BEFORE THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
IN SEATTLE

Ferdinand Kipkorir Kibor,

Petitioner,

v.

Laura Hermosillo, et al.,

Respondents.

No. 2:26-cv-00390-JLR

Petitioner's Traverse

Petitioner filed the present habeas case after learning from his deportation officer that, after just winning protection from removal to Kenya based on his status as a gay man, the government planned to deport him to Uganda, a country with an even worse human rights record [redacted] The government now claims, only after Petitioner sought protection from the court, that it has referred him for a "reasonable fear" screening process to assess his claim of fear of removal to Uganda. The government primarily argues that the Petitioner cannot be released during the 90-day removal period. The Petitioner urges that the Court can hold his claim in abeyance until Monday, April 6, 2026 and that the Court should, during this period, continue its order requiring notice to the Petitioner and counsel of any transfers out of the jurisdiction of this Court.

1. The 90-Day removal Period Pursuant to 8 U.S.C. § 1231(a)(2).

Although the government may detain an individual for 90 days post-removal order, there are exceptions to that rule. The circumstances of this case are such that an exception is appropriate because the Petitioner has been granted withholding of removal and Respondents have ascertained that they will remove Petitioner nonetheless, to a third country. Uganda, where [redacted]

Petitioner was granted withholding of removal on the basis that he was likely to be tortured for [redacted] noted by Human Rights Watch:

[redacted]

"They're putting our lives at risk," Human Rights Watch, 2025, *available at* https://www.hrw.org/report/2025/05/26/theyre-putting-our-lives-risk/how-ugandas-anti-lgbt-climate-unleashes-abuse (accessed 02/23/2026).

[redacted] is not only rampant and widespread but also sanctioned and encouraged by the Ugandan Government. This presents a severe and extraordinary circumstance.

2. *Zadvydas* governs, and Respondents bear the burden to rebut Petitioner's showing with concrete evidence.

As Respondents observe in their Return (Doc. 6), the government cannot remove a person to a country where they would be persecuted or tortured. *See* Foreign Affairs Reform and Restructuring Act of 1998 (FARRA), Public Law 105–277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8 U.S.C. § 1231 note); 28 C.F.R. §§ 200.1, 208.16–208.18, 1208.16-1208.18.

Petitioner Maintains that Uganda is even worse than Kenya in terms of government sanctioned violence against [redacted]

[redacted]

3. The Court should hold the case in abeyance until April 6, 2026.

In the event that the Court agrees with the Respondents that the Petition was filed prematurely, it should hold the case in abeyance until April 6. This is necessary because otherwise Petitioner fears he will be transferred out of this judicial district and out of the Court's jurisdiction before he will be able to refile a petition after the 90-day removal period has lapsed.

CONCLUSION

There is no reasonable possibility that the Respondents can remove Petitioner lawfully to Uganda, a country with a human rights record far worse than Kenya's. The Court should therefore grant the petition, or in the alternative, hold the case in abeyance until April 6, 2026 at which point the 90-day removal period will have expired.

Pursuant to LCR 7(e)(6), I certify that this traverse contains 73 words, excluding the caption, signature block, and this certification.

Respectfully submitted this 23rd day of February, 2026.

MATEMU LAW FIRM, PC

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Certificate of Service

I certify that on this date I filed the foregoing using the CM/ECF filing system. The Respondents will therefore receive notice of this filing via CM/ECF.

/s/ Devin T. Theriot-Orr
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