

The Honorable Brian A. Tsuchida

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

PEDRO VALDOVINOS RODRIGUEZ,

Petitioner,

v.

TODD BLANCHE, *et al.*,¹

Respondents.

Case No. 2:26-cv-01118-BAT

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
April 21, 2026

I. INTRODUCTION

This Court should deny Petitioner's Petition for a Writ of Habeas Corpus. Dkt. 1. Petitioner, a native and citizen of Mexico with no lawful immigration status, is lawfully detained pursuant to reinstatement of a prior final order of removal under 8 U.S.C. § 1231(a)(5). After expressing fear of return to Mexico, Petitioner received a negative reasonable fear determination that was timely affirmed by an Immigration Judge. Petitioner collaterally attacks the 1999

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

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 expedited removal order on alleged procedural grounds, complains of purported defects in the
2 reasonable fear process, and seeks immediate release, an injunction against future custody, and
3 vacatur of the 1999 order. As detailed below, Petitioner's detention is lawful, his challenges are
4 jurisdictionally barred or meritless, exhaustion is lacking where required, and the extraordinary
5 relief he requests exceeds this Court's authority.

6 **II. FACTUAL AND PROCEDURAL HISTORY**

7 **A. Petitioner Pedro Valdovinos Rodriguez**

8 Petitioner is a native and citizen of Mexico who has no lawful immigration status in the
9 United States. Declaration of Deportation Officer Gary Ingram (Ingram Decl.), ¶ 4. On January
10 16, 1999, he was subject to an expedited removal order issued pursuant to 8 U.S.C. § 1225(b)(1)
11 and was removed to Mexico. Declaration of Lawrence Van Daley (Van Daley Decl.), Exhibit
12 (Ex.) 1, Expedited Removal; Ex. 2 Verification of Removal. Despite this prior removal, Petitioner
13 illegally reentered the United States at an unknown place and on an unknown date and has
14 remained unlawfully present ever since. Ingram Decl., ¶ 5. On February 22, 2026, Enforcement
15 and Removal Operations officers encountered Petitioner during a targeted enforcement vehicle
16 stop in Bellevue, Washington. Van Daley Decl., Ex. 3, Form I-213. He was taken into custody and
17 transferred to the Northwest ICE Processing Center. Ingram Decl., ¶ 6; Van Daley Decl., Ex. 4,
18 Warrant. On the same date, he was served with a Notice of Intent to Reinstate the 1999 final order
19 of removal. Ingram Decl., ¶ 7; Van Daley Decl., Ex. 5 Reinstatement Notice. Petitioner expressed
20 a fear of persecution or torture upon return to Mexico. On March 16, 2026, U.S. Citizenship and
21 Immigration Services determined that he did not establish a reasonable fear. Ingram Decl., ¶ 8;
22 Van Daley Decl., Ex. 6, Form I-863. Petitioner requested immigration judge review, and on
23 April 1, 2026, the immigration judge affirmed the negative reasonable-fear determination. Ingram
24 Decl., ¶ 9; Van Daley Decl., Ex. 7, IJ Review. Petitioner filed the instant habeas petition on

April 1, 2026. See Dkt. No. 1. Petitioner was served with a notice of imminent removal from the United States on April 2, 2026. Van Daley Decl., Ex. 8, Notice of Removal.

B. Detention Authority

Petitioner’s detention is authorized by 8 U.S.C. § 1231(a). Congress has established a comprehensive post-removal detention scheme that mandates detention once an alien is subject to a final order of removal. Under 8 U.S.C. § 1231(a)(1)(A), “except as otherwise provided in this section, when an alien is ordered removed, the Attorney General shall remove the alien from the United States within a period of 90 days.” During this removal period, 8 U.S.C. § 1231(a)(2) provides that the Attorney General “shall detain the alien. Under no circumstance shall the Attorney General release an alien described in this paragraph.” The removal period begins on the date the order of removal becomes administratively final. 8 U.S.C. § 1231(a)(1)(B)(i).

