District Judge Tana Lin

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

TEMITOPE SEKINAT MAJEKAODUNMI, Petitioner, v. BRUCE SCOTT, *et al.*,[1] Respondents.	Case No. 2:26-cv-01026-TL FEDERAL RESPONDENT'S RETURN MEMORANDUM Noted for Consideration: April 14, 2026

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

Pursuant to Fed. R. Civ. P. 25(d), Federal Respondent substitutes Department of Homeland Security Secretary Markwayne Mullin for Kristi Noem.

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I. INTRODUCTION

This Court should deny Petitioner's Petition for a Writ of Habeas Corpus. Dkt. 1. Petitioner, a native and citizen of Nigeria, is subject to an administratively final order of removal. She challenges her immigration detention as unlawful under the Immigration and Nationality Act ("INA") and the Due Process Clause of the Fifth Amendment. She claims the detention violates *Zadvydas v. Davis*, 533 U.S. 678 (2001), has become punitive, irreparably harms her U.S.-citizen child with sickle cell disease, undermines a purported pending U visa, lacks any legitimate governmental purpose, violates procedural due process under *Mathews v. Eldridge*, 424 U.S. 319 (1976), and is indefinite. Dkt. 1, at 6-12. She seeks immediate release or, alternatively, supervised release. Dkt. 1, Prayer for Relief.

These claims fail. Petitioner's removal order became administratively final on March 3, 2025, when the Board of Immigration Appeals ("BIA") dismissed her appeal. Although her petitions for review remain pending in the Ninth Circuit (Nos. 25-2445 and 25-2061), the Court denied her motions for stay of removal and lifted the temporary stay on July 18, 2025, thereby commencing the statutory removal period. Her detention is authorized under 8 U.S.C. § 1231(a)(6) as an inadmissible aggravated felon. Removal to Nigeria remains reasonably foreseeable, and Petitioner has not met her burden under *Zadvydas*. Her aggravated felony wire-fraud conviction involving a $596,327 loss strongly supports the government's interests in removal and public safety. Family hardship and any pending U visa do not override statutory authority. Petitioner has not met her burden; therefore, petition should be denied.

II. FACTUAL AND PROCEDURAL HISTORY

A. Petitioner Temitope Sekinat Majekaodunmi

Petitioner is a native and citizen of Nigeria. Declaration of Deportation Officer Robert Andron (Andron Decl.) ¶ 4. Declaration of Lawrence Van Daley (Van Daley Decl.) Exhibit

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(Ex.) 1, 2014 Form I-213. Petitioner arrived at the San Ysidro port of entry on June 21, 2014, without valid entry documents and applied for admission. Andron Decl., ¶ 5. A Notice to Appear was issued charging her with inadmissibility under 8 U.S.C. § 1182(a)(7)(A)(i)(I). Petitioner was paroled into the United States pending proceedings. Andron Decl., ¶ 6. Petitioner was granted discretionary parole into the United States until November 10, 2016, pending removal proceedings. Andron Decl., ¶ 7.

Over the ensuing years, Petitioner repeatedly benefited from procedural accommodations. Immigration proceedings were terminated without prejudice on January 4, 2016, over the Department of Homeland Security's ("DHS") objection, to allow her to pursue relief with U.S. Citizenship and Immigration Services ("USCIS"). Andron Decl., ¶ 8. The BIA sustained DHS's appeal and remanded the case on January 25, 2017. Andron Decl., ¶ 9. An I-130, petition of alien relative, was filed on her behalf on January 30, 2018, as the spouse of a U.S. citizen; proceedings were again terminated without prejudice on December 10, 2018. Andron Decl., ¶¶ 10-11. Petitioner filed Form I-485, application to register permanent residence or adjust status, on April 29, 2019, with USCIS. Andron Decl., ¶ 12. On May 10, 2022, USCIS revoked the approved I-130 and denied the I-485, expressly finding that the marriage was fraudulent and entered into solely to obtain immigration benefits. Andron Decl., ¶ 13.

On March 23, 2023, Petitioner was convicted in the United States District Court for the Southern District of Alabama, Case No. 1:21-cr-00028-KD-B, of conspiracy to commit wire fraud in violation of 18 U.S.C. § 1349. Andron Decl., ¶ 14; Van Daley Decl., Ex. 2, 2023 Form I-213. Petitioner was sentenced to ten months' imprisonment and ordered to pay $596,327 in restitution. *Id.* This conviction qualifies as an aggravated felony under 8 U.S.C. § 1101(a)(43)(M)(i), because it is a fraud offense involving a loss exceeding $10,000. Andron Decl., ¶ 15.

