

The Honorable Tiffany M. Cartwright

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Angel Romulo DEL VALLE
CASTILLO et al.,

Petitioners,

v.

Cammilla WAMSLEY et al.,

Respondents.

Case No. 2:25-cv-2054-TMC

**PETITIONERS' SUPPLEMENTAL
BRIEF IN RESPONSE TO ORDER
(DKT. 23)**

INTRODUCTION

Petitioners submit this supplemental brief pursuant to the Court's November 14, 2025 Order Extending Temporary Restraining Order (TRO), Dkt. 23.¹ As outlined below, the Court's habeas authority plainly permits it to require Mr. Ramirez Garcia's return to the Northwest Immigration and Customs Enforcement (ICE) Processing Center (NWIPC) to ensure that any relief granted is meaningful and equitable.

¹ Petitioners' counsel have confirmed that Defendants do not oppose converting the TRO into a preliminary injunction pending the adjudication of the petition. Petitioners additionally submit that the standard for issuing a TRO is "substantially identical" to the standard for a preliminary injunction, *Stuhlbarg Int'l Sales Co. v. John D. Brush & Co.*, 240 F. 3d 832, 839 n.7 (9th Cir. 2001), and that there have been no material change in circumstances that undercut the Court's prior findings.

1 **ARGUMENT**

2 **This Court’s power to issue a writ of habeas corpus amply permits it to order Petitioner**
3 **Ramirez Garcia transferred back to NWIPC for a bond hearing should he prevail on the**
4 **merits of this petition.**

4 At the moment this petition was filed on October 21, 2025, Petitioner Ramirez Garcia
5 was detained at NWIPC—many miles away from his home in Spokane, but still in the same state
6 where he has resided since the age of 17 and where his immigration counsel could meet with
7 him, maintain regular communication, and work with him to present his case at his upcoming
8 court hearings. Dkt. 1 ¶¶ 91; Dkt. 3-20; Dkt. 12 ¶ 4. His counsel, whom he first retained in 2021
9 to apply for Special Immigrant Juvenile Status (SIJS), planned to appear on his behalf to
10 represent him in a bond hearing before the Tacoma Immigration Court, in addition to
11 representing him with his future application for lawful permanent residence based on SIJS. Dkt.
12 12 ¶¶ 4, 6–7. However, within days of the filing of this petition, and without notice, Respondents
13 transferred Mr. Ramirez Garcia to the Otero County Processing Center in New Mexico. Dkt. 11
14 ¶¶ 4–8; Dkt. 15 at 1. If he remains detained in Otero, his pro bono counsel, who works for a
15 nonprofit organization in Washington State, will be unable to provide him adequate legal
16 representation in any future proceedings, including in a bond hearing. Dkt. 12 ¶¶ 5–8.² Ordering

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18 ² Numerous studies demonstrate the detrimental impact of transfers of individuals in
19 immigration detention, particularly with respect to access to counsel and loss of connection to
20 their support network. *See, e.g.,* Ingrid V. Eagly, et al., *Access to Counsel in Immigration Court,*
21 *Revisited*, 11 Iowa L. Rev. 1, 44 (2025) (showing that detained individuals with counsel were 3.8
22 times more likely to succeed in removal cases than unrepresented individuals); Natasha Phillips,
23 *Keeping Counsel: Challenging Immigration Detention Transfers as a Violation of the Right to*
24 *Retained Counsel*, 27 Mich. J. Race & L. 375, 390–94 (2022) (describing impact of long-
distance transfer on access to counsel and ability to effectively present case); Adrienne Pon,
Identifying Limits to Immigration Detention Transfers and Venue, 71 Stan. L. Rev. 747, 763–65
(2019) (similar, noting that transferred individuals “often lose their attorneys” and are “separated
from their families, employers, churches, and other support networks that might help connect
them with counsel”).

1 Mr. Ramirez Garcia's return to NWIPC is thus necessary to both ensure meaningful relief and to
2 remedy the serious harm his transfer has caused him.