8 U.S.C. § 1231(a)(5) expressly governs this situation: “If the Attorney General finds that an alien has reentered the United States illegally after having been removed or having departed voluntarily, under an order of removal, the prior order of removal is reinstated from its original date and is not subject to being reopened or reviewed, and the alien is not eligible for any relief from removal.” Upon reinstatement, the prior 1999 expedited removal order is treated as though it had never been executed for purposes of triggering the removal period. The reinstatement itself renders the order administratively final and executable once any applicable fear screening is completed.²

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² The immigration judge affirmed the negative credible fear determination on April 1, 2026. Van Daley Decl., Ex. 7. At that point, the reinstated order became fully executable, and the removal period commenced under 8 U.S.C. § 1231(a)(1)(B)(i). Mandatory detention under 8 U.S.C. § 1231(a)(2) therefore applies. Petitioner is not detained under the expedited-removal provisions of 8 U.S.C. § 1225(b)(1), which govern only initial custody determinations at or near the time of attempted entry. Instead, his custody is governed exclusively by the post-order mandatory detention authority of 8 U.S.C. § 1231(a).

1 This detention framework is mandatory rather than discretionary. The statute uses the word
2 “shall” in both 8 U.S.C. § 1231(a)(2) and 8 U.S.C. § 1231(a)(5), leaving no room for release during
3 the removal period except in narrow circumstances not applicable here. The Supreme Court has
4 confirmed the mandatory nature of this detention in the reinstatement context. In *Johnson v.*
5 *Guzman Chavez*, 594 U.S. 523, 533-38 (2021) (holding that aliens subject to reinstated removal
6 orders who are pursuing withholding-only or reasonable-fear proceedings remain detained under
7 8 U.S.C. § 1231(a), not under the discretionary pre-removal detention provisions of 8 U.S.C. §
8 1226). The Court explained that the removal period begins when the reinstated order becomes
9 administratively final and continues until the alien is removed, with no conversion to discretionary
10 detention during the pendency of protection claims. *Id.* at 528-29. Because 8 U.S.C. § 1231(a)(2)
11 mandates detention “under no circumstance” shall the alien be released during the removal period,
12 no bond hearing is available. *Id.* at 538.

13 III. LEGAL AUTHORITY

14 This Court possesses limited jurisdiction to entertain a petition for writ of habeas corpus
15 under 28 U.S.C. § 2241. However, the scope of review is sharply restricted by statute, particularly
16 with respect to challenges to expedited removal orders and reinstated orders. *See* 8 U.S.C. §
17 1252(e)(2); *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020).

18 IV. ARGUMENTS

19 A. Collateral Attack on the 1999 Expedited Removal Order Is Jurisdictionally Barred 20 and Provides No Basis for Relief

21 Petitioner alleges the 1999 expedited removal order was defective because he did not make
22 a sworn statement, the statement was not read to him, and he did not sign or initial each page. Dkt.
23 No. 1, ¶ 29. Petitioner further asserts that, absent this allegedly unlawful order, he would be eligible
24 to adjust status and entitled to a bond hearing. *Id.* at ¶ 4. These claims are not cognizable in habeas.

1 Congress has sharply limited federal-court review of expedited removal orders. The only
2 habeas review available is confined to three narrow questions: (1) whether the petitioner is an
3 alien, (2) whether he was ordered removed under 8 U.S.C. § 1225(b)(1), and (3) whether he is a
4 lawful permanent resident, asylee, or refugee who was not ordered removed. 8 U.S.C. § 1252(e)(2).
5 Petitioner’s procedural complaints about the 1999 sworn-statement process fall far outside these
6 statutory limits; they constitute a classic collateral attack on the merits and procedure of the
7 underlying order itself, which is an attack Congress has expressly forbidden. *Thuraissigiam*, 591
8 U.S. 103, 119-20 (holding that 8 U.S.C. § 1252(e)(2) “does not violate the Suspension Clause”
9 and that habeas may not be used to obtain “a second chance to seek asylum” or to litigate the
10 validity of the expedited removal order beyond the three statutory questions).

