District Judge Jamal N. Whitehead

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

NAVEEN KUMAR, Petitioner, v. LAURA HERMOSILLO, *et al.*, Respondents.	Case No. 2:26-cv-00389-JNW FEDERAL RESPONDENTS'[1] RETURN Noted for Consideration: Feburary 23, 2026

I. INTRODUCTION

Petitioner Naveen Kumar is mandatorily detained by statute by U.S. Immigration and Customs Enforcement ("ICE") at the Northwest ICE Processing Center ("NWIPC"). Petitioner and Federal Respondents agree that Petitioner is in reopened removal proceedings. Dkt. 1, Petition ("Pet."), ¶¶ 42-46; Declaration of Harold Britt ("Britt Decl."), ¶ 16. Petitioner does not challenge that he is subject to mandatory detention, but he rather asserts that his detention has become unreasonably prolonged. Pet., ¶¶ 5, 88. Petitioner asserts that due to this prolonged detention, he should be granted a bond hearing or in the alternative be released. Pet., Prayer for Relief, ¶(b).

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

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II. BACKGROUND

A. Petitioner Naveen Kumar

Petitioner is a native and citizen of India. Declaration of Jordan Steveson ("Steveson Decl."), Exh. A, 2023 I-213. U.S. Border Patrol ("USBP") encountered petitioner on May 15, 2023. *Id.* USBP determined that Petitioner had unlawfully entered the United States. *Id.* Petitioner was issued a Notice to Appear ("NTA") and released from custody. *Id.* The NTA charges Petitioner with removal pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). Steveson Decl., Exh. B, NTA.

On March 31, 2025, Petitioner was arrested for shoplifting. Britt Decl., ¶ 5. On April 15, 2025, Petitioner was detained by ICE. Britt Decl., ¶¶ 7, 20. On June 18, 2025, Petitioner's legal counsel withdrew a request for a bond hearing. Britt Decl., ¶ 8. On June 19, 2025, Petitioner was transferred from ICE detention in California to the NWIPC. Britt Decl., ¶ 9. On August 25, 2025, less than three months after Petitioner's arrival to the NWIPC, his removal proceedings concluded with an order of removal, but removal to India was withheld. Britt. Decl., ¶ 10.

DHS sought to remove Petitioner to a third country, specifically Uganda. Britt Decl., ¶ 11-15. Petitioner claimed fear and filed a prior habeas petition. *Id.* There is a prior habeas court order in this case directing that Petitioner's case be reopened if DHS pursues third country removal. *Kumar v. Wamsley,* No. 2:25-cv-02055-KKE (W.D. Wash. 2025). Removal proceedings were reopened on January 2, 2026, and Petitioner remains in the reopened removal proceedings due to fear of removal to Uganda. Britt Decl., ¶¶ 11-18.

B. Detention During Removal Proceedings

Section 1225 applies to "applicants for admission" to the United States, who are defined as "[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters)." 8 U.S.C. §

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1225(a)(1). Applicants for admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)," both of which are subject to mandatory detention. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

All applicants for admission are inspected. 8 U.S.C. 1225(b). DHS has discretion to pursue expedited removal under Section 1225(b)(1) or it can apply Section 1225(b)(2) and seek removal under Section 1229a. *Matter of E-R-M- & L-R-M-*, 25 I&N Dec. 520, 523-524 (BIA 2011). If the immigration authority determines that the noncitizen being inspected is inadmissible, then Section 1225(b)(2) is applied. *Jennings,* 583 U.S. at 288.

The sole means of release from detention pursuant to Section 1225(b) is temporary parole 'for urgent humanitarian reasons or significant public benefit,' § 1182(d)(5)(A)." *Jennings*, 583 U.S. at 283. This parole terminates automatically at the expiration of the time for which parole was authorized, or upon service of a charging document for either expedited removal proceedings under Section 1225(b) or removal proceedings under Section 1229a. 8 C.F.R. §§ 212.5(e)(1); (2)(i). Upon termination of parole, the applicant reverts to the status that he or she had at the time of parole. *See id.*

III. ARGUMENT

A. Petitioner is lawfully detained

Petitioner does not contest that his detention is mandatory but asserts that it has become unreasonably prolonged. Pet., ¶ 88.

