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

10 GANLIN YU,

11 Petitioner,

12 v.

13 JEREMY CASEY, *et al.*,

14 Respondents.

Case No.: 26-cv-03452-LL-VET

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

I. INTRODUCTION

Petitioner Ganlin Yu has filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 challenging the legality of her detention. ECF No. 1 at 4. However, the Court should deny Petitioner's requests for relief because (1) Petitioner is properly detained under 8 U.S.C. § 1231, (2) her claim is unripe under *Zadvydas* and (3) ICE has a valid travel document and Petitioner is scheduled to be removed from the United States in the next two weeks. 533 U.S. 678 (2001).

II. FACTUAL BACKGROUND

Petitioner is a native and citizen of China. On March 22, 2025, Petitioner arrived at Los Angeles International Airport on a flight from Shanghai China. *See* Exhibit 1 at 2. Petitioner was found to be inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I) and processed for expedited removal under 8 U.S.C. § 1225(b)(1). *Id.* Upon receiving a credible fear interview and entering formal removal proceedings under 8 U.S.C. § 1229a, an Immigration Judge denied Petitioner's requests for asylum and other relief on January 23, 2026. *See* Exhibit 3 (Removal Order); Declaration of Edgar Olvera ("Olvera Decl.") ¶ 3. Petitioner did not file an appeal with the Board of Immigration Appeals (BIA) and the removal order became administratively final on January 23, 2026. *Id.*

On February 7, 2026, ERO initiated the process to obtain a travel document for Petitioner's removal to China. *Id.* at ¶ 4. On March 17, 2026, ERO forwarded a travel document request package to ERO Removal International Operations (HQ-RIO). *Id.* at ¶ 5. On June 8, 2026, ERO secured a removal flight to effectuate Petitioner's removal from the United States in the next two weeks; HQ-RIO confirmed they will provide a travel document for Petitioner on the flight line before Petitioner is removed. *Id.* at ¶¶ 6-8.

III. ARGUMENT

An alien ordered removed must be detained for ninety (90) days pending the government's efforts to secure the alien's removal through negotiations with foreign

1 governments. *See* 8 U.S.C. § 1231(a)(2) (the Attorney General “shall detain” the alien
2 during the 90-day removal period). The statute “limits an alien’s post-removal detention
3 to a period reasonably necessary to bring about the alien’s removal from the United
4 States” and does not permit “indefinite detention.” *Zadvydas v. Davis*, 533 U.S. 678,
5 689 (2001). The Supreme Court has held that a six-month period of post-removal
6 detention constitutes a “presumptively reasonable period of detention.” *Id.* at 683.
7 Release is not mandated after the expiration of the six-month period unless “there is no
8 significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

9 In *Zadvydas*, the Supreme Court held: “[T]he habeas court must ask whether the
10 detention in question exceeds a period reasonably necessary to secure removal. It should
11 measure reasonableness primarily in terms of the statute’s basic purpose, namely,
12 *assuring the alien’s presence at the moment of removal.*” *Id.* at 699 (emphasis added).
13 In so holding, the Court recognized that detention is presumptively reasonable pending
14 efforts to obtain travel documents, because the noncitizen’s assistance is needed to
15 obtain the travel documents, and a noncitizen who is subject to an imminent, executable
16 warrant of removal becomes a significant flight risk, especially if he or she is made
17 aware that removal is imminent.

18 The Supreme Court also held that the detention could exceed six months: “This
19 6-month presumption, of course, does not mean that every alien not removed must be
20 released after six months. To the contrary, an alien may be held in confinement until it
21 has been determined that there is no significant likelihood of removal in the reasonably
22 foreseeable future.” *Id.* at 701. “After this 6-month period, once the alien provides good
23 reason to believe that there is no significant likelihood of removal in the reasonably
24 foreseeable future, the Government must respond with evidence sufficient to rebut that
25 showing and that the noncitizen has the initial burden of proving that removal is not
26 significantly likely.” *Id.*

27 Here, the Petition should be denied as Petitioner is still within the six-month
28 removal period under *Zadvydas* and because ICE is able to effectuate Petitioner’s

1 removal to China in the next two weeks. “*Zadvydas* places the burden on the alien to
2 show, *after a detention period of six months*, that there is ‘good reason to believe that
3 there is no significant likelihood of removal in the reasonably foreseeable future.’”
4 *Pelich v. INS*, 329 F. 3d 1057, 1059 (9th Cir. 2003) (quoting *Zadvydas*, 533 U.S. at 701)
5 (emphasis added); *see also Xi v. INS*, 298 F.3d 832, 840 (9th Cir. 2003). Accordingly,
6 Petitioner’s detention in this case should be presumed reasonable until July 23, 2026.
7 *See Ali v. Barlow*, 446 F.Supp. 2d 604, 609–10 (E.D. Va. 2006) (finding habeas petition
8 was unripe for review where *Zadvydas* six-month period had not expired; dismissing
9 petition without prejudice); *Gonzales v. Naranjo*, No. EDCV 12–1392 DSF (FFM),
10 2012 WL 6111358, at *4–5 (C.D. Cal. Nov. 5, 2012) (same); *Waraich v. Ashcroft*, No.
11 CVF051036RECSMSHC, 2005 WL 2671406, at *1 (E.D. Cal. Oct. 19, 2005) (same).
12 *But see Trinh v. Homan*, 466 F. Supp. 3d 1077, 1093 (C.D. Cal. 2020) (“At no point did
13 the *Zadvydas* Court preclude a noncitizen from challenging their detention before the
14 end of the presumptively reasonable six-month period.”).

15 Even if Petitioner’s detention had exceeded six months in this case, she cannot
16 show that there is no significant likelihood of removal in the reasonably foreseeable
17 future. Plainly, because ICE has obtained a travel document and arranged a flight for
18 Petitioner’s removal in the next two weeks, the only things preventing her removal are
19 the current habeas petition and resulting stay of removal ordered by the Court. ECF
20 Nos. 1-2. Accordingly, if the Court denies the Petition or, at a minimum, lifts the stay
21 of removal, ICE can promptly effectuate Petitioner’s removal to China. *Marquez v.*
22 *Wolf*, Case No. 20-cv-1769-WQH-BLM, 2020 WL 6044080, at *3 (S.D. Cal. Oct. 13,
23 2020) (denying petition because “Respondents have set forth evidence that
24 demonstrates progress and the reasons for the delay in Petitioner’s removal”). Petitioner
25 cannot show that there is no significant likelihood of removal in the reasonably
26 foreseeable future and the Court should deny the petition.

27 IV. CONCLUSION

28 For the foregoing reasons, the Court should deny the Petition as unripe or without

merit under *Zadvydas*.

DATED: June 15, 2026

Respectfully submitted,

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s/ Hunter V. Norton
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