

District Judge Tana Lin

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

MOHAMED MUQTAR JARANOW,

Petitioner,

v.

PAMELA BONDI, *et al.*,¹

Respondents.

Case No. 2:25-cv-02396-TL

FEDERAL RESPONDENTS'
RETURN

Noted for Consideration:
December 15, 2025

I. INTRODUCTION

This Court should deny Petitioner Mohamed Muqtar Jaranow's Petition for Writ of Habeas Corpus. Dkt. at 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 native and citizen of Somalia. He was ordered removed to Somalia.

Petitioner was convicted of criminal sexual conduct in the second degree and domestic assault by strangulation of a family or household member under Minnesota law in March 2018.

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 As a result of these convictions, he was issued a Notice to Appear (“NTA”) based on being
2 charged with an aggravated felony crime of violence under INA § 237(a)(2)(A)(iii) and a crime
3 of domestic violence stalking, or child abuse, child neglect, or child abandonment under INA
4 § 237(a)(2)(E)(i). While in state custody, Petitioner was ordered removed by an immigration
5 judge on April 22, 2021. The removal order became administratively final on September 1, 2021,
6 when the Board of Immigration Appeals denied Petitioner’s appeal. After Petitioner was released
7 from state custody, he was taken into federal immigration custody on December 12, 2022. On
8 March 13, 2023, he was released on an Order of Supervision (“OSUP”) because there was not a
9 significant likelihood of removal to Somalia in the reasonably foreseeable future at the time. On
10 July 29, 2025, Petitioner was re-detained by ICE.

11 Contrary to his allegations, Petitioner’s detention is lawful. He is a noncitizen subject to
12 an administratively final order of removal, and he is lawfully detained under Section 241 of the
13 Immigration and Nationality Act (“INA”). *See* 8 U.S.C. § 1231. Petitioner’s detention also is not
14 indefinite under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) because removal is significantly
15 likely in the reasonably foreseeable future.

16 Accordingly, Federal Respondents respectfully request the Court deny the Petition. This
17 return is supported by the pleadings and documents on file in this case, the Declaration of
18 Deportation Officer Cristhian de Castro (“De Castro Decl.”) and the Declaration of Jennifer Wong
19 (“Wong Decl.”), with accompanying exhibits. Federal Respondents do not believe any hearing is
20 necessary.

21 II. FACTUAL AND PROCEDURAL BACKGROUND

22 A. Detention Authorities and Removal Procedures

23 The INA governs the detention and release of noncitizens during and following their
24 removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). The general

1 detention periods are generally referred to as “pre-order” (meaning before the entry of a final
2 order of removal) and, relevant here, “post-order” (meaning after the entry of a final order of
3 removal). *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing
4 post-order detention).

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

10 During the removal period, the [Secretary of Homeland Security] shall detain the
11 [noncitizen]. Under no circumstance during the removal period shall the
12 [Secretary] release [a noncitizen] who has been found inadmissible under section
1182(a)(2) or 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or
1227(a)(4)(B) of this title.

13 8 U.S.C. § 1231(a)(2).

14 Section 1231(a)(6) authorizes U.S. Immigration and Customs Enforcement (“ICE”) to
15 continue detention of noncitizens after the expiration of the removal period. Unlike Section
16 1231(a)(2), Section 1231(a)(6) does not mandate detention and does not place any temporal limit
17 on the length of detention under that provision:

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

24 8 U.S.C. § 1231(a)(6) (emphasis added).

During the removal period, ICE is charged with attempting to effect removal of a
noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit

1 on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may
2 be detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal
3 from the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six
4 months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.* at 701.

