Id.*

19 **B. The six-month grace period expired.**

20 As an initial matter, the six-month grace period is about to expire. The
21 *Zadvydas* grace period lasts for “*six months* after a final order of removal—that is,
22 *three months* after the statutory removal period has ended.” *Kim Ho Ma v.*
23 *Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001). Here, it appears that
24 Ms. Mrach’s order of removal became final on October 3, 2025. *Id.* at ¶ 4.
25 Accordingly, her 90-day removal period began on that date. 8 U.S.C.
26 § 1231(a)(1)(B). The *Zadvydas* grace period thus expired on January 3, 2026.

27

28

1 **C. There is good reason to believe that there is no significant**
 2 **likelihood of removal in the reasonably foreseeable future.**

3 Because the six-month grace period has passed, this Court must evaluate
 4 Petitioner’s *Zadvydas* claim using the burden-shifting framework. At the first
 5 stage of the framework, there must be “good reason to believe that there is no
 6 significant likelihood of removal in the reasonably foreseeable future.” *Zadvydas*,
 7 533 U.S. at 701. This standard can be broken down into three parts.

8 **“Good reason to believe.”** The “good reason to believe” standard is a
 9 relatively forgiving one. “A petitioner need not establish that there exists no
 10 possibility of removal.” *Freeman v. Watkins*, No. CV B:09-160, 2009 WL
 11 10714999, at *3 (S.D. Tex. Dec. 22, 2009). Nor does “[g]ood reason to
 12 believe” . . . place a burden upon the detainee to demonstrate no reasonably
 13 foreseeable, significant likelihood of removal or show that his detention is
 14 indefinite; it is something less than that.” *Rual v. Barr*, No. 6:20-CV-06215 EAW,
 15 2020 WL 3972319, at *3 (W.D.N.Y. July 14, 2020) (quoting *Senor v. Barr*, 401
 16 F. Supp. 3d 420, 430 (W.D.N.Y. 2019)). In short, the standard means what it says:
 17 Petitioner need only give a “good reason”—not prove anything to a certainty.

18 **“No significant likelihood of removal.”** This component focuses on
 19 whether a petitioner will likely be removed: Continued detention is permissible
 20 only if it is “significant[ly] like[ly]” that ICE will be able to remove her.
 21 *Zadvydas*, 533 U.S. at 701. This inquiry targets “not only the *existence* of
 22 untapped possibilities, but also [the] probability of *success* in such possibilities.”
 23 *Elashi v. Sabol*, 714 F. Supp. 2d 502, 506 (M.D. Pa. 2010) (second emphasis
 24 added). In other words, even if “there remains *some* possibility of removal,” a
 25 petitioner can still meet its burden if there is good reason to believe that
 26 successful removal is not significantly likely. *Kacanic v. Elwood*, No. CIV.A. 02-
 27 8019, 2002 WL 31520362, at *4 (E.D. Pa. Nov. 8, 2002) (emphasis added).
 28

1 **“In the reasonably foreseeable future.”** This component of the test
 2 focuses on when the petitioner will likely be removed: Continued detention is
 3 permissible only if removal is likely to happen “in the reasonably foreseeable
 4 future.” *Zadvydas*, 533 U.S. at 701. This inquiry places a time limit on ICE’s
 5 removal efforts. If the Court has “no idea of when it might reasonably expect
 6 [Petitioner] to be repatriated, this Court certainly cannot conclude that his removal
 7 is likely to occur—or even that it might occur—in the reasonably foreseeable
 8 future.” *Palma v. Gillis*, No. 5:19-CV-112-DCB-MTP, 2020 WL 4880158, at *3
 9 (S.D. Miss. July 7, 2020), *report and recommendation adopted*, 2020 WL
 10 4876859 (S.D. Miss. Aug. 19, 2020) (quoting *Singh v. Whitaker*, 362 F. Supp. 3d
 11 93, 102 (W.D.N.Y. 2019)). Thus, even if this Court concludes that the petitioner
 12 “would *eventually* receive” a travel document, they can still meet their burden by
 13 giving good reason to anticipate sufficiently lengthy delays. *Younes v. Lynch*,
 14 2016 WL 6679830, at *2 (E.D. Mich. Nov. 14, 2016).

15 Ms. Mrach has good reason to think that ICE cannot remove her, since six
 16 months of effort have borne no fruit. This is likely because Ms. Mrach has no
 17 passport or other document showing that she is from Eritrea. *Id.* at ¶ 5. Thus,
 18 Ms. Mrach has met her initial burden. And because the government cannot show
 19 that her removal is significantly likely in the reasonably foreseeable future, this
 20 Court should order her immediate release.

21 **II. 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).
 24 Petitioner hereby requests such a hearing on any material, disputed facts.

25 **III. Prayer for relief**

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

- 27 1. Order Respondents to immediately release Petitioner from custody;

2. Enjoin Respondents from re-detaining Petitioner unless and until ICE obtains a travel document for her removal; and
3. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: March 17, 2026

/s/ Kara Hartzler

Kara Hartzler

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PROOF OF SERVICE

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: March 17, 2026

/s/ Kara Hartzler
Kara Hartzler