

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDUARDO RAMIREZ RAMIREZ,

Petitioner,

vs.

TODD BLANCHE et al,

Respondents.

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

**PETITIONER'S TRAVERSE IN
SUPPORT OF PETITION FOR WRIT
OF HABEAS CORPUS UNDER 28
U.S.C. § 2241 AND REQUEST FOR
INJUNCTIVE RELIEF**

I. INTRODUCTION

The government's return in this case acknowledges that Mr. Ramirez Ramirez has been held in ICE detention since September 24, 2025, for over six months, but insists that his detention has not become indefinite under *Zadvydas v. Davis*, 533 U.S. 678 (2001). As many judges in this district have held in similar cases in which the petitioner has obtained relief under the INA or the Convention Against Torture, the Federal Respondents' vague assurances of "pursuing third country removal options for Petitioner" despite having failed to secure travel documents from any country are not sufficient to show that his removal is reasonably foreseeable. Gov't Return, Dkt. 4 at 6; *see, e.g., Saadhom v. Bondi*, No. CV26-00425-TL, 2026 WL 698786, at *5 (W.D. Wash. Mar. 12, 2026); *Baltodano v. Bondi*, No. CV25- 1958-RSL, 2025 WL 3484769, at *4 (W.D. Wash. Dec. 4, 2025), *Elshourbagy v. Bondi*, No. CV25-2432-TL, 2025 WL 3718993, at *4 (W.D. Wash. Dec. 23, 2025). The government has shown that it cannot meet its burden under *Zadvydas*, and Petitioner must be ordered released on bond.

1 The government's claim that Mr. Ramirez Ramirez's alleged noncooperation in his
2 removal to various potential third countries has delayed his removal is baseless. The government
3 has not shown that Honduras, Guatemala, El Salvador, or any other country would have agreed
4 to accept Mr. Ramirez Ramirez if he had more fulsomely cooperated in his removal there.
5 Indeed, it appears that the government only even attempted to contact Honduras on April 7,
6 2026—a week *after* Mr. Ramirez Ramirez filed his petition for writ of habeas corpus—and has
7 not yet received any response. Return at 4. The government does not appear to have even
8 contacted Guatemala, El Salvador, or any other country. Furthermore, as the government admits,
9 on two separate occasions in March and April 2026, Mr. Ramirez Ramirez was served with
10 Notices of Removal to two different countries at the same time. Return at 4. Respondents do not
11 explain why Mr. Ramirez Ramirez was expected to agree to be sent to multiple third countries
12 at the same time. Nonetheless, this is not the sort of “noncooperation” contemplated by the
13 relevant caselaw, as detailed below. In fact, Respondents claim that “[o]nce Petitioner claims
14 fear of removal to a specific third country” (emphasis added). It’s unclear how they expect
15 Mr. Ramirez Ramirez to claim fear of a *specific* country when they are threatening him with
16 removal to three or more other countries. Mr. Ramirez Ramirez is not responsible for complying
17 with the government’s scattershot approach of informing him he was being removed to three
18 different countries in the span of one month—none of which have agreed to receive him. And
19 even if any failure amounted to the kind of noncooperation discussed in the case law, which it
20 does not, the government can hardly prevent fear of and resistance to third-country removal when
21 newspapers are replete with stories of people being imprisoned without hope for release upon
22 their arrival in a third country not their own, and people being sent on to countries that U.S.
23 immigration judges previously ordered withholding of removal to.

24 The Court should also enjoin third-country removal without the due process guarantees
25 ordered by many other courts in this district. The government’s baseless threats to remove Mr.
26 Ramirez Ramirez to countries from which it has not obtained travel documents or a promise of

status, and that Mr. Ramirez Ramirez has absolutely no ties to, are traumatic and unconstitutional. It is baffling that the government continues to insist that Mr. Ramirez Ramirez’s removal is “reasonably foreseeable” when it cannot even say which of three countries he will be removed to—and in fact, suggests that it might be looking beyond those three countries. Return at 9 (“ERO continues to work with the U.S. Department of State to select another third country that may accept Petitioner” (emphasis added)).

