

District Judge Richard A. Jones
Magistrate Judge Brian A. Tsuchida

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

W.T.M.,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-02428-RAJ-BAT

FEDERAL RESPONDENTS'¹ RETURN

Noted for Consideration:
January 28, 2026

I. INTRODUCTION

U.S. Immigration and Customs Enforcement (“ICE”) detains Petitioner W.T.M. pursuant to 8 U.S.C. § 1225(b). Petitioner’s claims related to injuries sustained during his arrest and conditions of confinement are not cognizable bases for habeas relief. Nor do they justify release from mandatory detention. Petitioner is subject to mandatory detention, and he is not entitled to release.

U.S. Customs and Border Protection (“CBP”) officers arrested Petitioner on November 14, 2025, outside of his residence. During the arrest, Petitioner sustained injuries from being bitten

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

1 by an officer's dog. Petitioner first claims that his arrest violated the Fourth Amendment's
2 prohibition on unreasonable seizures. However, claims concerning his arrest are not a basis for
3 habeas claims of unlawful detention. Petitioner should raise claims concerning his arrest in his
4 ongoing immigration proceedings. Second, Petitioner claims that his continuing detention at the
5 Northwest ICE Processing Center ("NWIPC"), including the medical care he receives, violates
6 due process under the Fifth Amendment. His continued detention does not violate substantive due
7 process as the medical care at NWIPC provides for his reasonable safety. Petitioner cannot
8 establish a substantive due process violation based on the government's purported deliberate
9 indifference to his medical needs.

10 Accordingly, Federal Respondents (or the "Government") respectfully request that this
11 Court deny the Petition. This motion is supported by the pleadings and documents on file in this
12 case and the Declarations of Madison Perisoll ("Perisoll Decl."), Dr. Eddie Wang ("Wang Decl."),
13 and Michelle R. Lambert ("Lambert Decl.") with exhibits attached thereto. The Government does
14 not seek an evidentiary hearing.

15 II. FACTUAL BACKGROUND

16 Petitioner, a native and citizen of Mexico, unlawfully entered the United States at an
17 unknown time and place. Perisoll Decl., ¶ 4. On November 14, 2025, U.S. Customs and Border
18 Protection ("CBP") officers arrested Petitioner and transferred him to ICE custody at the NWIPC
19 the same day. *Id.*, ¶ 5; Lambert Decl., Ex. A, Form I-213; Ex. B, Warrant for Arrest; Ex. C, Notice
20 of Rights and Request for Disposition. Petitioner was served with a notice to appear, charging him
21 as removable under 8 U.S.C. § 1182(a)(6)(A)(i). Perisoll Decl., ¶ 6; Lambert Decl., Ex. D, Notice
22 to Appear.

23 Petitioner, represented by counsel, first appeared before an immigration judge on
24 December 10, 2025, and requested a continuance of his initial master calendar hearing. Perisoll

Decl., ¶ 7. The hearing was reset for December 29, 2025. *Id.* The immigration court has scheduled a custody redetermination hearing for January 7, 2026. Lambert Decl., Ex. E, Notice.

III. LEGAL STANDARD

It is axiomatic that “[t]he district courts of the United States . . . are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil Corp. v. Allopah 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). Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions.

To warrant a grant of habeas corpus, the burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004).

IV. ARGUMENT

A. Petitioner’s claims concerning alleged constitutional and policy violations during his arrest are not a basis for habeas claims of unlawful detention.

Multiple independent doctrines foreclose habeas relief based on Petitioner’s arrest, including statutory channeling under Section 1252 and the limited remedies available for Fourth Amendment violations in removal proceedings. Accordingly, Petitioner’s claims concerning his arrest by immigration officers are not cognizable in this habeas action. *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, attached hereto as Exhibit E (the “*Marroquin-Salazar R&R*”)). Petitioner asserts that his arrest violated ICE “body-worn camera policy” and the Fourth Amendment. Pet., ¶¶ 41-47. But even if he could establish any of his claims – which Federal

1 Respondents do not concede, these claims should not be brought via habeas, and release would not
2 be an appropriate form of relief.

