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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TAHA YUKSEK,

Petitioner,

v.

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.

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

PRELIMINARY MATTERS

Mr. Yuksek asks this Court to order Respondents not to remove him from this district while this case is pending, both “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings,” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, Dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (*sua sponte* issuing such an order in a § 2241 case involving an ICE detainee), and “under the Court’s inherent power to preserve its ability to hear the case.” *Alves v. U.S. Dep’t of Just.*, No. EP-25-CV-306-KC, 2025 WL 2629763, at *5

1 (W.D. Tex. Sept. 12, 2025) (same). *See also M.M. v. Wamsley*, No. CV25-2074-TMC,
2 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025) (same).¹

3 Alternatively, he asks the Court to order Respondents not to transfer him without
4 providing reasonable advance notice.

5 **RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242**

6 **Personal Information**

7 1. (a) Full name: Taha Yuksek

8 (b) Other names used: N/A

9 2. Place of confinement:

10 (a) Northwest Immigration Processing Center (NWIPC)

11 (b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a
12 contractual arrangement with my custodian, the Immigration and Customs Enforcement
13 Field Office Director at Seattle, Washington.

14 (c) Case number or numbers [ICE file number, if known]: My A# has been
15 provided to the Respondents along with the filing of this petition.

16 3. I am currently being held on orders by federal authorities: United States
17 Immigration and Customs Enforcement.

18 4. I am currently being held on an immigration charge.

19 **Decision or Action You Are Challenging**

20 5. What are you challenging in this petition: immigration detention.

21 _____
22 ¹ For just a few examples of other courts issuing such an order in § 2241 cases
23 involving ICE detainees within the past few months (or reflecting the court had
24 previously issued such an order), *see, e.g., Bustos v. Raycraft*, No. 25-13202, 2025 WL
25 3022294, at *2 (E.D. Mich. Oct. 29, 2025); *Ferro v. Hyde*, No. CV25-513-SDN, 2025
26 WL 3003708, at *1 (D. Me. Oct. 27, 2025) (order issued same day petition was filed);
Lopez Pop v. Noem, No. CV25-2589-SSS-SSC, 2025 WL 3050095, at *7 (C.D. Cal.
Oct. 3, 2025); *Singh v. Delaney Hall*, No. CV25-16018-GC, 2025 WL 2772644, at *1
(D.N.J. Sept. 29, 2025); *Hom v. Ceja*, No. CV25-2221-WJM-TPO, 2025 WL 2801449,
at *2 (D. Colo. Sept. 17, 2025).

1 6. Provide more information about the decision or action you are challenging:

2 (a) Name and location of the agency or court: United States Immigration and
3 Customs Enforcement.

4 (b) Docket number, case number, or opinion number: My A# is has been
5 provided to the Respondents along with the filing of this petition.

6 (c) Decision or action you are challenging: I have been in ICE custody since
7 December 13, 2024, approximately one year. I was taken into custody by ICE on
8 December 13, 2023. I was granted withholding of removal under INA § 241(b)(3) on
9 May 8, 2025. My removal became final 30 days later, when the time for either party to
10 appeal that order expired.

11 I have been detained in ICE custody for over six months following my final
12 removal order.

13 **Your Earlier Challenges of the Decision or Action**

14 7-9. First, second, and third appeals: None

15 10. Motion under 28 U.S.C. § 2255: N/A

16 11. Appeals of immigration proceedings:

17 Does this case concern immigration proceedings? Yes

18 (a) Date you were taken into immigration custody: December 13, 2024

19 (b) Date of the removal or reinstatement order: May 28, 2025

20 (c) Did you file an appeal with the Board of Immigration Appeals? No

21 (d) Did you appeal the decision to the United States Court of Appeals? No

22 12. Other than the appeals listed above, have you filed any other petition,
23 application, or motion about the issues raised in this petition? No
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1 **Grounds for Your Challenge in This Petition**

2 **I. Introduction**

3 Mr. Yuksek is presently detained at the Northwest ICE Processing Center
4 (“NWIPC”). He has been held in immigration custody for approximately one year.
5 Removal to the former country of residence, Turkey, is not reasonably foreseeable.
6 Mr. Yuksek’s continued detention is therefore in violation of *Zadvydas v. Davis*, 533
7 U.S. 678, 689 (2001).

