

The Honorable Tiffany M. Cartwright

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Marco CANTERO GARCIA, et al.,
Petitioners,

v.

Laura HERMOSILLO,¹ et al.,
Respondents.

Case No. 2:25-cv-2092-TMC

MOTION FOR SANCTIONS

Noting Date: March 5, 2026

INTRODUCTION

Petitioners seek sanctions for twice transferring Petitioner Armando Benitez Chavez in violation of the Court’s order requiring pre-transfer notice of Petitioners. Respondents initially transferred Mr. Benitez out of this district in violation of the Court’s order shortly after this case was filed. Petitioners’ counsel raised this matter with opposing counsel, and he was returned to this district. But days later, he was transferred again—and this time, shortly after the transfer, the Court granted the habeas petition. Rather than return Mr. Benitez home, and without ever

¹ Respondent Laura Hermosillo is automatically substituted for Cammilla Wamsley as the Acting Seattle Field Office Director of Immigration and Customs Enforcement. *See* Fed. R. Civ. P. 25(d).

1 informing Petitioners' counsel he had been transferred, Respondents released Mr. Benitez in
2 New Mexico, far from his home here in Washington. He subsequently had to incur significant
3 expenses to return to his family in Yakima.

4 Respondents' conduct warrants invoking this Court's inherent power to issue sanctions
5 and compensate Mr. Benitez for the harm he suffered. Their actions are a "willful violation of a
6 court order," which is all that is necessary to issue sanctions. *Am. Unites for Kids v. Rousseau*,
7 985 F.3d 1075, 1090 (9th Cir. 2021). Sanctions are particularly warranted given that this was the
8 second time Respondents violated the Court's order, resulting in them leaving Mr. Benitez
9 stranded in New Mexico. Respondents should accordingly be held accountable for their callous
10 disregard for this Court's orders.

11 STATEMENT OF FACTS

12 Petitioners filed this case on October 24, 2025. Dkt. 1. In their petition, they alleged that
13 they are class members in *Rodriguez Vazquez v. Hermosillo*, No. 3:25-cv-05240-TMC (W.D.
14 Wash.). As relief, they requested that the Court grant their petition and require that Respondents
15 allow their release pursuant to the alternative bond orders they had received from the Tacoma
16 Immigration Court. *See generally id.* Along with their petition, Petitioners filed a motion for an
17 order to show cause, requesting expedited briefing and notice prior to the transfer of any
18 petitioner. Dkt. 2. On October 29, 2025, this Court granted the motion in part, setting an
19 expedited briefing schedule and ordering that "Respondents must provide Petitioners and
20 Petitioners' counsel in this habeas action at least 48 hours' notice (or 72 hours' notice if the
21 period extends into the weekend) prior to any action to move or transfer any Petitioner from
22 NWIPC or to remove him from the United States." Dkt. 7 at 4. The order also effectuated service
23 on Respondents, who were already receiving notice of case filings via ECF. *Id.*

1 The following day, despite the Court's order, Petitioner Armando Benitez Chavez was
2 transferred from the Northwest Immigration and Customs Enforcement (ICE) Processing Center
3 (NWIPC) to a detention facility in Arizona. *See* Decl. of Virginia Aldrete Rivas ¶ 4; Decl. of
4 Armando Benitez Chavez ¶ 5. Respondents did not provide counsel with notice of this transfer.
5 Decl. of Aaron Korthuis ¶ 5. As a result, this transfer occurred in violation of the Court's order.
6 *See* Dkt. 7 at 4. After learning of the transfer, the undersigned counsel contacted the U.S.
7 Attorney's Office, pointed out the violation of this Court's order, and requested Mr. Benitez's
8 return to the district. Benitez Decl. ¶ 8; Korthuis Decl. ¶ 7. He was returned to NWIPC on
9 November 3, and on November 6, he and his immigration counsel attended a master calendar
10 hearing at the Tacoma Immigration Court. Aldrete Decl. ¶ 6; Benitez Decl. ¶ 8.

11 Yet immediately thereafter, on or around November 7, 2025, notwithstanding this Court's
12 order and their own previous violation of that order, Respondents *again* transferred Mr. Benitez
13 out of the district, this time to a detention center in New Mexico. Aldrete Decl. ¶ 7; Benitez Decl.
14 ¶ 9. That same day, this Court granted the habeas petition, ordering that Respondents must
15 "[e]ither release Petitioner Armando Benitez Chavez or allow his release upon payment of the
16 alternative bond amount of \$10,000." Dkt. 13 at 5. Rather than return him to this district,
17 Respondents left Mr. Benitez in New Mexico until his family was able to post bond for him on
18 November 10. Aldrete Decl. ¶ 7; Benitez Decl. ¶ 11. Mr. Benitez and his family had to incur
19 nearly \$500 in expenses to fly him home. *See* Benitez Decl. ¶ 12. Respondents never notified
20 undersigned counsel of the transfer. Korthuis Decl. ¶ 10.

