

Chief District Judge David G. Estudillo

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

DENG PETER MAKUEY,

Petitioner,

v.

BRUCE SCOTT, Warden, Northwest ICE  
Processing Center; PAMELA BONDI,  
United States Attorney General; KRISTI  
NOEM, Secretary of U.S. Department of  
Homeland Security; TODD LYONS,  
Acting Director, U.S. Immigration and  
Customs Enforcement; LAURA  
HERMOSILLO, Field Office Director, ICE  
Seattle Field Office; and the United States  
of America,

Respondents.

Case No. 2:25-cv-02135-DGE

FEDERAL RESPONDENTS'  
RETURN MEMORANDUM

Noted for Consideration:  
November 28, 2025

**I. INTRODCUTION**

U.S. Immigration and Customs Enforcement (“ICE”) has lawfully detained  
Petitioner Deng Peter Makuey, a citizen of South Sudan, who is subject to a final

1 removal order, to facilitate his removal from the United States. ICE revoked Petitioner's  
2 previously issued Order of Supervision for cause, in accordance with the Immigration  
3 and Nationality Act ("INA") and its controlling regulations. In doing so, ICE gave  
4 Petitioner notice and an opportunity to be heard, consistent with due process. Petitioner  
5 is lawfully detained under Section 241 of the INA. *See* 8 U.S.C. § 1231. His detention is  
6 not indefinite under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), and his request for  
7 release from detention should be denied.

## 8 **II. BACKGROUND**

### 9 **A. Post-order detention authority**

10 The INA governs the detention and release of noncitizens during and following  
11 their removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021).  
12 The general detention periods are generally referred to as "pre-order" (meaning before the  
13 entry of a final order of removal) and, relevant here, "post-order" (meaning after the entry  
14 of a final order of removal). *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention)  
15 with § 1231(a) (authorizing post-order detention).  
16

17 When a final order of removal has been entered, a noncitizen enters a 90-day  
18 "removal period." 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of  
19 Homeland Security "shall remove the [noncitizen] from the United States." *Id.* To ensure  
20 a noncitizen's presence for removal and to protect the community from noncitizens who  
21 may present a danger, Congress has mandated detention while removal is being  
22 effectuated. 8 U.S.C. § 1231(a)(2).<sup>3</sup>  
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1 Section 1231(a)(6) authorizes ICE to continue detention of noncitizens after the  
2 expiration of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not  
3 mandate detention and does not place any temporal limit on the length of detention under  
4 that provision:

5 [A noncitizen] ordered removed who is inadmissible under section 1182,  
6 removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this  
7 title or who has been determined by the [the Secretary of Homeland  
8 Security] to be a risk to the community or unlikely to comply with the order  
of removal, *may be detained beyond the removal period* and, if released,  
shall be subject to the terms of supervision in paragraph (3).

9 8 U.S.C. § 1231(a)(6) (emphasis added).

10 During the removal period, ICE is charged with attempting to effect removal of a  
11 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory  
12 time limit on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a  
13 noncitizen may be detained only “for a period reasonably necessary to bring about that  
14 [noncitizen’s] removal from the United States.” *Zadvydas*, 533 U.S. at 689. It was further  
15 specified that Section 1231(a)(6) does not permit indefinite detention. *Id.* Thus, “once  
16 removal is no longer reasonably foreseeable, continued detention is no longer authorized  
17 by statute.” *Id.*, at 699.

19 The *Zadvydas* Court recognized that as the length of post-order detention grows, a  
20 sliding scale of burdens is applied to assess the continuing lawfulness of a noncitizen’s  
21 post-order detention. *Id.*, at 701 (stating that “for detention to remain reasonable, as the  
22 period of post-removal confinement grows, what counts as the ‘reasonably foreseeable  
23 future’ conversely would have to shrink”). However, the Supreme Court determined that  
24

1 it is “presumptively reasonable” for the Government to detain a noncitizen for six months  
2 following entry of a final removal order, while it worked to remove the noncitizen from  
3 the United States. *Id.*, at 701. Thus, the Supreme Court implicitly recognized that six  
4 months is the *earliest* point at which a noncitizens’ detention could raise constitutional  
5 issues. *Id.*

