

The Honorable John H. Chun
The Honorable S. Kate Vaughan

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

MARINA TZAFIR,

Petitioner,

v.

PAMELA BONDI, United States Attorney
General, *et al.*,

Respondents.

Case No. 2:25-cv-02067-JHC-SKV

FEDERAL RESPONDENTS'¹ RESPONSE
TO PETITIONER'S MOTION FOR
TEMPORARY RESTRAINING ORDER

Federal Respondents submit this response to Petitioner's motion for a temporary restraining order ("TRO") (Dkt. 3) asking the Court to prevent ICE from transferring Petitioner out of the Western District of Washington or removing Petitioner from the United States.² Federal Respondents do not request a hearing and ask that the motion be decided on the pleadings.

Given the overwhelming volume of new habeas petitions and TRO motions currently being filed and the timeframe involved, Federal Respondents regretfully are unable to provide information specific to Petitioner's immigration history at this time, except to confirm that ICE has received the Court's TRO issued at Dkt. 4.

¹ Respondent Bruce Scott is not a Federal Respondent.

² Pursuant to the Court's order at Dkt. 4, the parties met and conferred on November 3, 2025. Dkt. 5.

1 Federal Respondents note, however, that the U.S. Department of Homeland Security
2 (“DHS”) has broad authority under 8 U.S.C. § 1231(g) to determine the placement and transfer of
3 detainees to appropriate detention facilities. Section 1231(g) explicitly authorizes DHS to arrange
4 for appropriate places of detention for individuals detained pending removal or a decision on
5 removal. *See also* 2011 U.S. Immigration and Customs Enforcement, Performance-Based National
6 Detention Standards 2011 (rev. 2016), [https://www.ice.gov/doclib/detention-](https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf)
7 [standards/2011/pbnds2011r2016.pdf](https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf). This includes the authority to acquire, build, lease, and
8 operate detention facilities to meet operational needs. Placement and transfer decisions are made
9 based on operational priorities, including proximity to immigration courts, facility capacity,
10 security needs, medical care, and the ability to meet detention standards. For example, detainees
11 may be placed in facilities near immigration courts to ensure efficient processing and participation
12 in removal proceedings. Transfers occur when detainees need to be relocated to other facilities due
13 to medical care, overcrowding, operational necessity, or security concerns.

14 The Ninth Circuit’s decision in *GEO Group v. Newsom*, 50 F.4th 745 (9th Cir. 2022),
15 further reinforces DHS’s authority over detention and transfers. In *Geo Group*, the court held that
16 California’s AB 32, which banned private detention facilities, was preempted by federal law. The
17 court emphasized that federal immigration law grants DHS/ICE’s exclusive authority to manage
18 detention operations, including the ability to contract with private entities and determine
19 appropriate detention locations.

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1 Accordingly, Federal Respondents ask the Court to deny the motion and defer to ICE's
2 discretion when determining the placement of immigration detainees.

3 DATED this 3rd day of November, 2025.

4 Respectfully submitted,

5 CHARLES NEIL FLOYD
6 United States Attorney

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18 *I certify that this memorandum contains 374 words*
19 *in compliance with the Local Civil Rules.*