

DISTRICT JUDGE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MOHAMED MUQTAR JARANOW,

Petitioner,

vs.

PAMELA BONDI, Attorney General of
the United States, et al.,

Respondents.

No. CV25-2396-TL-SKV

**PETITIONER'S REPLY
MEMORANDUM**

Noted on Motion Calendar: Dec. 15,
2025

**I. MR. JARANOW'S DETENTION HAS BECOME
UNCONSTITUTIONALLY PROLONGED UNDER *ZADVYDAS*.**

A. The *Zadvydas* presumptively reasonable period has long expired.

Mr. Jaranow has been detained for approximately one and one-half years awaiting removal to Somalia. He was initially detained over one year and three months after his final order of removal. His order of removal became final on September 1, 2021, and he was in ICE custody from December 12, 2022, to March 13, 2023. Dkt. 11 at 2. He has been detained over four months currently, since he was taken back into custody on July 29, 2025. *Id.*

Respondents state that they do "not concede that Petitioner's presumptively reasonable period has ended[.]" Dkt. 11 at 6. But they dispute only the contention that "the presumptively reasonable period expires six months after a final order, regardless

1 of detention.” Dkt. 11 at 6 n.3. Mr. Jaranow is not basing his claim on the time elapsed
2 since the final order. Instead, he bases it on the total period of his detention.

3 Respondents do not dispute that time in detention is aggregated, as Mr. Jaranow
4 contended, dkt. 1 at 7-8, so they have waived that issue. In any event, the courts have
5 consistently recognized that the relevant period of detention for purposes of *Zadvydas v.*
6 *Davis*, 533 U.S. 678 (2001), is the total amount, not just the most recent. *Nguyen v.*
7 *Scott*, 796 F.Supp.3d 703, 721 (W.D. Wash. Aug. 21, 2025) (“*Nguyen*”) (aggregating
8 original and current periods of incarceration); *Abubaka v. Bondi*, No. C25-1889RSL,
9 2025 WL 3204369, at *3 (W.D. Wash. Nov. 17, 2025) (“the ‘clock’ on *Zadvydas*’s six-
10 month period of presumptive reasonability does not re-start with each successive
11 detention”). Outside of this district, too, “[c]ourts . . . broadly agree” that looking only
12 to the most recent detention is not correct. *Diaz-Ortega v. Lund*, No. 1:19-CV-670-P,
13 2019 WL 6003485, at *7 n.6 (W.D. La. Oct. 15, 2019), *report and recommendation*
14 *adopted*, 2019 WL 6037220 (W.D. La. Nov. 13, 2019); *see also Sied v. Nielsen*, No.
15 17-CV-06785-LB, 2018 WL 1876907, at *6 (N.D. Cal. Apr. 19, 2018) (collecting
16 cases). Thus, it is beyond dispute that Mr. Jaranow’s detention, for purposes of
17 *Zadvydas* analysis, is approximately 18 months.

18 Respondents do concede that “as the period of post-removal confinement grows,
19 what counts as the ‘reasonably foreseeable future’ conversely would have to shrink[.]”
20 Dkt. 11 at 5 (quoting *Zadvydas*, 533 U.S. at 701). With Mr. Jaranow’s detention now
21 over three times the presumptively reasonable period, “what counts as the ‘reasonably
22 foreseeable future’” should be quite short. Nevertheless, Respondents contend that Mr.
23 Jaranow’s detention is lawful even though, as demonstrated below, they cannot show
24 that removal is likely in a short period of time.

B. Mr. Jaranow's removal is not likely in the reasonably foreseeable future.

Respondents assert that Mr. Jaranow has not met his burden under *Zadvydas*. Dkt. 11 at 7. In making that argument, they rely on the few facts they have presented in rebuttal to his petition. However, their rebuttal evidence goes not to whether Mr. Jaranow has met his burden, but only to whether, *if* Mr. Jaranow has met his burden, they have satisfactorily rebutted it. Those are two quite different questions. *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”).