### 6 **B. OSUP and Revocation**

7  
8 Once it is determined that there is no significant likelihood of removal in the  
9 reasonably foreseeable future, DHS may release noncitizens on an Order of Supervision  
10 (“OSUP”). 8 C.F.R. § 241.13(h). The right to remain under an OSUP is not unlimited.  
11 Revocation of an OSUP is governed by 8 C.F.R. §§ 241.13(i), 241.4(l), and may occur  
12 either: (1) if the noncitizen “violates any of the conditions of release,” *id.* §§ 241.13(i)(1),  
13 241.4(l)(1); or (2) if it is determined “that there is a significant likelihood that the alien  
14 may be removed in the reasonably foreseeable future.” *Id.* § 241.13(i)(2). Whether there  
15 is a significant likelihood that the alien may be removed in the reasonably foreseeable  
16 future is determined by assessing a series of factors, including “the history of the alien’s  
17 efforts to comply with the order of removal, the history of the Service’s efforts to remove  
18 aliens to the country in question or to third countries ... and the views of the Department  
19 of State regarding the prospects for removal of aliens to the country or countries in  
20 question.” *Id.* § 241.13(f). Alternatively, certain designated officials may also revoke an  
21 OSUP as an act of discretion when revocation is in the public interest. *Id.* § 241.4(l)(2).  
22

23 Section 241.13(i)(3) provides that upon revocation, the alien “will be notified of  
24 the reasons for revocation of his or her release” and will receive an “initial informal

1 interview promptly” after being detained, to “afford the alien an opportunity to respond to  
2 the reasons for revocation stated in the notification.” *Id.* § 241.13(i)(3). During such an  
3 interview, the noncitizen “may submit any evidence or information that he or she believes  
4 shows there is no significant likelihood he or she be removed in the reasonably foreseeable  
5 future, or that he or she has not violated the order of supervision.” *Id.* “The revocation  
6 custody review will include an evaluation of any contested facts relevant to the revocation  
7 and a determination whether the facts as determined warrant revocation and further denial  
8 of release.” *Id.* Then, if the alien’s request for release is denied, he or she “may submit a  
9 request for review of his or her detention . . . six months after [DHS’s] last denial of  
10 release[.]” *Id.* § 241.13(j).

### 12 **C. Petitioner Deng Peter Makuey**

13 Petitioner Deng Peter Makuey was born in Ethiopia to Sudanese Parents. Booth  
14 Decl., ¶ 3. He is a national of Ethiopia and a citizen of South Sudan. *Id.*; Collins Decl.,  
15 Exh A, Notice to Appear. Petitioner was admitted to the United States as a refugee on  
16 September 26, 2001. Booth Decl., ¶ 4. He remained in refugee status thereafter. Collins  
17 Decl., Exh A, Notice to Appear. On April 9, 2012, Petitioner was convicted in the in the  
18 East Central Judicial District Court at Fargo, North Dakota for the offense of Possession  
19 of Marijuana with Intent to Deliver Within 1,000 Feet of a School. Booth Decl., ¶ 5;  
20 Collins Decl., Exh. B, Judgement and Sentence. On April 25, 2012, ICE took Petitioner  
21 into custody and issued him a Notice to Appear, which charged him with removability  
22 pursuant to 8 U.S.C. § 1227(a)(2)(A)(iii) (a noncitizen convicted of an aggravated felony  
23 drug trafficking offense), and 8 U.S.C. § 1227(a)(2)(B)(i) (a noncitizen convicted of a  
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1 controlled substance violation, other than single offense involving 30 grams or less of  
2 marijuana). Booth Decl., ¶ 6; Collins Decl., Exh A, Notice to Appear.

3 On May 8, 2012, Petitioner appeared before an Immigration Judge and was ordered  
4 removed to Ethiopia, and to South Sudan in the alternative. Booth Decl., ¶ 7; Collins  
5 Decl., Exh. C, Immigration Judge Order. Petitioner waived appeal of this decision and his  
6 removal order became administratively final on that day. *Id.* ICE detained Petitioner while  
7 the agency attempted to execute his removal order. Booth Decl., ¶ 8. However, on August  
8 6, 2012, 90 days post-final order of removal, ICE released Petitioner on an Order of  
9 Supervision (OSUP). *Id.* ¶ 9; Collins Decl., Exh. D, 2012 OSUP.

