

ERIC GRANT
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Attorneys for Respondents

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ARARMIS PALACIOS FRION,

Petitioner,

v.

WARDEN CALIFORNIA CITY
IMMIGRATION CENTER,

Respondents.

CASE NO. 1:26-CV-05328-VC

**RESPONDENTS' RESPONSE TO PETITION
FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

Petitioner is detained under 8 U.S.C. § 1231(a)(6) because he is subject to an administratively final order of removal. His detention has not become unconstitutionally prolonged.

FACTUAL BACKGROUND

Petitioner is a native and citizen of Cuba who was ordered excluded from the United States on April 28, 1995. Ex. 1. On October 2, 1995, the Board of Immigration Appeals (BIA) dismissed Petitioner's appeal. On August 4, 2026, the Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO) took custody of Petitioner following his arrest for burglary, criminal mischief, and theft. *Id.* On July 10, 2026, Petitioner filed the present petition.

LEGAL ARGUMENT

I. Petitioner is properly detained pursuant to a final administrative order of removal.

8 U.S.C. § 1231(a) provides that when an alien is ordered removed, the alien must be detained until he is removed for up to ninety days. 8 U.S.C. § 1231(a). This removal period begins upon the most recent of: the removal becoming administratively final; the court issuing a final order (if the removal order is judicially reviewed and there is a stay of removal); or the alien being released from detention or confinement (if detained or confined outside of an immigration process). 8 U.S.C. § 1231(a)(1)(B). A removal order becomes administratively final upon dismissal by the BIA. 8 C.F.R. § 1241.1(a).

Those who are determined to be a risk to the community may be detained beyond that ninety-day removal period while the government pursues removal. 8 U.S.C. § 1231(a)(6). Additionally, those who have been determined to be a risk to the community may also be detained beyond the removal period. *Id.* The Supreme Court has recognized that that there is no set amount of time at which such post-order detention becomes unconstitutional, but that six months of detention is a presumptively reasonable amount of time to effect removal. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021) (quoting *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001)). After those six months, the alien must show good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701.

Here, Petitioner's removal order became administratively final over ninety days ago and his detention, therefore, falls outside the removal period. Petitioner has not provided good reason to believe that his removal is not significantly likely to occur in the reasonably foreseeable future. For those reasons, his petition should be denied.

CONCLUSION

For the reasons set forth above, Respondents respectfully request that the Court deny the Petition

1 for a Writ of Habeas Corpus. Respondents do not request a hearing.

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4 Dated: July 28, 2026

ERIC GRANT
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6 By: /s/ Sean Davis
7 SEAN DAVIS
8 Special Assistant United States Attorney
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