

1 detained. In *Tran v. Bondi*, No. CV-25-01897-JLR, 2025 WL 3140462 (W.D. Wash.
2 Nov. 10, 2025), the Honorable James L. Robart held that petitioner’s “*Zadvydas* grace
3 period ended six months following the entry of the order of his removal[.]” *Id.* at *3.
4 The court reached that conclusion even though the petitioner was not detained until two
5 years later, and respondents argued that only five months of the *Zadvydas* six-month
6 period had expired, based on the times when petitioner was detained. *See* Federal
7 Respondents’ Return Memorandum and Motion to Dismiss, *Tran v. Bondi*, No. CV-25-
8 01897-JLR, dkt. 13 at 1, 7 (Oct. 27, 2025). *See also, e.g., Tadros v. Noem*, No. 25-
9 4108-EP, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025) (finding that “six-month
10 detention period under *Zadvydas*” period began upon affirmance of removal order,
11 rejecting argument that petitioner could not obtain habeas relief because he had not yet
12 been in detention for six months); *Farez-Espinoza v. Chertoff*, 600 F.Supp.2d 488, 500
13 (S.D.N.Y. 2009) (concluding that, where government was aware of noncitizen’s address
14 but failed to pursue her removal until more than 15 months after removal order was
15 entered, “the removal period, as well as any presumptively reasonabl[e] six-month
16 period of removal to which the Government may have been entitled” had expired six
17 months after the entry of the removal order); *Bailey v. Lynch*, No. CV16-2600 (JLL),
18 2016 WL 5791407, at *2 (D.N.J. Oct. 3, 2016) (where order of removal became
19 effective upon petitioner’s release from underlying conviction to ICE authorities, after
20 which he was held only “briefly” before being released on an order of supervision, the
21 *Zadvydas* presumptively reasonable period ended “long before he was taken back into
22 custody[.]”).

23 A contrary view would run afoul of *Zadvydas*’s reasoning. *Zadvydas* established
24 the six-month grace period to give ICE a fair chance to effectuate the removal before a
25 court gets involved. *Zadvydas v. Davis*, 533 U.S. 678, 700–01 (2001). That was why the
26 Court chose to expand the grace period beyond the 90-day statutory removal period,

1 because Congress likely did not “believe[] that all reasonably foreseeable removals
2 could be accomplished in that time.” *Id.* at 701. Giving the government time to remove
3 a noncitizen does not require that the individual be detained for all of that period. ICE
4 can just as effectively take steps to arrange an individual’s removal whether he is in a
5 cell or on the street.

6 **B. There is no evidence that Mr. Veiga’s removal to Cuba is reasonably**
7 **foreseeable.**

8 The government’s declaration states that “ERO has not received any information
9 indicating Cuba will not accept Petitioner on his order of removal” but does not provide
10 any information suggesting that Cuba will actually accept him. Dkt. 9, ¶ 14. The
11 declaration cites to a “nomination process” that ERO has recently used to remove
12 Cubans without providing any information to suggest that Mr. Veiga will be removed in
13 the reasonably foreseeable future using that process. *Id.*

14 Because, as discussed above, the presumptively reasonable period of detention
15 has long expired, the government bears the burden of rebutting Mr. Veiga’s showing
16 that there is no significant likelihood of removal in the reasonably foreseeable future.
17 *Zadvydas*, 533 U.S. at 682. Mr. Veiga has shown a good reason to believe that there is
18 no significant likelihood of removal in the reasonably foreseeable future—he is Cuban,
19 Cuba is a country that has been historically very reluctant to accept its removed citizens
20 with criminal convictions, and the government has failed to remove Mr. Veiga for over
21 a decade after his removal order was entered. Nothing in the government’s return or
22 memoranda rebuts this showing. The government has failed to effectuate Mr. Veiga’s
23 removal for over a decade, and there is no information to suggest that they will be more
24 successful in the reasonably foreseeable future.

25 //

26 //

1 **C. Conclusion**

2 For the reasons stated above and in the initial petition, the Court should grant
3 Mr. Veiga's petition and order his release along with the relief previously requested.

4 DATED this 19th day of November 2025.

5 Respectfully submitted,

6 *s/ J. Leonardo Costales*
7 Assistant Federal Public Defender
8 Attorney for Felix Daniel Veiga
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26