3 Since removal proceedings are underway, Petitioner's current custody flows not from his
4 arrest and initial post-arrest detention, but from the authority of the Immigration and Nationality
5 Act ("INA"). *See, e.g.*, 8 U.S.C. § 1225(b)(2). The legality of Petitioner's arrest is not presently
6 relevant and thus cannot be the basis for habeas relief. The habeas statute allows a petitioner who
7 is "in custody" to challenge that custody on various grounds, 28 U.S.C. § 2241(c), including that
8 "[h]e is in custody in violation of the Constitution or laws or treaties of the United States." 28
9 U.S.C. §2241(c)(3). The statute is written in the present tense, making clear that Section 2241
10 only allows a petitioner to challenge his current custody, not his past custody. *See Preiser v.*
11 *Rodriguez*, 411 U.S. 475, 484 (1973) ("the essence of habeas corpus is an attack by a person *in*
12 *custody* upon the legality of *that custody*" (emphasis added)).

13 While Petitioner is free to challenge his current custody based on that statutory authority,
14 any habeas claim based on his arrest is now moot, since the arrest is not the source of his present
15 custody. *See Barker v. Estelle*, 913 F.2d 1433, 1440 (9th Cir. 1990) (habeas petition challenging
16 pretrial detention was moot once petitioner was incarcerated pursuant to a judgment of conviction);
17 *James v. Reese*, 546 F.2d 325, 328 (9th Cir. 1976) (same).

18 The INA, 8 U.S.C. § 1101 *et seq.*, entrusts the Executive branch to remove inadmissible
19 and deportable noncitizens and to ensure that noncitizens who are removable are in fact removed
20 from the United States. "[D]etention necessarily serves the purpose of preventing deportable []
21 aliens from fleeing prior to or during their removal proceedings, thus increasing the chance that if
22 ordered removed, the aliens will be successfully removed." *Demore v. Kim*, 538 U.S. 510, 528
23 (2003). The Supreme Court has long held that deportation proceedings "would be in vain if those
24 accused could not be held in custody pending the inquiry" of their immigration status. *Wong Wing*

1 *v. United States*, 163 U.S. 228, 235 (1896). Congress intended for all applicants for admission to
2 be detained during the course of their removal proceedings. *See Jennings v. Rodriguez*, 583 U.S.
3 281, 299 (2018) (interpreting the “plain meaning” of sections 1225(b)(1) and (2) to mean that
4 applicants for admission be mandatorily detained for the duration of their immigration
5 proceedings).

6 Furthermore, this Court does not have jurisdiction to hear Petitioner’s claims that should
7 be raised in his immigration proceedings. In 8 U.S.C. §1252(b), Congress “consolidated judicial
8 review of immigration proceedings into one action in the court of appeals.” *Guerrero-Lasprilla v.*
9 *Barr*, 589 U.S. 221, 233 (2020) (quotation marks and citation omitted). This provision is known
10 as the “zipper clause” because it “consolidates or ‘zips’ ‘judicial review’ of immigration
11 proceedings into one action in the court of appeals.” *Singh v. Gonzales*, 499 F.3d 969, 976 (9th
12 Cir. 2007) (citation omitted). This statute provides:

13 Judicial review of all questions of law and fact, including interpretation and
14 application of constitutional and statutory provisions, arising from any action taken
15 or proceeding brought to remove an alien from the United States under this
16 subchapter shall be available only in judicial review of a final order under this
17 section. *Except as otherwise provided in this section, no court shall have jurisdiction, by habeas corpus under section 2241 of Title 28 or any other habeas corpus provision, by section 1361 or 1651 of such title, or by any other provision of law (statutory or nonstatutory), to review such an order or such questions of law or fact.*

18 8 U.S.C. § 1252(b)(9) (emphasis added); *see also* 8 U.S.C. § 1252(a)(5) (“a petition for review . . .
19 shall be the sole and exclusive means for judicial review of an order of removal”). “Taken
20 together, § 1252(a)(5) and § 1252(b)(9) mean that any issue – whether legal or factual – arising
21 from any removal-related activity can be reviewed only through the [petition for review] process.”
22 *J.E.F.M. v. Lynch*, 837 F.3d 1026, 1031 (9th Cir. 2016).

