

District Judge Tana Lin

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUN REN,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-02693-TL

FEDERAL RESPONDENTS'¹ REPLY TO
PETITIONER'S FEBRUARY 25, 2026
RESPONSE

As ordered by the Court, Federal Respondents hereby reply to Petitioner's Response ("Resp."). Dkt. 23.

First, Petitioner's response expresses concern about "questions regarding the accuracy of the timeline presented to the Court." Resp. at 2. There is no meaningful inaccuracy. Petitioner was notified on January 30, 2026 that his removal was imminent. Dkts. 15, 20. The January 30, 2026, date is also confirmed by the email that Deportation Officer Melendez sent on that date to the Office of Principal Legal Advisor ("OPLA") duty attorney. Steveson Decl., Exh. C, Email. Accordingly, whether Petitioner was notified that his removal would occur within two weeks, on he was informed that it would occur on February 6, 2026, or both, the fact remains that Federal Respondents were required to provide the Petitioner with at least 72-hours² prior notice of his

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

² As Notice was given on Thursday, January 30, 2026, 48 hours would extend into the weekend, accordingly, at least 72 hours was required in this case.

1 removal and, in that respect at least, Respondents acted in compliance with the Court's orders.
 2 Dkt. 3, ¶ 3.

3 Second, Petitioner argues that the "explanation of the communication breakdown lacks
 4 critical documentation." Resp. at 2. Petitioner notes that there is not a declaration from the OPLA
 5 attorney and no copy of the email providing notice. *Id.* at 2-3. Petitioner is concerned that without
 6 testimony "or production of the referenced communication itself, the Court lacks objective
 7 corroboration of the events described." *Id.*

8 Federal Respondents are including the January 30, 2026, email from ICE to OPLA to address
 9 Petitioner's concerns of lack of objective evidence. Steveson Decl., Exh. C, Email. The
 10 Government has explained the failure in communication with multiple declarations and has now
 11 provided the email that ICE sent attempting to notify opposing counsel. The undersigned also
 12 investigated getting a declaration from the OPLA attorney³, but there is additional process in
 13 obtaining approval to file a declaration in litigation. The email from Officer Melendez and OPLA's
 14 admission to the undersigned that the email was mistakenly not delivered to the undersigned
 15 objectively evidences how the mistake occurred and has specified the new procedures that it has
 16 put in place to preclude a repetition. Nevertheless, if the Court requires a declaration from the
 17 OPLA attorney, the Government would request more time so that it can obtain the necessary
 18 authorization to file the declaration.

19 Petitioner's third and final concern is that notice should have been sent to habeas counsel
 20 directly by ICE, due to a Form G-28 ("G-28") on file. Resp. at 3. A G-28 is a Notice of Entry of
 21 Appearance as Attorney or Accredited Presentative for immigration matters with specific agencies.
 Form G-28 (<https://www.uscis.gov/sites/default/files/document/forms/g-28.pdf> (last accessed
 March 2, 2026)). Multiple G-28s may be on file and cover different administrative matters before

22 ³ OPLA attorneys are generally restricted by regulation from providing testimony or declarations without
 23 authorization from higher agency levels and it has not been authorized in this case. See 6 C.F.R. § 5.44(a) ("No
 24 employee, or former employee, of the Department shall, in response to a demand or request, including in connection
 with any litigation, provide oral or written testimony by deposition, declaration, affidavit, or otherwise concerning
 any information acquired while such person is or was an employee of the Department as part of the performance of
 that person's official duties or by virtue of that person's official status, unless authorized to do so by the Office of
 the General Counsel or [the delegates thereof].").

1 the Department of Homeland Security (“DHS”). *Id.* A G-28 concerns only administrative
2 proceedings before the agency. It is not a meaningful document with respect to proceedings in a
3 United States District Court. *Id.*

4 Yet, Petitioner recommends that ICE officers should rely on what is listed in the G-28, rather
5 than notifying the Government attorney handling the federal litigation in question that is subject
6 to the order. This would invite mistakes rather than resolve them. Attorneys that appear in federal
7 court matters are not required to be the same attorney that filed a G-28 with ICE. Often, the attorney
8 handling the federal litigation matter is not the same attorney dealing with the immigration
9 proceedings. As an example, Assistant Federal Public Defenders do not handle applications for
10 relief from removal in immigration proceedings, but often handle habeas matters. By notifying the
11 Government attorney handling the habeas matter, the Government can ensure that the notice is
12 delivered to the counsel that currently represents a petitioner in a habeas corpus case.

13 In summary, Petitioner’s legal counsel was present when Petitioner was ordered removed
14 and waived appeal. The evidence is unequivocal that the following day, Petitioner was notified of
15 his imminent removal at least 72-hours prior to his removal. ICE attempted to email notice to
16 Petitioner’s habeas counsel, through OPLA. Through an inadvertently missed email, notice was
17 not provided to Petitioner’s counsel that Petitioner would be removed during the pendency of the
18 habeas corpus proceedings.

19 To address Petitioner’s concern that there was insufficient objective evidence, the email of
20 ICE notifying OPLA has been provided. ICE acted appropriately by attempting to notify legal
21 counsel through the proper channels rather than by relying on a G-28 notice that may not be related
22 to habeas matters at all. Federal Respondents have taken measures to avoid the error of
23 inadvertently removing an individual without notice to their federal court attorney, but asking ICE
24 to rely on G-28s rather than by communicating this type of information through its attorneys is
bound to lead to errors.

For the foregoing reasons, Federal Respondents respectfully request that the Court conclude
that no further measures are warranted.

DATED this 2nd day of March, 2026.

Respectfully submitted,

s/ Jordan C. Steveson

JORDAN C. STEVESON, WSBA No. 40636

Special Assistant United States Attorney

United States Attorney's Office

Western District of Washington

1201 Pacific Ave., Ste. 700

Tacoma, WA 98402

Phone: (253) 428-3802

Email: jordan.steveson@usdoj.gov

Attorney for Federal Respondents

I certify that this memorandum contains 1,047 words, in compliance with the Local Civil Rules.