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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

ABDOURAHMANE BALDE,
Petitioner,

v.

MARKWAYNE MULLIN, Secretary of
the Department of Homeland Security,
TODD BLANCHE, Acting Attorney
General, TODD M. LYONS, Acting
Director, Immigration and Customs
Enforcement, JESUS ROCHA, Acting
Field Office Director, San Diego Field
Office, CHRISTOPHER LAROSE,
Warden at Otay Mesa Detention Center,
Respondents.

Civil Case No.:26-cv-2457-TWR-DEB

**REPLY IN RESPONSE TO
RETURN**

1 In their Return, Respondents do not dispute that Petitioner Abdourahmane
2 Balde was ordered removed 17 months ago. ECF 12 at 2. Instead, they argue that
3 this Court should not release Mr. Balde under *Zadvydas v. Davis*, 533 U.S. 678
4 (2001), because he has been “noncooperative” for two reasons. ECF 12 at 4–6.
5 First, they claim that Mr. Balde is “a citizen and national of Guinea, not of the
6 Congo as he continues to claim” and “refused to assist with the completion of the
7 travel document request.” ECF 12 at 1. Second, they argue that Mr. Balde
8 “refused to enter the airport to a removal flight to Guinea.” ECF 12 at 2.

9 Mr. Balde disputes the first claim as a factual matter. As explained in the
10 attached declaration, Mr. Balde’s mother is from the Republic of Congo, while his
11 father is from Guinea. Exhibit A, Declaration of Abdourahmane Balde, at ¶ 1. So
12 while Mr. Balde was born in Guinea, he has dual citizenship. *Id.* at ¶ 1. But in
13 2004, when he was 11 years old, his father passed away. *Id.* at ¶ 2. Because his
14 only living parent was from the Congo, Mr. Balde identified more as Congolese.
15 *Id.* at ¶ 2.

16 So contrary to Respondents’ claim, Mr. Balde did not intentionally
17 misrepresent his nationality. Rather, he explained to ICE multiple times that he
18 was a dual citizen of both Guinea and the Republic of Congo. *Id.* at ¶ 3. In fact,
19 when he came to the United States, Mr. Balde gave ICE both his nationality card
20 from Guinea and his passport from the Republic of Congo. *Id.* at ¶ 3. ICE still has
21 both of these documents in its possession. *Id.* at ¶ 3.

22 As to Respondents second claim that Mr. Balde “refused to enter the airport
23 to a removal flight to Guinea.” ECF 12 at 2, Mr. Balde acknowledges that this is
24 correct. *Id.* at ¶ 4. However, the reason Mr. Balde did not board the flight is
25 because he had repeatedly asked ICE whether they were deporting him to Guinea
26 or the Congo, and they would not tell him. *Id.* at ¶ 4. What’s more, he kept asking
27 ICE whether they had talked to his embassy, and they told him that they didn’t yet
28 have a travel document for him. *Id.* at ¶ 4. So, Mr. Balde refused to board the

1 plane because he did not want to be flown to a place that would not accept him.
2 *Id.* at ¶ 4.

3 For these reasons, Mr. Balde maintains that he has not been uncooperative
4 with Respondents' efforts to remove him, and this Court should order his
5 immediate release. However, at a minimum, Respondents claim that they have
6 "scheduled Petitioner on a charter flight for removal to Guinea on May 26, 2026."
7 ECF 12 at 2. Thus, this Court may also order Respondents to file a status report
8 on May 27, 2026, to update this Court on their efforts to remove Mr. Balde, after
9 which this Court may render a decision on the petition.

10 Respectfully submitted,

11
12 Dated: May 19, 2026

s/ Kara Hartzler
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