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

Greggy Sorio,

Petitioner,

v.

Laura HERMOSILLO, et al.,

Respondents.

Case No.: 2:25-cv-2492

**EX PARTE MOTION TO ISSUE ORDER
TO SHOW CAUSE AND ISSUE
EXPEDITED BRIEFING SCHEDULE**

Note on Motion Calendar:
December 8, 2025

INTRODUCTION

1. This case challenges the unlawful detention of Mr. Greggy Sorio who is in imminent danger of being removed pursuant to an Order of Removal and denied Stay of Removal request. Mr. Sorio is set to be deported on Monday, December 8, 2025, at 9:30 PM PST. Mr. Sorio is medically unsafe to travel due to severe medical neglect he has faced while in custody at the Northwest ICE Processing Center.

2. This petition for habeas corpus alleges (1) the Mr. Sorio's procedural due process rights were violated when he had no opportunity to be heard before neutral decisions maker with regard to appealing his Stay of Removal; (2) Mr. Sorio's substantive due process rights as

1 it relates to his right to bodily autonomy and bodily integrity were violated when he was denied
2 medical care causing substantial bodily harm, loss of his limbs and ongoing medical instability;
3 and (3) Mr. Sorio's due process rights were violated under the unconstitutionally punitive
4 conditions of confinement doctrine. *See, Gutierrez-Lopez v. Figueroa*, 462 F.Supp.3d 973
5 (2020).

6 3. Mr. Sorio argues that continues detention under the present conditions is
7 unconstitutional and his immediate release is the only effective remedy. *See, Id.*

8 4. Mr. Sorio does not seek to overturn the decision of the Immigration Judge
9 ordering his removal; rather, he seeks release from custody to permit him to attend his future
10 doctor's appointment and receive adequate medical attention.

11 5. Petitioner needs critical healthcare and cannot be removed from the United States
12 in his current condition. Petitioner's right to due process is at risk of being violated and he has a
13 substantial interest in a redetermination of his custody.

14 6. In support of this petition, Petitioner relies upon the accompanying evidence in
15 support of an accompanying Temporary Restraining Order. Petitioner respectfully requests that
16 this court grant this emergency application, issue a temporary restraining order, and grant
17 petitioner's motion to show cause.

18 The law makes clear that Petitioner should not be detained. Accordingly, Mr. Soiro
19 respectfully requests that the Court immediately issue an order to show cause that ensures
20 prompt resolution of this matter. Notably, the Court has issued similar orders to show cause in
21 recent weeks. *See, e.g., Order, Kumar v. Wamsley*, No. 2:25-cv-2055- KKE (W.D. Wash. Oct.
22 22, 2025), Dkt. 7 (requiring return to petition within eight days); *Order, Lopez Reyes*, No. 2:25-

1 cv-01868-JLR-MLP (W.D. Wash. Oct. 1, 2025), Dkt. 5 (requiring return to petition within six
2 days); Order, *Scott v. Wamsley*, No. 2:25-cv-01819-TMC-BAT (W.D. Wash. Sept. 22, 2025),
3 Dkt. 9 (requiring return to petition within ten days; Order, *Guzman Alfaro v. Bostock*, No. 2:25-
4 cv-01706 (W.D. Wash. Sept. 16, 2025) (requiring return to petition within seven days); Order
5 *Toktosunov v. Wamsley*, No. 2:25-cv-01724 (W.D. Wash. Sept. 9, 2025), Dkt. 6 (requiring return
6 to petition within ten days). Petitioner respectfully requests that the Court do the same here.

7 **ARGUMENT**

8 This case is a habeas petition challenging executive detention under 28 U.S.C. § 2241. As
9 the Supreme Court has explained, the habeas statute provides a “swift and imperative remedy in
10 all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963), overruled on
11 other grounds, *Wainwright v. Sykes*, 433 U.S. 72 (1977). Given its purpose, “[t]he application for
12 the writ usurps the attention and displaces the calendar of the judge or justice who entertains it
13 and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*,
14 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also, e.g., Van Buskirk v. Wilinon*, 216
15 F.2d 735, 737-38 (9th Cir. 1954) (“[R]emedy by petition for writ of habeas corpus...is a speedy
16 remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and
17 determination.”).

18 Congress’s intent to provide a speedy remedy is reflected in 28 U.S.C. § 2243, noting that
19 “[a] court, justice or judge entertained an application for a writ of habeas corpus shall forthwith
20 award the writ or issue an order directing the respondent to show cause why the writ should not
21 be granted.” 28 U.S.C. § 2243. The custodian must file a return “within three days [of the OSC]
22 unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* Further

23 **PET’R’S EX PARTE MOT. FOR O.S.C. &
EXPEDITED BR. SCHED.
(CASE NO. 2:25-cv-2492)
Page - 3**

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1 emphasizing the expeditious nature of habeas proceedings, the statute requires a hearing “not
2 more than five days after the return,” unless good cause is established. *Id.* The requirements
3 ensure that courts “summarily hear and determine facts, and dispose of the matter as law and
4 justice require.” *Id.*

5 In the Court’s orders on similar requests, it has noted that the “Rules Governing Section
6 2254 Cases in the United States District Courts” supersede 28 U.S.C. § 2243, and that those rules
7 allow for “a response [that] is due within the period of time fixed by the court.” *Guzman Alfaro*
8 *v. Bostock*, No. 2:25-cv-01706 (W.D. Wash. Sept. 16, 2025), Dkt. 11 at 2 (citation modified).