Petitioner's mandatory detention is constitutional. The Supreme Court "has firmly and repeatedly endorsed the proposition that Congress may make rules as to [noncitizens] that would be unacceptable if applied to citizens." *See Demore v. Kim*, 538 U.S. 510, 522 (2003) (citations omitted). Detention is a constitutionally permissible aspect of the Government's enforcement of

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the immigration laws and fulfills the legitimate purpose of ensuring that individuals appear for their removal proceedings. *See Demore*, 538 U.S. at 523; *Zadvydas v. Davis,* 533 U.S. 678, 690-91 (2001). Consistent with the requirements of due process, Petitioner's confinement is thus "reasonably related" to a legitimate government interest. *Bell v. Wolfish*, 441 U.S. 535, 538-39 (1979).

Contrary to Petitioner's argument, the Supreme Court's constitutional analysis of possible indefinite detention pursuant to 8 U.S.C. § 1231(a)(6) in *Zadvydas v. Davis*, 533 U.S. 678 (2001), does not apply here. *See* Pet., ¶ 57. In *Zadvydas*, the petitioner was detained pursuant 8 U.S.C. § 1231 due to a final order of removal, whereas Petitioner in this case is in removal proceedings.

An analysis of the reasonableness of continued detention in this circumstance can be considered pursuant to *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1116 (W.D. Wash. 2019). In *Banda*, the district court found that the petitioner's 17-month immigration detention pursuant to 8 U.S.C. § 1225(b) had become unreasonable, and ultimately ordered a bond hearing. *Id.*, at 1117-121. To conduct this analysis, the court analyzed six factors: (1) length of detention; (2) how long detention is likely to continue absent judicial intervention; (3) conditions of detention; (4) the nature and extent of any delays in the removal caused by the petitioner; (5) the nature and extent of any delays caused by the government; and (6) the likelihood that the final proceedings will culminate in a final order of removal. *See id.* An analysis of these factors demonstrates that Petitioner's detention, while prolonged, has not become unreasonable. *See id.*

First, Petitioner has been detained since April 15, 2025, approximately nine months. Both parties are in agreement on this point.

Second, Petitioner believes it could take "at least another year of detention, if not much longer." Pet., ¶ 65. However, Petitioner was detained on April 15, 2025, and he had an individual hearing on his case by August of the same year. Britt Decl., ¶¶ 7, 9-10. This was less than three

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months after Petitioner was transferred to the NWIPC. *Id.* At this point, it is premature to speculate on whether there will be appeals that would extend detention.

Third, Petitioner is detained at the NWIPC in Tacoma, Washington. Petitioner alleges that for the first 1.5 months of his detention, he did not receive [redacted] Dt. 2, ¶ 28. However, this appears to have been at a different detention facility. Although Petitioner was initially detained in California, he was transferred to the NWIPC about two months later. Britt Decl., ¶ 7, 9.

Fourth, Petitioner does not appear to have delayed removal in this case.

Fifth, there is no indication that the Government has intentionally delayed Petitioner's removal. The Government recognizes there have been some delays in attempting to remove Petitioner to a third country.

The last factor, which requires the district court to consider whether the final proceedings will culminate in a removal order. Petitioner has been issued a removal order previously, so it is unlikely that he will ever be granted status in the United States. However, whether removal to Uganda or another third country will be sustained by an immigration judge is unknown at this time.

IV. CONCLUSION

Petitioner is mandatorily detained in removal proceedings, the habeas petition should be denied.

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DATED this 18th day of February , 2025.

Respectfully submitted,

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I certify that this memorandum contains 1,264 words, in compliance with the Local Civil Rules.