

District Judge Tiffany M. Cartwright

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

TAN HOANG BUI,

Petitioner,

v.

BRUCE SCOTT, *et al.*,

Respondents.

Case No. 2:25-cv-02268-TMC

FEDERAL RESPONDENTS'¹ RETURN

Noted for Consideration:
December 4, 2025

Petitioner Tan Hoang Bui is a Vietnamese national who is in U.S. Immigration and Customs Enforcement ("ICE") custody pending his removal. He is a noncitizen subject to an administratively final order of removal, and he is lawfully detained under Section 241 of the Immigration and Nationality Act ("INA"). *See* 8 U.S.C. § 1231. Bui's detention also is not indefinite under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). With increased inter-governmental cooperation, ICE is working to effectuate Bui's removal to Vietnam. While Bui's petition speculates that he may be removed to a third country, he presents *no evidence* of any intention for his removal to a country other than Vietnam.

¹ Bruce Scott is not a Federal Respondent.
FEDERAL RESPONDENTS' RETURN
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1 Bui contends that his removal is not reasonably foreseeable and thus no longer authorized.
2 The petition seeks (1) Bui's immediate release from ICE custody; (2) an order enjoining ICE from
3 redetaining him without a travel document and scheduled removal; (3) an order enjoining ICE
4 from third country removal without reopened removal proceedings; and (4) an order enjoining his
5 removal to a third country for "a punitive purpose and effect." Dkt. No. 1, Pet., Prayer for Relief.

6 Along with his habeas petition, Bui filed a motion for a temporary restraining order
7 ("TRO") seeking the same relief as the habeas petition. Dkt No. 2. Federal Respondents opposed
8 the TRO motion (Dkt. No. 7), and this Court subsequently denied the TRO motion, finding that
9 on the limited record available at that time, that Federal Respondents "offer sufficient evidence to
10 undermine Petitioner's likelihood of success on the merits and preclude his immediate release on
11 a TRO." Dkt. No. 12, Order, at 9. Due to the parties' stipulation that Federal Respondents will
12 not remove Petitioner to a third country during the pendency of this case (Dkt. No. 5), the Court
13 did not discuss Bui's likelihood of success on the merits of his third country claims. Order, at 9.

14 This Court ordered an expedited briefing schedule with Federal Respondents' return due
15 today. Dkt. No. 10. Undersigned counsel is actively working to obtain additional information,
16 including information that this Court noted would be helpful. Order, at 8. While undersigned
17 counsel has received Bui's A-file, the information concerning the current travel document request
18 and foreign policy is not in the A-file. Federal Respondents apologize to the Court for the lack of
19 additional information and undersigned counsel is working with ICE counsel to obtain relevant
20 information and understand the documents in ICE's possession. If Federal Respondents have
21 additional time, ICE will try its best to provide additional information. However, if this Court
22 prefers to move forward with the record before it at this time, Federal Respondents rest on the
23 legal arguments and facts previously provided in their briefing and declarations. Dkt. Nos. 7, 8,
24 and 9.

1 DATED this 26th day of November, 2025.

2 Respectfully submitted,

3 CHARLES NEIL FLOYD
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5 s/ Michelle R. Lambert

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14 *Attorneys for Federal Respondents*

15 *I certify that this memorandum contains 457*
16 *words, in compliance with the Local Civil*
17 *Rules.*