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

11 UGUR HULAGU,

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13 Petitioner,

14 v.

15 WARDEN JEREMY CASEY,

16 Respondent.
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Case No.: 26-cv-02699-RBM-JLB

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

1 **I. INTRODUCTION**

2 Ugur Hulagu (“Petitioner”) has filed a petition for a Writ of Habeas Corpus
3 pursuant to 28 U.S.C. § 2241. Petitioner requests the Court to order his immediate
4 release from custody. Respondent therefore requests the Court deny the habeas petition.
5

6 **II. BACKGROUND**

7 Petitioner is a citizen and national of Turkey. *See* Declaration of Deportation
8 Officer Adrian Gonzalez (Gonzalez Decl.) at ¶ 5. Petitioner first entered the United
9 States on or about October 8, 2023. *Id.* at ¶ 6. Petitioner was issued a Notice to Appear
10 (NTA) under § 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA) as an alien
11 present in the United States and released on his own recognizance. *See* Gonzalez Decl.
12 at ¶ 6; Exhibit 2 (Notice to Appear).

13 On September 7, 2025, U.S. Border Patrol encountered Petitioner at a highway
14 checkpoint where Petitioner was apprehended and transferred to Immigration and
15 Customs Enforcement (ICE) custody. *See* Gonzalez Decl. at ¶ 7. On December 15,
16 2025, an Immigration Judge denied the Petitioner’s asylum relief and ordered him
17 removed to Turkey, but granted withholding of removal to Turkey under INA §
18 241(b)(3). *See* Exhibit 1 (IJ Decision) at 3, 5. Petitioner waived appeal, and the order
19 has become final. *Id.* at 6.

20 Since January 7, 2026, ICE has been actively working to identify a third country
21 to which Petitioner may be removed. Gonzalez Decl. at ¶¶ 11-13. Once a third country
22 is identified for removal, ICE will provide Petitioner with at least 24 hours written
23 notice prior to removal. *Id.* at ¶ 14.

24 **III. ARGUMENT**

25 **A. Petitioner’s Detention is Lawful and He Has Not Established That There**
26 **is No Significant Likelihood of Removal in the Reasonably Foreseeable**
27 **Future**

28 Petitioner’s petition should be denied because he is properly detained under 8
U.S.C. § 1231(a) and because his post-final order removal period has lasted less than

1 six months. *See* Exhibit 1 at 6. Respondent is working expeditiously to identify a third
2 country and acquire the necessary travel document in order to effectuate Petitioner's
3 removal. Accordingly, Petitioner has not met his burden of rebutting the presumptively
4 reasonable period of detention.

5 "Section 241(a) of the Immigration and Nationality Act (INA), codified at 8
6 U.S.C. § 1231(a), authorizes the detention of noncitizens who have been ordered
7 removed from the United States." *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 575
8 (2022). The INA provides that an alien ordered removed must be detained for 90 days
9 pending the government's efforts to secure the alien's removal through negotiations
10 with foreign governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General "shall
11 detain" the alien during the 90-day removal period under subsection (a)(1)).

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

21 If an individual ordered removed "is not removed to his or her country of choice
22 or citizenship, he or she shall be removed to any of the following countries" listed in 8
23 U.S.C. § 1231(b)(2)(E). *Hadera v. Gonzales*, 494 F.3d 1154, 1156–57 (9th Cir. 2007).
24 The enumerated countries are:

- 25 (i) The country from which the alien was admitted to the United States.
26 (ii) The country in which is located the foreign port from which the alien
27 left for the United States or for a foreign territory contiguous to the United
28 States.
(iii) A country in which the alien resided before the alien entered the
country from which the alien entered the United States.

1 (iv) The country in which the alien was born.

2 (v) The country that had sovereignty over the alien's birthplace when the
alien was born.

3 (vi) The country in which the alien's birthplace is located when the alien
4 is ordered removed.

5 *Id.* (quoting § 1231(b)(2)(E)(i)–(vi)). “If removal to any of these countries is
6 ‘impracticable, inadvisable, or impossible,’ the individual shall be removed to ‘another
7 country whose government will accept the alien into that country.’” *Id.* (quoting
8 § 1231(b)(2)(E)(vii)).