The Court should also prohibit Mr. Ramirez Ramirez’s re-detention absent notice, an opportunity to be heard, and findings that the regulatory standards for re-detention have been met.

Finally, the government’s third-country removal program is unconstitutionally punitive and removal to a country where imprisonment or harm is likely should be permanently enjoined. *See Baltodano v. Bondi*, No. CV25-1958-RSL, 2025 WL 3484769, at *10 (W.D. Wash. Dec. 4, 2025) (“[T]his Court holds that the Government’s practice of third-country removal paired with imprisonment is intended to be punitive and thus violates due process under *Wong Wing v. United States*, 163 U.S. 228[,] 236-38 (1896), and *Zadvydas*, 533 U.S. [] at 693-94. . . .”).

As detailed further below, the Court should grant Petitioner’s habeas petition on all grounds.

II. THE COURT SHOULD GRANT PETITIONER’S HABEAS PETITION AS REQUIRED UNDER *ZADVYDAS*.

A. Mr. Ramirez Ramirez has inarguably been detained beyond the presumptive six-month period, and there is no significant likelihood of his removal in the reasonably foreseeable future.

Mr. Ramirez Ramirez’s continued detention is indefinite and unlawful. Respondents offer no argument as to why Mr. Ramirez Ramirez may be detained for more than 6 months and counting even though they concede he may not be removed to Mexico and no third country has agreed to accept him. Return at 6 (“ICE is pursuing third country removal options for Petitioner”). Merely pursuing a third country removal does not make it foreseeable under *Zadvydas*. *See, e.g., Saadhom*, 2026 WL 698786, at *5 (assertions that Respondents had

1 “submitted travel document requests” to multiple third countries “do not make removal
 2 reasonably foreseeable”); *Hambarsonpour v. Bondi*, No. CV25-1802-RSM, 2025 WL 3251155,
 3 at *2–3 (W.D. Wash. Nov. 21, 2025) (holding that a government argument that it was “actively
 4 working to effectuate his removal to France” was insufficient to render petitioner’s removal
 5 reasonably foreseeable in the absence of travel documents); *Tran v. Noem*, No. C25-1523, 2025
 6 WL 3268491, at *3 (E.D. Cal. Nov. 24, 2025) (assertion that the government was “actively
 7 working on obtaining a travel document for Petitioner to Vietnam” was insufficient to show
 8 removal was reasonably foreseeable); *Phan v. Beccerra*, No. C25-1757, 2025 WL 1993735, at
 9 *5 (E.D. Cal. July 16, 2025) (“Respondents’ intent to complete a travel document request for
 10 Petitioner does not make it significantly likely he will be removed in the foreseeable future”).
 11 The government “cannot overcome the meritorious arguments in Petitioner’s pending habeas
 12 petition by simply handing Petitioner an application for travel documents.” *Elshourbagy*, 2025
 13 WL 3718993, at *4.

14 Under *Zadvydas*, the Supreme Court has made clear that the purpose of detention under
 15 the statute must be tied to the goal of removing the person from the United States, and if the
 16 detention is prolonged beyond the time necessary to complete that goal, the Due Process Clause
 17 places further limits on the detention. *Zadvydas*, 533 U.S. at 699. *Zadvydas* determined that
 18 detention becomes “indefinite” when there is “good reason to believe that there is no significant
 19 likelihood of removal in the reasonably foreseeable future.” *Diouf v. Mukasey*, 542 F.3d 1222,
 20 1233 (9th Cir. 2008) (quoting *Zadvydas*, 533 U.S. at 701). Under these standards, the
 21 government’s continued detention of Mr. Ramirez Ramirez has become unconstitutionally
 22 indefinite.