21 Not only did Mr. Benitez suffer financial harm, but he also had to twice suffer the
22 humiliating and painful indignity of being chained during his (unlawful) transfers. Benitez Decl.
23 ¶¶ 7, 9. As he explains in his declaration, that process affected him deeply, making him want to
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1 give up his case—exactly what Respondents hope will happen when they transfer people away
2 from their counsel and family. *See id.* ¶ 9 (“The second time I was transferred I felt worse. . . .
3 [Y]ou lose hope because it is the same process. It is hours of being awake in chains. You feel
4 that you just want to give up, and request voluntary departure or a removal order.”); Homeland
5 Security (@DHSgov), X, *GO HOME FOR THE HOLIDAYS! DHS.GOV/CBPHOME* (Dec. 16,
6 2025, at 3:59 P.M.), <https://x.com/DHSgov/status/2001079770872713355> (PDF on file with
7 counsel) (reposting @WhiteHouse video post of individuals loaded onto planes in handcuffs and
8 chains, and encouraging individuals to voluntarily leave the United States). He now seeks
9 compensation for these harms via this motion.

10 ARGUMENT

11 This Court has inherent power to sanction a party for “conduct which abuses the judicial
12 process.” *Goodyear Tire & Rubber Co. v. Haeger*, 581 U.S. 101, 107 (2017) (quoting *Chambers*
13 *v. NASCO, Inc.*, 501 U.S. 32, 44–45 (1991)). The Supreme Court “delivered the definitive
14 summary” of when exercising such power is appropriate in *Roadway Express, Inc. v. Piper*, 447
15 U.S. 752 (1980). *Fink v. Gomez*, 239 F.3d 989, 991 (9th Cir. 2001). There, the Court explained
16 that courts have inherent power to issue sanctions when faced with “willful disobedience of a
17 court order or when a party has acted in bad faith, vexatiously, wantonly, or for oppressive
18 reasons.” *Am. Unites for Kids*, 985 F.3d at 1090 (citing *Roadway Express*, 447 U.S. at 766); *see*
19 *also Aloe Vera of Am., Inc. v. United States*, 376 F.3d 960, 965 (9th Cir. 2004) (“[W]illful
20 disobedience of a court order is a proper ground for imposing sanctions.” (citation modified))

21 “Willful disobedience of a court order” is the situation at issue in this case. Respondents
22 *twice* transferred Petitioner Armando Benitez Chavez in violation of this Court’s order. *Supra*
23 pp. 2–3. Whatever excuse may be provided for the initial violation, the second violation—just
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1 days after being brought back—vividly demonstrates “willful disobedience.” That is all that is
2 required to show that sanctions are warranted here. A “‘willful’ violation of a court order does
3 not require proof of mental intent such as bad faith or an improper motive.” *Am. Unites for Kids*,
4 985 F.3d at 1090 (quoting *Evon v. Law Offs. of Sidney Mickell*, 688 F.3d 1015, 1035 (9th Cir.
5 2012)). Rather, “it is enough that a party acted deliberately.” *Id.* (quoting *Evon*, 688 F.3d at
6 1035). Here, there is no question that Respondents acted “deliberately”: not once, but twice they
7 transferred Mr. Benitez over 1,000 miles away, failing to provide counsel any notice. Then, on
8 the second occasion, after this Court issued its order granting the habeas petition, they took no
9 action to remedy their repeated violation of the court order and instead released Mr. Benitez in
10 New Mexico after he posted bond.² Sanctions are therefore warranted. *See Evon*, 688 F.3d at
11 1035 (upholding imposition of sanctions where the sanctioned party “knew that the protective
12 order was in place and that filing without redacting the confidential information constituted a
13 violation”).

14 Sanctions can be “compensatory, punitive, or both.” *Am. Unites for Kids*, 985 F.3d at
15 1089. The type of sanctions a party requests or that a court contemplates dictates the procedures
16 required. *Id.* Here, Petitioners seek only compensatory sanctions. Unlike criminal sanctions,
17 where “the contemnor must be afforded the full protection of a criminal jury trial,” compensatory
18 sanctions like the ones sought here require only “notice and an opportunity to be heard.” *Id.* at
19 1095 (citation omitted); *see also Lasar v. Ford Motor Co.*, 399 F.3d 1101, 1110 (9th Cir. 2005)

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21 _____
22 ² There can be little question Defendants’ second transfer was a deliberate violation of this
23 Court’s order given that they *already* had to return Mr. Benitez to this district once because of the
24 same violation. What is more, Defendants were well aware of the harm that Mr. Benitez feared
would occur as a result of a transfer. *See* Dkt. 2 at 6 (explaining that “Petitioners should not be
forced to pay hundreds of dollars to return to this district after their release when they *already*
should have been released on bond in this district”).

