

THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PHUNG THI THANH VO,	)	No. CV25-2244-DGE
Petitioner,	)	
v.	)	PETITIONER'S RESPONSE
PAMELA BONDI, Attorney General of	)	MEMORANDUM
the United States; <i>et al.</i> ,	)	
Respondents.	)	Noted on Motion Calendar:
	)	December 4, 2025

I. MS. VO'S DETENTION HAS BECOME UNCONSTITUTIONALLY PROLONGED UNDER *ZADVYDAS*.

Respondents contend that Ms. Vo has not met her burden under *Zadvydas v. Davis*, 533 U.S. 678 (2001). In making that argument, they rely heavily on what they have presented in rebuttal. But their rebuttal evidence goes not to whether Ms. Vo has met her burden, but to a different question, namely whether, *if* Ms. Vo has met her burden, they have satisfactorily rebutted it. *See, e.g., Deqa M. Y. v. Barr*, No. 20-CV-1091 (ECT/DTS), 2020 WL 4928321, at *4 (D. Minn. June 16, 2020), *report and recommendation adopted*, No. 20-CV-1091 (ECT/DTS), 2020 WL 4926618 (D. Minn. Aug. 21, 2020) (concluding that, “[a]lthough Deqa has made a sufficient showing that her removal is not significantly likely to occur in the reasonably foreseeable future, Respondents have now rebutted that showing”).

The government never shows that the facts in Ms. Vo's petition fail to initially raise a “good reason” to believe removal is not reasonably foreseeable; they instead present new evidence supposedly rebutting those facts or suggesting they have become

1 irrelevant. Thus, Respondents' argument about whether Ms. Vo's initial burden has
2 been met utterly misses the mark.

3 Multiple courts have found that showings comparable to that in Ms. Vo's
4 petition met the petitioner's burden. *See, e.g., See Abubaka v. Bondi*, No. C25-
5 1889RSL, 2025 WL 3204369, at *3-*4 (W.D. Wash. Nov. 17, 2025); *Nguyen v. Scott*,
6 No. 2:25-CV-01398-TMC, 2025 WL 2419288, at *13-*15 (W.D. Wash. Aug. 21,
7 2025).¹ But even if this Court were to conclude that Ms. Vo's petition standing alone
8 did not demonstrate sufficient facts regarding her burden, the facts otherwise available
9 to this Court establish the requisite showing. *See Abubaka*, 2025 WL 3204369, at *4
10 (concluding that facts recited and findings made in *Nguyen*, 2025 WL 2419288, at *20–
11 23, that “the process for procuring travel documents from Vietnam for pre-1995
12 immigrants continues to be uncertain and protracted,” demonstrated “‘good reason to
13 believe that there is no significant likelihood of removal in the reasonably foreseeable
14 future’ given the ‘uncertain and protracted’ process for procuring travel documents for
15 pre-1995 Vietnamese immigrants”) (quoting *Zadvydas*, 533 U.S. at 701 and *Nguyen*,
16 2025 WL 2419288, at *15).

17 The burden thus shifts to Respondents to show that removal is likely in the
18 reasonably foreseeable future. This burden comprises two showings: can Respondents
19 demonstrate that Ms. Vo is reasonably likely to be removed to Vietnam at all, and can
20 they show that such removal is likely in the reasonably foreseeable future? Respondents
21 must show both to prevail. They show neither.

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24 ¹ For other decisions in this district regarding Vietnamese detainees raising *Zadvydas*
25 claims and addressing this and other issues for which Ms. Vo cites *Abubaka* and
26 *Nguyen*, see *Pham v. Bondi*, No. 2:25-CV-01835-JHC, 2025 WL 3122884 (W.D. Wash.
Nov. 7, 2025); *Tran v. Scott*, No. 2:25-CV-01886-TMC-BAT, 2025 WL 2898638, at *5
(W.D. Wash. Oct. 12, 2025).

A. Respondents cannot show that Ms. Vo is likely to be removed to Vietnam at all.

Ms. Vo's petition set forth facts regarding the Memorandum of Understanding between the United States and Vietnam, along with facts regarding the actual implementation of the MOU as it pertains to individuals, such as Ms. Vo, who left Vietnam prior to 1995. Dkt. 1 at 8-10. Multiple courts have noted these facts as well, in concluding that the government had not met its burden as to such detainees. *See, e.g., Nguyen*, 2025 WL 2419288, at *14.

