

District Judge John H. Chun

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

CARL TODD,

Petitioner,

v.

PAMELA BONDI, *et al.*,¹

Respondents.

Case No. 2:25-cv-02519-JHC

FEDERAL RESPONDENTS' RETURN
AND OPPOSITION TO PETITIONER'S
EMERGENCY MOTION FOR ORDER
PREVENTING TRANSFER DURING
PENDENCY OF PETITION

Noted for consideration:
December 29, 2025

I. INTRODUCTION

Federal Respondents, by and through their attorneys, submit their Return to Petitioner's habeas corpus petition and Opposition to Petitioner's emergency motion for order preventing transfer during pendency of petition. Dkt. No. 2, Petition for Writ of Habeas Corpus ("Petition"); Dkt. No. 11, Emergency Motion for Order Preventing Transfer During Pendency of Petition ("TRO").

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 Petitioner's removal is significantly likely in the reasonably foreseeable future, and his
2 detention has not become indefinite. Further, Petitioner presents no evidence of removal to a third
3 country, and ICE solely intends to remove Petitioner to his home country of Jamaica. Indeed,
4 Jamaica has confirmed that it will accept Petitioner, and Petitioner can be scheduled for the next
5 available flight to Jamaica once the Court lifts its order preventing Federal Respondents from
6 removing Petitioner outside this jurisdiction. Dkt. No. 12.

7 For these reasons, Federal Respondents respectfully request that the Court deny Petitioner
8 Carl Todd's TRO and habeas petition. This return and opposition are supported by the pleadings
9 and documents on file in this case, the Declaration of Paul Ruby ("Ruby Decl."), and the
10 Declaration of Jennifer Wong ("Wong Decl.") with accompanying exhibits.

11 **II. FACTUAL AND PROCEDURAL BACKGROUND**

12 **A. Detention Authorities and Removal Procedures**

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

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

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

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

During the removal period, ICE³ is charged with attempting to effect removal of a noncitizen from the United States. 8 U.S.C. § 1231(a)(1). Although there is no statutory time limit on detention pursuant to Section 1231(a)(6), the Supreme Court has held that a noncitizen may be detained only “for a period reasonably necessary to bring about that [noncitizen’s] removal from the United States.” *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six months as a presumptively reasonable time to bring about a noncitizen’s removal. *Id.* at 701. The *Zadvydas* Court recognized that as the length of detention grows, a sliding scale of burdens is applied to assess the continuing lawfulness of a noncitizen’s post-order detention. *Id.* (stating that

² 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.

³ 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 “for detention to remain reasonable, as the period of post-removal confinement grows, what
2 counts as the ‘reasonably foreseeable future’ conversely would have to shrink”). Thus, the
3 Supreme Court implicitly recognized that six months is the *earliest* point at which a noncitizen’s
4 detention could raise constitutional issues. *Id.*

5 Once it is determined that there is no significant likelihood of removal in the reasonably
6 foreseeable future, DHS may release noncitizens on an Order of Supervision (“OSUP”). 8 C.F.R.
7 § 241.13(h). The right to remain under an OSUP is not unlimited. Revocation of an OSUP is
8 governed by 8 C.F.R. §§ 241.13(i), 241.4(l), and may occur either: (1) if the noncitizen “violates
9 any of the conditions of release,” *id.* §§ 241.13(i)(1), 241.4(l)(1); or (2) if it is determined “that
10 there is a significant likelihood that the alien may be removed in the reasonably foreseeable
11 future.” *Id.* § 241.13(i)(2).

12 Section 241.13(i)(3) provides that upon revocation, the alien “will be notified of the
13 reasons for revocation of his or her release” and will receive an “initial informal interview
14 promptly” after being detained, to “afford the alien an opportunity to respond to the reasons for
15 revocation stated in the notification.” *Id.* § 241.13(i)(3). During such an interview, the noncitizen
16 “may submit any evidence or information that he or she believes shows there is no significant
17 likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not
18 violated the order of supervision.” *Id.* “The revocation custody review will include an evaluation
19 of any contested facts relevant to the revocation and a determination whether the facts as
20 determined warrant revocation and further denial of release.” *Id.* Then, if the alien’s request for
21 release is denied, he or she “may submit a request for review of his or her detention . . . six months
22 after [DHS’s] last denial of release[.]” *Id.* § 241.13(j).

