

District Judge Richard A. Jones
Magistrate Judge Brian A. Tsuchida

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

HUOT KUOT,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-02313-RAJ-BAT

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
December 8, 2025.

I. INTRODUCTION

This Court should deny Petitioner Huot Kuot's Petition for Writ of Habeas Corpus. Dkt. 7 ("Pet."). Petitioner challenges his post-order detention at the Northwest ICE Processing Center ("NWIPC") as unconstitutional and unlawful while he awaits removal from the United States. Petitioner is a citizen of Vietnam, he was ordered removed to Vietnam, and Vietnam has increased cooperation with the United States this fiscal year.

Following Petitioner's criminal conviction for an aggravated felony, he was issued a Notice to Appear ("NTA") based on his conviction under INA § 237(a)(2)(A)(iii). In November 1999, Petitioner was ordered removed by an immigration judge, which has since become administratively final. Petitioner was later released on an Order of Supervision on March 17,

FEDERAL RESPONDENTS' RETURN MEMORANDUM
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2000.

U.S. Immigration and Customs Enforcement (“ICE”) was notified on May 15, 2025, that Petitioner was again arrested on felony charges in California for inflicting corporal injury on a spouse/cohabitant and felon in possession of a firearm—among other charges. On May 30, 2025, ICE was notified that Petitioner was being released from state custody, and detained Petitioner on that same day. In June 2025, Petitioner was transferred to NWIPC. ICE is working to effectuate Petitioner’s removal to Vietnam. While much of his Petition discusses removal to a third country, Petitioner presents *no evidence* of any intention to do so. ICE has no intention of removing Petitioner to a third country.

Petitioner’s detention is lawful. He is a noncitizen subject to an administratively final order of removal, and he is lawfully detained under Section 241 of the Immigration and Nationality Act (“INA”). *See* 8 U.S.C. § 1231. Petitioner’s detention also is not indefinite under *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). With increased inter-governmental cooperation, ICE is actively working to effectuate Petitioner’s removal to Vietnam and expects to be able to do so in the reasonably foreseeable future. Finally, Petitioner’s arguments regarding notice are in error. *EAT-B* and other cases cited by Petitioner refer to *pre-removal* detention pursuant to 8 U.S.C. § 1225(b) or § 1226(a)—not *post-order* removal under §1231.

Accordingly, Federal Respondents respectfully request the Court deny the Petition. This return is supported by the pleadings and documents on file in this case, the Declaration of Deportation Officer Daniel Strzelczyk (“Strzelczyk Decl.”) and the Declaration of Alixandria K. Morris (“Morris Decl.”), with accompanying exhibits. Federal Respondents do not believe any hearing is necessary.

II. FACTUAL AND PROCEDURAL BACKGROUND

A. Detention Authorities and Removal Procedures

The INA governs the detention and release of noncitizens during and following their removal proceedings. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 527 (2021). The general detention periods are generally referred to as “pre-order” (meaning before the entry of a final order of removal) and, relevant here, “post-order” (meaning after the entry of a final order of removal). *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing post-order detention).

When a final order of removal has been entered, a noncitizen enters a 90-day “removal period.” 8 U.S.C. § 1231(a)(1). Congress has directed that the Secretary of Homeland Security “shall remove the [noncitizen] from the United States.” *Id.* To ensure a noncitizen’s presence for removal and to protect the community from noncitizens who may present a danger, Congress has mandated detention while removal is being effectuated:

During the removal period, the [Secretary of Homeland Security]¹ shall detain the [noncitizen]. Under no circumstance during the removal period shall the [Secretary] release [a noncitizen] who has been found inadmissible under section 1182(a)(2) or 1182(a)(3)(B) of this title or deportable under section 1227(a)(2) or 1227(a)(4)(B) of this title.

8 U.S.C. § 1231(a)(2).

Section 1231(a)(6) authorizes ICE to continue detention of noncitizens after the expiration of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention and does not place any temporal limit on the length of detention under that provision:

[A noncitizen] ordered removed who is inadmissible under section 1182, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or

¹ Although 8 U.S.C. § 1231(a)(2) refers to the “Attorney General” as having responsibility for detaining noncitizens, the Homeland Security Act of 2002, Pub. L. No. 107-296 § 441(2), 116 Stat. 2135, 2192 (2002), transferred this authority to the Secretary of the Department of Homeland Security (“DHS”), of which ICE is a component. *See also* 6 U.S.C. § 251.

1 who has been determined by the [the Secretary of Homeland Security] to be a risk
2 to the community or unlikely to comply with the order of removal, *may* be detained
3 *beyond the removal period* and, if released, shall be subject to the terms of
supervision in paragraph (3).

