

District Judge Kymberly K. Evanson

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

SON HOANG HUYNH,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-02371-KKE

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
December 15, 2025.

I. INTRODUCTION

This Court should deny Petitioner Son Hoang Huynh's Petition for Writ of Habeas Corpus. Dkt. 1 ("Pet."). Petitioner challenges his post-order detention at the Northwest ICE Processing Center ("NWIPC") as unconstitutional and unlawful while he awaits removal from the United States. Petitioner is a citizen of Vietnam, he was ordered removed to Vietnam, and Vietnam has increased cooperation with the United States this fiscal year.

Following Petitioner's criminal history from 1999 to 2001, he was issued a Notice to Appear ("NTA") based on being charged with an aggravated felony under INA § 237(a)(2). In January of 2002, Petitioner was ordered removed by an immigration judge, which has since become administratively final. Petitioner was later released on an Order of Supervision on March

1 8, 2002.

2 Petitioner committed a series of crimes during his period of supervision. As far as the
3 government is now aware, Petitioner was convicted of at least twelve crimes between 2002 and
4 2021. And Petitioner has not reported for an appointment pursuant to his order of supervision
5 requirements since March 2015.

6 Following his most recent release from state criminal activity, U.S. Immigration and
7 Customs Enforcement (“ICE”) took Petitioner into custody on June 17, 2025. ICE revoked
8 Petitioner’s order of supervision on that day both because (1) Vietnam has recently been
9 cooperating with the United States to effectuate removal of its citizens creating a strong likelihood
10 of Petitioner’s removal in the reasonably foreseeable future and (2) Petitioner’s criminal history
11 constitutes a violation of the terms of his order of supervision. ICE is working to effectuate
12 Petitioner’s removal to Vietnam. ICE has completed Petitioner’s travel document, had it
13 translated into Vietnamese, received the translation back, and submitted the travel document for
14 final approval to be sent to the Vietnam Attache in Vietnam.

15 While the vast majority of his Petition discusses removal to a third country, Petitioner
16 presents *no evidence* of any intention to do so. The facts here demonstrate that ICE is actively
17 working to complete the necessary travel documents request to Vietnam and ICE anticipates that
18 a travel document will be issued shortly after the request is forwarded to the Vietnamese
19 consulate. As a result, ICE believes that Petitioner’s removal is reasonably foreseeable. ICE has
20 no intention of removing Petitioner to a third country.

21 Petitioner’s detention is lawful. He is a noncitizen subject to an administratively final
22 order of removal, and he is lawfully detained under Section 241 of the Immigration and
23 Nationality Act (“INA”). *See* 8 U.S.C. § 1231. Petitioner’s detention also is not indefinite under
24 *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Any reference by Petitioner to a determination of

1 flight risk or a danger to the community by Petitioner is a red herring. The only necessary
 2 determination ICE must make under the *Zadvydas* framework is whether there is a significant
 3 likelihood of removal in the reasonably foreseeable future—which there clearly is in this case.

4 Accordingly, Federal Respondents respectfully request the Court deny the Petition. This
 5 return is supported by the pleadings and documents on file in this case, the Declaration of
 6 Deportation Officer Jiarong Du (“Du Decl.”) and the Declaration of Alixandria K. Morris
 7 (“Morris Decl.”), with accompanying exhibits. Federal Respondents do not believe any hearing
 8 is necessary.

9 II. FACTUAL AND PROCEDURAL BACKGROUND

10 A. Detention Authorities and Removal Procedures

11 The INA governs the detention and release of noncitizens during and following their
 12 removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). The general
 13 detention periods are generally referred to as “pre-order” (meaning before the entry of a final
 14 order of removal) and, relevant here, “post-order” (meaning after the entry of a final order of
 15 removal). *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing
 16 post-order detention).