11 The Supreme Court’s decision in *Thuraissigiam* forecloses Petitioner’s attempt to
12 bootstrap alleged defects in the 1999 proceeding into a due-process or statutory claim warranting
13 release. The Court emphasized that arriving aliens subject to expedited removal have no
14 constitutional right to additional review of the removal order and that Congress’s decision to limit
15 habeas to the three narrow inquiries is constitutional. *Id.* at 138–39. The Ninth Circuit has
16 repeatedly applied *Thuraissigiam* to reject precisely the type of collateral attack Petitioner
17 advances here. In *Mendoza-Linares v. Garland*, 51 F.4th 1146, 1148-50 (9th Cir. 2022), the court
18 held that 8 U.S.C. § 1252(a)(2)(A) “clearly and unambiguously” precludes judicial review of the
19 merits of individual expedited removal orders, including any constitutional or procedural
20 challenges, even when framed as colorable constitutional claims. The court expressly rejected the
21 argument that *Thuraissigiam* left open a “colorable constitutional claim” exception sufficient to
22 confer jurisdiction. *Id.* at 1150; *see also Guerrier v. Garland*, 18 F.4th 304, 311-13 (9th Cir. 2021)
23 (post-*Thuraissigiam* confirmation that constitutional challenges to the validity of an expedited
24 removal order are barred).

1 The 1999 order's reinstatement under 8 U.S.C. § 1231(a)(5) provides an independent and
2 absolute bar. That statute provides that the prior removal order "is not subject to being reopened
3 or reviewed" and that the alien "shall be removed under the prior order at any time after reentry."
4 8 U.S.C. § 1231(a)(5). The Ninth Circuit has applied this bar directly to habeas and petition-for-
5 review challenges arising from reinstatement-plus-reasonable-fear proceedings. In *Alvarado-*
6 *Herrera v. Garland*, 993 F.3d 1187, 1193-94 (9th Cir. 2021), the court dismissed for lack of
7 jurisdiction any challenge to the validity of the underlying expedited removal order once it had
8 been reinstated, holding that the reinstatement statute precludes collateral review even when the
9 petitioner raises procedural or due-process objections to the original order. The court further held
10 that reasonable-fear proceedings do not reopen or otherwise revive the underlying removal order
11 for collateral attack. *Id.* at 1195.

12 Even if the 1999 order were somehow defective, a proposition the Court lacks jurisdiction
13 to entertain, Petitioner's current detention remains lawful and mandatory. When an alien reenters
14 after removal and the prior order is reinstated, detention is governed by 8 U.S.C. § 1231(a)(2), not
15 by the provisions governing arriving aliens or pre-removal detention. *Johnson v. Guzman Chavez*,
16 594 U.S. 523, 531-32 (2021) (holding that aliens subject to reinstated removal orders who pursue
17 withholding-only relief are detained under 8 U.S.C. § 1231 during those proceedings and are not
18 entitled to a bond hearing under 8 U.S.C. § 1226(a)). *Guzman Chavez* directly controls: the
19 pendency of reasonable-fear proceedings does not convert post-order detention into pre-order
20 detention eligible for a bond hearing. *Id.* at 531-32. Consequently, Petitioner's assumption that
21 vacating the 1999 order would render him "eligible to adjust status" or "entitled to a bond hearing"
22 is both jurisdictionally barred and legally incorrect; reinstatement renders the prior order final and
23 unreviewable, and Petitioner remains ineligible for adjustment of status while subject to a
24

1 reinstated final order of removal. *See* 8 U.S.C. § 1255(a) (adjustment available only to aliens who
2 are “admissible” and not subject to a final order).