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Immigration and Customs Enforcement ("ICE") assumed custody of Petitioner from the Bureau of Prisons on October 27, 2023. Andron Decl., ¶ 16. A new Notice to Appear was issued and served the same day, charging inadmissibility under 8 U.S.C. §§ 1182 (a)(7)(A)(i)(I) and 1182 (a)(2)(A)(i)(I). Andron Decl., ¶ 17; Van Daley Decl., Ex. 3, Notice to Appear. Following a merits hearing, the Immigration Judge denied all forms of relief and ordered Petitioner removed to Nigeria on March 13, 2024. Andron Decl., ¶ 19; Van Daley Decl., Ex. 4, Removal Order. Petitioner appealed the decision and the BIA dismissed her appeal on March 3, 2025, rendering the removal order administratively final. Andron Decl., ¶ 21; Van Daley Decl., Ex. 5, BIA Dismissal. Petitioner filed petitions for review with the Ninth Circuit (Nos. 25-2445 and 25-2061), which remain pending. Andron Decl., ¶ 22. On July 18, 2025, the Ninth Circuit denied her motions for stay of removal in both cases and lifted the temporary stay put in place. *Id.*; Van Daley Decl., Ex. 7, Stay Denial.

On August 26, 2025, Petitioner appeared before an Immigration Judge in Tacoma for a bond hearing. Andron Decl., ¶ 23. The Immigration Judge determined that Petitioner is subject to mandatory detention 8 U.S.C. § 1225(b)(1) & (2)(A), consistent with her status as an arriving alien, and denied bond. *Id.*; Van Daley Decl., Ex. 6, Bond Denial. Petitioner did not appeal that decision. *Id.* Petitioner has remained in continuous detention at the Northwest ICE Processing Center since October 27, 2023.

B. Detention Authority

The INA contains a complex scheme of authorities governing the detention and release of aliens during and following their removal proceedings. These periods are generally referred to as "pre-order" (meaning before the entry of a final order of removal) and "post-order" (meaning after the entry of a final order of removal). *Compare* 8 U.S.C. § 1226 (authorizing pre-order detention) *with* § 1231(a) (authorizing post-order detention). Once a final order of removal has been entered,

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an alien enters what Congress has called the "removal period." 8 U.S.C. § 1231(a)(1). During this period of 90 days, Congress has directed that the Secretary of Homeland Security "shall remove the alien from the United States." *Id.* ICE[2] is charged with attempting to effectuate removal of an alien from the United States. 8 U.S.C. § 1231(a)(1). To ensure an alien's presence for removal and to protect the community from dangerous aliens while removal is being achieved, Congress directed:

> During the removal period, the [Secretary of Homeland Security][3] shall detain the alien. *Under no circumstance during the removal period* shall the [Secretary] release an alien who has been found inadmissible under section 1182(a)(2) or 212(a)(3)(B) of this title or deportable under section 1227(a)(2) or 1227(a)(4)(B) of this title.

8 U.S.C. § 1231(a)(2) (emphasis added).

Section 1231(a)(6) authorizes the Department of Homeland Security ("DHS") to continue detention of aliens after the expiration of the removal period. Unlike Section 1231(a)(2), Section 1231(a)(6) does not mandate detention and does not place any temporal limit on the length of detention under that provision:

> An alien ordered removed who is inadmissible under section 1182, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been determined by the [the Secretary of Homeland Security] to be a risk to the community or unlikely to comply with the order of removal, *may* be detained *beyond the removal period* and, if released, shall be subject to the terms of supervision in paragraph (3).

8 U.S.C. § 1231(a)(6) (emphasis added).

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[2] Under 8 C.F.R. § 241.2(b), ICE deportation officers are delegated the Secretary of Homeland Security's authority to execute removal orders.

[3] Although 8 U.S.C. § 1231(a)(2) refers to the "Attorney General" as having responsibility for detaining aliens, the Homeland Security Act of 2002, Pub. L. No. 107-296 § 441(2), 116 Stat. 2135, 2192 (2002), transferred this authority to the Secretary of the Department of Homeland Security. *See also* 6 U.S.C. § 251.

