

District Judge James L. Robart

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

AMAN POYA,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

Case No. 2:25-cv-02576-JLR

FEDERAL RESPONDENTS'
OPPOSITION TO PETITIONER'S
MOTION FOR RECONSIDERATION

I. INTRODUCTION

Petitioner's motion for reconsideration should be denied because he has not identified newly discovered evidence, clear error, or an intervening change in law that would justify reconsideration of the Court's January 29, 2026 Order Granting Petitioner's Petition for Writ of Habeas Corpus, Dkt. 16.

Petitioner alleges that this Court erred when it determined that he is mandatorily detained pursuant to 8 U.S.C. § 1225(b), his detention has become unreasonably prolonged under *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1116 (W.D. Wash. 2019), and he is entitled to a bond hearing. Dkt. 18. Instead, Petitioner argues that he is detained under 8 U.S.C. § 1231(a), his

detention is indefinite under *Zadvydas v. Davis*, 533 U.S. 678 (2001), and he is entitled to immediate release.

Petitioner argues that a decision issued by another judge in this District, *Bhandari v. Bondi*, No. 2:25-cv-02747-KKE, 2026 WL 369403 (W.D. Wash. Feb. 10, 2026), constitutes new legal authority justifying reconsideration under LCR 7(h)(1). Petitioner is wrong.

The February 10, 2026 denial of Petitioner’s request for a change in custody status does not affect reconsideration.

II. LEGAL STANDARD

A motion for reconsideration is an “extraordinary remedy. . . to be used sparingly[.]” *See Christopher Justice v. Autonation, Inc.*, No. 2:25-cv-01903-JLR, 2026 WL 468644, at *1 (W.D. Wash. Feb. 18, 2026) (quoting *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (citation omitted)). “Indeed, ‘a motion for reconsideration [of a court’s prior order] should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.’” *Id.* (quoting *Kona*, 229 F.3d at 890) (quoting *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)); *see also* Local Rules W.D. Wash. 7(h)(1) (“Motions for reconsideration are disfavored” and “[t]he court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.”).

III. ARGUMENT

A. Petitioner has failed to meet his burden of coming forward with new legal authority or an intervening change in case law.

The core of Petitioner’s argument relies on a decision issued by another Judge in this District after this Court issued its ruling in this case. Not only is the decision in *Bhandari* not

1 binding on this Court, it also does not hold that “an expedited order of removal ends Section 1225
2 detention and begins Section 1231 detention.” Dkt. 18, at 2.¹

3 First, *Bhandari* is not binding authority. Courts may generally consider how other courts
4 have ruled on the same issue, but in the absence of binding precedent, they “may forge a different
5 path than suggested by prior authorities that have considered the issue.” *Hart v. Massanari*, 266
6 F.3d 1155, 1170 (9th Cir. 2001). As a federal district court, this Court must follow the decisions
7 of the United States Supreme Court and the Ninth Circuit Court of Appeals as binding, controlling
8 authority. See *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1316 (W.D. Wash. 2025). A district
9 court decision issued out of the same judicial district, however, does not hold the level of authority
10 as one from the Supreme Court or the Ninth Circuit, and thus cannot be considered controlling or
11 binding authority. While *Bhandari* may serve as persuasive authority, it is not binding authority
12 that must be followed by this Court.

13 Second, Petitioner is incorrect that the *Bhandari* court relied on *Rodriguez Diaz v.*
14 *Garland*, 53 F.4th 1189 (9th Cir. 2022), when it determined that Bhandari was detained pursuant
15 to 8 U.S.C. § 1231(a), rather than 8 U.S.C. § 1225(b). Since *Rodriguez Diaz* was decided by the
16 Ninth Circuit in 2022, it became well-known law that a noncitizen with a final removal order
17 would be detained under 8 U.S.C. § 1231(a).²

18 In the government’s briefing for *Bhandari*, it inadvertently referred to Bhandari’s
19 expedited order of removal as “an administratively final order of removal, pursuant to Section
20

21 ¹ Federal Respondents acknowledge that *Bhandari*, decided on February 10, 2026, was issued after this Court’s
22 decision in the instant case, when it granted Petitioner’s habeas petition on January 29, 2026. However, this is not
23 “new legal authority” that the Court failed to consider for the reasons stated herein.

24 ² Petitioner claims that despite a two-week extension to file his traverse, which the government did not oppose,
“counsel did not find *Rodriguez Diaz*,” a case that was decided by the Ninth Circuit in 2022 – over three years prior
to the filing of his traverse. Yet, Petitioner points to *Bhandari*, which allegedly relies on *Rodriguez Diaz* for its
rationale. Petitioner’s reply did not dispute that Section 1225(b) did not apply; rather, he only argued that the Court
should order a bond hearing despite mandatory detention. Dkt. 15.

241 of the [INA],” and cited 8 U.S.C. § 1231. *Bhandari*, Dkt. 8, at 1. The government also analyzed the length of Petitioner’s under *Zadvydas* rather than *Banda*. *See id.* at 8-12. Due to the government’s inadvertent reference to *Bhandari* having an applicable final order of removal – which the *Bhandari* court took as a concession — and the government’s failure to raise the *Banda* factors, the *Bhandari* court determined that *Bhandari* was detained under Section 1231(a) and reviewed the constitutionality of his detention under the *Zadvydas* framework. *Bhandari*, No. 2:25-cv-02747-KKE, 2026 WL 369403, at *3 (“Respondents do not argue otherwise, and in fact concede in their return that *Bhandari* is subject to an order of removal under § 1231.”).