1 (“[C]ivil sanctions may be imposed so long as the court provides adequate notice and an
2 opportunity to be heard.”). “The opportunity to brief the issue fully satisfies due process
3 requirements,” and thus “an opportunity to be heard does not require an oral or evidentiary
4 hearing on the issue.” *Pac. Harbor Cap., Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 1118
5 (9th Cir. 2000). Accordingly, the Court complies with due process where Defendants can file a
6 response to this motion. *See, e.g., id.* at 1120 (“Appellants were given the opportunity to fully
7 brief the issue, to respond to the court’s findings, and to demonstrate that their conduct was not
8 undertaken in bad faith.”); *Lasar*, 399 F.3d at 1106, 1110–13 (notice and opportunity to be heard
9 satisfied where court requested an affidavit regarding costs from one party and ordered the other
10 party to respond to an order to show cause as to why that party should not be held in contempt).

11 As noted, Petitioners seek only compensatory sanctions. First, they request that the Court
12 order Respondents to compensate Mr. Benitez for unlawfully transferring him and then releasing
13 him in New Mexico, where he and his family were forced to pay for his return to Washington.
14 As Mr. Benitez explained in his declaration, his family was required to spend nearly \$500 to buy
15 a last-minute plane ticket for him. Benitez Decl. ¶ 12. In addition, the Court should recognize
16 that compensation is warranted for Defendants twice inflicting on Mr. Benitez the “excessive,
17 painful, and degrading” experience of being placed in chains and flown across the country, all
18 while being tormented by fear and uncertainty as to whether he was being permanently separated
19 from his family. *Spain v. Procunier*, 600 F.2d 189, 197 (9th Cir. 1979). Such harms are not
20 easily quantifiable. But other courts have recognized that the significant indignity and physical
21 pain which shackles inflict warrant more than trivial damages or compensation. *E.g., Avery v.*
22 *Extradition Transp. of Am.*, No. CV 11-153-M-DWM-JCL, 2013 WL 486658, at *1 (D. Mont.
23 Feb. 7, 2013) (awarding plaintiff \$75,000 for shackling during six-day trip). The Court should
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1 accordingly order Respondents to pay Mr. Benitez \$5,000 in compensation for the harm he
2 suffered.

3 Second, Petitioners also seek attorneys' fees in conjunction with this motion. Courts have
4 the "inherent power . . . to assess attorneys' fees for the willful disobedience of a court order."
5 *Roadway Express*, 447 U.S. at 766 (citation modified); *see also Chambers*, 501 U.S. at 47
6 (similar). Such an award is well within the Court's discretion. *See, e.g., Aloe Vera*, 376 F.3d at
7 966 ("In light of Aloe Vera's willful and repeated disobedience of the September 28 order, the
8 district court did not abuse its discretion in imposing sanctions in the amount of BNA's
9 attorneys' fees and costs incurred as a direct result of these violations."); *United States v.*
10 *Blodgett*, 709 F.2d 608, 611 (9th Cir. 1983) ("[C]ases that have considered the district court's
11 inherent power to sanction attorneys for litigating in bad faith have related such sanctions to the
12 amount of fees incurred by the opposing party . . ."); *Lasar*, 399 F.3d at 1118 (upholding
13 sanctions award that was "carefully tailored to reimburse the court for those costs that were
14 incurred"). Here, Petitioners have incurred \$9,290.22 in expenses to file this motion, and the
15 Court should accordingly include that amount in any sanctions it issues (in addition to any
16 amount required to file a reply, should Defendants contest this motion).³ *See* Ex. A (chart of
17 requested fees); Ex. B (timekeeping entries).

18 CONCLUSION

19 For the foregoing reasons, the Court should sanction Respondents and order that they pay
20 \$5,498 to Petitioner Armando Benitez Chavez and \$9,290.22 (plus any additional expenses
21 related to any required reply) to Petitioners' counsel in attorneys' fees.

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23 _____
24 ³ The basis for counsel's rates is explained in Petitioners' contemporaneously filed motion for attorneys' fees.

1 DATED this 12th day of February, 2026.

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*I certify that this memorandum contains 2,084
words, in compliance with the Local Civil Rules.*

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