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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

MOHAMED HUSSEIN MOUSTAPHA-DAGHMASH, et al,

Petitioner,

v.

CHRISTOPHER J. LAROSE; et al.,

Respondents.

Case No.: 26-cv-03317-BJC-JAC

RESPONSE TO PETITION

Respondents, by and through counsel, hereby respond to the Petition for Writ of Habeas Corpus. Petitioner is subject to a final order of removal and detained under 8 U.S.C. § 1231(a). *See* Exhibit 1 (immigration judge's removal order). After his removal order became final, Petitioner voluntarily departed to Mexico and attempted to reenter the U.S. by applying for admission at a the Otay Mesa Port of Entry. *See* Exhibit 2 (I-213). Petitioner was then taken into custody. *See id.*

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

DATED: June 10, 2026

ADAM GORDON
United States Attorney

s/ Antonio Estrada
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