

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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PHAL CHHIM, )  
Petitioner, )  
v. ) Civil Action No.  
JOSEPH D. MCDONALD, ) 17-10414-FDS  
Respondent. )  
\_\_\_\_\_  
)

**ORDER ON HABEAS PETITION**

**SAYLOR, J.**

This is a habeas petition by a person held in Bureau of Immigration and Customs Enforcement custody. Petitioner Phal Chhim has been in immigration custody awaiting deportation to Cambodia for more than six months. He brings this petition pursuant to 28 U.S.C. § 2241.

As interpreted by the Supreme Court in *Zadvydas v. Davis*, 8 U.S.C. § 1231(a)(1)(A) limits the time during which an alien may be held in custody awaiting deportation “to a period reasonably necessary to bring about that alien’s removal from the United States.” 533 U.S. 678, 689 (2001). Six months is a presumptively reasonable period to effectuate removal. *Id.* at 701. An alien held for longer than six months may be released from custody upon a showing that there is “no significant likelihood of removal in the reasonably foreseeable future.” *Id.*

On April 6, 2017, respondent filed a Second Notice of Intent to Remove Petitioner, stating that the Department of Homeland Security intends to transfer petitioner on April 10, 2017, and to remove him to Cambodia on May 3, 2017. That representation suffices to rebut

petitioner's claim that there is no significant likelihood of removal in the reasonably foreseeable future.

Accordingly, the habeas petition is DISMISSED based on the representation of the government as to the anticipated timing of removal. Should that removal not occur as anticipated, and for good cause shown, the Court may consider vacating this order of dismissal.

**So Ordered.**

/s/ F. Dennis Saylor

F. Dennis Saylor IV

United States District Judge

Dated: April 7, 2016