

The Honorable Tana Lin  
The Honorable S. Kate Vaughan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JOSE JAIR MOSQUERA CAMACHO,

Petitioner,

v.

LAURA HERMOSILLO, Acting Field Office  
Director of Enforcement and Removal  
Operations, Seattle Field Office, Immigration  
and Customs Enforcement (ICE); KRISTI  
NOEM, Secretary, U.S. Department of  
Homeland Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; PAMELA BONDI,  
U.S. Attorney General; BRUCE SCOTT,<sup>1</sup>  
Warden of Northwest ICE Processing Center,

Respondents.

Case No. 2:25-cv-02457-TL-SKV

FEDERAL RESPONDENTS'  
RETURN

**Noted for Consideration:  
January 5, 2026**

**I. INTRODUCTION**

Petitioner Jose Jair Mosquera Camacho, a Columbian citizen who is unlawfully present in the United States and is subject to a final removal order, has been lawfully detained by U.S. Immigration and Customs Enforcement ("ICE") while they facilitate his removal to a third

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

1 country. Petitioner's habeas petition seeks to obtain release from custody and to preclude his  
2 removal to a third country without ICE first reopening his immigration proceedings. His petition  
3 should be denied.

4 First, Petitioner's detention is lawful. He is a noncitizen subject to an administratively final  
5 order of removal, and he is lawfully detained under Section 241 of the Immigration and Nationality  
6 Act ("INA"). *See* 8 U.S.C. § 1231. His detention also is not indefinite under *Zadvydas v. Davis*,  
7 533 U.S. 678, 701 (2001). He has been detained approximately four months following issuance of  
8 a final order of removal on September 3, 2025. Because Petitioner was granted withholding of  
9 removal to his native Columbia, ICE is working to effectuate Petitioner's removal to a third  
10 country. It is likely he will be removed to a third country in the reasonably foreseeable future.  
11 Thus, his detention is not unconstitutionally indefinite. *See Zadvydas*, 533 U.S. at 701.

12 Second, it is unnecessary for the Court to issue an order directing ICE to reopen Petitioner's  
13 immigration proceedings before removing him to a third country. ICE has served Petitioner with  
14 a third country removal notice to Mexico and to Honduras. If he does fear removal to Mexico or  
15 Honduras, Petitioner may file a motion to reopen his immigration case and ERO will not attempt  
16 to remove him if a motion to reopen is pending.

17 Furthermore, the Court may not issue the relief sought by Petitioner – to enjoin his removal  
18 to a third country - because he is a member of the plaintiff class in *D.V.D. v. Dep't of Homeland*  
19 *Sec.*, Civ. A. No. 25-10676 (D. Mass.). The plaintiff class in *D.V.D.* sought and received an  
20 injunction barring ICE from removing members of the class to third countries. That injunction was  
21 stayed by two orders of the Supreme Court. Petitioner cannot end-run the Supreme Court's stay of  
22 an injunction barring his removal to a third country by seeking the same relief in a different court.

23 Accordingly, Respondents respectfully request the Court deny Petitioner's habeas petition  
24 without an evidentiary hearing.

1 **II. FACTUAL AND PROCEDURAL BACKGROUND**

2 **A. Detention Authorities and Removal Procedures**

3 The INA governs the detention and release of noncitizens during and following their  
4 removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). The general  
5 detention periods are generally referred to as “pre-order” (meaning before the entry of a final order  
6 of removal) and, relevant here, “post-order” (meaning after the entry of a final order of removal).  
7 *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing post-order  
8 detention).

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

14 During the removal period, the [Secretary of Homeland Security]<sup>2</sup> shall detain the  
15 [noncitizen]. Under no circumstance during the removal period shall the [Secretary]  
16 release [a noncitizen] who has been found inadmissible under section 1182(a)(2) or  
17 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or 1227(a)(4)(B)  
18 of this title.

17 8 U.S.C. § 1231(a)(2).

18 Section 1231(a)(6) authorizes ICE to continue detention of noncitizens after the expiration  
19 of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention  
20 and does not place any temporal limit on the length of detention under that provision:

21 //

22  
23 <sup>2</sup> Although 8 U.S.C. § 1231(a)(2) refers to the “Attorney General” as having responsibility for detaining noncitizens,  
24 the Homeland Security Act of 2002, Pub. L. No. 107-296 § 441(2), 116 Stat. 2135, 2192 (2002), transferred this  
authority to the Secretary of the Department of Homeland Security, of which ICE is a component. *See also* 6 U.S.C.  
§ 251.

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

7 8 U.S.C. § 1231(a)(6) (emphasis added).

8 During the removal period, ICE<sup>3</sup> is charged with attempting to effect removal of a  
9 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit  
10 on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may be  
11 detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal from  
12 the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six  
13 months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.* at 701.

14 Here, Petitioner is the subject of an administrative order of removal that became final on  
15 September 3, 2025. *See* Declaration of Deportation Officer Sheldon Benjamin (“Benjamin Decl.”)  
16 ¶ 8. He has been detained for four months since the final order of removal while ICE works to  
17 effectuate his removal to a third country. Petitioner is within than the “presumptively reasonable”  
18 six-month custody period. *Zadvydas*, 533 U.S. at 701.

19 **B. Petitioner Camacho**

20 Petitioner is a native and citizen of Colombia. Benjamin Decl. ¶ 3. Petitioner entered the  
21 United States on or about March 25, 2023, without being admitted or paroled by an Immigration  
22 Officer. *Id.* at ¶ 4. On August 8, 2024, a Notice to Appear was issued charging Petitioner with  
23 being removable under Immigration and Nationality Act Section 212(a)(6)(A)(i), 8 U.S.C.  
24 § 1182(a)(6)(A)(i), as an alien present in the United States without being admitted or paroled, or

---

<sup>3</sup> Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security’s authority to execute removal orders.