1 **B. Petitioner Carl Todd**

2 Petitioner is a Jamaican citizen who entered the United States at an unknown time at an
3 unknown location. Ruby Decl. ¶ 3. Petitioner's Jamaican citizenship has been established by his
4 father's immigrant visa application and other identity documents presented by ICE to the
5 Jamaican Embassy. *Id.* ¶ 17.

6 Petitioner was convicted of cocaine possession in the Salem County Superior Court, New
7 Jersey, and was sentenced to probation for two years, on February 27, 1990. *Id.* ¶ 4(a). He was
8 also convicted for intentionally and unlawfully distributing five grams or more of mixture or
9 substance containing a detectable amount of cocaine in the United States District Court for the
10 District of Maryland, and sentenced to a term of imprisonment of 35 years on February 20, 1995,
11 but his sentence was eventually reduced to 20 years. *Id.* ¶ 4(b).

12 After being released from the Federal Correctional Institute ("FCI"), Petitioner was taken
13 into ICE custody on September 15, 2008, and issued a Notice to Appear ("NTA") charging
14 inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(2)(C). Ruby Decl. ¶ 5;
15 Wong Decl. at Exs. 1, 2 (Notice to Appear; I-213). Petitioner was ordered removed by an
16 immigration judge on January 5, 2009. Ruby Decl. ¶ 6; Wong Decl. at Ex. 3 (Order of Removal).
17 The removal order became administratively final on May 22, 2009, when the Board of
18 Immigration Appeals ("BIA") denied Petitioner's appeal. Ruby Decl. ¶ 7. The BIA found him to
19 be ineligible for asylum and withholding due to being convicted of an aggravated felony and a
20 particularly serious crime, as well as not meeting his burden to qualify for protection under the
21 Convention Against Torture. *Id.* He was released on an OSUP on December 6, 2009, because of
22 ICE's inability to obtain travel documents to Jamaica at the time. Ruby Decl. ¶ 8; Wong Decl. at
23 Ex. 4 (Order of Supervision).

1 On February 27, 2014, U.S. Marshals informed ICE that Petitioner was alleged to have
2 violated the terms of his supervised release in the United States District Court for the Eastern
3 District of New York. Ruby Decl. ¶ 9. ICE lodged a detainer against Petitioner with the United
4 States Marshals Service, but ICE chose to voluntarily lift the detainer and not re-detain Petitioner
5 because at the time, ICE determined it was unlikely they could obtain a travel document to
6 Jamaica for Petitioner. *Id.*

7 On January 26, 2018, Petitioner was deemed to be non-compliant with his requirements
8 to assist ICE in obtaining a travel document by refusing to visit the Jamaican consulate, but ICE
9 still allowed Petitioner to remain out of custody. *Id.* ¶ 10. Petitioner was re-detained on August 9,
10 2025, due to the significant likelihood of removal in the foreseeable future to Jamaica, and
11 Petitioner's OSUP was revoked as a result. *Id.* ¶ 11.

12 ICE submitted a travel request for Petitioner to the Jamaican government on September
13 29, 2025, and also submitted identity documents for Petitioner's father to the Jamaican embassy
14 on October 10, 2025. *Id.* ¶¶ 13-14.

15 On November 20, 2025, ICE established Petitioner's Jamaican citizenship with
16 Petitioner's father's immigrant visa application and other Jamaican identity documents. *Id.* ¶ 17.
17 ICE also informed the Jamaican embassy that Petitioner will be manifested on a charter flight to
18 Jamaica on December 15, 2025. *Id.* The government of Jamaica confirmed that Petitioner would
19 be accepted into Jamaica due to the establishment of Petitioner's citizenship. *Id.*

20 On December 12, 2025, ICE canceled Petitioner's manifest on the charter flight to Jamaica
21 due to the notice requirement in this habeas proceeding and his filing of an emergency temporary
22 restraining order. *Id.* ¶ 19. At this time, Petitioner remains in ICE custody at the NWIPC only due
23 to the notice requirement in this case. *Id.* ¶ 22. ICE is only seeking removal to Jamaica and not
24 seeking to remove Petitioner to a third country. *Id.* ¶ 23. There is a charter flight to Jamaica,

scheduled for January 8, 2026, which Petitioner can be manifested upon if this Court allows. *Id.*

¶ 24.

