

District Judge Ricardo S. Martinez

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

EDUARDO RAMIREZ RAMIREZ,

Petitioner,

v.

TODD BLANCHE,¹ *et al.*,²

Respondents.

Case No. 2:26-cv-01096-RSM

FEDERAL RESPONDENTS'
RETURN

Noted for Consideration:
April 20, 2026

I. INTRODUCTION

This Court should deny Petitioner Eduardo Ramirez Ramirez's Petition for Writ of Habeas Corpus. Dkt. No. 1 ("Pet."). Petitioner challenges his post-order detention at the Northwest Immigration Processing Center ("NWIPC") as unconstitutional and unlawful while he awaits removal from the United States. Petitioner is subject to a final order of removal and is lawfully detained pursuant to 8 U.S.C. § 1231(a)(6).

¹ Pursuant to Fed. R. Civ. P. 25(d), Federal Respondents substitute Acting United States Attorney General Todd Blanche for Pamela Bondi.

² Pursuant to Fed. R. Civ. P. 25(d), Federal Respondents substitute Department of Homeland Security Secretary Markwayne Mullin for Kristi Noem.

Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 His habeas petition should be denied for three reasons: (1) Petitioner’s detention is lawful
2 under *Zadvydas v. Davis*, 533 U.S. 678 (2001), because there is a significant likelihood that
3 Petitioner will be removed to a third country in the reasonably foreseeable future; (2) Petitioner’s
4 claims regarding his third country removal are without merit; and (3) Petitioner’s remaining
5 requests for relief should be denied.

6 Accordingly, Federal Respondents respectfully request the Court deny the Petition without
7 an evidentiary hearing. This return is supported by the pleadings and documents on file in this
8 case, the Declaration of Deportation Officer Christopher Hubbard (“Hubbard Decl.”), and the
9 Declaration of Jennifer Wong (“Wong Decl.”), with accompanying exhibits.

10 II. BACKGROUND

11 A. Legal Background

12 The Immigration and Nationality Act (“INA”) governs the detention and release of
13 noncitizens during and following their removal proceedings. *See Johnson v. Guzman Chavez*, 594
14 U.S. 523, 527 (2021). The general detention periods are generally referred to as “pre-order”
15 (meaning before the entry of a final order of removal) and, relevant here, “post-order” (meaning
16 after the entry of a final order of removal). *Compare* 8 U.S.C. § 1226 (authorizing pre-order
17 detention) *with* § 1231(a) (authorizing post-order detention).

18 When a final order of removal has been entered, a noncitizen enters a 90-day “removal
19 period.” 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of Homeland Security
20 “shall remove the [noncitizen] from the United States.” *Id.* To ensure a noncitizen’s presence for
21 removal and to protect the community from noncitizens who may present a danger, Congress has
22 mandated detention while removal is being effectuated. 8 U.S.C. § 1231(a)(2). Section 1231(a)(6)
23 authorizes U.S. Immigration and Customs Enforcement (“ICE”) to continue detention of
24 noncitizens after the expiration of the removal period. Unlike Section 1231(a)(2), Section

1 1231(a)(6) does not mandate detention and does not place any temporal limit on the length of
2 detention under that provision. 8 U.S.C. § 1231(a)(6).

3 During the removal period, ICE is charged with attempting to effect removal of a
4 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit
5 on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may be
6 detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal from
7 the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six
8 months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.* at 701.

9 **B. Petitioner Eduardo Ramirez Ramirez**

10 Petitioner is a native and citizen of Mexico, who entered the United States at an unknown
11 time and unknown place. Hubbard Decl. ¶ 4; Wong Decl. at Ex. 1 (Form I-213). On October 7,
12 2024, ICE’s Enforcement and Removal Operations (“ERO”) became aware of Petitioner after ERO
13 received a biometric alert that he had been booked into Whatcom County Jail in Bellingham,
14 Washington, for driving under the influence. Hubbard Decl. ¶ 5. Available law enforcement dataset
15 queries indicated that he had prior immigration encounters, and he was present in the United States
16 without authorization. *Id.*

17 On July 10, 2025, Petitioner was arrested and transferred to the NWIPC. *Id.* ¶ 6. He was
18 also served a Notice to Appear (“NTA”), charging him with removability under INA §
19 212(a)(6)(A)(i), 8 U.S.C. § 1227(a)(6)(A)(i), and placed in immigration proceedings. Hubbard
20 Decl. ¶ 6; Wong Decl. at Ex. 2 (Notice to Appear).