10  
11 The OSUP required Petitioner to comply with a number of conditions, including  
12 that he not commit any crimes while released. *Id.* at 6. Petitioner acknowledged that  
13 “failure to comply with the terms of [the OSUP] may subject [him] to a fine, detention, or  
14 prosecution.” *Id.* at 5; *see also id.* at 7. ICE thereafter reissued Petitioner’s OSUP twice,  
15 once in 2014, and then again on May 2, 2024. Collins Decl., Exh. E, 2014 OSUP; Exh. F,  
16 2025 OSUP. Each time, Petitioner was advised that his release was conditioned on not  
17 committing any crimes, and that failure to comply could result in his detention. *Id.*, Exh.  
18 E, 2014 OSUP, at 3; Exh. F, 2024 OSUP, at 3. Despite this, after he was released from  
19 ICE custody, between May 2014 and January 2019, Petitioner was arrested for and/or  
20 convicted of at least ten criminal offenses. *Id.*, Exh. G, 2025 I-213. Many of these offenses  
21 were serious in nature and involved violence and drugs. *See id.*

22  
23 On July 14, 2025, Petitioner reported to ERO in Portland, Oregon, for a required  
24 OSUP check-in appointment. Booth Decl., ¶ 11. At the appointment, an ICE Deportation

1 Officer personally served Petitioner with a Notice of Revocation of Release that indicated  
2 that ICE had determined that Petitioner could be expeditiously removed from the United  
3 States to Ethiopia and/or South Sudan, and that ICE had determined Petitioner had  
4 violated the conditions of his release for having been arrested for and/or convicted of  
5 numerous criminal offenses. *Id.*; Collins Decl., Exh. H, OSUP Revocation, at 1-3. The  
6 offenses were listed on the Notice. *Id.* The Notice advised Petitioner that he was being  
7 taken into ICE custody, and would “promptly be afforded an informal interview at which  
8 you will be given an opportunity to respond to the reasons for the revocation.” *Id.* The  
9 Notice went on, “If you are not released after the informal interview, you will receive  
10 notification of a new review, which will occur within approximately three months of the  
11 date of this notice.” *Id.* This Notice was signed by a Deputy Field Office Director with  
12 ICE ERO, and included a Proof of Service signed by the Deportation Officer. *Id.*

14 Additionally, ICE records reflect that on that same day, an ICE Deportation Officer  
15 conducted an “initial informal interview” with Petitioner, “in order to afford the alien an  
16 opportunity to respond to the reasons for revocation of his or order of supervision stated  
17 in the notification letter.” *Id.* at 4. ICE records reflect that at the interview Petitioner made  
18 the following statement: “I would like to talk to my lawyer.” ICE took custody of  
19 Petitioner at the Northwest ICE Processing Center, in Tacoma, Washington, where he is  
20 currently detained. *Id.*

21  
22 On November 13, 2025, ICE submitted a request to South Sudan for a travel  
23 document for Petitioner. Booth Decl., ¶ 14. ICE believes that there is a substantial  
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1 likelihood that a travel document will be obtained, and Petitioner will be removed in the  
2 reasonably foreseeable future. *Id.*, ¶ 15.

### 3 4 **III. LEGAL STANDARD**

5 Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal  
6 habeas petitions. To warrant a grant of habeas corpus, the petitioner must demonstrate that  
7 his or her custody is in violation of the Constitution, laws, or treaties of the United States.  
8 See 28 U.S.C. § 2241(c)(3).

### 9 10 **IV. ARGUMENT**

11 Petitioner challenges his detention based on allegations that his OSUP was revoked  
12 in violation of various sections of the APA, the Due Process Clause of the Fifth  
13 Amendment, and the INA and its implementing regulations. Petitioner's claims that ICE  
14 detained him without cause, notice, or an opportunity to respond. His claims are without  
15 merit.

#### 16 **A. Petitioner's Administrative Procedure Act claims must be dismissed for lack 17 of Subject Matter Jurisdiction.**

18 Petitioner seeks to challenge his detention on grounds that violated Sections  
19 706(2)(A), (B) and (C) of the Administrative Procedure Act ("APA"). The Court has no  
20 subject matter jurisdiction to hear these claims.

