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**UNITED STATES DISTRICT COURT**

**SOUTHERN DISTRICT OF CALIFORNIA**

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|---|---|
| NEWTON WAITE,<br><br>Petitioner,<br><br>v.<br><br>WARDEN OF IMPERIAL REGIONAL DETENTION FACILITY, et al,<br><br>Respondents. | Case No.: 26-cv-03617-LL-SBC<br><br>**RESPONSE TO PETITION** |

Respondents, by and through counsel, hereby respond to the Petition for Writ of Habeas Corpus. Petitioner is subject to a final order of removal and detained under 8 U.S.C. § 1231(a). However, taking into consideration the length of time Petitioner has been in custody, the government does not oppose that this Court order Petitioner to be released from custody subject to conditions of supervision. *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1); *Ba v. Lyons*, No. 25-cv-2871-CAB-BJW, 2026 WL 218936, at *1 (S.D. Cal. Jan. 27, 2026) ("The habeas statute does not empower courts to manage ICE supervision programs.") (citing 28 U.S.C. § 2241(c)(3)); *Khachikian v. Casey*, No. 25-

cv-3737-GPC-JLB, ECF No. 13 (S.D. Cal. Jan. 13, 2026) ("Ultimately, ICE has discretion to impose conditions on release.").

DATED: June 29, 2026

ADAM GORDON
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*s/ Antonio Estrada*
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