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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

Ruben MENDEZ DOMINGUEZ, et  
al.,

Petitioners,

v.

Laura HERMOSILLO et al.,

Respondents.

Case No. 2:25-cv-2337

**EX PARTE MOTION FOR ORDER  
TO SHOW CAUSE AND INTERIM  
RELIEF PREVENTING  
TRANSFER**

Note on Motion Calendar:  
November 20, 2025

**INTRODUCTION**

Petitioners are members of the certified Bond Denial Class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. filed Mar. 20, 2025). On September 30, 2025, this Court entered final judgment declaring that class members are detained under 8 U.S.C. § 1226(a) and thus entitled to a bond hearing before an immigration judge (IJ). *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Despite that ruling, Respondents continue applying their unlawful bond policy to detain Petitioners. Petitioners therefore seek an order to show cause under 28 U.S.C. § 2243 requiring Respondents to explain, within three days, why each Petitioner is not a member of the Bond Denial Class; failing such a showing, the Court should immediately grant the petition.

1 For Petitioner Mendez, who has received an alternative bond order, the Court should  
2 order release unless Respondents, within one day of the Court's order, permit him to post the  
3 alternative bond amount. As to all remaining Petitioners still awaiting bond hearings, the Court  
4 should order that Respondents provide them with bond hearings under 8 U.S.C. § 1226(a) and  
5 prohibit application of § 1225(b)(2) to deny their bond requests.

6 Finally, the Court should also prohibit Respondents from transferring any Petitioner  
7 outside of the Western District of Washington pending adjudication of the Petition or, in the  
8 alternative, require Respondents to provide at least 48 hours' notice (or 72 hours' notice if the  
9 period will include a weekend or holiday) prior to any action to transfer them from the Northwest  
10 ICE Processing Center (NWIPC).

#### 11 ARGUMENT

##### 12 I. The Court should issue an order to show cause requiring a return from 13 Respondents pursuant to 28 U.S.C. § 2243.

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

21 *Id.*

22 Expeditious consideration is particularly appropriate here because the Court has already  
23 resolved the controlling legal issue for these parties: it has declared that § 1226(a) governs the  
24 detention of Bond Denial Class members and that Respondents' bond denial policy is unlawful.  
25 *Rodriguez Vazquez*, 2025 WL 2782499, at \*27. Thus, the sole question the Court must decide in  
26 order to grant relief is whether Petitioners are members of the Bond Denial Class—a question  
27 that is ascertainable from the government records and declarations submitted with the Petition.

1 Consistent with this Court’s longstanding practice and to facilitate expedited relief,  
2 Petitioners respectfully request that the Court effectuate service of the petition on Respondents.<sup>1</sup>  
3 Respondents should then be required to file a return “within three days,” 28 U.S.C. § 2243, upon  
4 which the Court should promptly issue a decision on the merits of the petition. Further, the Court  
5 should direct Respondents to address only whether Petitioners are members of the Bond Denial  
6 Class and the relief to which they are entitled; Respondents are bound by the classwide judgment  
7 in *Rodriguez Vazquez* and may not re-litigate the merits questions resolved in that case.

8 **II. The Court should instruct that Respondents must not transfer Petitioners**  
9 **from this district during the pendency of these proceedings.**

10 The Court should also prohibit Respondents from transferring any Petitioner outside this  
11 judicial district or require that they provide at least 48 hours’ notice (or 72 hours’ notice if the  
12 period will include a weekend or holiday) prior to any transfer from NWIPC.

13 Petitioners seek these protections because of recent, repeated transfers from NWIPC to  
14 other facilities. *See, e.g.*, Order, *Leon Figueroa v. Wamsley*, No. 2:25-cv-02228-TMC (W.D.  
15 Wash. Nov. 13, 2025), Dkt. 11 at 3–4 (enjoining Respondents from transferring Petitioners and  
16 noting “evidence suggesting a troubling pattern of attempts to transfer *Rodriguez Vazquez* class  
17 members before they can seek or obtain individual habeas relief—the only current method to  
18 enforce the Court’s declaratory judgment”). If the Court does not prohibit transfer altogether,  
19 then advance notice allows Petitioners—most of whom lived locally prior to their arrest—to seek  
20 immediate emergency relief from this Court to enjoin any transfer. Ensuring Petitioners’  
21 presence in this district also preserves their access to their (mostly local) immigration counsel  
22 (and to habeas counsel). For these reasons, if the Court does not prohibit transfer, then notice  
23 prior to any transfer is warranted. *See, e.g.*, Order, *Kumar v. Wamsley*, No. 2:25-cv-2055-KKE  
24 (W.D. Wash. Oct. 22, 2025), Dkt. 7 (requiring “Respondents [to] provide Petitioner and

25 \_\_\_\_\_  
26 <sup>1</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 Petitioner’s counsel in this habeas action at least 48 hours’ notice (or 72 hours’ notice if the  
2 period extends into the weekend) prior to any action to move or transfer him from the [NWIPC]  
3 or to remove him from the United States.”); Order, *Cantero Garcia v. Wamsley*, No. 2:25-cv-  
4 02092-TMC (W.D. Wash. Oct. 29, 2025), Dkt. 7 at 4 (same); *see also* Order, *Corrales Castillo v.*  
5 *Wamsley*, No. 2:25-cv-02172-TMC (W.D. Wash. Nov. 5, 2025), Dkt. 8 at 2 (same); Order,  
6 *Hernandez Ramos v. Hermosillo*, No. 2:25-cv-02273-TMC (W.D. Wash. Nov. 17, 2025), Dkt. 8  
7 at 2 (same).

8 **CONCLUSION**

9 For the foregoing reasons, Petitioners respectfully request that the Court immediately  
10 effectuate service of the petition on Respondents and issue an order to show cause requiring that:

- 11 • Respondents’ return be filed within three days;
- 12 • Respondents must not transfer any Petitioners from this district while it considers this  
13 petition, or, in the alternative, Respondents must provide Petitioners at least 48 hours’  
14 notice (or 72 hours’ notice if the period will include a weekend or holiday) prior to any  
15 action to transfer them from the NWIPC.

16 Respectfully submitted this 20th day of November, 2025.

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*Counsel certifies that this motion contains  
1,054 words in compliance with the Local Civil  
Rules.*

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*Counsel for Petitioners*