In response, Respondents assert:

Previous memoranda of understanding regarding removal of Vietnamese citizens based on their entry date is no longer in effect. The date of entry is no longer relevant regarding whether travel documents can be obtained from the government of Vietnam.

Dkt. 16, ¶ 18.

This statement is rather vague. There is no specific reference to the MOU that was cited in Ms. Vo's petition. *See* dkt. 1 at 8 and dkt. 1-1. And Respondents assert that there were multiple "memoranda of understanding," while the evidence before other courts has referred to was only one. *See, e.g., Nguyen*, 2025 WL 2419288, at *6. Even beyond this discrepancy, are Respondents asserting that *all* previous MOUs are no longer in effect, or only some?

In any event, numerous decisions in this district and elsewhere have relied on the MOU and data that petitioners have provided about how few pre-1995 detainees have been removed. Given that, it is striking that Respondents, in suggesting that those decision are now irrelevant, submit only this vague statement, with no facts about when and how the MOUs cited by these decisions became "no longer in effect," no copy of any current agreement, or even reference to portions of whatever new agreements have led to a supposed sea-change in how pre-1995 detainees are being treated.

1 This Court would have better reason to accept the conclusory statement that
2 “[t]he date of entry is no longer relevant regarding whether travel documents can be
3 obtained from the government of Vietnam” if Respondents had provided at least some
4 meaningful data regarding removal of pre-1995 detainees. But while Respondents state
5 that there have been 154 removals this year involving pre-1995 detainees, they provide
6 no indication of the total number of detainees involved, or how many individuals were
7 *not* removed despite Respondents’ request that Vietnam issue travel documents. A
8 “numerator alone [is] meaningless without the denominator[.]” *Emigra Grp., LLC v.*
9 *Fragomen, Del Rey, Bernsen & Loewy, LLP*, 612 F. Supp. 2d 330, 367–68 (S.D.N.Y.
10 2009). Combining meaningless data with vague assertions is hardly sufficient to meet
11 Respondents’ burden.

12 Even if the statement about pre-1995 refugees were accepted at face value,
13 Respondents tell the Court only what criteria are supposedly no longer relevant. Here,
14 just as in *Nguyen* and *Abubaka*, “[t]he government has not provided any evidence of
15 Vietnam’s eligibility criteria or why it believes Petitioner now meets it.” *Abubaka*, 2025
16 WL 3204369, at *5 (quoting *Nguyen*, 2025 WL 2419288, at *18). It is that kind of
17 facts, absent here, that might satisfy Respondents’ burden. With Ms. Vo born in a
18 refugee camp outside of Vietnam, dkt. 1 at 5, and with no showing by Respondents that
19 she has any ties to Vietnam, or of any factors that might make her a more acceptable
20 immigrant to Vietnam, there is little reason to believe Vietnam would admit her.

21 Respondents do make some specific factual assertions, but irrelevant ones. For
22 example, Jiarong Du asserts that “Vietnam has not formally denied any ICE requests
23 for travel documents.” Dkt. 14, ¶ 20. But a failure to deny requests for travel documents
24 is not the equivalent of actually implementing removal. Under *Zadvydas*, the question is
25 whether actual removal is likely, and likely in the reasonably foreseeable future.
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1 Similarly, the frequency of flights, dkt. 14, ¶ 20, is not the question, it is the likelihood
2 that a particular detainee will be removed and removed soon.

3 And Ms. Vo is not just any detainee. Similar to the petitioner in *Nguyen*,
4 “Petitioner is not just an immigrant from Vietnam who happened to arrive in the United
5 States before 1995[.]” *Nguyen*, 2025 WL 2419288, at *14. Instead, she came here as a
6 refugee, shortly after the war ended. Absent some specifics about Vietnam’s criteria for
7 acceptance, this makes it even more unlikely she would be removable to Vietnam.

8 Respondents’ return is notable for what is missing. There is no rebuttal to the
9 declaration Ms. Vo submitted from an experienced immigration attorney that, while
10 some pre-1995 immigrants are being removed,

11 that does not mean it is significantly likely that a travel document will be
12 issued in any pre-1995 case. The process is highly dependent on the
13 individualized facts of each case, including whether the individual has
14 any family remaining in Vietnam, whether their Vietnamese identity can
be verified, their criminal records, and the manner in which they came to
the United States, among other factors.