23 While claims “collateral to, or independent of” the removal process are still subject to
24 habeas review, “[w]hen a claim by an alien, however it is framed, challenges the procedure and

1 substance of an agency determination that is ‘inextricably linked’ to the order of removal, it is
2 prohibited by section 1252(a)(5).” *Id.* Here, Petitioner’s claims are inextricably linked to
3 “questions of law and fact, including interpretation and application of constitutional and statutory
4 provisions, arising from any action taken or proceeding brought to remove an alien.” 8 U.S.C. §
5 1252(b)(9).

6 Finally, the remedy for an unlawful arrest is the suppression of evidence obtained
7 therefrom, not release from custody. *See INS v. Lopez-Mendoza*, 468 U.S. 1032, 1040-41 (1984);
8 *United States v. Garcia-Beltran*, 443 F.3d 1126, 1131-32 (9th Cir.), cert. denied, 549 U.S. 935
9 (2006); *see also Martinez-Medina v. Holder*, 673 F.3d 1029, 1033-34 (9th Cir. 2011) (exclusionary
10 rule applies in civil removal proceedings only when the Fourth Amendment violation is egregious).
11 “The ‘body’ or identity of a defendant or respondent in a criminal or civil proceeding is never itself
12 suppressible as a fruit of an unlawful arrest, even if it is conceded that an unlawful arrest, search,
13 or interrogation occurred.” *Lopez-Mendoza*, 468 U.S. at 1039; *see also Stone v. Powell*, 428 U.S.
14 465, 485 (1976) (noting that “judicial proceedings need not abate when the defendant’s person is
15 unconstitutionally seized” (citing *Gerstein v. Pugh*, 420 U.S. 103, 119 (1975); *Frisbie v. Collins*,
16 342 U.S. 519 (1952))); *Garcia-Beltran*, 443 F.3d at 1132 (“[T]here is no sanction to be applied
17 when an illegal arrest only leads to discovery of the man’s identity.” (quotation omitted)). To wit,
18 Petitioner has a pending motion to suppress in immigration court. Lambert Decl., Ex. F, Motion.

19 Accordingly, there is no basis for the Court to grant Petitioner’s release based on the
20 allegedly unlawful arrest. *See, e.g., Rodrigues De Oliveira v. Joyce*, 2025 WL 1826118, at *5 (D.
21 Me. July 2, 2025) (“Petitioner’s argument that an illegal arrest automatically results in an illegal
22 detention is misguided. . . . [E]ven if Petitioner’s initial arrest was unlawful, her detention pending
23 removal may stand.”); *Alonso-Portillo v. Bondi*, 2025 WL 2483393, at *11 (S.D. Ohio Aug. 28,
24 2025) (“Traditional application of the exclusionary rule results in the suppression of evidence, as

