District Judge Lauren King
Magistrate Judge Theresa L. Fricke

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

ABDERRAHIM BELQASIM, Petitioner, v. CAMMILLA WAMSLEY, *et al.*, Respondents.	Case No. 2:25-cv-1282-LK-TLF FEDERAL RESPONDENTS' REPLY IN SUPPORT OF THE RETURN **Noted for consideration:** **October 1, 2025**

I. INTRODUCTION

This Court should deny Petitioner Abderrahim Belqasim's request for a court-ordered bond hearing because he has not demonstrated that his continued immigration detention without an individualized bond hearing would be unreasonable. *See generally* Dkt. No. 8, Fed. Resp. Return & Mot. To Dismiss ("Return"). Belqasim does not dispute that he is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b). Instead, he contends that his continued detention without a court-ordered bond hearing violates due process. *See* Dkt. No. 13, Traverse, at 1.

The main thrust of Belqasim's claim is that his prolonged detention is unlawful, while conceding that much of the delay in his proceedings has been due to the immigration court's efforts to find appropriate interpreters to provide Belqasim with a meaningful opportunity to participate

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in his removal proceedings, *i.e.,* protect his due process rights. In essence, Belqasim ask this Court to disregard the substantial steps taken by the immigration court and find that his detention is unlawful based the factors in *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1117-118 (W.D. Wash. 2019). But the immigration court's *necessary* steps should heavily favor a finding that his detention has not become unreasonable and deny the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 in its entirety.

II. ARGUMENT[1]

A. Belqasim's detention has not become unreasonable.

As set forth in the Return, the *Banda* factors overall favor this Court finding that Belqasim's detention has not become unreasonable. Return, at 5-8.

Regarding the first *Banda* factor, there is no dispute that Belqasim's detention has exceeded six months. But this Court should not adopt Belqasim's suggestion that this Court "consider detention over six months, and prospective detention surpassing a year, as a strong factor in his favor in the Court's multi-factor analysis." Traverse, at 4 n.1. Despite his denial, this request is in the same vein as a bright-line rule that detention over six months violates due process. *Id.* The suggested "strong factor" application would nullify the purpose of a multi-factor analysis – which already considers the first factor as the most important – to an analysis focusing on whether the petitioner's detention has lasted more than six months. And as Belqasim admits, this type of rule has been rejected by judges in other cases. *Id.*

Furthermore, any assessment of Belqasim's likely duration of future detention (*Banda* Factor 2) would be speculative at this stage. Return, at 6. Belqasim concedes that he is "at an

[1] Federal Respondents rely on the arguments in the Return and only address specific points raised in Belqasim's traverse here.

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even earlier stage of [immigration] proceedings than the petitioner in *Banda*." Traverse, at 6. Although the *Banda* court considered the length of the appeal process, the facts in *Banda* are distinguishable from here. In *Banda*, the petitioner had commenced the administrative appeal process. 385 F. Supp. 3d at 1119. Thus, the court's consideration of the length of future appeals processes had some realistic connection to the petitioner's proceedings. Here, in contrast, Belqasim has sought relief from removal, which if granted, could end his detention without any appeal process. As a result, the facts here would require this Court to speculate on a greater scale to include potential appeal periods than the analysis required in *Banda*. While some courts have engaged in this speculation, a more measured approach is to assess this factor with consideration of the actions occurring in the proceedings and how long those may last. *Maliwat v. Scott*, No. 2:25-cv-00788-TMC, 2025 WL 2256711, at *5 (W.D. Wash. Aug. 7, 2025) (listing cases) ("Given that [the petitioner's] case is still before the IJ, and no appeal has been filed, the Court declines to speculate as to the likelihood of future detention.").

Overall, the *Banda* factors support the denial of Belqasim's habeas claims. *See* Return, at 5-8.

B. If an immigration judge determines that Belqasim is a danger to the community, this Court should not require the consideration of alternatives to detention.

There is no reason for this Court to require an immigration judge to consider alternatives to detention if Belqasim were found to be a danger to the community. *See* Return, at 8-9. The Ninth Circuit rejected requiring this consideration at court-ordered bond hearings for criminal aliens, and there is no reason to depart from that decision here. *Martinez v. Clark*, 124 F.4th 775, 786 (9th Cir. 2024).

> Nowhere in [*Singh v. Holder*, 638 F.3d 1196 (9th 2011)] did we suggest that due process also mandates that immigration courts consider release conditions or conditional parole before deciding that an alien is a danger to the community. *Singh*

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> offers the high-water mark of procedural protections required by due process, and we see no reason to extend those protections here.

Id.

Further, the fact that Belqasim is not detained pursuant to 8 U.S.C. § 1226(c) as a criminal alien does not render the Ninth Circuit's holding in Martinez inapplicable here. Traverse, at 14-15. *Martinez* confirms that when someone is found to be a danger to the community, their "detention is clearly 'reasonably related' to the government's interest in protecting the public." *Martinez*, 124 F.4th at 786. Thus, the finding of dangerousness is the issue – not the detention authority. Thus, this Court should find that due process does not require an immigration court to consider alternatives to detention when determining whether to detain Belqasim if he were found to be a danger to the community at a court-ordered bond hearing.

III. CONCLUSION

This Court should find that Belqasim's continued detention without a court-ordered bond hearing does not violate Due Process and deny his request for a writ of habeas corpus.

DATED this 1st day of October, 2025.

Respectfully submitted,

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I certify that this memorandum contains 935 words, in compliance with the Local Civil Rules.