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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILBEL FRANCSHESCO CAMACHO-DIAZ,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security, et al.,

Respondents.

CASE NO.: 26-cv-03885-JAO-SBC

Traverse

[Civil Immigration Habeas Petition Under 28 U.S.C. § 2241]

In his petition, Mr. Camacho-Diaz, a Venezuelan asylum seeker, argued that he should be released from detention because there was good reason to believe that there is no significant likelihood of removal to a third country. He argued that his order of removal became final on January 12, 2026 and the statistical data showed it unlikely that the government would be able to remove him to the third country of Ecuador. Petition, ECF 1.

At the time of the Petition, Counsel for Mr. Camacho-Diaz did not have access to the IJ order of removal. *See* Return at ECF 4-4. That order states that he is ordered removed to Uganda or, the alternative, Ecuador. It also states that Mr. Camacho-Diaz reserved appeal, thus extending the final order of removal from January 12, 2026 by 30 days to February 11, 2026. 8 CFR § 1241.1(c) (an order of removal becomes final "[u]pon expiration of the time allotted for an appeal if the respondent does not file an appeal within that time").

This new information continues to support a grant of the petition. Like Ecuador, the statistical information shows that the probability of Mr. Camacho-Diaz being sent to the third country of Uganda is insignificant. Between December 2025 and May 2026, **2,718 non-Ugandan asylum seekers** had their cases pretermitted and were designated for removal to Uganda under the ACA.[1] But as of July 2026, **only eight** non-Ugandan nationals have been sent to Uganda under the ACA. This is consistent with Mr. Camacho-Diaz's argument that removals to third countries are extremely low. Thus, providing compelling evidence that there is no significant likelihood of removal in the reasonably foreseeable future.

In its Return, the government does not address the likelihood of removal arguments. Instead, it argues that because there is "evidence of progress"

[1] https://www.thirdcountrydeportationwatch.org/uganda

involving negotiations to repatriate, there is no *Zadvydas* violation. ECF 4 at 4. But there is no "evidence of progress." The government does not present any evidence regarding the government's efforts to obtain travel documents. The government does not present any evidence contradicting the statistical data showing removals under ACA third countries are significantly low. Specifically, there is no evidence as to any efforts made by the government to remove Mr. Camacho-Diaz. Because there is no evidence, the government has not rebutted the that there is no significant likelihood of removal in the reasonably foreseeable future.

Instead, the government argues that ruling on the petition would be "premature" because the Court must wait for Mr. Camacho to be *detained* for six months. ECF 4 at 4. The government argues that the presumptively reasonable detention period under *Zadvydas* runs from the point at which *detention* begins, and not from the end of the removal period, i.e. February 11, 2026. But that argument is flawed. Whether detention is presumptively reasonable must depend on when the removal order becomes final—not how long a noncitizen has spent in detention. *Nguyen v. Mullin*, No. 26-cv-2815-JAO, 2026 WL 1480803, at *2–3 (S.D. Cal. May 26, 2026). In fact, reviewing the legislative history that was the basis of the *Zadyvas* decision shows that the "six-month timeframe was instead repeatedly discussed in the legislative materials as the 'period in which the government was ordinarily able to complete the removal process' and was marked by the 'passage of time since a [non-citizen's] removal order—not detention time.'" *Castro-Napoles v. Noem*, No. 26-CV-03212-RFL, 2026 WL 1720963, at *3 (S.D. Cal. June 15, 2026) (citing K*houry v. Garite*, No. 25-cv-00577-DCG, 2026 WL 1179822, at *5 (W.D. Tex. Apr. 21, 2026)).

In this case, there are only three weeks left for the completion of the six month period from the date of the final order of removal. Because the government does not even attempt to provide any evidence of removal in the reasonably foreseeable future, it has failed to rebut Mr. Camacho-Diaz's argument.

Thus, this Court should grant the habeas petition and order his requested relief, ECF No. 1.

1. Order Respondents to immediately release Petitioner from custody;
2. Enjoin Respondents from re-detaining Petitioner unless and until ICE obtains a travel document for his removal; and
3. Order all other relief that the Court deems just and proper.

Respectfully submitted,

Dated: July 21, 2026

s/ Zandra L. Lopez

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