

District Judge Tana Lin

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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

JUN REN,

Petitioner,

v.

PAMELA BONDI, *et al.*,

Respondents.

Case No. 2:25-cv-02693-TL

FEDERAL RESPONDENTS' RETURN

Noted for Consideration:
January 20, 2026

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

TABLE OF AUTHORITIES..... III

I. INTRODUCTION 1

II. FACTUAL BACKGROUND..... 2

III. LEGAL STANDARD 3

IV. ARGUMENT 3

A. AICE lawfully detains Ren pursuant to 8 U.S.C. § 1226(a)..... 3

B. Ren has failed to exhaust his administrative remedies..... 4

C. The conditions of Ren’s confinement are not properly brought pursuant to habeas..... 5

D. The conditions of Ren’s confinement are constitutional 6

 1. *Ren cannot demonstrate that he has been denied adequate medical care at NWIPC*..... 6

 2. *Ren cannot demonstrate punitive conditions of confinement* 9

E. Ren’s eye disease does not entitle him to release from detention under the Sixth Amendment to prepare for a criminal trial..... 10

F. Ren is not entitled to release 12

CONCLUSION 13

TABLE OF AUTHORITIES

CASES

1

2

3 *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991)..... 8

4 *Bell v. Wolfish*, 441 U.S. 535, 538-39 (1979)..... 2

5 *Bell*, 441 U.S. at 539..... 12

6 *Bryan v. ICE Field Off. Dir.*, No. 21-cv-00154, 2021 WL 4556148, at *4 (W.D. Wash.

7 June 14, 2021), *report and recommendation adopted*, 2021 WL 4552442 (W.D. Wash.

8 Oct. 5, 2021) (citing *Jennings*, 583 U.S. at 285-88, *Demore*, 538 U.S. at 520–22,

9 *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001))..... 13

10 *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 212 (D.D.C. 2020) (quoting *Benavides v. Gartland*,

11 No. 20-cv-46, 2020 WL 1914916, at *5 (S.D. Ga. Apr. 18, 2020) & citing *Dawson v.*

12 *Asher*, No. 20-cv-0409, 2020 WL 1704324, at *12 (W.D. Wash. Apr. 8, 2020)) 11

13 *Castro*, 833 F.3d at 1071 6, 9, 10

14 *Crawford v. Bell*, 599 F.2d 890, 891 (9th Cir. 1979) 8

15 *Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324, at *8-9 (W.D. Wash. Apr. 8,

16 2020) 8

17 *Demore v. Kim*, 538 U.S. 510, 523 (2003) 2

18 *Dep’t of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020) 4

19 *DeShaney v. Winnebago Cty. Dep’t of Soc. Servs.*, 489 U.S. 189, 200 (1989)..... 9

20 *Doe v. Wolf*, 432 F.Supp.3d 1200, 1205 (S.D. Cal. 2020) 15

21 *Estelle v. Gamble*, 429 U.S. 97, 105-06 (1976)..... 11

22 *Exxon Mobil Corp. v. Allopeth Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations

23 omitted)..... 3

24 *Francisco Cortez v. Nielsen*, No. 19-CV-00754-PJH, 2019 WL 1508458, at *3 (N.D. Cal.

Apr. 5, 2019) (internal quotation marks omitted)..... 7

Gordon v. Cty. Of Orange, 888 F.3d 1118, 1125 (9th Cir. 2018)..... 10

Hong v. Mayorkas, No. 2:20-cv-1784, 2021 WL 8016749, at *6 (W.D. Wash. June 8,

2021), *report and recommendation adopted*, 2022 WL 1078627 (W.D. Wash. Apr. 11,

2022). 16

1 *Jennings v. Rodriguez*, 138 S. Ct. 830, 836 (2018) 2

2 *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (quoting 8 U.S.C. § 1226(a))..... 5

3 *Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004)..... 13

4 *Kingsley v. Hendrickson*, 576 U.S. 389, 396 (2015) (alterations and internal quotation
marks omitted) 10

5 *Kingsley*, 576 U.S. at 398 12

6 *Morris v. Slappy*, 461 U.S. 1, 11 (1983)..... 14

7 *Pinson v. Carvajal*, 69 F.4th 1059 (9th Cir. 2023)..... 7

8 *Prieto-Romero*, 534 F.3d at 1065 (citing *Demore v. Kim*, 538 U.S. 510, 528 (2003))..... 4

