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

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

No.: 26-cv-2360-CAB-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 his amended petition, Mr. Perez established that he is a citizen of
2 Guatemala who was granted withholding of removal to Guatemala. Because his
3 removal is not significantly likely in the reasonably foreseeable future, he argued that
4 his ongoing detention violated *Zadvydas v. Davis*, 533 U.S. 678 (2001).

5 In their return, Respondents state that they are “unable to ascertain
6 sufficient facts at this time to establish that there is a significant likelihood of
7 removal in the reasonably foreseeable future” such that “Petitioner is entitled to
8 be released from custody subject to conditions of supervision.” Dkt. 5 at 1. Thus,
9 this Court should immediately grant the petition and order Mr. Perez’s release.

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Dated: April 20, 2026

Respectfully submitted,

s/ Kara Hartzler

Federal Defenders of San Diego, Inc.

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