

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAN POYA,	)	No. CV25-2576-JLR
Petitioner,	)	
vs.	)	REPLY IN SUPPORT OF MOTION
	)	FOR RECONSIDERATION
PAMELA BONDI, Attorney General of	)	
the United States, et al.,	)	Note on Motion Calendar:
Respondents.	)	March 6, 2026

Aman Poya, through counsel, replies in support of his motion for reconsideration of the Court's Order and Judgment, Dkts. 16–17.

I. *BHANDARI* IS NEW LEGAL AUTHORITY THAT JUSTIFIES RECONSIDERATION.

First, it is irrelevant that *Bhandari v. Bondi* “is not *binding* authority.” Dkt. 21 at 3 (emphasis added) (citing No. 25-cv-2747-KKE, 2026 WL 369403 (W.D. Wash. Feb. 10, 2026)). Rather, *Bhandari* justifies reconsideration because it is “legal authority” that is “new” and thus “could not have been brought to [the Court’s] attention earlier with reasonable diligence.” LCR 7(h)(1). The rule’s plain text does not require new *binding* legal authority—just new legal authority. *Id.*

Second, *Bhandari* obviously “did not aim to ... change the holding” of binding authority. Dkt. 21 at 4. Rather, the Court should follow *Bhandari* as it reconsiders its prior ruling because, in that case, Judge Evanson correctly applied binding authority to the issue of habeas relief from detention under § 1225 versus § 1231.

1 **II. *BHANDARI* ESTABLISHES MANIFEST ERROR THAT JUSTIFIES**
 2 **RECONSIDERATION.**

3 In addition to being new, *Bhandari* is also clearly correct, and therefore it
 4 establishes “manifest error” in this Court’s prior ruling and independently justifies
 5 reconsideration. LCR 7(h)(1).

6 Rather than arguing *Bhandari* is incorrect, the government tries to distinguish it
 7 as applying only to cases with “an *applicable* final order of removal.” Dkt. 21 at 4
 8 (emphasis added). Specifically, in *Bhandari*, the government says it “inadvertent[ly]”
 9 conceded that the petitioner had a final order of removal under § 1231. *Id.* at 3–4. And
 10 *Bhandari* supposedly relied on this concession in holding that the petitioner was
 11 detained under § 1231.

12 In fact, *Bhandari* relied only on the fact that the petitioner had an order of
 13 removal that was final, meaning not subject to appeal or stay. Judge Evanson never said
 14 that the removal order must be issued under § 1231 for the petitioner to be detained
 15 under § 1231. The opinion repeatedly says that a petitioner with a final order of
 16 removal is detained under § 1231. *See* 2026 WL 369403, at *3 (“In relevant part, the
 17 immigration judge ordered that Bhandari’s case was ‘returned to DHS for removal’ and
 18 specified that the order was ‘a final order,’ not subject to appeal.”); *id.* (“[B]ecause
 19 Bhandari is now subject to a final order of removal, § 1231(a) governs his detention.”);
 20 *id.* (“[O]nce a noncitizen has a final removal order that is not subject to a judicial stay,
 21 detention authority shifts to 8 U.S.C. § 1231(a).”) (cleaned up); *id.* (“[U]nlike Bhandari
 22 (who is subject to a non-appealable, final order of removal), the lead petitioner in
 23 *Jennings* was a noncitizen who the Government had not yet ordered removed ... and
 24 thus, [subject to] detention[] under § 1225(b).”) (internal quotations removed); *id.*
 25 (“[H]e has a final order of removal. Now that Bhandari’s § 1225(b)(1) proceedings
 26 have ended, so too does his detention under § 1225(b).”).

1 The government also argues *Bhandari* does not apply to “all expedited orders of
 2 removal.” Dkt. 21 at 4. But the petitioner there had an expedited order of removal—
 3 unsurprisingly, since § 1225 governs expedited removal. *Bhandari*, 2026 WL 369403,
 4 at *2. Detention switches from § 1225 to § 1231 once an order of removal becomes
 5 final, as *Bhandari* repeatedly and correctly said.

6 *Bhandari* is manifestly correct. Judge Tsuchida recently followed it in *Bista v.*
 7 *Bondi*, No. 2:26-CV-00358-BAT, 2026 WL 517155, at *2 (W.D. Wash. Feb. 25, 2026),
 8 and counsel is aware of no judges who have disagreed with it. Judge Tsuchida said
 9 “Mr. Bista's case is legally indistinguishable from the Court’s recent case *Bhandari* ...
 10 because [petitioner] is now subject to a final order of removal.” *Id.*

11 And here, the government conceded, as it must, that Mr. Poya “is subject to a
 12 final expedited order of removal.” Dkt. 10 at 7; Dkt. 12-4 at 6 (“This is a final order.
 13 There is no appeal from this decision.”). *Bhandari* therefore applies and entitles
 14 Mr. Poya to *Zadvydas* relief.

15 The government, while not saying *Bhandari* is incorrect, cites this Court’s
 16 decision in *Sharad K.C. v. Bondi*, 2025 WL 3713844, at *4 (W.D. Wash. Dec. 23,
 17 2025). There, the petitioner had a final order of removal, but this Court nonetheless held
 18 they were “detained pursuant to 8 USC § 1225(b)(1).” *Id.* at *3. But the opinion does
 19 not indicate whether detention under § 1225 versus § 1231 was seriously disputed
 20 between the parties. Moreover, any dispute was immaterial because the Court
 21 ultimately released the petitioner. *Id.* at *5. By contrast, *Bhandari* addressed a material
 22 dispute and clarified the law, and this Court should follow it.

23 **III. THE COURT SHOULD RELEASE MR. POYA UNDER *ZADVYDAS*.**

24 Finally, the government apparently and incorrectly believes Mr. Poya is
 25 challenging “the sufficiency of the February 10, 2026 bond hearing.” Dkt. 21 at 6.
 26

1 That is incorrect—Mr. Poya’s only request is for release under *Zadvydas*. His
2 original petition asked for release under *Zadvydas*. Dkt. 2 at 3–4. It did not ask for a
3 bond hearing. Mr. Poya’s reply did not “concede that 8 USC § 1225(b) applied.”
4 *Contra* Dkt. 21 at 6 n.3. It argued in the alternative that “even if § 1225(b) applies,”
5 Mr. Poya should still get a bond hearing. Dkt. 15 at 1.

6 Now, based on new legal authority and manifest error, Mr. Poya’s motion asks
7 the Court to reconsider its decision on § 1225 and grant the original petition’s request
8 for release under *Zadvydas*.

9
10 DATED this 6th day of March 2026.

11 Respectfully submitted,

12 s/ *Mukund Rathi*
13 Assistant Federal Public Defender
14 Attorney for Aman Poya

15 I certify this reply contains 897 words pursuant to the Court’s Order.
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