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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Leidy Yajaira Sol Ramirez,  
  
Petitioner,  
  
v.  
  
Pamela Bondi, et al.,  
  
Respondents.<sup>1</sup>

No. CV-26-02765-PHX-DJH (JFM)

**RESPONSE TO ORDER TO SHOW  
CAUSE AND PETITION FOR WRIT  
OF HABEAS CORPUS**

Respondents, through undersigned counsel, respond to this Court's Order to Show Cause. Respondents respectfully request that this Court deny the habeas petition in light of the active and ongoing plans to remove Petitioner to Honduras in the coming weeks.

**I. FACTUAL AND PROCEDURAL BACKGROUND.**

Petitioner is a native and citizen of El Salvador. Exhibit A at ¶ 1. On August 24,

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<sup>1</sup> Only the warden is a proper respondent. *See Doe v. Garland*, 109 F.4th 1188, 1195–96 (9th Cir. 2024) (holding that neither an ICE Field Office Director nor the Attorney General are proper respondents in a challenge to immigration detention); *see also Rumsfeld v. Padilla*, 542 U.S. 426, 439–40 & n.13 (2004) (“In challenges to present physical confinement, we reaffirm that the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent.”). A habeas petition may never have multiple respondents, because the only “proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *See Doe*, 109 F.4th at 1195 (quoting *Padilla*, 542 U.S. at 435). The Court should dismiss all Respondents other than the warden.

1 2025, Petitioner entered the United States without inspection, admission or parole and has  
2 remained in ICE custody. *Id.* at ¶ 6. On December 17, 2025, Petitioner was ordered  
3 removed from the United States to Honduras under the Asylum Cooperative Agreement  
4 (ACA). *Id.* at ¶ 11. On April 24, 2026, ICE scheduled Petitioner for removal from the  
5 United States to Honduras before May 8, 2026. *Id.* at ¶ 16. Petitioner is pending removal  
6 from the United States to Honduras. *Id.* at ¶ 18.

## 7 **II. DETENTION STANDARD GOVERNING ALIENS ORDERED REMOVED.**

8 The detention, release, and removal of aliens subject to a final order of removal is  
9 governed by § 241 of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1231.  
10 Pursuant to INA § 241(a), the Attorney General has 90 days to remove an alien from the  
11 United States after an order of removal becomes final. During this “removal period,”  
12 detention of the alien is mandatory. *Id.* After the 90-day period, if the alien has not been  
13 removed and remains in the United States, his detention may be continued, or he may be  
14 released under the supervision of the Attorney General. INA § 241, 8 U.S.C. §§ 1231(a)(3)  
15 and (6). Under this section, ICE may detain an alien for a “reasonable time” necessary to  
16 effectuate the alien’s deportation. INA § 241(a), 8 U.S.C. § 1231(a). However, indefinite  
17 detention is not authorized. *Id.* The INA further provides that aliens who are inadmissible  
18 under 8 U.S.C. § 1182 may be detained beyond the 90-day period pending removal. *See* 8  
19 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.4(a)(1), (4).

20 In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court defined six months  
21 as a presumptively reasonable period of detention. *Zadvydas* places the burden on the alien  
22 to show, after a detention period of six months, that there is “good reason to believe that  
23 there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at  
24 701. If the alien makes that showing, the Government must then introduce evidence to  
25 refute that assertion to keep the alien in custody. *See id.*; *see also Xi v. I.N.S.*, 298 F.3d 832,  
26 839-40 (9th Cir. 2002). The Court must “ask whether the detention in question exceeds a  
27 period reasonably necessary to secure removal. It should measure reasonableness primarily  
28 in terms of the statute’s basic purpose, namely, assuring the alien’s presence at the moment

1 of removal. Thus, if removal is not reasonably foreseeable, the court should hold continued  
2 detention unreasonable and no longer authorized by statute.” *Zadvydas*, 533 U.S. at 699.  
3 Petitioner has the burden to show that his removal is not likely in the reasonably foreseeable  
4 future. *Zadvydas*, 533 U.S. at 701.