3 Petitioner’s attempt to relitigate the 1999 expedited removal order in this habeas action is
4 foreclosed by multiple, interlocking statutory bars and controlling Supreme Court and Ninth
5 Circuit precedent. The alleged procedural defects furnish no basis for release, no basis for a bond
6 hearing, and no basis to declare the 1999 order void. The Court should reject this collateral attack
7 in its entirety.

8
9 **B. Alleged Procedural Defects in the Reasonable Fear Process Are Factually Unfounded
and Do Not Render Detention Unlawful**

10 Petitioner claims the Government violated regulations by failing to provide a copy of the
11 negative reasonable fear determination, failing to serve Form I-863, and failing to conduct the
12 Immigration Judge review within ten days. Dkt. No. 1, ¶ 14. These allegations lack merit on both
13 the facts and the law.

14 The record conclusively refutes Petitioner’s factual assertions. On March 18, 2026, two
15 days after the negative reasonable fear determination, Form I-863 was personally served on
16 Petitioner, who refused to sign for receipt. Van Daley Decl., Ex. 6. The form was then uploaded
17 to the Executive Office for Immigration Review’s ECAS docketing system on March 27, 2026,
18 thereby providing immediate access to Petitioner’s counsel (who entered a notice of appearance
19 on March 31, 2026). The Immigration Judge conducted the review hearing on April 1, 2026, well
20 within the regulatory timeline. 8 C.F.R. § 1208.31(g) requires that the Immigration Judge’s review
21 proceed “as soon as practicable” and, absent exceptional circumstances, within ten days of the
22 filing of the referral with the immigration court. Van Daley Decl., Ex. 7. The record establishes
23 timely compliance.

1 Even assuming, arguendo, some technical irregularity in service or timing, such defects do
2 not invalidate the negative reasonable fear determination or provide any basis for habeas relief
3 from otherwise lawful post-order detention. The reasonable fear screening process is a regulatory
4 creation designed to implement the statutory withholding-of-removal and Convention Against
5 Torture protections that apply to aliens subject to reinstated removal orders. *See* 8 C.F.R. § 208.31
6 (governing asylum officers' reasonable fear determinations); 8 C.F.R. § 1208.31(g) (governing
7 Immigration Judge review). Under 8 C.F.R. § 1208.31(g), the Immigration Judge is required to
8 conduct the review "as soon as practicable," and the record here confirms that the hearing occurred
9 within days of docketing and well within any reasonable interpretation of the regulatory window.
10 The regulations do not create a private right of action or a constitutional entitlement to perfect
11 service or a specific copy of the negative determination beyond the notice provided by Form I-863
12 and the opportunity for Immigration Judge review.

13 The Ninth Circuit has held that the reasonable fear screening procedures established by
14 regulation are fully consistent with the statutory provisions governing withholding of removal and
15 do not create additional procedural rights that could affect the finality of the underlying removal
16 order or the lawfulness of post-order detention. *Alonso-Juarez v. Garland*, 80 F.4th 1039, 1048-
17 50 (9th Cir. 2023) (rejecting challenge to the regulatory reasonable fear framework and clarifying
18 that 8 C.F.R. §§ 208.31 and 1208.31 do not alter the statutory withholding scheme or reopen the
19 underlying removal order for collateral attack). The court emphasized that these procedures serve
20 only the narrow purpose of screening eligibility for withholding-only relief and do not transform
21 post-order detention into pre-order detention eligible for additional review or release. *Id.* at
22 1049-50.

23 This Court lacks jurisdiction to entertain standalone challenges to the negative reasonable
24 fear determination in the habeas context when, as here, the challenge does not directly attack the

1 reinstatement order itself. *See Alvarado-Herrera v. Garland*, 993 F.3d 1187, 1193-95 (9th Cir.
2 2021) (holding that reasonable fear proceedings do not reopen or revive the underlying reinstated
3 removal order for collateral review). Petitioner’s attempt to use alleged procedural imperfections
4 in the reasonable fear process to collaterally attack his mandatory detention under 8 U.S.C. §
5 1231(a)(2) therefore fails as a matter of law. *Navarrete v. Bondi*, No. 24-2776 (9th Cir. Mar. 23,
6 2026) (dismissing petition for review advancing only a claim regarding a negative reasonable fear
7 determination and denial of CAT relief, holding that such a petition does not invoke jurisdiction
8 absent a direct challenge to the underlying reinstated removal order itself).

