

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAN POYA,

Petitioner,

vs.

PAMELA BONDI, Attorney General of
the United States, et al.,

Respondents.

No. CV25-2576-JLR

**REPLY TO RESPONDENTS'
RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

I. Even if 8 U.S.C § 1225(b) applies, the Court should order a bond hearing.

The government argues that § 1225(b), which governs immigration cases for non-citizens detained at the border, mandates detention of Mr. Poya. Dkt. 10 at 3–4. But even if § 1225(b) applies and mandates detention, that detention cannot be indefinite. *Amhirra v. Warden, Nw. Det. Ctr.*, No. 2:25-CV-01376-TL, 2025 WL 3718994, at *5 (W.D. Wash. Dec. 23, 2025). In her recent opinion in *Amhirra*, Judge Lin considered the same arguments by the government and recent Supreme Court and Ninth Circuit case law. *Id.* She noted that “[n]early all district courts that have considered the issue agree that prolonged mandatory detention pending removal proceedings, without a bond hearing, will—at some point—violate the right to due process.” *Id.* Following this near consensus, she concluded that whether a bond hearing was required should depend on the factors developed by this Court in *Banda v. McAleenan*, 385 F.Supp.3d 1099, 1106 (W.D. Wash. 2019):

(1) the total length of detention to date; (2) the likely duration of future detention; (3) the conditions of detention; (4) delays in the removal proceedings caused by the detainee; (5) delays in the removal proceedings caused by the government; and (6) the likelihood that the removal proceedings will result in a final order of removal.

Amhirra, 2025 WL 3718994, at *5.

The Court should apply the *Banda* factors here, find that the first five weigh in favor of a bond hearing, and order a bond hearing.

First, Mr. Poya has been detained for nearly 13 months. *Amhirra* collected four decisions where the same or less time satisfied this factor. *Id.* at *6.

Second, future lengthy detention is likely. The government concedes that it has been waiting for a “travel letter from the Afghani government [since] October 31, 2025.” Dkt. 10 at 3. Notably, the government seems to have done nothing to address the nearly three-month delay of that travel letter. *See Hamidi v. Bondi*, No. CIV-25-1205-G, 2025 WL 3452454, at *4 (W.D. Okla. Dec. 1, 2025) (finding insufficient government’s representation as to removal to Afghanistan that “several avenues being pursued, and because the current administration is making efforts to remove aliens to third countries”). As Mr. Poya’s petition noted, Afghanistan is in the middle of a civil war. Dkt. 2 at 7. The government does not even try to argue that the Afghani government will promptly respond to its request for a travel letter. Any such argument would “amount[] to a wing and a prayer” and an unacceptable decision to be “content to play it fast and loose with Petitioner’s right to due process and to proceed in an ad hoc manner for as long as it takes to remove Petitioner.” *Amhirra*, 2025 WL 3718994, at *6.

Third, Mr. Poya is imprisoned. “Courts in this District have found that, at this facility, under circumstances similar to that of Petitioner, this factor favors granting a bond hearing.” *Id.* at *7 (cleaned up).

Fourth, the government concedes that “the facts do not indicate that Poya intentionally delayed the expedited removal process.” Dkt. 10 at 7. Therefore, “the

1 fourth *Banda* factor weighs in favor of granting a bond hearing.” *Amhirra*, 2025 WL
2 3718994, at *7.

3 Fifth, the government has delayed Mr. Poya’s removal proceedings. The
4 government detained him and ordered his expedited removal on December 30, 2024. It
5 did not obtain an immigration judge’s review of his credible fear determination until
6 March 6, 2025. And it did not complete administrative steps to remove him, pending a
7 travel letter, until October 31, 2025. Dkt. 10 at 3. The two-month delay between his
8 expedited removal order and the IJ review are attributable to the government. The
9 seven-month delay between the IJ review and the completion of administrative steps are
10 attributable to the government. And since the government has apparently failed to
11 follow up with the Afghani government for nearly three months about the travel letter,
12 this delay is also attributable to the government. *Cf. Amhirra*, 2025 WL 3718994, at *7
13 (“[T]he Court will not leave the Government unaccountable for its inability to retain a
14 competent interpreter.”).

15 Sixth, there is already a final order of removal.

16 Since the first five factors weigh in favor of a bond hearing, the Court should
17 order a bond hearing within 14 days.

18 DATED this 20th day of January 2026.

19 Respectfully submitted,

20 s/ *Mukund Rath*
21 Assistant Federal Public Defender
22 Attorney for Aman Poya
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