3 It is "uncontroversial . . . that the privilege of habeas corpus entitles the prisoner to a
4 *meaningful opportunity* to demonstrate that he is being held pursuant to 'the erroneous
5 application or interpretation' of relevant law." *Boumediene v. Bush*, 553 U.S. 723, 779 (2008)
6 (emphasis added) (quoting *INS v. St. Cyr*, 533 U.S. 289, 302 (2001)). This is consistent with "the
7 basic purpose of the writ"—"to enable those unlawfully incarcerated to obtain their freedom."
8 *Johnson v. Avery*, 393 U.S. 483, 485 (1969); *cf. Zadvydas v. Davis*, 533 U.S. 678, 724 (2001)
9 (Kennedy, J., dissenting) ("Were the INS . . . to deny [a noncitizen] access to the administrative
10 processes in place to review continued detention, habeas jurisdiction would lie to redress the due
11 process violation caused by the denial of the mandated procedures . . ."). Here, the Court should
12 restore Mr. Ramirez Garcia's access to counsel in order to ensure that the writ of habeas corpus
13 provides him a meaningful opportunity to exercise his statutory and regulatory rights to a full
14 and fair bond hearing. *Cf. Immigrant Defs. L. Ctr. v. Noem*, 145 F.4th 972, 993 (9th Cir. 2025)
15 ("[N]oncitizens' 'fundamental' right to counsel 'must be respected in substance as well as in
16 name.'" (citation omitted)); *see also Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 566–67
17 (9th Cir. 1990) (affirming that "provisions of the district court's injunction designed to ensure
18 access to counsel were appropriate remedies"); *Orantes-Hernandez v. Meese*, 685 F. Supp. 1488
19 (C.D. Cal. 1988), *aff'd sub nom. Orantes-Hernandez v. Thornburgh*, 919 F.2d 549 (finding that
20 "[t]ransfer to isolated [immigration] detention facilities . . . frequently prevents class members
21 from obtaining legal representation" and "makes bond reduction more difficult to obtain" by
22 removing them from their community).

1 An order requiring Mr. Ramirez Garcia’s return to NWIPC—and thereby safeguarding
2 his access to counsel—if he prevails on the merits of this petition is also proper under both the
3 historical understanding of habeas corpus and the statutory authority of the habeas court. Courts
4 have long recognized that “habeas corpus is, at its core, an equitable remedy.” *Schlup v. Delo*,
5 513 U.S. 298, 319 (1995); *see also, e.g., Holland v. Florida*, 560 U.S. 631, 646 (2010)
6 (“[E]quitable principles’ have traditionally ‘governed’ the substantive law of habeas
7 corpus” (citation omitted)); *Fay v. Noia*, 372 U.S. 391, 492 (1963) (“[H]abeas corpus has
8 traditionally been regarded as governed by equitable principles.”). “Equitable relief” is
9 “characterized by flexibility which enables it to meet new situations which demand equitable
10 intervention, and to accord all the relief necessary to correct the particular injustices involved.”
11 *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 248 (1944); *see also, e.g.,*
12 *Boumediene*, 553 U.S. at 779 (“[C]ommon-law habeas corpus was, above all, an adaptable
13 remedy.”). The equitable roots of habeas corpus are embodied by “the statutory command that
14 the judge, after granting the writ and holding a hearing of appropriate scope, ‘dispose of the
15 matter as law and justice require.’” *Fay*, 372 U.S. at 492 (quoting 28 U.S.C. § 2243). It follows,
16 then, that a habeas court has the “power to fashion appropriate relief other than immediate
17 release.” *Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973).

18 This Court’s equitable powers in habeas thus permit it to fashion an appropriate remedy
19 for Respondents’ conduct—transferring Mr. Ramirez Garcia after the filing of his petition,
20 without any notice to either his immigration counsel or undersigned counsel—by ordering his
21 return. For instance, in ordering the physical return of a habeas petitioner whom ICE had
22 transferred to Louisiana after her petition was filed, the District of Vermont relied on “the
23 equitable and flexible nature of habeas relief,” and not just its power under the All Writs Act.

