THE HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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| HUY VAN TRAN,<br><br>Petitioner,<br><br>vs.<br><br>PAMELA BONDI, Attorney General of the United States; KRISTI NOEM, Secretary, United States Department of Homeland Security; CAMMILLA WAMSLEY, Seattle Field Office Director, United States Citizenship and Immigration Services; BRUCE SCOTT, Warden of Immigration Detention Facility; and the United States Immigration and Customs Enforcement,<br><br>Respondents. | No. CV25-2335-DGE<br><br>**HUY VAN TRAN'S RESPONSE TO FEDERAL RESPONDENTS' RETURN MEMORANDUM**<br><br>**Noted: December 8, 2025** |

## I. SUMMARY

The Respondents' return memorandum does not meaningfully contest the fact that Mr. Tran had been detained far beyond the constitutionally permissible period set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001).[1] Nor does it explicitly acknowledge that the burden shifts to the Respondents to provide evidence to rebut the assertion that there is "good reason" to believe that there is no significant likelihood of removal in the reasonably foreseeable future. The evidence that it does offer speaks almost exclusively to generalities that have been held insufficient in numerous other cases. Critically, the

[1] Federal Respondents' Return Memorandum, dkt. 8.



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Return admits that the Respondents have not even forwarded their request for travel documents to Vietnam. Respondents also provide no rebuttal to the specific challenges of removing pre-1995 Vietnamese refugees such as Mr. Tran, who has no ties in Vietnam. The Return does not recognize – as many other cases have held – that Mr. Tran, having been released from custody, had a protected liberty interest in his continued release – an interest that was violated by his redetention without a hearing. Finally, the Return posits that Mr. Tran's request for an order preventing Respondents from removing him to a third country is not ripe because it is not seeking to remove him to any third country "at this time."[2] That contention too, has been rightly rejected by numerous courts that have deemed such voluntary promises insufficient to prevent potentially irreparable injury. The Court should grant Mr. Tran's petition.

## II. ARGUMENT

### A. The Court should order Mr. Tran released because Respondents have offered no credible evidence that his removal is significantly likely at all, let alone in the reasonably foreseeable future.

#### 1. *Zadvydas*'s six-month grace period expired long ago.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that the government does not have unrestricted authority to indefinitely detain people who have been ordered deported. The Court there recognized that indefinite detention of a non-citizen in immigration custody raises "a serious constitutional problem. *Id.* at 690. Accordingly, while the Court ruled that it is "presumptively reasonable" under the Immigration and Nationality Act to detain an individual for six months following a removal order, the government must release a petitioner, if, after that time, removal is not "significantly likely in the reasonably foreseeable future." *Id.* at 701.

[2] Declaration of DO Wiley Brown at ¶ 19, dkt. 9 (December 5, 2025).



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Under *Zadvydas*, Mr. Tran bears an initial burden of showing "that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Nguyen v. Scott*, No. CV25-1398-TMC, -- F.Supp.3d --, 2025 WL 2419288, at *13 (W.D. Wash. Aug. 21, 2025) (cleaned up). He satisfied that burden in his Petition by showing that his removal order became final more than four years ago and that his aggregate time in detention under that order exceeds six months.[3]

Apart from the fact that he has spent more than six months in ICE detention, the six-month grace period is pegged to the start of the removal period. *See Ma v. Ashcroft*, 257 F.3d 1095, 1102 n.5 ("[I]n *Zadvydas*, the Supreme Court read the statute to permit a 'presumptively reasonable' detention period of *six months* after a final order of removal—that is, *three months* after the statutory removal period has ended."); *Rodriguez v. Hayes*, 591 F.3d 1105, 1115 (9th Cir. 2010), *overruled in other part by Jennings v. Rodriguez*, 583 U.S. 281 (2018) ("The [*Zadvydas*] Court determined that for six months following the beginning of the removal period [a noncitizen's] detention was presumptively authorized."). Accordingly, the grace period is not calculated based on the length of detention. *See also, e.g., Bailey v. Lynch,* No. 16-2600-JLL, 2016 WL 5791407, at *2 (D.N.J. Oct. 3, 2016). And, with ICE having had more than four years to remove Mr. Tran, there is no principled reason to give it an additional grace period.

