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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

L-A-R-A-, an adult,

Petitioner,

v.

CAMILLA WAMSLEY,[1] et al.,

Respondents.

Case No.: 3:25-cv-01994-AB

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

[1] Laura Hermosillo is substituted for Camilla Wamsley pursuant to Federal Rule of Civil Procedure 25(d).

Pursuant to the Court's Orders dated October 28 and December 3, 2025, ECF 6 & 17, Respondents[2] submit this response to the Petition (ECF 1, "Pet."), which was filed on October 28, 2025. The Petition challenges Petitioner's stop and arrest. *E.g.*, Pet., ¶¶ 55; 58-60; 83; 88. Petitioner also claims that his "continued detention" violates "his due process rights," *id.* ¶ 88; however, Petitioner was released from detention on October 28, 2025. Petitioner's claims are not appropriate grounds for habeas relief, "which considers the lawfulness of a *continuing* detention." *L-J-P-L- v. Wamsley*, No. 3:25-cv-01390-IM, 2025 WL 2430268, at *6, n.3 (D. Or. Aug. 22, 2025) (emphasis added).

BACKGROUND

Petitioner is a native and citizen of Mexico. Declaration of Mathew Randall, ¶ 4. On March 9, 2005, he was apprehended by DHS in the United States and allowed to voluntarily return to Mexico. *Id.* He reentered the United States on an unknown date, and Petitioner lacks lawful immigration status because, since his second entry into the United States, Petitioner was not inspected, admitted, or paroled by an immigration officer. *Id.* ¶ 5.

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[2] For "core" habeas challenges brought under 28 U.S.C. § 2241, that is, challenges to present physical custody, the only proper respondent is the immediate custodian of the habeas petitioner, "not the Attorney General or some other remote supervisory official." *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Thus, the United States Attorney General, the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), and the Secretary of the Department of Homeland Security ("DHS") are not proper respondents to this core habeas petition, because none of those officials has any immediate responsibility for Petitioner's detention. *See id.* at 440 n.13 ("[T]he proper respondent is the person responsible for maintaining—not authorizing—the custody of the prisoner.").

On October 28, 2025, Petitioner was detained pursuant to INA section 235(b)(2), 8 U.S.C. § 1225(b)(2). *Id.* ¶ 6.[3] On that same day, Petitioner was released from detention with a Form I-220A Order of Release on Recognizance ("OREC"), which includes certain conditions of release. *Id.* Also on October 28, 2025, he was served a Notice to Appear ("NTA"), which was filed with the Portland Immigration Court, commencing removal proceedings against Petitioner. *Id.*

On November 18, 2025, the Portland Immigration Court granted DHS's motion to dismiss the NTA without prejudice pursuant to 8 C.F.R. § 239.2(a)(6). *Id.* ¶ 7. On November 20, 2025, DHS canceled the OREC for Petitioner and, consequently, he is no longer under any conditions of release. *Id.*

LEGAL STANDARD

"The district courts of the United States . . . are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute[.]" *Exxon*

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[3] Respondents acknowledge that this Court "has previously concluded that the immigration authorities may not under 8 U.S.C. sec. 1225(b)(2)(A) detain persons without legal status who are present for many years in the United States." *M-E-G-G- v. Hermosillo*, 2:25-cv-02160-AB, ECF 12 (D. Or. Nov. 28, 2025); *see also J.Y.L.C. v. Bostock*, 2:25-cv-02083-AB, ECF 15 (D. Or. Nov. 12, 2025); *S.Z.D. v. Wamsley*, 3:25-cv-01931-AB, ECF 12 (D. Or. Oct. 29, 2025). Additionally, in *Maldonado Bautista v. Santacruz*, the district court in the Central District of California reached a similar conclusion in extending declaratory relief to a certified class that would include Petitioner, if that decision was binding on this Court. *See Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 WL 3713987, at *11, 32 (C.D. Cal. Dec. 18, 2025). However, the *Maldonado Bautista* decision is not binding on this Court because the *Maldonado Bautista* court lacks jurisdiction over a habeas proceeding located outside of that district. *See Alberto Rodriguez v. Jeffreys*, No. 8:25-cv-714, 2025 WL 3754411, at *6-10 (D. Neb. Dec. 29, 2025) (finding that the Central District of California had no jurisdiction over petitioner's habeas petition because petitioner "has never been detained in" that district).

Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 552 (2005) (internal quotations omitted). "[T]he scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present day[.]" *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 125 n.20 (2020). To warrant a grant of habeas corpus, a petitioner has the burden to demonstrate that his custody violates the Constitution, laws, or treaties of the United States. *See Pait v. Gutierrez*, No. 23-cv-00141, 2023 WL 9197769, at *1 (D. Ariz. Dec. 1, 2023); *Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411, at *4 (D. Minn. Aug. 15, 2025).

ARGUMENT

Claims concerning alleged constitutional and policy violations during Petitioner's stop and arrest are not an appropriate basis for claims of unlawful detention under 28 U.S.C. § 2241.