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Although there is no statutory time limit on detention pursuant to Section 1231(a)(6), the Supreme Court has held that an alien may be detained only "for a period reasonably necessary to bring about that alien's removal from the United States." *Zadvydas*, 533 U.S. at 689. The Supreme Court has further identified six months as a presumptively reasonable time to bring about an alien's removal. *Id.*, at 701.

If an alien cannot be removed to the country designated in his removal order because the country refuses to accept the alien, the alien has been granted relief from removal to that country, the country refuses to recognize the alien as its citizen, or another reason, Congress has directed ICE to pursue removal to alternate countries. *See* 8 U.S.C. §§ 1231(b)(2)(D), (E); 1231(b)(3); 8 C.F.R. §§ 241.13(a), 241.15.

III. LEGAL AUTHORITY

This Court has jurisdiction to entertain the Petition under the federal habeas statute, 28 U.S.C. § 2241(a) and (c)(3), which authorizes review of claims that an alien is "in custody in violation of the Constitution or laws or treaties of the United States." *See Zadvydas*, 533 U.S. at 687. However, the Petition fails on the merits. Petitioners' detention is lawful, and her claim of constitutional violations are without merit.

IV. ARGUMENTS

A. Petitioner's Detention Is Authorized Under 8 U.S.C. § 1231(a)(6)

Petitioner's removal order became administratively final upon the BIA's dismissal of her appeal on March 3, 2025. *See* 8 U.S.C. § 1101(a)(47)(B)(i) (defining an order of removal as final upon the BIA's affirmance or dismissal). When Petitioner filed the appeal and motion to stay with the Ninth Circuit, a temporary stay was emplaced. Both the motion and temporary stay were lifted on July 18, 2025. At that point, the statutory removal period commenced under 8 U.S.C. § 1231(a)(1)(B)(i), which expressly provides that the removal period begins on "[t]he date the order

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of removal becomes administratively final." Detention during the ninety-day removal period is mandatory. 8 U.S.C. § 1231(a)(2). Beyond that period, the Attorney General "may" continue detention of an alien who is inadmissible under 8 U.S.C. § 1182 or removable under 8 U.S.C. § 1227, including aggravated felons such as Petitioner, under 8 U.S.C. § 1231(a)(6).

In *Zadvydas*, the Supreme Court construed 8 U.S.C. § 1231(a)(6) to authorize post-removal-order detention only for a period "reasonably necessary" to accomplish the alien's removal from the United States. *Zadvydas*, 533 U.S. at 689. The Court held that six months of post-removal-order detention is presumptively reasonable. *Id.* at 701. After six months, an alien may obtain habeas relief only by demonstrating "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701; *see also Clark v. Martinez*, 543 U.S. 371, 386 (2005) (extending *Zadvydas* reasonable-time limitation to inadmissible aliens detained under 8 U.S.C. § 1231(a)(6)). The alien bears the burden of proof on this issue. *Zadvydas*, 533 U.S. at 701; *see also Ali v. Garland*, 24 F.4th 1204, 1210 (9th Cir. 2022) (reaffirming the alien's burden in post-*Zadvydas* habeas proceedings).

The pendency of Petitioner's petitions for review in the Ninth Circuit does not alter this framework. The Ninth Circuit denied her motions for stay of removal on July 18, 2025. Absent a judicial stay, the removal order remains administratively final, the removal period has begun, and detention authority rests under 8 U.S.C. § 1231(a)(6). *See Prieto-Romero v. Clark*, 534 F.3d 1053, 1059-60 (9th Cir. 2008) (holding that 8 U.S.C. § 1231(a) governs detention where the removal order is administratively final and no stay of removal has been granted by the court of appeals; distinguishing cases in which a stay is in place, which shift authority back to pre-order detention under 8 U.S.C. § 1226(a)). The Supreme Court has reinforced that administrative finality, not the completion of judicial review, controls the start of the removal period and the applicability of 8 U.S.C. § 1231. *See Johnson v. Guzman Chavez*, 594 U.S. 523, 538-39 (2021) (emphasizing

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Congress's deliberate use of "administratively final" in 8 U.S.C. § 1231(a)(1)(B)(i) and holding that ongoing collateral proceedings do not prevent the removal period from commencing or 8 U.S.C. § 1231 detention authority from applying).

