

THE HONORABLE KYMBERLY K. EVANSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADEN HUSSEN HASSAN,

Petitioner,

vs.

PAMELA BONDI, Attorney General of
the United States; KRISTI NOEM,
Secretary, United States Department of
Homeland Security; LAURA
HERMOSILLO, Acting 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,

Respondents.

No. CV25-2444-KKE

**PETITIONER'S REPLY TO
RESPONDENT'S RESPONSE TO
MOTION FOR TRO**

“Over time, renal diseases have emerged as one of the world’s leading
causes of morbidity and mortality.”

...

“In Somalia, a country with a weak healthcare system and resources,
scarcity of renal replacement therapy and renal biopsy, as well as limited
accessibility to basic services, kidney diseases represent a serious threat to
health.”

...

“Furthermore, Somalia has the lowest health and well-being indicators in
the world and a high rate of morbidity and death overall.”¹

¹ Abdirahman Abdikadir Osman, Nasteho Mohamed Sheikh Omar, Marian Muse
Osman, Ali Mohamed Ali & Ahmed Muhammad Bashir (2024), *Pattern and outcome
of renal diseases in hospitalized patients at a tertiary hospital in Mogadishu, Somalia*
Renal Failure, 46:2, 2363588 (attached as Exh. 1).

1 Mr. Hassan's life depends on his ability to receive dialysis. To not receive
2 dialysis is equivalent to a death sentence. Respondents seem to miss this point in their
3 Response.

4 Respondents' response includes a declaration of the Clinic Director at NWIPC,
5 Dr. Eddie Wang, who is a family medicine physician.² See dkt. 19. Dr. Wang states that
6 he makes the declaration based on "personal and professional knowledge, obtained
7 from various records and systems maintained by ICE in the regular course of business."
8 *Id.* at ¶ 6. In other words, Dr. Wang is not Mr. Hassan's treating physician. He makes
9 no representations that he has ever even met or personally observed Mr. Hassan. His
10 declaration is based on a review of medical records which have not been provided to
11 undersigned counsel. Respondents have not attached any medical records as evidence to
12 their Response.

13 Dr. Wang admits that since arriving to the NWIPC on July 29, 2025, Mr. Hassan
14 has "consistently received scheduled dialysis treatments on Tuesdays, Thursdays and
15 Saturdays without interruption." *Id.* at ¶ 8. He also admits that Mr. Hassan "has
16 undergone comprehensive medical and behavioral health evaluations, including
17 referrals and follow-ups with nephrology, cardiology, vascular surgery, podiatry,
18 psychiatry, and dental services." *Id.* at ¶ 9. Dr. Wang claims that Mr. Hassan "is
19 currently receiving all medically necessary care for his chronic conditions, including
20 dialysis, and has access to specialty care as required." *Id.* at ¶ 16. Apparently, despite
21 Dr. Wang claiming Mr. Hassan's medical status is "stable," the same day the
22 declaration was drafted (three days ago), Mr. Hassan had a fever required him to be sent
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24 ² According to US News, Dr. Wang is a family medicine doctor and does not have any
25 other certifications or specializations. US News, Dr. Eddie Ling-Tse Wang MD,
26 *available at* <https://health.usnews.com/doctors/eddie-ling-tse-wang-1226579#experience>. Family medicine doctors, or primary care physicians, are trained
to meet the "basic health needs" of adults. *Id.*

1 to the ER, at which time he tested positive for influenza. *Id.* at ¶ 18. Dr. Wang simply
2 summarily opines, without any articulated knowledge or expertise of the conditions for
3 Mr. Hassan during travel and upon return to Somalia, that “[t]he only medical
4 accommodation necessary to enable Petitioner to travel for removal is to ensure that
5 Petitioner has dialysis one day before his departure, depending on the length of the trip.
6 There is no need for special medical accommodations while Petitioner is travelling. For
7 continued medical care after removal, arrangements would need to be made for
8 uninterrupted dialysis and other treatment at Petitioner’s destination.” *Id.* at ¶ 19.

9 Dr. Wang does not claim to be a nephrologist, nor does he claim to have any
10 expertise or personal experience treating nephrology patients, let alone Mr. Hassan.
11 Nephrologists are medical doctors “who specialize in kidney care and treating diseases
12 of the kidneys.”³ They must graduate from an approved medical school, complete a
13 three-year residency in internal medicine and pass the American Board of Internal
14 Medicine certification exam before they can study nephrology. *Id.* After this, they must
15 complete a two-to three-year nephrology fellowship that is accredited by the
16 Accreditation Council for Graduate Medical Education (ACGME). *Id.* Most nephrology
17 fellowships require one to two years of clinical or laboratory research, during which
18 time “each physician becomes a *true expert* in more specialized areas of study.” *Id.*
19 (emphasis added). During fellowship the nephrologists-in-training learn to diagnose and
20 manage kidney diseases and “become experts on all forms of dialysis treatment.” *Id.*

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25 ³ See DaVita Kidney Care, “What is a nephrologist?” *available at*
26 <https://davita.com/education/articles/what-is-a-nephrologist/> (last visited December 19,
2025) [perma: <https://perma.cc/CNT5-YYDQ>].

