

Magistrate Judge Michelle L. Peterson

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

TALHA RAMZAN,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

Case No. 2:26-cv-00762-MLP

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
March 25, 2026

I. INTRODUCTION

Petitioner challenges his detention, alleging the February 20, 2026, bond hearing violated the Fifth Amendment's Due Process Clause because the burden of proof was not placed on the Government. Petitioner received a prompt bond hearing before an Immigration Judge while represented by counsel, resulting in denial based on flight risk. The same day, the Immigration Judge denied asylum on the merits, ordered removal to Pakistan, and Petitioner waived appeal, rendering the order final. Petitioner then signed a Notice of Imminent Removal, expressly stating he wished to return to Pakistan.

Petitioner's initial detention was lawful under 8 U.S.C. § 1226(a), and he received the bond hearing afforded under that authority. Following the final removal order, detention is mandatory under 8 U.S.C. § 1231(a). The detention period remains short, removal is reasonably foreseeable,

1 and no constitutional violation exists. The requested immediate release, permanent injunction
2 imposing heightened procedural requirements, and bar on GPS monitoring are unwarranted. The
3 Petition should be denied.

4 II. FACTUAL AND PROCEDURAL HISTORY

5 A. Petitioner Talha Ramzan

6 Petitioner is a native and citizen of the Islamic Republic of Pakistan. Declaration of
7 Deportation Officer Robert Andron Jr. (Andron Decl.) ¶ 3; Declaration of Lawrence Van Daley
8 (Van Daley Decl.) Exhibit (Ex.) 1, Notice to Appear. He was lawfully admitted to the United States
9 on November 15, 2024, at a port of entry as a nonimmigrant visitor for business in B-1 visa status,
10 with authorization to remain in the United States for a temporary period not to exceed May 14,
11 2025. *Id.* Petitioner overstayed his authorized period of admission and remained in the United
12 States without lawful immigration status after May 14, 2025. *Id.*

13 While still within his period of authorized stay, Petitioner affirmatively filed Form I-589,
14 Application for Asylum and for Withholding of Removal, with U.S. Citizenship and Immigration
15 Services on April 9, 2025. Andron Decl., ¶ 4.

16 On February 2, 2026, Petitioner was traveling as a passenger in a vehicle near the United
17 States-Canada border when U.S. Border Patrol agents stopped the vehicle on suspicion of illegal
18 border-crossing activities. Andron Decl., ¶ 5; Van Daley Decl., Ex. 2, Form I-213. Agents
19 observed another occupant exit the vehicle and run across the international border into Canada.
20 Andron Decl., ¶ 5. Immigration database checks conducted during the encounter immediately
21 revealed Petitioner's unlawful overstay of his B-1 visa. *Id.*; Van Daley Decl., Ex. 2. Petitioner was
22 taken into custody the same day, transported to the Northwest ICE Processing Center (NWIPC) in
23 Tacoma, Washington, and served with a Notice to Appear initiating removal proceedings in the
24 Immigration Court located in Tacoma, Washington. Andron Decl., ¶ 5; Van Daley Decl., Ex. 3,

1 Warrant. The Notice to Appear charged Petitioner with removability under section 237(a)(1)(C)(i)
2 of the Immigration and Nationality Act, codified at 8 U.S.C. § 1227(a)(1)(C)(i), for having failed
3 to maintain the conditions of his nonimmigrant admission. Andron Decl., ¶ 5; Van Daley Decl.,
4 Ex. 1.

5 On February 20, 2026, represented by counsel, Petitioner appeared before an Immigration
6 Judge in Tacoma for a bond hearing under 8 U.S.C. § 1226(a). Andron Decl., ¶ 6. The Immigration
7 Judge denied bond, finding Petitioner a flight risk. *Id.* Later that day, at the merits hearing on his
8 asylum application, the Immigration Judge denied relief, ordered removal to Pakistan, and denied
9 post-conclusion voluntary departure. Andron Decl., ¶ 7; Van Daley Decl., Ex. 4, Removal Order.
10 Petitioner waived appeal, rendering the removal order administratively final on February 20, 2026.
11 *Id.* On March 18, 2026, Petitioner signed a Notice of Imminent Removal, hand-writing that he did
12 not want to stay and wanted to go back to Pakistan. Van Daley Decl., Ex. 5, Notice of Removal.