In Mr. Jaranow's petition, he established that it has been four years since his final order of removal, during which time Respondents were unable to remove him to Somalia. In fact, Respondents concede that Mr. Jaranow was released because there was not a significant likelihood of removal as recently as 2023, dkt. 11 at 4, and presumably, even their assessment continued to be the same until they re-detained him in July of this year. These facts are sufficient to meet his initial burden under *Zadvydas*.

The burden thus shifts to Respondents to show that removal is nevertheless likely in the reasonably foreseeable future. This burden comprises two showings: can Respondents demonstrate that Mr. Jaranow is reasonably likely to be removed to Somalia at all, and can they show that such removal is likely in the reasonably foreseeable future.

Respondents repeatedly assert their own conclusion that removal is likely in the reasonably foreseeable future. Dkt. 11 at 2, 4, 6, 7, 8, dkt. 12 ¶ 18. But of course it is this Court's task to make that determination itself based on the facts that the parties have submitted, not just rely on Respondents' conclusion. *See Zadvydas*, 533 U.S. 678

1 at 701 (government’s burden is to “respond with evidence” sufficient to show
2 likelihood of removal in reasonably foreseeable future).

3 As to the first question, Respondents assert that there is “recent increased
4 cooperation with the United States.” Dkt. 11 at 4. They also state that “ICE is presently
5 able to remove individuals to Somalia so long as ICE is able to provide clear and
6 convincing evidence of Somali citizenship.” Dkt. 12 ¶ 16. This statement *appears* to
7 indicate that so long as ICE has citizenship evidence, Somalia will accept *every*
8 individual. But whatever its meaning, Respondents’ aspirational statements regarding
9 the issuance of travel documents have tended to be unduly optimistic. *See, e.g., Tang v.*
10 *Bondi*, No. 2:25-CV-01473-RAJ, 2025 WL 3551381, at *1 (W.D. Wash. Dec. 11, 2025)
11 (“Indeed, the Federal Respondents’ assertions that a travel document will issue
12 ‘expeditiously’ and ‘within 30 days’ have clearly proven false in this case.”).

13 While Respondents contend that “ICE has been able to confirm [Mr. Jaranow’s]
14 citizenship,” dkt. 12 ¶ 18, they provide no details. That is notable, especially since they
15 indicate that they are required to provide Somalia with “clear and convincing evidence
16 of Somali citizenship,” yet they do not even claim to have such evidence. Confirming to
17 Respondents’ satisfaction that Mr. Jaranow has Somali citizenship is quite different
18 from having clear and convincing evidence that they can present to Somalia. Do
19 Respondents have documentation that establishes Mr. Jaranow’s citizenship under
20 Somalia’s laws? Apparently, Somalia bases citizenship not on place of birth but on
21 whether one’s father is Somali. Wikipedia, “Somali nationality law.”
22 https://en.wikipedia.org/wiki/Somali_nationality_law (last visited December 11, 2025)
23 [<https://perma.cc/ERX9-VAWQ>]. Do Respondents have proof of Mr. Jaranow’s
24 father’s nationality? The lack of detail in Respondents’ submission to the Court is
25 concerning and suggests that they are not really in a position to ensure his removal to
26 Somalia.

1 Respondents also state that “there have been 123 Somali citizens removed from
2 the United States.” Dkt. 12 ¶¶ 16. But they provide no indication of the total number of
3 detainees involved, or how many individuals were not removed despite Respondents’
4 request that Somalia issue travel documents. A “numerator alone [is] meaningless
5 without the denominator[.]” *Emigra Grp., LLC v. Fragomen, Del Rey, Bernsen &*
6 *Loewy, LLP*, 612 F. Supp. 2d 330, 367–68 (S.D.N.Y. 2009). Even if they had provided
7 that data, it would tell this Court nothing about Mr. Jaranow’s potential for removal.
8 The question is not whether some individuals are removed to Somalia, or even whether
9 many are, but whether Mr. Jaranow is likely to be removed. *Cf. Nguyen*, 796 F.Supp.3d
10 at 726 (stating increase in total number of removals to Vietnam, including those in same
11 category as petitioner [those who entered pre-1995], fails to establish removal of an
12 individual in reasonably foreseeable future).