Alongside his Petition, Mr. Tran submitted two declarations from attorneys with extensive practice in the field to show that Mr. Tran's status as a pre-1995 Vietnamese refugee renders his removal unlikely at all, and certainly unlikely in the reasonably

[3] Petition at 1, n.2 and accompanying text, dkt. 2; *id.* at 15 (citing *Tang v. Bondi*, No. CV25-1473-RAJ-TLF, 2025 WL 2637750, at *4 (W.D. Wash. Sept. 11, 2025) ("A petitioner's total length of confinement need not be consecutive to reach the six-month presumptively reasonable limit established in *Zadvydas*.").



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foreseeable future.[4] He also devoted considerable space to the argument that the government's Memorandum of Understanding (MOU) with Vietnam concerning the removal of pre-1995 refugees creates great uncertainties regarding whether Mr. Tran could be removed, given the mysterious nature of the repatriation criteria and the fact that Mr. Tran has no ties to Vietnam.[5]

Although the Return refuses to concede the undeniable truth that the six-month grace period allowed by *Zadvydas* has lapsed, it provides absolutely no argument to the contrary, and in fact acknowledges that "Courts in this district have found that the presumptively reasonable period expires six months after a final order, regardless of detention."[6] Again, using that latter metric, more than four years have elapsed since the entry of Mr. Tran's final removal order.

The Return cites *Diouf v. Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008), to contend that the absence of a specific date of anticipated removal does not render his detention indefinite.[7] Respondents seemingly suggest that this case trumps *Zadvydas*'s "reasonably foreseeable" requirement by limiting a determination of "indefinite detention" to circumstances where "the country of removal refuses to accept the noncitizen or if removal is legally barred."[8] Obviously, it would be a misreading of *Diouf* to suggest the Ninth Circuit could render the Supreme Court's reasonably

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[4] Exhibit 3, Declaration of Tin Thanh Nguyen, dkt. 2-3; Exhibit 4, Declaration of Katie Hurrelbrink, dkt. 2-4.

[5] Dkt. 2 at 10-14. The MOU itself is attached at Exhibit 2, dkt. 2-2.

[6] Return at 7, n. 3 (citing, e.g., *Tran v. Bondi*, No. CV-25-01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025).

[7] Dkt. 8 at 8, lines 14-20.

[8] *Id.*



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foreseeable standard irrelevant. Indeed, the *Diouf* court reiterated that standard.[9] The *Diouf* case is off point because the delays presented there were attributable to Diouf's obstruction and repeated attempts to stay a removal that had already been finalized. The lack of a specific date for anticipated removal was thus entirely driven by Diouf's actions. It was in that context that the court noted, "That the detention did not have a certain end date does not change the analysis."[10] This case has no bearing here.

Multiple courts have found that showings comparable to that in Mr. Tran's petition satisfied the petitioner's burden. *See, e.g.*, *Abubaka v. Bondi*, No. C25-1889RSL, 2025 WL 3204369, at *3-*4 (W.D. Wash. Nov. 17, 2025); *Nguyen v. Scott*, No. 2:25-CV-01398-TMC, 2025 WL 2419288, at *13-*15 (W.D. Wash. Aug. 21, 2025).[11] But even if this Court were to conclude that Mr. Tran's petition standing alone

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[9] 542 F.3d at 1233.

[10] The relevant passage is as follows:

> An alien is entitled to habeas relief after a presumptively reasonable six-month period of detention under § 1231(a)(6) only upon demonstration that the detention is "indefinite"—i.e., that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future . . . . ICE successfully completed the arrangements for Diouf's removal prior to the originally scheduled removal dates of September 4, 2003, and again on May 26, 2005; Diouf was not removed at those times solely because of his own refusal to cooperate. The government, therefore, could continue to have an interest in detaining Diouf to effect his removal, and the detention remained authorized by § 1231(a)(6). That the detention did not have a certain end date does not change the analysis.

*Diouf*, 542 U.S. at 1233 (cleaned up).

[11] For other decisions in this district regarding Vietnamese detainees raising *Zadvydas* claims and addressing this and other issues for which Mr. Tran cites *Abubaka* and *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).