Petitioner has not met her burden. She offers no evidence, such as diplomatic correspondence refusing travel documents, a history of rejected repatriation attempts by Nigeria, or specific country-conditions reports demonstrating non-cooperation, that removal to Nigeria is not reasonably foreseeable. To the contrary, Nigeria routinely issues travel documents and accepts repatriation of its nationals subject to final removal orders. Petitioner's aggravated felony conviction for conspiracy to commit wire fraud, involving a $596,327 loss, and her prior finding of immigration fraud further weigh against release and support the government's continued interest in preventing flight risk during the removal process. *See Guzman Chavez*, 594 U.S. at 538 (post-removal detention under 8 U.S.C. § 1231(a)(6) serves distinct and substantial governmental interests in effectuating removal and protecting the public).

This Court's recent habeas rulings further illustrate why relief is unwarranted here. This Court has granted release in prolonged-detention cases where removal was demonstrably not reasonably foreseeable, no final removal order existed, or severe medical/family circumstances rendered continued detention punitive, none of which apply. *See Sorio v. Hermosillo*, No. 2:25-cv-02492-TL, 2026 WL 413530 (W.D. Wash. Feb. 13, 2026). In contrast, Petitioner possesses an administratively final removal order, an aggravated felony conviction, a denied stay of removal, and no evidence rebutting the foreseeability of removal to Nigeria. These facts place her within the zone of lawful detention recognized by *Zadvydas*.

Here, the statutory ninety-day removal period began on July 18, 2025, when the Ninth Circuit lifted the temporary stay and expired on or about October 18, 2025. The presumptively reasonable six-month period recognized in *Zadvydas* expired on or about January 18, 2026.

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Petitioner has now been detained beyond both periods, yet removal to Nigeria remains reasonably foreseeable. Petitioner bears the burden to show otherwise.

B. Petitioner's Detention Is Civil and Regulatory, Serves Legitimate Governmental Purposes, and Has Not Become Punitive

Immigration detention authorized by the INA is civil and regulatory in nature, not punitive. *Demore v. Kim*, 538 U.S. 510, 531 (2003) (mandatory detention during removal proceedings is regulatory, not punitive, and serves the government's legitimate interests in ensuring the alien's presence at removal proceedings). This principle applies with equal force to post-removal-order detention under 8 U.S.C. § 1231(a)(6). *Zadvydas*, 533 U.S. at 690 (post-order detention is "civil, not criminal, detention" aimed at "effectuating an alien's removal" and "protecting the public from the risk of flight or danger to the community"). "A restriction is punitive where it is intended to punish, or where it is 'excessive in relation to [its] non-punitive purpose.'" *See Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004).

Here, Petitioner's continued detention directly advances two distinct and compelling governmental interests expressly recognized by Congress and the Supreme Court. First, the government has a strong interest in effectuating her removal to Nigeria, which remains reasonably foreseeable. *Guzman Chavez*, 594 U.S. at 538-39 (post-removal-order detention under 8 U.S.C. § 1231(a)(6) serves the distinct governmental interest in carrying out final removal orders). Second, the government has a legitimate interest in protecting the public from danger and preventing flight. Petitioner was convicted of conspiracy to commit wire fraud resulting in a $596,327 loss to victims, an aggravated felony under 8 U.S.C. § 1101(a)(43)(M)(i) that demonstrates both financial harm to the community and a risk of recidivism or absconding. *Demore*, 538 U.S. at 521 (Congress may constitutionally mandate detention of criminal aliens to prevent flight and protect the

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community). These interests are not speculative; they are statutorily grounded in 8 U.S.C. § 1231(a)(6), which expressly authorizes continued detention of inadmissible aggravated felons.

No evidence suggests the government's purpose has shifted from regulatory to punitive. *Jennings v. Rodriguez*, 583 U.S. 5, 20-21 (2018) (detention pursuant to a valid statutory scheme does not automatically become punitive simply because it is prolonged). Her detention is neither intended to punish nor excessive in relation to the purpose of executing her removal order. Petitioner's aggravated felony conviction and history of immigration fraud provide concrete justification for continued custody. Accordingly, her detention remains civil, regulatory, and fully compliant with substantive due process.

C. Alleged Hardship to Petitioner's Child Does Not Compel Release

While the Court may be sympathetic to Petitioner's family circumstances, such hardship does not render otherwise lawful detention unconstitutional or require release. The Ninth Circuit has long held that family and medical hardship factors are relevant to discretionary bond decisions but are not dispositive in habeas proceedings challenging statutory detention authority. *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942, 950-51 (9th Cir. 2008) (hardship to family members may be considered in the context of bond but does not override the government's statutory authority to detain).