13 And Respondents’ showing as to timing is even worse. All they tell this Court is
14 that “[o]nce a completed TD Request has been submitted, Somalia can issue a TD in as
15 quickly as two weeks.” Dkt. 12 ¶ 17. The question is not the *quickest* that travel
16 documents *can* be issued, but what is the likely time frame in which they would be
17 issued. As to this, Respondents present no evidence at all.

18 Furthermore, although not mentioned in Respondents’ return, Officer De
19 Castro’s declaration states that Respondents are not ready to send a travel documents
20 request to Somalia because they are “waiting for funding.” Dkt. 12 ¶ 15. But
21 Respondents provide no details on this funding issue. What funding is needed, what is
22 required before Respondents have that funding, and when might that occur?
23 Respondents do not tell the Court. If, for example, the funding requires passage of an
24 agency budget rather than a continuing resolution, that would likely not occur until at
25 least the end of January. Barbara Sprunt, “The longest government shutdown in U.S.
26 history comes to a close,” NPR, Nov. 12, 2025, <https://www.npr.org/2025/11/12/g-s1->

1 97607/house-vote-shutdown-end [<https://perma.cc/B2RN-QKH5>]. Given Congress's
2 difficulty in passing budgets, there is a significant likelihood that funding would not
3 occur even by then. Mr. Jaranow should not have to sit yet more months in detention,
4 on top of the approximately eighteen months he has been detained so far, awaiting such
5 uncertain events.

6 Thus, Respondents have shown neither that Mr. Jaranow is reasonably likely to
7 be removed to Somalia nor that such removal would occur in the reasonably foreseeable
8 future. A failure as to either would be enough to validate Mr. Jaranow's *Zadvydas*
9 claim; here, there is failure as to both.

10 Respondents' only other response is to suggest, almost as an afterthought, that
11 removal is *always* reasonably foreseeable, unless removal to the specified country is
12 *impossible*. Dkt. 11 at 7 (citing to *Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir.
13 2008)). But *Diouf* involved a pending judicial review of the removal order itself, and
14 the petitioner's detention was prolonged solely because the Ninth Circuit had issued a
15 stay.

16 In *Diouf*, ICE arrested the petitioner after he failed to depart voluntarily. 542
17 F.3d at 1226. ICE then "made arrangements for Diouf to depart for Senegal on May 26,
18 2005, but, after Diouf refused to leave on that date, continued to detain him." *Id.* Diouf
19 fought off deportation by filing two motions to reopen and by obtaining a series of stays
20 of removal from the Ninth Circuit. *Id.*

21 The reason for Diouf's prolonged detention, therefore, and the only obstacle to
22 his removal, was his own actions, including his pending petition before the Ninth
23 Circuit and the attendant stay order. Diouf's detention was thus not open-ended (or
24 indefinite), since it would terminate upon his withdrawal of legal challenges to the
25 removal order or a decision by the Ninth Circuit. The import of *Diouf*, therefore, is that
26 a petitioner cannot obtain release under *Zadvydas* if the reason for his detention is his

1 own attempt to obtain review of the removal order. The court’s holding is that he could
2 not obtain *Zadvydas* relief unless he shows he would be “unremovable even if the
3 government defeated his petition for review.” *Id.* at 1233. Since Mr. Jaranow has no
4 pending legal challenge to the removal order, *Diouf* has no application here.

