

**DETAINED**

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

SOONTHAI DOUANGDALA,

*Petitioner,*

v.

TODD BLANCHE, et al.,

*Respondents.*

Case No.: 2:26-cv-00963-DGE

PETITIONER'S RESPONSE TO RETURN  
(TRAVERSE) AND REPLY TO  
OPPOSITION TO MOTION FOR  
TEMPORARY RESTRAINING ORDER

Noted for Consideration: April 8, 2026

**PETITIONER'S RESPONSE TO RETURN**

**INTRODUCTION**

1. Petitioner, Soonthai Douangdala ("Petitioner," "Soonthai," "Mr. Douangdala"), seeks release from his indefinite immigration detention at the Northwest ICE Processing Center ("NWIPC") and to prevent his removal to a third country, Laos, without the due process required by law. Respondents make no showing that Petitioner's continued detention remains lawful under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001), and they do not identify any concrete, time-bound plan demonstrating that his ordered removal to Thailand is significantly likely in the reasonably foreseeable future. Instead, Respondents offer only assertions that they seek effectuate his ordered removal by sending him to Laos

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1 rather than Thailand and then provided a supposed travel document to Laos, which does  
2 not state that Petitioner is a citizen or national of Laos. Resp'ts' Ex. M.

- 3 2. Respondents' Return and Opposition to Petitioner's Motion for Temporary Restraining  
4 Order ("Return") relegates to a footnote midway through their Return that all their  
5 evidence contradicts and undermines the entirety of their arguments opposing the Habeas  
6 Writ and Temporary Restraining Order ("TRO"). Resp. 5 n.4.

7 Petitioner's NTA, as well as many of the official documents in the  
8 administrative record, incorrectly reflect Petitioner is a citizen of  
9 Thailand. See, e.g., Andrade Decl., Ex A. At his May 6, 1998, individual  
10 hearing, Petitioner was questioned by the Immigration Judge regarding  
11 his citizenship. Id., Ex. B at 5 (May 6, 1998, Hearing Transcript). While  
12 pleading to the allegations and sole charge of removability in his NTA,  
13 Petitioner indicated that he was born in Thailand and is considered a  
14 citizen of Thailand. Id. At that same hearing, when asked to name the  
15 country to which he wished to return, Petitioner stated Thailand. Id., at 6.

16 *Id.* (Emphasis added).

- 17 3. In fact, the entirety of Respondents' evidence demonstrates that Petitioner is to be  
18 removed to Thailand. There are no travel documents, or even claims to travel documents,  
19 to remove him to Thailand, and there is no "good reason to believe that there is no  
20 significant likelihood of removal in the reasonably foreseeable future" now than there  
21 was in 1999 when Petitioner's removal order became final or in 2000 when he was  
22 released on an order of supervision ("OSUP") due to the government's inability to  
23 provide travel documents to accomplish the removal order.
4. Respondents' Return does not mention or categorize their attempt to remove Petitioner as  
a "third country removal" except in paragraph 16 of Deportation Officer ("DO") Andre  
Ouk's Declaration, stating, "On April 1, 2026, Petitioner was served a third country  
removal notice indicating removal to Laos. Petitioner did not claim fear of removal to

1 Laos in response to the notice served.” Upon information and belief through this  
2 counsel’s communications with Petitioner’s family, Petitioner made a request to DO Ouk  
3 for a Reasonable Fear Interview in March 2026 regarding his fear of being removed to  
4 Laos but was later informed that he did not qualify for said interview.

- 5 5. Respondents’ attempt to defeat Petitioner’s third-country due process by removing him to  
6 Laos instead of Thailand. Courts routinely reject that kind of “trust us” framing where  
7 ICE maintains policies and practices permitting rapid third-country removal without  
8 meaningful pre-removal process, and where the government refuses to provide  
9 enforceable assurances. Petitioner’s requested relief is tailored to prevent irreparable  
10 harm and to ensure constitutionally required process if ICE proceeds with third-country  
11 removal. Additionally, Respondents carry the burden of reopening Petitioner’s case in  
12 order to remove him to a third country with adequate due process. For these reasons, the  
13 Court should grant the Petition.

