

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

D.A.M. v. Kristi Noem, Pamela Jo Bondi, Todd M. Lyons, Jesus
Rocha, Jeremy Casey, and David Rivas

No. 25-CV-2657 JLS (VET) (S.D. Cal. Jan. 20, 2026) · No. 25-CV-2657 JLS (VET) · Decided January 20, 2026

SUMMARY

The court grants in part D.A.M.’s petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging prolonged immigration detention after an administratively final removal order and a grant of protection under the Convention Against Torture. Applying *Zadvydas v. Davis*, the court finds that the petitioner showed no significant likelihood of removal in the reasonably foreseeable future and that the respondents failed to rebut that showing. The court orders the petitioner’s immediate release and directs the parties to file a joint status report confirming release.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Janis L. Sammartino
JURISDICTION	United States District Court for the Southern District of California
DECIDED	January 20, 2026
DOCKET	25-CV-2657 JLS (VET)
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, challenging prolonged detention following a final removal order. The district court granted the amended petition in part and ordered Petitioner's immediate release.
STANDARD OF REVIEW	The court evaluated its habeas jurisdiction under 28 U.S.C. § 2241 and applied the burden-shifting framework governing post-removal detention under <i>Zadvydas v. Davis</i> .
PARTIES	D.A.M., Petitioner v. Kristi Noem, Secretary of the Department of Homeland Security, Pamela Jo Bondi, Attorney General, Todd M. Lyons, Acting Director, Immigration and Customs Enforcement, Jesus Rocha, Acting Field Office Director, San Diego Field Office, Jeremy Casey, Warden of Imperial Regional Detention Facility, David Rivas, Warden of the San Luis Detention Center

QUESTIONS PRESENTED

1. Whether the district court had habeas jurisdiction under 28 U.S.C. § 2241 over Petitioner's challenge to prolonged detention that was collateral to the final removal order.
2. Whether Petitioner's continued post-removal detention violated the limitations recognized in *Zadvydas v. Davis* because there was no significant likelihood of removal in the reasonably foreseeable future.
3. Whether Petitioner was entitled to immediate release from custody.

HOLDINGS

1. The district court retained habeas jurisdiction under 28 U.S.C. § 2241 because the petition challenged an ancillary or collateral detention issue rather than the validity of the final removal order.
2. Petitioner satisfied the initial burden of showing good reason to believe there was no significant likelihood of removal in the reasonably foreseeable future, and Respondents failed to rebut that showing; continued detention was therefore unlawful.

FACTUAL BACKGROUND

D.A.M., a native and citizen of El Salvador, had been detained by Immigration and Customs Enforcement for more than twenty-eight months at the time of the petition. An Immigration Judge granted relief under the Convention Against Torture, and the order became administratively final on January 20, 2025. ICE made two unsuccessful attempts to remove D.A.M. to Mexico, but continued detention while purportedly seeking a third country for removal and provided no evidence identifying such a country or explaining how removal would be effectuated.

PROCEDURAL HISTORY

D.A.M. filed a First Amended Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241. Respondents opposed the petition, and Petitioner filed a traverse. The court rejected Respondents' jurisdictional objection, found that the Government had not rebutted Petitioner's showing under *Zadvydas v. Davis*, ordered immediate release, required a joint status report confirming release, and closed the case.