

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON**

Jose Jair MOSQUERA CAMACHO,

Petitioner,

v.

Laura HERMOSILLO, et al.,

Respondents.

Case No.: 3:25-cv-6087

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

Note on Motion Calendar:
December 3, 2025

INTRODUCTION

Petitioner Jose Jair Mosquera Camacho (J.M.C.) is a Colombian noncitizen who was granted withholding of removal to Colombia because of his status as 



 Yet having proven that his “life or freedom would be threatened” in Colombia,” 8 U.S.C. § 1231(b)(3)(A), Respondents now seek to remove J.M.C. to Honduras – a country to

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1 which J.M.C. has no connection at all, and which is well-known for its mistreatment of 

2 
3  – without any meaningful notice or process for asserting his statutory rights to
4 protection.¹

5 Under Respondents' policies governing third country removals, J.M.C. faces removal to
6 Honduras at any moment. As such, he submits this motion to request speedy consideration of his
7 petition for writ of habeas corpus. J.M.C. also requests that the Court order Respondents to
8 provide him at least 48 hours' notice (or 72 hours' notice if the period will include a weekend or
9 a holiday) prior to any action to move or transfer him from the Northwest Immigration and
10 Customs Enforcement (ICE) Processing Center (NWIPC) or to remove him from the United
11 States.

12 ARGUMENT

13 This case concerns Respondents' efforts to undertake J.M.C.'s removal not to the place he
14 was born or where he is a citizen, and not to any other place that he has a connection to, but
15 instead to some other, third country: Honduras. Or a separate third country if Honduras declines
16 to take him. Pursuant to Respondents' current policy governing third country removals,
17 Respondents do not even have to ask if J.M.C. if he fears removal to Honduras, let alone inform
18 him of the process for applying for protection. Even where Respondents do provide notice of
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21 ¹ Three months after the Immigration Judge granted INA withholding of removal, DHS provided
22 J.M.C. a notice of removal, informing him that DHS now intended to remove him to Honduras.
The notice did not provide any meaningful instructions or instruct of Mr. Mosquera's right to
apply for protection of removal to Honduras.

1 removal to a third country,² and where a person does express fear, Respondents' policy provides
 2 that an interview will occur within 24 hours, without notice to counsel, and without any
 3 opportunity to prepare for the interview. No further review by an Immigration Judge, much less
 4 from a federal court, is available. Nor does that process evaluate whether the third country will
 5 engage in "chain refoulement"—the removal of a person via a third country to the country from
 6 which they have fled. Moreover, Respondents' own policies instruct that they may act at any time
 7 to immediately remove J.M.C., and without providing any meaningful process for him to present
 8 claims for protection.³

9 As the Ninth Circuit has repeatedly explained, and as this Court has also held, this process
 10 plainly violates due process. *See, e.g., See Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir.1999)
 11 ("Failing to notify individuals who are subject to deportation that they have the right to apply for
 12 . . . withholding of deportation to the country to which they will be deported violates both INS
 13 regulations and the constitutional right to due process."); *Ibarra-Perez v. United States*, --- F.4th,
 14 No. 24-631, 2025 WL 2461663, at *5 (9th Cir. Aug. 27, 2025) (affirming "there are restrictions
 15 on DHS's removal authority" and DHS "violates [noncitizens'] constitutional right to due
 16

17 ² Under Respondent's policy, they are not required to provide *any* notice of removal to a third
 18 country if they have received generic diplomatic assurances from the country that persons
 removed there will not be persecuted or tortured.

19 ³ Should Respondents attempt to remove Petitioner while this case is pending, Petitioner will
 20 immediately file a motion for a temporary restraining order (TRO). Petitioner files this motion
 for an order to show cause to avoid the repetitive briefing and unnecessary strain on the Court's
 21 resources that such TRO motions present, but which are the result of the Respondents' actions in
 unlawfully detaining noncitizens and removing noncitizens to third countries in recent months.
 22 However, as noted, to ensure that J.M.C. is not unlawfully removed while this case is pending
 and to allow him to seek any necessary emergency relief, he requests that the Court order
 Respondents to provide notice of actions to transfer her or to remove him, as stated in this
 23 motion and the proposed order.

1 process” where it fails to notify them of their right to apply for withholding of removal to the
2 country of removal); *see also Nguyen v. Scott*, No. 2:25-CV-01398, 2025 WL 2419288, at *18
3 (W.D. Wash. Aug. 21, 2025) (listing cases). Indeed, as the Supreme Court recently explained “no
4 person shall be removed from the United States without opportunity, at some time, to be heard.”
5 *A.A.R.P. v. Trump*, 605 U.S. 91, 94 (2025) (per curiam).