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did not demonstrate sufficient facts regarding his burden, the facts otherwise available to this Court establish the requisite showing. *See Abubaka*, 2025 WL 3204369, at *4 (concluding that facts recited and findings made in *Nguyen*, 2025 WL 2419288, at *20–23, that "the process for procuring travel documents from Vietnam for pre-1995 immigrants continues to be uncertain and protracted," demonstrated "'good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future' given the 'uncertain and protracted' process for procuring travel documents for pre-1995 Vietnamese immigrants") (quoting *Zadvydas*, 533 U.S. at 701 and *Nguyen*, 2025 WL 2419288, at *15).

Given the Respondent's lack of argument contesting the expiration of the six-month grace period and the other evidence provided in the Petition, the burden shifts to the Respondents[12] to establish that, based on "changed circumstances," there is "a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future," 8 C.F.R. § 241.13(i)(2); *Nguyen v. Scott* at *13; *see also, e.g., Hernandez-Escalante v. Noem, et al.*, No. CV25-182-MJT, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025) ("These regulations clearly indicate, upon revocation of supervised release, it is the [Government's] burden to show a significant likelihood that the [noncitizen] may be removed.") (collecting cases).

**2. The Government has failed to meet its burden of showing a significant likelihood of removal in the foreseeable future.**

To satisfy its burden, the government must show individualized evidence to support the conclusion of a significant likelihood of removal in the reasonably

[12] The Return does not explicitly address the fact that the burden should be deemed to have shifted to the government. In fact, it does not comment on the burden shifting at all, except perhaps indirectly with this sentence: "The *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of burdens is applied to assess the continuing lawfulness of a noncitizen's post-order detention." *See* Return at 4, 6, dkt. 8.



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foreseeable future. *See Nguyen v. Hyde*, No. CV25-11470-MJJ, 2025 WL 1725791, *4 (D. Mass. June 20, 2025) (generalized evidence of removals to Vietnam is insufficient). And as acknowledged in the Return, "for detention to remain reasonable, as the period of post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." Return at 6-7 (quoting *Zadvydas* at 699). As noted, we are already well-past the presumptive point of reasonableness regarding detention; accordingly, the time frame for what amounts to "the reasonably foreseeable future" has been significantly shortened.

In its effort to justify prolonging Mr. Tran's detention, the Respondents rely primarily on generalities, citing "increased cooperation"[13] with Vietnam and an increased number of removals to Vietnam[14] before making the conclusory – and logically incorrect – claim that these things demonstrate Vietnam's "good faith *intention to issue travel documents in this case*."[15] There are many problems with this reasoning.

First, as noted by *Nguyen v. Hyde*, *supra*, generalities alone are not sufficient to satisfy the government's burden. Respondents' assertions of "increased cooperation" were deemed insufficient in *Nguyen* and *Abubaka*. *Compare* dkt. 9, ¶ 16 at 3 with *Nguyen*, 2025 WL 2419288, at *16, and *Abubaka*, 2025 WL 3204369, at *5.

Second, the government cites to 569 removals being made this year,[16] but makes no effort to address how many of this number involve pre-1995 refugees. Nor do they provide any indication of the total number of detainees involved, or how many

[13] Dkt. 8 at 8, line 7.

[14] Dkt. 8 at 8, line 6.

[15] Dkt. 8 at 8, line10-11 (emphasis added).

[16] Dkt. 8 at 8, line 6.



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individuals were *not* removed despite Respondents' request that Vietnam issue travel documents. A "numerator alone [is] meaningless without the denominator[.]" *Emigra Grp., LLC v. Fragomen, Del Rey, Bernsen & Loewy, LLP*, 612 F. Supp. 2d 330, 367–68 (S.D.N.Y. 2009). Coupling meaningless data to vague assertions should not be deemed sufficient to carry Respondents' burden. *See, e.g., Hoac v. Becerra*, No. CV25-1740-DC-JDP, 2025 WL 1993771, at *5 (E.D. Cal. July 16, 2025) ("Respondents' contention that Petitioner's removal is reasonably foreseeable because removals to Vietnam are in fact occurring is unpersuasive.").