15 Dkt. 1-2 at 2-3. And there is no discussion of what factors pertinent to Ms. Vo make it
16 likely, or unlikely, that Vietnam will issue travel documents for her. In short, all
17 Respondents really offer is their belief that there is a significant likelihood of her
18 removal, plus the claim that pre-1995 status is no longer relevant. Respondents’ failure
19 to identify what factors are relevant, and how those factors apply to Ms. Vo, speaks
20 volumes.

21 Respondents’ other assertions have similarly been rejected as insufficient in
22 other cases. For example, they made the same statement regarding “increase[d]
23 cooperation” in *Nguyen* and *Abubaka*. Compare dkt. 16, ¶ 19 at 4 with *Nguyen*, 2025
24 WL 2419288, at *16, and *Abubaka*, 2025 WL 3204369, at *5. Stripped of generalities
25 such as this, and even crediting the one firm claim Respondents have presented (namely
26

1 what criteria Vietnam does not look to), Respondents have not met their burden of
 2 showing a reasonable likelihood that Ms. Vo would be removed to Vietnam.

3 **B. Respondents cannot show that Ms. Vo is likely to be removed in the**
 4 **reasonably foreseeable future.**

5 As an initial matter, the length of Ms. Vo's detention to date is relevant to
 6 Respondents' burden. They concede that, "as the period of [prior] post-removal
 7 confinement grows, what counts as the 'reasonably foreseeable future' conversely
 8 would have to shrink." Dkt. 14 at 6 (quoting *Zadvydas*, 533 U.S. at 699). Yet
 9 Respondents incorrectly state that Ms. Vo has been detained for shortly over six
 10 months, looking only to the time since she was most recently detained. Dkt. 14 at 6.
 11 This ignores the fact that she was detained for approximately five months starting from
 12 her final order of removal. Dkt. 1 at 3. It is the total length of detention that matters, not
 13 only the most recent period. *See Abubaka*, 2025 WL 3204369, at *3 ("clock" on
 14 *Zadvydas*'s six-month period of presumptive reasonability does not re-start with each
 15 successive detention").² Thus, Ms. Vo has now been detained for nearly a year. In
 16 *Abubaka*, 2025 WL 3204369, at *3, *5, the court looked to petitioner's nine months in
 17 confinement, one that was months shorter than Ms. Vo's, and concluded that
 18 Respondents had not met their burden showing that removal to Vietnam was
 19 significantly likely in the reasonably foreseeable future.

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 22 ² For additional cases, *See, e.g., See, e.g., Nguyen*, 2025 WL 2419288, at *13
 23 (aggregating original and current periods of incarceration); *Tang v. Bondi*, No. 2:25-
 24 CV-01473-RAJ-TLF, 2025 WL 2637750, at *4 (W.D. Wash. Sept. 11, 2025) (same).
 25 Outside of this district, too, "[c]ourts . . . broadly agree" that Respondents' approach to
 26 counting the length of the noncitizen's detention is not correct. *Diaz-Ortega v. Lund*,
 No. 1:19-CV-670-P, 2019 WL 6003485, at *7 n.6 (W.D. La. Oct. 15, 2019), *report and*
recommendation adopted, 2019 WL 6037220 (W.D. La. Nov. 13, 2019); *see also Sied*
v. Nielsen, No. 17-CV-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018)
 (collecting cases).

1 Respondents' own actions belie their claim that removal is likely in the
2 reasonably foreseeable future. In re-detaining Ms. Vo, Respondents supposedly had
3 determined that "that Petitioner could be removed expeditiously" before it re-detained
4 her. Dkt. 14 at 8. Yet it took Respondents six months to even complete the travel
5 document request. It did not even approach Ms. Vo about obtaining documents for
6 approximately five months after re-detaining her, at which time she fully cooperated.
7 Dkt. 1 at 10; dkt. 16 ¶ 16. Respondents have provided no explanation for why it took
8 half a year to complete this part of the process, even though translation is entirely under
9 their control and presumably involves text that is largely consistent in all requests. .

10 Even now, more than six months after Ms. Vo's re-detention, it is unclear
11 whether Respondents have even approached Vietnam about removing her, but merely
12 moved the paperwork from one office to another. Dkt. 16, ¶ 17.

