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

11
12 JAMES MUSA GAMA,

13 Petitioner,

14 v.

15 MARKWAYNE MULLIN, *et al.*,

16 Respondents.
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Case No.: 26-cv-02868-BJC-SBC

**RETURN TO PETITION FOR
WRIT OF HABEAS CORPUS**

21 Respondents, by and through counsel, hereby respond to the Petition for Writ of
22 Habeas Corpus. Undersigned counsel is unable to ascertain sufficient facts at this time to
23 establish that there is a significant likelihood of removal in the reasonably foreseeable
24 future. *See Zadvydas v. Davis*, 533 U.S. 678 (2001). Respondents therefore acknowledge
25 that Petitioner is entitled to be released from custody subject to conditions of supervision.
26 *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1); *Ba v. Lyons*, No. 25-cv-2871-CAB-
27 BJW, 2026 WL 218936, at *1 (S.D. Cal. Jan. 27, 2026) (“The habeas statute does not
28 empower courts to manage ICE supervision programs.”) (citing 28 U.S.C. § 2241(c)(3));

1 *Khachikian v. Casey*, No. 25-cv-3737-GPC-JLB, ECF No. 13 (S.D. Cal. Jan. 13, 2026)
2 (“Ultimately, ICE has discretion to impose conditions on release.”).

3 DATED: May 13, 2026

Respectfully submitted,

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5 ADAM GORDON
6 United States Attorney

7 *s/ Jacob T. Metzger*
8 JACOB T. METZGER
9 Special Assistant U.S. Attorney
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