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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 Gustavo CORRALES CASTILLO et  
11 al.,

12 Petitioners,

13 v.

14 Cammilla WAMSLEY, et al.,

15 Respondents.

Case No. 2:25-cv-2172

**EX PARTE MOTION FOR ORDER  
TO SHOW CAUSE**

Note on Motion Calendar:  
November 1, 2025

16 **INTRODUCTION**

17 Petitioners are members of the certified Bond Denial Class in *Rodriguez Vazquez v.*  
18 *Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. filed Mar. 20, 2025). On September 30, 2025,  
19 this Court entered final judgment declaring that all Bond Denial Class members are detained  
20 under 8 U.S.C. § 1226(a) and are thus entitled to a bond hearing before an immigration judge  
21 (IJ). *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, --- F. Supp. 3d ----, 2025 WL  
22 2782499 (W.D. Wash. Sept. 30, 2025). Despite that ruling, Petitioners remain detained because  
23 of Respondents' outright refusal to comply with the judgment and continuation of a policy  
24 already found unlawful by the Court. This Court should therefore issue an order to show cause  
25 requiring Respondents to explain "within three days" why each Petitioner is not a member of the  
26 Bond Denial Class. 28 U.S.C. § 2243.

1 As detailed below, if Respondents fail to rebut class membership, the Court should  
2 immediately grant the petition and order the unconditional release of all Petitioners, except for  
3 Ms. Padilla-Paz. Such unconditional release is appropriate because Respondents are flagrantly  
4 ignoring the Court's *Rodriguez Vazquez* summary judgment order.<sup>1</sup> In the alternative, the Court  
5 should order that Respondents must release Petitioners unless, within one day of the Court's  
6 order, Respondents allow Petitioners to post their alternative bond amount. As to Mr. Padilla-  
7 Paz, Petitioners request an order that her bond appeal cannot be denied on the basis that she is  
8 subject to 8 U.S.C. § 1225(b)(2).

9 **ARGUMENT**

10 **I. The Court should issue an order to show cause requiring a return from**  
11 **Respondents pursuant to 28 U.S.C. § 2243.**

12 Habeas “is a swift and imperative remedy in all cases of illegal restraint or confinement.”  
13 *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by Wainwright v. Sykes*, 433  
14 U.S. 72 (1977). The requirement for an expeditious remedy is codified by statute: once the court  
15 entertains an application, it “shall forthwith award the writ or issue an order directing the  
16 respondent to show cause,” set a prompt return, and hold a hearing no more than five days after  
17 the return. 28 U.S.C. § 2243 (emphasis added). These requirements ensure that courts  
18 “summarily hear and determine the facts, and dispose of the matter as law and justice require.”  
19 *Id.*

20 Expeditious consideration is particularly appropriate here because the Court has already  
21 resolved the controlling legal issue for these parties: it has declared that § 1226(a) governs the  
22 detention of Bond Denial Class members and that Respondents' bond denial policy is unlawful.  
23 *Rodriguez Vazquez*, 2025 WL 2782499, at \*27. Thus, the sole question the Court must decide in

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25 <sup>1</sup> By unconditional release, Petitioners mean an order that requires Respondents to release  
26 them without posting bond and without any additional release conditions, such as GPS  
27 monitoring or monitoring via the Intensive Supervision Appearance Program. Petitioners do not  
object to any requirement that they be required to attend their immigration proceedings and to  
submit any change of address in their residence, as required by federal law.

1 order to grant relief is whether Petitioners are members of the Bond Denial Class—a question  
2 that the government records submitted with the petition demonstrate.

3 Consistent with this Court’s longstanding practice and to facilitate expedited relief,  
4 Petitioners respectfully request that the Court effectuate service of the petition on Respondents.<sup>2</sup>  
5 Respondents should then be required to file a return “within three days,” 28 U.S.C. § 2243, upon  
6 which the Court should promptly issue a decision on the merits of the petition. Further, the Court  
7 should direct Respondents to address only whether Petitioners are members of the Bond Denial  
8 Class and the relief to which they are entitled; Respondents are bound by the classwide judgment  
9 in *Rodriguez Vazquez* and not entitled to re-litigate the merits questions resolved in that case.