4 8 U.S.C. § 1231(a)(6) (emphasis added).

5 During the removal period, ICE² is charged with attempting to effect removal of a
6 noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit
7 on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may
8 be detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal
9 from the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six
10 months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.* at 701. The
11 *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of burdens is
12 applied to assess the continuing lawfulness of a noncitizen’s post-order detention. *Id.* (stating that
13 “for detention to remain reasonable, as the period of post-removal confinement grows, what
14 counts as the ‘reasonably foreseeable future’ conversely would have to shrink”). Thus, the
15 Supreme Court implicitly recognized that six months is the *earliest* point at which a noncitizen’s
16 detention could raise constitutional issues. *Id.*

17 B. Petitioner Huot Kuot

18 Petitioner is a native and citizen of Vietnam. *See* Pet., pg. 4; Strzelczyk Decl. ¶ 4. He
19 entered the United States in 1978. Pet., pg. 4; Strzelczyk Decl. ¶ 5. In 1999, Petitioner was
20 convicted of an aggravated felony. Strzelczyk Decl. ¶ 6. As a result of this criminal activity,
21 Petitioner was placed in removal proceedings and issued a Notice to Appear (“NTA”). *Id.* ¶ 6;
22 Morris Decl., Exs. 1, 2 (Notice to Appear; I-213). On November 8, 1999, an Immigration Judge
23

24 ² Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security’s authority to execute removal orders.

1 (“IJ”) ordered Petitioner removed. Strzelczyk Decl. ¶ 7; Morris Decl., Ex. 3. On March 17, 2000,
2 ICE released Petitioner on bond. Strzelczyk Decl. ¶ 9.

3 On May 15, 2025, ICE received notice that Petitioner was again arrested in California on
4 state felony charges, including felon in possession of a firearm, infliction of corporal injury on a
5 spouse or cohabitant, damaging a wireless communication device, and pose-release community
6 supervision violation. Strzelczyk Decl. ¶ 9. ICE records indicate these charges are still pending.
7 *Id.* On May 30, 2025, ICE was notified that Petitioner was being released from state custody and
8 took Petitioner into custody that same day. *Id.* ¶ 10.

9 On June 2, 2025, Petitioner was transferred to the NWIPC. *Id.* ¶ 11. On June 15, 2025,
10 ICE noted there was no travel document on file. *Id.* ¶ 12. On September 30, 2025, Petitioner was
11 served with a Notice to Alien of File Custody Review and Warning for Failure to Depart. *Id.* ¶
12 13. On October 24, 2025, ICE is working to obtain translated documents in order to complete
13 Petitioner’s travel document (“TD”) request to Vietnam. *Id.* ¶ 14. On November 2, 2025,
14 Petitioner’s A-file was requested in order to complete a TD request to Vietnam. *Id.* ¶ 15. ERO is
15 waiting for the travel document to be securely translated into Vietnamese. *Id.* ¶ 16. Once the
16 translation is complete, the document will be sent to for review and then submitted to the
17 Vietnamese Consulate. *Id.* ¶ 16.

18 The Government of Vietnam has agreed to increase cooperation with the United States
19 and issue travel documents for its citizens within 30 days after the travel document request is
20 provided to the government of Vietnam. Strzelczyk Decl. ¶ 17.

21 Though Petitioner stated in his petition that he believes ICE may be trying to remove him
22 to a third country, that is not the case and Petitioner provides no evidence ICE is seeking to remove
23 him to a third country. *See* Pet., pgs. 16-19, 24-26. Petitioner is a citizen of Vietnam, he was
24 ordered removed to Vietnam in 1999, Petitioner’s travel documents have been completed for the

country of Vietnam and are awaiting translation into Vietnamese, Vietnam has been cooperating in removal proceedings and agreed to issue travel documents for its citizens, and ICE is currently working to remove Petitioner solely to Vietnam. Strzelczyk Decl. ¶ 4, 7, 15-22; Morris Decl., Ex. 3.

Petitioner's argument that he could be removed to a third country is without merit, speculative, and not ripe for review. There is no case or controversy because there is no concrete indication that such removal to a third country will occur. The record contains no evidence supporting this claim. ICE is currently seeking a travel document solely to Vietnam, and there is no ongoing effort to remove Petitioner to any third country. Strzelczyk Decl. ¶¶ 15-22. Accordingly, this claim should be dismissed as premature.