23 *B. Mr. Ramirez Ramirez has not been uncooperative for purposes of justifying*
 24 *unconstitutional detainment.*

25 In lieu of any evidence that ICE will be able to effect Mr. Ramirez Ramirez’s removal,
 26 Respondents attempt to shift blame to Mr. Ramirez Ramirez for their failures, despite the fact
 that Mr. Ramirez Ramirez has been in detention without access to resources during the period in

1 question. More importantly, Respondents do not explain why any efforts on his part would have
2 led to a successful removal. Evidence from other CAT and INA withholding cases indicates that
3 any effort would have been fruitless because Mr. Ramirez Ramirez is not a citizen or national of
4 any other country, nor has he ever lived in any other country. The Western District of
5 Washington has repeatedly held that petitioners do not have the burden to facilitate removal. *See,*
6 *e.g., Saadhom*, 2026 WL 698786, at *4 (“[t]he Court is perplexed and confounded by
7 Respondents’ insistence that the burden of facilitating removal should be shifted to someone
8 who they themselves hold in a prison-like detention setting”); *Yukseloglu v. Bondi*, No. 26-467,
9 2026 WL 617367, at *3 (March 5, 2026) (“[t]his is not obstruction, it is blaming an asylum
10 seeker for not having ties to third, fourth, or fifth countries”); *Le v. Bondi*, No. CV25-2454-KKE,
11 2026 WL 309239, at *4 (W.D. Wash. Feb. 5, 2026) (compiling cases).

12 Moreover, the case law in which the government successfully defeats a *Zadvydas* claim
13 on noncooperation grounds involves noncitizens resisting travel document requests for their
14 native countries or making affirmative misrepresentations to those countries, not random
15 countries to which petitioners have absolutely no connection. *See, e.g., Pelich v. I.N.S.*, 329 F.3d
16 1057, 1059 (9th Cir. 2003) (“Pelich[, who was born in Poland,] has steadfastly refused to fill out
17 a Polish passport application, which directly impedes Poland’s ability to determine whether
18 Pelich qualifies for Polish travel documents”); *Lema v. I.N.S.*, 341 F.3d 853, 857 (9th Cir. 2003)
19 (“In the two years since Lema first applied for travel documents, Lema[,who is Ethiopian,] has
20 not furnished the Ethiopian government or the INS with any new evidence (such as affidavits
21 from family members) to support his claim of Ethiopian nationality”). In withholding or deferral-
22 of-removal cases, such as this one, courts have rejected noncooperation arguments as
23 insufficient. *See, e.g., Kara v. Bondi*, CV26-105-JHC, 2026 WL 322772, at *4 (W.D. Wash. Feb.
24 6, 2026) (“Here, Respondents do not point to sufficient evidence that Petitioner was
25 noncooperative. The government’s sworn declaration says that Petitioner ‘refused to provide any
26 third countries he would be willing to go to’ . . . which does not amount to an affirmative

1 misrepresentation or refusal to apply for travel documents as in *Pelich and Lema*”); *Hamedani*
2 *v. Bondi*, No. CV25-2509-JNW, 2026 WL 452424, at *1, *3 (W.D. Wash. Feb. 18, 2026)
3 (holding that even though Respondents alleged “refus[al] to cooperate in securing travel
4 documents,” “[t]he Government has not shown that any of these countries is willing to accept
5 him, that he meets any eligibility requirements for acceptance, or that it has even contacted them
6 about his case”).