8 Mr. Yuksek seeks (a) release; (b) an order preventing re-detention unless the
9 Respondents establish by clear and convincing evidence at a hearing before a neutral
10 decisionmaker that Mr. Yuksek is a flight risk or a danger to the community, based on
11 changed circumstances after their most recent release by ICE; (c) an order preventing
12 removal to a third country without notice and meaningful opportunity to respond in
13 compliance with the statute and due process in reopened removal proceedings; and (d)
14 an order barring removal to any third country pursuant to Respondents’ punitive
15 removal policy.

16 **II. Jurisdiction and Venue**

17 This case arises under the Constitution of the United States and the Immigration
18 and Nationality Act (“INA”), 8 U.S.C. § 1101, *et seq.*

19 This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.*
20 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States
21 as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived
22 sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

23 The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et*
24 *seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28
25 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court’s
26 inherent equitable powers.

1 Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because
2 Respondents are agencies or officers of agencies of the United States; Respondents
3 Hermosillo and Scott reside in this district; and Mr. Yuksek is detained in this district.
4 Venue is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the
5 events or omissions giving rise to Mr. Yuksek’s claims occurred in this district.

6 Because Mr. Yuksek is seeking relief related only to his custody status, which is
7 not inconsistent with an order of removal, exhaustion of administrative remedies, if any,
8 is not required.

9 **III. Requirements of 28 U.S.C. §§ 2241, 2243**

10 Mr. Yuksek is “in custody” for the purpose of § 2241 because he has been
11 detained by Respondent ICE since December 13, 2024. He is currently held in Tacoma,
12 Washington.

13 **IV. Parties**

14 Mr. Yuksek is a citizen of Turkey. Mr. Yuksek was granted withholding of
15 removal under INA § 241(b)(3) on May 28, 2025. No appeal was filed so the decision
16 became final on June 27, 2025. Mr. Yuksek is detained in the control and custody of
17 Respondents at NWIPC. As such, Mr. Yuksek is a resident of Tacoma, Washington.

18 Respondent Pamela Bondi is the Attorney General of the United States. In this
19 capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is
20 sued in her official capacity.

21 Respondent Kristi Noem is the Secretary of the Department of Homeland
22 Security (“DHS”). In this capacity, Respondent Noem is Mr. Yuksek’s legal custodian.
23 Respondent Noem is sued in her official capacity.

24 Respondent Laura Hermosillo is the Field Office Director for ICE Enforcement
25 and Removal Operations (“ERO”) in Seattle, Washington. As the ERO Seattle Field
26 Office Director, she is Petitioner’s immediate custodian, responsible for his detention at


1 NWIPC and is the person with the authority to authorize detention or release.


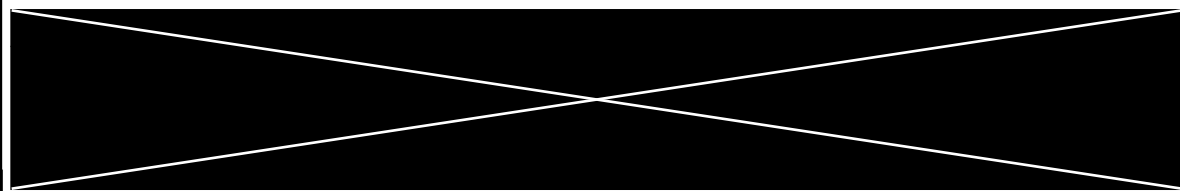
2 Respondent Hermosillo is sued in her official capacity.

3 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
4 functioning of the NWIPC, and has immediate physical custody of Mr. Yuksek
5 pursuant to a contract with ICE to detain noncitizens. Respondent Scott is sued in his
6 official capacity as the Warden of a federal detention facility. *See Juarez v. Asher*, No.
7 CV20-700, 2021 WL 1946222, at *3–5 (W.D. Wash. May 14, 2021).

8 Respondent United States Immigration and Customs Enforcement (“ICE”) is the
9 federal executive agency responsible for the enforcement of immigration laws,
10 including the arrest, detention, and removal of noncitizens. Respondent ICE is a legal
11 custodian of Mr. Yuksek.