6 Accordingly, expeditious resolution of this habeas petition is warranted to ensure that
7 Respondents do not violate J.M.C.’s statutory and constitutional rights. Notably, this case is one
8 that presents a recurring issue and is one in which this Court and others have recognized that
9 Respondents’ policies violate the Immigration and Nationality Act and due process. *See Nguyen*,
10 2025 WL 2419288, at *18–19. Consistent with this fact, and as this Court has ordered in several
11 other recent habeas petitions, the Court should require an expeditious return from Respondents to
12 the habeas petition and timely proceed to issue final relief.

13 Expeditious resolution is consistent with the purpose of habeas petitions. Habeas “is a
14 swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372
15 U.S. 391, 400 (1963), *overruled on other grounds by Wainwright v. Sykes*, 433 U.S. 72 (1977).
16 The requirement for an expeditious remedy is codified by statute: once the court entertains an
17 application, it “*shall forthwith award the writ or issue an order directing the respondent to show*
18 *cause*,” set a prompt return, and hold a hearing no more than five days after the return. 28 U.S.C.
19 § 2243 (emphasis added). These requirements ensure that courts “summarily hear and determine
20 the facts, and dispose of the matter as law and justice require.” *Id.* Indeed, the Supreme Court has
21 criticized the use of “comparatively cumbersome and time consuming procedure[s]” to decide
22 habeas petitions, emphasizing the “more expeditious method . . . prescribed by the statute.”

1 *Holiday v. Johnston*, 313 U.S. 342, 353 (1941).

2 Expeditious consideration is particularly appropriate here because the Court and many
 3 others have already addressed the legality of Respondents' policies with respect to third country
 4 removals, finding that these policies likely violate or violate due process. *See, e.g., Nguyen*, 2025
 5 WL 2419288, at *18–19. This case presents similar considerations and is thus one that the Court
 6 can address on an expedited basis. Moreover, as noted above, Respondents' policies envision
 7 removal at any time. Expeditious consideration of this habeas petition is thus warranted to ensure
 8 that Respondents honor Mr. Kumar's statutory and constitutional rights prior to any removal.

9 Consistent with this Court's longstanding practice and to facilitate expedited relief,
 10 Petitioner also respectfully requests that the Court effectuate service of the petition on
 11 Respondents.⁴ Upon service, the Court should order that Respondents must file their return to the
 12 habeas petition within seven days, and further order that Petitioner may file any reply within five
 13 days. *See* 28 U.S.C. § 2243 (setting "three days" as the default for Respondents' return deadline). In
 14 addition, the Court should direct Respondents to file any arguments in support of dismissal of the
 15 petition with their return and instruct that they may not file a separate motion to dismiss. *See*,
 16 *e.g., Browder v. Dir., Dep't of Corr. of Illinois*, 434 U.S. 257, 269 n.14 (1978) (explaining that
 17 the "view. . . that a Rule 12(b)(6) motion is an appropriate motion in a habeas corpus proceeding
 18 is erroneous," as "[t]he custodian's response to a habeas corpus petition is not like a motion to

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 20 ⁴ Service by the Court is also consistent with the practice in habeas proceedings under 28 U.S.C.
 21 §§ 2254 and 2255. *See* U.S. Courts, Rules Governing Section 2254 Cases and Section 2255
 22 Proceedings (Dec. 1, 2019), at 3 ("In every case, the clerk must serve a copy of the petition and
 23 any order on the respondent . . ."); *id.* at 9 ("The clerk must then deliver or serve a copy of the
 motion on the United States attorney in that district, together with a notice of its filing.").
 Furthermore, Federal Rule of Civil Procedure 4(c)(3) permits a plaintiff proceeding in forma
 pauperis to request service of a complaint and summons by a person appointed by the Court.

1 dismiss,” and instead, the “procedure for responding to the application for a writ of habeas
2 corpus, unlike the procedure for seeking correction of a judgment, is set forth in the habeas
3 corpus statutes and, under Rule 81(a)(2)’’); *see also O’Bremski v. Maass*, 915 F.2d 418, 420 (9th
4 Cir. 1990) (citation modified) (similar).

5 **CONCLUSION**

6 For the reasons above, the Court should order a return from Respondents within seven days
7 and any response from Petitioner within five days of the filing of Respondents’ return. Should
8 Respondents decide to remove Mr. Kumar to Uganda while this case is pending, Petitioner will
9 immediately seek an emergency temporary restraining order. Accordingly, Petitioner further
10 requests that the Order to Show Cause require Respondents to provide at least 48 hours’ notice
11 (or 72 hours’ notice if the period extends into the weekend) prior to any action to move or
12 transfer him from the NWIPC or to remove him from the United States.

13 Respectfully submitted this 3rd day of December, 2025.

14 /s/ STEPHEN ROBBINS
15 Stephen Robbins WSBA No. 53398
Stephen@robbinsimmigration.com

I certify this motion contains 1319
words in compliance with Local
Civil Rules.