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 Opposition to Motion to Amend Judgment

The Petitioner opposes the Respondents' Motion to Amend the Judgment in this case. The Respondents' motion ignores the course of conduct of the Respondents and their agents throughout the United States over the past 14 months of President Donald Trump's second term. The Court's use of its inherent, equitable powers to grant basic Due Process protections to the Petitioner in the face of the Respondents' widespread, repeated, and egregious violations of judicial orders and rampant disregard for basic constitutional norms fully justifies the relief granted in this case under the Court's inherent equitable powers.

Legal Argument

The Respondents ignore the course of conduct in the present case, where the Petition alleges (and the Respondents do not deny) that the Petitioner was explicitly told that, after just winning his case the prior month for protection from removal based on [redacted]

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that ICE was planning to promptly deport him to a third country "as soon as possible." Pet. ¶ 26. While Respondents now state that the Petitioner is going through a "reasonable fear" process, this was never explained to the Petitioner, who fully believed that, absent intervention of this Court, he would find himself on a plane to a country with an even more atrocious human rights record than Kenya.

The Respondents makes three arguments but they have no merit. First, the Respondents argue that Petitioner would be able to file a habeas if transferred to a new jurisdiction. But as his present counsel may not be licensed in that jurisdiction, providing limited notice to enable him to locate and retain counsel is not unreasonable. Further, the Court's order does nothing to limit ICE's discretionary authority to transfer. The Court did not order ICE *not to transfer*, it simply requires Respondents to provide 48 hours notice if they intend to do so.

Second, Respondents point out that Petitioner is subject to a final order of removal and that he is within his 90-day removal period. As with the prior argument, the order does nothing to restrict the Secretary's authority to remove, it only requires that the Secretary provide notice if he intends to remove Petitioner. This limited notice is justified under the facts of this case, and given the course of conduct of the Respondents in many other cases.

Finally, the Respondents argue that the order should not have issued because there is no evidence that Respondents will violate the law "and that there is a cognizable danger of recurrent violation." *Madsen v. Women's Health Ctr., Inc.* 512 U.S. 753, 766, n.3 (1994). The undersigned has a great deal of respect for the attorneys at the U.S. Attorneys Office in Seattle, but with all due respect to them, their clients have demonstrated over the past 15 months complete disdain for the basic constitutional order of our country as well the orders of federal judges. *See, e.g., Concha v. Lyons*, 2026 U.S. Dist. LEXIS 23548 (E.D.N.Y. 2026) (declining to

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pursue civil contempt proceedings in light of Petitioner's lack of resources but noting Respondents' violation of multiple court orders and false statements to the court); *Juan T.R. v. Noem*, 2026 U.S. Dist. LEXIS 43739 (D. Minn. 2026) ("ICE violated 97 orders in 66 . . . cases"). Under these circumstances, the Court's order was fully justified.

Conclusion

The Court should deny the Respondents' motion.

Pursuant to LCR 7(e)(6), I certify that this traverse contains 552 words, excluding the caption, signature block, and this certification.

Respectfully submitted this 24th day of March, 2026.

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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.

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