1 Mr. Hassan is currently under the care of Dr. Shanza Mujeeb, a board-certified
 2 nephrologist who treats adults with renal diseases such as kidney disease.⁴ She works at
 3 Franciscan Nephrology Associates at St. Joseph, not NWIPC; Respondents have not
 4 provided any evidence that NWIPC has any nephrologists on their medical team.
 5 Dr. Wang does not claim to have consulted with Dr. Mujeeb before drafting his
 6 declaration or concluding Mr. Hassan is safe to travel to Somalia. Most importantly,
 7 Dr. Wang does not state that any arrangements have been made to ensure Mr. Hassan
 8 receives uninterrupted access to dialysis if returned to Somalia, just that they “would
 9 need to be made.” Dkt. 19 at ¶ 19.

10 Respondents fail to address this argument entirely, focusing only on whether
 11 they can literally remove him. AUSA Wong summarily states that “[u]pon a lifting of
 12 the extraordinary temporary relief provided by this Court, ICE will expeditiously seek
 13 to remove Petitioner at the next available travel date.” Dkt. 20 at ¶ 5. Joseph Carnevale,
 14 apparently a Deportation Officer who does not purport to know Mr. Hassan or be
 15 assigned to his case, summarily claims that “DHS believes that there is a significant
 16 likelihood of Petitioner’s removal in the reasonably foreseeable future, and DHS is
 17 currently working on logistics to remove Petitioner to Somalia.” Dkt. 18 at ¶ 28.
 18 Without any evidence supporting the assertion, Respondent’s Response states that “[a]s
 19 soon as the Order provisionally granting the TRO is lifted by the Court, Petitioner will
 20 be removed on the next available flight to Somalia, where flights occur regularly.” Dkt.
 21 17, at 2.

22 No details have been provided about the necessary “logistics”: the length of any
 23 one of these apparently “regularly occurring” prospective flights to Somalia, any
 24 layovers, or details about how Mr. Hassan would be transported or whether any medical

25 ⁴ Virginia Mason Franciscan Health, Shanza Mujeeb, MD, *available at*
 26 <https://www.vmfh.org/find-a-doctor/shanza-mujeeb-1174838676> [perma:
<https://perma.cc/KLS9-S6JQ>]

1 staff would be on the lengthy flight(s). No details have been provided about where in
 2 Somalia Respondents would take Mr. Hassan, and whether that part of the country has
 3 dialysis centers. Absolutely no details have been provided for any actual, concrete plans
 4 for Mr. Hassan's continued care in Somalia. This is alarming. Mr. Hassan must be
 5 released from custody pending any deportation proceedings so that he can make these
 6 arrangements *prior* to any flight and removal. At the very least, this Court should order
 7 that Mr. Hassan not be deported until Respondents provide a concrete plan,
 8 accompanied by a medical opinion by Mr. Hassan's nephrologist that both this travel
 9 plan and continued care plan are adequate to not jeopardize Mr. Hassan's life.

10 End-stage renal disease (ESRD) is "defined as a significant reduction in the
 11 kidney's ability to function properly, as well as a glomerular filtration rate of less than
 12 15mL/min."⁵ And "[i]n Somalia, a country that has a long history of civil war, there is a
 13 lack of a health insurance system that covers and monitors the annual cost of ESRD
 14 patients." *Id.* This alarming study from Mogadishu Somali Turkish Research and
 15 Training Hospital explains that "The estimated annual cost of ESRD is \$32.9 billion.
 16 Due to limited resources in our country, our center is the sole functional dialysis center
 17 available in the whole countryside, where the rest there is no available renal
 18 replacement therapy. Patients who were in the dialysis program had to spend the
 19 expenses by themselves (58%) or for the help of other charities." *Id.* at 6264. The study
 20 further explains: "Renal replacement therapy, including hemodialysis..., is the primary
 21 life-saving treatment for ESRD patients. Unfortunately, there is a lack of access to
 22 dialysis services for more than 63% of CKD [chronic kidney disease] patients in low
 23 and lower-middle-income countries. Nearly 7 million ESRD cases die due to a lack of

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 25 ⁵ See International Journal of General Medicine, "*Epidemiology of End-Stage Renal*
 26 *Disease in Mogadishu, Somalia: First Report at a Tertiary Care Hospital*," (2022:15
 6259-6267) (July 21, 2022), attached as Exh. 2.