7 Finally, Petitioner has an entirely reasonable fear of being sent to a third country that may
8 imprison him and/or forward him to the country he has obtained withholding protections against
9 (a practice known as *refoulement* under international law). Recent reporting has revealed that the
10 nation of Cameroon received nine African nationals who had CAT or INA protections against
11 being sent to their home countries. Pranav Baskar & Hamed Aleaziz, *US. Deports Nine Migrants*
12 *in Secret, Ignoring Legal Protections*, N.Y. Times, Feb. 14, 2026,
13 <https://www.nytimes.com/2026/02/14/world/africa/us-secret-deportation-cameroon.html>.
14 Cameroon imprisoned them upon arrival and intends to keep them in prison until they agree to
15 return to the home country they have protections against under United States and international
16 law. *Id.* As former ICE official Scott Shuchart told the New York Times, “Sending people to a
17 third country where they are coerced into deportation to the country that we cannot deport them
18 to is flatly illegal.” *Id.* Supreme Court justices have similarly described examples of people being
19 sent on to their country of origin by Mexico despite CAT protections. *See DHS v. D. V.D.*, 145
20 S. Ct. 2153, 2154 (2025) (Sotomayor, J., dissenting) (describing deportation without notice to
21 Mexico of a man granted CAT deferral against removal to Guatemala; Mexico promptly sent
22 him on to Guatemala without regard to the CAT decision of a United States immigration judge);
23 *see also* Baskar & Aleaziz (“Eight of nine migrants deported to Equatorial Guinea were sent
24 back to their home countries, including one with an asylum claim, in another unpublicized
25 agreement. In September, Ghana deported at least three people, despite their having removal
26 protections”).

C. Respondents have not rebutted Petitioner's showing that there is no likelihood of removal.

Although the burden has shifted to Respondents to provide evidence sufficient to rebut Petitioner's showing that there is no significant likelihood of removal in the reasonably foreseeable future, *Zadvydas*, 533 U.S. at 701, they offer nothing in response. Respondents provide no evidence that travel documents have been obtained for Honduras, El Salvador, Guatemala, or any other third country. Indeed, the only contact attempted to any of these countries was an email to the Honduras attaché less than two weeks ago. Return at 4. Respondents incorrectly shift blame on Mr. Ramirez Ramirez without offering any evidence of how, absent Mr. Ramirez Ramirez's signature on a notice of removal, his removal might be likely. Respondents thus fail to provide evidence of the likelihood of Mr. Ramirez Ramirez's removal in the reasonably foreseeable future. Respondents provide no evidence to rebut Petitioner's valid belief that removal to any country is not reasonably foreseeable.

As his detention has exceeded six months, and with no end in sight, Mr. Ramirez Ramirez should be released on bond under reasonable conditions of supervision. *See Kamyab v. Bondi*, No. CV25-389-RSL, 2025 WL 2917522, at *5 (W.D. Wash. Oct. 14, 2025) (citing 8 U.S.C. § 241.4(j), 241.5, 241.13(h)).

III. PETITIONER IS ENTITLED TO DUE PROCESS PRIOR TO ANY RE-DETENTION.

Federal Respondents assert that this Court lacks jurisdiction regarding Petitioner's request for injunctive relief. However, this district has confirmed that challenges to the legality of detention fall outside of 8 U.S.C. § 1252(g). *Sosa v. Immigration and Customs Enforcement Field Office Director*, 2026 WL 523274, at *2 (W.D. Wash. Feb. 25, 20206) ("Many courts—including this one—have held that challenges to the length of detention or the revocation of supervised release fall outside Section 1252(g) because they do not implicate one of the statute's three enumerated actions."); *See also, Yang v. Scott*, 2026 WL 523277, at *2 (W.D. Wash. Feb. 25, 2026). *Saechao v. Scott*, No. 2:260-cv-00548- TMC, 2026 WL 626764, is inapposite. There,

1 the Court determined that Respondents were able to show a reasonable likelihood of removal,
2 specifically because they secured travel arrangements to his home country before detaining him.
3 *Id.* at *6 (“the Mathews factors fall in [Respondents’] favor because they did not seek to detain
4 Petitioner without a hearing until they had made concrete arrangements for his removal.”). As
5 Respondents are aware, Mr. Ramirez Ramirez challenges his indefinite detention, seeking relief,
6 in part, that grants his release and guarantees unlawful re-detention may not occur again.