17 When a final order of removal has been entered, a noncitizen enters a 90-day “removal
 18 period.” 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of Homeland Security
 19 “shall remove the [noncitizen] from the United States.” *Id.* To ensure a noncitizen’s presence for
 20 removal and to protect the community from noncitizens who may present a danger, Congress has
 21 mandated detention while removal is being effectuated:

22 During the removal period, the [Secretary of Homeland Security]¹ shall detain the
 23 [noncitizen]. Under no circumstance during the removal period shall the

24 ¹ Although 8 U.S.C. § 1231(a)(2) refers to the “Attorney General” as having responsibility for detaining noncitizens, the Homeland Security Act of 2002, Pub. L. No. 107-296 § 441(2), 116 Stat. 2135, 2192 (2002), transferred this

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1 [Secretary] release [a noncitizen] who has been found inadmissible under section
2 1182(a)(2) or 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or
3 1227(a)(4)(B) of this title.

4 8 U.S.C. § 1231(a)(2).

5 Section 1231(a)(6) authorizes ICE to continue detention of noncitizens after the expiration
6 of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention
7 and does not place any temporal limit on the length of detention under that provision:

8 [A noncitizen] ordered removed who is inadmissible under section 1182,
9 removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or
10 who has been determined by the [the Secretary of Homeland Security] to be a risk
11 to the community or unlikely to comply with the order of removal, *may* be detained
12 *beyond the removal period* and, if released, shall be subject to the terms of
13 supervision in paragraph (3).

14 8 U.S.C. § 1231(a)(6) (emphasis added).

15 During the removal period, ICE² is charged with attempting to effect removal of a
16 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit
17 on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may
18 be detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal
19 from the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six
20 months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.* at 701. The
21 *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of burdens is
22 applied to assess the continuing lawfulness of a noncitizen’s post-order detention. *Id.* (stating that
23 “for detention to remain reasonable, as the period of post-removal confinement grows, what
24 counts as the ‘reasonably foreseeable future’ conversely would have to shrink”). Thus, the

25 authority to the Secretary of the Department of Homeland Security (“DHS”), of which ICE is a component. *See also*
26 6 U.S.C. § 251.

27 ² Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security’s authority
28 to execute removal orders.

1 Supreme Court implicitly recognized that six months is the *earliest* point at which a noncitizen's
2 detention could raise constitutional issues. *Id.*

3 **B. Petitioner Son Hoang Huynh**

4 Petitioner is a native and citizen of Vietnam. *See* Pet., pg. 5; Du Decl. ¶ 4. He entered the
5 United States in 1992. Du Decl. ¶ 5. On May 21, 1999, Petitioner was convicted of use/under
6 influence of controlled substance and sentenced to six months. *Id.* ¶ 9. On that same date,
7 Petitioner was also convicted of receiving known stolen property. *Id.* Less than a year later,
8 Petitioner was convicted of burglary and sentenced to one year. *Id.*

9 As a result of this criminal activity, Petitioner was placed in removal proceedings and
10 issued a Notice to Appear (“NTA”). Morris Decl., Exs. 1, 2 (Notice to Appear; I-213). On January
11 31, 2002, Petitioner was ordered removed to Vietnam by an immigration judge in San Francisco,
12 California, which is now administratively final. Du Decl. ¶ 6; Morris Decl. Ex. 3 (Order of
13 Removal). On March 8, 2002, ICE released Petitioner on an order of supervision because there
14 was not a significant likelihood of removal at that time. Du Decl. ¶ 7; Morris Decl. Ex. 4 (Order
15 of Supervision). As part of agreement and signature to the Order of Supervision, Petitioner
16 affirmed that he would comply with check-in procedures with ICE, that he would assist ICE in
17 obtaining a travel document if removal to Vietnam became foreseeable, and he would not commit
18 any federal, state, or local crimes—all as express conditions which Petitioner assented to by his
19 signed agreement. Morris Decl., Ex. 4.

