

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRAMESH UPRETY,	)	No. CV25-2443-JNW
Petitioner,	)	
vs.	)	PETITIONER'S RESPONSE TO
	)	GOVERNMENT'S RETURN
PAMELA BONDI, Attorney General of	)	MEMORANDUM
the United States, et al.,	)	
Respondents.	)	

Petitioner Pramesh Uprety filed a habeas petition alleging that he is being detained indefinitely and, therefore, pursuant to Supreme Court precedent, he is entitled to a writ of habeas corpus. Dkt. 2. He articulated how he has now been in immigration custody for nearly three years and has actively cooperated with efforts to obtain travel documents to return to his home in Nepal for nearly half that time, even while his challenge to the immigration decision was pending. He continues waiting, warehoused at the Northwest Immigrant Detention Center, with no indication of when, if ever, he will be deported. The Government responds, not by contesting any of the underlying facts or providing any indication of when they intend to deport him. Dkt. 10. Rather, the Government merely states in a conclusory manner that his "current detention is neither indefinite nor permanent." *Id.* at 2. To the contrary, as there is no indication of when, if ever, this already protracted process will conclude, this case is the textbook example of indefinite detention. Mr. Uprety is entitled to a writ of habeas corpus and release on bond.

1 In his petition, Mr. Uprety laid out multiple facts that demonstrate that his
 2 detention is indefinite, none of which have been addressed or controverted by the
 3 Government. He demonstrated how his period of detention, following a criminal case
 4 for which he received a probationary sentence, is now approaching three years. Dkt. 2
 5 at 6. He articulated how he has been actively cooperating with the process of soliciting
 6 immigration documents from Nepal for nearly eighteen months. *Id.* at 6–7. He noted
 7 how he has repeatedly been told that the process is underway only to subsequently learn
 8 that there has been no progress or that, as the Government now claims, his paperwork
 9 must be resubmitted, starting the whole process over again. *Id.*; Dkt. 11 at 4. And he
 10 established that, due to the recent coup in Nepal, he and multiple other Nepalese
 11 detainees were told, in no uncertain terms, that the government of Nepal was not
 12 accepting deportees and had not done so for months. Dkt. 2 at 8. All of those factors
 13 demonstrate the indefinite nature of his detention, which he showed was improper
 14 under Supreme Court precedent. *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001); *Diouf v.*
 15 *Mukasey*, 542 F.3d 1222, 1233 (9th Cir. 2008) (quoting *Zadvydas*, 533 U.S. at 701)
 16 (noting that detention becomes “indefinite” when there is “good reason to believe that
 17 there is no significant likelihood of removal in the reasonably foreseeable future.”).

18 Even though the burden has shifted to Respondents to “respond with evidence
 19 sufficient to rebut” Petitioner’s showing that there is no significant likelihood of
 20 removal in the reasonably foreseeable future, *Zadvydas*, 533 U.S. at 701, the
 21 Government does not respond to any of Mr. Uprety’s factual or legal arguments, only
 22 indicating that ICE is “actively” in the process of resubmitting his travel document
 23 request and, somehow, that means his detention is not indefinite.¹ Dkt. 10 at 4. The

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 25 ¹ Significantly, the Government does not even indicate that the travel document request
 26 has been resubmitted, only that ICE “learned that [it] needs to resubmit the entire travel
 document request and is actively doing so.” Dkt. 10 at 4, citing Dkt. 11 at 4. That
 suggests that, in the three weeks this petition was pending before the Government

1 truth is that the Government has no idea when, if ever, Mr. Uprety will be deported.
2 That is consistent with the concession the Government made in the case of another
3 Nepalese detainee recently released by Judge Robart that “[i]t is not uncommon for a
4 request for a Nepalese Travel Document to take several months before the TD is issued
5” *KC v. Bondi et al.*, No. 2:25-cv-02071-JLR, Dkt. 11 at 2. There is no indication of
6 when, if ever, Mr. Uprety will be deported, and that renders his detention indefinite and
7 improper. *Zadvydas*, 533 U.S. at 699-700 (indicating that the purpose of detention
8 under the statute must be tied to the goal of removing the person from the United States,
9 and “if removal is not reasonably foreseeable, the court should hold continued detention
10 unreasonable and no longer authorized by statute.”). Mr. Uprety should be granted a
11 writ of habeas corpus.

12 The only other issue addressed in the Government’s response is whether there is
13 a risk he will be deported to a third country. Dkt. 10 at 6–7. The Government represents
14 that there are no indications that he will be sent anywhere other than Nepal and,
15 therefore, the arguments are premature. *Id.* Mr. Uprety appreciates that commitment
16 but, given what has transpired in other cases, it is understandable that he remains
17 concerned. Dkt. 2 at 13–15. Therefore, even if the Government represents that it does
18 not intend to send him anywhere else, an order limiting their ability to do so is
19 nonetheless warranted.

20 Ultimately, Mr. Uprety is not asking for an unreasonable remedy. Prior to being
21 detained in immigration custody, Mr. Uprety was given a probationary sentence on the
22 underlying charges giving rise to his deportability. That judge did not see it necessary
23 that he spend any time in custody for his offense or feel that the community otherwise
24 needed to be protected from him. Yet, he has now spent nearly three years locked up
25 _____
26 responded, ICE was not even able to resubmit paperwork it supposedly submitted
before. Given that, this Court should have no confidence that ICE is working with any
sort of urgency to resolve this matter.

1 pursuant to that conviction, just waiting to be deported. Before that, he lived a peaceful,
2 pro-social life in the United States for over three decades and did not present a danger
3 to anyone. He already has housing lined up at Casa Marianella in Austin, Texas where
4 he would reside upon his release from immigration custody. Moreover, he suffers from
5 medical conditions which are only made worse by his continued detention. Dkt. 2 at 7.
6 Mr. Uprety is not even concerned about being deported to Nepal. If that is the end result
7 of these proceedings, he is more than willing to accept that. He simply does not want to
8 remain locked up without any end in sight.

9 Everything about Pramesh Uprety's experience over the past three years, and in
10 particular the past eight months, demonstrates that he is being detained indefinitely.
11 Nothing the Government has said contradicts that. The Supreme Court has clearly held
12 that indefinite detention is inappropriate and warrants habeas corpus relief. Therefore,
13 Mr. Uprety asks that this Court grant his petition and order that he be released on bond
14 and the Government be barred from deporting him to a third country without him at
15 least being afforded an opportunity to challenge it, as outlined in his petition.

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17 DATED this 30th day of December 2025.

18 Respectfully submitted,

19 s/ *Andrew D. Kennedy*
20 Assistant Federal Public Defender
21 Attorney for Pramesh Uprety
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