7 Petitioner faces a high likelihood of re-detention because Federal Respondents have been
8 vigorously attempting to remove all individuals who have obtained withholding of removal
9 under the INA and the CAT, by any means necessary. *See, e.g.,* Lisa Fernandez, *Trump Has a*
10 *New Deportation Strategy: Fast-Tracking Third-Country Removals*, KTVU Fox 2,
11 <https://www.ktvu.com/news/trump-deportation-third-country-removals>
12 [<https://perma.cc/P2BT-SRKR>] (Dec. 25, 2025). The fact that Mr. Ramirez Ramirez cannot be
13 removed to Mexico opens up a broad swath of other possible removal destinations; and ICE
14 routinely announces its “intent” to remove such petitioners to new countries they have never
15 been to. *See, e.g.,* Hubbard Decl. (Mr. Ramirez Ramirez was served with notices of intent to
16 remove him to Guatemala, Honduras, and El Salvador). Furthermore, ICE has served Mr.
17 Ramirez Ramirez with multiple warnings for failure to depart even though no third country has
18 accepted him and he cannot be removed to Mexico. *Id.* These facts together show that Federal
19 Respondents have the motive and the means to re-detain Mr. Ramirez Ramirez and an order
20 according him process before he is arbitrarily re-detained is warranted.

21 **IV. PETITIONER IS ENTITLED TO AN INJUNCTION BARRING DEPORTATION**
22 **TO A THIRD COUNTRY WITHOUT NOTICE AND A MEANINGFUL**
23 **OPPORTUNITY TO BE HEARD.**

24 Federal Respondents, while acknowledging that this Court has issued orders barring
25 detainees from being removed to third countries without additional due process protections,
26 suggests that there is no controversy in this case sufficient to invoke federal jurisdiction. Return
at 8. But this Court has already held that ICE’s current third-country removal policy “contravenes

1 Ninth Circuit law,” *Baltodano*, 2025 WL 3484769, at *6 (quoting *Nguyen v. Scott*, 796
 2 F.Supp.3d 703, 728 (W.D. Wash. 2025)), and the government makes no attempt to reconcile the
 3 two. There is a grave controversy concerning the process that is required before Mr. Ramirez
 4 Ramirez can be removed to a country where he may not have status allowing him to work and
 5 may not have domestic legal protections against being forwarded to Mexico, where a United
 6 States immigration judge held the INA itself prohibited him from being removed. There exist
 7 many documented instances in which the government has failed to adhere to the due-process
 8 requirements of Ninth Circuit law. *See, e.g., D.V.D.*, 145 S. Ct. at 2154 (Sotomayor, J.,
 9 dissenting); *see also id.* at 2155–58.

10 Specifically, courts in the Ninth Circuit have held that the ICE policy of shifting the
 11 burden to petitioners to move to reopen removal proceedings themselves any time ICE threatens
 12 them with removal to a third country is not “giv[ing] sufficient notice of a country of deportation
 13 that, given his capacities and circumstances, he would have a reasonable opportunity to raise and
 14 pursue his claim for withholding of deportation.” *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1009
 15 (W.D. Wash. 2019) (*qtd. in Nguyen v. Scott*, 796 F.Supp.3d at 727). Here, too, Respondents have
 16 attempted to improperly shift the burden of raising fear to Mr. Ramirez Ramirez by claiming
 17 “Petitioner has been provided five notices of removal to three different third countries, but he
 18 has not claimed fear to any of these countries.” Return at 8.

19 As this Court recently concluded with respect to a similar case,

20 Here, standing is obvious, because Respondents explicitly concede that “ICE is
 21 ... pursuing Petitioner's removal to third countries.” Dkt. No. 8 at 10.
 22 Additionally, as Petitioner observes in his traverse, Respondents' own account of
 23 the process Petitioner has already received- “including as reflected in
 24 Respondents' claim that the Mr. Elshourbagy has not independently raised fear in
 25 response to a notice of removal to Uganda” shows that Petitioner “has already
 26 suffered injury in fact on this claim for standing purposes.” *See* Dkt. No. 13 at 7
 (citing Dkt. No. 8 at 9). “Moreover, ‘the fact that this injury is directly traceable
 to a written policy suggests that there is an implicit likelihood of its repetition in
 the immediate future.’” *Nguyen v. Bondi*, No. C25-2024, 2025 WL 3534168, at
 *7 (W.D. Wash. Dec. 10, 2025) (citation modified) (quoting *Esmail [v. Noem]*,
 No. 25-8325,] 2025 WL 3030589, at *5 [(C.D. Cal. Sept. 26, 2025)]). In other
 words, the existence of DHS's policy, which Petitioner points to as evidence of

constitutionally deficient process (Dkt. No. 1 at 13-14), is part of the reason Petitioner does have standing, not a valid argument that he does not.

