

DETAINED

District Judge Lauren King
Magistrate Judge S. Kate Vaughan

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Attorney for Petitioner

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

DAVID LAHAMENDU,
Petitioner,

v.

PAMELA BONDI, *et al.*;
Respondents.

CASE NO.: 2:25-cv-02155-LK-SKV

**PETITIONER'S REPLY TO FEDERAL
RESPONDENTS' RETURN
MEMORANDUM**

Noted for Consideration:
November 24, 2025

In its Return Memorandum, Respondents make no meaningful argument as to why
Petitioner's immediate release is not the appropriate remedy in his case.

Generally, when a final order of removal is entered against a noncitizen, the
government will remove that person from the United States within a ninety-day "removal

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1 period.” *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001); 8 U.S.C. § 1231(a)(1)(A). During
2 that period, the government will normally hold the removable noncitizen in custody.
3 *Zadvydas*, 533 U.S. at 682; 8 U.S.C. § 1231(a)(2)(A). In some circumstances, the
4 government may detain a removable noncitizen beyond the ninety-day removal period. 8
5 U.S.C. § 1231(a)(6); see also *Zadvydas*, 533 U.S. at 689.

6 It is well-established, however, that the government’s statutory authorization to
7 detain a noncitizen beyond the removal period does not permit indefinite detention.
8 *Zadvydas*, 533 U.S. at 692, 699. In cabining the period of detention permissible under 8
9 U.S.C. § 1231(a)(6) and the Fifth Amendment, the Supreme Court recognized a
10 presumption that detention for up to six months is reasonable. *Id.* at 701. After six months,
11 however, and upon a showing by the noncitizen that there is “good reason to believe that
12 there is no significant likelihood of removal in the reasonably foreseeable future,” the
13 burden shifts to the government to rebut that showing or release the noncitizen from
14 custody. *Id.*; see also *Nadarajah v. Gonzales*, 443 F.3d 1069, 1076–78, 1080 (9th Cir.
15 2006).

16 Here, Respondents have not rebutted Petitioner’s showing that there is no
17 significant likelihood of removal to Indonesia in the reasonably foreseeable future.
18 Petitioner has been detained for over ten months. Petitioner has not been given any sort of
19 travel document, passport, or notice that Indonesia is going to issue any sort of document
20 that would allow him entry into the country. None of the exhibits submitted by
21

1 Respondents contain information that should lead this Court to believe that removal is set
2 to occur. *See* Dkts. 12, 13. Respondents have not designated any other potential country
3 to which Petitioner might be removed at all, let alone within “the reasonably foreseeable
4 future.”

5 Petitioner’s detention has extended well-beyond the 90-day removal period
6 authorized under 8 U.S.C. § 1231 and well-beyond six-month “presumptively reasonable”
7 period found in *Zadvydas*. For these reasons, Petitioner’s continued detention is
8 unreasonable and unconstitutional. Accordingly, “a writ of habeas corpus must issue and
9 [Petitioner] must be released from custody.” *Nadarajah*, 443 F.3d at 1080.

10
11 Dated this 24th day of November,

12
13 /s/ Hilary Smith
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20 *I certify that this memorandum contains 398 words, in compliance with the Local Civil*
21 *Rules.*

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