12 **V. Background**

13 Mr. Yuksek came to the United States in on December 13, 2024. He fled Turkey
14 because he had been detained and his life was threatened as a result of 

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19 Mr. Yuksek was immediately detained by ICE when he came to the
20 United States on December 13, 2024. On May 28, 2025, an immigration judge denied
21 his request for asylum, ordered him removed to Turkey, but granted his petition for
22 withholding of removal under INA § 241(b)(3), finding a more likely than not chance
23 that he would face persecution or torture based on race religion, nationality, political
24 opinion, or membership in a particular social group. The withholding order means that
25 Mr. Yuksek can still be deported to another country that agrees to accept him, but only
26 if he will not be tortured in that country.

1 Mr. Yuksek has been in ICE custody for over six months since the final order
2 granting withholding of removal.

3 **VI. Particularized Facts Pertaining to Mr. Yuksek's Continued Detention**

4 Mr. Yuksek has been granted withholding of removal to Turkey, and therefore
5 cannot be removed to that country. ICE has not informed him about any specific plan to
6 remove him to a particular third country.

7 **VII. The Legal Framework Regarding Indefinite Detention Pending Removal**

8 **A. Detention is illegal when there is not a significant likelihood of
9 removal in the reasonably foreseeable future.**

10 Under 8 U.S.C. § 1231, detention of noncitizens who have been ordered
11 removed is mandatory during the so-called 90-day "removal period." 8 U.S.C.
12 § 1231(a)(1)(A). This period begins on the "date the order of removal becomes
13 administratively final." 8 U.S.C. § 1231(a)(1)(B)(i). But the *Zadvydas* court believed
14 that a "serious constitutional threat" under the Fifth Amendment's Due Process Clause
15 was posed by the indefinite detention of noncitizens. 533 U.S. at 699. The court
16 therefore interpreted 8 U.S.C. 1231(a)(6) to permit only detention related to the
17 statute's "basic purpose [of] effectuating [a noncitizen]'s removal[.]" *Id.* at 696–99.

18 The court further held that the presumptive period during which the detention is
19 reasonably necessary to effectuate a noncitizen's removal is six months. After that, the
20 noncitizen is eligible for conditional release if there is "no significant likelihood of
21 removal in the reasonably foreseeable future." *Id.* at 701. After the "presumptively
22 reasonable" period of six months, when the noncitizen can "provide[] good reason to
23 believe that there is no significant likelihood of removal in the reasonably foreseeable
24 future," then "the Government must respond with evidence sufficient to rebut that
25 showing." *Id.*

1 The issue is not whether Respondents have been able to remove some
2 individuals to a given country. Rather, the court must make an individualized analysis
3 as to a particular detainee. *See Nguyen v. Scott*, -- F.Supp.3d --, 2025 WL 2419288, *17
4 (W.D. Wash. Aug. 21, 2025) (stating increase in total number of removals to Vietnam,
5 including those who entered pre-1995, fails to rebut the evidence presented by
6 Mr. Yuksek that “his individual circumstances make removal unlikely.”). Here, it
7 appears undisputed that Mr. Yuksek cannot lawfully be removed to the DRC.

8 **B. The Legal Framework for Third-Country Removals**

9 Mr. Yuksek is not aware of any efforts by ICE to remove him to a third country.
10 However, Mr. Yuksek respectfully asks for an injunction against a third country
11 removal unless he is provided the legally required protections.

12 The immigration laws delineate the proper procedures by which a country may
13 be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in
14 incremental steps.

15 First, an individual with a removal order may designate the country to which
16 they want to be removed, and the government *shall* remove the individual to that
17 country. 8 U.S.C. § 1231(b)(2)(A). The government may disregard that designation if
18 (1) the individual fails to designate a country promptly; (2) the government of that
19 country does not inform the U.S. government finally, within 30 days after the date the
20 U.S. government first inquires, whether the government will accept the individual into
21 that country; (3) the government of the country is not willing to accept the individual
22 into the country; or (4) the government decides that removing the individual to that
23 country is prejudicial to the United States. 8 U.S.C. § 1231(b)(2)(C).

24 Second, if the individual is not removed to the country they designated under
25 § 1231(b)(2)(A), the government shall remove the individual to the country of which
26 the individual is a “subject, national, or citizen” unless the government of that country

1 does not inform the U.S. government or the individual within 30 days after first inquiry
2 or within another reasonable period of time whether the government will accept the
3 individual into the country or the country is not willing to accept the individual into the
4 country. 8 U.S.C. § 1231(b)(2)(D).

