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8
9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 ANGELO ALEXANDRO CODALLO-
12 CAMBERO,

13
14 Petitioner,

15 v.

16 PAMELA BONDI, et al.;

17
18 Respondents.

Case No. 26-cv-02559-JES-AHG

**RETURN TO PETITION FOR WRIT
OF HABEAS CORPUS**

19 **I. INTRODUCTION**

20 Post-removal order detention is statutorily mandated under 8 U.S.C. § 1231(a)
21 for a period of 90 days following the date that a noncitizen's removal order becomes
22 final. As more fully explained below, because Petitioner has been in custody for less
23 than a month since his removal order became final on April 3, 2026, this habeas petition
24 is premature. Thus, Respondents respectfully ask the Court to deny this petition.

25 **II. BACKGROUND**

26 Petitioner is a native and citizen of Venezuela, who was admitted into the United
27 States on a nonimmigrant visa but remained beyond the temporary period of authorized
28 stay. *See* Exhibit 1 (Notice to Appear); *see also* Exhibit 2 (I-213). On March 6, 2025,

1 Petitioner was encountered by ICE Enforcement and Removal Operations in Miami at
2 a Florida probation office and was taken into custody. *See* Exhibit 2. DHS determined
3 that Petitioner is deportable/removable under 8 U.S.C. § 1227(a)(1)(B), as an individual
4 who was admitted to the United States and has remained for a time longer than permitted
5 by law (i.e., a visa overstay). *See* Exhibit 1. Based on that charge, he was issued a Notice
6 to Appear (NTA) and placed in removal proceedings under 8 U.S.C. § 1229a. On April
7 22, 2025, Petitioner had a bond hearing before an Immigration Judge (IJ) pursuant to 8
8 U.S.C. § 1226(a). *See* Exhibit 3 (IJ Order dated 4.22.2025). The IJ denied Petitioner's
9 request for bond as she was "not satisfied that the respondent is not a danger." *See id.*

10 On March 20, 2026, Petitioner had a merits hearing for his previously filed
11 applications for asylum, withholding of removal and protections under the convention
12 against. *See* Exhibit 4 (IJ Order dated 03.20.2026). The IJ denied all applications for
13 relief and ordered Petitioner removed to Venezuela, or Mexico in the alternative. *See*
14 *id.* Petitioner had until April 20, 2026, to file an appeal regarding his removal order
15 before the Board of Immigration Appeals (BIA). *See id.* On April 13, 2026, Petitioner
16 attempted to file an appeal before the BIA, but the appeal was rejected because he failed
17 to include the appropriate filing fee or a request for a fee waiver. *See* Exhibit 5 (BIA
18 Rejection of Appeal Notice). Petitioner failed to timely file an appeal before the BIA.
19 *See* Exhibit 6 (Department of Justice – Executive Office for Immigration Review Case
20 Details)

21 Since Petitioner never appealed the IJs removal order, his removal order became
22 final on April 21, 2026. *See* Exhibit 3. Because Petitioners removal order is now final,
23 Petitioner is detained under 8 U.S.C. § 1231(a)

24 III. ARGUMENT

25 "Section 241(a) of the Immigration and Nationality Act (INA), codified at 8
26 U.S.C. § 1231(a), authorizes the detention of noncitizens who have been ordered
27 removed from the United States." *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575
28 (2022). The INA provides that an alien ordered removed must be detained for 90 days

1 pending the government's efforts to secure the alien's removal through negotiations
2 with foreign governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall
3 detain" the alien during the 90-day removal period under subsection (a)(1)).

4 Section 1231(a)(6) "authorizes further detention if the Government fails to
5 remove the alien during those 90 days." *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001).
6 Detention authority under this statute, however, is limited to "a period reasonably
7 necessary to bring about the alien's removal from the United States" and "does not
8 permit indefinite detention." *Id.* at 689. The Supreme Court has held that a six-month
9 period of post-removal detention constitutes a "presumptively reasonable period of
10 detention." *Id.* at 701. Release is not mandated after the expiration of the six-month
11 period unless "there is no significant likelihood of removal in the reasonably foreseeable
12 future." *Id.*

13 Here, Petitioner's removal order became final on April 21, 2026, when Petitioner
14 failed to file a timely appeal before the BIA. *See* 8 C.F.R. § 1241.1(c) (An IJ's order of
15 removal "expiration of the time allotted for an appeal if the respondent does not file an
16 appeal within that time"). The INA requires that a noncitizen ordered removed be
17 detained for 90 days following "[t]he date the order of removal becomes
18 administratively final" while the government seeks to execute removal. 8 U.S.C.
19 § 1231(a)(1)(B)(i). This period is known as the "removal period." *Id.* § 1231(a)(1).

20 Petitioner's removal period began less than ten days ago, "so he is still in the
21 90-day window of statutorily mandated detention." *Tumasov v. Doe I*, No. 25-CV-
22 2704-AGS-JLB, 2025 WL 3171897, at *1 (S.D. Cal. Nov. 13, 2025). "In other words,"
23 as Judge Schopler has put it, a petitioner's "detention is not merely legal, but required"
24 at this time. *Id.* Indeed, under § 1231(a)(6) and Supreme Court precedent, Petitioner's
25 post-final order detention is presumptively reasonable pending the government's efforts
26 to effectuate his removal for six months following the final order of removal. *See*
27 *Zadvydas*, 533 U.S. at 701. This means that Petitioner's claim of prolonged detention
28 would not be ripe until, at the earliest, October 21, 2026. *See id.*

1 In the end, because Petitioner's post-final order detention is within the 90-day
2 statutory removal period, Petitioner is in lawful custody under the INA. *See* 8 U.S.C.
3 § 1231(a). Thus, his petition for a writ of habeas corpus must be denied at this time. *See*
4 *Tumasov*, 2025 WL 3171897, at *1 (denying petitioner habeas relief because "he is still
5 in the 90-day window of statutorily mandated detention"); *see also Khalilova v. Smith*,
6 No. 25-CV-2140 JLS (DDL), 2025 WL 3089522, at *4 (S.D. Cal. Nov. 5, 2025)
7 ("[B]ecause the six-month period of presumptive reasonableness [under *Zadvvdas*] has
8 not passed, Petitioner's claim is not ripe for review[.]"); *Ao v. Noem et al.*, No. 25-CV-
9 03256-BAS-VET, 2025 WL 3535207, at *1 (S.D. Cal. Dec. 9, 2025) (same).

10 IV. CONCLUSION

11 For the reasons stated herein, Respondents respectfully request that the Court
12 deny the habeas petition.

13
14 DATED: April 29, 2026

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15
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18 Attorneys for Respondents
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