

**UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON**

Aman Poya v. Kristi Noem et al.

No. C25-2576JLR (W.D. Wash. Jan. 29, 2026) · No. C25-2576JLR · Decided January 29, 2026

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE 9 10 AMAN POYA, CASE NO. C25-2576JLR 11 Petitioner, ORDER v. 12
KRISTI NOEM et al, 13 Respondents. 14 15 I. INTRODUCTION 16 Before the court is
Petitioner Aman Poya’s Petition for Writ of Habeas Corpus 17 under 28 U.S.C. § 2241 and request
for injunctive relief. (Pet. (Dkt. # 2); Reply (Dkt.

18 # 15).) Respondents United States Attorney General Pamela Bondi, United States 19
Department of Homeland Security (“DHS”) Secretary Kristi Noem,, United States 20 Citizenship
and Immigration Services (“USCIS”), and Acting Director of the Seattle 21 Field Office of United
States Immigration and Customs Enforcement (“ICE”) Laura 22 1 Hermosillo (together,
“Respondents”) oppose the petition.

(Resp. (Dkt. # 10).) The court 2 has considered the petition, the parties’ submissions, the relevant
portions of the record, 3 and the applicable law. Being fully advised, the court GRANTS Mr.
Poya’s petition. 4 II. BACKGROUND 5 Mr. Poya is a citizen of Afghanistan presently detained at
the Northwest 6 Immigration Processing Center in Tacoma, Washington. (Pet. at 2, 5.)

On December 30, 7 2024, United States Customs and Border Patrol (“CBP”) encountered Mr.
Poya in the 8 Nogales, Arizona area and determined that he had entered the United States without
9 inspection or admission. (See Douglas Decl. (Dkt. # 11) ¶ 5; see also Record of 10 Deportable
Alien (Dkt. # 12-1) at 2-3.) CBP took custody of Mr. Poya and placed him in 11 expedited
removal proceedings, charging him as removable under 8 U.S.C. 12 § 1182(a)(7)(A)(i)(I).

(Douglas Decl. ¶ 5; see also Order of Expedited Removal (Dkt 13 # 12-2).) He is now subject to a
final order of removal. (See Pet. at 5; see also Order of 14 Expedited Removal.) 15 Mr. Poya left
Afghanistan a few months after its government collapsed in 2021 16 and represents that (1)
Taliban fighters sought to execute him for his work with the 17 former Afghan government and
status as a member of the Hazara ethnic minority group 18 and (2) beat his mother and father to
obtain information about his whereabouts.

(See Pet. 19 at 6-7; see generally Mir Hussain Decl. (Dkt. # 2-2) (describing the Taliban’s threats
and 20 acts of violence towards Mr. Poya and his family).) On January 10, 2025, Mr. Poya 21

claimed fear of return to Afghanistan and USCIS later conducted a credible fear 22 interview. (See Douglas Decl. ¶¶ 6-7.)

On February 2, 2025, USCIS issued a negative 1 finding of credible fear, a finding that an immigration judge later affirmed on appeal. (Id. 2 ¶¶ 8-10.) In September 2025, ICE requested a travel document to facilitate Mr. Poya's 3 transportation to Afghanistan. (Id. ¶ 11.)

In October 2025, ICE completed the pre- 4 removal records checks and completed a Certificate of Identity for Mr. Poya to facilitate 5 his transportation to Afghanistan. (Id. ¶¶ 13-14.) Respondents represent that as of 6 October 31, 2025, removal of Mr. Poya was pending issuance of a travel letter from the 7 Afghan government. (Id. ¶¶ 15, 18.) 8 On December 16, 2025, Mr. Poya filed the instant petition for writ of habeas 9 corpus pursuant to 28 U.S.C § 2241.

(See Pet.) He asserts that his detention violates the 10 Administrative Procedure Act ("APA"); the Immigration and Nationality Act ("INA"), 11 8 U.S.C. § 1231, and its implementing regulations; the Fifth Amendment's Due Process 12 Clause; the Eighth Amendment; and the Convention Against Torture ("CAT"). (Id.) Mr. 13 Poya's petition is now fully briefed and ripe for review.

14 III. ANALYSIS 15 A. The Legal Standard for Detention of a Noncitizen During Immigration Proceedings. 16 Section 1225(b) of the INA – under which Mr. Poya is detained – unambiguously 17 authorizes detention pending resolution of removal proceedings and does not plausibly 18 suggest a 6-month limitation or periodic bond hearings. *Jennings v. Rodriguez*, 583 U.S. 19 281, 297, 303 (2018); see also 8 U.S.C. § 1225(b)(1)(A)(i) (providing that once an 20 immigration officer determines that an arriving noncitizen "is inadmissible[,] "the 21 officer [must] order the [noncitizen] removed from the United States without further 22 1 hearing or review"); 8 U.S.C. § 1182(a)(7); *Padilla v. U.S. Immigr. & Customs Enf't*, 704 2 F. Supp. 3d 1163, 1168 (W.D.

Wash. 2023) ("The Attorney General [has] interpreted 8 3 U.S.C. § 1225(b)(1)(B)(ii) to require mandatory detention without bond hearings for 4 asylum seekers who were initially subject to expedited removal but later transferred to 5 full removal proceedings after establishing a credible fear.") (citation omitted). 6 Nevertheless, the Ninth Circuit has expressed "grave doubts that any statute that 7 allows for arbitrary prolonged detention without any process is constitutional or that 8 those who founded our democracy precisely to protect against the government's arbitrary 9 deprivation of liberty would have thought so." *Rodriguez v. Marin*, 909 F.3d 252, 256 10 (9th Cir.