21 On September 24, 2025, Petitioner was ordered removed to Mexico, and the immigration
22 judge (“IJ”) granted him withholding of removal under INA § 241(b)(3), 8 U.S.C. § 1231(b)(3).
23 Hubbard Decl. ¶ 8; Wong Decl. at Ex. 3 (Order of Removal). Both the U.S. Department of
24

1 Homeland Security (“DHS”) and Petitioner waived appeal, Hubbard Decl. ¶ 8, making the order
2 of removal administratively final on September 24, 2025. 8 C.F.R. § 1241.1.

3 Since the order of removal became administratively final, ERO has been working to
4 effectuate Petitioner’s third country removal. On November 10, 2025, Petitioner was served with
5 a Notice of Removal to Honduras, but he refused to sign the document. Hubbard Decl. ¶ 9. On
6 March 3, 2026, Petitioner was served with a Notice of Removal to Honduras and a Notice of
7 Removal to El Salvador, but he refused to sign the documents, and he was served with a Form I-
8 229(a), Warning for Failure to Depart. Hubbard Decl. ¶ 10; Wong Decl. at Exs. 4 (Notice of
9 Removal to El Salvador), 5 (Notice of Removal to Honduras), 6 (Warning for Failure to Depart on
10 March 3, 2026). On April 6, 2026, Petitioner was again served with a Notice of Removal to
11 Honduras, as well as a Notice of Removal to Guatemala, but he refused to sign these documents
12 and was served with another Form I-229(a), Warning for Failure to Depart. Hubbard Decl. ¶ 11;
13 Wong Decl. at Exs. 7 (Notice of Removal to Honduras), 8 (Notice of Removal to Guatemala), 9
14 (Warning for Failure to Depart on April 6, 2026).

15 On April 7, 2026, ERO sent an email the to the Honduras attaché asking them to accept
16 Petitioner. Hubbard Decl. ¶ 13. ERO has not yet received a response. *See id.*

17 Currently, ERO is still working with the Department of State to find a third country that
18 will accept Petitioner. *Id.* ¶ 14. ERO believes there is a significant likelihood of removal in the
19 reasonably foreseeable future in that Petitioner’s travel documents will be accepted by Honduras,
20 El Salvador, or Guatemala. *Id.* ¶ 15.

III. ARGUMENT

A. Petitioner's detention is lawful under *Zadvydas* because there is a significant likelihood that he will be removed to third country in the reasonably foreseeable future.

Petitioner's detention is constitutionally and statutorily lawful as he is detained pursuant to 8 U.S.C. § 1231(a)(6). A noncitizen may be detained only "for a period reasonably necessary to bring about that [noncitizen's] removal from the United States." *Zadvydas*, 533 U.S. at 689. In *Zadvydas*, the Supreme Court determined that it is "presumptively reasonable" for DHS to detain a noncitizen for six months following entry of a final removal order while it works to remove the noncitizen from the United States. *Id.* at 701. The *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of burdens is applied to assess the continuing lawfulness of a noncitizen's post-order detention. *Id.* (stating that "for detention to remain reasonable, as the period of post-removal confinement grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink").

Here, Petitioner's order of removal became administratively final on September 24, 2025, and he has been detained for approximately six months. Although the six-month presumptively reasonable period just recently ended on March 24, 2026, Petitioner's detention continues to be constitutional because he fails to demonstrate that there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701.