13 **B. Detention Authority**

14 Petitioner's initial detention pending a decision on removability was authorized under 8
15 U.S.C. § 1226(a). That provision states in relevant part: "On a warrant issued by the Attorney
16 General, an alien may be arrested and detained pending a decision on whether the alien is to be
17 removed from the United States. Except as provided in subsection (c) and pending such decision,
18 the Attorney General—(1) may continue to detain the arrested alien; and (2) may release the alien
19 on—(A) bond of at least \$1,500 with security approved by, and containing conditions prescribed
20 by, the Attorney General; or (B) conditional parole." 8 U.S.C. § 1226(a). This discretionary
21 authority permits the Government to detain noncitizens during removal proceedings while
22 allowing for release on bond or conditional parole following a custody redetermination by an
23 Immigration Judge. *See* 8 U.S.C. § 1226(a); 8 C.F.R. § 236.1(c)(8), (d)(1); 8 C.F.R. § 1003.19.
24 Regulations further provide that at such hearings, the noncitizen bears the burden to establish

1 eligibility for release by demonstrating he or she is not a danger to persons or property, not a threat
2 to national security, and does not pose a flight risk. 8 C.F.R. § 236.1(c)(8); *see also Matter of*
3 *Guerra*, 24 I. & N. Dec. 37, 38 (BIA 2006) (the burden is on the alien to show to the satisfaction
4 of the Immigration Judge that he or she merits release on bond; the Immigration Judge considers
5 factors including fixed address, family ties, employment history, criminal record, immigration
6 violations, and manner of entry).

7 Following entry of the final order of removal on February 20, 2026, Petitioner's detention
8 became mandatory under 8 U.S.C. § 1231(a). That provision states in relevant part: "(1) Removal
9 period. (A) In general. Except as otherwise provided in this section, when an alien is ordered
10 removed, the Attorney General shall remove the alien from the United States within a period of 90
11 days (in this section referred to as the 'removal period')." 8 U.S.C. § 1231(a)(1)(A). Further, "(2)
12 Detention. Under no circumstance during the removal period shall the Attorney General release
13 an alien ordered removed from custody." 8 U.S.C. § 1231(a)(2). Detention under 8 U.S.C. §
14 1231(a) is mandatory during the 90-day removal period and may continue thereafter if removal
15 remains reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) (interpreting 8
16 U.S.C. § 1231(a) in light of constitutional concerns to limit post-removal detention to a period
17 reasonably necessary to secure removal; detention is authorized when removal is reasonably
18 foreseeable, with a presumptively reasonable period of six months; if removal is not reasonably
19 foreseeable, continued detention is unreasonable and no longer authorized).

20 **III. LEGAL AUTHORITY**

21 This Court has jurisdiction to review Petitioners' habeas claims under 28 U.S.C. § 2241,
22 as habeas jurisdiction extends to challenges to immigration detention. *Zadvydas*, 533 U.S. at 688.
23 However, the Petition fails on the merits. Petitioners' detention is lawful, and their claims of
24 constitutional violations are without merit.

IV. ARGUMENTS

A. Petitioner's Detention Was Lawful Under 8 U.S.C. § 1226(a)

Petitioner's initial detention was lawful under 8 U.S.C. § 1226(a) because he had been lawfully admitted to the United States on a nonimmigrant B-1 visa and overstayed that authorized period of admission. This placed him within the class of aliens already present in the United States for whom Congress provided discretionary (rather than mandatory) detention pending a final decision on removability. *See* 8 U.S.C. § 1226(a) ("On a warrant issued by the Attorney General, an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States."). Unlike aliens apprehended at the border who are "seeking admission," or those with certain criminal convictions triggering mandatory detention under 8 U.S.C. § 1226(c), Petitioner's overstay charge under 8 U.S.C. § 1227(a)(1)(C)(i) triggered only discretionary detention authority. Congress expressly authorized the Attorney General to detain such individuals while simultaneously permitting release on bond or conditional parole after an individualized custody determination. 8 U.S.C. § 1226(a)(1)-(2).

The implementing regulations confirm that this discretionary authority includes a prompt bond hearing before a neutral Immigration Judge. *See* 8 C.F.R. § 1003.19; 8 C.F.R. § 236.1(d)(1). At that hearing, consistent with long-standing agency practice and regulation, the detained noncitizen, not the Government, bears the burden of proof to establish by a preponderance of the evidence that he or she is not a danger to persons or property, not a threat to national security, and does not pose a flight risk. 8 C.F.R. § 236.1(c)(8); *see also Matter of Guerra*, 24 I. & N. Dec. 37, 38 (BIA 2006) (Immigration Judge considers all relevant factors, including ties to the United States, employment history, criminal record, immigration violations, and manner and circumstances of entry).

1 Petitioner received precisely this process. Only eighteen days after his February 2, 2026,
2 apprehension, he appeared before an Immigration Judge in Tacoma with counsel for a full bond
3 hearing. The Immigration Judge conducted an individualized assessment and denied bond after
4 finding Petitioner a flight risk based on the specific circumstances of his encounter combined with
5 his prior visa overstay. This determination was reasonable, supported by substantial evidence, and
6 fully consistent with the statutory and regulatory framework.

