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

UGUR HULAGU,
Petitioner,

v.

JEREMY CASEY, Warden,
Respondents.

CIVIL CASE NO.: 26-cv-2699-RBM

**Traverse in Support of
Petition for a Writ
of Habeas Corpus**

The government opposes Mr. Hulagu's habeas petition, arguing that (1) Mr. Hulagu has been detained only for five months, and (2) ICE is attempting to identify third countries to which to remove him. Doc. 8 at 2–4. The government's arguments do not justify further detention.

Most importantly, the government gets the final removal order date wrong. **Mr. Hulagu was ordered removed on December 1, not December 15.** The government gets the December 15 date from a document entitled Amended Order of the Immigration Judge. Doc. 8-2 at 4. But the Amended Order clearly states: "This is a summary of the oral decision entered on 12/01/2025. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties." Doc. 8-2 at 4. It also shows that both parties

1 waived appeal on that date, meaning that the order of removal became final on
2 December 1. *Id.* at 7.

3 Thus, Mr. Hulagu is only two weeks away from the six-month mark, which
4 will pass on June 1. If there were a need to wait for six months, then, this Court
5 could just order Mr. Hulagu's release then.

6 But there is no need to wait for the six-month mark in any event, because
7 Mr. Hulagu has rebutted the presumption of reasonableness. The government does
8 not deny that *Zadvydas*'s six-month presumption of reasonableness is rebuttable,
9 as many courts have held. *See, e.g., Cruz Medina v. Noem*, No. 25-CV-1768-ABA,
10 2025 WL 2306274, at *7 n.5 (D. Md. Aug. 11, 2025); *Munoz-Saucedo v. Pittman*,
11 789 F. Supp. 3d 387, 397 (D.N.J. 2025); *Zavvar v. Scott*, No. CV 25-2104-TDC,
12 2025 WL 2592543, at *5 (D. Md. Sept. 8, 2025); *Trinh v. Homan*, 466 F. Supp. 3d
13 1077, 1093 (C.D. Cal. 2020); *Sweid v. Cantu*, No. CV-25-03590-PHX-DWL
14 (CDB), 2025 WL 3033655, at *3 (D. Ariz. Oct. 30, 2025); *Puertas Mendoza v.*
15 *Bondi*, No. SA-25-CA-00890-XR, 2025 WL 3142089, at *2 (W.D. Tex. Oct. 22,
16 2025); *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 641 n.6 (D. Mass. 2018); *Ali v.*
17 *Dep't of Homeland Sec.*, 451 F. Supp. 3d 703, 707 (S.D. Tex. 2020); *Villanueva v.*
18 *Tate*, No. CV H-25-3364, 2025 WL 2774610, at *9 (S.D. Tex. Sept. 26, 2025);
19 *Douglas v. Baker*, No. 25-CV-2243-ABA, 2025 WL 2687354, at *3 (D. Md. Sept.
20 19, 2025); *Jamal v. Sessions*, No. 5:18-06015-CV-RK, 2018 WL 1440609, at *2
21 (W.D. Mo. Mar. 22, 2018).

22 The evidence included with the government's Return confirms that
23 Mr. Hulagu has rebutted the presumption, because it provides further confirmation
24 that "there is no significant likelihood of removal in the reasonably foreseeable
25 future." *Zadvydas*, 533 U.S. at 701. The government does not deny that removals
26 to third countries are exceedingly rare, occurring in only a handful of cases each
27 year. Doc. 6 at 8–10. ICE's third-country removal efforts—or lack thereof—in
28 Mr. Hulagu's case confirm that he will not be among that handful.

1 Over the last five-and-a-half months, the sum total of ICE's third-country
2 removal efforts consists of two emails between local Enforcement and Removal
3 Operations ("ERO") employees and the Removal and International Operation
4 ("RIO") subdivision charged with making third-country placements. Doc. 8-1 at 2
5 ¶¶ 11–12. On January 7, ERO asked RIO to start locating a third country for
6 removal. *Id.* at 2 ¶ 11. On February 17, ERO said that it had started doing so. *Id.* at
7 2 ¶ 12. Literally nothing has happened since then. *See generally id.*

8 Given that (1) ICE has not been able to identify any plausible placement for
9 Mr. Hulagu in five-and-a-half months, (2) Mr. Hulagu has no connection to any
10 other country that might eventually lead to a third country placement, Doc. 6-1 at
11 ¶ 6, and (3) over 98% of people like Mr. Hulagu are never removed to a third
12 country, *Puertas-Mendoza*, 2025 WL 3142089 at *3 (citing American Immigration
13 Council & National Immigrant Justice Center, *supra*), Mr. Hulagu has proved that
14 there is no significant likelihood of removing him. Like other courts, this Court
15 should find that Mr. Hulagu has rebutted the six-month presumption and grant this
16 petition immediately. *Villanueva*, 2025 WL 2774610, at *10; *Puertas Mendoza*,
17 2025 WL 3142089, at *2; *Munoz-Saucedo*, 789 F. Supp. 3d at 399–400.

18 At a minimum, however, Mr. Hulagu certainly cannot remain in custody after
19 June 1. At that point, the government would bear the burden, and the government
20 has not come close to proving a "significant likelihood of removal in the reasonably
21 foreseeable future." *Zadvydas*, 533 U.S. at 701. Construing the government's
22 evidence (i.e., ICE's two emails) very generously, the government has at best
23 shown good faith efforts to locate a third country for removal. But "under *Zadvydas*,
24 the reasonableness of Petitioner's detention does not turn on the degree of the
25 government's good faith efforts. Indeed, the *Zadvydas* court explicitly rejected such
26 a standard. Rather, the reasonableness of Petitioner's detention turns on whether
27 and to what extent the government's efforts are likely to bear fruit." *Hassoun v.*
28 *Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at *5 (W.D.N.Y. Jan. 2, 2019).

1 The government has submitted no evidence whatsoever that RIO will succeed in
2 persuading a third country to take Mr. Hulagu. Indeed, in five-and-a-half months,
3 it appears that RIO has not even asked another country to take him. *See generally*
4 Doc. 8-1.

5 For all of these reasons, this Court should grant the petition now, or at least
6 when Mr. Hulagu reaches the six-month mark.

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8
9 Respectfully submitted,

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11 Dated: May 16, 2026

s/ Katie Hurrelbrink

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