5 The court also cited to *Prieto-Romero v. Clark*, 534 F.3d 1053, 1063 (9th Cir.
6 2008), where, similarly, “repatriations to Prieto–Romero’s country of origin, Mexico,
7 are routine and . . . the government stands ready to remove Prieto–Romero as soon as
8 judicial review is complete.” It is in situations such as those, when the delay is caused
9 only by a petitioner’s seeking judicial review, that removal is deemed unforeseeable
10 only when “he would be unremovable even if the government defeated his petition for
11 review.” *Diouf*, 542 F. 3d at 1233.

12 There is no basis for reading these cases as applying to situations such as Mr.
13 Jaranow’s where the delay is Respondents’ inability to remove him in the reasonably
14 foreseeable future, not a challenge to removal. If Respondents’ position were accepted,
15 it would mean that the numerous recent decisions in this district granting *Zadvydas*
16 petitions, and the scores or hundreds of decisions elsewhere throughout the Circuit, all
17 erred in finding a *Zadvydas* violation based on delay of removal, without also requiring
18 a showing that removal was impossible.¹

19 Since Respondents have not met their burden of showing that removal will occur
20 in the reasonably foreseeable future, and their brief citation to *Diouf* is inapplicable, it is
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22

23 ¹ Counsel is aware of one decision by this Court accepting Respondents’ view of *Diouf*,
24 *Revenko v. Bondi*, No. 2:25-CV-00549-TL, 2025 WL 2592243, at *3 (W.D. Wash.
25 Sept. 8, 2025). But in that case, “Petitioner [did] not address *Diouf* at all in his
26 objections” to the Report and Recommendation, effectively waiving the issue. And the
court thus did not have the benefit of briefing such as Mr. Jaranow has submitted,
supra.

1 clear Mr. Jaranow's rights under *Zadvydas* have been violated, warranting his
2 immediate release.

3 If this Court finds that it cannot currently conclude that Mr. Jaranow's *Zadvydas*
4 claim should be granted, he requests that the Court not deny his petition outright,
5 because that conclusion could easily change in the near future. For example, if there are
6 no further developments over the next month or so, this Court might well conclude at
7 that point that Respondents' assurances have been overly optimistic, and that Mr.
8 Jaranow's removal is not reasonably likely to occur in the reasonably foreseeable
9 future. Similarly, if there are further developments, those developments might warrant
10 the same conclusion. Mr. Jaranow should not have to file a new petition and wait
11 additional weeks or months to have that conclusion result in his release. That would not
12 only cause him significant prejudice, but it would add to the demand on judicial
13 resources that this and similar cases are currently posing. This Court therefore should
14 hold the matter in abeyance, allowing any party to advise the Court of further
15 developments.

16 **C. Mr. Jaranow's supposed "flight risk" does not exist and, in any event,**
17 **is not relevant to the *Zadvydas* analysis.**

18 Respondents contend that "Petitioner poses a risk of flight because he alleges no
19 avenue to seek relief from removal." Dkt. 11 at 9. But this could be said of every single
20 petitioner with a final order of removal who raises a *Zadvydas* claim. As this Court is
21 aware, there have been numerous *Zadvydas* petitions granted in this district in recent
22 months, and far more throughout the nation, in which the petitioner alleged no avenue
23 to relief from removal. Clearly, the supposed flight risk resulting from the lack of an
24 "avenue to seek relief" has not kept these courts from granting the petition. Notably,
25 Respondents do not argue that Mr. Jaranow violated any condition of his release in the
26 two years and four months he was previously released on conditions.

