

DETAINED

Judge John H. Chun

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

SIGAL TZAFIR,

Petitioner,

v.

PAMELA BONDI, *et al.*;

Respondents.

CASE NO.: 2:25-cv-02070-JHC

REPLY FOR PRELIMINARY INJUNCTION
AND STAY OF REMOVAL

NOTED FOR CONSIDERATION:
December 15, 2025

REPLY FOR PRELIMINARY INJUNCTION AND STAY OF REMOVAL

A. The petitioner faces the irreparable harm of removal, which would necessarily be to a third country.

As she states in her motion for a preliminary injunction, if the petitioner, Sigal Tzafir, is removed from the United States, she will suffer irreparable harm, due to separation from her attorneys, her family, and her support system. Dkt. 11, at 5. The government does not argue that removal in itself will not cause irreparable harm, but only that any risk of removal to a

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1 third country is speculative. Dkt. 12, at 2. Because Ms. Tzafir is stateless, any removal would
2 necessarily be to a third country.

3 Before proceeding, there has been an update to the facts. On November 17, 2025, one
4 of Ms. Tzafir's lawyers, Adam Boyd, received a call from ICE asking Ms. Tzafir's mother
5 and father to fill out travel documents to third countries. It asked Ms. Tzafir's father to fill out
6 travel documents to the Republic of Georgia and it asked her mother to fill out travel
7 documents to Uzbekistan. Neither parent is a citizen of those countries, and both parents, like
8 Ms. Tzafir, have removal orders designating Israel. There is no reason to believe either
9 country will issue travel documents, and if they do, there is no reason to believe that the
10 family will be allowed to travel to just one country.

11 The country designated in the removal order is Israel. Ms. Tzafir was born in Israel in
12 1998 and came to the United States with her parents when she was one year old. Her Israeli
13 citizenship has been revoked. When she and her family were ordered removed, her parents
14 made every attempt to secure travel documents to Israel, but failed. Instead, they were placed
15 on supervision for the next 16 years. After Ms. Tzafir was arrested this summer, her father
16 was given about six weeks to secure travel documents or face arrest, and he was still unable to
17 do so. Her family has not been able to secure proof from Israel that she is not an Israeli
18 citizen. See 2:25-cv-2126 (father's habeas case), Dkt. 1-2. Ms. Tzafir is stateless.

19 Because she is stateless and cannot be removed to Israel—for the simple reason that
20 Israel will not accept her—any removal must necessarily be to a third country. And the only

21 possible purpose for her detention is removal. Therefore, removal to a third country is not

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1 speculative but is instead the only outcome that follows logically from the circumstances: she
2 is detained, so ICE must intend to remove her; ICE cannot remove her to Israel, so it must
3 intend to remove her to a third country.

4 The government relies on authority that is inapposite. It relies on *Khamba v. Albarran*,
5 No. 25-1227-JLT-SKO, WL 2959276, at 10 n. 15 (E.D. Cal. Oct. 17, 2025), for the
6 proposition that Ms. Tzafir must present evidence, instead of arguing logical conclusions from
7 the available evidence, to support her motion. But the government does not accurately
8 summarize the following language in *Khamba*:

9 The Court declines to address Petitioner's other claims at this time. For example,
10 he requests an injunction against third country removal without certain procedural
11 protections (Doc. 4 at 28), but any such fear is speculative. He does not allege any
12 specific threat of third country removal and the only rationale provided by
13 Respondent for a changed circumstance is that Mr. Khamba's deportation
14 to India is reasonably foreseeable.

15 *Id.* (emphasis in the original). Rather than declining to grant a preliminary injunction “because
16 any such fear was ‘speculative,’” Dkt. 12, at 2, the court declined to rule on the issue at all.

17 And the court did in fact issue a preliminary injunction that case. *Khamba*, at 31.

18 The government also relies on *Baltodano v. Bondi*, No. 2:25-cv-1958, LEXIS 220311
19 (W.D. Wash. Nov. 7, 2025). There, the record included evidence that ICE was threatening
20 third-country removal, but the court did not rule that this evidence was the only possible
21 support for a preliminary injunction. Also, it is not clear from the opinion that the court
narrowed the requested relief to include only notice. It rejected a blanket prohibition on third-

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1 country removal because the argument offered in support, regarding punitive deportation, was
2 not yet sufficiently developed. *Baltodano*, at 12.

3 And in *Nguyen v. Scott*, No. 2:25-cv-01398, LEXIS 162859 (W.D. Wash. Aug. 21,
4 2025), the petitioner was a citizen of Vietnam, which had not accepted deportees from the
5 United States for decades. The government asserted that Vietnam had recently started to
6 accept deportees, that it could therefore show a substantial likelihood of removal in the
7 reasonably foreseeable future, and that the petitioner was therefore not likely to succeed on
8 the merits. But the court rejected this argument and granted a preliminary injunction. The case
9 is factually distinct from this one because that petitioner was not stateless and the question
10 was whether he could be removed to the country where he held citizenship. That is not the
11 issue here.

12 Even if ICE could somehow secure travel papers to Israel, the removal itself would still
13 be an irreparable harm to Ms. Tzafir, as argued in her motion. Dkt. 11, at 4-6. Ms. Tzafir asks
14 the Court to prevent this harm by enjoining removal until the Court can rule on the merits of
15 her petition.

16
17 **B. A preliminary injunction prohibiting transfer should be granted.**

18 The government also argues against a preliminary injunction that prohibits transfer to
19 another detention facility. Dkt. 12, at 3-5. This argument is nearly identical to the argument it
20 made against the temporary restraining order (TRO). Dkt. 7, at 2. Ms. Tzafir therefore relies
21 on the argument she made on this point in favor of the TRO. Dkt. 8.

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1 In addition, the government asserts that telephone access is adequate to ensure
2 continued communication with her attorneys, Dkt. 12, at 4-5, but it is not. Even from the
3 NWIPC, phone calls cannot be reliably scheduled. Even if they do happen as scheduled, they
4 are limited to only 30 minutes, which can be inadequate. If, as here, an interpreter is
5 necessary, the time available is effectively cut in half. And after all that, there are enough
6 reports of ICE recording legal calls that attorney-client confidentiality cannot be assured.
7 Counsel's understanding is that telephone access from some other facilities can be even less
8 reliable. Also, telephone communication does not allow for either the lawyer or the client to
9 review or sign documents. By contrast, although it is also burdensome to see a detained client
10 in person Tacoma, as it involves a 30-45 minute drive each way, plus a wait that can easily
11 stretch to hours, at least it is possible. If Ms. Tzafir is transferred to another detention facility,
12 adequate communication with counsel cannot be assured. Ms. Tzafir asks this Court to
13 prohibit transfer to another detention facility until the habeas petition is decided.

14
15 **C. Conclusion**

16 For the reasons stated here and in her motion, Dkt. 11, Ms. Tzafir asks this Court to
17 issue a preliminary injunction, detailed in her motion and proposed order, prohibiting her
18 removal or transfer until the Court decides her habeas petition.

19
20 I certify that this memorandum contains 1,186 words, in compliance with the Local Civil Rules.

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1 Dated this 25th day of November, 2025.

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/s/ Kelly Vomacka
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