

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

PHOUVONG MANIVONG,

Petitioner,

v.

Markwayne Mullin, Secretary of U.S.
Department of Homeland Security;
Pamela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
Laura HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;

Respondents;

Case No. 2:26-cv-01123-TLF

**PETITIONER'S REPLY IN SUPPORT
OF PETITION FOR WRIT OF
HABEAS CORPUS AND MOTION
FOR TEMPORARY RESTRAINING
ORDER**

I. INTRODUCTION

Respondents' opposition attempts to reframe this case as a routine execution of a long-final removal order. That framing is incorrect.

1 This case is not about whether the Government may ultimately remove Petitioner. It is about
2 whether the Government may abruptly terminate fourteen years of settled liberty and re-detain
3 Petitioner without constitutionally adequate process, and then remove him before this Court can
4 adjudicate that constitutional violation.

5 The Court has already recognized the urgency of this issue and provisionally granted relief to
6 preserve the status quo and its jurisdiction.

7 Nothing in Respondents' opposition alters that conclusion.

8
9 **II. RESPONDENTS MISCHARACTERIZE THE NATURE OF PETITIONER'S**
10 **CLAIM**

11 Respondents argue that Petitioner cannot succeed because he is subject to a final order of removal
12 and removal is imminent.

13 That argument misses the point.

14 Petitioner does not challenge the validity of his 2012 removal order. Instead, he challenges the
15 constitutionality of Respondents' decision to revoke his long-standing supervised release and re-
16 detain him without meaningful process after fourteen years of compliance.

17 The constitutional injury occurred on March 20, 2026, when Respondents terminated Petitioner's
18 liberty interest without notice or a pre-deprivation hearing. The constitutional violation was
19 complete the moment Respondents terminated Petitioner's fourteen-year period of authorized
20 liberty without meaningful process. No subsequent procedure can retroactively cure that
21 deprivation. The existence of a removal order does not eliminate the protections of the Due Process
22 Clause.
23

24 The Government cannot cure that violation by pointing to the existence of a removal order or the
25 timing of removal. Due process protections attach to the deprivation of liberty itself, not merely to
26 the ultimate outcome of removal proceedings.

III. RESPONDENTS FAIL TO ADDRESS THE CORE DUE PROCESS VIOLATION

Respondents rely on the assertion that Petitioner received a notice of revocation, an informal interview, and a notice of imminent removal on the same day he was detained. That sequence confirms the constitutional defect rather than curing it.

Petitioner was deprived of his liberty before any meaningful opportunity to be heard. A same-day notice and “informal interview,” conducted after detention and entirely within ICE’s control, does not satisfy due process where the Government is terminating a long-established liberty interest. Respondents identify no neutral decisionmaker, no pre-deprivation safeguards, and no meaningful adjudicative process.

Respondents’ position would permit the Government to detain first and justify later, even after years of authorized liberty. The Constitution does not permit such a regime.

**IV. PETITIONER’S FOURTEEN YEARS OF COMPLIANCE ESTABLISH A
PROTECTED LIBERTY INTEREST**

This is not a short-term release case.

Petitioner:

- lived in the community for fourteen years
- complied with all supervision requirements
- maintained employment and residence
- had no recent criminal history

That creates a substantial, settled liberty interest under *Morrissey* and *Mathews*.

The longer the Government allows an individual to live at liberty, the stronger the due process protections required before that liberty can be revoked. This prolonged, government-authorized liberty created a substantial and settled expectation of continued freedom. When the Government permits an individual to live at liberty for such an extended period, the Due Process Clause

1 requires meaningful safeguards before that liberty can be revoked. Respondents do not dispute
2 Petitioner's compliance. Instead, they rely on the existence of a removal order and the
3 availability of travel documents, neither of which addresses the procedural protections required
4 before revoking liberty.

5 Respondents' opposition never meaningfully addresses this central fact.

6 **V. IMMINENT REMOVAL CONFIRMS IRREPARABLE HARM**

7
8 Petitioner faces ongoing detention without constitutionally adequate process and imminent
9 removal that would prevent this Court from adjudicating his habeas claims. The Court has
10 already recognized that removal would defeat its jurisdiction and prevent meaningful review,
11 which justified the provisional grant of the TRO.