1 Furthermore, Respondents' contention is directly contrary to their concession in
2 other litigation in this district, namely their statement that "[w]hether [petitioner] poses
3 a flight risk or a danger to the community [is] *completely irrelevant*. The *only proper*
4 *consideration* under *Zadvydas* is whether there is a significant likelihood of removal in
5 the reasonably foreseeable future[.]" Federal Respondents' Return Memorandum, *Kuot*
6 *v. Bondi*, No. 2:25-cv-02313-RAJ-BAT, dkt. 14 at 10 n.5 (W.D. Wash. Dec. 3, 2025)
7 (emphasis added). *Cf Hieu Tri Nguyen*, No. 2:25-CV-02024-TL, 2025 WL 3534168, at
8 *5 (W.D. Wash. Dec. 10, 2025) ("*Hieu Tri Nguyen*") (showing how *Zadvydas* requires
9 court to reject argument that petitioner's criminal history is relevant to *Zadvydas* issue).
10 Respondents were correct in *Kuot* and are wrong here.

11 Mr. Jaranow does not seek to minimize the seriousness of his offenses, but he
12 "has paid his debt to society for his prior crimes through his prison sentences." *Hieu Tri*
13 *Nguyen*, 2025 WL 3534168, at *5. As set forth both above and below, those offenses
14 are not relevant to the issues before this Court.

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

22 The Supreme Court rejected that argument. The Court appreciated the
23 seriousness of the government's concerns. *Id.* at 691. But it found that the immigrants'
24 liberty interests were weightier. *Id.* The Court had never countenanced "potentially
25 permanent" "civil confinement," based only on the government's belief that the person
26 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 Thus, if this Court finds that Mr. Jaranow’s detention has been prolonged
 14 impermissibly under *Zadvydas*, the remedy for Respondents’ concern is release with
 15 appropriate conditions, not continued detention.

16 **II. MR. JARANOW WAS CONSTITUTIONALLY ENTITLED TO A**
 17 **HEARING PRIOR TO BEING RE-DETAINED.**

18 Respondents’ discussion of the due process issue fares them no better. They
 19 point out that none of the cases cited in the constitutional due process portion of Mr.
 20 Jaranow’s petition, dkt. 1 at 8-11, involved a detainee with a final order of removal.
 21 Dkt. 11 at 7. While that is correct, numerous other cases, ones involving re-detention of
 22 petitioners with final orders of removal, have applied the same due process analysis as
 23 the cases Mr. Jaranow cited. *See, e.g., Jimenez v. Bondi*, No. C25-2167RSM, 2025 WL
 24 3466925, at *2 (W.D. Wash. Dec. 3, 2025) (“Based on this review of the *Mathews*
 25 factors, the Court finds that Petitioner has a protected liberty interest in his continuing
 26 release from custody, and that due process requires that Petitioner receive proper notice

1 and an opportunity to respond before he can be re-detained.”). *See also, e.g., P.T. v.*
2 *Hermosillo*, No. C25-2249-KKE, 2025 WL 3294988, at *3 (W.D. Wash. Nov. 26,
3 2025); *Perez v. Mordant*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at *5
4 (M.D. Fla. Dec. 3, 2025); *S-M-J v. Bostock*, No. 6:25-CV-01425-MTK, 2025 WL
5 3137296, at *5 (D. Or. Nov. 10, 2025).

6 Respondents argue that Mr. Jaranow was properly re-detained because *they* have
7 determined that there is a significant likelihood of removal in the reasonably
8 foreseeable future. *Id.* But the cases cited in Mr. Jaranow’s petition and above, along
9 with numerous other decisions, all hold that there must be notice, a hearing before a
10 neutral decisionmaker, and an opportunity to respond before someone can be re-
11 detained. Thus, Respondents do not get to make that decision about foreseeability on
12 their own, with no hearing and no requirement for evidence.