21 Where other adequate statutory remedies exist, the APA does not apply. *See* 5  
22 U.S.C. § 704 ("Agency action made reviewable by statute and final agency action *for*  
23 *which there is no other adequate remedy in a court* are subject to judicial review.")  
24

1 (emphasis added). Simply put, “federal courts lack jurisdiction over APA challenges  
2 whenever Congress has provided another ‘adequate remedy.’” *Brem-Air Disposal v.*  
3 *Cohen*, 156 F.3d 1002, 1004 (9th Cir. 1998).

4 Because habeas corpus is a fully adequate remedy on a claim seeking redress for  
5 custodial detention that is alleged to be unlawful, relief is jurisdictionally unavailable  
6 under the APA. *See Trump v. J. G. G.*, 604 U.S. 670, 671 (2025) (vacating TROs based  
7 on the APA because Plaintiffs’ claims necessarily implied the invalidity of the Plaintiffs’  
8 confinement and removal under the “Alien Enemies Act” and so had to be brought as  
9 habeas corpus claims in the jurisdiction of their confinement). As Justice Kavanaugh  
10 stated in his concurring opinion, “[e]specially given the history and precedent of using  
11 habeas corpus to review transfer claims, and given 5 U.S.C. § 704, which states that claims  
12 under the APA are not available when there is another ‘adequate remedy in a court,’ I  
13 agree with the Court that habeas corpus, not the APA, is the proper vehicle here.” *Id.* at  
14 674; *cf. O’Banion v. Matevousian*, 835 Fed. Appx. 347, 350 (10th Cir. 2020) (holding that  
15 “habeas actions” provide an “adequate remedy” displacing APA review under Section  
16 704); *and see Lucas v. Fed. Bureau of Prisons*, 2018 WL 3038496, at \*2 (S.D.N.Y. June  
17 19, 2018) (“Accordingly, because plaintiff could adequately remedy his conditions of  
18 confinement claim in a habeas corpus petition, the Court does not have jurisdiction to  
19 decide his APA claim.”).

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21  
22 Moreover, to be reviewable under the APA an action must be a “final agency  
23 action,” which is to say that it is the “consummation of the agency’s decisionmaking  
24 process.” *See Bennett v. Spear*, 520 U.S. 154, 177–78 (1997). Administrative detention

1 for purposes of executing a removal order is not within that category because it is only an  
2 intermediary step in the process. *See Gamez Lira v. Noem*, 2025 WL 2581710, at \*4  
3 (D.N.M. Sept. 5, 2025). Accordingly, Petitioner’s claims based on alleged APA should be  
4 denied.

5 **B. Petitioner’s OSUP revocation comported with due process and was consistent**  
6 **with its own procedural regulations**

7 “Due process is flexible and calls for such procedural protections as the particular  
8 situation demands.” *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). The *Mathews* test  
9 demonstrates that Petitioner’s detention is consistent with his due process rights. Under  
10 *Mathews*, “[t]he fundamental requirement of due process is the opportunity to be heard at  
11 a meaningful time and in a meaningful manner.” *Id.*, at 333 (internal quotation marks  
12 omitted). This calls for an analysis of (1) “the private interest that will be affected by the  
13 official action,” (2) “the risk of an erroneous deprivation of such interest through the  
14 procedures used, and probable value, if any, of additional or substitute procedural  
15 safeguards,” and (3) the Government’s interest. *Id.*, at 334-35.

16 **1. Petitioner’s liberty interest in remaining released on conditions is**  
17 **reduced.**

18 Respondents recognize the “weighty liberty interests implicated by the  
19 Government’s detention of noncitizens.” *Reyes v. King*, No. 19-cv-8674, 2021 WL  
20 3727614, at \*11 (S.D.N.Y. Aug. 20, 2021). However, Petitioner’s interest in his liberty  
21 *generally* does not mean that he possesses a separate or heightened liberty interest in the  
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1 continuation of his conditional release on OSUP.<sup>1</sup> The recognized liberty interests of U.S.  
2 citizens and aliens are not coextensive: the Supreme Court has ‘firmly and repeatedly  
3 endorsed the proposition that Congress may make rules as to aliens that would be  
4 unacceptable if applied to citizens.’” *Rodriguez Diaz*, 53 F.4th at 1206 (quoting *Demore*  
5 *v. Kim*, 538 U.S. 510, 522 (2003)). As the Supreme Court has explained, “[i]n the exercise  
6 of its broad power over naturalization and immigration, Congress regularly makes rules  
7 that would be unacceptable if applied to citizens.” *Mathews v. Diaz*, 426 U.S. 67, 79-80  
8 (1976).

