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8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 ANGEL CRUZ RODRIGUEZ,
11

12 Petitioner,

13 v.

14 WARDEN OF MESA VERDE DETENTION
FACILITY, et al.,
15

16 Respondents.
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CASE NO. 1:25-CV-01680-TLN-CKD

OPPOSITION TO PETITION for WRIT of HABEAS
CORPUS

1 INTRODUCTION¹

2 Petitioner Angel Cruz Rodriguez is subject to a final order of removal and detained under
3 8 U.S.C. §1231(a)(6). He seeks release from the United States Department of Homeland Security
4 (“DHS”) Immigration and Customs Enforcement (“ICE”) custody pending efforts to effectuate his
5 removal. The Court should deny the petition. Petitioner’s detention has not exceeded the presumptively
6 reasonable six-month period. Petitioner also fails to show that there is “no significant likelihood of
7 removal in the reasonably foreseeable future.” *Zadvydas v. Davis*, 533 U.S. 678, 690 and 701 (2001). As
8 Petitioner will be removed in the reasonably foreseeable future his Petition should be denied.

9 BACKGROUND

10 Petitioner, a native and citizen of El Salvador, unlawfully entered the United States in 2019.
11 Exh. 1 at 2. He was served a Notice to Appear and placed in removal proceedings. *Id.* at 3.

12 On October 14, 2022, an Immigration Judge ordered Petitioner removed from the United States.
13 *Id.* After Petitioner appealed this decision to the Board of Immigration Appeals, the appeal was
14 dismissed on February 11, 2025. *Id.*

15 Petitioner appealed this decision to the Ninth Circuit Court of Appeals. *Id.* Then, on March 11,
16 2025, the Ninth Circuit stayed Petitioner’s removal. *Cruz Rodriguez, et al. v. Bondi*, 25-1596, Docket
17 No. 4. On September 24, 2025, ICE arrested Petitioner. Exh. 1 at 3.

18 On January 2, 2026, after Petitioner filed a motion to sever and dismiss “to return to his native
19 country,” the Ninth Circuit Court of Appeals lifted the stay of removal preventing Petitioner’s removal
20 from the United States. *Cruz Rodriguez, et al. v. Bondi*, 25-1596, Docket No. 21.²

21 Petitioner remains detained in ICE’s custody. Declaration of Deportation Officer
22 Daniel Martinez at ¶ 7. ICE is “making preparations and will remove petitioner to El Salvador in the
23 normal course within the reasonably foreseeable future.” *Id.* at ¶ 9. ICE does not expect to encounter
24 issues removing Petitioner to El Salvador. *Id.*

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27 ¹ Respondents apologize for missing this Court’s filing deadline and ask the Court to consider this response despite the delay.

28 ² Provided at Exhibit 2.

LEGAL FRAMEWORK

The detention and removal of aliens, like Petitioner, who are subject to a final order of removal issued after removal proceedings, is governed by 8 U.S.C. § 1231. Under this statute, there is a 90-day “removal period,” during which detention is mandatory. 8 U.S.C. § 1231(a)(1), (2); *Zadvydas v. Davis*, 533 U.S. 678, 683 (2001). Once the mandatory removal period ends, ICE has discretion to continue detaining aliens pending their removal. 8 U.S.C. § 1231(a)(6).

In *Zadvydas*, the Supreme Court held that 8 U.S.C. § 1231(a)(6) did not authorize the government to detain a removable alien indefinitely beyond the 90-day statutory removal period; rather, the Court construed the statute to contain an implicit “reasonable time” limitation. 533 U.S. at 682. The Court concluded that six months was a presumptively reasonable period of detention which should be read into the statute. *Id.* at 701. After six months, an alien is entitled to habeas relief only if he can show “there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* The Ninth Circuit has explained that *Zadvydas* requires an alien to show he is “stuck in a ‘removable-but-unremovable limbo,’ as the petitioners in *Zadvydas* were.” *Prieto-Romero v. Clark*, 534 F.3d at 1063 (internal citation omitted). That is, the alien must show he “is unremovable because the destination country will not accept him or his removal is barred by our own laws.” *Id.* (citing *Zadvydas*, 533 U.S. at 697).

While an alien’s detention is no longer presumed to be reasonable after six months, “there is nothing in *Zadvydas* that suggests that the Court must or even should assume that any detention exceeding that length of time is unreasonable.” *Lema v. U.S. I.N.S.*, 214 F. Supp. 2d 1116, 1118 (W.D. Wash. 2002), *aff’d sub nom. Lema v. I.N.S.*, 341 F.3d 853 (9th Cir. 2003).

ARGUMENT

A. Petitioner’s detention is lawful because his removal is significantly likely in the reasonably foreseeable future.

Petitioner’s detention is lawful under 8 U.S.C. § 1231(a)(6). Petitioner was rearrested on September 24, 2025, and is being held pending his removal. Exh. 1 at 2. His detention has not exceeded the presumptively reasonable six months. Even if his post-removal-period detention had exceeded the presumptively reasonable six-month period, Petitioner has failed to meet his burden of showing there is no significant likelihood of removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701. He

1 has not shown he is stuck in “removable-but-unremovable limbo.” *Prieto-Romero v. Clark*, 534 F.3d at
2 1063. So, he has not met his burden to show that he should be released or granted a hearing.

3
4 **CONCLUSION**

For these reasons, the Court should deny the Petition for Writ of Habeas Corpus.

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6 Dated: January 27, 2026

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