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

12 MAKE CHEN,
13
14 Petitioner,
15
16 v.
17 MARKWAYNE MULLIN, Secretary of
18 the Department of Homeland Security, et
19 al.
20 Respondents.

No.: 26-cv-2054-RSH-JLB

**Traverse in support of
petition for writ of
habeas corpus**

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

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1 In their return, Respondents state that because they have “received a travel
2 document for Petitioner,” they can “effectuate his removal promptly.” Dkt. 4 at 2.
3 Specifically, Respondents state that Mr. Chen “currently has a removal flight
4 booked for April 26, 2026”; thus, “Respondents believe there is a significant
5 likelihood of his removal in the reasonably foreseeable future.” *Id.*

6 But as Mr. Chen’s declaration notes, ICE previously told him that he would
7 be removed by March 23, 2026. Dkt. 1, Exh. A, ¶ 4. Mr. Chen was then “sent to
8 Texas, then to Arizona, then to Utah, then back to Texas, then to Arizona, and
9 finally back to San Diego in the space of eight days,” but was not deported. *Id.*
10 Because Respondents’ prior promises of a “prompt” removal have not come to
11 fruition, this Court should order his immediate release.

12 Alternatively, this Court should stay these habeas proceedings but lift its
13 order prohibiting Respondents from transferring Mr. Chen outside the Southern
14 District of California. *See* Dkt. 2. If Respondents remove Mr. Chen to China by
15 April 26, 2026, as they claim they will do, this petition would become moot. But
16 if Respondents do *not* remove Mr. Chen to China by April 26, 2026, it will
17 provide further evidence that his removal is not significantly likely in the
18 reasonably foreseeable future such that this Court should order his release.

19 Respectfully submitted,

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21 Dated: April 13, 2026

s/ Kara Hartzler

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