10 **II. The Court should order immediate release as to the Petitioners with**  
11 **alternative bond orders.**

12 Respondents’ defiance of the declaratory judgment in *Rodriguez Vazquez* calls for the  
13 immediate and unconditional remedy of release as to those Petitioners with alternative bond  
14 orders. As detailed below, this response to Respondents’ flagrant defiance of the *Rodriguez*  
15 *Vazquez* summary judgment order is appropriate because Respondents have not taken steps to  
16 remedy their willful violation of the law and unlawful detention of Petitioners.

17 Petitioners’ request is consistent with longstanding habeas practice. Historically, “[g]iven  
18 th[e] function of the writ [of habeas corpus], courts . . . confined habeas relief to orders requiring  
19 the petitioner’s unconditional release from custody.” *Harvest v. Castro*, 531 F.3d 737, 741 (9th  
20 Cir. 2008). But in “modern practice,” including in certain immigration detention habeas cases,  
21 “courts employ a conditional order of release . . . , which orders the [detaining authority] to  
22 release the petitioner unless the [detaining authority] takes some remedial action.” *Id.* Such writs  
23 merely “provide[] the [detaining authority] with a window of time within which it might cure the  
24 [unlawful detention].” *Gibbs v. Frank*, 500 F.3d 202, 208 (3d Cir. 2007). Or put another way,

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26 <sup>2</sup> Service by the Court is also consistent with the practice in habeas proceedings under 28  
27 U.S.C. §§ 2254 and 2255. *See* U.S. Courts, Rules Governing Section 2254 Cases and Section  
2255 Proceedings (Dec. 1, 2019), at 3 (“In every case, the clerk must serve a copy of the petition  
and any order on the respondent . . . .”); *id.* at 9 (similar).

1 conditional writs are “essentially accommodations accorded to the [detaining authority],”  
2 allowing the custodian to quickly remedy the unlawful detention rather than immediately release  
3 an individual. *Harvest*, 531 F.3d at 742 (quoting *Phifer v. Warden*, 53 F.3d 859, 864–65 (7th Cir.  
4 1995)); *see also, e.g., Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (“[T]his Court has  
5 repeatedly stated that federal courts may delay the release of a successful habeas petitioner in  
6 order to provide the State an opportunity to correct the constitutional violation found by the  
7 court.”); *see also Cardozo v. Bostock*, No. 2:25-CV-00871-TMC, 2025 WL 2592275, at \*2  
8 (W.D. Wash. Sept. 8, 2025) (similar).

9 A conditional writ, however, is not appropriate where the custodian “fails to comply with  
10 the district court’s order.” *Rose v. Guyer*, 961 F.3d 1238, 1246 (9th Cir. 2020) (citation  
11 modified). Instead, in the context of an action to enforce a court order, “a district court *must*  
12 decide whether a [detaining authority] has complied with the remedy designed by the district  
13 court in the underlying habeas proceedings.” *Id.* (emphasis added). Where the custodian “fails to  
14 cure the . . . error, i.e., when it fails to comply with the order’s conditions, . . . the conditional  
15 grant of habeas corpus *requires* the petitioner’s release from custody.” *Id.* (alteration in original)  
16 (quoting *Harvest*, 531 F.3d at 750); *see also Wilkinson v. Dotson*, 544 U.S. 74, 87 (2005) (Scalia,  
17 J., concurring) (observing that the remedy is “always release” for failure to comply with a  
18 conditional writ). Indeed, this is precisely how the Supreme Court has structured writs of habeas  
19 corpus that it has issued. *See, e.g., Chessman v. Teets*, 354 U.S. 156, 166 (1957) (remanding and  
20 ordering release if the detaining authority did not comply with the court’s order within a  
21 reasonable time); *Dowd v. United States ex rel. Cook*, 340 U.S. 206, 210 (1951) (similar).

22 The context of this case is analogous to the ones above. *Rodriguez Vazquez* plainly  
23 informs Respondents that they are unlawfully detaining Petitioners under § 1225(b)(2). The  
24 summary judgment decision “declares that Bond Denial Class members are detained under 8  
25 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)” and  
26 that “the Tacoma Immigration Court’s practice of denying bond to Bond Denial Class members  
27 on the basis of § 1225(b)(2) violates the Immigration and Nationality Act.” 2025 WL 2782499,

1 at \*27. Faced with that order, Respondents (who are also Defendants in *Rodriguez Vazquez*) had  
2 two options: comply with the final judgment and recognize Petitioners are being detained under  
3 § 1226(a), or defy it and bear the consequences that result. The record here and in other cases  
4 demonstrates they chose to defy it. *See, e.g.,* Korthuis Decl. Exs. C, F; *see also, e.g.,* Order  
5 Granting Petition for Writ of Habeas Corpus, *Ortiz Martinez v. Wamsley*, No. 2:25-cv-01822-  
6 TMC (W.D. Wash. Oct. 10, 2025), Dkt. 25; Order Granting Petition for Writ of Habeas Corpus,  
7 *Garcia v. Wamsley*, No. 2:25-cv-01980-TMC (W.D. Wash. Oct. 21, 2025), Dkt. 11.