9 Here, Petitioner was granted withholding of removal to Turkey—his country of
10 birth and citizenship. Apart from Turkey, there appears to be no other country that
11 would meet the definitions under subsections (i) through (vi), and Petitioner has made
12 no showing to the contrary. *See Rokhfirooz v. Larose*, No. 25-CV-2053-RSH-VET,
13 2025 WL 2646165, at *2 (S.D. Cal. Sept. 15, 2025) (“A prisoner bears the burden of
14 demonstrating that ‘he is in custody in violation of the Constitution or laws or treaties
15 of the United States.’”) (quoting 28 U.S.C. § 2241(c)(3), brackets omitted). Because
16 removal to the above enumerated countries is “impracticable, inadvisable, or
17 impossible,” ICE may remove Petitioner to a third country that will accept Petitioner’s
18 removal. 8 U.S.C. § 1231(b)(2)(E)(vii).

19 As illustrated in various habeas filings in this district, recent developments in
20 international relations between the United States and several other countries has
21 facilitated ICE’s removal of immigrants, like Petitioner, that it previously was unable
22 to remove to third countries. *See, e.g., Varona v. Noem et al.*, 25-cv-3328-JES-SBC,
23 ECF No. 1 at 6 (S.D. Cal. Nov. 26, 2025) (“The Trump administration reportedly has
24 negotiated with at least 58 countries to accept deportees from other nations.”). Against
25 this backdrop and invoking its authority under 8 U.S.C. § 1231(b)(2)(E), ICE continues
26 to detain Petitioner for purposes of executing his removal order to a third country. *See*
27 *Gonzalez Decl.*

28 Here, Petitioner was ordered removed on December 15, 2026. *See* Exhibit 1 at 3.

1 This order is final because Petitioner waived appeal. *Id.* at 6. Petitioner has thus been in
2 post-final order detention, under 8 U.S.C. § 1231(a), for 5 months, which is within the
3 six months of post-final order of removal confinement that *Zadvydas* found to be
4 presumptively reasonable. *See Zadvydas*, 533 U.S. at 700–01.

5 On this record, Petitioner cannot show that there is no significant likelihood of
6 removal in the reasonably foreseeable future, and it would be premature to reach that
7 conclusion before permitting ICE an opportunity to complete its diligent efforts to affect
8 his removal. “[E]vidence of progress, albeit slow progress, in negotiating a petitioner’s
9 repatriation will satisfy *Zadvydas* until the petitioner’s detention grows unreasonably
10 lengthy.” *Kim v. Ashcroft*, Case No. 02cv1524-J (LAB) slip op., at 7 (S.D. Cal. June 2,
11 2003) (finding that petitioner’s one-year and four-month detention does not violate
12 *Zadvydas* given respondent’s production of evidence showing governments’
13 negotiations are in progress and there is reason to believe that removal is likely in the
14 foreseeable future) [Exs. 26-34.]; *see also Sereke v. DHS*, Case No. 19cv1250 WQH
15 AGS, ECF No. 5 at *5 (S.D. Cal. Aug. 15, 2019) (“the record at this stage in the
16 litigation does not support a finding that there is no significant likelihood of Petitioner’s
17 removal in the reasonably foreseeable future.”) [Exs. 35-39.]; *Marquez v. Wolf*, Case
18 No. 20-cv-1769-WQH-BLM, 2020 WL 6044080 at *3 (denying petition because
19 “Respondents have set forth evidence that demonstrates progress and the reasons for
20 the delay in Petitioner’s removal”).

21 To the extent Petitioner is challenging ICE’s decision to detain him for the
22 purpose of removal, such a challenge is precluded by statute. *See* 8 U.S.C. § 1252(g)
23 (“Except as provided in this section and *notwithstanding any other provision of law*
24 (statutory or nonstatutory), *including section 2241 of Title 28, or any other habeas*
25 *corpus provision*, . . . no court shall have jurisdiction to hear any cause or claim by or
26 on behalf of any alien arising from the decision or action by the Attorney General to
27 commence proceedings, adjudicate cases, or *execute removal orders* against any alien
28 under this chapter.”) (emphasis added); *see also Reno v. Am.-Arab Anti-Discrimination*

1 *Comm.*, 525 U.S. 471, 483 (1999) (“There was good reason for Congress to focus
2 special attention upon, and make special provision for, judicial review of the Attorney
3 General’s discrete acts of commencing proceedings, adjudicating cases, and executing
4 removal orders—which represent the initiation or prosecution of various stages in the
5 deportation process.”) (simplified); *Limpin v. United States*, 828 Fed. App’x 429 (9th
6 Cir. 2020) (holding that the district court properly dismissed under 8 U.S.C. § 1252(g)
7 “because claims stemming from the decision to arrest and detain an alien at the
8 commencement of removal proceedings are not within any court’s jurisdiction”).

9 **IV. CONCLUSION**

10 For the reasons stated herein, Respondent respectfully requests that the Court
11 deny the relief requested in the petition.

12
13 DATED: May 15, 2026

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