9  
10 Petitioner’s release on OSUP was always subject to many conditions, including  
11 that he not commit any crimes. Petitioner was notified on three separate occasions, over  
12 the course of 12 years, that he could be re-detained if he violated these terms. Accordingly,  
13 Petitioner cannot now claim that the Respondents promised him ongoing, limitless  
14 freedom from detention.

15 **2. The existing procedures for OSUP revocation are constitutionally**  
16 **sufficient and Petitioner’s detention does not violate ICE’s**  
17 **regulations.**

18 Turning to the second *Mathews* factor, the risk of a constitutionally significant  
19 deprivation of Petitioner’s liberty here is minimal, and ICE has complied with all  
20 procedural safeguards in this case. Petitioner claims that the agency failed to give him  
21 both notice and an opportunity to be heard regarding his OSUP revocation. This is  
22 factually inaccurate.

23  
24 <sup>1</sup> Federal Respondents acknowledge that courts in this District have found that noncitizens have a liberty interest in their release on OSUP but respectfully disagree with those decisions.

1 As outlined above, Congress established a clear statutory framework in 8 C.F.R. §  
2 241.13(i) that sets forth the requirements and process for affecting an OSUP revocation.  
3 When an alien has violated any condition of their release, as Petitioner did many times  
4 over in committing numerous criminal offenses, or ICE determines that there is a  
5 “significant likelihood” an alien can be removed from the United States within the  
6 “reasonably foreseeable future,” ICE is clearly permitted to revoke the OSUP and take the  
7 alien into custody; nothing else is required for revocation under these circumstances. *Id.*  
8 § 241.13(i)(1) and (2); *see also Nizar Esmail v. Noem, et al.*, 2025 WL 3030590, at \*2  
9 (C.D. Cal. Sept. 12, 2025).<sup>2</sup> Additionally, contrary to Petitioner’s assertion, when ICE’s  
10 revocation is based on an alien’s violation of a condition of release, the statute does not  
11 require that only certain officials may revoke the OSUP. *See generally* 8 C.F.R. §  
12 241.13(i); *see also Nizar Esmail*, 2025 WL 3030590, at \*2, n.3 (distinguishing between  
13 Sections 241.4 and 241.13, explaining that “Section 241.13 applies to cases where a  
14 petitioner is in revocation proceedings, whereas Section 241.4 applies to routine custody  
15 reviews for aliens detained after the 90-day removal period.”).

17 8 C.F.R. § 241.13(i)(3) further outlines the OSUP revocation procedures and  
18 provides that “upon revocation,” i.e., not before revocation, “the alien will be notified of  
19 the reasons for the revocation” and to conduct an “initial interview promptly after his or  
20 return to Service custody to afford the alien an opportunity to respond to the reasons for  
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24 <sup>2</sup>While ICE may also revoke an OSUP as an act of discretion if revocation is in the public interest, pursuant to 8  
C.F.R. § 241.4(l)(2), this is not what ICE has chosen to do in this case.

1 revocation stated in the notification.” *Id.* § 241.13(3). These are precisely the procedures  
2 ICE followed when the agency revoked Petitioner’s OSUP.

3 Here, ICE properly took custody of Petitioner based on its determination that  
4 Petitioner could be removed expeditiously, *and* based on Petitioner’s many violations of  
5 the conditions of his release – namely the ten criminal offenses he committed while on an  
6 order explicitly conditioned on not committing any crimes. Booth Decl., ¶ 11. Collins  
7 Decl., Exh. H at 1-3. Upon revocation, ICE provided Petitioner with written notice of the  
8 specific reasons for its determination, which included a list of Petitioner’s many criminal  
9 offenses he was charged with committing. *Id.* That same day, ICE records reflect that an  
10 ICE Officer conducted an informal interview with Petitioner, giving him an opportunity  
11 to respond to ICE’s determination. *Id.* at 4. At that interview, ICE documented that  
12 Petitioner declined to make any statement. *Id.* Accordingly, Petitioner’s unevicenced  
13 contentions that he was detained without cause, notice, and an opportunity to respond are  
14 simply incorrect. In revoking Petitioner’s OSUP, ICE adhered to the requirements outline  
15 in 8 C.F.R. § 241.13(i), consistent with foundational principals of procedural due process.  
16 *Mathews*, 424 U.S. at 333.

