

1 ADAM GORDON
United States Attorney
2 MICHAEL D. WALLACE
Assistant U.S. Attorney
3 Maryland Bar No.9912160256
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8714
Email: michael.wallace4@usdoj.gov

6
7 Attorneys for Respondent

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

11 ZAMIR IGNACIO HURTADO-ASPIRILLA, Case No.: 26-cv-2925-BAS-MMP

12 Petitioner,

13 v.

**RESPONSE TO AMENDED
PETITION**

14 CHRISTOPHER J. LAROSE,

15 Respondent.
16
17
18
19
20
21
22
23
24
25
26
27
28

1 On June 10, 2026, Petitioner filed a habeas petition under 28 U.S.C. § 2241. ECF
2 No. 1. Respondents respond herein as ordered by the Court.

3 While Petitioner asserts a claim under *Zadvydas*, and that there is no significant
4 likelihood of removal in the foreseeable future, there is no final order of removal in this
5 case. Therefore, Petitioner's stated basis for relief is inapplicable. The IJ had ordered
6 Petitioner removed to Ecuador. Ecuador refused the Petitioner's travel to Ecuador based
7 on his criminal history. On June 22, 2025, the Department of Homeland Security filed
8 a motion to reopen proceedings to pursue removal to Venezuela, Petitioner's home
9 country. The Immigration Judge (IJ) granted the motion placing Petitioner back into
10 removal proceedings pursuant to 8 U.S.C. § 1229a. Petitioner is, therefore, subject to
11 mandatory detention under § 1226(c) based on his arrest for knowing or intentional
12 child abuse as a crime that result in death or serious bodily injury pursuant to 8 U.S.C.
13 § 1226(c)(1)(E)(ii). As Petitioner is not yet subject to a final order of removal, his
14 *Zadvydas* claim fails and his petition should be dismissed.

15 Further, in light of the lack of sufficient information related to the appropriate
16 detention authority, it should be dismissed. The Supreme Court has held that "[h]abeas
17 Corpus Rule 2(c) is more demanding [than Federal Rule of Civil Procedure 8(a)]. It
18 provides that the petition must 'specify all the grounds for relief available to the
19 petitioner' and 'state the facts supporting each ground.'" *Mayle v. Felix*, 545 U.S. 644,
20 655 (2005) (citing Rules Governing Section 2254 Cases in the United States District
21 Court ("Federal Habeas Rules"); *see also James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994)
22 ("Conclusory allegations which are not supported by a statement of specific facts do not
23 warrant habeas relief."). As stated by the Advisory Committee's Note on Habeas
24 Corpus Rule 4, 28 U.S.C., p. 471, "notice pleading is not sufficient, for the petition is
25 expected to state facts that point to a real possibility of constitutional error.") (internal
26 quotation marks omitted). Here, Petitioner's habeas petition fails to supply sufficient
27 information for the Court to adjudicate his claims. As such, the Court should deny the
28 petition. *See Alonso Velasquez v. LaRose*, No. 25-cv-3216-JES-AHG, 2025 WL

1 3473773 (S.D. Cal. Dec. 3, 2025) (dismissing without prejudice habeas petition that
2 failed to allege sufficient factual information).¹

3
4 DATED: July 7, 2026

Respectfully submitted,

5 ADAM GORDON
6 United States Attorney

7 s/ Michael D. Wallace
8 MICHAEL D. WALLACE
9 Assistant United States Attorney
10 Attorney for Respondents
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

27
28 ¹ To the extent the Court is not inclined to dismiss the petition for failure to state a
sufficient claim, Respondents respectfully request fourteen days to file a supplemental
response.