Daniel J. Yadron, Jr.
Cal. Bar No. 336765
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
San Diego, California 92101-5030
Telephone: (619) 234-8467
Facsimile: (619) 687-2666
danny_yadron@fd.org

Attorneys for Mr. Sarr

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MODU SARR,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, TODD BLANCHE, Acting Attorney General, TODD M. LYONS, Acting Director, Immigration and Customs Enforcement, JESUS ROCHA, Acting Field Office Director, San Diego Field Office, JEREMY CASEY, Warden of Imperial Regional Detention Facility

Respondents.

Case No.: 3:26-cv-2206-CAB-JLB

Response to Status Report and Renewed Motion for Release

Respondents have run out the clock. Despite repeated extensions by this Court, they have failed to remove Mr. Sarr to Gambia. To the contrary, they continue to shuffle Mr. Sarr to various detention facilities around the United States without providing *any* explanation. Ex. A ¶¶ 1–2.

If the Court recalls, it is undisputed that Respondents (1) ordered Mr. Sarr removed on August 13, 2019—nearly **seven years ago**; (2) detained Mr. Sarr on November 21, 2025—nearly **eight-and-a-half months ago**. Either of those is sufficient to shift the burden to Respondents under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Yet rather than demonstrating why there is a "significant likelihood of removal in the reasonably foreseeable future," *id.* at 702, despite Gambia's history of noncompliance, Respondents continue to stall.

On June 2, Respondents told this Court that they had obtained a travel document and that "ERO's next step is to schedule a flight for Petitioner to be removed to Gambia, which is expected to occur later this month." ECF No. 8 at 1.

Needless to say, that did not happen. So, on July 6, Respondents informed the Court that they had moved Mr. Sarr to Florence, Arizona, "where he was moved for removal." ECF No. 10 at 2. But a measles outbreak meant that he could not be moved again until at least July 19. *Id.* This Court then gave respondents until July 31 to either remove Mr. Sarr or "explain[] the reasons for delay." ECF No. 11

Now, Respondents seek another two weeks. ECF No. 12 at 1.

This Court has shown enough patience. The continued delays confirm that there is "no significant likelihood of removal in the reasonably foreseeable future." *Zadvydas*, 533 U.S. at 702. Respondents have continued to decline to provide Mr. Sarr any update on his case—even as they repeatedly fly him around the southwestern United States. Furthermore, the undersigned suspects that the travel document issued in or around June 2, 2026, no longer is valid. For example, in one case, the undersigned's colleague was informed that a travel document was

valid for 90 days, a deadline that has long since passed. For reasons explained here and in the attached declaration, this Court should order release.

Respectfully submitted,

Dated: August 3, 2026

s/ Daniel J. Yadron, Jr.

Federal Defenders of San Diego, Inc.
Attorneys for Mr. Sarr
Email: danny_yadron@fd.org