

1 ABBY SULLIVAN ENGEN (Cal. State Bar
No. 270698 – *pro hac vice pending*)
2 asullivanengen@centrolegal.org
CENTRO LEGAL DE LA RAZA
3 3400 E. 12th Street
Oakland, CA 94601
4 (510) 244-4312
Attorney for Petitioner

MICHAEL FILIPOVIC (WABN 12319)
michaelofilipovic@yahoo.com
PO Box 31356
Seattle, WA 98103
(206) 383-0410
Attorney for Petitioner

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9 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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11 **Hector Adan LOPEZ ROJOP**

Petitioner,

Case No. 25-CV-2058

12 v.

13 **Cammilla WAMSLEY**, Seattle Field Office
14 Director, Enforcement and Removal
Operations, United States Immigration and
15 Customs Enforcement (ICE); **Bruce SCOTT**,
Warden, Northwest ICE Processing Center;
16 **Kristi NOEM**, Secretary, United States
Department of Homeland Security; **UNITED**
17 **STATES DEPARTMENT OF HOMELAND**
SECURITY (DHS); **Pamela BONDI**,
18 Attorney General of the United States;
EXECUTIVE OFFICE FOR
19 **IMMIGRATION REVIEW (EOIR)**; **Daren**
K. MARGOLIN, Director, EOIR,

**EX PARTE MOTION TO GRANT
PETITION FORTHWITH OR ISSUE
ORDER TO SHOW CAUSE**

20 Respondents.
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INTRODUCTION

Petitioner is a member of the certified Bond Denial Class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. filed Mar. 20, 2025). On September 30, 2025, District Judge Tiffany Cartwright entered final judgment declaring all Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus entitled to a bond hearing before an immigration judge (IJ). *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Despite that ruling, Petitioner remains detained because of Respondents' outright refusal to comply with the judgment, and their continuation of a policy the Court decidedly found unlawful. Because Petitioner is clearly entitled to relief, this Court should grant the petition "forthwith." 28 U.S.C. § 2243.

Petitioner is severely intellectually disabled, is hard-of-hearing or possibly deaf, and speaks only the Mayan language K'iche'. He has a hearing in immigration court on **Monday, October 27, 2025**, at which he will be unrepresented by counsel. If freed, that hearing will be vacated and he'll have substantial additional time to seek legal representation in his removal proceedings.

There is no basis to provide Respondents any additional time to contest habeas relief, as Petitioner and Respondents are all parties in *Rodriguez Vazquez* and thus have already had the opportunity to fully litigate the legal issues presented herein. Petitioner therefore requests that the Court grant his habeas petition immediately. Alternatively, Petitioner requests the Court issue an order to show cause requiring Respondents to explain, within two days, why Petitioner is not a member of the Bond Denial Class; if Respondents fail to rebut class membership, the Court should immediately grant the petition.

ARGUMENT

Habeas corpus "is a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by*

1 *Wainwright v. Sykes*, 433 U.S. 72 (1977). The requirement for an expeditious remedy is codified
2 by statute: once the court entertains an application, it “*shall forthwith award the writ or issue an*
3 *order directing the respondent to show cause,*” set a prompt return, and hold a hearing no more
4 than five days after the return. 28 U.S.C. § 2243 (emphasis added). These requirements ensure
5 that courts “summarily hear and determine the facts, and dispose of the matter as law and justice
6 require.” *Id.* Indeed, the Supreme Court has criticized the use of “comparatively cumbersome
7 and time consuming procedure[s]” to decide habeas petitions, favoring the “more expeditious
method . . . prescribed by the statute.” *Holiday v. Johnston*, 313 U.S. 342, 353 (1941).

8 Expeditious consideration is particularly appropriate here because the Court has already
9 resolved the controlling legal issue for these parties: it has declared that § 1226(a) governs the
10 detention of Bond Denial Class members and that Respondents’ bond denial policy is unlawful.
11 *Rodriguez Vazquez*, 2025 WL 2782499, at *27. Thus, the *sole* question the Court must decide in
12 order to grant relief in this case is whether Petitioner is a member of the Bond Denial Class—a
13 question that the Court may determine based on the governments’ own records submitted by
14 Petitioner. (See Exh. A, Notice to Appear for Hector Adan Lopez Rojop; Exh. B, Immigration
Judge’s order denying bond.)

15 Consistent with this Court’s longstanding practice and to facilitate expedited relief,
16 Petitioner respectfully requests that the Court effectuate service of the petition on Respondents.¹
17 If the Court then determines that Petitioner is a Bond Denial Class member, it should grant the
18 petition “forthwith.” 28 U.S.C. § 2243.

19 In the alternative, should the Court elect not to issue habeas relief forthwith and instead
20 proceed by issuing an order to show cause, Respondents should be required to file a return

21 ¹ Service by the Court is also consistent with the practice in habeas proceedings under 28 U.S.C. §§
22 2254 and 2255. *See* U.S. Courts, Rules Governing Section 2254 Cases and Section 2255 Proceedings
23 (Dec. 1, 2019), at 3 (“In every case, the clerk must serve a copy of the petition and any order on the
24 respondent”); *id.* at 9 (“The clerk must then deliver or serve a copy of the motion on the United
States attorney in that district, together with a notice of its filing.”). Furthermore, Federal Rule of
Civil Procedure 4(c)(3) permits a plaintiff proceeding in forma pauperis to request service of a
complaint and summons by a person appointed by the Court.

1 “within three days,” *id.* § 2243, upon which the Court should promptly issue a decision on the
2 merits of the petition. Further, the Court should direct Respondents to address only whether
3 Petitioner is a member of the Bond Denial Class; Respondents are bound by the classwide
4 judgment in *Rodriguez Vazquez* and not entitled to re-litigate the merits of the questions already
5 resolved by this Court.

6 **CONCLUSION**

7 For the reasons above, and in light of the Court’s final judgment in *Rodriguez Vazquez*,
8 Petitioner respectfully requests that the Court immediately effectuate service of the Petition on
9 Respondents and, **within 48 hours**, issue an order granting the petition. Alternatively, the Court
10 should issue an order requiring Respondents to show cause why the writ should not be granted
11 by demonstrating that Petitioner is not a member of the Bond Denial Class.

12 Respectfully submitted this 22nd day of October, 2025.

13 I certify this motion contains 863 words in compliance with the Local Civil Rules.

14 /s/ Abby Sullivan Engen
15 Abby Sullivan Engen
16 Cal. State Bar No. 270698 – *pro hac vice*
17 *pending*
18 asullivanengen@centrolegal.org
19 CENTRO LEGAL DE LA RAZA
20 *Attorney for Petitioner*

21 /s/ Michael Filipovic
22 Michael Filipovic
23 WABN 12319
24 michaelofilipovic@yahoo.com
Attorney for Petitioner