1 ‘fruits of the poisonous tree,’ obtained in violation of the Fourth Amendment. But the rule does
2 not, as Alonso-Portillo asserts here, dictate his immediate release from detention.”); *Marvan v.*
3 *Slaughter*, 2025 WL 1940043, at *3-4 (D. Mont. July 15, 2025) (petitioner could not obtain habeas
4 relief on Fourth Amendment violation where administrative removal proceedings had
5 commenced); *H.N. v. Warden*, Stewart Det. Ctr., 2021 WL 4203232, at *5 (M.D. Ga. Sept. 15,
6 2021) (“even if the Court accepted Petitioner’s argument that his initial detention was somehow
7 unlawful, he is still not entitled to habeas relief.”); *Medina v. U.S. Dep’t of Homeland Sec.*, 2017
8 WL 1101370, at *1-2 (W.D. Wash. Mar. 24, 2017) (immigration detainee was not entitled to
9 habeas relief because “the remedy for an unlawful arrest in violation of the Fourth Amendment is
10 suppression of evidence,” so if he “desire[d] release from his current detention, his avenue for
11 seeking such release should occur in the context of his removal proceedings” (citations omitted));
12 *Amezcu-Gonzalez v. Lobato*, 2016 WL 6892934, at *2 (W.D. Wash. Oct. 6, 2016) (dismissing
13 petition challenging immigration detainee’s arrest on Fourth Amendment grounds where detainee
14 did not dispute that he was subject to final order of removal, and his “only assertion [was] that he
15 should be released because his arrest violated the Fourth Amendment”; “even if petitioner’s arrest
16 amounts to an egregious Fourth Amendment violation, he is not entitled to habeas relief”), report
17 and recommendation adopted, 2016 WL 6892547 (W.D. Wash. Nov. 22, 2016); *Nyuwa v. Gurule*,
18 2014 WL 12984435, at *1 (D. Ariz. June 13, 2014) (“It is doubtful that Petitioner’s arrest was
19 unlawful. But even if it was, his allegedly unlawful arrest does not invalidate his current
20 immigration detention because ‘the “body” or identity of a defendant in a criminal or civil
21 proceeding is never itself suppressible as the fruit of an unlawful arrest, even if it is conceded that
22 an unlawful arrest, search, or interrogation occurred.’” (quoting *Lopez-Mendoza*, 468 U.S. at
23 1039)).

B. ICE lawfully detains Petitioner pursuant to 8 U.S.C. § 1225(b).

Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the Executive could “expedite removal of aliens lacking a legal basis to remain in the United States.” *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Thuraissigiam*, 591 U.S. at 106 (“[Congress] crafted a system for weeding out patently meritless claims and expeditiously removing the aliens making such claims from the country.”). Section 1225 applies to “applicants for admission” to the United States, who are defined as “alien[s] present in the United States who [have] not been admitted” or noncitizens “who arrive[] in the United States,” whether or not at a designated port of arrival. 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2),” both of which are subject to mandatory detention. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Relevant here, Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*, 583 U.S. at 287. It “applies to all applicants for admission not covered by § 1225(b)(1).” *Id.* Under Section 1225(b)(2), a noncitizen “who is an applicant for admission” is subject to mandatory detention pending full removal proceedings “if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A) (requiring that such noncitizens “be detained for a proceeding under section 1229a of this title”); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (explaining that proceedings under section 1229a are “full removal proceedings under section 240 of the INA”); *see also id.* (“[F]or aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583 U.S. at 299).

1 Petitioner's detention is not "arbitrary." Pet., ¶¶ 37-38. As the Supreme Court has
 2 repeatedly recognized, detention is a constitutionally permissible aspect of the Government's
 3 enforcement of the immigration laws and fulfills the legitimate purpose of ensuring that individuals
 4 appear for their removal proceedings. *See Jennings*, 583 U.S. at 286; *Demore*, 538 U.S. at 523;
 5 *Zadvydas v. Davis*, 533 U.S. 678, 690-91 (2001). Consistent with the requirements of due process,
 6 Petitioner's confinement is thus "reasonably related" to a legitimate government interest. *Bell v.*
 7 *Wh*, 441 U.S. 535, 538-39 (1979).

8 Federal Respondents acknowledge that courts in this District have considered whether
 9 noncitizens similar to Petitioner are detained pursuant to Section 1225(b) or Section 1226(a) and
 10 ruled against the Government's position that Section 1225(b) applies. *Rodriguez Vasquez v.*
 11 *Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025) (the
 12 Government is appealing this decision). In *Rodriguez Vasquez*, the district court certified a "Bond
 13 Denial Class."² Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the
 14 same and extended declaratory relief to a similarly defined and certified nationwide Bond Eligible
 15 Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403
 16 (C.D. Cal. Nov. 25, 2025).