III. LEGAL STANDARD

A. Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241

“The district courts of the United States ... are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil Corp. v. Allopach Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present day.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020). Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. To warrant a grant of habeas corpus, the burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004).

B. Temporary Restraining Orders

The standard for issuing a temporary restraining order is “substantially identical” to the standard for issuing a preliminary injunction. *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). “It frequently is observed that a preliminary injunction is an extraordinary and drastic remedy, one that should not be granted unless the movant, *by a clear showing*, carries the burden of persuasion.” *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (emphasis in original) (internal quotations omitted); *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

A plaintiff seeking a preliminary injunction must show that: (1) he is likely to succeed on the merits, (2) he is likely to suffer irreparable harm in the absence of preliminary relief, (3) the balance of equities tips in his favor, and (4) an injunction is in the public interest. *Winter*, 555

U.S. at 20. Alternatively, a plaintiff can show that there are “serious questions going to the merits and the balance of hardships tips sharply towards [plaintiff], as long as the second and third *Winter* factors are satisfied.” *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017) (internal quotation omitted).

Here, Petitioner seeks emergency injunctive relief in the form of an order preventing Petitioner’s removal to Jamaica, even though the necessary logistics for his removal have already been confirmed by ICE, such as Petitioner’s Jamaican citizenship, confirmation of Jamaica’s acceptance of Petitioner by the Jamaican Consulate, and placement of Petitioner onto a scheduled charter flight for Petitioner to Jamaica. Petitioner seeks this injunctive relief to “allow Mr. Todd opportunity to speak to the Jamaican consulate and ensure that the U.S. Attorney’s Office assertions are correct,” such as having obtained travel documents for Petitioner and confirmation that Jamaica is accepting Petitioner as a citizen after removal. TRO at 2. However, Mr. Ruby’s declaration demonstrates that prior to the filing of Petitioner’s TRO, ICE had already confirmed Petitioner’s Jamaican citizenship and acceptance by the Jamaican government, as well as his travel logistics by having scheduled a charter flight for Petitioner that was set to leave on December 15, 2025. Petitioner’s TRO should be denied in its entirety because Petitioner has failed to meet his burden for the requested injunctive relief.

IV. ARGUMENT

A. **The Petition should be denied because Petitioner’s detention is not unconstitutionally indefinite.**

Petitioner has not demonstrated that his detention has become unconstitutionally indefinite. 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

1 that alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. It was further specified
2 that Section 1231(a)(6) does not permit indefinite detention. *Id.* Thus, "once removal is no
3 longer reasonably foreseeable, continued detention is no longer authorized by statute." *Id.* at
4 699.

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

17 Petitioner cannot meet his burden to demonstrate that there is a good reason to believe
18 that there is no significant likelihood of removal in the reasonably foreseeable future. Indeed, the
19 Jamaican government confirmed Petitioner's acceptance into Jamaica after establishing his
20 citizenship with Petitioner's immigrant visa application and other Jamaican identity documents.
21 Ruby Decl. ¶ 17. Petitioner was manifested on a charter flight to Jamaica scheduled for December
22 15, 2025. *Id.* The charter flight was cancelled by ICE only because Petitioner filed his TRO on
23 December 12, 2025, and this Court ordered Federal Respondents to not remove Petitioner from
24 the United States or transfer Petitioner to another facility pending Petitioner's habeas petition.

1 Ruby Decl. ¶¶ 19, 21; Dkt. Nos. 11, 12. The next charter flight available for Petitioner to be
2 manifested on is on January 8, 2026. Ruby Decl. ¶ 24.

3 With Petitioner's confirmed Jamaican citizenship, the Jamaican government's
4 confirmation to accept Petitioner upon removal, and ICE's ability to manifest Petitioner for a
5 charter flight, Petitioner's removal will occur in the imminent future. Consequently, Petitioner
6 has failed to meet his burden under *Zadvydas*, 533 U.S. at 701.

7 ICE has revoked Petitioner's OSUP. While counsel for Federal Respondents have not
8 obtained information regarding the procedures used to revoke the OSUP in relation to 8 C.F.R.
9 § 241.13(i)(3), there is no doubt that there is a significant likelihood of removal in the foreseeable
10 future. Based on the declarations made by Supervisory Detention Deportation Officer Ruby, ICE
11 has been actively preparing for Petitioner's removal, such as taking steps to confirm Petitioner's
12 Jamaican citizenship and acceptance into Jamaica. *See* Ruby Decl. ¶ 17.