5 Third, if the individual is not removed to either the country of their designation
6 or the country of which they are a subject, national, or citizen, then the government
7 shall remove them to any of the following options: (1) the country from which the
8 individual was admitted to the United States; (2) the country in which is located the
9 foreign port from which the individual left for the United States or for a foreign
10 territory contiguous to the United States; (3) the country in which the individual resided
11 before the individual entered the United States and from which the individual entered
12 the United States; (4) the country in which the individual was born; or (5) the country in
13 which the individual's birthplace is located when the individual was ordered removed.

14 8 U.S.C. § 1231(b)(2)(E). *Only* “[i]f impracticable, inadvisable, or impossible” to
15 remove the individual to any of these countries may the government remove the
16 individual to “another country whose government will accept [them] into that country.”

17 8 U.S.C. § 1231(b)(2)(E)(vii).

18 Notwithstanding any of these procedures, the statute prohibits removal to a third
19 country where a person may be persecuted or tortured, a form of protection known as
20 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government “may not
21 remove [a noncitizen] to a country if the Attorney General decides that the
22 [noncitizen’s] life or freedom would be threatened in that country because of the
23 [noncitizen’s] race, religion, nationality, membership in a particular social group, or
24 political opinion.” *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
25 a mandatory protection.
26

1 Similarly, Congress codified protections enshrined in the Convention Against
2 Torture (“CAT”) prohibiting the government from removing a person to a country
3 where they would be tortured. *See* Foreign Affairs Reform and Restructuring Act of
4 1998 (“FARRA”), Public Law 105–277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8
5 U.S.C. § 1231 note) (“It shall be the policy of the United States not to expel, extradite,
6 or otherwise effect the involuntary return of any person to a country in which there are
7 substantial grounds for believing the person would be in danger of being subjected to
8 torture, regardless of whether the person is physically present in the United States.”);
9 28 C.F.R. §§ 200.1, 208.16–208.18, 1208.16–1208.18. CAT protection is also
10 mandatory.

11 To comport with the requirements of due process, the government must provide
12 notice of the third-country removal and an opportunity to respond. Due process requires
13 “written notice of the country being designated” and “the statutory basis for the
14 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409
15 F.Supp.3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*
16 *Sec.*, No. CV25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
17 removals to third countries, *i.e.*, removal to a country other than the country or
18 countries designated during immigration proceedings as the country of removal on the
19 non-citizen’s order of removal, must be preceded by written notice to both the non-
20 citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
21 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process
22 requires notice to the noncitizen of the right to apply for asylum and withholding to the
23 country where they will be removed). The government must be able to show evidence
24 that the third country will accept the individual into that country. *See Himri v. Ashcroft*,
25 378 F.3d 932, 939 (9th Cir. 2004), *as amended* (Aug. 24, 2004), *amended sub nom. El*
26 *Himri v. Ashcroft*, No. 03-71152, 2004 WL 1879255 (9th Cir. Aug. 24, 2004) (“[A]t the

1 time the government proposes a country of removal pursuant to § 1231(b)(2)(E)(vii),
2 the government must be able to show that the proposed country *will* accept the
3 [individual].”).

4 Due process also demands that the Respondents “ask the noncitizen whether he
5 or she fears persecution or harm upon removal to the designated country and
6 memorialize in writing the noncitizen’s response. This requirement ensures DHS will
7 obtain the necessary information from the noncitizen to comply with § (b)(3) and
8 avoids [a dispute about what the officer and noncitizen said].” *Aden*, 409 F.Supp.3d at
9 1019; *cf. D.V.D.*, 2025 WL 1453640, at *1 (“Following notice, the individual must be
10 given a meaningful opportunity, and a minimum of ten days, to raise a fear-based claim
11 for CAT protection prior to removal.”) (emphasis omitted).