13 Moreover, it appears that the documents have not yet been submitted to
14 Vietnam, a fact also pointed to in *Abubaka*. 2025 WL 3204369, at *5. Respondents
15 state that "[o]n November 4, 2025, the TDR was approved by local management to be
16 sent to the ERO headquarters division who communicates with government of Vietnam.
17 The TDR remains pending at this time." Dkt. 16, ¶ 17. But there is no indication that the
18 TDR has actually been sent to Vietnam such that the request is pending with Vietnam
19 as opposed to pending with ERO headquarters, or that assuming Vietnam has been sent
20 the request—that Vietnam has given any estimate of when it will respond.

21 Beyond this, some of Respondents' representation here are even weaker than
22 those rejected in other cases. *Compare* dkt. 16 at 4 (claiming only that Vietnam had
23 agreed "*generally to seek to issue travel documents within 30 days of a request being*
24 *made*") (emphasis added) *with Abubaka*, 2025 WL 3204369, at *4 (quoting
25 Respondents as asserting that Vietnam agreed to "issue travel documents in less than 30
26 days"). And both *Abubaka* and *Nguyen* found that Respondents had not met their

1 burden, even though both courts assumed facts in Respondents' favor that cannot be
2 assumed here. Specifically, the courts assumed "a complete travel document request
3 [has been] submitted to the Government of Vietnam," but observed that, "this Court
4 does not know if Vietnam has acknowledged or otherwise responded to the request and
5 does not know how long Petitioner may have to wait for travel documents—if Vietnam
6 even decides to provide them." *Abubaka*, 2025 WL 3204369, at *5 (cleaned up, quoting
7 *Nguyen*, 2025 WL 2419288, at *18).

8 In addition, Respondents have not asserted that Ms. Vo has documentation of
9 Vietnamese citizenship. That means there would have to be an interview with
10 Vietnamese officials. Respondents are again vague as to when the end result would
11 occur: "From the time that a request is made from the local office through to the
12 Attache the issuance of travel documents is typically within 1-3 months currently due to
13 the high volume of requests." Dkt. 16 ¶ 22. It is not clear if this means travel documents
14 are issued within 1-3 months after a request that Vietnam conduct an interview, or that,
15 once an interview is conducted, travel documents are typically one to three months
16 further off. If the latter, then Respondents are giving the Court no idea how long it takes
17 for an interview to occur, once a request is made. And under either interpretation, the
18 statement gives this Court no indication how long it might be until the request might be
19 made. Thus, this paragraph should hardly give the Court any assurance that Ms. Vo's
20 removal is likely in the reasonably foreseeable future. Ms. Vo should not be made to
21 wait indefinitely in ICE detention while waiting for travel documents that may never
22 come.

23 Respondents' position, in what they say and what they do not say, was shown to
24 be vague and unhelpful as to the first part of their burden – showing that Ms. Vo is
25 likely to be removed to Vietnam at all. It is equally so, again both in what they say and
26 in what they don't say, as to the second part of their burden – showing that Ms. Vo is

1 likely to be removed in the reasonably foreseeable future (especially since “what counts
2 as the ‘reasonably foreseeable future’” has been shrunk significantly, given the year she
3 has been detained as of now, *Zadvydas*, 533 U.S. at 701). A failure as to either part of
4 their burden dooms their case; here they have failed in both. The Court should find that
5 Ms. Vo’s detention has been unconstitutionally prolonged.

6 **II. MS. VO’S DUE PROCESS RIGHTS WERE VIOLATED BY HER RE-**
7 **DETENTION.**

8 Respondents argue that Ms. Vo did not have a liberty interest when released on
9 conditions. Dkt. 11 at 7. But they acknowledge in a footnote that multiple courts in this
10 district have ruled to the contrary. *Id.* at 7, n.3. Ms. Vo will therefore not repeat here the
11 due process case law she set forth in her petition, dkt. 1 at 11-14, but will respond
12 briefly to a few of Respondents’ points.

13 Respondents suggest that Ms. Vo’s claim depends on showing that “Respondents
14 promised her ongoing, limitless, indefinite freedom from detention while she remained
15 in the United States.” Dkt. 14 at 8. In fact, her claim is grounded on the Due Process
16 Clause, which guarantees her certain protections before she can be re-detained, as
17 discussed in her petition.