14 **FACTUAL AND PROCEDURAL BACKGROUND**

- 15 6. On September 30, 1997, Petitioner was served with a Notice to Appear (“NTA”), stating  
16 that he is “a citizen and national of Thailand” and subject to removal pursuant to “Section  
17 237(a)(2)(A)(iii) of the [ ] Immigration and Nationality Act.” Resp’ts’ Ex. A. The  
18 Immigration Judge (“IJ”) issued a final order in Petitioner’s immigration proceedings on  
19 May 6, 1998, ordering Petitioner “be removed from the United States to Thailand.”  
20 Resp’ts’ Ex. C.
- 21 7. As stated in Respondents’ Exhibit B, Transcript of Hearing, in Petitioner’s removal  
22 proceedings, the IJ asked, “Are you a native, were you born in Thailand and considered a  
23 citizen of Thailand?” To which, Petitioner stated “Yeah.” The judge also asks, “If you had  
to leave the United States, do you want to name a country you would go to?” Petitioner

1 answered: "Thailand." Judge: "So, sir, what I'm going to have to do is enter an order saying  
2 that you should be sent back to Thailand when the state of Washington is through with you.  
3 Do you understand?" Petitioner: "Yes."

4 8. Petitioner filed an appeal of the removal order with the Board of Immigration Appeals  
5 ("BIA"). The BIA dismissed Petitioner's appeal on June 28, 1999." Resp'ts' Ex. D. The  
6 BIA Appeal states: "In a decision dated May 6, 1998, an Immigration Judge found the  
7 respondent subject to removal on the charge set forth above, found him ineligible for relief  
8 from removal, and ordered him removed to Thailand." *Id.*

9 9. In an undated document, "Notice of Revocation of Release," it states that the OSUP from  
10 March 11, 2009, "is hereby revoked" and Petitioner will "remain detained." Resp'ts' Ex.  
11 J. It further states that "ICE has obtained a travel document and scheduled your removal to  
12 take place no later than April 7, 2026." *Id.* The section entitled "Notice of Informal  
13 Interview" leaves the date section blank. *Id.* It is unclear from this document, if and when  
14 it was served on Petitioner and whether such interview took place.

15 10. Respondent's Ex. K, Record of Deportable/Inadmissible Alien claims Petitioner's  
16 "Country of Citizenship" as "THAILAND" and "Country of Birth" as "THAILAND." As  
17 do Exhibits F and G.

18 11. Respondents purport that their Exhibit M is a travel document to Laos. The document  
19 leaves Soonthai's "Nationality" and "Place of Birth" blank. The document is dated January  
20 08, 2026.

21 12. DO Ouk's Declaration claims "Petitioner is a native of Thailand and a citizen of Laos" but  
22 provides nothing to support this claim. Nothing in the record supports this claim. It further  
23 states that travel documents for Laos were requested but does not mention travel documents

1 for Thailand. It also states, “ERO has successfully removed aliens under final order of  
2 removal to Laos. Upon the termination of the provisional TRO and at the conclusion of  
3 any related fear screening or additional proceeding, ERO anticipates effectuating removal  
4 of Petitioner to Laos in the normal course.”

5 13. Because the removal order became administratively final on June 28, 1999, and was  
6 released from immigration officials’ custody on or about June 9, 2000, the presumptively  
7 reasonable six-month period has expired, and the burden shifts to Respondents under  
8 *Zadvydas*.

9 **LEGAL STANDARD**

10 14. After the presumptively reasonable six-month period of post-order detention, “once the  
11 alien provides good reason to believe that there is no significant likelihood of removal in  
12 the reasonably foreseeable future, the Government must respond with evidence sufficient  
13 to rebut that showing.” *Zadvydas*, 533 U.S. at 701; see also *Nadarajah v. Gonzales*, 443  
14 F.3d 1069, 1077 (9th Cir. 2006).