9 *Prieto-Romero*, 534 F.3d at 1065 (citing *Demore v. Kim*, 538 U.S. 510, 528 (2003))..... 5

10 *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007) 6

11 *Rodriguez Diaz*, 53 F.4th at 1209-10..... 1, 4

12 *Roman v. Wolf*, 977 F.3d 935, 943 (9th Cir. 2020) (quoting *Helling v. McKinney*, 509
U.S. 25, 33–34 (1993)) 12

13 *Rothgery v. Gillespie County, Tex.*, 554 U.S. 191, 198 (2008) 14

14 *State v. Hammond*, 121 Wash.2d 787, 791-92 (1993) 16

15 *United States v. Chronic*, 466 U.S. 648, 656 (1984) 14

16 *Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982) 11

17 *Zadvydas* 2, 16

17
18
19
20
21
22
23
24

STATUTES

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

28 U.S.C. § 2241 8
28 U.S.C. § 2241(c)(3)..... 4
28 U.S.C. § 2241) 8
8 C.F.R. § 236.1(c)(8)..... 6
8 U.S.C. § 1226(a) 1, 4, 5, 17
8 U.S.C. § 1236(a) 14
Section 1226(a) 1, 4, 6
Title 28 U.S.C. § 2241 4

I. INTRODUCTION

This Court should deny the habeas petition. U.S. Immigration and Customs Enforcement lawfully detains Petitioner Jun Ren at the Northwest ICE Processing Center in Tacoma, Washington (“NWIPC”) pursuant to 8 U.S.C. § 1226(a). Dkt. No. 1, Pet. ¶ 1. As part of the “substantial procedural protections” available under Section 1226(a), Petitioner has received a bond hearing. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1214 (9th Cir. 2022). The immigration judge (“IJ”) found him to be a danger and denied bond. To that end, Petitioner is charged in Clark County, Washington, with Rape in the Second Degree and Indecent Liberties without Forcible Compulsion. Steveson Decl., Exh. A, Amended Information. Petitioner has appealed the IJ’s order to the Board of Immigration Appeals (“BIA”), which is still pending.

Petitioner’s main claims concern his medical conditions that he alleges make his detention punitive. Pet. ¶¶ 2, 21-26. First, he alleges that he is not receiving adequate medical care or accommodations for his eye disease, retinitis pigmentosa (“RP”). Pet. ¶¶ 2, 34-36. Second, due to his medical condition, Petitioner asserts that his immigration detention interferes with his due process right to counsel for his upcoming criminal trial. Pet. ¶¶ 3, 27-29. He seeks release from ICE detention. Pet. ¶ 4.

Petitioner’s continued detention does not violate substantive due process as the medical care at NWIPC provides for his reasonable safety. ICE Health Services Corps (“IHSC”) provides medical care for detainees at IHSC and also collaborates with outside medical specialists. Dr. Wang Decl., ¶¶ 3-5. Furthermore, as the Supreme Court has repeatedly recognized, detention is a constitutionally permissible aspect of the Government’s enforcement of the immigration laws and fulfills the legitimate purpose of ensuring that individuals appear for their removal proceedings. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 836 (2018); *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690-91 (2001). Consistent with the

1 requirements of due process, their confinement is thus “reasonably related” to a legitimate
2 government interest. *Bell v. Wolfish*, 441 U.S. 535, 538-39 (1979).

3 Accordingly, This Court should deny the Petition. Federal Respondents do not request an
4 evidentiary hearing.

5 II. FACTUAL BACKGROUND

6 Ren is a citizen of China who arrived in the United States on June 6, 2023, as a visitor
7 with authorization to remain in the United States until December 25, 2023. Steveson Decl., Exh.
8 B, Form I-213. His visitor visa expired on December 25, 2023. *Id.* On February 4, 2024, he was
9 arrested by local authorities. *Id.* He is charged with Rape in the Second Degree and Indecent
10 Liberties Without Forcible Compulsion. Steveson Decl., Exh. A, Amended Information. On
11 November 6, 2025, DHS issued Ren a Notice to Appear (“NTA”) that charged him as removable
12 under 8 U.S.C. § 1227(a)(1)(B) due to overstaying his visa. Steveson Exh. C, Notice to Appear.
13 ICE detained Ren that same date. Steveson Decl., Exh. B, Form I-213. December 10, 2025, he
14 had a bond hearing before an immigration judge, in which he was represented by legal counsel,
15 where he was found to be a danger. Steveson Decl., Exh. D, Bond Order. That decision is on
16 appeal. Steveson Decl., Exh. E, BIA Appeal.