1 dialysis accessibility.”⁶ Mr. Hassan has been in custody for over five months, lost his
 2 job as a result, has never worked in Somalia as he has not been there since he fled as a
 3 teenager after being attacked, and has no financial ability to pay for dialysis if returned
 4 to Somalia.

5 According to World Population Review, in 2024, Somalia had a total population
 6 of 19.7 million.⁷ There is a death every 2.8 minutes, with 520 per day. *Id.* The capital,
 7 Mogadishu, has a population of 2,846,420. *Id.* There is an extremely low physician
 8 density in Somalia, of .03 physicians per 1,000 individuals in the population. *Id.* The
 9 median age in Somalia is eighteen, and males have a life expectancy of 50 years. *Id.*
 10 Mr. Hassan will be forty-nine years old in three days.

11 Given Mr. Hassan’s age, medical situation, Respondents’ failure to consult with
 12 Mr. Hassan’s treating nephrologist about the impact of travel and return to Somalia
 13 without a health plan in place, and the lack of an articulated plan in place to provide
 14 uninterrupted treatment, Mr. Hassan has demonstrated that he will suffer irreparable
 15 injury absent the injunctive relief he seeks. He urges this Court to prevent Respondents
 16 from summarily deporting him when his life is literally at stake. Mr. Hassan cannot
 17 imagine an irreparable injury he could suffer greater than the loss of his life from lack
 18 of continued access to dialysis.

19 Mr. Hassan will be responding to Respondent’s Return on the underlying habeas
 20 petition separately but will briefly address several arguments herein as they relate to the
 21 motion for TRO.

22 Respondents contend that Mr. Hassan’s detention is “presumptively reasonable”
 23 under *Zadvydas v. Davis*, 533 U.S. 678 (2001) as he has been “detained for less than
 24 _____

25 ⁶ *Id.* at 6265.

26 ⁷ World Population Review, Somalia, (last visited December 19, 2025), *available at*
<https://worldpopulationreview.com/countries/somalia>.

1 five months” and his detention “has not been indefinite.” *See* dkt. 17 at 1, 9. This
2 argument appears to be premised on the fact that Mr. Hassan has been in ICE detention
3 since July 9, 2025, and a contention that his continued detention is lawful and he is
4 precluded from petitioning for release until 180 days of detention have elapsed.
5 Respondents are wrong.

6 As Judge Robart and other courts have concluded, the “*Zadvydas* grace period
7 end[s] six months following the entry of the order of [petitioner’s] removal.” *Tran v.*
8 *Bondi*, No. CV25-1897-JLR, 2025 WL 3140462 at * 3 (W.D. Wash. Nov. 10, 2025).
9 While the Government disagrees with this conclusion (dkt. 8 at 6), it offers no
10 explanation or authority for why it is incorrect. *See also Tadros v. Noem*, No. CV25-
11 4108-EP, 2025 WL 1678501, at *3 (D.N.J. June 13, 2025) (finding that “six-month
12 detention period under *Zadvydas*” period began upon affirmance of removal order,
13 rejecting argument that petitioner could not obtain habeas relief because he had not yet
14 been in detention for six months); *Farez-Espinoza v. Chertoff*, 600 F.Supp.2d 488, 500
15 (S.D.N.Y. 2009) (concluding that presumptively reasonable six-month period expired
16 six months after entry of removal order, even though petitioner was not in custody for
17 any of that period); *Bailey v. Lynch*, No. CV16-2600-JLL, 2016 WL 5791407, at *2
18 (D.N.J. Oct. 3, 2016) (where order of removal became effective upon petitioner’s
19 release from underlying conviction to ICE authorities, after which he was held only
20 “briefly” before being released on an order of supervision, the *Zadvydas* presumptively
21 reasonable period ended “long before he was taken back into custody[.]”).

