

**DETAINED**

Judge John H. Chun

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

BINYAMIN TZAFIR,  
*Petitioner,*  
  
v.  
  
PAMELA BONDI, *et al.;*  
*Respondents.*

CASE NO.: 2:25-cv-02126-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 he states in his motion for a preliminary injunction, if the petitioner, Binyamin Tzafir, is removed from the United States, he will suffer irreparable harm, due to separation from his attorneys, his family, and his support system, and also due to his disability and multiple medical needs. Dkt. 11, at 5. The government does not argue that removal in itself

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1 will not cause irreparable harm, but only that any risk of removal to a third country is  
2 speculative. Dkt. 12, at 2. Because Mr. Tzafir is stateless, any removal would necessarily be to  
3 a third country.

4 Before proceeding, there has been an update to the facts. On November 17, 2025, one  
5 of Mr. Tzafir's lawyers, Adam Boyd, received a call from ICE asking Mr. Tzafir and other  
6 members of his family to fill out travel documents to third countries. For Mr. Tzafir, ICE  
7 asked him to fill out travel documents for the Republic of Georgia. If he declined, he would  
8 risk being deemed uncooperative with removal efforts, so he complied. There is no reason to  
9 believe the Republic of Georgia will issue travel documents, and if they do, there is no reason  
10 to believe that Mr. Tzafir's family will be allowed to travel with him.

11 The country designated in the removal order is Israel. Mr. Tzafir lived in Israel  
12 immediately before he came to the United States in 1999. He was a citizen of Israel for a few  
13 years in the 1990s, but he lost that citizenship due to religious reasons before he came to the  
14 United States. When he and his family were ordered removed, they made every attempt to  
15 secure travel documents to Israel, but failed. Instead, they were placed on supervision for the  
16 next 16 years. When Mr. Tzafir's family began to be arrested this summer, and Mr. Tzafir  
17 himself was given about six weeks to secure travel documents or face arrest, he was still  
18 unable to do so. Nor was he able to secure proof from Israel that he is not an Israeli citizen.  
19 Dkt. 1-1. Mr. Tzafir is also not a citizen of the country of his birth, the Georgian Soviet  
20 Socialist Republic, because that country no longer exists, and he has never been a citizen of  
21 the Republic of Georgia. Mr. Tzafir is stateless.

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1 Because he is stateless and cannot be removed to Israel—for the simple reason that  
2 Israel will not accept him—any removal must necessarily be to a third country. And the only  
3 possible purpose for his detention is removal. Therefore, removal to a third country is not  
4 speculative but is instead the only outcome that follows logically from the circumstances: he  
5 is detained, so ICE must intend to remove him; ICE cannot remove him to Israel, so it must  
6 intend to remove him to a third country.

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

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

18 *Id.* (emphasis in the original). Rather than declining to grant a preliminary injunction “because  
19 any such fear was ‘speculative,’” Dkt. 12, at 2, the court declined to rule on the issue at all.  
20 And the court did in fact issue a preliminary injunction that case. *Khamba*, at 31.

21 The government also relies on *Baltodano v. Bondi*, No. 2:25-cv-1958, LEXIS 220311  
(W.D. Wash. Nov. 7, 2025). There, the record included evidence that ICE was threatening  
third-country removal, but the court did not rule that this evidence was the only possible

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1 support for a preliminary injunction. Also, it is not clear from the opinion that the court  
2 narrowed the requested relief to include only notice. It rejected a blanket prohibition on third-  
3 country removal because the argument offered in support, regarding punitive deportation, was  
4 not yet sufficiently developed. *Baltodano*, at 12.

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

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

18  
19 **B. A preliminary injunction prohibiting transfer should be granted.**

20 The government also argues against a preliminary injunction that prohibits transfer to  
21 another detention facility. Dkt. 12, at 3-4. This argument is nearly identical to the argument it

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1 made against the temporary restraining order (TRO). Dkt. 5, at 2. Mr. Tzafir therefore relies  
2 on the argument he made on this point in favor of the TRO. Dkt. 7.

3 In addition, he offers more details on his medical conditions and the effect on  
4 communications with his attorneys if he is transferred. As to his medical conditions, his son-  
5 in-law, Mr. Yu, has informed counsel of the following:

6 Has been disabled since 2016, as has not worked or been employed since then due  
7 to his disability and medical conditions (history of a spontaneous intracranial  
8 hemorrhage with residual left hemiparesis, history of epilepsy, history of  
9 leukemia/in remission, history of hip fracture, and more).

10 Counsel is not in a position to compare health care at every immigration detention facility in  
11 America to the Northwest ICE Processing Center, but it is well documented that ICE often  
12 falls short of its own medical standards and of medical standards generally. Just last year, *The*  
13 *Lancet* published an article on the topic, finding “The result is a system in which deficiencies  
14 in health care provision are ignored or overlooked and, when identified, rarely result in  
15 accountability or improvement of conditions.” Dekker, et al., *The Lancet*, vol. 36, August  
16 2024, “A call for increased transparency and accountability of health care outcomes in US  
17 Immigration and Customs Enforcement detention centers.”<sup>1</sup> Disrupting Mr. Tzafir’s care by  
18 transferring him around the country is likely to increase the risks to his health.

19 As to communication with his attorneys from another detention center, the government  
20 asserts that telephone access is adequate, Dkt. 11, at 5, but it is not. Even from the NWIPC,

21 <sup>1</sup> Available at <https://www.thelancet.com/action/showPdf?pii=S2667-193X%2824%2900152-2>.

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

12  
13 **C. Conclusion**

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

17  
18 I certify that this memorandum contains 1,339 words, in compliance with the Local Civil Rules.  
19  
20  
21

1 Dated this 25th day of November, 2025.

2 /s/ Kelly Vomacka

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