Elshourbagy v. Bondi, No. 2025 WL 3718993, at *6 (W.D. Wash. Dec 23, 2025).

Ultimately, “[g]iving petitioner an opportunity to file a motion to reopen [his removal proceedings] . . . is not an adequate substitute for the process that is due process in these circumstances.” *Baltodano*, 2025 WL 3484769, at *6 (quoting *Aden*, 409 F. Supp. 3d at 1009-11); *Nguyen*, 796 F. Supp. 3d at 728. “Rather, a petitioner must be able to pursue his claim for withholding of deportation in reopened removal proceedings before an immigration judge.” *Id.*; see also *Y.T.D. v. Andrews*, No. 1:25- CV-01100 JLT SKO, 2025 WL 2675760, at *11 (E.D. Cal. Sep. 18, 2025); *Abubaka v. Bondi*, No. CV25-1889-RSL, 2025 WL 3204369, at *6 (W.D. Wash. Nov. 17, 2025); *A.A.M v. Tonya Andrews, et al.*, No. 1:25-cv-01514-DC-DMC (HC), 2025 WL 3485219, at *8 (E.D. Cal. Dec. 4, 2025).

Furthermore, former Secretary Noem’s memorandum, Return at 8, provides that detainees who fear removal to a third country will not receive a hearing before an immigration judge unless they both independently raise the issue of fear and then prove they would “more likely than not be persecuted or tortured” on a statutorily protected ground or tortured in the country of removal. *Id.*

The relevant regulations, in contrast, require a much lower showing at the credible-fear stage. Title 8 C.F.R. § 208.31, for example, provides that a person with a final removal order who expresses fear of return need only show a “reasonable possibility” of persecution or torture at a credible fear hearing. And the law that applies in expedited removal proceedings imposes an even lower burden. See 8 U.S.C. § 1225(b) (the term “credible fear of persecution” means that there is *a significant possibility . . . that the alien could establish eligibility for asylum*)” (emphasis added); 8 C.F.R. § 208.30 (same standard). See also *Kiakombua v. Wolf*, 498 F. Supp. 3d 1, 41 (D.D.C. 2020) (Jackson, J.) (“[C]redible fear” is a low standard that does not require the applicant to produce evidence at all, and does not require testimony on every element of the potential claim.).

1 Because there is a large gap between the process accorded by the government's policies
 2 and the law, Mr. Ramirez Ramirez is not being accorded sufficient due process regarding
 3 threatened third-country removals and habeas relief is merited on this claim.

4 **V. PETITIONER IS ENTITLED TO AN INJUNCTION BARRING DEPORTATION**
 5 **TO A THIRD COUNTRY PURSUANT TO RESPONDENTS' PUNITIVE**
 6 **POLICY.**

7 The courts in *Abubaka*, *Nguyen*, *Hambarsonpour*, and *Baltodano* have all held that the
 8 government's practice of third-country removal is punitive as a matter of policy and thus violates
 9 due process under *Wong Wing*, 163 U.S. at 236–38, and *Zadvydas*, 533 U.S. at 693–94. *Abubaka*,
 10 2025 WL 3204369, at *8; *Nguyen*, 796 F.Supp.3d at 739; *Hambarsonpour*, 2025 WL 3251155,
 11 at *1, *4–5; *Baltodano*, 2025 WL 3484769, at *10. Amazingly, Respondents argue here that
 12 “Petitioner does not indicate a specific third country in his argument.” Return at 9. This is clearly
 13 because Respondents have served Mr. Ramirez Ramirez with Notices of Removal to three
 14 separate countries in the course of just one month. Removal to any of these countries would be
 15 punitive.

