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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

L.A.E.,

Case No. 3:25-cv-01975-AN

Petitioner,

v.

**CAMMILLA WAMSLEY; TODD
LYONS; KRISTI NOEM; U.S.
IMMIGRATION AND CUSTOMS
ENFORCEMENT; U.S.
DEPARTMENT OF HOMELAND
SECURITY,**

**RESPONDENTS' UNOPPOSED
MOTION TO MODIFY OCTOBER 29,
2025 ORDER, ECF 11**

Respondents,

MOTION

After conferring with counsel for Petitioner, the government asks the Court to modify its October 29, 2025 Order by narrowing the scope of its prohibition on contact with Petitioner. Pursuant to Local Rule 7-1, Counsel for Petitioner has no

objection to the proposed modification, but does not join in the remainder of this motion.

The Court's order bars uncounseled contact with Petitioner "about legal matters, including regarding voluntary departure or any waiver of rights." ECF 11, #2.

The government agrees that any discussions with Petitioner regarding voluntary departure or relinquishing any rights in this habeas case, or the pending Ninth Circuit immigration litigation, must involve counsel. However, there are a variety of other issues that may arise during Petitioner's detention that involve "legal matters" but have nothing to do with his habeas or immigration cases, such as Petitioner receiving property deliveries at the NWIPC, requesting or declining medical treatment, or inquiring about the *status* of his litigation. As written, the Court's order currently prevents government agents from addressing those issues with Petitioner, as they could with other detainees in the ordinary course of business.

The government asks the Court to modify the first sentence of paragraph 2 of its October 29, 2020 order to read:

"Neither respondents nor its agents may request or obtain his agreement for voluntary departure or waiver of any rights in this habeas case or petitioner's pending Ninth Circuit immigration case except through counsel."

Separately, the government has been advised that detainees at the NWIPC who have counsel are only being offered voluntary departure through counsel. A

voluntary departure program is advertised to detainees through flyers and announcements at the NWIPC. The names of detainees who express an interest in the program are compiled on a list, which is given to ICE's Office of the Principal Legal Advisor (OPLA). OPLA attorneys then determine which of those detainees are eligible for the program. Many are not eligible because a final order of removal already applies to them. OPLA attorneys then contact the attorneys who represent each eligible detainee. In other words, there is a system to prevent uncounseled communications with detainees regarding voluntary removal.

Finally, the government received new information after yesterday's hearing regarding Petitioner's proficiency with Spanish. As the attached, two-page August 5, 2021 decision from the Board of Immigration Appeals (BIA) explains, Petitioner's ability to speak and understand Spanish was addressed by an immigration judge in 2018 and the BIA in 2021. *See Exhibit 1.* The record demonstrates that Petitioner testified in multiple hearings through the assistance of a Spanish interpreter. Therefore, the government asks the Court to note for the record that the government does, in fact, dispute that Petitioner only speaks Purepecha.

DATED this 30th day of October 2025.

Respectfully Submitted,

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/s/Thomas S. Ratcliffe
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