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

12 PAUL MAWULI GADRI,  
 13  
 14 Petitioner,  
 15  
 16 v.  
 17 KRISTI NOEM, Secretary of the  
 18 Department of Homeland Security,  
 19 PAMELA JO BONDI, Attorney General,  
 20 TODD M. LYONS, Acting Director,  
 21 Immigration and Customs Enforcement,  
 22 JESUS ROCHA, Acting Field Office  
 23 Director, San Diego Field Office,  
 24 CHRISTOPHER LAROSE, Warden at  
 25 Otay Mesa Detention Center,  
 26  
 27 Respondents.

CIVIL CASE NO.: '26CV2056 CAB SBC

**Petition for Writ  
 of  
 Habeas Corpus<sup>1</sup>**  
**[Civil Immigration Habeas Petition  
 Under 28 U.S.C. § 2241]**

<sup>1</sup> On March 3, 2026, Judge Huie denied this petition without prejudice, finding that because Mr. Gadri's order of removal did not become final until October 3, 2025, "Petitioner still falls within the six-month presumptively reasonable period of detention." *Gadri v. Larose*, 26-cv-988-RSH-DDL (Mar. 3, 2026).

1 **INTRODUCTION**

2 Paul Mawuli Gadri entered the United States on December 8, 2024, and  
3 immediately turned himself in to Border Patrol agents. On September 2, 2025, an  
4 immigration judge granted him withholding of removal. Neither side appealed.  
5 Six months later, Mr. Gadri is still detained, and this Court should order him  
6 released because “there is no significant likelihood of removal in the reasonably  
7 foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678 (2001).

8 **STATEMENT OF FACTS**

9 Mr. Gadri was born in Ghana and crossed into the United States on  
10 December 8, 2024. *See* Exhibit A, Declaration of Paul Mawuli Gadri at ¶ 1, 2.  
11 Within minutes of entering the U.S., he turned himself in to a Border Patrol agent  
12 and asked to apply for asylum. *Id.* at ¶ 2.

13 Mr. Gadri was taken to Otay Mesa Detention Center and placed in removal  
14 proceedings before an immigration judge. *Id.* at ¶ 3. On September 2, 2026, that  
15 judge granted him withholding of removal to Ghana on the basis of his sexual  
16 orientation. *Id.* His order of removal became final on October 3, 2025, after  
17 neither side filed an appeal. He has continued to be detained since that time.

18 On January 9, 2026, an ICE official came and talked to Mr. Gadri. *Id.* at  
19 ¶ 4. She asked if he had family in other countries to try to determine whether he  
20 could be deported to a third country. *Id.*

21 **CLAIMS FOR RELIEF**

22 This Court should grant this petition and order Mr. Gadri’s immediate  
23 release. *Zadvydas v. Davis* holds that immigration statutes do not authorize the  
24 government to detain immigrants for whom there is “no significant likelihood of  
25 removal in the reasonably foreseeable future.” 533 U.S. 678, 701 (2001). And due  
26 process requires ICE to provide notice and an opportunity to be heard before any  
27 removal to a third country.  
28

1 **I. Count One: Petitioner’s detention violates *Zadvydas* and 8 U.S.C.**  
2 **§ 1231.**

3 **A. Legal background**

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

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

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

27 Following the six-month grace period, courts must use a burden-shifting  
28 framework to decide whether detention remains authorized. First, the petitioner

1 must make a prima facie case for relief: She must prove that there is “good reason  
2 to believe that there is no significant likelihood of removal in the reasonably  
3 foreseeable future.” *Id.*

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

9 **B. The six-month grace period is about to expire.**

10 As an initial matter, the six-month grace period is about to expire for  
11 Mr. Gadri. The *Zadvydas* grace period lasts for “*six months* after a final order of  
12 removal—that is, *three months* after the statutory removal period has ended.” *Kim*  
13 *Ho Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 (9th Cir. 2001). Here, Mr. Gadri was  
14 ordered removed but granted withholding of removal on September 2, 2025. His  
15 order of removal became final on October 3, 2025, after neither side filed an  
16 appeal. Accordingly, his 90-day removal period began on that respective date. 8  
17 U.S.C. § 1231(a)(1)(B). The *Zadvydas* grace period will thus expire in two days,  
18 on April 3, 2026. The threshold requirement is therefore met.

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

21 Because the six-month grace period is about to expire, this Court must  
22 evaluate Petitioner’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 Petitioner need only give a “good reason”—not prove anything to a certainty.

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

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. Gadri has good reason to think that ICE cannot remove him, since six  
5 months of effort have borne no fruit. Thus, he has met his initial burden.

6 **II. This Court must hold an evidentiary hearing on any disputed facts.**

7 Resolution of a prolonged-detention habeas petition may require an  
8 evidentiary hearing. *Owino v. Napolitano*, 575 F.3d 952, 956 (9th Cir. 2009).

9 Petitioner hereby requests such a hearing on any material, disputed facts.

10 **III. Prayer for relief**

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

- 12 1. Order Respondents to immediately release Petitioner from custody;
- 13 2. Enjoin Respondents from re-detaining Petitioner unless and until ICE  
14 obtains a travel document for his removal; and
- 15 3. Order all other relief that the Court deems just and proper.

16  
17 Respectfully submitted,

18 Dated: April 1, 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: April 1, 2026

/s/ Kara Hartzler  
Kara Hartzler