18 Respondents then rely on an irrelevancy, their interest in enforcing the
19 immigration laws. Dkt. 14 at 8-9. That is not the governmental interest at issue. As
20 stated in *Perera v. Jennings*, No. 21-CV-04136-BLF, 2021 WL 2400981, at *5 (N.D.
21 Cal. June 11, 2021) “the interest at stake is not whether the government may detain [a
22 noncitizen after releasing him], but whether they may do so without providing him an
23 individualized bond hearing.” As to the interest in fact at issue, “the government’s
24 interest in detaining petitioner without a hearing is ‘low.’” *Carballo v. Andrews*, No.
25 1:25-CV-00978-KES-EPG (HC), 2025 WL 2381464, *8 (E.D. Cal. Aug. 15, 2025)
26 (cleaned up).

Furthermore, the government cannot justify Ms. Vo's re-detention based on the assertion that they could have met their burden at such a hearing, given that they held no hearing. The proper remedy for the failure to hold a hearing (where the government's burden is clear and convincing evidence, dkt. 1 at 14) is release. *E.A. T.-B. v. Wamsley*, No. C25-1192-KKE, 2025 WL 2402130, at *5 (W.D. Wash. Aug. 19, 2025) (granting petition and ordering that petitioner be released immediately and not re-detained until an immigration court hearing is held with adequately notice). *See also*, e.g., *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *9 (W.D. Wash. Oct. 7, 2025) (same).

III. MS. VO'S SUPPOSED NON-COMPLIANCE IS NOT GROUNDS FOR DENYING HER RELEASE.

Although making various references to Ms. Vo's supposed non-compliance with the conditions of her release, Respondents make no argument that this is relevant to the legality of her continued detention under *Zadvydas*. Rightly so.

Zadvydas itself involved two petitioners with significant criminal history. Mr. Zadvydas had "a long criminal record, involving drug crimes, attempted robbery, attempted burglary, and theft," as well as "a history of flight, from both criminal and deportation proceedings." 533 U.S. at 684. The other petitioner, Kim Ho Ma, was "involved in a gang-related shooting [and] convicted of manslaughter." *Id.* at 685. The government argued that both men could be detained regardless of their likelihood of removal, because they posed too great a risk of danger or flight. *Id.* at 690–91.

The Supreme Court rejected that argument. The Court appreciated the seriousness of the government's concerns. *Id.* at 691. But it found that the immigrants' liberty interests were weightier. *Id.* The Court had never countenanced "potentially permanent" "civil confinement," based only on the government's belief that the person would misbehave in the future. *Id.*

1 The Court also noted that the government was free to use the many tools at its
 2 disposal to mitigate risk: “[O]f course, the [noncitizen]’s release may and should be
 3 conditioned on any of the various forms of supervised release that are appropriate in the
 4 circumstances, and the [noncitizen] may no doubt be returned to custody upon a
 5 violation of those conditions.” *Id.* at 700. The Ninth Circuit later elaborated:

6 All [noncitizens] ordered released must comply with the stringent
 7 supervision requirements set out in 8 U.S.C. § 1231(a)(3). [They] will
 8 have to appear before an immigration officer periodically, answer certain
 9 questions, submit to medical or psychiatric testing as necessary, and
 10 accept reasonable restrictions on [their] conduct and activities, including
 11 severe travel limitations. More important, if [they] engage[] in any
 criminal activity during this time, including violation of [their]
 supervisory release conditions, [they] can be detained and incarcerated as
 part of the normal criminal process.

12 *Kim Ho Ma v. Ashcroft*, 257 F.3d 1095, 1115 (9th Cir. 2001).

13 Respondents themselves put it succinctly in their pleading in another case filed
 14 this week: “[w]hether [petitioner] poses a flight risk or a danger to the community [is]
 15 completely irrelevant. The only proper consideration under *Zadvydas* is whether there is
 16 a significant likelihood of removal in the reasonably foreseeable future[.]” Federal
 17 Respondents’ Return Memorandum, *Kuot v Bondi*, No. 2:25-cv-02313-RAJ-BAT, dkt.
 18 14 at 10 n.5 (W.D. Wash. Dec. 3, 2025). Thus, if this Court finds that Ms. Vo’s
 19 detention has been prolonged impermissibly under *Zadvydas*, the remedy for
 20 Respondents’ concern is release with appropriate conditions, not continued detention.