12 If Petitioner is removed before this Court rules, his constitutional claim will effectively be
13 extinguished. That constitutes irreparable harm.

14 **VI. RESPONDENTS' RELIANCE ON ZADVYDAS AND § 1252(g) IS MISPLACED**

15
16 Respondents rely on *Zadvydas v. Davis* and 8 U.S.C. § 1252(g) to argue that Petitioner cannot
17 obtain relief. Neither authority governs this case.

18 This is not a prolonged detention case under *Zadvydas*. Petitioner does not challenge the length
19 of his detention. He challenges the constitutionality of his re-detention after fourteen years of
20 supervised liberty.

21 Nor does Petitioner seek to enjoin the Government's authority to execute a removal order. He
22 seeks to prevent removal only until this Court can adjudicate the legality of his detention. A
23 claim challenging the constitutionality of custody and the process by which liberty was revoked
24 falls squarely within this Court's habeas jurisdiction.

25 **VII. THE BALANCE OF EQUITIES FAVORS PETITIONER**

1 The equities strongly favor Petitioner. He has lived in the United States for more than four
2 decades and complied with supervision for fourteen years before being abruptly re-detained
3 without meaningful process.

4 Maintaining the TRO imposes minimal burden on Respondents. It merely requires them to
5 refrain from removing or transferring Petitioner while this Court adjudicates his claims. The
6 Government's interest in immediate removal does not outweigh the fundamental requirement
7 that deprivations of liberty comply with the Constitution.

8 **VIII. THE COURT SHOULD MAINTAIN THE STATUS QUO**

9
10 The Court has already determined that preserving the status quo is necessary to protect its
11 jurisdiction. That status quo requires that Petitioner remain within the United States and within
12 this Court's jurisdiction while his claims are adjudicated.

13 Respondents offer no basis to disturb that determination.

14 Respondents' opposition does not address the central constitutional issue presented in this case.
15 It instead relies on arguments concerning removal authority that do not resolve whether
16 Petitioner's liberty was revoked in a constitutionally permissible manner.

17 Because Petitioner has demonstrated a likelihood of success on the merits of his due process
18 claim, irreparable harm absent relief, and equities that strongly favor maintaining the status quo,
19 the Court should maintain and enforce the Temporary Restraining Order.

20 **IX. CONCLUSION**

21
22 Respondents' opposition does not address the central constitutional issue presented in this case.
23 It instead relies on arguments concerning removal authority that do not resolve whether
24 Petitioner's liberty was revoked in a constitutionally permissible manner.

25 Because Petitioner has demonstrated a likelihood of success on the merits of his due process
26 claim, irreparable harm absent relief, and equities that favor maintaining the status quo, the Court

1 should maintain and enforce the Temporary Restraining Order and continue to prohibit removal
2 and transfer pending resolution of the habeas petition.

3 **X. RELIEF REQUESTED**

4
5 For the foregoing reasons, Petitioner respectfully requests that this Court:

- 6 1. Maintain and enforce the Temporary Restraining Order prohibiting Respondents from
7 removing Petitioner from the United States during the pendency of this action;
8 2. Maintain the prohibition on transfer of Petitioner outside the Western District of
9 Washington absent further order of the Court;
10 3. Preserve the status quo to ensure this Court retains jurisdiction to adjudicate Petitioner's
11 habeas claims on the merits;
12 4. In the alternative, if the Court declines to maintain the TRO in full, enter an immediate
13 administrative stay of removal pending resolution of the TRO and underlying habeas
14 petition;
15 5. Grant such other and further relief as the Court deems just and proper.
16 6.

17
18
19
20
21
22
23
24
25
26
27
RESPECTFULLY SUBMITTED THIS 15TH DAY OF APRIL, 2026

/s/ Jashan Multani

Jashan Multani, WSBA #60073
MULTANI LAW GROUP, PLLC
13106 SE 240th Street, Suite 110
Kent, WA 98031
(206) 243-4219
jashan@multanilawgroup.com
Attorney for Petitioner