13 Respondents’ discussion of the third *Mathews* factor relies on an irrelevancy –
14 their interest in enforcing the immigration laws. Dkt. 11 at 8. That is not the
15 governmental interest at issue. As stated in *P.T.*, 2025 WL 3294988, at *3, “In the final
16 *Mathews* factor, the Court considers the Government’s interest in arresting and
17 detaining Petitioner without a hearing.” *Accord*, *Perera v. Jennings*, No. 21-CV-04136-
18 BLF, 2021 WL 2400981, at *5 (N.D. Cal. June 11, 2021), “the interest at stake is not
19 whether the government may detain [a noncitizen after releasing him], but whether they
20 may do so without providing him an individualized bond hearing.” And “the
21 Government’s interest in re-detaining non-citizens previously released without a
22 hearing is low[.]” *P.T.*, 2025 WL 3294988, at *3. That is because, “[I]n immigration
23 court, custody hearings are routine and impose a minimal cost.” *Carballo v. Andrews*,
24 No. 1:25-CV-00978-KES-EPG (HC), 2025 WL 2381464, *8 (E.D. Cal. Aug. 15, 2025).

1 Thus, Mr. Jaranow had a right to a hearing before being re-detained, yet none
 2 occurred. Because he was denied that hearing, he must be released on this ground as
 3 well.

4 **III. RESPONDENTS HAVE NOT SHOWN COMPLIANCE WITH THEIR**
 5 **REGULATIONS REGARDING RE-DETENTION.**

6 As discussed in Mr. Jaranow's petition, dkt. 1 at 11-12, various regulations also
 7 govern re-detention. Respondents have not addressed that requirement at all in their
 8 Response. Those "regulations appear to require an individualized determination about
 9 the likelihood of removal based on changed circumstances, followed by notice and an
 10 opportunity to respond." *Phetsadakone v. Scott*, No. 2:25-CV-01678-JNW, 2025 WL
 11 2579569, at *3 (W.D. Wash. Sept. 5, 2025). Although Respondents assert they made
 12 the individualized determination, there is nothing in the record attesting that
 13 Respondents provided Mr. Jaranow with notice or an opportunity to respond.

14 These regulations also require Respondents to establish that, based on "changed
 15 circumstances," there is "a significant likelihood that the [noncitizen] may be removed
 16 in the reasonably foreseeable future," 8 C.F.R. § 241.13(i)(2); *see also, e.g.,*
 17 *Hernandez-Escalante v. Noem, et al.*, No. CV25-182-MJT, 2025 WL 2206113, at *3
 18 (E.D. Tex. Aug. 2, 2025) ("These regulations clearly indicate, upon revocation of
 19 supervised release, it is the [Government's] burden to show a significant likelihood that
 20 the [noncitizen] may be removed.") (collecting cases). As discussed in Part I,
 21 Respondents have not met that burden. *See Tran v. Bondi*, No. C25-01897-JLR, 2025
 22 WL 3140462, at *3 (W.D. Wash. Nov. 10, 2025) (finding that Respondents had "not
 23 met [their] burden to present evidence supporting" their claim of removal within
 24 reasonably foreseeable future and therefore did "not comply with the requirements set
 25 forth by 8 C.F.R. § 241.13(i) and 8 C.F.R. § 241.13(f)").
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1 On two separate regulatory grounds then (failure to provide notice and
 2 opportunity to respond; failure to meet Respondents' burden), Mr. Jaranow's re-
 3 detention was unlawful, providing a third ground requiring his release, in addition to his
 4 *Zadvydas* and due process claims.

5 **IV. AS NUMEROUS COURTS HAVE HELD, AND CONTRARY TO THE**
 6 **GOVERNMENT'S CONTENTION (WHICH IS UNSUPPORTED BY**
 7 **ANY ON-POINT AUTHORITY), MR. JARANOW'S CLAIMS**
 8 **REGARDING REMOVAL TO A THIRD COUNTRY ARE RIPE; THEY**
 9 **ARE ALSO MERITORIOUS.**