13 Further, Petitioner is not entitled to a pre-detention hearing in the post-order context. The
14 cases Petitioner invokes in arguing that due process requires a hearing prior to Petitioner's being
15 re-detained are inapposite. Pet. at 11-15 (Section VIII). Petitioner cites *E.A. T.-B. v. Wamsley*, No.
16 CV25-1192-KKE, 2025 WL 2402130, *Ledesma Gonzalez v. Bostock*, No. CV25-1404-JNW-
17 GJL, 2025 WL 2841574, and other recent out-of-district cases, which are all not applicable under
18 post-removal §1231 detention. *See* Pet. at 9-12. Petitioner does not dispute that he is subject to an
19 administratively final order of removal. Each of the cases cited by Petitioner to support that a pre-
20 detention hearing is warranted are decided in the context of pre-order detention or under
21 regulatory schemes wholly distinct from the post-order detention framework at issue here. As
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1 such, the authorities cited in this section to argue a requirement for a hearing prior to being
2 detained provide little meaningful guidance.

3 Finally, Petitioner lacks standing to pursue claims based on speculative removal to a third
4 country, and his claim is speculative and not ripe for review. Petitioner purports to bring claims
5 challenging the constitutionality of his possible removal to a third country as a likely violation of
6 the Fifth Amendment, 8 U.S.C. § 1231, the Eighth Amendment, the Convention Against Torture,
7 the INA, the APA, and relevant implementing regulations. Pet. at 24-27. Such claims are based
8 on the hypothetical scenario of his removal to a third country other than Jamaica, which are
9 entirely speculative and not ripe for review. ICE does not presently intend to remove Petitioner
10 to a third country and is currently solely seeking to remove Petitioner to Jamaica. Ruby Decl. ¶
11 23. ICE had previously scheduled him to be placed on a charter flight to Jamaica that was set for
12 December 15, 2025. *Id.* ¶ 17. The next available charter flight to Jamaica is scheduled for January
13 8, 2026, and Petitioner may be able to be manifested upon it if the Court allows. *Id.* ¶ 24.

14 Additionally, such claims are not the proper subject of an immigration habeas petition,
15 considering that Petitioner presents no evidence that Federal Respondents seek to remove him to
16 a third country. *See Tran v. Bondi, No. 25-cv-01897-JLR, 2025 WL 3140462, at *4* (citing
17 *Zadvydas*, 533 U.S. at 688). ICE does not have the intention of seeking Petitioner's removal to
18 any other country other than Jamaica. Ruby Decl. ¶ 23. ICE has already confirmed Petitioner's
19 Jamaican citizenship on November 20, 2025, and had previously placed him on a charter flight to
20 Jamaica, which has since been cancelled pursuant to the Court's order, to effectuate removal. *Id.*
21 ¶ 17. Thus, there is no case or controversy because there is no concrete indication that removal to
22 any third country will occur.

1 **B. The TRO should be denied in its entirety because Petitioner has not established that**
2 **the law and facts clearly favor injunctive relief.**

3 **1. Petitioner is unlikely to succeed on the merits of his claims.**

4 Petitioner's claims that ICE does not have travel documents for Petitioner or confirmation
5 from the Jamaican government that Petitioner will be accepted after removal are without merit.
6 TRO at 2. Petitioner has been recognized to have Jamaican citizenship by the Jamaican
7 government, after establishing his citizenship with Petitioner's immigrant visa application and
8 other Jamaican identity documents. Ruby Decl. ¶ 17. The Jamaican government has further
9 confirmed Petitioner's acceptance into Jamaica, since Petitioner's citizenship has been
10 established. *Id.* After ICE established Petitioner's citizenship, Petitioner was manifested on a
11 charter flight to Jamaica, previously scheduled for December 15, 2025. *Id.* Petitioner, upon the
12 Court's approval, may be manifested on a charter flight to Jamaica that is scheduled for January 8,
13 2025. *Id.* ¶ 24.

