

Chief District Judge David G. Estudillo

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSE ALVARADO,

Petitioner,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:25-cv-02375-DGE

FEDERAL RESPONDENTS'¹
SUPPLEMENTAL BRIEFING

Federal Respondents submit this supplement to update the Court of new information received since the Return was filed on December 30, 2025. Dkt. No. 17, Return. As described in the Return, U.S. Immigration and Customs Enforcement ("ICE") had contacted U.S. Citizenship and Immigration Services ("USCIS") to arrange a reasonable fear interview for Petitioner. Return, at 2, 3; Dkt. No. 18, Soraghan Decl., ¶ 17. After the Return had been filed, USCIS informed ICE that it is unable to accept jurisdiction to conduct a reasonable fear interview because Petitioner has a Motion to Reopen pending before the Board of Immigration Appeals ("BIA"). Supp. Decl. Burns, ¶ 4.

¹ Respondent Bruce Scott is not a federal employee and is not represented by undersigned counsel.

1 Petitioner is not eligible for a fear interview by USCIS. Reasonable fear screenings are
2 provided for people who are ordered removed pursuant to 8 U.S.C. § 1228(b) or have a reinstated
3 order of removal under 8 U.S.C. § 1231(a)(5). Supp. Burns Decl., ¶ 5. Credible fear interviews
4 are available for people that are in expedited removal proceedings under 8 U.S.C. § 1225. *Id.*, ¶ 6.
5 Additional screening is available to noncitizens being removed to third countries. Petitioner is not
6 subject to any of these provisions. *Id.*, ¶ 7. ICE is attempting to remove him to Mexico – his
7 designated country of removal. *Id.*, ¶ 8. Thus, any fear claims should be raised before the
8 immigration court. To that end, Petitioner has a motion to reopen his in absentia removal order
9 pending with the BIA. *Id.*, ¶ 9.

10 Due to this information, Federal Respondents no longer assert that Petitioner's claim that
11 he is being denied a reasonable fear interview is moot. Return, at 2. While his claim is no longer
12 moot, Petitioner has failed to demonstrate a legal requirement for a fear interview to be conducted
13 prior to removal to Mexico.

14 DATED this 4th day of January, 2026.

15 Respectfully submitted,

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