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7 Attorneys for Respondents

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

10 HUANYAN YAN,

11 Petitioner,

12 v.

13 KRISTI NOEM, Secretary of the
Department of Homeland Security, *et al.*,

14 Respondents.
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Case No.: 26-cv-01703-LL-MMP

RESPONSE TO PETITION

1 Respondents, by and through counsel, hereby respond to the Petition for Writ of
2 Habeas Corpus. Undersigned counsel is unable to ascertain sufficient facts at this time
3 to establish that there is a significant likelihood of removal in the reasonably foreseeable
4 future. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). Respondents therefore
5 acknowledge that Petitioner is entitled to be released from custody subject to conditions
6 of supervision. *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1); *Ba v. Lyons*, No.
7 25-cv-2871-CAB-BJW, 2026 WL 218936, at *1 (S.D. Cal. Jan. 27, 2026) (“The habeas
8 statute does not empower courts to manage ICE supervision programs.”) (citing 28
9 U.S.C. § 2241(c)(3)); *Khachikian v. Casey*, No. 25-cv-3737-GPC-JLB, ECF No. 13
10 (S.D. Cal. Jan. 13, 2026) (“Ultimately, ICE has discretion to impose conditions on
11 release.”).

12 DATED: March 25, 2026

Respectfully submitted,

13 ADAM GORDON
14 United States Attorney

15 *s/ Mary Cile Glover-Rogers*
16 MARY CILE GLOVER-ROGERS
17 Assistant United States Attorney
18 Attorney for Respondents
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