

DISTRICT JUDGE JAMES L. ROBART  
MAGISTRATE JUDGE BRIAN A. TSUCHIDA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ANWAR MOHAMED JEYLANI,

Petitioner,

v.

PAMELA BONDI, *et. al.*,

Respondents.

No. CV25-343-JLR-BAT

SURREPLY TO RESPONDENTS'  
MOTION TO DISMISS

Anwar Jeylani, through counsel, respectfully offers the following surreply to address contentions and omissions in respondents' reply brief. In brief, respondents' citations are incomplete, and that may underscore the need for appropriate discovery here.

**I. DISCUSSION**

ICE's reply argues that the Court should deny Mr. Jeylani's petition because "his travel document application is pending with the Somali government." Dkt 11 at 4. But the existence of a pending application is relevant only if Somalia acts on pending applications for travel documents in a reasonable period and, as previously noted, at Dkt. 12, Somali is an "uncooperative country" that does *not* process travel document applications in a reasonable period. *See* Ex. 1 (explaining that countries designated "uncooperative" do not conduct interviews, issue travel documents in a timely manner, and accept the physical return of their nationals by scheduled commercial or charter flights consistent with ICE and/or foreign government removal guidelines.). Within this

1 fuller context, the mere fact that an application remains pending provides no support for  
2 ICE's claimed belief that Mr. Jeylani will be removed in the reasonably foreseeable  
3 future.

4 ICE's only other argument—that Mr. Jeylani's removal is reasonably  
5 foreseeable because Somalia accepted the deportation of 64 nationals last year—fares  
6 no better. *See* Dkt. 11 at 4. The most recent reliable information shows that that 4,090  
7 people remain on the non-detained docket awaiting travel documents to Somalia. Ex. 1.  
8 This is in addition to an unknown number of detained people who are also awaiting  
9 travel documents to Somalia. It is possible, of course, that detained Somali-nationals  
10 receive travel documents faster than the non-detained Somali nationals, but because  
11 respondents refuse to provide information about how long it takes to obtain travel  
12 documents, the available information provides no reason to believe that is true. To the  
13 contrary, respondents' own evidence shows ICE successfully removed *at most* 1.6% of  
14 Somali nationals with final orders of removal last year. Placed in this fuller context,  
15 respondents' claim that Mr. Jeylani's removal will occur in the reasonably foreseeable  
16 future because Somalia accepted a small number of people last year is false, both as a  
17 matter of logic and math.

18 The possibility that respondents would withhold this context from the status  
19 report ordered by this Court was predicted by the Supreme Court. *See Zadvydas v.*  
20 *Davis*, 533 U.S. 678 (2001) ("The Government seems to argue that . . . a federal habeas  
21 court would have to accept the Government's view about whether the implicit statutory  
22 limitation is satisfied in a particular case, conducting little or no independent review of  
23 the matter. In our view, that is not so.") and *id.* (admonishing district courts not to  
24 "abdicat[e] their legal responsibility to review the lawfulness of an alien's continued  
25 detention."). As has been widely reported, federal Judges across the country have  
26 expressed concern that federal agencies, which appear to be under pressure to advocate

1 for immigrants' imprisonment and removal, can no longer be trusted to provide  
2 complete and reliable information in their pleadings. *See generally*, "Trump Has a Trust  
3 Problem in Court: President's policies face roadblocks with judges who don't believe  
4 that can give his administration benefit of doubt," *The Wall Street Journal* (April 28,  
5 2025) (Explaining why "federal judges are questioning the Trump administrations  
6 veracity in legal proceedings."). The decision to omit relevant context in the status  
7 report offered here adds to the reasons for that general concern, and underscores the  
8 appropriateness of discovery.

9 Further, the government's misleading response here is not the only recent  
10 example in this district. In *Kamyab v. Bondi*, CV 25-389-RSL-MLP, for example,  
11 respondents filed a similar boilerplate status report that argued that the petitioner's  
12 pending application for an Iranian travel document meant that his removal to Iran was  
13 "significantly likely in the reasonably foreseeable future." Only after the petitioner  
14 pointed out that Iran, like Somalia, is an "uncooperative" country did federal  
15 respondents concede, with a candor not yet shown here, that Iran does *not* generally  
16 approve applications for travel documents in a timely manner. *See* dkt 13 ("Iran has  
17 issued travel documents in the past twelve months and has verified passports for travel,  
18 but not in a timely manner and it has failed to respond to status requests for most  
19 cases."). Respondents nonetheless continued to urge that petitioner's detention by  
20 advancing the possibility that a Central American country might choose to issue a travel  
21 document to that respondent.

## 22 II. CONCLUSION

23 The available evidence proves that Mr. Jeylani is not substantially likely to be  
24 removed to Somalia in the reasonably foreseeable future. To the extent that contrary  
25 evidence exists, the government's refusal to provide that evidence means that the Court  
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1 may not rely upon it. The Court therefore should order Mr. Jeylani's release on  
2 appropriate conditions.

3 DATED this 16th day of May, 2025.

4 Respectfully submitted,

5 *s/ Gregory Murphy*  
6 Assistant Federal Public Defender  
7 Attorney for Anwar Jeylani

8 I certify this surreply contains 783 words in compliance with the Local Civil Rules.  
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