9 But, as the Court has recognized in cases cited herein, expeditious processing of a petition for
10 writ of habeas corpus is still warranted. In a typical § 2241 habeas corpus petition, the Court
11 issues an OSC several days or even weeks after the petition is filed. That OSC normally requires
12 a return within thirty days, rather than the three days established by statute. Then, at the time the
13 return is filed, the government files a return and motion to dismiss, which is noted for twenty-
14 eight days later, as required by LCR 7(d)(4). Once briefing on the motion is complete, the
15 petitions are first considered by a magistrate judge, who issues a report and recommendation
16 (R&R) and provides another fourteen days for objections, and another fourteen days for
17 responses to those objections. As a result, even assuming that an OSC is issued the same day a
18 petition is filed (which does not typically happen) and a magistrate judge issues an R&R the
19 same day as the noting date on the government’s motion to dismiss, it takes at least three months
20 for a district judge to first consider a petitioner’s habeas petition. It is precisely this type is
21 “comparatively cumbersome and time consuming procedure of reference, report, and hearing
22 upon [a] report” that the Supreme Court has criticized as a means to decide habeas petitions,

1 emphasizing the “more expeditious method...prescribed by the statute.” *Holiday v. Johnston*,
2 313 U.S. 342, 353 (1941).

3 Petitioner also respectfully submits that Congress did not intend for the § 2254 Rules to
4 supersede the rules for § 2241 in most cases. Cases that proceed under § 2254 and § 2255 differ
5 dramatically from those filed under § 2241. In § 2254 and § 2255 cases, a person has already
6 proceeded through the criminal process, protected by the rights of the Fourth, Fifth, Sixth, and
7 Seventh Amendments. Often, they have appealed their cases to higher courts. In short, by
8 definition, such cases have already received extensive oversight by state or federal court judges.
9 That is not true in most § 2241 immigration habeas cases. In these cases, typically it is only a
10 “government enforcement agent” who has made any decision about the propriety of detention,
11 *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971), which differs drastically from the
12 hearing before a neutral decisionmaker that due process typically requires, *see e.g., Shadwick v.*
13 *City of Tampa*, 407 U.S. 345, 350 (1972) (“Whatever else neutrality and detachment might
14 entail, it is clear that they require severance and disengagement from activities of law
15 enforcement.”); *see also Gerstein v. Pugh*, 420 U.S. 103, 112-13 (1975) (similar). This
16 comparison sheds light on the need and justification for an expedited order to show cause.

17 **CONCLUSION**

18 In light of Mr. Soiro’s strong claim for release, the statutory requirements for habeas
19 proceedings, and the caselaw cited above, Mr. Sorio respectfully requests that the Court issue
20 and order to show cause which orders a return from Respondents and sets for the following
21 briefing schedule:

- 22 - Respondents’ return, including any arguments for dismissal: due **five** days from issuance
23 of the order to show cause;

**PET’R’S EX PARTE MOT. FOR O.S.C. &
EXPEDITED BR. SCHED.
(CASE NO. 2:25-cv-2492)
Page - 5**

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1 - Petitioners' traverse and response: due **three** days from the filing of the return;

2 Petitioner also requests that the Court order Respondents not to transfer him from this district or
3 outside of the United States while it considers this petitioner, so as not to impede his access to
4 counsel while pursuing his claims. Cf. *Kumar*, No. 2:25-cv-2055-KKE (W.D. Wash. Oct. 22,
5 2025), Dkt. 7, at 2 (ordering government to provide advance notice "prior to any action to move
6 or transfer [Petitioner] from the Northwest Immigration and Customs Enforcement Processing
7 Center" in order to preserve the status quo while the court determines its subject-matter
8 jurisdiction); *See also*, *Y.M.M. v. Wamsley*, No.2:25-cv-02075 (W.D. Wash. Oct. 28, 2025), Dkt.
9 8, at 2 (similar).

10 Respectfully submitted this 8th of December.

11 /s/ Louise Carhart

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23 **PET'R'S EX PARTE MOT. FOR O.S.C. &
EXPEDITED BR. SCHED.
(CASE NO. 2:25-cv-2492)
Page - 6**

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WORD COUNT CERTIFICATION

I, SAM M SUEOKA, certify that this motion contained 1,593 words, in compliance with the Local Civil Rules.

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