

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, et al.,

Respondents.

No. CV25-2444-KKE

**MOTION TO AMEND § 2241
PETITION; MOTION TO EXTEND
REPLY DEADLINE IN THE
ALTERNATIVE**

Note on Motion Calendar:
January 27, 2026

INTRODUCTION

Petitioner Aden Hassan, through counsel, moves to amend his § 2241 petition to add a ground arguing that the government violates the Due Process Clause of the Fifth Amendment when it knowingly pursues a removal that endangers a medically fragile noncitizen's life. Knowingly endangering life is punishment by any measure and is prohibited in the civil context by the Due Process clause. Because at the time the petition was filed, Federal Respondents had not obtained an alleged travel document, the original petition did not contain this claim. But during the pendency of the petition, motion for temporary restraining order (TRO), and through the filing of the Respondent's return and opposition to the motion for TRO, Mr. Hassan learned facts about the alleged travel document, his medical condition, the medical situation in Somalia, and the high probability of death that awaits him if he is removed as he has no ability to access dialysis treatment if returned. An amended petition is necessary to allege this new ground and to allow the Federal Respondents to respond to it. *See*

1 Proposed Amended Pet., Ex. 1. Petitioner also asks that he be afforded the opportunity
2 to challenge his removal order in reopened removal proceedings (his motion to reopen
3 such proceedings is currently pending, but has not been granted). *Id.*

4 In the alternative, Mr. Hassan moves to extend the reply deadline to continue his
5 investigation into the allegation by ICE that a travel document has been obtained, and to
6 confirm whether Somalia will take him given his medical situation in the foreseeable
7 future and provide him with dialysis treatment three times per week as is medically
8 necessary. *See* Declaration of Elizabeth Sher (“Sher Decl.”) ¶¶ 7-10.

9 ARGUMENT

10 Under Federal Rule of Civil Procedure 15, a party may amend its pleading once
11 as a matter of course within 21 days of filing, *or*, “(B) if the pleading is one to which a
12 responsive pleading is required, 21 days after service of a responsive pleading or 21
13 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.” Fed.
14 R. Civ. P. 15(a). Since the government filed its responsive pleading on December 17,
15 2025, the 21 days passed on January 7, 2025, and amendment requires written consent
16 from the opposing party or an order of the Court. *See* Fed. R. Civ. P. 15(a)(2).

17 Undersigned counsel contacted counsel for Respondents on January 9, 2026, and they
18 oppose both the filing of an amended petition, or in the alternative, an extension of the
19 deadline for Petitioner’s reply brief.

20 When considering whether to grant an order amending a pleading, the Court
21 “should freely give leave when justice so requires.” *Id.* Here, granting the opportunity
22 to make the argument that the Due Process Clause is violated when the removal of a
23 medically fragile person threatens the person’s life is in the interest of justice. Indeed,
24 the Fifth Amendment specifically forbids the government from depriving a person of
25 “life” without due process of law.

1 This ground does, but need not, relate back to the ground that punitive
2 deportation to a third country violates the Due Process Clause. *See* Dkt. 1 at 27–28.
3 Relation back is not required because there is no statute of limitations for immigration
4 detention claims. Furthermore, by alleging this ground, Mr. Hassan is not challenging
5 his underlying removal order. If his medical situation or the conditions in the
6 designated country change such that he may be removed to that country without putting
7 his life in danger, removal may proceed.

8 If the Court does not grant permission to amend the petition, then Petitioner
9 should be granted an extension of 30 days in which to file his reply. Undersigned
10 counsel has contacted the Somali embassy via email and through two phone numbers
11 about whether (1) the alleged travel document provided by the government was issued
12 by the Embassy, (2) given Mr. Hassan’s medical situation, whether they would accept
13 him into Somalia in the foreseeable future, and (3) if they accepted him into Somalia,
14 whether they are prepared to provide him with dialysis treatment three times per week
15 as required. *See* Sher Decl. ¶¶ 7-10. Upon sending the message (in Somali) to the first
16 phone number (listed on the purported travel document), undersigned counsel received
17 a response (also in Somali) that states that his organization had an office called ROM
18 and to get in touch with them. *Id.* ¶ 9. The January 8th message stated that the address
19 and phone number for ROM would be provided “tomorrow,” but so far it has not been
20 provided. *Id.* Undersigned counsel also messaged the phone number listed on the
21 Embassy website. *Id.* ¶ 10. Upon resending the questions in English (upon request by
22 an individual calling from that phone number), undersigned counsel received a response
23 that it is being checked. *Id.*

24 At the time of this filing, no update from either contact in Somalia has been
25 provided. As such, undersigned counsel has not been able to confirm whether the
26 alleged travel document provided by the government was issued by the Embassy, given

1 Petitioner Hassan's medical situation, whether they would accept him into Somalia in
2 the foreseeable future, and lastly, if they would accept him into Somalia, whether they
3 are prepared to provide him with dialysis treatment three times per week as required.

4 **CONCLUSION**

5 The Court should grant leave to amend the petition, or, in the alternative, should
6 grant a 30-day extension in which to file the reply.

7 Through counsel, Petitioner respectfully asks this Court to further extend the
8 Order Granting Provisional Relief (dks. 14, 22, 24) until the Court has been able to
9 consider the parties' pleadings on the amended petition, or alternatively, until after
10 Petitioner has been able to file a reply brief.

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12 DATED this 13th day of January, 2026.

13 Respectfully submitted,

14 *s/ Elizabeth Sher*
15 Assistant Federal Public Defender
16 Attorney for Aden Hussen Hassan

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18 I certify this motion contains 954 words in compliance with the Local Civil Rules.
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