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

11 REMBERTO ARELLANO,
12
13 Petitioner,
14 v.
15 CHRISTOPHER LAROSE, OMDL,
16 Respondent.

Case No. 26-cv-02196-DMS-MMP

**RESPONDENT'S MOTION
TO VACATE ORDER
REQUIRING RESPONSE**

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18 On April 7, 2026, Petitioner, a national and citizen of Mexico, filed a petition for
19 writ of habeas corpus pursuant to 28 U.S.C. § 2241 in which he challenges the length
20 of his detention by Immigration and Customs Enforcement (ICE). ECF No. 1. Since
21 that time, Petitioner became subject to an order of removal that became final on June
22 15, 2026.

23 On May 6, 2026, the Court issued an Order Requiring Response ("Order") in
24 which the Court: (1) ordered Respondent to respond to the petition by April 22, 2026;
25 (2) ordered Petitioner to file any traverse by April 27, 2026; and (3) enjoined
26 Respondent from transferring Petitioner outside of the Southern District of California
27 pending a ruling on this matter. ECF No. 5. Respondent timely filed a response (ECF
28 No. 6), however, Petitioner did not file a traverse. Respondent has since filed a

1 supplemental response with this Court informing the Court of the change in Petitioner's
2 detention authority due to the final removal order. ECF No. ____.

3 As soon as the Court lifts its Order as requested in this motion, the San Diego
4 Field Office of ICE Enforcement and Removal Operations (ERO) will be able to
5 expeditiously effectuate Petitioner's removal to Mexico.¹

6 Based on the foregoing, Respondent requests that the Court: (1) vacate the
7 portion of the Order enjoining transfer of the Petitioner outside of the Southern District
8 of California; (2) confirm that Respondent is *not* precluded from removing Petitioner to
9 Mexico during the pendency of this habeas action; and (3) require that Respondent to
10 provide a status to the Court by **July 1, 2026**.

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12 Dated: June 17, 2026

Respectfully submitted,

13 ADAM GORDON
14 United States Attorney

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28 ¹ Respondent respectfully notes that the 90-day removal period has not lapsed as of the date of this filing. See *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001).