7 No statute, regulation, or binding precedent requires the Government to bear the burden of
8 proof or to prove by clear and convincing evidence that continued detention is warranted. The
9 Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281, 317 (2018), expressly rejected any
10 statutory requirement for periodic bond hearings or a Government burden under 8 U.S.C. §
11 1226(a). The Ninth Circuit has directly addressed the precise constitutional argument Petitioner
12 advances here. In *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1197 (9th Cir. 2022), the court held
13 that due process does not require a second bond hearing at which the government must bear the
14 burden by clear and convincing evidence. The Ninth Circuit explained that 8 U.S.C. § 1226(a) and
15 its implementing regulations already provide “substantial procedural protections,” including an
16 initial bond hearing before a neutral decisionmaker, the opportunity to be represented by counsel,
17 present evidence, and appeal. *Id.* at 1197–1200. Those procedures satisfy due process both facially
18 and as applied.

19 Even applying the traditional three-factor balancing test of *Mathews v. Eldridge*, 424 U.S.
20 319, 335 (1976), the process afforded Petitioner was constitutionally sufficient. First, although
21 Petitioner’s private interest in liberty is significant, it is tempered by the fact that he is a noncitizen
22 subject to removal proceedings and has already received a full merits hearing resulting in a final
23 removal order. Second, the Government’s interests in ensuring appearance for removal and
24 protecting the integrity of the immigration system are compelling, particularly given Petitioner’s

1 recent border-stop circumstances and overstay. Third, the risk of erroneous deprivation is minimal:
2 Petitioner received a prompt hearing with counsel before an impartial Immigration Judge who
3 considered all relevant evidence and rendered a reasoned decision. The additional procedures
4 Petitioner demands of shifting the burden to the Government by clear and convincing evidence
5 plus a separate “no alternatives to detention” analysis are not constitutionally required under these
6 facts. *Rodriguez Diaz*, 53 F.4th at 1197.

7 **B. Petitioner’s Current Detention Is Lawful under 8 U.S.C. § 1231(a)**

8 Petitioner’s current detention is mandatory and lawful under 8 U.S.C. § 1231(a). Upon
9 entry of the final order of removal on February 20, 2026, detention authority automatically
10 transitioned from discretionary detention under 8 U.S.C. § 1226(a) to mandatory post-order
11 detention under 8 U.S.C. § 1231(a). Congress unequivocally commanded that “when an alien is
12 ordered removed, the Attorney General shall remove the alien from the United States within a
13 period of 90 days.” 8 U.S.C. § 1231(a)(1)(A). To effectuate that command, Congress further
14 provided that “[u]nder no circumstance during the removal period shall the Attorney General
15 release an alien ordered removed from custody.” 8 U.S.C. § 1231(a)(2). This statutory scheme
16 leaves the Executive no discretion to release Petitioner during the removal period; detention is
17 mandatory.

18 The Immigration Judge’s order became administratively final on February 20, 2026.
19 Petitioner is now squarely within the removal period, which began that day. His total detention
20 remains extremely brief. ICE has already served Petitioner with a Notice of Imminent Removal on
21 March 18, 2026, and is actively preparing for his return to Pakistan.

22 This detention is constitutionally sound. The Supreme Court in *Zadvydas*, 533 U.S. at 701,
23 interpreted 8 U.S.C. § 1231(a) to permit post-removal-order detention only for the period
24 “reasonably necessary to accomplish the alien’s removal.” The Court emphasized that detention is

1 authorized and presumptively reasonable for up to six months when removal is reasonably
2 foreseeable. *Id.* Here, removal to Pakistan is not only reasonably foreseeable; it is imminent and
3 Petitioner has affirmatively facilitated it. Petitioner signed the Notice of Imminent Removal and
4 personally hand-wrote that he did not want to stay in the United States and wanted to go back to
5 Pakistan. Van Daley Decl., Ex. 5. No repatriation obstacles exist, and Petitioner has waived any
6 further administrative or judicial review. Under *Zadvydas*, continued detention is plainly lawful.
7 No bond hearing is required or even available under 8 U.S.C. § 1231(a). See 8 U.S.C. § 1231(a)(2);
8 *see also Jennings*, 583 U.S. at 303 (distinguishing post-order mandatory detention from pre-order
9 discretionary detention). Petitioner's current custody therefore fully complies with both statute and
10 the Constitution.

11 **C. Petitioner Is Not Entitled to Immediate Release**

12 Immediate release is neither warranted nor available under the governing statutory and
13 constitutional framework. Petitioner is presently detained pursuant to a final, administratively final
14 order of removal entered on February 20, 2026, after he waived appeal. That order remains
15 enforceable, and Petitioner has taken affirmative steps to facilitate his removal by signing the
16 Notice of Imminent Removal on March 18, 2026, and personally writing that he did not want to
17 stay in the United States and wanted to go back to Pakistan. Van Daley Decl., Ex. 5. These actions
18 eliminate any suggestion of prolonged or indefinite detention and confirm that removal to Pakistan
19 is both reasonably foreseeable and imminent.