9 Finally, the Supreme Court has confirmed that aliens subject to reinstated removal orders
10 remain in mandatory post-order detention throughout withholding-only proceedings, including
11 reasonable fear review, and are not entitled to a bond hearing or release on the basis of any
12 procedural claims arising within those proceedings. *Guzman Chavez*, 594 U.S. at 531-34. Any
13 technical noncompliance with the reasonable fear regulations would constitute, at most, a harmless
14 regulatory violation that does not render Petitioner’s continued detention unlawful or entitle him
15 to the extraordinary remedy of immediate release. *Alonso-Juarez*, 80 F.4th at 1050 (reasonable
16 fear procedures do not affect detention authority under the reinstated order.).

17 **C. The Absence of Administrative Remedies Does Not Create Habeas Jurisdiction**

18 Petitioner alleges that “no administrative remedies are available to provide the relief [he]
19 seek[s]” and that “[t]here is no mechanism for challenging an unlawful expedited order of removal
20 other than through the instant habeas petition.” Dkt. No. 1, ¶ 4. While Petitioner is correct that
21 reinstatement proceedings offer no vehicle to collaterally attack the underlying 1999 expedited
22 removal order, that limitation is deliberate congressional policy and does not expand this Court’s
23 habeas jurisdiction.

1 The governing statute is 8 U.S.C. § 1231(a)(5), which states in pertinent part: “If the
2 Attorney General finds that an alien has reentered the United States illegally after having been
3 removed or having departed voluntarily, under an order of removal, the prior order of removal is
4 reinstated from its original date and is not subject to being reopened or reviewed, and the alien is
5 not eligible for any relief from removal.” This provision expressly precludes reopening or review
6 of the prior order in the reinstatement context. Congress paired this bar with the narrow
7 jurisdictional limits in 8 U.S.C. § 1252(e)(2), which confine habeas review of expedited removal
8 determinations to three discrete factual questions: (A) whether the petitioner is an alien, (B)
9 whether the petitioner was ordered removed under 8 U.S.C. § 1225(b)(1), and (C) whether the
10 petitioner can prove protected status that has not been terminated. See 8 U.S.C. § 1252(e)(2); see
11 also 8 U.S.C. § 1252(e)(5) (“There shall be no review of whether the alien is actually inadmissible
12 or entitled to any relief from removal.”).

13 Petitioner received the only administrative review to which he was entitled before the
14 reinstated order became executable: the reasonable-fear screening conducted by U.S. Citizenship
15 and Immigration Services on March 16, 2026, and the subsequent immigration judge affirmance
16 on April 1, 2026. That process satisfied the regulatory requirements for reinstatement proceedings.
17 See 8 C.F.R. § 241.8(e). The fact that those proceedings did not—and by statute could not—permit
18 litigation of the 1999 order’s alleged procedural defects does not create a constitutional or statutory
19 right to habeas review beyond the narrow confines of 8 U.S.C. § 1252(e)(2). *Thuraissigiam*, 591
20 U.S. at 135; *Mendoza-Linares*, 51 F.4th at 1152.

21 The lack of an administrative remedy to challenge the 1999 expedited removal order is not
22 an oversight; it is the statutory scheme Congress enacted. That scheme simultaneously limits both
23 administrative reopening under 8 U.S.C. § 1231(a)(5) and judicial review under 8 U.S.C. §
24

1 1252(e). The absence of additional remedies therefore provides no basis for this Court to expand
2 its habeas jurisdiction or to entertain Petitioner's collateral attack.