ICE anticipates Petitioner's removal to Vietnam will occur imminently due to Vietnam's increased cooperation. Strzelczyk Decl. ¶¶ 17-22. ICE further believes that Petitioner's travel document will be issued in 30 days following submission of his documents to the Vietnamese government. Strzelczyk Decl. ¶ 17. For all these reasons, there is a significant likelihood of Petitioner's removal in the reasonably foreseeable future. *Id.* ¶ 21.

III. ARGUMENT

A. Petitioner's detention is not indefinite or unconstitutionally prolonged

Petitioner has not demonstrated that his detention has become "indefinite" or unconstitutional. In *Zadvydas*, the Supreme Court analyzed whether the potentially open-ended duration of detention pursuant to 8 U.S.C. § 1231(a)(6) is constitutional. The Court read an implicit limitation of post-removal detention "to a period reasonably necessary to bring about that alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. It was further specified that Section 1231(a)(6) does not permit indefinite detention. *Id.* Thus, "once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at 699.

1 The *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of
2 burdens is applied to assess the continuing lawfulness of a noncitizen's post-order detention. *Id.*
3 (stating that "for detention to remain reasonable, as the period of post-removal confinement
4 grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink").
5 However, the Supreme Court determined that it is "presumptively reasonable" for the
6 Government to detain a noncitizen for six months following entry of a final removal order, while
7 it worked to remove the noncitizen from the United States. *Id.* at 701. Thus, the Supreme Court
8 implicitly recognized that six months is the *earliest* point at which a noncitizen's detention could
9 raise constitutional issues. *Id.* Moreover, the Supreme Court noted the six-month presumption
10 "does not mean that every [noncitizen] not removed must be released after six months. To the
11 contrary, [a noncitizen] may be held in confinement until it has been determined that there is no
12 significant likelihood of removal in the reasonably foreseeable future." *Id.*

13 While the Government does not concede that Petitioner's presumptively reasonable period
14 has ended³, even assuming arguendo that it has, Petitioner fails to demonstrate that there is good
15 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable
16 future. Although he is correct that Vietnam has not yet issued him a travel document, ICE is
17 actively working to obtain a travel document to remove him to Vietnam. Strzelczyk Decl., ¶¶ 15-
18 22. Vietnam has clearly engaged in issuing travel documents for its citizens, which demonstrate
19 a good faith discussion and intention to issue travel documents in this case. *Id.* ¶¶ 17-20. Further,
20 Vietnam is accepting individuals for removal from the United States and ICE believes there is a

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23 ³ Federal Respondents acknowledge that Courts in this district have found that the presumptively reasonable period
24 expires six months after a final order, regardless of detention. *See e.g., Tran v. Bondi*, No. CV-25-01897-JLR, 2025
WL 3140462 (W.D. Wash. Nov. 10, 2025). For the reasons set forth in their briefing in that case, Federal
Respondents do not agree with this decision and are still weighing their options on how to proceed. In any event,
Petitioner's detention is still lawful even past the presumptively reasonable period for the reasons stated herein.

1 significant likelihood of Petitioner's removal to Vietnam in the reasonably foreseeable future. *Id.*
2 ¶ 21.

3 Since Petitioner has been detained, after awaiting his cooperation, ICE has completed
4 travel document forms for Petitioner, is working to translate them into Vietnamese, and will
5 submit the documents to government contacts in Vietnam upon receipt of the translated
6 documents. Strzelczyk Decl. ¶¶ 10-12. ICE anticipates receiving travel documents expeditiously
7 because the government of Vietnam has agreed to issue travel documents within 30 days of a
8 request being made. *Id.* ¶¶ 12-16. Indeed, Vietnam has issued travel documents in hundreds of
9 cases just this fiscal year, including for at least 154 Vietnamese citizens who entered the United
10 States before July 12, 1995. *Nguyen*, 2025 WL 2419288, at *17. Because of this increased
11 cooperation with the government of Vietnam, Petitioner's removal will likely occur in the
12 reasonably foreseeable future. *See* Strzelczyk Decl. ¶ 21.

13 Vietnam has issued travel documents to Vietnamese citizens similarly situated to
14 Petitioner. *Id.* ¶¶ 17-20. The Court can take notice of the many cases in this district alone where
15 Vietnamese citizens have been removed on a relatively short timeframe once the travel document
16 request has been submitted. *See e.g., Nguyen v. Bondi et al.*, 2:25-cv-01833-JNW, Dkt. 19
17 (removal approximately 36 days following travel document submission to Vietnam); *and see Van*
18 *Le v. Bondi et al.*, 2:25-cv-02084-JNW-SKV, Dkt. 7. Further, Vietnam is accepting individuals
19 for removal from the United States and ICE believes there is a significant likelihood of
20 Petitioner's removal to Vietnam in the reasonably foreseeable future. Strzelczyk Decl. ¶ 21.