Petitioner has not demonstrated that no alternative caregivers exist or that her release is the only means of preventing harm to the child. More importantly, family hardship does not create a constitutional right to release when the government's interests in enforcing a final removal order and protecting the public from an aggravated felon are strong. The government's interest in removal and public safety outweighs Petitioner's personal circumstances. *See Casas-Castrillon*, 535 F.3d at 951 (balancing hardship against governmental interests in removal).

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This Court's recent habeas rulings confirm the limited weight given to hardship claims in the presence of a final order and aggravated felony. This Court has granted relief in prolonged-detention cases only where removal was demonstrably not reasonably foreseeable, no final removal order existed, or severe medical/family circumstances rendered continued detention punitive in the absence of strong countervailing governmental interests, none of which apply here. *See Sorio*, No. 2:25-cv-02492-TL. Petitioner's situation falls outside those narrow circumstances.

D. Any Pending U Visa Does Not Alter Detention Authority or Congressional Intent

Even assuming that a U visa application is pending and properly filed, facts neither established in the record nor conceded by the government, it provides no basis for release. pending removal. A pending U visa "has no effect on ICE's authority to execute a final order [of removal]." 8 C.F.R. § 214.14(c)(1)(ii).

The INA expressly authorizes detention of inadmissible aggravated felons pending removal irrespective of collateral applications for discretionary relief. *See Guzman Chavez*, 594 U.S. at 538 (post-removal-order detention serves distinct interests unaffected by pending collateral proceedings). Petitioner's prior finding by USCIS that her marriage was fraudulent further undermines any claim of entitlement to discretionary immigration benefits. Continued detention therefore enforces, rather than undermines, congressional intent regarding the removal of inadmissible criminal aliens.

E. No Procedural Due Process Violation Exists, and Detention Is Not Indefinite

Petitioner invokes *Mathews v. Eldridge*, 424 U.S. 319 (1976), claiming insufficient process, and separately alleges indefinite detention without an endpoint. Dkt. 1, at 9-10. Both arguments fail under well-established precedent.

The Supreme Court in *Mathews* articulated a three-factor balancing test to determine the level of procedural due process required in administrative proceedings: (1) the private interest that

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will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and (3) the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. *Mathews*, 424 U.S. at 335.

Applying these factors to Petitioner's case demonstrates that she has received all the process the Constitution requires. First, while Petitioner has a significant private interest in liberty from prolonged detention, that interest is substantially reduced by her status as an inadmissible arriving alien who is subject to a final removal order and who has been convicted of an aggravated felony involving a $596,327 loss to victims. Second, the risk of erroneous deprivation is minimal. Petitioner received a custody hearing before an Immigration Judge on August 26, 2025, at which the Immigration Judge determined she is subject to mandatory detention under 8 U.S.C. § 1225(b)(1) and 8 U.S.C. § 1225(b)(2)(A). She has also received full merits hearings before the Immigration Judge, appellate review by the BIA, and has two pending petitions for review in the Ninth Circuit. These multiple layers of review substantially reduce the risk of error. Any additional procedural safeguards, such as more frequent bond hearings, would add little marginal value. Third, the Government's interest is particularly strong. The government seeks to enforce a final removal order against an aggravated felon while protecting the public from further financial harm and preventing flight. Requiring additional process would impose significant administrative burdens on immigration authorities. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1070 (9th Cir. 2015) (applying *Mathews* balancing test in the immigration detention context).

Petitioner's related claim that her detention is indefinite likewise fails. *Zadvydas*, expressly rejects a per se constitutional violation after six months and instead requires only that detention not exceed a period reasonably necessary to accomplish removal. *Zadvydas*, 533 U.S. at 701. With

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the Ninth Circuit's denial of a stay of removal on July 18, 2025, and no evidence that Nigeria will refuse to accept Petitioner, removal remains reasonably foreseeable. *See Prieto-Romero*, 534 F.3d at 1062. The constitutional endpoint is removal itself. Detention is therefore neither indefinite nor violative of due process.

V. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the Court deny the Petition for Writ of Habeas Corpus in its entirety.

DATED this 9th day of April, 2026.

Respectfully submitted,

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I certify that this memorandum contains 3,484 words, in compliance with the Local Civil Rules.