3 **D. Continued Detention Does Not Violate Due Process**

4 Petitioner has been in custody for less than two months, and his detention is directly
5 authorized by statute as part of the removal period following reinstatement. 8 U.S.C. § 1231(a)(2)
6 (providing that an alien subject to a reinstated order "shall be detained" during the removal period).
7 The Supreme Court has held that aliens subject to reinstated removal orders who pursue
8 withholding-only relief, including reasonable fear proceedings, are detained under the mandatory
9 post-order detention framework of 8 U.S.C. § 1231, not under pre-removal detention provisions
10 such as 8 U.S.C. § 1226. *Guzman Chavez*, 594 U.S. at 531-34. In *Guzman Chavez*, the Court
11 explained that withholding-only proceedings do not affect the finality of the underlying removal
12 order or convert post-order detention into pre-order detention eligible for a bond hearing. *Id.* at
13 532-33. The Court emphasized that mandatory detention under 8 U.S.C. § 1231 during the
14 pendency of such proceedings does not violate due process because the alien has already received
15 a full and fair removal proceeding resulting in a final order, and the withholding claim is a narrow
16 collateral proceeding that does not reopen the removal order itself. *Id.* at 534.

17 The Ninth Circuit has applied *Guzman Chavez* to confirm that due process is satisfied in
18 the reinstatement-plus-reasonable-fear context. In *Alvarado-Herrera*, 993 F.3d at 1195-96, the
19 court held that the reasonable fear screening process and subsequent Immigration Judge review
20 provide a constitutionally sufficient opportunity to present a fear claim. The court rejected the
21 argument that additional procedural protections or release from detention are required during the
22 pendency of withholding-only proceedings, noting that the statutory and regulatory framework
23 adequately protects against erroneous removal while preserving the finality of the reinstated order.
24 *Id.* at 1196. Similarly, in *Alonso-Juarez*, 80 F.4th at 1049-50, the Ninth Circuit reaffirmed that the

1 reasonable fear procedures under 8 C.F.R. §§ 208.31 and 1208.31 do not create additional due
2 process rights that would entitle an alien in post-order detention to release or a bond hearing.

3 Petitioner's specific claim that detention violates 8 U.S.C. § 1225(b)(1) is misplaced. That
4 provision governs the detention and expedited removal of arriving aliens at the border and has no
5 application once a prior removal order has been reinstated and the alien is subject to post-order
6 detention under 8 U.S.C. § 1231. *Guzman Chavez*, 594 U.S. at 531-32 (distinguishing between
7 detention regimes and holding that reinstatement triggers 8 U.S.C. § 1231 detention). Petitioner's
8 attempt to link alleged defects in the 1999 expedited removal order to a due process violation in
9 his current detention likewise fails, as collateral attacks on the underlying order are jurisdictionally
10 barred. *Thuraissigiam*, 591 U.S. at 135; *Mendoza-Linares*, 51 F.4th at 1148-50.

11 Due process in the immigration detention context requires only that the government
12 provide a meaningful opportunity to be heard on the fear claim, which Petitioner received through
13 the reasonable fear determination and Immigration Judge review, and that detention not be
14 arbitrary or indefinite. Here, detention is neither indefinite nor arbitrary; it is tied to the execution
15 of a final, reinstated removal order and the narrow withholding-only proceedings. *Guzman Chavez*,
16 594 U.S. at 534 (mandatory detention under 8 U.S.C. § 1231 is constitutionally permissible).
17 Petitioner has not alleged any facts suggesting prolonged detention beyond what is necessary to
18 complete the removal process or that the government is acting with unreasonable delay. His brief
19 period of detention does not rise to the level of a due process violation. *See also Demore v. Kim*,
20 538 U.S. 510, 531 (2003) (upholding mandatory detention during removal proceedings as
21 consistent with due process).

22 Petitioner's continued detention under 8 U.S.C. § 1231(a)(2) fully comports with due
23 process. The reasonable fear process afforded him adequate procedural protections, and no
24 additional bond hearing or release is constitutionally required.