21 The fact that Petitioner does not yet have a specific date of anticipated removal does not
22 make his detention indefinite. *Diouf v. Mukasey*, 542 F. 3d 1222, 1233 (9th Cir. 2008). Detention
23 becomes indefinite in situations where the country of removal refuses to accept the noncitizen or
24 if removal is legally barred. *Id.* There is no reason to believe that is the situation here.

Consequently, Petitioner has failed to demonstrate a good reason to believe that there is no significant likelihood of his removal in the reasonably foreseeable future. *Zadvydas*, 533 U.S. at 701.

B. Increased cooperation with Vietnam and Petitioner's subsequent arrest supports the timing of Petitioner's arrest

To the extent Petitioner challenges his detention because he believes ICE provided no lawful rationale for the decision to rearrest him, he is wrong. Strzelczyk Decl. ¶¶ 9-10, 17-20. ICE was within its authority to arrest Petitioner as a result of (1) his arrest and detention for multiple criminal charges in California and (2) increased cooperation with Vietnam. His criminal charges constitute a violation of his prior signed Order of Supervision warranting his re-detention. Additionally and separately, increased cooperation between Vietnam and the United States *also* constitutes a change of circumstances warranting his re-detention pursuant to his signed Order of Supervision. Morris Decl., Ex. 4.

Petitioner was released on his express assent to the conditions of his Order of Supervision, and those provisions state his release was conditioned on his agreement to: not commit criminal acts; to assist the Immigration Service in obtaining a travel document to return to his country; and immediately surrender to an officer of the Service for deportation upon being ordered to do so. *Id.*, pgs. 1, 4. Petitioner does not allege any temporal limitation to this authority. Indeed, the timing of his rearrest is supported by his recent criminal arrest in California on multiple charges and the increased cooperation between the United States and Vietnam in the repatriation of Vietnamese citizens, particularly those who entered the United States before 1995. *See Nguyen*, 2025 WL 2419288, at *17 (“[T]here is no dispute that this is a meaningful increase in the total number of removals compared to historical practice.”); Strzelczyk Decl. ¶ 13-16.

1 The cases⁴ Petitioner invokes in urging application of the *Mathews* factors are inapposite.
2 Each arises in the context of *pre-order* detention or under regulatory schemes wholly distinct
3 from the *post-order* detention framework at issue here. Petitioner does not challenge that he is
4 subject to an administratively final order of removal. As such, the authorities cited provide little
5 meaningful guidance and serve primarily as a distraction from the controlling standards under
6 *Zadvydas*. Petitioner's prior release in 2000 was based solely on Vietnam's then-refusal to accept
7 repatriation, which rendered removal not reasonably foreseeable. That circumstance has changed
8 in every material respect. Vietnam now cooperates with the United States in effectuating
9 removals, and Petitioner's removal is reasonably foreseeable—indeed, imminent—squarely
10 satisfying the *Zadvydas* standard and rendering his current detention lawful. None of Petitioner's
11 authorities alter the governing analysis, and none undermine the lawfulness of Petitioner's current
12 detention. These circumstances are further compounded here, where Petitioner was arrested in
13 2025 on multiple criminal charges, constituting a clear violation of his order of supervised release.
14 This new misconduct underscores the government's legitimate interest in effectuating removal
15 promptly.

16 With his removal pending, the government has significant legitimate interests in
17 Petitioner's continued detention to ensure he will appear for removal.⁵ Moreover, his detention
18 has not become "indefinite," and his removal is significantly likely in the reasonably foreseeable
19 future. This Court should not order that he be released.

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22 ⁴ Petitioner cites *E.A. T.-B. v. Wamsley*, No. CV25-1192-KKE, 2025 WL 2402130, *Ledesma Gonzalez v. Bostock*,
23 No. CV25-1404-JNW-GJL, 2025 WL 2841574, and other recent out-of-district cases, which are all not applicable
under post-removal §1231 detention. Petitioner does not dispute he is subject to an administratively final order of
removal. Post-order detention is analyzed pursuant to the United States Supreme Court framework set forth in
Zadvydas.

24 ⁵ Petitioner's references to whether he poses a risk of flight or danger to the community are completely irrelevant.
The only proper consideration under *Zadvydas* is whether there is a significant likelihood of removal in the
reasonably foreseeable future—which there clearly is here.

1 IV. CONCLUSION

2 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
3 the Petition and dismiss this matter.

4 Dated this 3rd day of December, 2025.

5 Respectfully submitted,

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19 I certify that this memorandum contains 3,058
20 words, in compliance with the Local Civil Rules.