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

9 NAHOM HAFTOM BERHE,
10
11 Petitioner,
v.
12 MARKWAYNE MULLIN, Secretary of the
Department of Homeland Security, *et al.*,
13
14 Respondents.

Case No. 26-cv-02828-JES-VET

**RESPONDENTS' MOTION TO
VACATE ORDER TO SHOW
CAUSE**

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17 On May 4, 2026, Petitioner, a national and citizen of Ethiopia, filed a petition for
18 writ of habeas corpus pursuant to 28 U.S.C. § 2241 in which he challenges the length
19 of his detention by Immigration and Customs Enforcement (ICE). ECF No. 1. Petitioner
20 is subject to an order of removal that became final on January 20, 2026.

21 On May 6, 2026, the Court issued an Order to Show Cause ("Order") in which
22 the Court: (1) ordered Respondents to respond to the petition by May 11, 2026; (2)
23 ordered Petitioner to file any traverse by May 13, 2026; and (3) enjoined Respondents
24 from transferring Petitioner outside of the Southern District of California pending a
25 ruling on this matter. ECF No. 2. Since that time, the parties have submitted their
26 respective briefs on this matter. *See* ECF Nos. 4 and 5.

27 The San Diego Field Office of ICE Enforcement and Removal Operations (ERO)
28 received diplomatic assurances from Cameroon, pursuant to the Third Country

1 Removal agreement, that non-citizens such as Petitioner, if removed to their country,
2 would not be subjected to persecution or torture, and the Department of State
3 determined such diplomatic assurances were credible. *See* Declaration of Vu Cam
4 (“Cam Decl.”) at ¶ 5. Recently, ICE Removal and Management Division (RMD) was
5 notified that Petitioner’s name was accepted by the Government of Cameroon for
6 removal to their country. *See id.* ¶ 6. Accordingly, ERO has scheduled Petitioner for
7 removal to Cameroon via a charter flight, to occur on or about **May 26, 2026**.¹ *See id.*
8 at ¶ 7. Cameroon’s acceptance with receiving Petitioner and Petitioner’s placement on
9 the manifest for the charter flight serves as Petitioner’s travel document for removal. *Id.*

10 Based on the foregoing, Respondents request that the Court: (1) vacate the
11 portion of the Order enjoining transfer of the Petitioner outside of the Southern District
12 of California; (2) confirm that Respondents are *not* precluded from removing Petitioner
13 to Cameroon during the pendency of this habeas action; and (3) require that
14 Respondents provide a status to the Court by June 5, 2026.

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16 Dated: May 18, 2026

Respectfully submitted,

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18 ADAM GORDON
United States Attorney

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20 s/ Camille Savedra
CAMILLE SAVEDRA
Assistant United States Attorney
Attorney for Respondents

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28 ¹ Respondents respectfully note that the six month “presumptively reasonable”
detention to affect Petitioner’s removal has not lapsed as of the date of this filing. *See*
Zadvydas v. Davis, 533 U.S. 678, 701 (2001).