

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRYAN STANLEY JORDAN MEJIA,

Petitioner,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT FIELD OFFICE
DIRECTOR,

Respondent.

No. CV26-33-TSZ

REPLY IN SUPPORT OF TRO OR, IN
THE ALTERNATIVE, HABEAS
RELIEF ON THE MERITS

I. INTRODUCTION AND TRO DISCUSSION

Petitioner Bryan Stanley Jordan Mejia is presently detained at the Northwest ICE Processing Center ("NWIPC"). Petitioner has been held in immigration custody since May 20, 2025, Reed Decl., Dkt. 10 at ¶ 9, and has been under a final order of removal since August 29, 2025. *Id.* at ¶ 16. Removal to El Salvador is not reasonably foreseeable because the final order of removal also orders withholding of removal to that country. *Id.*; Dkt. 11-4 at 2. Respondent has not identified any other countries to which Petitioner has ties, and Mexico does not accept deportees who are not willing to be removed there. *See infra* at 3–4. Petitioner's continued detention is therefore in violation of *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001).

Petitioner has filed a Motion for a Temporary Restraining Order, which this Court does not consider an emergency motion because it "does not view Petitioner's removal as imminent," Dkt. 19 at 1, thereby agreeing with the government's only argument in opposition. *See* Dkt. 21. Petitioner respectfully suggests that if Respondent

1 does not wish Petitioner to understand a notice of removal as imminent, it should not
2 label that notice “Notice of Imminent Removal.” Dkt. 17 at 1–2. Notably, if Petitioner’s
3 removal is not imminent after seven months of post-removal-order detention, that
4 strongly supports his *Zadvydas* claim.

5 This Court need not deny the TRO on imminence grounds, since the government
6 argues that the only thing stopping it from executing Mr. Jordan Mejia’s removal is a
7 pending BIA appeal. Dkt. 21 at 2. Because that decision may come at any time, it is
8 more appropriate to first grant the habeas petition and then dismiss the TRO as moot.
9 *See, e.g., Castillo Rivas v. Bondi*, No. CV26-0134-KKE, 2026 WL 295705, at *6 (W.D.
10 Wash. Feb. 4, 2026); *Rea-Hernandez v. Bondi*, No. CV25-02609-TL, 2026 WL 322874,
11 at *11 (W.D. Wash. Feb. 6, 2026).

12 **II. MR. JORDAN MEJIA’S HABEAS PETITION SHOULD BE GRANTED**
13 **AND HE SHOULD BE IMMEDIATELY RELEASED ON BOND.**

14 The Court should liberally construe Mr. Jordan Mejia’s habeas petition as a
15 request to be released from detention pursuant to *Zadvydas* and grant the petition in lieu
16 of the TRO. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quoting *Estelle v. Gamble*,
17 429 U.S. 97, 106 (1976)) (holding that “[a] document filed pro se is “to be liberally
18 construed,” and “a *pro se* complaint, however inartfully pleaded, must be held to less
19 stringent standards than formal pleadings drafted by lawyers”).

20 The Court should take this route even though the petition disclaims reliance on
21 *Zadvydas*. *See* Dkt. 6 at 5. Indeed, the Respondent’s Return interprets his claim in
22 exactly this manner. *See* Dkt. 9 at 7 (arguing under *Zadvydas* that Mr. Jordan Mejia’s
23 detention is not indefinite and observing, “Even though Petitioner is proceeding pro se
24 in this litigation, the Petition fails to address the *Zadvydas* issue in any manner and
25 instead mistakenly analyzes pre-order detention. This argument is irrelevant as
26 Petitioner is detained pursuant to 8 U.S.C. § 1231(a) (post-order detention).”). The

1 petition specifically points out he was detained nearly a year ago on May 20, 2025,
2 Dkt. 6 at 1, and argues for release from detention, *see id.* at 2. This is the essence of a
3 *Zadvydas* claim. *See Zadvydas*, 533 U.S. at 699 (“[O]nce removal is no longer
4 reasonably foreseeable, continued detention is no longer authorized by statute.”).

5 Mr. Jordan Mejia’s removal is not reasonably foreseeable. The government’s
6 Return should have responded to his showing of having been detained since May 20,
7 2025, by “respond[ing] with evidence sufficient to rebut” Petitioner’s showing that
8 there is no significant likelihood of removal in the reasonably foreseeable future,
9 *Zadvydas*, 533 U.S. at 701. They offer nothing in response other than to say that his
10 post-order detention had not yet reached six months. Dkt. 9 at 8. But Petitioner has now
11 been detained for more than seven months past the order of removal and the
12 government’s only argument has evaporated. *See Nadarajah v. Gonzales*, 443 F.3d
13 1069, 1081 (9th Cir. 2006) (recognizing that a grant of withholding of removal to a
14 noncitizen “is a powerful indication of the improbability of his foreseeable removal, by
15 any objective measure”); *see also, e.g., Chicas v. Bondi*, No. CV26-451-RSM (W.D.
16 Wash. Mar. 13, 2016) (granting *Zadvydas* relief despite ongoing withholding-only
17 proceedings); *Medina v. Chief Council*, No. 2:25-CV-02623-APG-DJA, 2026 WL
18 560218, at *2 (D. Nev. Feb. 27, 2026) (granting release in a case where the petitioner
19 had appealed a denial of relief in a withholding-only proceeding).