17 While Federal Respondents' position is that Petitioner is properly detained pursuant to
 18 Section 1225(b), even if this Court were to find that he is a class member, the sole appropriate
 19 remedy would be a bond hearing pursuant to Section 1226(a) – not release from custody.

20
 21
 22
 23 ² "Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who (1)
 24 have entered or will enter the United States without inspection, (2) are not apprehended upon arrival, (3) are not or
 will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is scheduled
 for or requests a bond hearing." *Rodriguez*, 2025 WL 2782499, at *6.

1 **C. Petitioner's conditions of confinement claim is not properly brought pursuant to**
2 **habeas.**

3 This Court should not consider Petitioner's conditions of confinement allegations as part
4 of a 28 U.S.C. § 2241 habeas corpus petition. *See Pinson v. Carvajal*, 69 F.4th 1059 (9th Cir.
5 2023). Petitioner alleges that his medical care at the NWIPC constitutes "deliberate indifference
6 to his serious medical needs" and violates Due Process. *See Pet.*, ¶¶ 48-49. This claim squarely
7 focuses on alleged constitutional violations caused by the adequacy of his medical treatment at the
8 NWIPC. To be clear, the Petition asserts that his "medical care was delayed for hours and remains
9 inadequate" (*Pet.*, ¶ 48); the Petition does not allege that detention *at any facility* would be
10 unlawful or unconstitutional. Accordingly, this is a challenge to the conditions of Petitioner's
11 confinement at the NWIPC and not a direct challenge to the legality or duration of his confinement.
12 Thus, "[t]he appropriate remedy for such constitutional violations, if proven, would be a judicially
13 mandated change in conditions and/or an award of damages, but not release from confinement."
14 *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979); *see also Badea v. Cox*, 931 F.2d 573, 574
15 (9th Cir. 1991) (challenges to conditions of confinement are pursued in a civil rights action).

16 While courts in this District have adjudicated conditions of confinement claims related to
17 the COVID-19 pandemic—which involved systemic risks of widespread infection and the inability
18 to mitigate exposure through individualized care, those cases were decided under unique
19 circumstances not present here. *See, e.g., Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324,
20 at *8-9 (W.D. Wash. Apr. 8, 2020) (explaining the circumstances under which the Court undertook
21 consideration of COVID-19-related conditions of confinement claims in petitions brought under
22 28 U.S.C. § 2241). Accordingly, this Court should decline to extend such consideration to the
23 claims in this case.
24

1 Even if the Court were to reach the merits of Petitioner's conditions of confinement
2 allegations, those claims independently fail for the reasons set forth below.

3 **D. The conditions of Petitioner's confinement are constitutional.**

4 **1. Petitioner cannot demonstrate that NWIPC has failed to offer him adequate
5 medical care.**

6 Due process requires the government to assume some responsibility for civil detainees'
7 safety and well-being, such as "food, clothing, shelter, medical care, and reasonable safety."
8 *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 200 (1989). To demonstrate a
9 due process violation, a petitioner must show:

- 10 (i) The defendant made an intentional decision with respect to the conditions under
11 which the plaintiff was confined;
- 12 (ii) Those conditions put the plaintiff at substantial risk of suffering serious harm;
- 13 (iii) The defendant did not take reasonable available measures to abate that risk, even
14 though a reasonable officer in the circumstances would have appreciated the high
15 degree of risk involved – making the consequences of the defendant's conduct
16 obvious; and
- 17 (iv) By not taking such measures, the defendant caused the plaintiff's injuries.

18 *Castro v. Cty. of L.A.*, 833 F.3d 1060, 1071 (9th Cir. 2016) (en banc).

