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

11 HAMED ADABI MOTLAGH,

12 Petitioner,

13 v.

14 PATRICK DIVVER et al,

15 Respondents.
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Case No.: 26-cv-02931-JAO-MSB

RESPONSE TO PETITION

20 Respondents, by and through counsel, hereby respond to the Petition for Writ of
21 Habeas Corpus. Petitioner was ordered removed from the United States on January 28,
22 2026, and granted withholding of removal to Iran that same day. ECF 1-4. The appeal
23 period of the immigration judge's decision has expired, and as such, Petitioner is now
24 detained under 8 U.S.C. § 1231(a). Petitioner is subject to a final, executable order of
25 removal, which means that he has no right to remain in the United States. Although he
26 may not be repatriated to Iran, he may be resettled in a third country.

27 Undersigned counsel is unable to ascertain sufficient facts at this time to establish
28 that there is a significant likelihood of removal in the reasonably foreseeable future. *See*

1 *Zadvydas v. Davis*, 533 U.S. 678 (2001). Respondents therefore acknowledge that
2 Petitioner is entitled to be released from custody subject to conditions of supervision. *See*
3 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.13(h)(1); *Ba v. Lyons*, No. 25-cv-2871-CAB-BJW,
4 2026 WL 218936, at *1 (S.D. Cal. Jan. 27, 2026) (“The habeas statute does not empower
5 courts to manage ICE supervision programs.”) (citing 28 U.S.C. § 2241(c)(3));
6 *Khachikian v. Casey*, No. 25-cv-3737-GPC-JLB, ECF No. 13 (S.D. Cal. Jan. 13, 2026)
7 (“Ultimately, ICE has discretion to impose conditions on release.”).

8 DATED: May 19, 2026

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