Petitioner seeks habeas relief based on claims that he was stopped without reasonable suspicion and arrested without probable cause. *See, e.g.*, Pet. at 18 & ¶¶ 40–41; 45, 51; 58–60; 65–66; 72; 74; 87–88. But a writ of habeas corpus "simply provide[s] a means of contesting the lawfulness of restraint and securing release." *Thuraissigiam*, 591 U.S. at 117; *see also Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973) ("It is clear . . . from the common-law history of the writ . . . that the essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody."). "A writ of habeas corpus is not like an action to recover damages for an unlawful arrest or commitment, but its object is to ascertain whether the prisoner can lawfully be detained in custody; and if sufficient ground for his detention by the

government is shown, he is not to be discharged for defects in the original arrest or commitment." *U.S. ex rel. Bilokumsky v. Tod*, 263 U.S. 149, 158 (1923).

"[R]egardless of how the [immigration] arrest is effected, deportation will still be possible when evidence not derived directly from the arrest is sufficient to support deportation." *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1043 (1984). This is because "[t]he 'body' or identity of a defendant or respondent in a criminal or civil proceeding is never itself suppressible as a fruit of an unlawful arrest, even if it is conceded that an unlawful arrest, search, or interrogation occurred." *Id.* at 1039. As such, "[t]he mere fact of an illegal arrest has no bearing on a subsequent deportation proceeding." *Id.* at 1040.

It follows that claims of unlawful immigration arrest "are not appropriately raised in a habeas petition." *L-J-P-L-*, 2025 WL 2430268, at *6 n.3; *see also Streeter v. Craven*, 418 F.2d 273, 274 (9th Cir. 1969) ("[D]efects in an arrest are not cognizable in habeas corpus . . . ."); *H.N. v. Warden, Stewart Det. Ctr.*, No. 7:21-cv-59, 2021 WL 4203232, at *5 (M.D. Ga. Sept. 15, 2021) (finding that petitioner was not entitled to habeas relief even if his immigration stop was unlawful because identity is never suppressible in immigration proceedings); *Rodrigues De Oliveira v. Joyce*, No. 2:25-cv-00291, 2025 WL 1826118, at *5 (D. Me. July 2, 2025) ("Petitioner's argument that an illegal arrest automatically results in an illegal detention is misguided."); *Buriev v. Warden, GEO, Broward Transitional Ctr.*, No. 25-cv-60459, 2025 WL 2763202, at *3 (S.D. Fla. Sept. 26, 2025) (denying habeas petition for claim that immigration officials unlawfully arrested petitioner "without

issuing a warrant"); *Marroquin Salazar v. Noem*, No. 5:25-cv-02367, 2025 WL 3535050, at *1 (C.D. Cal. Dec. 8, 2025) (adopting and quoting the Report & Recommendation that found that "'[p]etitioner's challenges to her arrest are not cognizable in this [habeas] action.'"); *Amezcua-Gonzalez v. Lobato*, No. 16-cv-979, 2016 WL 6892934, at *2 (W.D. Wash. Oct. 6, 2016) ("[E]ven if petitioner's arrest amounts to an egregious Fourth Amendment violation, he is not entitled to habeas relief [for that alleged violation]."). Also, Petitioner's claim based on the *Castañon Nava* case and the relief sought based on that case, Pet. at ¶¶ 81-83, is not a cognizable habeas claim. *Cf. Lopez v. Lynch*, No. 1:25-cv-1379, 2025 WL 3458508, at *9–10 (W.D. Mich. Dec. 2, 2025) ("Based on the decision in *Castañon Nava*, release from custody without bond may be an appropriate form of relief in an action *outside of habeas* for violation of the consent judgment. Petitioner's § 2241 action before this Court is not the proper avenue for Petitioner to seek such relief.").

If Petitioner's immigration arrest was unlawful and if Petitioner's removal proceedings were not dismissed, the appropriate remedy could be suppression of evidence in those removal proceedings. *See Lopez-Mendoza*, 468 U.S. at 1040–41; *United States v. Garcia-Beltran*, 443 F.3d 1126, 1131–32 (9th Cir. 2006) (contemplating suppression as the appropriate remedy for an unlawful arrest but ultimately holding that identity obtained after illegal police action is not suppressible); *see Sanchez v. Sessions*, 904 F.3d 643, 649 (9th Cir. 2018) (explaining two exceptions to the well-established principle that the exclusionary rule generally

does not apply to removal proceedings). But the issue of whether evidence should be suppressed in removal proceedings is not before this Court.

Because the alleged unlawful immigration arrest is not remedied by release from detention through a habeas petition, the Court should deny the Petition to the extent it seeks any relief based on an alleged unlawful stop and arrest.

Even if the Petition does assert a cognizable habeas claim based on Petitioner's stop and arrest, it is unclear what specific habeas relief Petitioner still seeks and whether that relief is available to him because he has been released from detention, his removal proceedings have been dismissed, and he has no conditions of release. To the extent the Petition seeks an order that precludes any possible future arrest or detention, that relief is not appropriate. *See Wilkinson v. Dotson*, 544 U.S. 74, 81 (2005) (a claim seeking "an injunction barring *future* unconstitutional procedures did *not* fall within habeas' exclusive domain.") (emphases in original); *cf. Tang v. Bondi*, No. 2:25-cv-01473, 2025 WL 2637750, at *5–6 (W.D. Wash. Sept. 11, 2025) (denying motion for preliminary injunction to the extent it sought an order "barring future arrest or detention by the Respondents absent leave of this Court" where motion contained no discussion or legal authority to support that requested relief).

CONCLUSION

For the foregoing reasons, the Court should deny the Petition for Writ of Habeas Corpus.

Respectfully submitted this 8th day of January, 2026

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