Third, it is a logical fallacy to contend, as the Return does, that these generalities show Vietnam's "*intention to issue travel documents in this case.*"[17] No such intention can be inferred because Vietnam's acceptance of pre-1995 refugees is a highly fact-specific inquiry (and as will be addressed below, Vietnam has not even been provided with travel documents for this case).

The fact that whether or not Vietnam ultimately decides to accept the repatriation of pre-1995 refugees is driven by the unique facts of a given case is well-illustrated by testimony Judge Cartwright credited in *Nguyen v. Scott*: that case noted that "the process for procuring travel documents from Vietnam for pre-1995 immigrants continues to be uncertain and protracted." 2025 WL 2419288, at *15. "The process [for requesting travel documents] is highly dependent on the individualized facts of each case, including whether the individual has any family remaining in Vietnam, whether their Vietnamese identity can be verified, their criminal records, and the manner in which they left Vietnam and came to the United States, among many other factors." *Id.*

It is also a logical fallacy to conclude from the government's evidence – again as the Return does – that "Vietnam has issued travel documents to Vietnamese citizens

[17] Dkt. 8 at 8, line 10-11 (emphasis added).



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similarly situated to Petitioner."[18] The evidence that the government incorrectly relies on to support this "similarly situated" claim is a declaration from Deportation Officer Wiley Brown.[19] But DO Brown's declaration does nothing to address the special status of pre-1995 refugees,[20] or the application of the MOU discussed above and addressed in the Petition.[21] Thus, there is no evidence from which to infer that any of the recent Vietnamese removals bear even a passing similarity to Mr. Tran's case, contrary to the "similarly situated" conclusion that the Return draws.[22]

DO Brown's declaration is notable both for what it says and what it does not say. First, DO Brown admits that the Travel Document Request package (TDR) has not yet even been forwarded to Vietnam.[23] Rather, it is still subject to an apparent internal review – denoted a RIO review – the contours of which are not explained. How long this review might take is also not commented upon. And it should be noted that the

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[18] Dkt. 8 at 7, lines 15-16.

[19] Dkt. 9.

[20] The Return makes only a passing reference to pre-1995 refugees. Dkt. 8 at 9, line 11. DO Brown's declaration declares only that "I am aware of ICE actions to remove Vietnamese nationals from the United States and of the general protocol regarding arrangements for the removal of aliens with a final order of removal to Vietnam, including but not limited to, Vietnamese citizens who entered the United States prior to July 12, 1995." Dkt. 9 at ¶ 15. But nowhere does DO Brown attempt to tie that "awareness" to the facts of Mr. Tran's case or explain the criteria governing any agreed protocol to repatriate pre-1995 refugees. His declaration does not mention the MOU at all.

[21] Dkt. 2 at 10-14.

[22] Dkt. 8 at 7, lines 15-16.

[23] Dkt. 9 at ¶ 13 ("On December 5, 2025, the TDR package was sent to RIO for review and to then be forwarded to the government of Vietnam by the ERO Attache in Vietnam.").



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Travel Document request was not even forwarded for that RIO review until three days ago, December 5, 2025, the very day the Return had to be filed.[24]

According to DO Brown, whenever that RIO review process is completed, the TDR will be forwarded to ICE's Enforcement and Removal Operations Attaché in Vietnam.[25] But that does not end the process, as the Attaché will still have to forward the TDR to the Government of Vietnam.[26] There are no estimated timelines provided for either of those steps.

DO Brown also declares that, based on his experience, once Vietnam has the travel documents –that is, *after* the RIO review is done (assuming no issues are discovered during that review), *after* the TDR is forwarded to the Attaché, and *after* the Attaché delivers the TDR to Vietnam, Vietnam is "currently issuing travel documents within 30 days."[27]

But we are a long way from that hypothetical and hopeful 30-day window being triggered, since the TDR was only forwarded for review three days ago.[28] And the evidence provided is not sufficient to find that – for Mr. Tran's case – a 30-day window would apply from whatever point in the distant future that the TDR is finally provided to Vietnam.