20 In the supplemental briefing Respondent also argues that since Respondent will
21 abide by the immigration judge’s order withholding removal to El Salvador, Mr. Jordan
22 Mejia can be removed to Mexico instead. Dkt. 15 at 3; Reed Suppl. Decl., Dkt. 16 at
23 ¶ 6. But Mexico is not a viable alternative. As courts in this district have held based on
24 declarations also submitted along with this Reply, Mexico does not accept deportees
25 who are not willing to go there, and Mr. Jordan Mejia is not willing to go there. *See*
26 *Valdes-Oviedo v. Immigr. & Customs Enf’t Field Off. Dir.*, No. CV25-2720-KKE, 2026

1 WL 353266, at *3 (W.D. Wash. Feb. 9, 2026) (citing *Coke v. Bondi*, CV26-71-MLP,
2 2026 WL 221514, at *2 (W.D. Wash. Jan. 28, 2026); *Castillo-Rivas*, 2026 WL 295705,
3 at *3 (“[C]ourts in this District have found that Mexico has been unwilling to accept
4 noncitizens who, like Petitioner, are unwilling to go.”)).

5 ICE has apparently not asked Mexico to accept Mr. Jordan Mejia in advance (*see*
6 Reed Suppl Decl. at ¶ 8 (“ERO believes there is a significant likelihood of removal in
7 the reasonably foreseeable future that Petitioner *will be accepted* . . . ”)). Evidence from
8 other districts indicates that this is because ICE simply drives to Mexico and dumps
9 detainees at the border; if they express unwillingness to go to Mexico, they are returned
10 to detention in the United States. *See* Ex. 1; *see also* Ex. 2 at 1 (Assistant United States
11 Attorney email describing land-based removals to Mexico as not requiring travel
12 documents); Ex. 3 at ¶ 7 (ICE Supervisory Detention and Deportation Officer averring
13 that “[t]he Mexican consulate informed ICE ERO that Mexico would not accept
14 Petitioner for removal against his will”); Ex. 4 at ¶ 5 (attorney at the Federal Defenders
15 of San Diego, Inc., averring that “[b]ased on these experiences, it has become clear to
16 me that Mexico has agreed to only accept non-Mexican deportees that enter their
17 country voluntarily”); Ex. 5 at ¶ 8 (Cuban detainee describing being brought to
18 Mexican border via van and being returned to detention after expressing unwillingness
19 to go to Mexico); Ex. 6 at ¶ 6 (detainee was told by Mexican officials at the border that
20 they “were only accepting people that wanted to voluntarily go to Mexico”).

21 Mr. Jordan Mejia has already expressed unwillingness, indeed, fear of going to
22 Mexico, and he has been referred for a credible fear hearing. Reed Suppl. Decl. at ¶ 7.
23 His fear of and unwillingness to go to Mexico strongly suggests he will not be
24 successfully removed to Mexico.

25 ICE’s intent to send Mr. Jordan Mejia to Mexico does not mean his removal is
26 reasonably foreseeable. General statements of intent to remove Petitioner to any

1 country fail to prove that his removal is reasonably foreseeable. “The fact that
2 Respondents intend to complete a travel document request for Petitioner does not make
3 it significantly likely he will be removed in the foreseeable future.” *Hoac v. Becerra*,
4 No. CV25-01740-DC-JDP, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025). In a
5 Convention Against Torture (“CAT”) case in which a petitioner was granted
6 withholding of removal to Colombia, the government sought permission from the
7 consulates of Peru, Argentina, Chile, and Mexico to remove him to those countries, and
8 was denied three times and received no answer from Mexico. *See Aguila v. Rivas*, No.
9 CV25-1662-PHX-DLR (ESW), Dkt. 51 at 4 (D. Ariz. Oct. 30, 2025) (“[T]here is no
10 evidence in the record that removal is likely to occur at all, much less in the reasonably
11 foreseeable future.”).

12 Furthermore, Petitioner has a reasonable fear of being sent to a country that may
13 forward him to the country he has obtained withholding protections against (a practice
14 known as *refoulement* under international law). The law allows him to be able to argue
15 his fear before an immigration judge (not, as the government is doing now, shifting the
16 burden to him to make a claim of fear in response to a notice of removal). For example,
17 Supreme Court justices have described examples of people being sent on to their
18 country of origin by Mexico despite CAT protections. *See DHS v. D.V.D.*, 145 S. Ct.
19 2153, 2154 (2025) (Sotomayor, J., dissenting) (describing deportation without notice to
20 Mexico of a man granted CAT deferral against removal to Guatemala; Mexico
21 promptly sent him on to Guatemala without regard to the CAT decision of a
22 United States immigration judge). Thus, even if the government succeeds in coercing a
23 third country to accept Mr. Jordan Mejia, the removal may not proceed if Mr. Jordan
24 Mejia has grounds to object and he is able to exercise his legal right to do so.

1 Mr. Jordan Mejia should be released on bond under reasonable conditions of
2 supervision. *See Kamyab v. Bondi*, No. CV25-389-RSL, 2025 WL 2917522, at *5
3 (W.D. Wash. Oct. 14, 2025) (citing 8 U.S.C. § 241.4(j), 241.5, 241.13(h)).

4 DATED this 22nd day of April 2026.

5 Respectfully submitted,

6
7 s/ *Ann K. Wagner*
8 Assistant Federal Public Defender
Attorney for Bryan Stanley Jordan Mejia

9 I certify this reply contains 1,567 words in compliance with the Local Civil Rules.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26