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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 LUIS ALONSO VALLE,
12 Petitioner,
13 v.
14 CHRISTOPHER J. LAROSE, *et al.*,
15 Respondents.
16

Case No.: 26-cv-3731-LL-AHG
RESPONSE TO PETITION

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20 On June 25, 2026, Petitioner filed a habeas petition under 28 U.S.C. § 2241. ECF
21 No. 1. Respondents respond herein as ordered by the Court.

22 While Petitioner asserts a claim under *Zadvydas*, and that there is no significant
23 likelihood of removal in the foreseeable future, there is no final order of removal in this
24 case. Therefore, Petitioner's stated basis for relief is inapplicable. On September 10,
25 2025, the Immigration Judge (IJ) ordered Petitioner removed to El Salvador but granted
26 deferral of removal under the Convention Against Torture. The Department of
27 Homeland Security has filed an appeal of the IJ grant of the deferral of removal to the
28 Board of Immigration Appeals. The parties have briefed the issues before the BIA. The

1 BIA has not yet ruled. As a result of the BIA appeal, there is no administratively final
2 removal order. 8 C.F.R. § 1003.39 (Finality of Decision) states that “[e]xcept when
3 certified to the Board, the decision of the Immigration Judge becomes final upon
4 waiver of appeal or upon expiration of the time to appeal if no appeal is taken whichever
5 occurs first.” The decision of the immigration judge is before the Board on appeal.
6 Therefore, the decision of the immigration judge is not final. Furthermore, this case
7 involves an initial removal order by an immigration judge unlike the cases cited by the
8 Petitioner which involve, in *Padilla-Ramirez v. Bible*, 882 F.3d 826 (9th Cir. 2017), a
9 reinstated removal order, and, in *Riley v. Bondi*, 606 U.S. 259 (2025), an expedited
10 removal order. Petitioner provides no other legal authority to support his claim that his
11 removal order is final. Petitioner is, therefore, subject to mandatory detention under §
12 1226(c). As Petitioner is not yet subject to a final order of removal (though may be in
13 the near future), his *Zadvydas* claim fails and his petition should be dismissed.

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

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

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4 DATED: July 2, 2026

Respectfully submitted,

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6 United States Attorney

7 s/ Michael D. Wallace
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9 Assistant United States Attorney
10 Attorney for Respondents
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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.