

1 **Daniel J. Yadron, Jr.**

2 Bar No. 336765

3 Federal Defenders of San Diego, Inc.

4 225 Broadway, Suite 900

5 San Diego, California 92101-5030

6 Telephone: (619) 234-8467

7 Facsimile: (619) 687-2666

8 danny_yadron@fd.org

9 Attorneys for Mr. Idris

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

12 MAHMOUD IDRIS,

13 Petitioner,

14 v.

15 MARKWAYNE MULLIN, Secretary of
16 the Department of Homeland Security,
17 TODD BLANCHE, Attorney General,
18 TODD M. LYONS, Acting Director,
19 Immigration and Customs Enforcement,
20 JESUS ROCHA, Acting Field Office
21 Director, San Diego Field Office,
22 JEREMY CASEY, Warden of Imperial
23 Regional Detention Facility,

24 Respondents.

CASE NO.: 3:26-cv-2494-JLS-SBC

**Traverse in Support of
Petition for a
Writ of Habeas Corpus**

25 Mr. Idris will keep it brief.

26 Respondents agree that Mr. Idriss was ordered removed on January 8, 2026,
27 and that his 90-day mandatory removal period under 8 U.S.C. § 1231 has ended.

28 Meanwhile, they do not dispute Mr. Idriss's showing that he has "been very
cooperative with ICE each and every time they call [him] to sign for [his] removal
proceeding to Uganda." Pet. 5. And they make zero—really zero—attempt to
claim that they have taken any steps to facilitate Mr. Idris's removal. There are no
typical claims about outreach to Uganda's consulate. No typical claims about how

1 many people have been removed to the country in dispute. Not even an affidavit
2 from an immigration officer making the conclusory claim that “Mr. Idris will be
3 removed soon.” Nothing.

4 Finally, Respondents do not dispute that “[a]t no point did the *Zadvydas*
5 Court preclude a noncitizen from challenging their detention before the end of the
6 presumptively reasonable six-month period.” *Huan v. Noem*, No. 26-CV-512 JLS
7 (DEB), 2026 WL 412609, at *2 (S.D. Cal. Feb. 13, 2026) (quoting *Trinh v.*
8 *Homan*, 466 F. Supp. 3d 1077, 1092 (C.D. Cal. 2020)). Thus, this Court *can* grant
9 the Petition. It should.

10 Yes, Mr. Idris’s case falls within the six-month “presumptively reasonable
11 period of detention.” *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). But
12 Mr. Idris’s Petition, the Return, and other cases all show that “there is no
13 significant likelihood of removal in the reasonably foreseeable future.” *Id.*

14 Numerous courts have granted habeas relief because Respondents have
15 been unable to remove noncitizens who are not from Uganda to Uganda. In *Ky*
16 *Mai v. Hernandez*, No. 26-cv-01337-JHC, 2026 U.S. Dist. LEXIS 106097 (W.D.
17 Wash. May 13, 2026), the court granted habeas relief after it found that “[o]n
18 February 6, 2026, the Government sought to remove [a Vietnamese man] to
19 Uganda, but Uganda declined.” That timeline is notable given that Uganda’s
20 refusal came less than one month after Mr. Idris was ordered removed. In another
21 recent example, the district court granted habeas relief because, in part, the
22 “[p]etitioner has no ties to Uganda, and Respondents have no guidance from ERO
23 headquarters as to the viability of removing anyone, not just Petitioner, to
24 Uganda.” *Pour v. Bondi*, No. C26-0562 TSZ, 2026 U.S. Dist. LEXIS 79062, at *6
25 (W.D. Wash. Apr. 10, 2026).

26 Here, the government does not even claim that this case will be different. It
27 simply rests on *Zadvydas*’s six-month presumption, without even challenging
28 Mr. Idris’s showing. But as courts have recognized in numerous contexts, a

1 presumption is “just that—a presumption, not an entitlement.” *Dayton Power &*
2 *Light Co. v. FERC*, 126 F.4th 1107, 1116 (6th Cir. 2025). At the very least, this
3 Court should require more from Respondents if they seek to keep Mr. Idris
4 detained after he has shown:

- 5 (1) He has a final order of removal to a country in which he is not a citizen.
- 6 (2) Uganda has some recent history of not accepting non-citizens.
- 7 (3) He has nevertheless been cooperative in facilitating his removal.
- 8 (4) Respondents do not appear to have made any efforts to remove
9 Mr. Idris.

10 Thus, this Court should grant the Petition and order Mr. Idris released. In
11 the alternative, this Court should order Respondents to show what steps—if any—
12 they have taken to remove Mr. Idriss. To the extent this Court deems it necessary,
13 it can also hold the petition in abeyance until this Court deems resolution
14 appropriate.

15 **Prayer for relief**

16 For the foregoing reasons, Mr. Sarr respectfully requests that this Court:

- 17 1. Order and enjoin Respondents to immediately release Petitioner from
18 custody;
- 19 2. Enjoin Respondents from re-detaining Petitioner without first
20 obtaining a travel document and following all applicable statutory
21 and regulatory procedures;
- 22 3. Enjoin Respondents from removing Petitioner unless they provide
23 the following process:
 - 24 a. written notice to both Petitioner and Petitioner’s counsel in a
25 language Petitioner can understand;
 - 26 b. a meaningful opportunity, and a minimum of ten days, to raise
27 a fear-based claim for CAT protection prior to removal;
 - 28

- c. if Petitioner is found to have demonstrated “reasonable fear” of removal to the country, Respondents must move to reopen Petitioner’s immigration proceedings;
 - d. if Petitioner is not found to have demonstrated a “reasonable fear” of removal to the country, a meaningful opportunity, and a minimum of fifteen days, for the Petitioner to seek reopening of his immigration proceedings.
4. Order all other relief that the Court deems just and proper.
 5. Alternatively, require Respondents to demonstrate what steps, if any, they have taken to facilitate Petitioner’s removal.

Respectfully submitted,

Dated: May 26, 2026

s/ Daniel J. Yadron, Jr.
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Idris
Email: danny_yadron@fd.org