20 However, following his release in 2002, Petitioner was convicted of at least twelve more
21 crimes between 2002 and 2021. On March 7, 2002, Petitioner was convicted of petty theft with
22 priors and sentenced to 3 days. Du Decl. ¶ 9. On December 30, 2002, Petitioner was convicted of
23 assault with a deadly weapon and inflicting corporal injury to a spouse or cohabitant and
24 sentenced to 3 years. *Id.* On April 11, 2005, Petitioner was again convicted of use/under influence

1 of a controlled substance and sentenced to 180 days. *Id.* On March 30, 2006, Petitioner was
 2 convicted of criminal threats and sentenced to two years and eight months. *Id.* On August 18,
 3 2006, Petitioner was convicted of battery and exhibiting a deadly weapon (not firearm) and
 4 sentenced to 60 days. *Id.* On September 2, 2008, Petitioner of convicted of possession of cocaine
 5 and sentenced to four years. *Id.* On September 29, 2021, Petitioner was convicted of assault with
 6 a deadly weapon and prisoner in possession of a weapon and possessing a firearm and sentenced
 7 to two years. *Id.* On that same day, Petitioner was convicted of robbery in the second degree and
 8 sentenced to six years. *Id.*

9 Following Petitioner's release from his most recent state criminal conviction, ICE took
 10 Petitioner into custody on June 17, 2025. *Id.* ¶ 10.

11 The Government of Vietnam has agreed to increase cooperation with the United States
 12 and issue travel documents for its citizens. Du Decl. ¶¶ 14-18. As of November 4, 2025, ICE had
 13 completed the necessary travel documents for Petitioner's removal to Vietnam and submitted
 14 them for internal approval. *Id.* ¶¶ 11-13. Once approved, the documents will be forwarded to the
 15 Vietnamese consulate. *Id.* ¶ 13.

16 Though Petitioner stated in his petition that he believes ICE may be trying to remove him
 17 to a third country, that is not the case and Petitioner provides no evidence ICE is seeking to remove
 18 him to a third country. *See Pet.*, pgs. 15-19. Petitioner is a citizen of Vietnam, he was ordered
 19 removed to Vietnam in 2002, Petitioner's travel documents have only been completed for the
 20 country of Vietnam, Vietnam has been cooperating in removal proceedings and agreed to issue
 21 travel documents for its citizens, and ICE is currently working to remove Petitioner solely to
 22 Vietnam. Du Decl. ¶¶ 6, 11-19.

23 Petitioner's argument that he could be removed to a third country is without merit,
 24 speculative, and not ripe for review. There is no case or controversy because there is no concrete

1 indication that such removal to a third country will occur. The record contains no evidence
2 supporting this claim. ICE is currently seeking a travel document solely to Vietnam, and there is
3 no ongoing effort to remove Petitioner to any third country. Accordingly, this claim should be
4 dismissed as premature.

5 ICE anticipates Petitioner's removal to Vietnam will occur in the reasonably foreseeable
6 future due to Vietnam's increased cooperation. Du. Decl. ¶ 18. ICE further believes that
7 Petitioner's travel document will be issued within 30 days once submitted to the Vietnamese
8 consulate. *Id.* ¶ 16.

9 III. ARGUMENT

10 A. Petitioner's detention is not indefinite or unconstitutionally prolonged

11 Petitioner has not demonstrated that his detention has become "indefinite" or
12 unconstitutional. In *Zadvydas*, the Supreme Court analyzed whether the potentially open-ended
13 duration of detention pursuant to 8 U.S.C. § 1231(a)(6) is constitutional. The Court read an
14 implicit limitation of post-removal detention "to a period reasonably necessary to bring about that
15 alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. It was further specified that
16 Section 1231(a)(6) does not permit indefinite detention. *Id.* Thus, "once removal is no longer
17 reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.

