

The Honorable Tiffany M. Cartwright

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

FELIX DANIEL VEIGA,

Petitioner,

v.

PAMELA BONDI, Attorney General of
the United States; KRISTI NOEM,
Secretary, United States Department of
Homeland Security; LAURA
HERMOSILLO, Acting Seattle Field Office
Director;¹ United States Citizenship and
Immigration Services; BRUCE SCOTT,
Warden of Immigration Detention
Facility; and the United States
Immigration and Customs Enforcement,

Respondent.

Case No. 2:25-cv-02168-TMC

FEDERAL RESPONDENTS'² REPLY

Noted for Consideration:
November 19, 2025

Federal Respondents respectfully submit this reply to Petitioner's response to the
Government's return memorandum. As an administrative matter, the Court's order dated

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Federal Respondents substitute Laura Hermosillo for
Cammilla Wamsley.

² Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 November 4, 2025, provided that “Petitioner may file and serve a response no later than
2 November 14, 2025,” and that Respondents “may file and serve a reply no later than November
3 19, 2025.” Dkt. 5, pg. 3. Petitioner’s response was filed on November 19, 2025, leaving the
4 Government little, if any, time to meaningfully reply to Petitioner’s Response (Dkt. 10).

5 On the merits, Petitioner’s response does not alter the conclusion that Petitioner’s
6 detention is lawful under 8 U.S.C. § 1231. As explained in the return, Petitioner is subject to an
7 administratively final order of removal entered on August 27, 2013, and he was taken into ICE
8 custody for the first time on May 30, 2025, when his Order of Supervision was revoked to
9 effectuate removal. Rodriguez Decl. ¶¶ 10–13. Therefore, Petitioner has been detained for
10 removal purposes for less than 180 days. *Id.* ¶ 15.

11 Even if the Court were to accept Petitioner’s argument that the six-month *Zadvydas*
12 period effectively expired six months after his removal order became final in 2013, that still
13 would not entitle him to release. The *Zadvydas* Court recognized that as the length of detention
14 grows, a sliding scale of burdens is applied to assess the continuing lawfulness of a noncitizen’s
15 post-order detention. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (stating that “for detention to
16 remain reasonable, as the period of post-removal confinement grows, what counts as the
17 ‘reasonably foreseeable future’ conversely would have to shrink”). Thus, the Supreme Court
18 implicitly recognized that six months is the *earliest* point at which a noncitizen’s detention
19 could raise constitutional issues. *Id.*

20 “This 6-month presumption, of course, does not mean that every [noncitizen] not
21 removed must be released after six months.” *Id.* “After this 6-month period, once the
22 [noncitizen] provides good reason to believe that there is no significant likelihood of removal in
23 the reasonably foreseeable future, the Government must respond with evidence sufficient to
24 rebut that showing.” *Id.*

1 Even assuming arguendo that the six-month presumptive period for Veiga’s detention
2 has ended, he still fails to demonstrate that there is good reason to believe that there is no
3 significant likelihood of removal in the reasonably foreseeable future. Although he is correct
4 that Cuba has not yet issued him a travel document, Cuba is clearly accepting individuals for
5 removal from the United States and ICE believes there is a significant likelihood of Veiga’s
6 removal to Cuba in the reasonably foreseeable future. Rodriguez Decl., ¶¶ 14-15.

7 Further, Section 1231(a)(6) satisfies both the substantive and procedural components of
8 the Due Process Clause. The Supreme Court has explained that detention is “a constitutionally
9 valid aspect of the deportation process.” *Demore v. Kim*, 538 U.S. 510, 523 (2003). Post-order
10 detention helps ensure the removal of noncitizens who have already been “ordered removed”
11 from the United States. 8 U.S.C. § 1231(a)(6). Section 1231(a)(6), as implemented by the
12 existing regulations, does not violate the Due Process Clause “[w]hen detention crosses the six-
13 month threshold.” *Diouf v. Napolitano* (“*Diouf II*”), 634 F.3d 1081, 1091 (9th Cir. 2011),
14 *abrogated on other grounds as recognized by Rodriguez Diaz v. Garland*, 53 F.4th 1189 (9th
15 Cir. 2022). Petitioner’s continued detention furthers Congress’s goal of ensuring his presence
16 for removal and does not violate due process.

17 Accordingly, Veiga has failed to meet his burden, and the Petition should be denied.

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1 DATED this 19th day of November, 2025.

2 Respectfully submitted,

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15 ***I certify that this memorandum contains 584***
16 ***words, in compliance with the Local Civil Rules.***

17 *Attorney for Federal Respondents*