For several reasons, the idea that such a 30-day window would apply to Mr. Tran's case should be viewed with considerable skepticism. First, as noted in the

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[24] *Id.*

[25] *Id.*

[26] *Id.* at ¶¶ 13-14.

[27] *Id.*

[28] *Id.* at ¶ 13.



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*Nguyen v. Scott* case, the process for obtaining travel documents for pre-1995 Vietnamese immigrants is "uncertain and protracted."[29] Evidence submitted by Petitioner here reinforces that conclusion. As stated in the declaration of Assistant Federal Public Defender Katie Hurrelbrink, she has "never seen Vietnam respond to a travel document request within 30 days." Ex. 4 at 3, ¶¶ 5, 7, dkt. 2-4. The declaration of immigration specialist Tin Thanh Nguyen casts further doubt that such a 30-day window is realistic. Tin Nguyen explains that, in this year alone, he has worked on or assisted with nearly a hundred cases of pre-1995 immigrants "for whom ICE has requested travel documents from Vietnam." Exhibit 3 at 4, ¶ 12, dkt. 2-3. Across these cases, Mr. Nguyen has "yet to see Vietnam issue a travel document within 30 days or less" for a pre-1995 arrival. *Id.* Rather, in his experience, "it can take many months to get any answer from Vietnam about whether it will issue a travel document." *Id.*

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

As noted in the Petition, the Government and Vietnam have an MOU that sets forth Vietnam's criteria for repatriation of pre-1995 refugees.[30] The exact specifications of the MOU, however, are unknown, which makes evaluating whether or not Vietnam

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[29] 2025 WL 2419288, at *15.

[30] Dkt. 2 at 10-12.



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will agree to issue travel documents for a particular individual a highly speculative adventure. *See Nguyen v. Scott*, 2025 WL 2419288, at *14 ("The Court does not know what factors the Vietnamese government considers in deciding to repatriate a pre-1995 immigrant.... This information has been redacted from the publicly available version of the 2020 MOU, and Respondents have not offered it). But we do know that considerations include "humanitarian and family unity factors."[31]

The Return in no way addresses this MOU or provides any details to support ICE's belief that "there is a significant likelihood of Petitioner's removal to Vietnam in the reasonably foreseeable future."[32] This failing further illustrates why Respondents have not satisfied their burden. Just as in *Nguyen* and *Abubaka*, "[t]he government has not provided any evidence of Vietnam's eligibility criteria or why it believes Petitioner now meets it." *Abubaka*, 2025 WL 3204369, at *5 (quoting *Nguyen*, 2025 WL 2419288, at *18). That failing is especially problematic since the specific "humanitarian and family unity factors" weigh strongly against repatriation. All of Mr. Tran's known family resides in the U.S., and he has no place to live or means of supporting himself in Vietnam.

**B. Mr. Tran's due process rights were violated when he was redetained without a hearing.**

According to the Government, Mr. Tran's order of supervision was revoked because ICE determined that "there is now a significant likelihood of removal to Vietnam in the reasonably foreseeable future."[33] There is no evidence that Mr. Tran poses a flight risk or danger to the community. Nor is there any allegation that he failed

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[31] Petition at 12-13 (dkt. 2); Exhibit 2 at § 8, ¶ 6.

[32] Dkt. 8 at 8, lines 12-13.

[33] Dkt. 9 at ¶ 10; *see* Dkt. 8 at 8-9.



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to report to ICE as required. In fact, as noted in his Petition, he told his federal probation officer – who supports his release today – that he feared ICE would arrest him, but he reported anyway.[34] And when he did so on August 20, 2025, he was immediately arrested and afforded no opportunity to challenge his detention until the filing of his Petition.

Mr. Tran fully briefed the law and regulations that provide that Mr. Tran should have been afforded a hearing to contest his redetention,[35] and will not repeat that analysis here. That authority, however, demonstrates – contrary to the Government's bald assertion that "there is no question that ICE was within its authority to arrest him"[36] – that Mr. Tran's arrest was illegal. Consequently, even if his removal were reasonably foreseeable, the Court should order his release now.