2018). Consequently, "[n]early all district courts that have considered the issue 11 agree that prolonged mandatory detention pending removal proceedings, without a bond 12 hearing, will—at some point—violate the right to due process." *Toktosunov v. Wamsley*, 13 C25-1724TL, 2025 WL 3492858, at *4 (W.D. Wash Dec. 5, 2025) (so finding after 14 petitioner's 16-month detention) (compiling cases).

Because neither the Supreme Court 15 nor the Ninth Circuit have settled on a test for assessing the constitutionality of prolonged 16 mandatory detention, courts in this District consider the factors set forth in *Banda v. 17 McAleenan*, 385 F. Supp. 3d 1099, 1117 (W.D. Wash. 2019) to determine when detention 18 violates due process: 19 (1) the total length of detention to date; (2) the likely duration of future detention; (3) the conditions of detention; (4) delays in the removal 20 proceedings caused by the detainee; (5) delays in the removal proceedings caused by the government; and (6) the likelihood that the removal 21 proceedings will result in a final order of removal.

22 1 *Banda*, 385 F. Supp. 3d at 1117 (quoting *Jamal A. v. Whitaker*, 358 F. Supp. 3d 853, 858- 2 59 (D. Minn. 2019)). 3 B. The Court Orders Respondents to Provide Mr. Poya a Bond Hearing. 4 Mr. Poya does not dispute that (1) the Supreme Court’s holding in *Zadvydas v. 5 Davis*, 533 U.S. 678, 689 (2001) does not require DHS to limit his detention period to six 6 months or (2) he is subject to mandatory detention pursuant to § 1225(b).

(See generally 7 Reply.) Rather he argues that (1) such “detention cannot be indefinite” and (2) the court 8 should order a bond hearing within 14 days. (See *id.* at 1, 3.) The court agrees because 9 the *Banda* factors support requiring Respondents to grant Mr. Poya a bond hearing. 10 Here, (1) DHS has detained Mr. Poya in excess of 12 months, (see Reply at 2); (2) Mr. 11 Poya’s future lengthy detention is likely as Respondents concede that they have been 12 waiting for a “travel letter from the Afghan[] government [since] October 31, 2025[,]” 13 (Resp. at 3); (3) Mr. Poya is imprisoned; (4) Respondents concede that Mr. Poya has not 14 “intentionally delayed the expedited removal process[,]” (Resp. at 7); (5) DHS delayed 15 Mr. Poya’s removal proceedings, (see Resp. at 3 (providing that DHS did not complete 16 the administrative steps to remove Mr. Poya—namely completing pre-removal records 17 checks and obtaining a Certificate of Identity—until 11 months after first detaining him)); 18 and (6) there is already a final order of removal, (see Order of Expedited Removal).

19 The court find that the factor pertaining to Mr. Poya being subject to a final order 20 of removal is neutral and the other five factors weigh in Mr. Poya’s favor. The court thus 21 finds that Mr. Poya’s detention has become unreasonable, “and that due process requires 22 1 the Government to provide him with a bond hearing.” *Banda*, 385 F. Supp. 3d at 1120; 2 see *Toktosunov*, 2025 WL 3492858, at *6.

3 C. Mr. Poya’s Claims Related to Third Country Removal are not Ripe. 4 In addition to asserting that his detention is unlawful, Mr. Poya brings claims 5 based on the prospect that Respondents may attempt to remove him to a third country. 6 (Pet. at 17-19.)

Although a petition for a writ of habeas corpus pursuant to 28 U.S.C. 7 § 2241 is the proper mechanism to challenge the legality of Mr. Poya’s detention pending 8 removal, it is not the appropriate mechanism to bring claims that are speculative or 9 otherwise not ripe for review. (See

generally id. (showing that Mr. Poya provides no evidence that Respondents intend to remove him to a third country); see also Resp. at 8 11 (“ICE is not currently seeking to remove [Mr.

Poya] to a third country other than Afghanistan.”) (citing Douglas Decl. ¶ 17)); see also Thomas v. Union Carbide Agr. Prods. Co., 473 U.S. 568, 580 (1985) (holding that the basic rationale of the ripeness doctrine is to “prevent the courts, through premature adjudication, from entangling themselves in abstract disagreements”); see also Thomas v. Anchorage Equal Rts.

Comm’n, 220 F.3d 1134, 1138 (9th Cir. 2000) (holding that district courts properly decline to issue advisory opinions or to declare rights in hypothetical cases rather than live cases or controversies). IV. CONCLUSION For the reasons set forth above, the court GRANTS Mr. Poya’s petition for writ of habeas corpus (Dkt. # 2) and ORDERS as follows: 1 (1) Respondents SHALL hold a bond hearing for Mr. Poya within 14 calendar days of the date of this Order.

In the event that bond is granted, Respondents 2 are ORDERED to immediately release Mr. Poya. 3 (2) If the individualized bond hearing is not conducted by February 19, 2026, 4 Respondents SHALL immediately release Mr. Poya under appropriate conditions of release, until it is determined that his detention is warranted 5 under the INA and is in accordance with this Order.

6 (3) Respondents are ENJOINED from continuing to detain Mr. Poya after 7 February 19, 2026, in violation of the law or in contravention of this Order. (4) Mr. Poya and the United States SHALL file a status report on the status of Mr. 8 Poya’s bond hearing no later than February 19, 2026.

The status report 9 SHALL detail if and when the bond hearing occurred, if bond was granted or 10 denied and, if denied, the reasons for that denial. (5) Mr. Poya’s request for an order that Respondents not remove him from this 11 District while this case is pending (Pet. at 1) is DENIED as moot. 12 13 Dated this 2 9th day of January, 2026. 14 A 15 JAMES L. ROBART
United States District Judge 16 17 18 19 20 21 22