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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

HONGHUA CAO, Petitioner, v. MARKWAYNE MULLIN *Secretary of the Department of Homeland Security.*, Respondents.	Case No.: 26-cv-04132-LEK-JLB **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). 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: July 27, 2026

ADAM GORDON
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s/Danielle L. Brown
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