22 Moreover, the Due Process Clause and controlling authority in the immigration
23 detention context guarantee Mr. Hassan certain rights and procedural protections before
24 the Government can lawfully re-detain him. Because ICE flouted those protections, the
25 Court should order Mr. Hassan’s immediate release.
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1 Specifically, Respondents ignore their having summarily revoked Mr. Hassan's
2 order of supervision and arrested him without a hearing. Dkt. 18 at ¶ 22. As stated in
3 *Perera v. Jennings*, No. CV21-4136-BLF, 2021 WL 2400981, at *5 (N.D. Cal. June 11,
4 2021), "the interest at stake is not whether the Government may detain [a noncitizen
5 after releasing him], but whether they may do so without providing him an
6 individualized bond hearing." Moreover, "the Government's interest in detaining
7 petitioner without a hearing is 'low.'" *Carballo v. Andrews*, No. CV25-978-KES-EPG,
8 2025 WL 2381464, *8 (E.D. Cal. Aug. 15, 2025) (cleaned up).

9 Respondents claim that "the record shows that ICE detained Petitioner because
10 his removal is now foreseeable with the issuance of a temporary travel document from
11 the Somali government." Dkt. 17 at ¶ 10. This argument is disingenuous, as it ignores
12 the fact that ICE had not sought a travel document prior to arresting Mr. Hassan in July.
13 In fact, Respondents admit that DHS did not request a travel document until November
14 26, 2025, when Mr. Hassan had already been unlawfully detained by ICE for four and a
15 half months. *See* dkt. 18 at ¶ 26. And whether they could have met their burden at a re-
16 detention hearing is irrelevant, because the issue is that they arrested him *before*
17 holding a hearing. First, the remedy for failing to hold a hearing is release. *E.A.T.-B. v.*
18 *Wamsley*, No. CV25-1192-KKE, 2025 WL 2402130, at *5 (W.D. Wash. Aug. 19, 2025)
19 (granting petition and ordering that petitioner be released immediately and not re-
20 detained until an immigration court hearing is held with adequate notice); *see also, e.g.,*
21 *Ledesma Gonzalez v. Bostock*, No. CV25-1404-JNW-GJL, 2025 WL 2841574, at *9
22 (W.D. Wash. Oct. 7, 2025) (same). Second, if that were not already dispositive, the
23 Government would be required to prove by clear and convincing evidence at a re-
24 detention hearing that Mr. Hassan is a flight risk or danger to the community.
25 Respondents claim Mr. Hassan somehow "poses a risk of flight because he alleges no
26 avenue to seek relief from removal." Dkt. 17 at ¶ 10. But the evidence belies this

1 argument. Mr. Hassan complied with the September 27, 2004 Order of Supervision for
2 over twenty years. The proper remedy for failure to hold this hearing prior to
3 Mr. Hassan's July arrest is immediate release.

4 CONCLUSION

5 We ask that this Court order Mr. Hassan's immediate release and order that he
6 may not be re-detained unless certain conditions are met that allow Mr. Hassan to leave
7 the United States only if and when there is (1) a medically safe travel plan in place to
8 get him to Somalia, and (2) there are confirmed adequate advance arrangements for his
9 continued medical care in Somalia immediately upon his arrival. It is clear in their
10 Response that ICE has not consulted with nephrologists in making their
11 recommendation; that absent that Mr. Hassan receive dialysis before getting on a plan,
12 ICE has not offered any specifics about what a travel route or plan to Somalia would
13 look like for Mr. Hassan; and that they have not made any arrangements for
14 Mr. Hassan's continued medical care in Somalia, a country with limited access to
15 medical care, let alone dialysis, or confirmed that he would receive such care upon his
16 return. Allowing them to summarily deport Mr. Hassan without these plans in place
17 would undeniably cause him irreparable harm.

18 For the foregoing reasons, the Court should immediately grant Petitioner's TRO.
19 Petitioner requests that he be ordered released immediately and returned to his prior
20 Order of Supervision (OSUP)—the status quo before his re-detention. To further
21 protect Petitioner's rights against any future re-detention, Mr. Hassan asks for an order
22 specifying the conditions under which he may be lawfully re-detained. Specifically, he
23 requests an order that Respondents may not re-detain him unless he violates a condition
24 of his OSUP or Respondents obtain a valid travel document to Somalia, provide him
25 that document, and permit him the opportunity to leave on his own within three months
26 after he makes adequate arrangements for his medical care during travel and in

1 Somalia. As Petitioner is not a flight risk, if travel plans are secured once his medical
2 condition is stable, he should be given the opportunity to leave on his own within three
3 months or to appear for a scheduled flight. If he does not comply, the government
4 would be permitted to re-detain him provided it has already made concrete
5 arrangements for him to be put on a flight to Somalia in the reasonably foreseeable
6 future. Such an order would enforce the law and protect Petitioner against any future
7 unconstitutional detention.

8 DATED this 19th day of December 2025.

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10 Respectfully Submitted,

11 *s/ Elizabeth Sher*
12 Assistant Federal Public Defender
13 Attorney for Aden Hassan
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