12 If the noncitizen claims fear, measures must be taken to ensure that the
13 noncitizen can seek asylum, withholding, and relief under CAT before an immigration
14 judge in reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring
15 the government to move to reopen the noncitizen’s immigration proceedings if the
16 individual demonstrates “reasonable fear” and to provide “a meaningful opportunity,
17 and a minimum of fifteen days, for the non-citizen to seek reopening of their
18 immigration proceedings” if the noncitizen is found to not have demonstrated
19 “reasonable fear”); *Aden*, 409 F.Supp.3d at 1019 (requiring notice and time for a
20 respondent to file a motion to reopen and seek relief).

21 Finally, notice of the country to which the noncitizen will be removed must not
22 be “last minute” because that would deprive an individual of a meaningful opportunity
23 to apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They
24 must have time to prepare and present relevant arguments and evidence and to seek
25 reopening of their removal case.

C. Facts Pertaining to Punitive Banishment to Third Countries

1 Since January 2025, Respondents have developed and implemented a policy and
2 practice of removing individuals to third countries, without first following the
3 procedures in the INA for designation and removal to a third country and without
4 providing fair notice and an opportunity to contest the removal in immigration court.
5

6 Respondents reportedly have negotiated with at least 58 countries to accept
7 deportees from other nations. On June 25, 2025, the *New York Times* reported that
8 seven countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
9 Rwanda—had agreed to accept deportees who are not their own citizens.² Since then,
10 ICE has carried out highly publicized third-country deportations to South Sudan and
11 Eswatini. It also attempted—and completed—an “end-run” around the protections of
12 the Convention Against Torture by deporting a group of migrants to Ghana, which sent
13 them on to their countries of citizenship despite fears of persecution.

14 Punishment and deterrence appear to be the point of the Administration’s third-
15 country removal scheme. The Administration has reportedly negotiated with countries
16 to have deportees imprisoned in prisons, camps, or other facilities. The government
17 paid El Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200
18 deported Venezuelans in a maximum-security prison notorious for gross human rights
19 abuses, known as CECOT. In February, Panama and Costa Rica took in hundreds of
20 deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
21 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men,
22 including one pre-1995 Vietnamese refugee, to South Sudan. The men have been
23 detained incommunicado ever since. On July 15, 2025, ICE deported five men to the
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25 _____
26 ² Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass
Deportations*, N.Y. Times (June 25, 2025), [https://www.nytimes.com/2025/06/25/us/
politics/trump-immigrants-deportations.html](https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html) [<https://perma.cc/64G9-XYGB>].

1 tiny African nation of Eswatini, including one man from Vietnam, where they are
2 reportedly being held in solitary confinement.

3 The Administration has hand-selected countries known for human rights abuses
4 and instability for these third-country deportation agreements to frighten people in the
5 United States into self-deporting or to accept removal to their home countries. Indeed,
6 conditions in South Sudan are so extreme that the U.S. State Department website warns
7 Americans not to travel there, and, if they do, to prepare their will, make funeral
8 arrangements, and appoint a hostage-taker negotiator first.

9 On July 9, 2025, ICE issued a new memo stating that, when seeking to remove
10 an individual to a country not designated on the removal order, ICE may deport that
11 person without any procedures for notice or an opportunity to be heard if the State
12 Department confirms it has received diplomatic assurances that individuals will not be
13 persecuted or tortured. If no diplomatic assurances are received, the ICE memo
14 instructs officers to serve on the individual a Notice of Removal that includes the
15 intended country of removal. It instructs officers not to ask whether the individual is
16 afraid of removal to that country. It states that officers should “generally wait at least 24
17 hours following service of the Notice of Removal before effectuating removal” but that
18 “[i]n exigent circumstances, [ICE] may execute a removal order six (6) or more hours
19 after service of the Notice of Removal as long as the [noncitizen] is provided
20 reasonable means and opportunity to speak with an attorney prior to removal.”

21 The memo further instructs that if the noncitizen “does not affirmatively state a
22 fear of persecution or torture if removed to the country of removal listed on the Notice
23 of Removal within 24 hours, [ICE] may proceed with removal to the country identified
24 on the notice.” If the noncitizen “does affirmatively state a fear if removed to the
25 country of removal,” then ICE will refer the case to U.S. Citizenship and Immigration
26 Services (“USCIS”) for a screening for eligibility for withholding of removal and

1 protection under the Convention Against Torture. “USCIS will generally screen within
2 24 hours.” If USCIS determines that the noncitizen does not meet the standard, the
3 individual will be removed. If USCIS determines that the noncitizen has met the
4 standard, then the policy directs ICE to either move to reopen removal proceedings “for
5 the sole purpose of determining eligibility for [withholding of removal protection] and
6 CAT” or designate another country for removal.

