

District Judge Jamal N. Whitehead
Magistrate Judge Brian A. Tsuchida

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

CHITTAKONE PHETSADAKONE,

Petitioner,

v.

BRUCE SCOTT, *et al.*,

Respondent.

Case No. 2:25-cv-01678-JNW-BAT

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND
[PROPOSED ORDER]

Noted for Consideration:
September 25, 2025

For good cause, Petitioner and Federal Respondents, by and through their counsel of record, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 7(d)(1) and 10(g), hereby jointly stipulate and move to stay these proceedings until November 18, 2025.

Petitioner brought this habeas litigation pursuant to 28 U.S.C § 2241 alleging that his U.S. Immigration and Customs Enforcement’s (“ICE”) unlawfully revoked his order of supervision. Dkt. No. 1. The habeas petition further seeks a stay of Petitioner’s removal to any country while his motion for coram nobis is pending in his criminal matter in the district court and while a subsequent motion to reopen pends before the Board of Immigration Appeals (“BIA”). Finally, the habeas seeks an injunction of Petitioner’s removal to a third country without notice and opportunity to be heard in reopened removal proceedings. Petitioner also

1 filed a motion for a temporary restraining order seeking substantially the same relief for the
2 pendency of the habeas proceedings. Dkt. No. 2. Federal Respondents opposed the motion, and
3 the Court held a hearing on the matter.

4 On September 5, 2025, this Court issued a temporary restraining order requiring ICE to
5 release Petitioner from custody and prohibiting ICE from redetaining Petitioner in connection
6 with his existing removal order without prior approval from the Court or the expiration of the
7 Order. Dkt. No. 21. Phetsadakone was released from ICE custody. The parties have proposed a
8 briefing schedule for preliminary injunction briefing. Dkt. No. 22. However, the parties are
9 currently working towards a resolution to this litigation, which would cause any further briefing
10 to be unnecessary.

11 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
12 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
13 control the disposition of the causes on its docket with economy of time and effort for itself, for
14 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
15 P. 1.

16 With additional time, this case may be resolved without the need of further judicial
17 intervention. If settlement cannot be achieved, the parties will notify the Court and propose a
18 new briefing schedule. If settlement is achieved, Petitioner will voluntarily dismiss this
19 litigation.

20 As additional time is necessary, the parties request that the Court hold the case in
21 abeyance until November 18, 2025. If Petitioner does not voluntarily dismiss this case prior to
22 that date, the parties will submit a status update on or before November 18, 2025.

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1 DATED this 25th day of September, 2025.

2 Respectfully submitted,

3 TEAL LUTHY MILLER
Acting United States Attorney

STRITMATTER KESSLER KOEHLER
MOORE

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Attorney for Petitioner

10 *Attorneys for Federal Respondents*

SEATTLE CLEMENCY PROJECT

11 *I certify that this memorandum contains 420*
12 *words, in compliance with the Local Civil*
13 *Rules.*

/s/ Jennie Pasquarella
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[PROPOSED] ORDER

The case is held in abeyance until November 18, 2025. If the parties determine that settlement cannot be achieved before November 18, 2025, the parties will notify the Court and propose a new briefing schedule promptly. If settlement is achieved, Petitioner will voluntarily dismiss this litigation. If additional time is necessary to achieve settlement, the parties will submit a status update on or before November 18, 2025. It is so **ORDERED**.

DATED this _____ day of _____, 2025.

JAMAL N. WHITEHEAD
United States District Judge

Recommended for entry this _____ day of _____, 2025.

BRIAN A. TSUCHIDA
United States Magistrate Judge