18 The *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of
19 burdens is applied to assess the continuing lawfulness of a noncitizen's post-order detention. *Id.*
20 (stating that "for detention to remain reasonable, as the period of post-removal confinement
21 grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink").
22 However, the Supreme Court determined that it is "presumptively reasonable" for the
23 Government to detain a noncitizen for six months following entry of a final removal order, while
24 it worked to remove the noncitizen from the United States. *Id.* at 701. Thus, the Supreme Court

1 implicitly recognized that six months is the *earliest* point at which a noncitizen's detention could
2 raise constitutional issues. *Id.* Moreover, the Supreme Court noted the six-month presumption
3 "does not mean that every [noncitizen] not removed must be released after six months. To the
4 contrary, [a noncitizen] may be held in confinement until it has been determined that there is no
5 significant likelihood of removal in the reasonably foreseeable future." *Id.*

6 While the Government does not concede that Petitioner's presumptively reasonable period
7 has ended³, even assuming *arguendo* that it has, Petitioner fails to demonstrate that there is good
8 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable
9 future. Although he is correct that Vietnam has not yet issued him a travel document, ICE is
10 actively working to obtain a travel document to remove him to Vietnam. Du Decl., ¶¶ 11-13.
11 Vietnam has clearly engaged in issuing travel documents for its citizens, which demonstrate a
12 good faith discussion and intention to issue travel documents in this case. *Id.* ¶ 14-18. Further,
13 Vietnam is accepting individuals for removal from the United States and ICE believes there is a
14 significant likelihood of Petitioner's removal to Vietnam in the reasonably foreseeable future. *Id.*
15 ¶ 18.

16 Since Petitioner has been detained, after awaiting his cooperation, ICE has completed
17 travel document forms for Petitioner, had them translated into Vietnamese, worked to obtain
18 additional documentation, and will submit the documents to government contacts in Vietnam
19 upon receipt of the additional documents. Du Decl. ¶¶ 11-13. ICE anticipates receiving travel
20 documents expeditiously because the government of Vietnam has agreed to issue travel
21 documents within 30 days of a request being made. *Id.* ¶ 16; *see e.g., Nguyen v. Bondi et al.*, 2:25-

22
23 ³ Federal Respondents acknowledge that Courts in this district have found that the presumptively reasonable period
24 expires six months after a final order, regardless of detention. *See e.g., Tran v. Bondi*, No. CV-25-01897-JLR, 2025
WL 3140462 (W.D. Wash. Nov. 10, 2025). For the reasons set forth in their briefing in that case, Federal
Respondents do not agree with this decision and are still weighing their options on how to proceed. In any event,
Petitioner's detention is still lawful even past the presumptively reasonable period for the reasons stated herein.

1 cv-01833-JNW, Dkt. 19 (removal approximately 36 days following travel document submission
2 to Vietnam). Indeed, it has issued travel documents in hundreds of cases just this fiscal year,
3 including at least 569 final order Vietnamese citizens in in fiscal year 2025 as of September 11,
4 2025. Du Decl. ¶ 17. Because of this increased cooperation with the government of Vietnam,
5 Petitioner's removal will likely occur in the reasonably foreseeable future. *Id.* ¶ 18.

6 The fact that Petitioner does not yet have a specific date of anticipated removal does not
7 make his detention indefinite. *Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008). Detention
8 becomes indefinite in situations where the country of removal refuses to accept the noncitizen or
9 if removal is legally barred. *Id.* There is no reason to believe that is the situation here.
10 Consequently, Petitioner has failed to demonstrate a good reason to believe that there is no
11 significant likelihood of his removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at
12 701.

13 **B. Increased cooperation with Vietnam and Petitioner's criminal history both**
14 **independently support the timing of Petitioner's arrest**

15 To the extent Petitioner challenges his detention because he believes ICE provided no
16 lawful rationale for the decision to rearrest him, the record shows that ICEs detained Petitioner
17 after his release from state prison because his removal is now foreseeable due to the increased
18 cooperation between Vietnam and the United States in repatriating Vietnamese citizens. Du Decl.
19 ¶¶ 7-9. Furthermore, Petitioner's latest conviction in his multi-decade crime spree is a clear
20 violation of the terms of his OSUP. While Petitioner may believe that ICE should have detained
21 him at a later time or after a travel document was obtained from Vietnam, there is no question
22 that ICE was within its authority to arrest him as a result of increased cooperation with Vietnam
23 which constitutes a change of circumstances in his removal proceedings pursuant to his signed
24 Order of Supervision – independent of his criminal convictions. Morris Decl., Ex. 4.

