

The Honorable Richard A. Jones

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DABONA TANG,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-01473-RAJ

FEDERAL RESPONDENTS'  
REPLY IN SUPPORT OF THEIR  
MOTION TO DISMISS

Because this Court ordered Petitioner Dabona Tang's release from immigration detention, this case challenging his past detention is moot. Petitioner's response brief acknowledges that this Court ordered his release, but it does not address mootness. Instead, it largely rehashes the same arguments that were raised in the preliminary injunction motion before Petitioner's release. All these arguments are inapplicable at this stage. Because Petitioner received the relief he sought when the Court ordered his release, this Court has lost subject-matter jurisdiction.

The only potentially live issue is Petitioner's request for an order preventing his rearrest and re-detention. That request was unsupported at the preliminary injunction stage, and it remains unsupported now. This Court should deny the request and, because the rest of the case is moot, dismiss this proceeding in its entirety.

1 **I. Petitioner’s release mooted the bulk of this case**

2 Petitioner argues his prior detention was unlawful because, in his view: (1) he was not  
3 removable to Vietnam and therefore there was no likelihood of removal in the foreseeable future;  
4 (2) because he was not removable, his detention was punitive and violated substantive due  
5 process; and (3) his detention, which followed the procedures at 8 C.F.R. § 241.13(i)(3),  
6 nonetheless violated procedural due process. Dkt. 27 at 8–11. Petitioner’s release mooted these  
7 arguments.

8 Generally, “an actual controversy must exist at all stages of the litigation.” *Biodiversity*  
9 *Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir. 2002). Specifically, “[f]or a habeas  
10 petition to continue to present a live controversy after the petitioner’s release or deportation . . .  
11 there must be some remaining ‘collateral consequence’ that may be redressed by success on the  
12 petition.” *Abdala v. INS*, 488 F.3d 1061, 1064 (9th Cir. 2007). Here, Petitioner’s arguments  
13 concerning the length of his detention and the decision to detain him do not allege any collateral  
14 consequence that this Court could address. *Cf. Sandoval-Vela v. Napolitano*, No. 10-CV-0059-  
15 IEG (RBB), 2010 WL 364221, at \*6 (S.D. Cal. Jan. 26, 2010) (holding that release from custody  
16 did not moot a habeas petitioner’s claim where he alleged a non-frivolous claim to U.S.  
17 citizenship). Therefore, these challenges to his past detention are moot, and this Court has lost  
18 subject-matter jurisdiction over them. *See Sandhu v. Immigr. & Customs Enf’t Field Off. Dir.*,  
19 No. 23-cv-1532-RAJ-TLF, 2023 WL 9422599, at \*1 (W.D. Wash. Dec. 26, 2023), *rep. & rec.*  
20 *adopted*, 2024 WL 308058 (W.D. Wash. Jan. 26, 2024) (“Because petitioner’s habeas petition  
21 challenges only the length of his immigration detention, his removal causes this case to become  
22 moot.”); *Ortiz-Vivar v. Johnson*, No. C14-0944RSL, 2014 WL 4723918, at \*1 (W.D. Wash. Sept.  
23 23, 2014) (“Because petitioner has already been given the relief he requested—release from  
24 detention—his claim must be denied as moot.”).

1 **II. Petitioner’s request for an order barring his re-arrest remains unsupported**

2 The only issue that Petitioner’s release may not have mooted is his request for an order  
3 barring his rearrest without leave of this Court. Federal Respondents opposed this request in their  
4 response to Petitioner’s preliminary injunction motion. Dkt. 24 at 10–11. In its order on that  
5 motion, this Court observed, “Mr. Tang’s motion contains no discussion and cites no legal  
6 authority in support of this requested relief . . . .” Dkt. 26 at 11. Therefore, the Court denied  
7 Petitioner’s request for such an order. *Id.* at 12. The Court should deny Petitioner’s request again.  
8 Petitioner’s brief, submitted after the Court’s preliminary injunction order, does not even mention  
9 the request for an order barring rearrest. *See* Dkt. 27. The Court may consider it abandoned.

10 \* \* \*

11 For these reasons and those set forth in prior briefing (*see* Dkts. 12, 24), Federal  
12 Respondents respectfully request that this Court dismiss this case in its entirety.

13 Dated September 22, 2025.

14 Respectfully submitted,

15 TEAL LUTHY MILLER  
16 Acting United States Attorney

17 s/ Annalisa L. Cravens  
18 ANNALISA L. CRAVENS  
19 Assistant United States Attorney  
20 United States Attorney’s Office  
21 700 Stewart Street, Suite 5220  
22 Seattle, Washington 98101  
23 Phone: 206-553-7970  
24 Fax: 206-553-4067  
Email: [annalisa.cravens@usdoj.gov](mailto:annalisa.cravens@usdoj.gov)

*Counsel for Federal Respondents*

I certify this memorandum contains 622 words,  
in compliance with the Local Civil Rules.