

1 Zandra Luz Lopez
2 California Bar No. 216567
3 Federal Defenders of San Diego, Inc.
4 225 Broadway, Suite 900
5 San Diego, California 92101-5030
6 Telephone: (619) 234-8467
7 Facsimile: (619) 687-2666
8 Zandra_Lopez@fd.org
9 Attorneys for Ms. Cordero

10
11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
13

14 ARISDALIA MERINO CORDERO,
15
16 Petitioner,

17 v.

18 MARKWAYNE MULLIN, Secretary
19 of the Department of Homeland
20 Security, et al.,

21 Respondents.

Case No.: 26-cv-2382-BJC-GC

Supplemental Briefing

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

22 Ms. Cordero files this supplemental briefing to cite post-traverse
23 case law that further supports her immediate release.

24 Respondents only argument against granting the petition is that
25 Ms. Cordero's case is premature because 90 days have not passed since
26 her re-detention. *Return*, ECF 14 at 3-4.

27 District Judge Otake recently rejected that same argument in
28 *Nguyen v. Mullin*, 26-CV-2815-JAO (JLB), ECF 6 (May 26, 2026).
Judge Otake stated that "[t]here is no language in 8 U.S.C. § 1231 to
support the contention that the presumption of reasonable detention

1 resets at the time a noncitizen is re-detained[.]” *Citing Baythavong v.*
2 *Noem*, 26-cv-1138-DMSMSB, at *2–3 (S.D. Cal. Apr. 6, 2026)
3 (collecting cases); *Nguyen v. Noem*, 2026 WL 237282, at *7 (S.D. Tex.
4 Jan. 28, 2026) (“[T]here is nothing in the relevant statutory language
5 to suggest that the removal period restarts or resets automatically
6 with another arrest or subsequent redetention, and neither *Zadvydas*
7 nor other Fifth Circuit cases direct the Court to treat the six-month
8 presumption of reasonableness in this manner”);
9

10 Here, the “removal period” began on “the date the order of
11 removal becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B)(i)–
12 (iii). Because it is undisputed that the removal order became final over
13 a year ago on April 30, 2025, when Ms. Cordero was ordered removed.
14 *Return*, ECF No. 14 at 2. The *Zadvydas* grace period expired six
15 months later on October 30, 2025. *Tadros v. Noem*, 2025 WL 1678501,
16 No. 25-cv-4108(EP), *2–*3. There is no significant likelihood of removal
17 to Cuba in the reasonably foreseeable future.

18 Because the government does not make any arguments
19 supporting continued detention, this Court should grant immediate
20 release.
21

22 Respectfully submitted,
23

24 Dated: May 27, 2026

s/ Zandra L. Lopez

Zandra L. Lopez
Federal Defenders of San Diego, Inc.

Attorneys for Petitioner
26
27
28