20 Continued detention serves the Government's compelling interests in effectuating removal
21 and preventing the release of an individual who has already been adjudicated removable and who,
22 during the pre-order period, was found by an Immigration Judge to present a flight risk. Releasing
23 Petitioner at this juncture would directly contravene the mandatory detention command of 8 U.S.C.
24 § 1231(a)(2), which provides that "[u]nder no circumstance during the removal period shall the

1 Attorney General release an alien ordered removed from custody.” The Supreme Court has
2 consistently recognized that once a final removal order is issued, the Government’s authority and
3 obligation to detain during the removal period are at their apex. *See Zadvydas*, 533 U.S. at 690–91
4 (distinguishing pre-order discretionary detention from post-order mandatory detention and
5 upholding the latter when removal is reasonably foreseeable).

6 Moreover, the total duration of Petitioner’s detention is exceptionally short (less than two
7 months as of this filing), well within the presumptively reasonable six-month period identified in
8 *Zadvydas. Id.* at 701. There is no evidence of any practical impediment to removal, no pending
9 litigation, and no claim that Pakistan refuses to accept Petitioner. To the contrary, Petitioner’s own
10 statements demonstrate his willingness to depart. Immediate release would therefore frustrate
11 Congress’s clear intent, undermine the finality of the removal order, and disregard the
12 individualized flight-risk determination already made by the Immigration Judge. For these reasons,
13 the Petition for immediate release must be denied.

14 **D. The Requested Injunctive Relief Is Overbroad**

15 Petitioner seeks prospective injunctive relief that far exceeds the narrow remedial scope of
16 habeas corpus in the immigration detention context. Specifically, he requests a permanent
17 injunction prohibiting any future re-detention absent prior written notice and a hearing at which
18 the Government must prove by clear and convincing evidence that he is a flight risk or danger to
19 the community and that no condition of release or alternative to detention would sufficiently
20 mitigate those risks. He further seeks to permanently enjoin the Government from imposing GPS
21 ankle monitoring upon any release.

22 This relief is unavailable for several independent reasons. First, habeas corpus is a limited
23 remedy focused on the lawfulness of the petitioner’s current custody. It is not an appropriate
24 vehicle for prospective, class-like injunctive relief governing hypothetical future detentions or

1 conditions of supervision. *See Munaf v. Geren*, 553 U.S. 674, 691 (2008) (habeas is not a general-
2 purpose vehicle for broad injunctive relief); *see also INS v. St. Cyr*, 533 U.S. 289, 314 (2001)
3 (habeas relief is tailored to the petitioner’s individual circumstances).

4 Second, the specific procedural regime Petitioner demands of a Government burden by
5 clear and convincing evidence, plus a separate “no alternatives” finding is not constitutionally
6 required under either 8 U.S.C. § 1226(a) or § 1231(a). The Supreme Court in *Jennings*, 583 U.S.
7 at 317, held that neither the text of 8 U.S.C. § 1226(a) nor due process imposes a periodic bond-
8 hearing requirement or shifts the burden to the Government. The Ninth Circuit has likewise
9 rejected claims that due process demands the Government bear the burden by clear and convincing
10 evidence in 8 U.S.C. § 1226(a) custody proceedings. *Rodriguez Diaz v. Garland*, 53 F.4th 1189,
11 1197–1200 (9th Cir. 2022). Applying the *Mathews v. Eldridge* balancing test, 424 U.S. at 335,
12 Petitioner’s existing process (prompt individualized hearing with counsel before a neutral
13 adjudicator) adequately balances his liberty interest against the Government’s interests in removal
14 and public safety. No additional procedures are mandated.

15 Third, ICE retains broad statutory discretion to impose conditions of release or supervision,
16 including electronic monitoring. *See* 8 U.S.C. § 1226(a)(2)(B); 8 C.F.R. § 236.1; *see also* 8 U.S.C.
17 § 1231(a)(3). A blanket injunction prohibiting GPS monitoring would impermissibly interfere with
18 that discretion and is not supported by any constitutional or statutory authority.

19 Finally, the requested permanent injunction is not narrowly tailored, lacks a sufficient
20 evidentiary basis in this individual case, and would effectively create a new, judicially imposed
21 nationwide standard for immigration custody determinations, which is a relief better suited to class
22 litigation under 28 U.S.C. § 2241 or APA review, not a single habeas petition. For all these reasons,
23 the requested injunctive relief should be denied in full
24

V. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Court deny the Petition for Writ of Habeas Corpus in its entirety.

DATED this 20th day of March, 2026.

Respectfully submitted,

s/ Lawrence Van Daley

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I certify that this memorandum contains 2,967 words, in compliance with the Local Civil Rules.