

DETAINED

Judge John H. Chun
Magistrate Judge S. Kate Vaughan

Kelly Vomacka
GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080
kelly.vomacka@ghp-law.net

Attorney for Petitioner

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

MARINA TZAFIR,

Petitioner,

v.

PAMELA BONDI, *et al.*;

Respondents.

CASE NO.: 2:25-cv-02067-JHC-SKV

REPLY FOR PRELIMINARY INJUNCTION
AND STAY OF REMOVAL

NOTED FOR CONSIDERATION:
December 15, 2025

REPLY FOR PRELIMINARY INJUNCTION AND STAY OF REMOVAL

A. The petitioner faces the irreparable harm of removal, which would necessarily be to a third country.

As she states in her motion for a preliminary injunction, if the petitioner, Marina Tzafir, is removed from the United States, she will suffer irreparable harm, due to separation from her attorneys, her family, and her support system. Dkt. 10, at 5. The government does not argue

REPLY FOR PRELIMINARY
INJUNCTION AND STAY OF
REMOVAL

Page 1

GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080

(CASE NO. 2:25-cv-02067-JHC-
SKV)

1 that removal in itself will not cause irreparable harm, but only that any risk of removal to a
2 third country is speculative. Dkt. 11, at 2. Because Ms. Tzafir is stateless, any removal would
3 necessarily be to a third country.

4 Before proceeding, there has been an update to the facts. On November 17, 2025, one
5 of Mr. Tzafir's lawyers, Adam Boyd, received a call from ICE asking Ms. Tzafir and other
6 members of her family to fill out travel documents to third countries. For Ms. Tzafir, ICE
7 asked her to fill out travel documents for Uzbekistan. If she declined, she would risk being
8 deemed uncooperative with removal efforts, so she complied. There is no reason to believe
9 Uzbekistan will issue travel documents, and if they do, there is no reason to believe that Ms.
10 Tzafir's family will be allowed to travel with her.

11 The country designated in the removal order is Israel. Ms. Tzafir immigrated to Israel
12 in 1990 and became a citizen in 1991 or 1992. But her Israeli citizenship has been revoked.
13 When she and her family were ordered removed, they made every attempt to secure travel
14 documents to Israel, but failed. Instead, they were placed on supervision for the next 16 years.
15 After Ms. Tzafir was arrested this summer, her husband was given about six weeks to secure
16 travel documents or face arrest, and he was still unable to do so. Her family has not been able
17 to secure proof from Israel that she is not an Israeli citizen. Dkt. 1-2. Ms. Tzafir is also not a
18 citizen of the country of her birth, the Uzbek Soviet Socialist Republic, because that country
19 no longer exists, and she has never been a citizen of Uzbekistan. Ms. Tzafir is stateless.

20
21 REPLY FOR PRELIMINARY
INJUNCTION AND STAY OF
REMOVAL

Page 2

GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080

(CASE NO. 2:25-cv-02067-JHC-
SKV)

Because she is stateless and cannot be removed to Israel—for the simple reason that Israel will not accept her—any removal must necessarily be to a third country. And the only possible purpose for her detention is removal. Therefore, removal to a third country is not speculative but is instead the only outcome that follows logically from the circumstances: she is detained, so ICE must intend to remove her; ICE cannot remove her to Israel, so it must intend to remove her to a third country.

The government relies on authority that is inapposite. It relies on *Khamba v. Albarran*, No. 25-1227-JLT-SKO, WL 2959276, at 10 n. 15 (E.D. Cal. Oct. 17, 2025), for the proposition that Ms. Tzafir must present evidence, instead of arguing logical conclusions from the available evidence, to support her motion. But the government does not accurately summarize the following language in *Khamba*:

The Court declines to address Petitioner's other claims at this time. For example, he requests an injunction against third country removal without certain procedural protections (Doc. 4 at 28), but any such fear is speculative. He does not allege any specific threat of third country removal and the only rationale provided by Respondent for a changed circumstance is that Mr. Khamba's deportation to India is reasonably foreseeable.

Id. (emphasis in the original). Rather than declining to grant a preliminary injunction “because any such fear was ‘speculative,’” Dkt. 12, at 2, the court declined to rule on the issue at all. And the court did in fact issue a preliminary injunction that case. *Khamba*, at 31.