8 Having “fail[ed] to comply with the order[],” Respondents must now release Petitioners  
9 without further conditions. *Rose*, 961 F.3d at 1246; *see also Harvest*, 531 F.3d at 750 (similar).  
10 The fact that the prior decision was a declaratory judgment, rather than a conditional writ, makes  
11 no difference. *Rodriguez Vazquez* explains in exacting detail why class members are detained  
12 under § 1226(a) and declares their rights to that effect. That decision was “a real judgment, not  
13 just a bit of friendly advice.” *Florida ex rel. Bondi v. U.S. Dep’t of Health & Hum. Servs.*, 780 F.  
14 Supp. 2d 1307, 1316 (N.D. Fla. 2011). And it is a judgment with which courts rightly assume  
15 that “government officials . . . will comply.” *Aeronautical Corp. v. United States Air Force*, 80  
16 F.4th 1017, 1031 (9th Cir. 2023); *see also, e.g., Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208  
17 n.8 (D.C. Cir. 1985) (Scalia, J.) (“[T]he discretionary relief of declaratory judgment is, in a  
18 context such as this where federal officers are defendants, the practical equivalent of specific  
19 relief such as injunction or mandamus, since it must be presumed that federal officers will adhere  
20 to the law as declared by the court.”), *abrogated on other grounds as recognized by, Schieber v.*  
21 *United States*, 77 F.4th 806 (D.C. Cir. 2023), *cert. denied*, 144 S. Ct. 688 (2024). Accordingly,  
22 the Court should order the immediate release of those Petitioners with alternative bond orders.

23 Finally, as part of the release order, the Court should specify that Respondents may not  
24 set additional conditions of release—including GPS monitoring or monitoring via the Intensive  
25 Supervision Appearance Program—other than requiring that Petitioners attend their immigration  
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1 court hearings and update their address with the immigration court and Immigration and  
2 Customs Enforcement (ICE), should they move to a new residence. *See* 8 C.F.R. 265.1.<sup>3</sup>

3 **III. The Court should instruct that Respondents must provide notice prior to any**  
4 **transfer of Petitioners.**

5 Finally, along with the order to show cause, the Court should require Respondents to  
6 provide at least 48 hours' notice (or 72 hours' notice if the period will include a weekend or  
7 holiday) prior to any action to transfer them from the Northwest ICE Processing Center  
8 (NWIPC). Petitioners seek such an order in light of large numbers of transfers from NWIPC to  
9 other facilities over the past two weeks. Providing such notice will ensure that Petitioners—some  
10 of whom lived locally prior to their arrest—may seek immediate emergency relief from this  
11 Court, if necessary, to enjoin their transfer. Petitioners should not be forced to pay hundreds of  
12 dollars to return to this district after their release when they *already* should have been released on  
13 bond in this district. Moreover, ensuring that Petitioners remain in this district is important to  
14 guarantee that their access to counsel is not interrupted, as Petitioners have local immigration  
15 counsel. For these reasons, notice prior to any transfer is warranted.

16 **CONCLUSION**

17 For the reasons above, and in light of the Court's final judgment in *Rodriguez Vazquez*,  
18 Petitioners respectfully request that the Court immediately effectuate service of the petition on  
19 Respondents and issue an order to show cause requiring Respondents' return within three days.  
20 In addition, the Court should order that Respondents provide at least 48 hours' notice (or 72  
21 hours' notice if the period will include a weekend or holiday) prior to any action to move or  
22 transfer Petitioners from NWIPC.

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26 <sup>3</sup> Should the Court deny the request for immediate release, then Petitioners request that the  
27 Court order that Respondents release them unless within one day of the Court's order they allow  
Petitioners to be released upon payment of their alternative bond amount.

1 Respectfully submitted this 1st day of November, 2025.

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I certify this motion contains 1,983 words in  
compliance with the Local Civil Rules.

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