21 Ms. Vo’s supposed past non-compliance is also not relevant to the separate due
 22 process issue. As discussed, she had a right to a hearing before being re-detained, yet
 23 none occurred. Because she was denied that hearing, she must be released on that
 24 ground as well. That does not prevent Respondents from re-detaining her if a hearing
 25 should establish, based on new facts, that she has violated the conditions the Court
 26 imposes (or that Respondents impose at the Court’s direction).

1 Respondents' showing of non-compliance is also quite conclusory. They point to
2 no specifics as to what reporting dates Ms. Vo was given that she supposedly failed to
3 appear for or how she was notified of those dates. They do provide a document showing
4 that on September 13, 2018, when she was released on bond, she was ordered to report
5 on September 19, 2018. Presumably she did so, and again on October 15, 2018, because
6 Respondents claim that it was only after October 15 that she "became a fugitive." Dkt.
7 16 ¶ 14. But Respondents provide no documents showing that on October 15, 2018, she
8 was given a new date to report. (Similarly, while Respondents show that Ms. Vo did not
9 attend her hearing, they provide no evidence that she was ever served with a date to
10 appear at her hearing. The only documentation they provide in this regard contains a
11 statement that she should appear before an immigration judge "[a]t a time and date to be
12 set." Dkt. 15-2 at 1.)

13 **IV. AS NUMEROUS COURTS HAVE HELD, MS. VO'S CLAIMS**
14 **REGARDING REMOVAL TO A THIRD COUNTRY ARE RIPE,**
15 **CONTRARY TO THE GOVERNMENT'S CONTENTION, WHICH IS**
16 **UNSUPPORTED BY ANY ON-POINT AUTHORITY.**

17 The government asserts, without citation to any legal authority, that this Court
18 should deny Ms. Vo's request for an order precluding ICE from removing her to a third
19 country, because ICE has no current plan to remove her to any country other than
20 Vietnam. Dkt. 14 at 9-10. A similar argument was rejected in *Nguyen*, 2025 WL
21 2419288, at *13. There, the government also represented that it was seeking only to
22 remove the petitioner to his home country of Vietnam and stipulated that it would not
23 attempt to remove him to any other country unless Vietnam rejected him. 2025 WL
24 2419288, at *27. The court was unpersuaded, explaining that "the Ninth Circuit has
25 found such voluntary promises insufficient" to eliminate the potential irreparable injury
26 that petitioner could face if the promise was withdrawn, particularly given the

1 underlying allegations that third party removals were being conducted rapidly and
2 without an opportunity for due process. *Id.* at *27–28.

3 And the court in *Louangmilith v. Noem, et al.*, No. 25-cv-2502-JES-MSB, 2025
4 WL 2881578 (S.D. Cal. Oct. 9, 2025), rejected the government’s exact argument here
5 that “this situation is not ripe for adjudication because ICE is not seeking to remove
6 Petitioner to a third country.” *Id.* at *4. Despite the government’s representations, the
7 court citing to *Nguyen*, stated it was “more persuaded by Petitioner’s arguments” that
8 “by the time [the claims] are ripe by the government’s argument, it will be too late for
9 the individuals to meaningfully challenge the removal.” *Id.* (granting petition on claim
10 that ICE should be prevented from removing petitioner to a third county without due
11 process). *See also Hambarsonpour v. Bondi*, No. C25-1802-RSM, 2025 WL 3251155,
12 at *5 (W.D. Wash. Nov. 21, 2025) (rejecting government’s ripeness argument).

13 In addition, the events cited in Ms. Vo’s petition, dkt. 1 at 18-21, demonstrate
14 that the government has undertaken rapid third-country removals without even the
15 process required by its own regulations, further showing that such an action against her
16 is sufficiently likely to make the matter ripe.

17 Respondents have provided no substantive response to Ms. Vo’s petition on the
18 issue of third country removal and have therefore waived the issue. This Court should
19 grant the two forms of relief Ms. Vo requested regarding third country removal. *See*
20 *Abubaka*, 2025 WL 3204369, at *7-8 (W.D. Wash. Nov. 17, 2025) (ruling in
21 petitioner’s favor on merits third country removal as to both due process and punitive
22 nature of removal).

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1 **V. CONCLUSION**

2 The Court should grant Ms. Vo's petition on all grounds and grant the requested
3 relief, including her immediate release. *See* dkt. 1 at 25-26.

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5 DATED this 4th day of December, 2025.

6 Respectfully submitted,

7 *s/ Alan Zarky*

8 Staff Attorney

9 Attorney for Phung Thi Thanh Vo
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