

The Honorable Ricardo S. Martinez  
The Honorable Grady J. Leupold

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GINY FRANCOIS, HECTOR MOISES  
DAVILA ZURITA, JEAN CARLOS PINTO  
BAUTISTA,

Petitioners,

v.

CAMMILLA WAMSLEY, *et al.*,

Respondents.

Case No. 2:25-cv-02122-RSM-GJL

FEDERAL RESPONDENTS'<sup>1</sup> RESPONSE  
TO PETITIONERS' MOTION FOR  
TEMPORARY RESTRAINING ORDER

Federal Respondents submit this response to Petitioners' motion for a temporary restraining order ("TRO") (Dkt. No. 8) asking the Court to prevent U.S. Immigration and Customs Enforcement ("ICE") from transferring them out of the Western District of Washington, to immediately release them, and to return Petitioners Jean Carlos Pinto Bautista and Hector Moises Davila Zurita back to the Northwest Immigration Processing Center. Given the overwhelming volume of new habeas petitions and TRO motions currently being filed and the timeframe

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<sup>1</sup> Respondent Bruce Scott is not a Federal Respondent.

1 involved, Federal Respondents regrettably are unable to provide information specific to  
2 Petitioners' immigration history at this time.

3 Federal Respondents note, however, that the U.S. Department of Homeland Security  
4 ("DHS") has broad authority under 8 U.S.C. § 1231(g) to determine the placement and transfer of  
5 detainees to appropriate detention facilities. Section 1231(g) explicitly authorizes DHS to arrange  
6 for appropriate places of detention for individuals detained pending removal or a decision on  
7 removal. *See also* 2011 U.S. Immigration and Customs Enforcement, Performance-Based National  
8 Detention Standards 2011 (rev. 2016), [https://www.ice.gov/doclib/detention-](https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf)  
9 [standards/2011/pbnds2011r2016.pdf](https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf).

10 This includes the authority to acquire, build, lease, and operate detention facilities to meet  
11 operational needs. Placement and transfer decisions are made based on operational priorities,  
12 including proximity to immigration courts, facility capacity, security needs, medical care, and the  
13 ability to meet detention standards. For example, detainees may be placed in facilities near  
14 immigration courts to ensure efficient processing and participation in removal proceedings.  
15 Transfers occur when detainees need to be relocated to other facilities due to medical care,  
16 overcrowding, operational necessity, or security concerns.

17 The Ninth Circuit's decision in *GEO Group v. Newsom*, 50 F.4th 745 (9th Cir.  
18 2022), further reinforces DHS/ICE's authority over detention and transfers. In *Geo Group*, the  
19 court held that California's AB 32, which banned private detention facilities, was preempted by  
20 federal law. The court emphasized that federal immigration law grants DHS/ICE's exclusive  
21 authority to manage detention operations, including the ability to contract with private entities and  
22 determine appropriate detention locations.

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1 DATED this 31st day of October, 2025.

2 Respectfully submitted,

3 CHARLES NEIL FLOYD  
4 United States Attorney

5 s/ Kristin B. Johnson

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14 *I certify that this memorandum contains 322 words,*  
15 *in compliance with the Local Civil Rules.*