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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 ZERETH RUEDA PENA,

12 Petitioner,
13

14 v.

15 CHRISTOPHER J. LAROSE, et al.,

16 Respondents.
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Case No. 26-cv-2804-JES-DDL

SUPPLEMENTAL BRIEFING

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19 Respondents herein respectfully submit this supplemental response to
20 Petitioner's habeas petition pursuant to the Court's May 27, 2026 order, ECF No. 16.
21 Undersigned counsel is unable to ascertain sufficient facts at this time to establish that
22 there is a significant likelihood of removal in the reasonably foreseeable future. *See*
23 *Zadvydas v. Davis*, 533 U.S. 678 (2001). Respondents therefore acknowledge that
24 Petitioner is entitled to be released from custody subject to conditions of supervision.
25 *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1); *Ba v. Lyons*, No. 25-cv-2871-CAB-
26 BJW, 2026 WL 218936, at *1 (S.D. Cal. Jan. 27, 2026) ("The habeas statute does not
27 empower courts to manage ICE supervision programs.") (citing 28 U.S.C.
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1 § 2241(c)(3)); *Khachikian v. Casey*, No. 25-cv-3737-GPC-JLB, ECF No. 13 (S.D. Cal.
2 Jan. 13, 2026) (“Ultimately, ICE has discretion to impose conditions on release.”).

3 DATED: June 1, 2026

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