1 Petitioner was released on his express assent to the conditions of his Order of Supervision,
2 and those provisions state his release was conditioned on his agreement to assist the Immigration
3 Service in obtaining a travel document to return to his country and immediately surrender to an
4 officer of the Service for deportation upon being ordered to do so. *Id.*, pg. 1. Petitioner does not
5 allege any temporal limitation to this authority. Moreover, the timing of his rearrest is supported
6 by the increased cooperation between the United States and Vietnam in the repatriation of
7 Vietnamese citizens, particularly those who entered the United States before 1995. Du Decl. ¶¶
8 14-17.

9 The cases⁴ Petitioner invokes in urging application of the *Mathews* factors are inapposite.
10 Each arises in the context of *pre-order* detention or under regulatory schemes wholly distinct
11 from the *post-order* detention framework at issue here. Petitioner does not challenge that he is
12 subject to an administratively final order of removal. As such, the authorities cited provide little
13 meaningful guidance and serve primarily as a distraction from the controlling standards under
14 *Zadvydas*. Petitioner's prior release in 2002 was based solely on Vietnam's then-refusal to accept
15 repatriation, which rendered removal not reasonably foreseeable. That circumstance has changed
16 in every material respect. Vietnam now cooperates with the United States in effectuating
17 removals, and Petitioner's removal is reasonably foreseeable—indeed, imminent—squarely
18 satisfying the *Zadvydas* standard and rendering his current detention lawful. None of Petitioner's
19 authorities alter the governing analysis, and none undermine the lawfulness of Petitioner's current
20 detention. These circumstances are further compounded here, where Petitioner has been convicted
21 of multiple criminal charges, constituting a clear violation of his order of supervised release. And

22
23 ⁴ Petitioner cites *E.A. T.-B. v. Wamsley*, No. CV25-1192-KKE, 2025 WL 2402130, *Ledesma Gonzalez v. Bostock*,
24 No. CV25-1404-JNW-GJL, 2025 WL 2841574, and other recent out-of-district cases, which are all not applicable
under post-removal §1231 detention. *See* Pet., pgs. 9-12, 22. Petitioner does not dispute he is subject to an
administratively final order of removal. Post-order detention is analyzed pursuant to the United States Supreme
Court framework set forth in *Zadvydas*.

1 where ICE took Petitioner into custody from a state prison. Petitioner's misconduct underscores
2 the government's legitimate interest in effectuating removal promptly.

3 With his removal pending, the government has significant legitimate interests in
4 Petitioner's continued detention to ensure he will appear for removal. Petitioner poses a risk of
5 flight because he alleges no avenue to seek relief from removal. Moreover, his detention has not
6 become "indefinite," and his removal is significantly likely in the reasonably foreseeable future.
7 This Court should not order that he be released.

8 IV. CONCLUSION

9 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
10 the Petition and dismiss this matter.

11 Dated this 9th day of December, 2025.

12 Respectfully submitted,

13 CHARLES NEIL FLOYD
14 United States Attorney

15 s/ Alixandria K. Morris
16 ALIXANDRIA K. MORRIS, TX No. 24095373
17 Assistant United States Attorney
18 United States Attorney's Office
19 Western District of Washington
20 700 Stewart Street, Suite 5220
21 Seattle, Washington 98101
22 Phone: 206-553-7970
23 Fax: 206-553-4067
24 Email: alixandria.morris@usdoj.gov

Attorneys for Federal Respondents

I certify that this memorandum contains 3,220 words, in compliance with the Local Civil Rules.