17  
18 **3. The Government has a strong interest in returning aliens to custody**  
19 **who violate conditions of release.**

20 Turning to the third *Mathews* factor, the Ninth Circuit has emphasized that the  
21 *Mathews* test “must account for the heightened government interest in the immigration  
22 detention context.” *Rodriguez Diaz*, 53 F.4th at 1206. Invoking the Supreme Court’s 2003  
23 *Demore* decision, the Ninth Circuit in *Rodriguez Diaz* recognized that “the government  
24

1 clearly has a strong interest in preventing aliens from ‘remain[ing] in the United States in  
2 violation of our law.’” *Rodriguez Diaz*, 53 F.4th at 1208 (quoting *Demore*, 538 U.S. at  
3 518). The government likewise has an interest in enforcing compliance with its orders of  
4 release and returning individuals to custody who violate their terms. This is especially the  
5 case when such violations involve putting public safety at risk –such as the case with  
6 Petitioner’s long history of repeated criminal activity.

7  
8 In sum, the three *Mathews* factors demonstrate that Petitioner’s detention comports  
9 with procedural due process and that ICE adhered to its own regulations in revoking  
10 Petitioner’s OSUP.

#### 11 **4. Petitioner’s detention comports with substantive due process**

12 Petitioner does not explicitly, but appears to generally argue that his detention is  
13 unlawful in violation of *Zadvydas*. The burden is on Petitioner to show that there is “good  
14 reason to believe that there is no significant likelihood of removal in the reasonably  
15 foreseeable future.” *Pelich v. I.N.S.*, 329 F.3d 1057, 1059 (9th Cir. 2003) (citing  
16 *Zadvydas*). If a petitioner meets his evidentiary burden, the government must then  
17 introduce evidence to refute the petitioner’s assertion. *Id.*

18 It is undisputed that Petitioner is subject to a removal order that became  
19 administratively final on May 8, 2012. Collins Decl., Exh. C, Immigration Judge Order.  
20 Following his removal order, Petitioner remained in custody for 90 days, until he was  
21 released on OSUP. *Id.*, Exh. D, 2012 OSUP. While released from ICE custody, Petitioner  
22 committed at least ten criminal offenses, in violation of the terms of his release. *Id.*, Exh.  
23 G, 2025 I-213. Based on these violations and a determination that Petitioner could be  
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1 expeditiously removed to Ethiopia and/or South Sudan, ICE revoked his OSUP and  
2 detained Petitioner. Booth Decl., ¶ 11; Collins Decl., OSUP Revocation, at 1-3. Petitioner  
3 has now been detained 123 days.

4 In *Zadvydas*, the Supreme Court noted the six-month “presumptively reasonable”  
5 post-order detention period “does not mean that every [noncitizen] not removed must be  
6 released after six months. 533 U.S. at 701. To the contrary, [a noncitizen] may be held in  
7 confinement until it has been determined that there is no significant likelihood of removal  
8 in the reasonably foreseeable future.” *Id.* While the Government does not concede that  
9 Petitioner’s detention should be measured in the aggregate, even assuming *arguendo* that  
10 it is, Petitioner’s total detention period after his removal became administratively final  
11 order is 213 days, or approximately seven months – one month more than the  
12 “presumptively reasonable” 6-month period of detention. *Zadvydas*, 533 U.S. at 701. ICE  
13 has submitted a request to South Sudan for a travel document to execute Petitioner’s  
14 removal, and there is no indication a travel document will be denied. Booth Decl., ¶ 14-  
15 15. The fact that Petitioner does not yet have a specific date of anticipated removal does  
16 not make his detention indefinite. *Diouf v. Mukasey* (“Diouf I”), 542 F. 3d 1222, 1233  
17 (9th Cir. 2008). Accordingly, Petitioner’s detention is for indeed for cause and has not  
18 violated principals of substantive due process.  
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V. CONCLUSION

For the foregoing reasons, Petitioner has not satisfied his burden of establishing entitlement to relief and the petition should be denied.

DATED this 14th day of November, 2025

Respectfully submitted,

CHARLES NEIL FLOYD  
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*Attorneys for Federal Respondents*

*I certify that this memorandum contains 3,756 words, in compliance with the Local Civil Rules.*