5 **B. Petitioner Mohamed Muqtar Jaranow**

6 Petitioner is a native and citizen of Somalia. *Id.* ¶ 4. He entered the United States in 1995.
7 *Id.* Petitioner later adjusted status to that of a lawful permanent resident in 1996. *Id.* On March
8 23, 2018, Petitioner was convicted of criminal sexual conduct in the second degree and sentenced
9 to a term of imprisonment of ninety months by the Stearns County District Court in St. Cloud,
10 Minnesota. *Id.* ¶ 6. He was also convicted for domestic assault by strangulation of a family or
11 household member. *Id.* ¶ 7. As a result of these convictions, and while in state custody, Petitioner
12 was placed in removal proceedings and issued a Notice to Appear (“NTA”). *Id.* ¶¶ 6-9; Wong
13 [REDACTED]. On April 22, 2021, Petitioner was ordered removed
14 to Somalia by an immigration judge. The removal order became administratively final on
15 September 1, 2021, when the Board of Immigration Appeals denied Petitioner’s timely appeal.
16 De Castro Decl. ¶ 10; Wong Decl. at [REDACTED]. On December 12, 2022, Petitioner
17 was released from state custody and transferred into federal immigration custody. De Castro Decl.
18 ¶ 11. On March 13, 2023, ICE released Petitioner on an order of supervision because there was
19 not a significant likelihood of removal at that time. De Castro Decl. ¶ 7; [REDACTED]

20 [REDACTED].
21 ICE anticipates that Petitioner’s removal to Somalia will occur in the reasonably
22 foreseeable future due to the confirmation of Petitioner’s citizenship, completion of a preliminary
23 travel document request, and Somalia’s recent increased cooperation with the United States. De
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1 Castro Decl. ¶ 18. ICE further believes that Petitioner’s travel document will be issued as quickly
2 as two weeks after the completion of a final travel document request. *Id.* ¶ 17.

3 III. ARGUMENT

4 A. Petitioner’s detention is not indefinite or unconstitutionally prolonged

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

12 The *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of
13 burdens is applied to assess the continuing lawfulness of a noncitizen’s post-order detention. *Id.*
14 (stating that “for detention to remain reasonable, as the period of post-removal confinement
15 grows, what counts as the ‘reasonably foreseeable future’ conversely would have to shrink”).
16 However, the Supreme Court determined that it is “presumptively reasonable” for the
17 Government to detain a noncitizen for six months following entry of a final removal order, while
18 it worked to remove the noncitizen from the United States. *Id.* at 701. Thus, the Supreme Court
19 implicitly recognized that six months is the earliest point at which a noncitizen’s detention could
20 raise constitutional issues. *Id.* Moreover, the Supreme Court noted the six-month presumption
21 “does not mean that every [noncitizen] not removed must be released after six months. To the
22 contrary, [a noncitizen] may be held in confinement until it has been determined that there is no
23 significant likelihood of removal in the reasonably foreseeable future.” *Id.*

1 Here, ICE has re-detained Petitioner for less than five months since his OSUP revocation.
 2 *See* De Castro Decl. ¶¶ 11-13.² While the Government does not concede that Petitioner's
 3 presumptively reasonable period has ended,³ even assuming *arguendo* that it has, Petitioner fails
 4 to demonstrate that there is good reason to believe that there is no significant likelihood of
 5 removal in the reasonably foreseeable future. Although he is correct that Somalia has not yet
 6 issued him a travel document, ICE is working to obtain a travel document to remove him to
 7 Somalia. De Castro Decl. ¶ 15. ICE has been able to confirm Petitioner's Somali citizenship, ICE
 8 has been and is currently able to remove individuals to Somalia based on clear and convincing
 9 evidence of Somali citizenship, and ICE has already submitted a draft travel document for
 10 preliminary review and approval. *Id.* ¶¶ 14-18. The Office of Enforcement and Removal
 11 Operations ("ERO") began the process to prepare Petitioner's removal documents on August 9,
 12 2025, having completed a draft travel document for preliminary approval, and anticipates sending
 13 a full travel document request to the Somali embassy in the near future. *Id.* ¶ 15. Somalia can
 14 issue a travel document in as quickly as two weeks once a completed travel request has been
 15 submitted. *Id.* ¶ 17. Based on ICE records, there have been 123 Somali citizens removed from the
 16 United States from October 1, 2024, to September 20, 2025. *Id.* ¶ 16. Based on the record, there
 17 is a good faith basis to believe that there is a significant likelihood of Petitioner's removal to
 18 Somalia in the reasonably foreseeable future.

20 _____
 21 ² Petitioner was in state custody when his order for removal was issued on April 22, 2021. De Castro Decl. ¶¶ 9-10.
 22 On December 12, 2022, Petitioner was released from state custody and transferred into federal immigration custody.
 23 On March 13, 2023, ICE released Petitioner on an order of supervision. *Id.* ¶ 7. He was re-detained on July 29, 2025.
 24 Petitioner's initial detention was approximately three months (December 12, 2022 to March 13, 2023) and his current
 detention (since July 29, 2025) has lasted less than five months.