15 15. *Zadvydas* rejected the notion that courts must accept the government’s prediction about  
16 future removal “conducting little or no independent review of the matter.” 533 U.S. at 701.  
17 District courts must not “abdicat[e] their legal responsibility to review the lawfulness of an  
18 alien’s continued detention.” *Id.*

19 **ARGUMENT**

20 **A. Petitioner’s Continued Detention Is Unlawful Under *Zadvydas***

21 16. Petitioner has met his burden to show good reason to believe that “there is no significant  
22 likelihood of removal in the reasonably foreseeable future.” *Nadarajah*, 443 F.3d at 1077;  
23 *Zadvydas*, 533 U.S. at 701. His order became administratively final in 1999. Thus, the  
presumptively reasonable six-month period has expired. See *Tran v. Bondi*, No. CV25-

1 01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025) (stating presumptively  
2 reasonable period expires six months after a final order, regardless of detention).

3 17. Because Petitioner has made a preliminary showing of indefinite detention before being  
4 removed to Thailand, the burden shifts to Respondents to show that removal is reasonably  
5 foreseeable. *Zadvydas*, 533 U.S. at 701. Respondents' generalized representations that  
6 Petitioner's removal from the United States is "substantially likely" in the "reasonably  
7 foreseeable future" are insufficient to meet that burden. *Id.* As this Court recently noted,  
8 "Courts in this circuit have regularly refused to find Respondents' burden met where  
9 Respondents have offered little more than generalizations regarding the likelihood that  
10 removal will occur." *Eshaghpour v. Bondi*, No. C25-2322-SKV, 2026 WL 100603, at \*4  
11 (W.D. Wash. Jan. 14, 2026) (internal quotation marks and citation omitted).

12 18. Respondents offer no evidence that their intent to effect the removal order is significantly  
13 likely in the reasonably foreseeable future. They do not identify any country prepared to  
14 accept Petitioner given that he was ordered removed to Thailand. Respondents do not  
15 indicate plans to seek any travel documents for Thailand or whether they made any past  
16 attempts.

17 19. *Zadvydas* admonished courts not to accept the government's belief about foreseeability  
18 unquestioningly. 533 U.S. at 701. Courts exercising that "legal responsibility" should  
19 consider whether the government has credibly explained the delay. *See Lema v. U.S. I.N.S.*,  
20 214 F. Supp. 2d 1116, 1118 (W.D. Wash. 2002) ("The continuing failure of a destination  
21 country to respond to a request for travel documents may provide the Court with 'good  
22 reason to believe' that deportation is not [significantly] likely in the reasonably foreseeable  
23 future . . . where the destination country's lack of response is combined with the INS'

1 inability to explain the silence and the absence of any indication that the situation may  
2 change.”). Where DHS has no idea of when it might reasonably expect repatriation, courts  
3 cannot conclude removal is likely to occur in the reasonably foreseeable future. *See Singh*  
4 *v. Whitaker*, 362 F. Supp. 3d 93, 101–02 (W.D.N.Y. 2019).

5 20. Given these facts, Respondents fail to meet their burden of showing that Petitioner’s  
6 removal from the United States to Thailand is substantially likely in the reasonably  
7 foreseeable future. *See, e.g., Gilali v. Warden of McHenry Cnty. Jail*, No. 19-CV-837, 2019  
8 WL 5191251, at \*5 (E.D. Wis. Oct. 15, 2019) (mere assertions of good-faith efforts to  
9 secure removal “does not make removal likely in the reasonably foreseeable future”). This  
10 Court should order Petitioner’s immediate release with appropriate conditions.

11 21. Respondents, through their statements and evidence do well to prove Petitioner’s argument,  
12 which Respondents’ Return characterizes as “unsubstantiated,” that “there is no reason to  
13 believe that Petitioner can be removed to Laos, given that he was ordered removed to  
14 Thailand and Respondents have not shown that he is removable to Laos or that they have  
15 sought to remove him to Thailand.