Petitioner has the initial burden to demonstrate that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *See, e.g., Nguyen v. Field Office Director et al.*, No. 2:26-cv-00394-DGE, 2026 WL 538487, at *4 (W.D. Wash. Feb. 26, 2026) ("*Zadvydas* 'places the burden on the [noncitizen] to show, after a detention period of six months, that there is 'good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.'"); *Nguyen v. Hermosillo, et al.*, No. 2:26-cv-00335-

1 GJL, 2026 WL 538497, at *3 (W.D. Wash. Feb. 26, 2026) (“[T]he noncitizen carries the initial
2 burden of providing “good reason to believe that there is no significant likelihood of removal in
3 the reasonably foreseeable future.”). Only after the noncitizen meets this burden to provide good
4 reason that there is no significant likelihood of removal in the reasonably foreseeable future does
5 the burden shift to the government to show that removal remains likely within a reasonable
6 timeframe. *Id.* If the government fails to submit sufficient rebuttal evidence showing that removal
7 is likely to occur within the reasonably foreseeable future, then the noncitizen is entitled to habeas
8 corpus relief. *Id.*

9 Petitioner has failed to meet his initial burden here. First, Petitioner alleges that his removal
10 to Mexico is not likely in the reasonably foreseeable future because he has been granted
11 withholding of removal to Mexico. Pet. at 20. But ICE is pursuing third country removal options
12 for Petitioner, such as El Salvador, Honduras, and Guatemala, and does not intend to remove
13 Petitioner to Mexico. *See* Hubbard Decl. ¶¶ 9-14.

14 Second, Petitioner alleges that his removal to El Salvador, Honduras, or any other third
15 country is not likely in the reasonably foreseeable future because ICE has not yet obtained travel
16 documents for such countries, he has no connections to these countries, and there is no indication
17 that these countries will accept him. Pet. at 20. But Petitioner has refused to cooperate with the
18 government’s efforts to remove him to El Salvador, Honduras, and Guatemala.

19 A noncitizen who “refuses to cooperate fully and honestly with officials to secure travel
20 documents from a foreign government” cannot meet his “burden to show there is no significant
21 likelihood of removal in the reasonably foreseeable future.” *Lema v. I.N.S.*, 341 F.3d 853, 856 (9th
22 Cir. 2003); *see also* 8 U.S.C. § 1231(a)(1)(C) (extending detention period pending removal if a
23 noncitizen “fails or refuses to make timely application in good faith for travel or other documents
24 necessary to [their] departure”).

1 Here, ERO is pursuing third country removal for Petitioner to El Salvador, Honduras, and
2 Guatemala, but he has been uncooperative in these efforts. Petitioner refused to sign the notices of
3 removal to El Salvador, Honduras, and Guatemala, on March 3, 2026, and April 6, 2026. Hubbard
4 Decl. ¶¶ 10-12. Due to his refusal to sign these notices of removal, he was also twice served with
5 a Form I-229(a), Warning for Failure to Depart, for his failure to accept third country removal. *Id.*

6 Thus, Petitioner has failed to meet his initial burden of establishing good reason to believe
7 his removal will not occur in the reasonably foreseeable future. Nonetheless, the government has
8 come forward with evidence to show that that removal remains likely within a reasonable
9 timeframe. ERO believes there is a significant likelihood of removal in the reasonably foreseeable
10 future in that Petitioner's travel documents will be accepted by Honduras, El Salvador, or
11 Guatemala. Hubbard Decl. ¶ 13. ERO has been working to effectuate Petitioner's third country
12 removal. ERO has served Petitioner with notices of removal to these three third countries, and on
13 April 7, 2026, ERO contacted the Honduras attaché asking to accept Petitioner, and is awaiting a
14 response. *Id.* ¶¶ 10-12. Further, ERO is still working with the United States Department of State
15 to find a third country that will accept Petitioner. *Id.* ¶ 13.

16 Additionally, the fact that Petitioner does not yet have a specific date of anticipated removal
17 does not make his detention indefinite. *Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008).
18 Detention becomes indefinite in situations where the country of removal refuses to accept the
19 noncitizen or if removal is legally barred. *Id.* There is no reason to believe that is the situation here.

