

District Judge Marsha J. Pechman  
Chief Magistrate Judge James P. Donohue

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9 UNITED STATES DISTRICT COURT FOR THE  
10 WESTERN DISTRICT OF WASHINGTON  
11 AT SEATTLE

11 DAVID PALAMARYUK,

12 Plaintiff,

13 v.

14 KIRSTJEN NIELSON,<sup>1</sup> Secretary of the United  
15 States Department of Homeland Security;  
16 THOMAS D. HOMAN, Acting Director,  
17 Immigration and Customs Enforcement and  
18 BRYAN WILCOX, Acting Field Office  
19 Director, Immigration and Customs  
20 Enforcement, Seattle Field Office,

Defendants.

CASE NO. C17-441-MJP-JPD

STIPULATION AND ORDER OF  
DISMISSAL

Note on Motion Calendar:

March 14, 2018

21 Plaintiff and Defendants have conferred and agree as follows:

- 22 1. Defendants agree that Plaintiff will remain housed at the Northwest Detention  
23 Center in Tacoma, Washington until any one of the following events occurs:  
24 a. Defendants release Plaintiff from detention; or  
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<sup>1</sup> Kirstjen Nielson has been sworn in as Secretary of the United States Department of Homeland Security. Pursuant to Fed. R. Civ. P. 25(d), she is automatically substituted for Elaine Duke as the proper party in her official capacity.

- 1 b. Plaintiff has a final removal order for which the 30 day appeal window  
2 under 8 U.S.C. § 1252(b)(1) has lapsed and Plaintiff has not received a  
3 judicial stay of removal; or  
4  
5 c. Plaintiff has a final removal order and has waived appeal; or  
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7 d. The judicial stay of removal is no longer in effect; or  
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9 e. The agency determines that it must transfer plaintiff to another facility for  
10 his own health. Should a medical emergency arise, the Agency will transfer  
11 Plaintiff to another facility for treatment if he cannot be effectively treated at  
12 the Northwest Detention Center. Upon resolution of the health crisis or  
13 concerns, and as soon as practicable, the Agency will return the Plaintiff to  
14 the Northwest Detention Center.
- 15 2. The Parties agree that pursuant to the Equal Access to Justice Act and the  
16 Rehabilitation Act, the United States will pay to plaintiff's counsel attorney's  
17 fees in the amount of \$17,500 (the "Attorney's Fees"). Other than the  
18 Attorney's Fees specified herein, plaintiff is not entitled to further fees, costs, or  
19 damages of any kind.  
20  
21 3. The parties further agree that neither party admits any wrongdoing in this  
22 matter. The parties are entering into this stipulation of resolution to avoid  
23 further litigation.  
24  
25 4. This matter can be dismissed with prejudice.  
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27 5. This Court retains jurisdiction to enforce the terms of this stipulation.

1 Respectfully submitted this 14th day of March, 2018.

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3 Dated this 14th day of March, 2018.

4 SUNBIRD LAW, PLLC

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18 Attorneys for Plaintiff

Dated this 14th day of March, 2018.

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Attorney for Defendants

19 **ORDER**

20  
21 The parties having so stipulated, IT IS ORDERED. This matter is dismissed with  
22 prejudice under the terms set forth above.

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24 Dated this 15th day of March, 2018.

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27 Marsha J. Pechman

28 United States District Judge