16 22. Respondents claim that their “acquisition of Petitioner’s Lao travel document and ICE’s  
17 intent to execute his removal order in April 2026 reflects that his current detention  
18 undoubtedly related to the Government’s objective of effectuating his final order of  
19 removal. Ouk Decl., ¶ 17; *Guarcas Martin v. Bondi*, No. 2:26-CV-00749-DGE, 2026 WL  
20 638769, at \*4 (W.D. Wash. Mar. 7, 2026).” However, how can they effectuate a final order  
21 of removal directing removal to occur to Thailand, especially having shown no efforts to  
22 seek travel documents to Thailand before seeking documents to a third country, Laos.

23. As stated, the Record of Deportable/Inadmissible Alien claims, “DUOANGDALA is a citizen and native of Thailand. Subject was ordered removed from the United States on 05/06/98, and place on an Order of Supervision.”

**B. Due Process Bars Removal to an Unknown Third Country Without Notice and an Opportunity to Be Heard.**

24. Respondents argue that the Court may not issue the relief sought by Petitioner on his due process claim because he is a member of the plaintiff class purportedly bound by the proceedings and stay order in *Dep’t of Homeland Sec. v. D.V.D.* This argument has been rejected by many courts. See, e.g., *Baltodano v. Bondi*, No. CV25-1958-RSL, 2025 WL 2987766, at \*2 (W.D. Wash. Oct. 23, 2025) (citing cases).

25. As explained in *Nguyen*, the Supreme Court’s stay in *D.V.D.* provided no reasoning and is not a decision on the merits. See *Nguyen v. Scott*, 796 F. Supp. 3d 703, 731 (W.D. Wash. 2025) (citing *Merrill v. Milligan*, 142 S. Ct. 879, 879 (2022) (Kavanaugh, J., concurring) (“The Court’s stay order is not a decision on the merits.”)); see also *Cruz-Medina v. Noem*, — F. Supp. 3d —, 2025 WL 2841488 (D. Md. Oct. 7, 2025) (rejecting argument that *D.V.D.* stay forecloses relief); *Santamaria Orellana v. Maker*, No. 25-1788-TDC, 2025 WL 2841886 (D. Md. Oct. 7, 2025) (citing *Nguyen*, 2025 WL 2419288, at \*22).

26. Further, Ninth Circuit precedent requires meaningful notice and an opportunity to seek protection regarding the country of removal; failing to notify individuals of the right to apply for protection to the country to which they will be deported violates both regulations and due process. *Nguyen*, 796 F. Supp. 3d at 727 (citing *Andriasian v. I.N.S.*, 180 F.3d 1033, 1041 (9th Cir. 1999) (citing *Kossov v. I.N.S.*, 132 F.3d 405, 408 (7th Cir. 1998)). Applying this binding precedent, the court concluded that “Petitioner is likely to

1 succeed on his claim that removal to a third country under ICE's current policy, without  
2 meaningful notice and reopening of his removal proceedings for a hearing, would violate  
3 due process." *Nguyen*, 796 F. Supp. 3d at 728–29. And in *Baltodano*, citing *Nguyen*, the  
4 court concluded that the petitioner is likely entitled to the "multistep procedures set out in  
5 8 U.S.C. § 1231(b) and required by due process" before ICE can remove him to a third  
6 country. 2025 WL 2987766, at \*3.

7 27. This Court should order that Respondents and their respective officers, agents,  
8 employees, attorneys, and other persons acting on their behalf may not remove Petitioner  
9 to any third country unless and until he is provided with adequate notice and a hearing  
10 before a neutral decisionmaker to determine whether such removal is appropriate.

### 11 CONCLUSION

12 For the reasons presented above and in his habeas petition, Petitioner respectfully requests that this  
13 Court:

- 14 1. Order Respondents to immediately release Petitioner from custody;
  - 15 2. Order Respondents not to remove, or seek to remove, Petitioner to any third country unless  
16 and until they provide advance notice of the intended country and a meaningful opportunity  
17 to respond consistent with the statute and due process, including the opportunity to seek  
18 protection;
  - 19 3. Order Respondents not to remove Petitioner to any third country where Respondents' third-  
20 country removal program would operate to impose unconstitutional punishment;
  - 21 4. Issue an order providing for an award of attorney's fees and costs; and
  - 22 5. Grant such other and further relief as the Court deems just and proper.
- 23

1 Dated: April 8, 2026.

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