19 *Castro* outlines a demanding, objective standard that requires more than negligence, delay,
20 or disagreement with medical judgment. Petitioner cannot meet this standard. First, Petitioner
21 cannot show that the medical care at NWIPC puts him at a substantial risk of suffering serious
22 harm. ICE Health Service Corps ("IHSC") provides medical, dental and mental health care at the
23 NWIPC. Wang Decl., ¶ 4. The NWIPC is a Level 4 facility, meaning it can provide a higher level
24 of medical care. *Id.* NWIPC can manage patients with complex medical issues and collaborates
with multiple nearby emergency departments that can assist in assessing critical patients and

1 hospitalize unstable patients. *Id.* NWIPC also has collaborative agreements with local specialty
2 services that covers all aspects of medical specialties. *Id.*

3 Second, the medical care offered to Petitioner at the NWIPC constitutes objectively
4 reasonable measures to abate the risk of serious physical harm. Litigants claiming deliberate
5 indifference must establish that government action is “objectively unreasonable” – a standard akin
6 to reckless disregard. *Gordon v. Cty. Of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018). “[T]he
7 Constitution does not require that detention facilities reduce the risk of harm to zero.” *C.G.B. v.*
8 *Wolf*, 464 F. Supp. 3d 174, 212 (D.D.C. 2020) (quoting *Benavides v. Gartland*, No. 20-cv-46, 2020
9 WL 1914916, at *5 (S.D. Ga. Apr. 18, 2020) & citing *Dawson v. Asher*, No. 20-cv-0409, 2020
10 WL 1704324, at *12 (W.D. Wash. Apr. 8, 2020)). Neither general allegations of negligence nor a
11 petitioner’s general disagreement with treatment received is enough to show deliberate
12 indifference. *See Estelle v. Gamble*, 429 U.S. 97, 105-06 (1976). Rather, that standard can be met
13 “only when the decision by the [medical] professional is such a substantial departure from accepted
14 professional judgment, practice, or standards as to demonstrate that the person responsible actually
15 did not base the decision on such a judgment.” *Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982).

16 Petitioner cannot demonstrate that NWIPC has failed to provide him adequate medical
17 care. Before being transferred to the NWIPC, Petitioner received stitches and a tetanus vaccine at
18 Legacy Emmanuel ER, in Portland, Oregon, to treat dog bites. Wang Decl., ¶¶ 7, 8. IHSC is
19 providing Petitioner with appropriate medical care during his time at NWIPC. *Id.*, ¶¶ 9-20. IHSC
20 evaluated Petitioner after his arrival at NWIPC and provided pain medication. *Id.*, ¶¶ 9-11. This
21 included a medical assessment where antibiotics and antibiotic ointment were initiated. *Id.*, ¶ 11.
22 Thereafter, medical staff checked Petitioner’s wounds. His sutures were removed without issue.
23 *Id.*, ¶¶ 12, 14. In addition, Petitioner has been seen by IHSC Behavioral Health and at sick call for
24 acid reflux issues. *Id.*, ¶¶ 15, 16. Petitioner’s vital signs have remained within normal limits since

1 his arrival. *Id.*, ¶ 17. If Petitioner has continued medical concerns, Petitioner has access to IHSC
2 through sick call. *Id.*, ¶ 20.

3 With ongoing access to medical evaluations and treatment – if he chooses to accept it –
4 Petitioner also cannot demonstrate that his medical care at NWIPC places him in sufficiently
5 imminent danger. “To satisfy the fourth element, a plaintiff need only prove a ‘sufficiently
6 imminent danger[],’ because a ‘remedy for unsafe conditions need not await a tragic event.’”
7 *Roman v. Wolf*, 977 F.3d 935, 943 (9th Cir. 2020) (quoting *Helling v. McKinney*, 509 U.S. 25, 33–
8 34 (1993)). Petitioner generally asserts that “medical care has been minimal” at the NWIPC. Pet.,
9 ¶ 33. He alleges that “he continues to suffer from night fevers, dizziness, shortness of breath,
10 blurry vision, persistent shakes, pressure in his ribs, and severe emotional trauma.” *Id.* But
11 Petitioner does not allege that he has reported these symptoms to IHSC or that IHSC has refused
12 to treat these symptoms. As stated by Dr. Wang, “Petitioner’s vital signs have remained within
13 normal limits since arrival. Records indicate Petitioner has had no fever, and pain resolved
14 approximately one week after injury.” Wang Decl., ¶ 17. Petitioner’s generalized allegations,
15 unsupported by medical records or evidence of refused treatment, are insufficient to establish a
16 sufficiently imminent risk of serious harm. Without any showing that he is in sufficient imminent
17 danger due to inadequate medical care at NWIPC, his due process claims concerning the
18 lawfulness of his detention due to alleged inadequate medical care should be dismissed.

