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7 Attorneys for Respondents

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

10 PETER LINO,
11 Petitioner,
12 v.
13 MARKWAYNE MULLIN; *et al.*,
14 Respondents.

Case No. 26-cv-3044-JO-JAC

**JOINT MOTION TO VACATE
ORDER TO SHOW CAUSE**

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17 On May 14, 2026, Petitioner filed a petition for writ of habeas corpus pursuant to
18 28 U.S.C. § 2241 in which he challenges his detention by Immigration and Customs
19 Enforcement (ICE). ECF No. 1. On March 14, 2026, the Court issued an order that set
20 certain filing deadlines and enjoined Respondents from removing Petitioner from this
21 District. ECF No. 2. Respondents' counsel and Petitioner's counsel have conferred on
22 Petitioner's desire to be removed from the United States and Respondents' have
23 tentatively scheduled Petitioner's removal to occur within the next fourteen days.

24 Based on the foregoing, the parties request that the Court issue an order:
25 (1) vacating its order enjoining transfer, and (2) confirming that Respondents are *not*
26 precluded from removing Petitioner to South Sudan during the pendency of this habeas
27 action.

28

1 Dated: May 20, 2026

Respectfully submitted,

2 s/ Kara Hartzler

3 KARA HARTZLER

4 Federal Defenders of San Diego, Inc.

5 Attorney for Petitioner

6 Dated: May 20, 2026

Respectfully submitted,

7 ADAM GORDON

8 United States Attorney

9 s/Mike Wallace

10 MICHAEL WALLACE

11 Assistant United States Attorney

12 Attorney for Respondents

13 **SIGNATURE CERTIFICATION**

14 Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies
15 and Procedures of the United States District Court for the Southern District of
16 California, I hereby certify that the content of this document is acceptable to Kara
17 Hartzler, counsel for Petitioner, and that I have obtained Ms. Hartzler's authorization to
18 affix her electronic signature to this document.

19 Dated: May 20, 2026

20 s/Michael Wallace

21 MICHAEL WALLACE

22 Assistant United States Attorney