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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GHEZAE FISSIHA ARONE,
12 

13 Petitioner,

14 v.

15 WARDEN *et al*,

16 Respondents.
17
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No. 1:26-CV-05269-KES-FJS

**OPPOSITION TO MOTION FOR TRO AND
PETITION FOR WRIT OF HABEAS CORPUS**

19 This case is distinguishable from the cases cited in the Court's minute order because here,
20 Petitioner was provided with notice of the reason for the revocation of his release. Petitioner was
21 informed that ICE was revoking his release under 8 C.F.R. § 241.4(l) because (1) "it is appropriate to
22 enforce the removal order entered against [Petitioner] as ICE has the ability and means to effectuate
23 [Petitioner's] removal"; (2) ICE is seeking a travel document to effect Petitioner's expeditious removal
24 to Eritrea;¹ and (3) Petitioner "failed to genuinely cooperate with efforts to obtain travel documents
25 necessary for [his] removal . . . despite being provided multiple opportunities and instructions . . ." Ex.
26 1 at pp. 3-4; Ex. 3 (condition of supervision). Petitioner signed the certificate of service attached to this
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28 ¹ Much of the petition focuses on removal to a third country. At this point, there is no indication
that DHS is pursuing removal to a third country.

1 notice on June 11, 2026, indicating he received the notice. Ex. 1 at p. 4. Per regulation, the next
2 administrative review “will ordinarily be expected to occur within approximately three months after
3 release is revoked. . . . and will include a final evaluation of any contested facts relevant to the
4 revocation . . .” 8 C.F.R. § 241.4(l)(3).

5 Because Petitioner has been ordered removed from the United States any liberty interest he may
6 have is diminished. *See* Ex. 1, 2 (I-213). His release was never permanent or unconditional. It was
7 always conditioned on Petitioner’s compliance with the terms of release and DHS’s ability to effectuate
8 Petitioner’s removal. Based on the currently available information, ICE informed Petitioner that they
9 believe they can remove Petitioner to Eritrea. There are no other currently available facts supporting
10 SLRRFF (significant likelihood of removal in the reasonably foreseeable future).

11 Once the agency determines there is SLRRFF, the law does not require a pre-deprivation
12 hearing. *See* 8 U.S.C. § 1231(a)(6); 8 C.F.R. § 241.4(l). Indeed, there are no statutes or regulations that
13 direct the immigration court to hold pre-deprivation hearings to determine whether there is SLRRFF.
14 Nor is there any proscribed process for such hearings in the immigration court. Rather, the regulations
15 place this responsibility with ICE and provide the process for SLRRFF determinations and re-detention
16 under this circumstance. *See* 8 C.F.R. § 241.4(l).

17 ICE made a determination that it believes it can now effectuate Petitioner’s removal to Eritrea.
18 ICE further found that it needed to detain Petitioner to secure his cooperation in seeking the requisite
19 travel document to effectuate his removal order. ICE notified Petitioner of these determinations. For
20 these reasons, the petition should be dismissed.

21 Dated: July 21, 2026

Respectfully submitted,

22 ERIC GRANT
23 United States Attorney

24 By: /s/ Shelley D. Weger
25 SHELLEY D. WÉGER
26 Assistant United States Attorney
27 Attorneys for Respondents
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