7 The eight men who were ultimately deported to South Sudan all claimed fear of
8 removal to South Sudan. None of those men were provided a fear screening by a
9 USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks
10 on a U.S. military base in Djibouti before their final removal to South Sudan.

11 **D. The Law Governing Punitive Removal Practices**

12 It is bedrock law that the U.S. government may not impose or inflict an infamous
13 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court
14 ruled that while deportation itself was not a punishment, the government could not
15 attach punitive conditions to deportation—in that case, imprisonment at hard labor—
16 absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth,
17 and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

18 Importantly, the Court distinguished deportation, which the Court reasoned is
19 “not a ‘banishment,’ in the sense in which that word is often applied to the expulsion of
20 a citizen from his country by way of punishment,” from government actions aimed at
21 punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236.
22 The Court explained that deportation “is but a method of enforcing the return to his own
23 country of [a noncitizen] who has not complied with the conditions upon the
24 performance of which the government of the nation, acting within its constitutional
25 authority and through the proper departments, has determined that his continuing to
26 reside here shall depend.” *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 730

1 (1893)). But the Court admonished that the government may not “declare unlawful
2 residence within the country to be an infamous crime, punishable by deprivation of
3 liberty and property . . . unless provision were made that the fact of guilt should first be
4 established by a judicial trial.” *Id.* at 237.

5 Deportation of individuals to third countries to be imprisoned or harmed is
6 unquestionably punishment.

7 **Grounds for Relief**

8 **Ground One: Mr. Yuksek’s Continued Detention in Immigration Custody** 9 **Violates the Due Process Clause of the Fifth Amendment to the U.S.** 10 **Constitution Because There Is No Significant Likelihood that Mr. Yuksek** 11 **Will Be Removed in the Reasonably Foreseeable Future.**

11 The allegations in the above paragraphs are realleged and incorporated herein.

12 Because Mr. Yuksek was ordered removed on May 28, 2025, the removal period
13 has long since expired, and detention is no longer required under 8 U.S.C. § 1231. In
14 addition, the presumptively reasonable period of six months has passed.

15 There is “good reason to believe that there is no significant likelihood of removal
16 in the reasonably foreseeable future[.]” *Zadvydas*, 533 U.S. at 701. Mr. Yuksek was
17 granted on May 28, 2025 and cannot lawfully be removed to the Turkey. It appears that
18 no effort has been made to persuade a third country to accept him.

19 Therefore, the burden shifts to the Respondents to rebut that showing. The
20 Respondents cannot meet that burden when there is “no evidence that travel documents
21 for petitioner have even been requested from any third country” *Baltodano v. Bondi*,
22 25cv1958-RSL, Dkt. 27 at 10 (W.D. Wash. Dec. 4, 2025). *See also Nguyen v. Scott*,
23 No. CV25-1398, 2025 WL 2419288, at *28–29 (W.D. Wash. Aug. 21, 2025) (granting
24 preliminary injunction requiring release under *Zadvydas*); *Tang*, 2025 WL 2637750, at
25 *6 (same).

1 **Ground Two: Violation of the Fifth Amendment, 8 U.S.C. § 1231,**
2 **Convention Against Torture, Implementing Regulations, and the**
3 **Administrative Procedure Act**

4 The allegations in the above paragraphs are realleged and incorporated herein.

5 The Fifth Amendment, the INA, the CAT, and implementing regulations
6 mandate meaningful notice and opportunity to respond to any attempt to remove
7 Mr. Yuksek to a third country in reopened removal proceedings. They also require an
8 opportunity for Mr. Yuksek to make a fear-based claim against removal to a third
9 country in reopened removal proceedings. Respondents' policy for third-country
10 removals violates all of these laws because it directs ICE agents to remove individuals
11 to third countries without any notice or process *at all* where diplomatic assurances are
12 received and, where no diplomatic assurances are received, to provide flagrantly
13 insufficient notice (6–24 hours) and opportunity to respond, in violation of the statute,
14 regulations, and Fifth Amendment.