20 Therefore, Petitioner's detention remains lawful and not indefinite because Petitioner fails
21 to provide sufficient evidence or argument to overcome the presumption that his continued
22 detention is reasonable, *Sun v. Hermosillo*, No. 2:26-cv-00215-LK, 2026 WL 510666, at *3 (W.D.
23 Wash. Feb. 24, 2026), and ERO believes that there is a significant likelihood that Petitioner will
24 be removed to a third country in the reasonably foreseeable future.

B. Petitioner's claims regarding his third country removal are without merit.

Petitioner also makes several claims regarding his potential third country removal, but they are without merit. Pet. at 21-23.

First, Petitioner claims that it would be reasonably likely that Federal Respondents would not comply with “regulatory and constitutional obligations” for his third country removal, violating the Fifth Amendment, the INA, the Convention Against Torture (“CAT”), and implementing regulations. *Id.* at 21-22.

Petitioner presents no evidence that ICE will deviate from its policies for his third country removal. Rather, ICE has followed – and continues to follow – DHS policy, which provides a procedure for notice and meaningful opportunity to respond to third country removals.³ Over the span of approximately five months, Petitioner has been provided five notices of removal to three different third countries, but he has not claimed fear to any of these countries.

ICE first provided Petitioner with a notice of removal to Honduras on November 10, 2025, but he refused to sign the document. Hubbard Decl. ¶ 9. Petitioner did not express fear of removal to Honduras. About four months later, ICE again provided Petitioner with two notices of removal, with the selected third countries as Honduras and El Salvador on March 3, 2026. Hubbard Decl. ¶ 10; Wong Decl. at Exs. 4 & 5. Petitioner, however, again refused to sign these documents, and ICE served him with a Warning for Failure to Depart, for his refusal to accept removal to Honduras or El Salvador. Hubbard Decl. ¶ 10; Wong Decl. at Ex. 6. Petitioner did not express a fear of removal to any of these two countries. One month later, on April 6, 2026, ICE attempted for a third time to provide Petitioner with notices of removal, with the third countries selected as Honduras

³ See U.S. Department of Homeland Security, “Guidance Regarding Third Country Removals,” Kristi Noem, March 30, 2025, available at https://storage.courtlistener.com/recap/gov.uscourts.mad.282404/gov.uscourts.mad.282404.43.1_1.pdf (last visited Feb. 6, 2026) (“DHS Memo”).

1 and Guatemala. Hubbard Decl. ¶ 11; Wong Decl. at Exs. 7 & 8. Again, Petitioner refused to sign
2 the documents and was served with a Warning for Failure to Depart, for his refusal to accept third
3 country removal. Wong Decl. at Ex. 9. Petitioner again did not express a fear of removal to any of
4 these two countries.

5 Over the span of these five months, Petitioner has been given notice of potential third
6 countries for his third country removal by ICE at least five times, with three different third
7 countries selected by ICE for his removal – Honduras, El Salvador, and Guatemala. He has had
8 the opportunity to respond to each of ICE’s notices of removal, but he has not claimed fear to any
9 of these third countries or signed any of the notices of removal.

10 Nonetheless, ERO continues to work with the U.S. Department of State to select another
11 third country that may accept Petitioner. Hubbard Decl. ¶ 13. Once Petitioner claims fear of
12 removal to a third country, ICE will refer him to United States Citizenship and Immigration
13 Services (“USCIS”), and USCIS will schedule petitioner for an interview to determine whether it
14 is more likely than not that she will be persecuted or tortured in that third country. *See* DHS Memo.

15 Second, Petitioner claims that his third country removal is considered punitive third-
16 country banishment, and a violation of the Fifth and Eighth Amendments. Pet. at 22. He alleges
17 that Federal Respondents’ policy for third country removals makes it reasonably likely that he will
18 be removed to a third country with a punitive intent and result. *Id.* Petitioner provides no evidence
19 that this will be the case. Not only does Petitioner not indicate a specific third country in his
20 argument, ICE has not selected a third country for his removal because he refuses to sign the
21 notices of removal. Once Petitioner claims fear of removal to a specific third country, he will be
22 referred to USCIS for an interview to determine whether it is more likely than not that he will be
23 persecuted or tortured in that third country. *See* DHS Memo.

