

SCOTT E. BRADFORD, OSB #062824

United States Attorney

District of Oregon

JOSHUA KELLER, NYSB #4297396

Assistant United States Attorney

Joshua.Keller@usdoj.gov

ARIANA N. GAROUSI, CAB #347758

Assistant United States Attorney

Ariana.Garousi@usdoj.gov

1000 SW Third Avenue, Suite 600

Portland, Oregon 97204-2936

Phone: 503.727.1000

Attorneys for Respondents

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

J-C-R-M-, an adult,

Case No.: 3:25-cv-00990-SI

Petitioner,

v.

CAMMILLA WAMSLEY, et al.,

Respondents.

**MOTION FOR LEAVE TO FILE
A SUR-REPLY TO
PETITIONER'S REPLY**

LR 7-1 CERTIFICATION

Pursuant to LR 7-1, counsel for the parties conferred in good faith by telephone and in person. Petitioner opposes the relief sought in this motion.

MOTION

Respondents through counsel move for leave to file a sur-reply to Petitioner's reply in support of the Petition for Writ of Habeas Corpus.

ARGUMENT

"A district court may allow a sur[-]reply to be filed, but only 'where a valid reason for such additional briefing exists[.]'" *Bowell v. Montoya*, No. 1:17-cv-00605, 2019 WL 1469486, at *2 (E.D. Cal. Apr. 3, 2019) (citation omitted). A valid reason exists "[w]hen a party has raised new arguments or presented new evidence in a reply to an opposition[.]" *Oregon Nat. Desert Ass'n v. Cain*, 17 F. Supp. 3d 1037, 1048 (D. Or. 2014).

This Court should grant leave for Respondents to file a targeted sur-reply to address two of the issues raised for the first time in Petitioner's Reply.

First, Petitioner attacks the assurances set forth in Assistant Field Office Director Jeffrey Chan's Declaration that ICE's Enforcement and Removal Operations ("ERO") will not detain Petitioner pending the resolution of his BIA appeal absent a change in circumstances. The Chan Declaration states that ERO "will not detain Petitioner again through the adjudication of his pending BIA appeal, absent criminal activity, failure to comply with release

requirements set by ERO, or a change in Petitioner's pending case with BIA." ECF 17 ¶ 8. Petitioner wrongly claims that these concrete assurances are "insufficient barrier[s]" to Petitioner's detention. Based on decisions issued after Respondents filed their Response, Petitioner argues (either explicitly or impliedly) that the government's assurances are not credible and should be given no weight. *See* ECF 19 at 14–15, n. 11.

Second, in the Petition, Petitioner seeks an order "prohibiting the Respondents from transferring Petitioner from the district from the district without the court's approval." ECF 1 at 20. Petitioner seeks broader relief in his reply than the relief requested in the Petition. Through his reply, he asks that, should "the Court find the requested relief overbroad," the Court should then issue an order that "Respondents may not remove Petitioner from the District of Oregon without 30 days' notice of their intent to do so, to give him the opportunity to challenge any" detention he believes is unlawful. ECF 19 at 21.

Respondents should have an opportunity respond to these new issues that could not have been addressed in their Response.

CONCLUSION

For the foregoing reasons, the Court should grant Respondents leave to file a sur-reply. Should the Court grant Respondents leave to file a sur-reply,

Respondents respectfully request the Court set October 24, 2025, as the filing deadline.

Respectfully submitted this 10th day of October, 2025.

SCOTT E. BRADFORD
United States Attorney
District of Oregon

/s/ Ariana N. Garousi
ARIANA N. GAROUSI
Assistant United States Attorney
Attorneys for Respondents