19 Accordingly, Petitioner’s conditions of confinement do not violate his Fifth Amendment
20 substantive due process right to reasonable safety.

21 **2. Petitioner’s detention is not punitive.**

22 Petitioner’s detention is not punitive because it is reasonably related to legitimate
23 governmental objectives. When evaluating the constitutionality of civil detention conditions under
24 the Fifth Amendment, a district court must determine whether those conditions “amount to

1 punishment of the detainee.” *Bell*, 441 U.S. at 535. A petitioner may show punishment through
2 an express intent to punish or a condition that is not “reasonably related to a legitimate
3 governmental objective.” *Id.*; *see also Kingsley*, 576 U.S. at 398 (noting that “a pretrial detainee
4 can prevail by providing only objective evidence that the challenged governmental action is not
5 rationally related to a legitimate governmental objective or that it is excessive in relation to that
6 purpose”). “A restriction is punitive where it is intended to punish, or where it is ‘excessive in
7 relation to [its] non-punitive purpose.’” *See Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004).

8 Petitioner presents no evidence that ICE or IHSC’s medical treatment constitutes an
9 express intent to punish him. Furthermore, the Supreme Court has recognized “a legitimate
10 government interest in ensuring noncitizens appear for their removal or deportation proceedings
11 and protecting the community from harm.” *Bryan v. ICE Field Off. Dir.*, No. 21-cv-00154, 2021
12 WL 4556148, at *4 (W.D. Wash. June 14, 2021), *report and recommendation adopted*, 2021 WL
13 4552442 (W.D. Wash. Oct. 5, 2021) (citing *Jennings*, 583 U.S. at 285-88, *Demore*, 538 U.S. at
14 520–22, *Zadvydas*, 533 U.S. at 690–91). As the Supreme Court has emphasized, “[t]he wide range
15 of ‘judgment calls’ that meet constitutional and statutory requirements [for federal detention] are
16 confided to officials outside of the Judicial Branch of Government.” *Bell*, 441 U.S. at 562. The
17 Constitution thus leaves the Government latitude in determining how it may achieve its legitimate
18 interest in executing the immigration laws. In evaluating those determinations, courts must be
19 careful to impose only what the Constitution requires – not “a court’s idea of how best to operate
20 a detention facility.” *Id.*, at 539.

21 Petitioner falls well short of demonstrating that this confinement at NWIPC with the
22 medical treatment available is so excessive that it evinces “an expressed intent to punish on the
23 part of detention facility officials.” *Bell*, 441 U.S. at 538. Moreover, Petitioner’s detention is
24 proportionately related to the Government’s non-punitive responsibilities and administrative

1 purposes. While civil detainees retain greater liberty protections than individuals convicted of
2 crimes, *see, e.g., Youngberg*, 457 U.S. at 321-22; *Bell*, 441 U.S. at 535, Petitioner's continued
3 immigration detention pending removal cannot be described as punitive or excessive in relation to
4 the legitimate governmental purpose of protecting the public and ensuring his appearance at his
5 immigration proceedings.

6 CONCLUSION

7 For the foregoing reasons, because Petitioner's claims are either not cognizable in habeas
8 or fail on the merits, this Court deny the Petition.

9 DATED this 31st day of December, 2025.

10 Respectfully submitted,

11 CHARLES NEIL FLOYD
12 United States Attorney

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19 *I certify that this memorandum contains 4,390*
20 *words, in compliance with the Local Civil Rules.*