Respondents are correct that the specific cases cited in Mr. Trans's petition did not involve individuals detained under § 1231(a).[37] But there are numerous cases applying *Mathews* to § 1231(a) detainees and finding that they were entitled to a pre-redetention hearing. In fact, Judge Ricardo Martinez recently held: "Based on this review of the *Mathews* factors, the Court finds that Petitioner has a protected liberty interest in his continuing release from custody, and that due process requires that Petitioner receive proper notice and an opportunity to respond before he can be re-detained." *Jimenez v. Bondi*, No. C25-2167RSM, 2025 WL 3466925, at *2 (W.D. Wash. Dec. 3, 2025). The court granted the petition and ordered Jimenez's immediate release, barring re-detention "without providing adequate notice of the reasons for his

[34] Dkt. 2 at 9-10.

[35] Dkt. 2 at 15-21.

[36] Dkt. 8 at 9, lines 2-3.

[37] *See* Dkt. 8 at 8, n. 4 and accompanying text.



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re-detention and a meaningful opportunity to respond." *Id.* at *3. *See also, e.g.*, *Perez v. Mordant*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at *5 (M.D. Fla. Dec. 3, 2025); *S-M-J v. Bostock*, No. 6:25-CV-01425-MTK, 2025 WL 3137296, at *5 (D. Or. Nov. 10, 2025). *Cf. Lopez Dejesus, v. Bostock,* No. 25-CV-01427-JHC-TLF, 2025 WL 3268002 (W.D. Wash. Nov. 24, 2025) (applying *Mathews* factors to conclude that petitioner was entitled to pre-redetention due process, even though his detention was pursuant to the mandatory detention provisions of 8 U.S.C. § 1226(c)).[38] The Court should order similar relief here.

**C. As numerous courts have held for similarly situated individuals, Mr. Tran's request for protection from removal to a third country is ripe.**

The government asserts, without citation to any legal authority, that this Court should deny Mr. Tran's request for an order precluding ICE from removing him to a third country, because ICE has no current plan to remove him to any country other than Vietnam.[39] A similar argument was rejected in *Nguyen*, 2025 WL 2419288, at *13. There, the government also represented that it was seeking only to remove the petitioner to his home country of Vietnam and stipulated that it would not attempt to remove him to any other country unless Vietnam rejected him. 2025 WL 2419288, at *27. The court was unpersuaded, explaining that "the Ninth Circuit has found such voluntary promises insufficient" to eliminate the potential irreparable injury that petitioner could face if the promise were withdrawn, particularly given the underlying allegations that third party removals were being conducted rapidly and without an opportunity for due process. *Id.* at *27–28.

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[38] The *Lopez Dejesus* opinion does not mention that detention was pursuant to § 1226(c); that fact is shown in Respondents' Return Memorandum, dkt. 16 at 1, 25-CV-01427-JHC-TLF (W.D. Wash. Oct. 6, 2025).

[39] Dkt. 8 at 7, lines 4-9.



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

In addition, the events cited in Mr. Tran's petition[40] demonstrate that the government has undertaken rapid third-country removals without even the process required by its own regulations, further showing that such an action against him is sufficiently likely to make the matter ripe.

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

## III. CONCLUSION

The Court should grant Mr. Tran's petition on all grounds and grant the requested relief, including his immediate release. *See* dkt. 2 at 34-35. The Court should

[40] Dkt. 2 at 25-28.



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also adopt the approach taken by Judge Robert S. Lasnik recently, and further order that "Respondents may not re-detain petitioner unless:

> a. [He] violates a condition of [his] Order of Supervision; or
>
> b. The government
>
> (1) obtains a valid travel document to [Vietnam] for [him], (2) provides the valid travel document to [him and his] counsel,
>
> (3) offers petitioner the opportunity to leave on [his] own within two months, and
>
> (4) petitioner does not leave. Under such circumstances, the government may be permitted to re-detain petitioner provided it has already made concrete arrangements for [him] to be put on a flight to [Vietnam] in the reasonably foreseeable future."

*See Do v. Scott*, No. C25-2187RSL, 2025 WL 3496909, at *6 (W.D. Wash. Dec. 5, 2025).

DATED this 8th day of December 2025.

Respectfully submitted,

*s/ John R. Carpenter*
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Attorney for Huy Van Tran



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