

Magistrate Judge Michelle L. Peterson

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

ABDINAJIB ALI,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:26-cv-00073-MLP

JOINT STATUS REPORT

COMES NOW the Federal Respondents, by and through their counsel, Kristin B. Johnson, Assistant United States Attorney for the Western District of Washington, and Petitioner, by and through his counsel, Alan Zarky, Assistant Federal Public Defender, pursuant to this Court's February 9, 2026 Minute Order directing parties to file a joint status report, and hereby submit the following joint status report. Dkt. 22.

FEDERAL RESPONDENTS' POSITION:

This Court has identified an issue of fact that remains following submission of Petitioner's habeas petition and the Federal Respondents' return. *Id.* Namely, "whether and when Petitioner cooperated in applying for a travel document to Ethiopia and whether, and to what extent, any lack of cooperation delayed the government's efforts to obtain a travel document." *Id.* In their

1 return, the Federal Respondents represented that Petitioner refused to sign a request for a travel
2 document to be submitted to the Ethiopian consulate on October 5, 2025. Dkt. 11, ¶ 17. And ICE
3 submitted the unsigned travel document package to the Ethiopian consulate. *Id.* But on
4 December 10, 2025, Petitioner informed ICE that he now wished to cooperate with getting travel
5 documents for Ethiopia. *Id.* at ¶ 18. It appears these facts are undisputed.

6 The Federal Respondents are currently unsure what effect Petitioner's refusal to sign the
7 travel document request had upon the Ethiopian consulate's processing of the requests. The
8 Federal Respondents are still working with the Ethiopian consulate to obtain a travel document
9 based on the unsigned request. But Federal Respondents understand that Petitioner is now willing
10 to sign a request for a travel document to Ethiopia. It is the Federal Respondents' understanding
11 that Petitioner has represented that he will sign a request for a travel document to Ethiopia, but
12 he has not yet done so. The Federal Respondents also understand that Petitioner sent a message
13 to ERO via the electronic messaging system "Talton" on February 7, 2026, asking to be removed,
14 and ERO replied that removal is pending the receipt of a travel document. Thus, it appears that
15 Petitioner is now willing to cooperate in seeking travel documents to effectuate his removal to
16 Ethiopia and his cooperation may impact the government's efforts to obtain a travel document.

17 Wherefore, the Federal Respondents request additional time to allow ICE to obtain a
18 signed travel document request from Petitioner and submit the signed request to the Ethiopian
19 consulate. How the Ethiopian consulate processes the signed travel document request, compared
20 to how it processed the unsigned request, may provide the parties and this Court a better
21 understanding of whether, and to what extent, Petitioner's initial lack of cooperation delayed the
22 government's efforts to obtain a travel document.

23 The Federal Respondents request an additional three weeks to work with Petitioner and
24 the Ethiopian consulate and report back to the Court on any new developments in Petitioner's

1 cooperation and the government's efforts.

2 PETITIONER'S POSITION:

3 Petitioner's position is that, first, further evidence is not necessary because, even if
4 Petitioner's alleged non-cooperation were to count against him, his six-month presumptively
5 valid detention would expire on February 18, 2026 (see dkt. 17 at 6-7), mooted any impact of
6 further evidence. Thus, even if Respondents eventually establish conclusively that Mr. Ali's
7 alleged non-cooperation caused a total delay from October 5, 2025, to December 10, 2025, he
8 would still be entitled to relief within the next few days. In short, the outcome of Respondents'
9 proposed evidence-gathering delay would have no effect on Mr. Ali's entitlement to relief. *See*
10 *Haidari v. Bondi*, No. 2:26-cv-00237-JHC (W.D. Wash. Feb. 12, 2026), dkt. 12 at 4 (accepting
11 Respondents' contention that petitioner's non-cooperation caused 45 days of delay, and
12 "[a]ccepting arguendo that this non-compliance could extend the presumptively reasonable six-
13 month period," the period of detention had exceeded the six-month period by more than 45 days
14 "and thus Petitioner has still been detained for longer than the presumptively reasonable period.").

15 But even putting this point aside, Petitioner's position is that Respondents' proposal is not
16 appropriate, for the following reasons:

17 On December 1, 2025, ICE stated to Mr. Ali, in response to a request from him for
18 information regarding his status, that they were "still waiting for your travel docs to return back
19 to us so we can remove you. That is the only thing left for us." Dkt. 23-1. Then, "[o]n December
20 10, 2025, Petitioner informed local ERO that he now wished to cooperate with getting travel
21 documents for Ethiopia." Dkt. 12-1 at 3. Yet at no time between those two events and today have
22 Respondents requested that Mr. Ali do anything further, such as signing any documents. In fact,
23 Mr. Ali met with his ICE officer today and raised with him Respondents' request (communicated
24 to his counsel through Respondents' counsel) that he sign the documents. Mr. Ali was told by his

1 ICE officer that this was unnecessary.

2 It is unfair to Mr. Ali for Respondents to now propose that he wait three additional weeks
3 before there is another submission to the Court (with perhaps yet further delay awaiting an
4 evidentiary hearing on Respondents' forthcoming submission). This delay would be just so that
5 Respondents could try to gather evidence regarding what was their burden to begin with, namely
6 to show that any cooperation had hindered their request. In fact, waiting another three weeks
7 would itself take this case past the six-month presumptively reasonable period, even if Mr. Ali
8 were held responsible for all of the period from October 5, 2025, through December 10, 2025.

9 Respondents "sat on their rights" between December 10, 2025, and today, by not seeking
10 the cooperation that Mr. Ali offered months ago. Furthermore, between the time of this Court's
11 order and now, Respondents have apparently made no effort to discern, either from their own
12 institutional knowledge, or through inquiry to the Ethiopian government, whether Mr. Ali's
13 alleged prior non-cooperation delayed the processing of, or had any effect on the outcome of,
14 Respondents' request for travel documents. Mr. Ali should not have to remain in detention when
15 Respondents take such an approach to the Court's questions.

16 Petitioner therefore requests this Court to reject Respondents' position and proceed to rule
17 on his Petition.

18 DATED this 12th day of February, 2026.

19 Jointly submitted,

20 s/ Kristin B. Johnson

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