5 Only then does the burden shift to the Government to show that removal is  
6 substantially likely in the reasonably foreseeable future. *Id.* In *Zadvydas*, the Supreme  
7 Court designated six months as a presumptively reasonable period of time to allow the  
8 government to remove an alien detained under 8 U.S.C. § 1231(a)(6), but an alien is not  
9 entitled to release after six months detention. *Id.* at 701 (“This 6-month presumption, of  
10 course, *does not mean that every alien not removed must be released after six months*. To  
11 the contrary, an alien may be held in confinement until it has been determined that there is  
12 no significant likelihood of removal in the reasonably foreseeable future.”) (emphasis  
13 added). The passage of time alone is insufficient to establish that no substantial likelihood  
14 of removal exists in the reasonably foreseeable future. *Lema v. I.N.S.*, 214 F. Supp. 2d  
15 1116, 1118 (W.D. Wash. 2002). In *Lema*, where the petitioner had been detained for more  
16 than a year, the district court held that the passage of time was only the first step in the  
17 analysis, and that the petitioner must then provide good reason to believe that no significant  
18 likelihood of removal exists in the reasonably foreseeable future. *Id.*

### 19 **III. THERE IS A SIGNIFICANT LIKELIHOOD OF IMMINENT REMOVAL.**

20 Petitioner has the burden to show that his removal is not likely in the reasonably  
21 foreseeable future. *Zadvydas*, 533 U.S. at 701. Only then does the burden shift to the  
22 Government to show that removal is substantially likely in the reasonably foreseeable  
23 future. *Id.* Petitioner has not met his burden to show that his removal is unlikely in the  
24 reasonably foreseeable future and, even if he could, the Government can overcome that  
25 with evidence showing that removal is likely.

26 Petitioner may only be granted release from detention if he can show “good reason  
27 to believe that there is no significant likelihood of removal in the reasonably foreseeable  
28 future.” *Zadvydas*, 533 U.S. at 701. Courts have held that Petitioners have met this bar

1 when no country would agree to accept the alien or when the alien's home country had no  
2 repatriation treaty with the United States, *id.* at 686, when the government "concede[d] that  
3 it [was] no longer even involved in repatriation negotiations" with the alien's home  
4 country, *Clark v. Suarez Martinez*, 543 U.S. 371, 386 (2005), and when the alien had been  
5 detained for five years and had "won relief at every administrative level." *Nadarajah v.*  
6 *Gonzales*, 443 F.3d 1069, 1081 (9th Cir. 2006). The Supreme Court clarified that its  
7 holding in *Zadvydas* was concerned with detention that is "indefinite and potentially  
8 permanent," and for aliens whose removal is "no longer practically attainable." *See*  
9 *Demore*, 538 at 527–28 (internal quotations omitted). The mere fact that an alien's  
10 detention "lacks a certain end date" does not render their detention unlawfully indefinite.  
11 *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir. 2008).

12 Here, ICE has taken active steps to remove any impediments towards removing  
13 Petitioner to Honduras. As noted above, on December 17, 2025, Petitioner was ordered  
14 removed from the United States to Honduras under the Asylum Cooperative Agreement  
15 (ACA). Exhibit A at ¶ 11. On April 24, 2026, ICE scheduled Petitioner for removal from  
16 the United States to Honduras before May 8, 2026. *Id.* at ¶ 16. Petitioner is pending removal  
17 from the United States to Honduras. *Id.* at ¶ 18.

18 Because Petitioner's removal to Honduras is likely in the reasonably foreseeable  
19 future (next couple weeks), Petitioner's continued detention is not indefinite as  
20 contemplated in *Zadvydas*. Rather her detention remains both authorized and constitutional  
21 to effectuate her removal.

#### 22 IV. CONCLUSION.

23 In light of the above, Respondents respectfully request this Court deny Petitioner's  
24 Writ of Habeas Corpus and dismiss this case.

1 Respectfully submitted on April 30, 2026.

2 TIMOTHY COURCHANE  
3 United States Attorney  
4 District of Arizona

5 /s/ Derek A. Faraldo  
6 DEREK A. FARALDO  
7 Assistant United States Attorney  
8 *Attorneys for Respondents*

9  
10 **CERTIFICATE OF SERVICE**

11 I hereby certify that on April 30, 2026, I mailed via U.S. Mail the attached document  
12 to:

13 **Leidy Yajaira Sol Ramirez**  
14 A#   
15 ELOY-AZ-ELOY-DC  
16 DETENTION CENTER  
17 1705 E HANNA RD.  
18 ELOY, AZ 85131  
19 PRO SE

20 s/Mary Simeonoff  
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