16 Rather, courts that have granted relief on this claim have particularly taken note of the
 17 descriptions of punitive treatment that deviate from the government's promises in individual
 18 cases before the court. *See, e.g., Rivera-Trigueros v. Bondi*, No. 24-3764, 2025 WL 1189561, at
 19 *2 (9th Cir. Apr. 24, 2025) (finding individual had shown that, if detained in El Salvador, he
 20 would “confront a prison environment in which torture is pervasive” and that “the squalid
 21 conditions in Salvadoran prisons—which include extreme overcrowding, inadequate sanitation,
 22 and a lack of food—are deliberately inflicted by government officials as a form of punishment”)
 23 (citation omitted); *Abrego Garcia v. Noem*, 777 F. Supp. 3d 501, 509 (D. Md. 2025) (“ICE
 24 forcibly transported Abrego Garcia to the Terrorism Confinement Center (‘CECOT’) in El
 25 Salvador, a notorious supermax prison known for widespread human rights violations.”); *DHS*
 26 *v. D.V.D.*, 145 S. Ct. at 2154–55 (2025) (Sotomayor, J., dissenting) (describing deportation to
 Mexico of a gay man from Guatemala who had obtained withholding of removal to Guatemala

1 under the Convention Against Torture; Mexico promptly forwarded him on to Guatemala, where
2 he was forced into hiding); *D.A. v. Noem*, No. 25-CV-3135 (TSC), 2025 WL 2646888, at *1–
3 *3) (D.D.C. Sep. 15, 2025) (describing punitive deportation to prison-like setting in Ghana).
4 Even if they are not imprisoned, petitioners lack status in third countries that have not accepted
5 them as citizens and cannot work or access services in the third country. This Court should
6 similarly recognize that ICE’s third-country deportation policy is punitive in intent and practice
7 and therefore violates due process.

8 And given that Petitioner was granted withholding based on credible evidence that his
9 life or freedom was threatened in his home country, the entire practice of using “bridge
10 countries” to effectuate eventual return to a barred home country represents an end run around
11 prohibitions against persecution: punitive by any definition. *See* Matias Delacroix & Megan
12 Janetsky, *Isolated in ‘Harsh Conditions:’ Deportee from US Details Legal Limbo in Panama*
13 *Camp Near Darien Gap*, AP World News (Feb. 22, 2025), [https://apnews.com/article/panama-](https://apnews.com/article/panama-deportees-trump-hotel-darien-gap-iom-bba8c3dc33fd38efd569a5b51e481a86)
14 [deportees-trump-hotel-darien-gap-iom-bba8c3dc33fd38efd569a5b51e481a86](https://apnews.com/article/panama-deportees-trump-hotel-darien-gap-iom-bba8c3dc33fd38efd569a5b51e481a86)
15 [<https://perma.cc/7FL8-KNXT>]) (quoting U.S. State Department’s statement on social media
16 that the countries were “safely returning third-country nationals to their countries of origin”);
17 *see also D.V.D.*, 145 S. Ct. at 2154 (Sotomayor, J., dissenting). Such an end run around
18 prohibitions on persecution could thus be accomplished without any specific punitive intent in
19 individual decisionmakers’ minds. Mr. Ramirez Ramirez’s fear of being sent to a third country
20 and then on to Mexico is rational and credible.

21 This Court should grant the habeas petition on the ground that the third-country removal
22 program is punitive insofar as it involves imprisonment for a civil immigration issue, *see*
23 *Abubaka*, 2025 WL 3204369, at *8, and as applied to Mr. Ramirez Ramirez, is punitive insofar
24 as any third-country candidate is not bound by the United States immigration judge’s decision
25 indefinitely withholding his deportation to the country that persecuted him.
26

VI. CONCLUSION

This Court should grant the habeas petition on all grounds.

DATED this 20th day of April, 2026.

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