³ Federal Respondents acknowledge that Courts in this district have found that the presumptively reasonable period
 expires six months after a final order, regardless of detention. *See, e.g., Tran v. Bondi*, No. 25-cv-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 Further, the fact that Petitioner does not yet have a specific date of anticipated removal
2 does not make his detention indefinite. *Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008).
3 Detention becomes indefinite in situations where the country of removal refuses to accept the
4 noncitizen or if removal is legally barred. *Id.* There is no reason to believe that is the situation
5 here. Consequently, Petitioner has failed to demonstrate a good reason to believe that there is no
6 significant likelihood of his removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at
7 701.

8 **B. Petitioner's re-detention is neither arbitrary nor in violation of due process.**

9 To the extent that Petitioner challenges his detention because he believes ICE provided
10 no lawful rationale for the decision to rearrest him, the record shows that ICE detained Petitioner
11 because his removal is now foreseeable due to the increased cooperation between Somalia and
12 the United States. *See De Castro Decl.* ¶ 16. While Petitioner may believe that ICE should have
13 detained him at a later time or after a travel document was obtained from Somalia, there is no
14 question that ICE was within its authority to arrest him as a result of increased cooperation with
15 Somalia, which constitutes a change of circumstances in his removal proceedings pursuant to his
16 signed Order of Supervision. *Wong Decl.* at Ex. 4.

17 The cases that Petitioner invokes in urging application of the *Mathews* factors are
18 inapposite. Each arises in the context of pre-order detention or under regulatory schemes wholly
19 distinct from the post-order detention framework at issue here. Petitioner does not challenge that
20 he is subject to an administratively final order of removal. As such, the authorities cited provide
21 little meaningful guidance and serve primarily as a distraction from the controlling standards
22 under *Zadvydas*. Somalia now cooperates with the United States in effectuating removals, and
23 Petitioner's removal is reasonably foreseeable satisfying the *Zadvydas* standard and rendering his
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1 current detention lawful. None of Petitioner's authorities alter the governing analysis, and none
2 undermine the lawfulness of Petitioner's current detention.

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 **C. Petitioner lacks standing to pursue claims based on speculative removal to a**
9 **third country, and his claim is speculative and not ripe for review.**

10 Petitioner purports to bring claims challenging the constitutionality of his possible
11 removal to a third country as a likely violation of the Fifth Amendment, 8 U.S.C. § 1231, the
12 Eighth Amendment, the Convention Against Torture, the INA, the APA, and relevant
13 implementing regulations. Pet. at 21-23. Such claims are based on the hypothetical scenario of
14 his removal to a third country other than Somalia, which are entirely speculative and not ripe for
15 review. ICE does not presently intend to remove Petitioner to a third country and is currently
16 solely seeking to remove Petitioner to Somalia. De Castro Decl. ¶ 19. There is no case or
17 controversy because there is no concrete indication that removal to any third country will occur.

18 Further, such claims are not the proper subject of an immigration habeas petition,
19 considering that Petitioner presents no evidence that Federal Respondents seek to remove him to
20 a third country. *See Tran*, 2025 WL 3140462, at *4 (citing *Zadvydas*, 533 U.S. at 688). ICE does
21 not have the intention of seeking Petitioner's removal to any other country other than Somalia.
22 ICE has confirmed Petitioner's Somali citizenship and is the process of obtaining travel
23 documents to effectuate removal. De Castro Decl. ¶¶ 15, 18. Therefore, Petitioner's claims are
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1 speculative and not part of a live controversy because there is no concrete indication that removal
2 to a third country will occur. Thus, these claims should be dismissed as premature.

3 **IV. CONCLUSION**

4 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
5 the Petition and dismiss this matter. Petitioner's detention has not become "indefinite," and his
6 removal is significantly likely in the reasonably foreseeable future. This Court should not order
7 that he be released.

8 DATED this 10th day of December, 2025.

9 Respectfully submitted,

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17 *Attorneys for Federal Respondents*

18 I certify that this memorandum contains 2,496
19 words, in compliance with the Local Civil Rules.
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