10 Mr. Jaranow requested an order precluding ICE from removing him to a third
 11 country pursuant to its punitive removal policies and an order precluding removing him
 12 to a third country absent notice and a meaningful opportunity to respond. Respondents
 13 assert, without citation to any on-point legal authority, that this Court should deny Mr.
 14 Jaranow's request as not being ripe. Dkt. 11 at 8-9. A similar argument was rejected in
 15 *Nguyen*. There, the government also represented that it was seeking only to remove the
 16 petitioner to his home country of Vietnam and even stipulated that it would not attempt
 17 to remove him to any other country unless Vietnam rejected him. The court was
 18 unpersuaded, explaining that "the Ninth Circuit has found such voluntary promises
 19 insufficient" to eliminate the potential irreparable injury that petitioner could face if the
 20 promise were withdrawn, particularly given the underlying allegations that third party
 21 removals were being conducted rapidly and without an opportunity for due process. 796
 22 F.Supp.3d at 737.

23 Respondents assert that "ICE does not *presently* intend to remove Petitioner to a
 24 third country[.]" Dkt. 11 at 8 (emphasis added). That limitation is comparable to the
 25 assurance Respondents made in *Hieu Tri Nguyen*, where they stated there were no plans
 26 for third country removal "at this time." 2025 WL 3534168, at *7. This Court stated,
 "considering [Respondent's] qualified assurance in light of current ICE policy,
 President Trump's support of and commitment to '*sudden deportation in a place and*

1 *manner solely of our discretion,’* and the undisputed actions of Respondents in carrying
2 out such sudden and discretionary removals, the Court finds the voluntary promise
3 insufficient.” *Id.* (citations omitted). This Court continued, “Moreover, the fact that this
4 injury is directly traceable to a written policy suggests that there is an implicit
5 likelihood of its repetition in the immediate future.” *Id.* (cleaned up) (finding issues
6 ripe). *See also Hambarsonpour v. Bondi*, No. C25-1802-RSM, 2025 WL 3251155, at
7 *5 (W.D. Wash. Nov. 21, 2025) (rejecting government’s ripeness argument).

8 Mr. Jaranow’s petition sets forth similar facts to those on which this Court relied
9 in *Hieu Tri Nguyen*, which facts Respondents do not deny. Dkt. 1 at 16-18. These facts
10 show that such an impermissible third country removal against him is sufficiently likely
11 to make the matter ripe.

12 Respondents have provided no substantive response to Mr. Jaranow’s petition
13 regarding the illegality of their policies of third country removal and have therefore
14 waived the issue.

15 Just as these other courts have done after rejecting Respondents’ ripeness
16 contention and turning to the substantive issue, this Court should grant the two forms of
17 relief Mr. Jaranow requested regarding third country removal. *See Abubaka*, 2025 WL
18 3204369, at *7-8, 2025) (ruling in petitioner’s favor on merits third country removal as
19 to both due process and punitive nature of removal); *Hieu Tri Nguyen*, 2025 WL
20 3534168, at *10 (same).

21 **V. CONCLUSION**

22 The Court should grant Mr. Jaranow’s petition on all grounds and grant the
23 requested relief, including his immediate release. *See* dkt. 1 at 23. The Court should
24 also adopt the approach taken by Judge Robert S. Lasnik recently, and further order that
25 “Respondents may not re-detain petitioner unless:

26 a. [He] violates a condition of [his] Order of Supervision; or

1 b. The government

2 (1) obtains a valid travel document to Somalia for [him], (2) provides the
3 valid travel document to [him and his] counsel,
4 (3) offers petitioner the opportunity to leave on [his] own within two
5 months, and
6 (4) petitioner does not leave. Under such circumstances, the government
7 may be permitted to re-detain petitioner provided it has already made
8 concrete arrangements for [him] to be put on a flight to Somalia in the
9 reasonably foreseeable future.”

10 *See Do v. Scott*, No. C25-2187RSL, 2025 WL 3496909, at *6 (W.D. Wash. Dec. 5,
11 2025).

12 DATED this 15th day of December 2025.

13 Respectfully submitted,

14 s/ *Alan Zarky*
15 Staff Attorney
16 Attorney for Mohamed Jaranow
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