The government also relies on *Baltodano v. Bondi*, No. 2:25-cv-1958, LEXIS 220311 (W.D. Wash. Nov. 7, 2025). There, the record included evidence that ICE was threatening

third-country removal, but the court did not rule that this evidence was the only possible

REPLY FOR PRELIMINARY
INJUNCTION AND STAY OF
REMOVAL

Page 3

GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080

(CASE NO. 2:25-cv-02067-JHC-
SKV)

1 support for a preliminary injunction. Also, it is not clear from the opinion that the court
2 narrowed the requested relief to include only notice. It rejected a blanket prohibition on third-
3 country removal because the argument offered in support, regarding punitive deportation, was
4 not yet sufficiently developed. *Baltodano*, at 12.

5 And in *Nguyen v. Scott*, No. 2:25-cv-01398, LEXIS 162859 (W.D. Wash. Aug. 21,
6 2025), the petitioner was a citizen of Vietnam, which had not accepted deportees from the
7 United States for decades. The government asserted that Vietnam had recently started to
8 accept deportees, that it could therefore show a substantial likelihood of removal in the
9 reasonably foreseeable future, and that the petitioner was therefore not likely to succeed on
10 the merits. But the court rejected this argument and granted a preliminary injunction. The case
11 is factually distinct from this one because that petitioner was not stateless and the question
12 was whether he could be removed to the country where he held citizenship. That is not the
13 issue here.

14 Even if ICE could somehow secure travel papers to Israel, the removal itself would still
15 be an irreparable harm to Ms. Tzafir, as argued in her motion. Dkt. 10, at 4-6. Ms. Tzafir asks
16 the Court to prevent this harm by enjoining removal until the Court can rule on the merits of
17 her petition.

18
19
20
21 REPLY FOR PRELIMINARY
INJUNCTION AND STAY OF
REMOVAL

Page 4

GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080

(CASE NO. 2:25-cv-02067-JHC-
SKV)

1 **B. A preliminary injunction prohibiting transfer should be granted.**

2 The government also argues against a preliminary injunction that prohibits transfer to
3 another detention facility. Dkt. 11, at 3-5. This argument is nearly identical to the argument it
4 made against the temporary restraining order (TRO). Dkt. 6, at 2. Ms. Tzafir therefore relies
5 on the argument she made on this point in favor of the TRO. Dkt. 7.

6 In addition, the government asserts that telephone access is adequate to ensure
7 continued communication with her attorneys, Dkt. 11, at 5, but it is not. Even from the
8 NWIPC, phone calls cannot be reliably scheduled. Even if they do happen as scheduled, they
9 are limited to only 30 minutes, which can be inadequate. If, as here, an interpreter is
10 necessary, the time available is effectively cut in half. And after all that, there are enough
11 reports of ICE recording legal calls that attorney-client confidentiality cannot be assured.
12 Counsel's understanding is that telephone access from some other facilities can be even less
13 reliable. Also, telephone communication does not allow for either the lawyer or the client to
14 review or sign documents. By contrast, although it is also burdensome to see a detained client
15 in person Tacoma, as it involves a 30-45 minute drive each way, plus a wait that can easily
16 stretch to hours, at least it is possible. If Ms. Tzafir is transferred to another detention facility,
17 adequate communication with counsel cannot be assured. Ms. Tzafir asks this Court to
18 prohibit transfer to another detention facility until the habeas petition is decided.

19
20
21 **REPLY FOR PRELIMINARY
INJUNCTION AND STAY OF
REMOVAL**

**(CASE NO. 2:25-cv-02067-JHC-
SKV)**

Page 5

**GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080**

1 **C. Conclusion**

2 For the reasons stated here and in her motion, Dkt. 10, Ms. Tzafir asks this Court to
3 issue a preliminary injunction, detailed in her motion and proposed order, prohibiting her
4 removal or transfer until the Court decides her habeas petition.

5
6 I certify that this memorandum contains 1,189 words, in compliance with the Local Civil Rules.

7 Dated this 25th day of November, 2025.

8 /s/ Kelly Vomacka

9 Kelly Vomacka, WSBA 20090
10 GIBBS HOUSTON PAUW
11 1000 Second Avenue, Suite 1600
12 Seattle, WA 98104
13 (206) 682-1080
14 kelly.vomacka@ghp-law.net

15 *Attorney for Petitioner*

16
17
18
19
20
21 REPLY FOR PRELIMINARY
INJUNCTION AND STAY OF
REMOVAL

(CASE NO. 2:25-cv-02067-JHC-
SKV)

Page 6

GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080