14 Further, for the reasons discussed above, Petitioner's detention is not unconstitutionally
15 indefinite, and he is not entitled to release from detention under *Zadvydas*. Therefore, Petitioner
16 is unlikely to succeed on the merits.

17 **2. Petitioner is unlikely to suffer irreparable harm in the absence of preliminary**
18 **relief.**

19 Petitioner has not demonstrated that he will suffer irreparable injury absent the mandatory
20 injunctive relief he seeks. To do so, he must demonstrate "immediate threatened injury."
21 *Caribbean Marine Services Co., Inc. v. Baldrige*, 844 F.2d 668, 674 (9th Cir. 1988) (citing *Los*
22 *Angeles Memorial Coliseum Commission v. National Football League*, 634 F.2d 1197, 1201 (9th
23 Cir.1980)). Merely showing a "possibility" of irreparable harm is insufficient. *See Winter*, 555
24 U.S. at 22. "Issuing a preliminary injunction based only on a possibility of irreparable harm is
inconsistent with [the Supreme Court's] characterization of injunctive relief as an extraordinary

1 remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.”

2 *Winter*, 555 U.S. at 22.

3 Here, Petitioner has not established that “irreparable injury is likely in the absence of an
4 injunction.” *Winter*, 555 U.S. at 22. “Although removal is a serious burden for many aliens, that
5 burden alone cannot constitute the requisite irreparable injury.” *Nken v. Holder*, 556 U.S. 418,
6 129 S. Ct. 1749, 1753, 173 L. Ed. 2d 550 (2009). This Court should not allow Petitioner to claim
7 that his prolonged detention is unconstitutional because he cannot be removed, while also seeking
8 to enjoin his removal to the very country that he has been ordered removed to.

9 Based on the declarations made by Supervisory Detention Deportation Officer Ruby,
10 Petitioner has been recognized to have Jamaican citizenship by the Jamaican government, and the
11 Jamaican government has further confirmed Petitioner’s acceptance into Jamaica. Ruby Decl. ¶
12 17. ICE prepared Petitioner to be removed to Jamaica by having manifested him on a charter
13 flight for December 15, 2025, although the flight was eventually cancelled in light of the Court’s
14 order to prevent his transfer. *See id.* ¶ 21.

15 Accordingly, Petitioner has not demonstrated that he will be subject to immediate
16 irreparable injury if not released.

17 **3. The balance of the equities and public interests favor the Government.**

18 The final two factors for a preliminary injunction—the balance of hardships and public
19 interest—“merge when the Government is the opposing party.” *Nken*, 556 U.S. at 435. It is well-
20 settled that the public interest in enforcement of United States immigration laws is significant.
21 *See United States v. Martinez-Fuerte*, 428 U.S. 543, 556-58 (1976); *Nken*, 556 U.S. at 435 (“There
22 is always a public interest in prompt execution of removal orders: The continued presence of an
23 alien lawfully deemed removable undermines the streamlined removal proceedings IIRIRA
24 established, and permit[s] and prolong[s] a continuing violation of United States law.”). Petitioner

1 is subject to a final order of removal, and the government may detain him as a result, and it has
2 an interest in enforcing U.S. immigration laws. The government has a legitimate interest in the
3 continued detention of immigration detainees that is authorized by Congress and recognized by
4 the Supreme Court. Petitioner remains under mandatory detention pursuant to 8 U.S.C. § 1231(a)
5 pending his removal. Currently, the only bar to Petitioner's removal is this habeas litigation.
6 Because Petitioner cannot show that the balance of hardships and public interest tips in his favor,
7 the Court should deny Petitioner's TRO.

8 **V. CONCLUSION**

9 For the foregoing reasons, Petitioner has not satisfied his high burden of establishing
10 entitlement to injunctive relief, and his TRO should be denied. With the confirmation of
11 Petitioner's citizenship and acceptance of Petitioner by the Jamaican government, Federal
12 Respondents should be able to transfer Petitioner upon a proper notice of removal prior the
13 resolution of his habeas petition on the merits, if necessary. Further, Petitioner's detention has not
14 become "indefinite," and his removal is significantly likely in the reasonably foreseeable future.
15 This Court should not order that he be released and deny the Petition in its entirety.

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1 DATED this 29th day of December, 2025.

2 Respectfully submitted,

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16 I certify that this memorandum contains 4,038
17 words, in compliance with the Local Civil Rules.