Petitioner is incorrect that the *Bhandari* court found that “an expedited order of removal ends Section 1225 detention and begins Section 1231 detention.” Dkt. 18, at 2. The *Bhandari* court did not expressly state that all expedited orders of removal can be considered an administratively final order of removal that would trigger Section 1231(a) detention. Most importantly, the court did not aim to change the well-established statutory framework of Section 1225(b) or otherwise change the holding in *Rodriguez Diaz*.

Therefore, *Bhandari* cannot be considered “new legal authority” that the Court failed to consider in its decision.

B. Petitioner failed to meet his burden of establishing that this Court committed manifest error when it applied Section 1225(b) and analyzed the *Banda* factors for prolonged detention to expedited removal.

The Court correctly determined that Petitioner was mandatorily detained under Section 1225(b) as he was subject to expedited removal. While Poya, like *Bhandari*, is subject to an expedited order of removal and received a credible fear determination, this case is distinguishable from *Bhandari*. Here, Federal Respondents never conceded or argued that Poya was subject to an administratively final order of removal under Section 1231(a) in their return and correctly raised the *Banda* factors to weigh the constitutionality of Petitioner’s detention.

1 Section 1225(b) governs mandatory detention of applicants for admission, and relevant
2 here, arriving aliens in expedited removal under Section 1225(b)(1)(A). This Court, as well as
3 other courts in this district, have adhered to this statutory framework, analyzing applicants for
4 admission subject to an expedited removal order under Section 1225(b) along with the *Banda*
5 factors to determine the constitutionality of a petitioner's continued confinement. *See, e.g.,*
6 *Sharad K.C. v. Bondi*, No. 2:25-cv-02071-JLR, 2025 WL 3713844, at *4 (W.D. Wash. Dec. 23,
7 2025); *Banda*, 385 F. Supp. 3d 1099. While Federal Respondents agree that *Zadvydas* holds that
8 a person with an expedited removal order cannot be detained indefinitely, it does not apply here
9 because courts have analyzed the constitutionality of the length of detention of a petitioner subject
10 to expedited removal under the *Banda* factors.

11 Here, the government had argued that Poya was mandatorily detained under 8 U.S.C. §
12 1225(b) due to his expedited removal order and that his length of detention had not become
13 unreasonable under the *Banda* factors. *See* Dkt. 10, at 5-7. The government did not make any
14 argument relating to 8 U.S.C. § 1231(a). This Court analyzed the constitutionality of the length
15 of Poya's detention under the appropriate review of prolonged detention for expedited removal
16 using the *Banda* factors. Thus, the Court correctly determined that Petitioner is mandatorily
17 detained under Section 1225(b) and did not need to consider *Zadvydas* in its analysis for whether
18 his detention has become prolonged and unreasonable.

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C. The denial of Petitioner’s request for a change in custody status does not affect reconsideration of this case.

Petitioner cannot challenge the sufficiency of the February 10, 2026 bond hearing in a motion for reconsideration.³

The core of a habeas claim “goes directly to the constitutionality of [the] physical confinement itself” and (2) “seeks either immediate release from that confinement or the shortening of its duration.” *Pinson v. Carvajal*, 69 F.4th 1059, 1066 (9th Cir. 2023) (quoting *Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973)). In his habeas petition and traverse, Petitioner sought immediate release and a bond hearing, and has since received his requested relief of a bond hearing. He cannot now raise a claim that the relief received was insufficient or unconstitutional based on the very same habeas petition that has been granted. This would create an inappropriate, procedural loophole that would allow habeas petitioners to have a “second bite of the apple” by filing a motion for reconsideration even after they received the exact relief that they had sought – a bond hearing – just because they are dissatisfied with the immigration judge’s (“IJ”) change of custody determination.

Here, this Court granted Petitioner’s habeas petition on January 29, 2026, holding that Petitioner’s prolonged detention has become unreasonable under the *Banda* factors, and ordering a bond hearing for Petitioner within 14 days of its order. Dkt. 16. Federal Respondents complied with the Court’s order, and Petitioner received a bond hearing on February 10, 2026. After the bond hearing was held, the Parties filed a Joint Status Report (Dkt. 19) on February 19, 2026, pursuant to the Court’s Order (Dkt. 16), along with a copy of the custody order attached as an

³ Petitioner’s habeas petition argued that his detention violated due process because he was detained under 8 U.S.C. § 1231 and there was no significant likelihood that he would be removed in the reasonably foreseeable future. Dkt. 2. In his reply, Petitioner seemed to concede that 8 U.S.C. § 1225(b) applied and argued that the application of the *Banda* factors favored a bond hearing. Dkt. 15.

1 exhibit. Dkt. 19, Ex. 1. The Joint Status Report advised the Court that Petitioner was provided a
2 bond hearing on the scheduled date and his request for change in custody status was denied for
3 the reason that he was a flight risk. Dkt. 19. The immigration court's order also stated that
4 conditional release is denied and Petitioner's ability to pay was considered. *Id.*

5 Because Petitioner has been provided a bond hearing and an IJ has made a change of
6 custody determination, Petitioner must file another habeas petition to challenge the February 10,
7 2026 bond hearing if he wishes to challenge the IJ's determination, limited to constitutional
8 challenges. Thus, denial of Petitioner's request for a change in custody status cannot be
9 challenged in his motion for reconsideration.

10 IV. CONCLUSION

11 Accordingly, the Court should deny Petitioner's motion for reconsideration because the
12 Court did not commit manifest error by holding that Petitioner is subject to mandatory detention
13 under Section 1225(b), his detention became unreasonable under the *Banda* framework, and by
14 ordering a bond hearing.

15 DATED this 27th day of February, 2026.

16 Respectfully submitted,

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I certify that this memorandum contains 1,901
words, in compliance with the Local Civil Rules.