

Magistrate Judge S. Kate Vaughan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NEBIL KEDIR GEBI,

Petitioner,

VS.

BRUCE SCOTT, Warden of Northwest ICE Processing Center; PAMELA BONDI, Attorney General of the United States; KRISTI NOEM, Secretary, United States Department of Homeland Security; LAURA HERMOSILLO, Acting Seattle Field Office Director,

Respondents.

No. 2:26-cv-00755-SKV

REPLY TO RESPONDENTS' OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS

Petitioner timely files this reply to Federal Respondents' Response in Opposition to Habeas Corpus.

I. ARGUMENT

A. There is no lawful justification for Mr. Gebi's detention this far past the removal period

Respondents in their reply acknowledge that Mr. Gebi’s removal order became final in September 2023, two-and-a-half years ago, and that they are holding Mr. Gebi past his

removal period. They state that under 8 U.S. C. § 1231, the removal period can be extended in a least three circumstances, and the Respondents specifically mention the following circumstances: if the individual presents a flight risk, is a danger to the community, or if there is a “significant likelihood of removal in a reasonably foreseeable future.” *See Glushchenko v. U.S. Dep’t of Homeland Sec.*, 566 F.Supp.3d 693, 703 (W.D. Tex. 2021); *see also* 8 U.S.C. § 1231(a)(1)(C); (a)(6)); *see also Zadvydas v. Davis*, 533 U.S. 678, 680 (2001).

Mr. Gebi is not a flight risk or danger to the community: he has attended every ICE check-in, renewed his work permit, worked diligently for the disabled in Portland, Oregon, where he has built a community, and never been arrested. Respondents provide evidence that a trooper stopped Mr. Gebi, but the trooper never gave Mr. Gebi a speeding ticket, and their evidence does not provide any argument that he actually was charged with speeding. His mere stop by a police officer who called ICE immediately to detain him does not justify the re-detention of Mr. Gebi, a law-abiding altruistic individual, for no reason other than to increase ICE’s detention numbers.

A. Mr. Gebi’s removal is not reasonably foreseeable in the near future

i. Respondents cannot lawfully deport Mr. Gebi at this time since his TPS has been extended by law

Mr. Gebi’s removal is not reasonably foreseeable because Respondents are not lawfully allowed to deport him at this time, due to an extension of TPS. Respondents acknowledge that Mr. Gebi obtained Temporary Protected Status (TPS) in June 2024, that was set to expire December 12, 2025. Dkt. 7. On March 12, 2026, USCIS posted on its website that

all TPS beneficiaries with expiration dates of December 12, 2025, continue to have TPS and valid work permits, due to an order by the U.S. District Court of Massachusetts staying the TPS termination.¹ Until the judge issues a final decision on the case, Mr. Gebi's TPS will be extended, and then the District Court will possibly order DHS to continue TPS for Ethiopians. Mr. Gebi thus has a lawful status and valid work permit, and requires immediate release to return to his work, where his clients need him. Due to the TPS extension, Mr. Gebi's removal is not reasonably foreseeable.

B. Respondents have provided no evidence that Mr. Gebi's removal is reasonably foreseeable in the near future

Respondents have provided no evidence that Mr. Gebi's removal is reasonably foreseeable in the near future. Even if his TPS were to end, they would not be able to deport him to Ethiopia. This is evident from the amount of time that has passed since his removal order was issued, and the lack of Respondents' plan to deport Mr. Gebi. Respondents cite a travel document they allegedly obtained in 2025, which has expired and they never used, but they do not provide any evidence they can or will deport him. ICE told Mr. Gebi on February 6, 2026, that while they would like to deport him, they did not have a plan or way to do so. Dkt. 1. They have clearly expressed to him that they do not have a plan to deport him, and Respondents do not allege otherwise in their

¹ *Update on the termination of Temporary Protected Status for Ethiopia*, U.S. Citizenship and Immigration Services, March 12, 2026, <https://www.uscis.gov/save/current-user-agencies/news-alerts/update-on-termination-of-temporary-protected-status-for-ethiopia>.

response. Furthermore, Ethiopia is on the verge of returning to civil war, rendering deportations there likely impossible.²

C. Mr. Gebi's detention is a violation of Due Process

Mr. Gebi's unexpected detention two-and-a-half years after he was ordered removed, and after he received TPS, is a violation of the Due Process Clause of the Constitution. Mr. Gebi has been compliant with ICE throughout the past two-and-a-half years and has complied with all terms of his Order of Supervision, Mr. Gebi has a valid work permit and Temporary Protected Status, and he has become an essential employee at a top Portland, Oregon organization serving people with special needs. Respondents detained Mr. Gebi for no reason, other than seeking to detain more people. Mr. Gebi is a dedicated Portland community member who has suffered tremendously in his home country already, and his detention has further harmed his mental and physical health. He has no reasonably foreseeable likelihood of removal, he is not a flight risk, and his health is at risk in detention. His detention is thus a violation of Due Process.

CONCLUSION

Mr. Gebi has the fundamental liberty right to release from detention, given that he is being detained years after the removal period ended and while he has Temporary Protected Status from deportation, Respondents have no reasonably foreseeable plan to remove him, he is neither a flight risk nor a danger to the community, and his mental and

² *Is Ethiopia heading back to war in Tigray?* BBC, Feb. 26, 2026, <https://www.bbc.com/news/articles/cwygrnjz9wro>.

physical health are suffering. Petitioner thus respectfully requests that this Court grant his Petition for Writ of Habeas Corpus.

DATED this 25^h day of March, 2026.

/s/Meredith Hoffman
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Certificate of Service

I, Meredith Hoffman, certify that I served Federal Respondents electronically, since I have confirmed that Federal Respondents' counsel participates in CM/ECF.

/s/ Meredith Hoffman