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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

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| HAOXU YIN,<br><br>Petitioner,<br><br>v.<br><br>MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, *et al.*,<br><br>Respondents. | Case No. 26-cv-02668-GPC-GC<br><br>**RESPONDENTS' SUPPLEMENTAL DECLARATION IN SUPPORT OF RETURN TO PETITION FOR WRIT OF HABEAS CORPUS** |

Pursuant to the Court's May 23, 2026 Order for Supplemental Declaration and Resetting Hearing Date, ECF No. 6, Respondents submit the attached supplemental Declaration of Concepcion Arredondo ("Arredondo Decl."), received from ICE counsel, and response to Petitioner's *Zadvydas* argument.

Petitioner's petition should be denied because he is properly detained under 8 U.S.C. § 1231(a). Respondents are working expeditiously to acquire the necessary travel document in order to effectuate Petitioner's removal to China. *See* Arredondo Decl. at ¶ 10. On February 18, 2026, Respondents requested a travel document for Petitioner. *Id.* ICE scheduled a charter flight to occur on or before June 26, 2026 to remove Petitioner to the People's Republic of China. *See* Arredondo Decl. at ¶ 12. The Supreme Court has held that a six-month period of post-removal detention constitutes a "presumptively reasonable period of detention." *Zadvydas v. Davis*, 533 U.S. 678, 701

(2001). Release is not mandated after the expiration of the six-month period unless "there is no significant likelihood of removal in the reasonably foreseeable future." *Id.*

Here, Petitioner has been in post-final order detention, under 8 U.S.C. § 1231(a), for six months. Within those six months, ICE has been working expeditiously to acquire Petitioner's travel document from China and expects to receive one soon. *See* Arredondo Decl. at ¶¶ 10-11. Moreover, ICE has a charter flight scheduled to occur no later than June 26, 2026 to remove Petitioner to the People's Republic of China. *See* Arredondo Decl. at ¶ 12. Therefore, ICE is working diligently to effect Petitioner's removal. *See also Zadvydas*, 533 U.S. at 700 (instructing district courts "to listen with care when the Government's foreign policy judgments, including, for example, the status of repatriation negotiations, are at issue, and to grant the Government appropriate leeway when its judgments rest upon foreign policy expertise.").

On this record, there is a significant likelihood of removal in the reasonably foreseeable future, and it would be premature to reach the opposite conclusion before permitting ICE an opportunity to complete its diligent efforts to affect Petitioner's removal. "[E]vidence of progress, albeit slow progress, in negotiating a petitioner's repatriation will satisfy *Zadvydas* until the petitioner's detention grows unreasonably lengthy." *Kim v. Ashcroft*, Case No. 02cv1524-J (LAB) slip op., at 7 (S.D. Cal. June 2, 2003) (finding that petitioner's one-year and four-month detention does not violate *Zadvydas* given respondent's production of evidence showing governments' negotiations are in progress and there is reason to believe that removal is likely in the foreseeable future) [Exs. 26-34.]; *see also Sereke v. DHS*, Case No. 19cv1250 WQH AGS, ECF No. 5 at *5 (S.D. Cal. Aug. 15, 2019) ("the record at this stage in the litigation does not support a finding that there is no significant likelihood of Petitioner's removal in the reasonably foreseeable future.") [Exs. 35-39.]; *Marquez v. Wolf*, Case No. 20-cv-1769-WQH-BLM, 2020 WL 6044080 at *3 (denying petition because "Respondents have set forth evidence that demonstrates progress and the reasons for the delay in Petitioner's removal").

For the reasons stated herein, Respondents respectfully request that the Court deny the relief requested in the petition, or in the alternative, stay the proceedings and order Respondents to provide a status report on the status of Petitioner's removal no later than June 29, 2026.

Dated: June 5, 2026

Respectfully submitted,

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*s/ Camille Savedra*
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