24 Accordingly, Petitioner’s claims regarding third country removal should be dismissed.

1 **C. Petitioner’s remaining requests for relief should be denied.**

2 Petitioner also seeks injunctive relief that exceeds the narrow scope of habeas review. Pet.
3 at 24, Prayer for Relief (d)-(e).

4 First, Petitioner requests that this Court order that “[Federal] Respondents may not re-
5 detain [him] without first holding a hearing before a neutral decisionmaker at which the
6 government bears the burden of establishing a flight risk or danger to the community by clear and
7 convincing evidence based on changed circumstances since [Petitioner] was previously released.”
8 Pet. at 24, Prayer for Relief (d).

9 To the extent that Petitioner is seeking an order restricting the Government’s execution of
10 the removal order or dictating the manner in which it may occur, this Court lacks jurisdiction to
11 grant such relief. *See e.g., Saechao v. Scott*, No. 2:26-cv-00548-TMC, 2026 WL 626765, at *5
12 (W.D. Wash. Mar. 5, 2026). Under 8 U.S.C. § 1252(g), federal courts lack jurisdiction over claims
13 arising from the Government’s decisions or actions to “commence proceedings, adjudicate cases,
14 or execute removal orders.” 8 U.S.C. § 1252(g); *see also Reno v. American-Arab Anti-*
15 *Discrimination Committee*, 525 U.S. 471 (1999); *Rauda v. Jennings*, 55 F.4th 773 (9th Cir. 2022).

16 The Supreme Court has affirmed the constitutionality of detention pending removal
17 proceedings, notwithstanding that the Government has never borne the burden to justify such
18 detention by clear and convincing evidence. *See, e.g., Demore v. Kim*, 538 U.S. 510, 522, 532
19 (2003); *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1211 (9th Cir. 2022) (“We are aware of no
20 Supreme Court case placing the burden on the government to justify the continued detention of [a
21 noncitizen], much less through an elevated ‘clear and convincing’ showing.”). Even when
22 considering a noncitizen subjected to potentially indefinite detention after the conclusion of
23 removal proceedings, the Supreme Court has placed the burden on the noncitizen, as opposed to
24 the Government, to justify release. *See Zadvydas*, 533 U.S. at 701. Therefore, the Government

1 cannot be ordered to bear the burden of proof prior to re-detention. At most, the Government
2 should be only required to demonstrate dangerousness or flight risk by a preponderance of the
3 evidence in line with the immigration officer's initial determination. 8 C.F.R. § 1236.1(c)(8).

4 Second, Petitioner requests the Court enjoin Federal Respondents from re-detaining him
5 unless several conditions are satisfied, such as obtaining a travel document to a third country for
6 him, providing the valid travel document to him and his counsel, and offering him the opportunity
7 challenge the third country removal "as detailed in other grounds." Pet. at 24, Prayer for Relief (e).
8 Such injunctive relief would improperly impose procedural requirements that lack precedent or
9 authority. *Zadvydas* does not impose such conditions or prerequisites as to the Government's
10 authority to re-detain a noncitizen when removal becomes reasonably foreseeable due to a change
11 of circumstances. Further, this Court lacks jurisdiction to restrict the Government's execution of a
12 removal order. 8 U.S.C. § 1252(g); *see also Reno*, 525 U.S. 471; *Rauda*, 55 F.4th 77.

13 Therefore, the Court should deny Petitioner's additional requests for injunctive relief.

14 IV. CONCLUSION

15 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
16 the Petition.

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1 DATED this 15th day of April, 2026.

2 Respectfully submitted,

3 s/ Jennifer Wong

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12 I certify that this memorandum contains 3,181
13 words, in compliance with the Local Civil Rules.