15 Prior to any third-country removal, Mr. Yuksek must be provided with
16 constitutionally and statutorily compliant notice and an opportunity to respond and
17 contest that removal if he has a fear of persecution or torture in that country in reopened
18 removal proceedings. *See Nguyen*, 2025 WL 2419288, at *29 (granting preliminary
19 injunction against “removing Petitioner to a country other than [home country] without
20 notice and a meaningful opportunity to be heard in reopened removal proceedings with
21 a hearing before an immigration judge”).

22 **Ground Three: Punitive Third-Country Banishment; Violation of Fifth and**
23 **Eighth Amendments**

24 The allegations in the above paragraphs are realleged and incorporated herein.

25 Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to
26 answer for a capital, or otherwise infamous crime, unless on a presentment or
 indictment of a Grand Jury;” “be subject for the same offence to be twice put in

1 jeopardy of life or limb;” or “be deprived of life, liberty, or property, without due
2 process of law.”

3 The Eighth Amendment provides that no “cruel and unusual punishments” may
4 be inflicted.

5 The U.S. Supreme Court long ago held that the government may not inflict upon
6 individuals an “infamous punishment” in addition to deportation as a penalty for an
7 immigration violation, absent criminal charges, a judicial trial, and attendant
8 constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

9 The government has arranged for third countries to receive deportees and
10 imprison them on arrival, possibly indefinitely, and often in abhorrent conditions. It has
11 selected countries notorious for human rights abuses and instability for third-country
12 removal arrangements. It has targeted individuals with criminal convictions for third-
13 country removals, where they will be imprisoned and harmed, and has publicly
14 broadcast those removals to demonize and dehumanize the individuals subjected to
15 these practices and strike fear in the immigrant community to send a message of
16 retribution and deterrence.

17 Respondents’ third-country removal program is more than a publicity stunt. The
18 hundreds of individuals who have already been subjected to it have been banished in
19 foreign prisons upon arrival without charge and often without communication with the
20 outside world, including their families and lawyers. Respondents may not subject
21 Mr. Yuksek to their third-country removal program designed to impose a severe
22 punishment on their subjects. Such conduct “shocks the conscience” under Fifth
23 Amendment substantive due process, is cruel and unusual punishment, and may not be
24 imposed without charge and a judicial trial.

25 Respondents may not seek to remove Mr. Yuksek to a third country under their
26 punitive banishment policy and practices. *See Nguyen*, 2025 WL 2419288, at *29

1 (granting preliminary injunction against “removing Petitioner to any country where he
2 is likely to face imprisonment upon arrival”).

3 **Prayer for Relief**

4 Mr. Yuksek respectfully requests that this Court:

5 (a) Assume jurisdiction over this action;

6 (b) Issue an Order directing Respondents promptly to show cause why this
7 Petition should not be granted;

8 (c) Order Respondents to immediately release Mr. Yuksek from custody;

9 (d) Order that Respondents may not re-detain Mr. Yuksek without first
10 holding a hearing before a neutral decisionmaker at which the government bears the
11 burden of establishing flight risk or danger to the community by clear and convincing
12 evidence based on changed circumstances since Mr. Yuksek was previously released;

13 (e) Order that Respondents may not remove or seek to remove Mr. Yuksek to
14 a third country without notice and meaningful opportunity to respond in compliance
15 with the statute and due process in reopened removal proceedings;

16 (f) Order that Respondents may not remove Mr. Yuksek to any third country
17 because Respondents’ third-country removal program seeks to impose unconstitutional
18 punishment on its subjects, including imprisonment and other forms of harm; and

19 (g) Order all other relief that the Court deems just and proper.

20 **Verification Pursuant to LCR 100(e)**

21 Counsel verifies that this petition is authorized by Mr. Yuksek. It does not
22 personally bear Mr. Yuksek’s signature because of the significant difficulty for counsel
23 in meeting with Mr. Yuksek in person and because mailing the petition to Mr. Yuksek
24 and having it mailed back would cause delay that would only extend the period of his
25 unlawful detention. Counsel knows the facts asserted above or alleges them on
26

1 information and belief, based on information obtained from the government and/or
2 Mr. Yuksek.

3 DATED this 12th day of December 2025.

4 Respectfully submitted,

5 *s/ Dennis Carroll*
6 Senior Litigator
7 Attorney for Taha Yuksek
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