1 *Ozturk v. Trump*, 779 F. Supp. 3d 462, 465 (D. Vt. 2025) (citation omitted). Such a remedy is all
2 the more appropriate considering that “the use of habeas for transfer claims is not novel.” *Trump*
3 *v. J.G.G.*, 604 U.S. 670, 674 (2025) (Kavanaugh, J., concurring) (noting that “going back to the
4 English Habeas Corpus Act of 1679, if not earlier, habeas corpus has been the proper vehicle for
5 detainees to bring claims seeking to bar their transfers”); *cf. Jones v. Cuninghame*, 371 U.S. 236,
6 239 (1963) (noting uses of the writ by English court for remedies other than release from
7 confinement, including for “production in court” of an individual); *see also, e.g., Dallin H. Oaks,*
8 *Habeas Corpus in the States—1776–1865*, 32 *Univ. of Chi. L. Rev.* 243 (1965) (“Early forms of
9 the writ were used to transfer custody of persons held on civil process from one court to another
10 to aid the administration of justice.”). The habeas statute also specifically contemplates the
11 authority to issue orders that “bring [an individual] into court to testify or for trial.” 28 U.S.C.
12 § 2241(c)(5).

13 Notably, the Court’s previous denial of Petitioners’ request for Mr. Ramirez Garcia’s
14 return was solely based on its understanding that the injunction sought was a “mandatory
15 injunction,” and its finding that Petitioners had not yet demonstrated “that the law and facts
16 clearly favor [their] position.” Dkt. 18 at 6 (alterations in original) (quoting in second part
17 *Betschart v. Oregon*, 103 F. 4th 607, 619 (9th Cir. 2024)). That requirement is no longer
18 applicable “should [Petitioner Ramirez Garcia] prevail on the merits.” Dkt. 23 at 1.³ Moreover,
19 this Court has previously rejected Respondents’ position that 8 U.S.C. § 1231(g) bars this Court
20 from ordering transfer. *Compare* Dkt. 15 at 2 (asserting § 1231(g) as basis for DHS’s authority to
21 transfer detained individuals), *with* Dkt. 19 at 2–3 (finding that § 1231(g) does not preclude the
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23 ³ Even if that higher standard were applicable, Mr. Ramirez Garcia can now show “that the
24 law and facts clearly favor his position.” Dkt. 18 at 6 (citation modified).

1 court's authority to prohibit transfers). As both the Second and Fourth Circuits have explained,
2 "the language of § 1231(g) does not address transfers at all, nor does it explicitly grant the
3 Attorney General or the Secretary of Homeland Security discretion with respect to transfers."
4 *Reyna as next friend of J.F.G. v. Hott*, 921 F.3d 204, 209 (4th Cir. 2019); *see also Ozturk v. Hyde*,
5 136 F.4th 382, 396 (2d Cir. 2025) (same); *Mahdawi v. Trump*, 136 F.4th 443, 453–54 & n.4 (2d
6 Cir. 2025) (similar). Instead, § 1231(g) "relate[s] more centrally to the government's brick and
7 mortar obligations for obtaining facilities in which to detain aliens." *Id.*

8 Ultimately, if the Court finds that Petitioner Ramirez Garcia is entitled to relief as a
9 *Rodriguez Vazquez* class member, ordering his return is critical to ensure that he has a
10 meaningful opportunity to exercise his statutory right to a bond hearing—the very right that he
11 was previously denied. Absent such an order, Mr. Ramirez Garcia will be deprived of meaningful
12 access to counsel in his bond or removal proceedings, and rendering his statutory right to a bond
13 hearing under § 1226(a) largely illusory. Further, such an order is necessary to ensure
14 Respondents are unable to evade this Court's judgment by transferring class members to other
15 jurisdictions where they will generally not have counsel to represent them. *See Order, Leon*
16 *Figueroa v. Wamsley*, No. 2:25-cv-02228-TMC, Dkt. 18, at 3–4 (W.D. Wash. Nov. 13, 2025)
17 (granting TRO in light of "evidence suggesting a troubling pattern of attempts to transfer
18 *Rodriguez Vazquez* class members before they can seek or obtain individual habeas relief—the
19 only current method to enforce the Court's declaratory judgment"); *see also* Pls.' Mot. For
20 Further Relief Pursuant to 28 U.S.C. § 2202, *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-
21 TMC, Dkt. 74, at 3–4 (Oct. 31, 2025) (documenting a recent increase in transfers of class
22 members).

1 Respectfully submitted this 20th day of November, 2025.

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*I certify that this memorandum does not exceed 10
pages, in compliance with the Court's order for
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