E. Petitioner Has Not Shown Irreparable Injury

First, Petitioner's claim of irreparable injury from continued detention is insufficient as a matter of law. Detention pending removal does not constitute irreparable harm when the detention is expressly authorized by statute and is of limited duration. *See Demore*, 538 U.S. at 531 (upholding mandatory detention during removal proceedings and recognizing that such detention is a constitutionally permissible incident of the removal process). Here, Petitioner's detention is mandatory under 8 U.S.C. § 1231(a)(2) following reinstatement of a prior final removal order. *Guzman Chavez*, 594 U.S. at 531-34 (mandatory post-order detention under 8 U.S.C. § 1231 during withholding-only proceedings, including reasonable fear review, does not violate due process and is not indefinite). The brief duration of Petitioner's detention, less than two months as of the filing of the petition, further undermines any claim of irreparable injury. Courts routinely hold that statutorily authorized immigration detention of this length does not warrant habeas release absent a clear constitutional violation, which Petitioner has not shown. *See also Jennings*, 583 U.S. at 305-06 (2018) (rejecting broad release remedies in the immigration detention context where detention is authorized by statute).

Second, the specific relief Petitioner requests exceeds the limited scope of habeas review in immigration cases. This Court's habeas jurisdiction under 28 U.S.C. § 2241 is constrained by the jurisdictional bars in 8 U.S.C. § 1252. Petitioner's request for a declaration that the 1999 expedited removal order is void is a direct collateral attack on the order itself, an attack foreclosed by statute and controlling precedent. *Thuraissigiam*, 591 U.S. at 118-120 (habeas review of expedited removal orders is limited to the three narrow statutory inquiries under 8 U.S.C. § 1252(e)(2) and may not extend to vacating or declaring the order void); *Mendoza-Linares*, 51 F.4th at 1148-50 (8 U.S.C. § 1252(a)(2)(A) bars judicial review of the merits or validity of an expedited

1 removal order, even when framed as a constitutional claim). This Court lacks authority to vacate
2 the 1999 order or declare it void.

3 Similarly, Petitioner's request for an injunction preventing the Government from ever
4 taking him into custody again is an impermissible prospective restraint on lawful immigration
5 enforcement. Dkt. No. 1, Prayer for Relief at (c). Such relief is unavailable in habeas and
6 contravenes the statutory limits on review of removal orders and reinstatement decisions. 8 U.S.C.
7 § 1231(a)(5) (reinstated order is not subject to being reopened or reviewed); *Alvarado-Herrera*,
8 993 F.3d at 1193-94 (reinstatement statute precludes collateral review of the underlying order).
9 Habeas relief is limited to ordering release from current unlawful custody; it does not extend to
10 prospective injunctions barring future lawful encounters or detentions. *See Munaf v. Geren*, 553
11 U.S. 674, 693 (2008) (habeas does not authorize courts to enjoin future executive action in the
12 immigration or national security context absent extraordinary circumstances, which are absent
13 here).

14 Finally, immediate release is not warranted because Petitioner's detention is lawful under
15 8 U.S.C. § 1231(a)(2), as established in the preceding arguments. *Guzman Chavez*, 594 U.S. at
16 532-34. Petitioner has failed to demonstrate that his detention is unlawful, and therefore he cannot
17 show the irreparable injury necessary for the extraordinary remedy of habeas release. The proper
18 avenue for any challenge to the underlying order or the reasonable fear determination lies in a
19 petition for review to the Ninth Circuit after final agency action, not in this collateral habeas
20 proceeding. *Thuraissigiam*, 591 U.S. at 119; *Alonso-Juarez*, 80 F.4th at 1045-47.

21 Petitioner has not established irreparable injury, and the relief he seeks is both
22 jurisdictionally barred and unavailable in this forum.

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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 16th day of April, 2026.

Respectfully submitted,

s/ Lawrence Van Daley

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I certify that this memorandum contains 4,187 words, in compliance with the Local Civil Rules.