17 Ren is scheduled for an individual hearing before the immigration court on January 29,
18 2026. Steveson Decl., Exh. F, Notice of In-Person Hearing.

19 Ren is at a facility rated for a high level of medical care. Dr. Wang Decl., ¶ 4. Ren does
20 have RP, a hereditary eye condition. Dr. Wang Decl., ¶ 7. Ren was examined by a medical
21 provider on November 7, 2025, the day after his arrival to the NWIPC. Dr. Wang Decl., ¶ 8b. On
22 November 10, 2025, he received a telephonic consultation with a provider and was approved for
23 prescription requests related to his eye conditions. Dr. Wang Decl., ¶ 8c. On December 9, 2025,
24 he was examined by an outside optometrist at Soundview Eye Care, which included a checkup

1 on Ren’s RP. Dr. Wang Decl., ¶ 8e. The optometrist recommended a magnifier, prescription
2 lenses, and annual eye examinations. *Id.* On January 6, 2026, Ren was referred to an
3 ophthalmologist. Dr. Wang Decl., ¶ 9.

4 At the NWIPC, Ren has a cane, a pair of prescription lenses, and a magnifier. Dr. Wang
5 Decl., ¶ 12. Ren alleges that he has not been provided, reader services, large print, or “any other
6 accommodation....” Pet. ¶ 38. However, IHSC has reviewed the medical records and Ren did not
7 request these during his appointments. Dr. Wang Decl., ¶ 12. Ren came to the NWIPC with a
8 cane and prescription glasses. Dr. Wang Decl., ¶ 12. He has was also provided a magnifier on
9 January 8, 2026 by IHSC. Dr. Wang Decl., ¶ 9. Ren is receiving appropriate medical care, and
10 IHSC is prepared to make additional referrals for eye care as needed. Dr. Wang Decl., ¶ 13.

11 **III. LEGAL STANDARD**

12 It is axiomatic that “[t]he district courts of the United States . . . are courts of limited
13 jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil*
14 *Corp. v. Allopath Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he
15 scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the
16 present day.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020).
17 Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions.

18 To warrant a grant of habeas corpus, the petitioner must demonstrate that his or her
19 custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. §
20 2241(c)(3).

21 **IV. ARGUMENT**

22 **A. AICE lawfully detains Ren pursuant to 8 U.S.C. § 1226(a).**

23 Because his removal proceedings are ongoing, Ren is lawfully detained pursuant to 8
24 U.S.C. § 1226(a). The Ninth Circuit has found that the Section 1226(a) and its implementing

1 regulations satisfy due process. *Rodriguez Diaz*, 53 F.4th at 1209-10. Congress enacted a multi-
2 layered statute that provides for the continued civil detention of noncitizens pending removal.
3 See *Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008). Where an individual falls
4 within this scheme affects whether his detention is discretionary or mandatory, as well as the
5 kind of review process available. *Id.*, at 1057. This case concerns the Government’s
6 responsibilities under 8 U.S.C. § 1226(a), which “authorizes the Attorney General to arrest and
7 detain an alien ‘pending a decision on whether the alien is to be removed from the United
8 States.’” *Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (quoting 8 U.S.C. § 1226(a)). The
9 Supreme Court has recognized that “there is little question that the civil detention of aliens
10 during removal proceedings can serve a legitimate government purpose, which is ‘preventing
11 deportable . . . aliens from fleeing prior to or during their removal proceedings, thus increasing
12 the chance that, if ordered removed, the aliens will be successfully removed.’” *Prieto-Romero*,
13 534 F.3d at 1065 (citing *Demore v. Kim*, 538 U.S. 510, 528 (2003)).

14 Here, ICE determined that Ren would remain in detention. Steveson Decl., Ex. G, Form
15 I-286; 8 C.F.R. § 236.1(c)(8). Ren requested a custody redetermination before an immigration
16 judge, which was ultimately denied and is on appeal before the BIA. Steveson Decl., Exh. D-E.
17 This is the appropriate administrative process to challenge the IJ’s bond denial – not through
18 habeas.

19 **B. Ren has failed to exhaust his administrative remedies.**

20 This Court should require Ren to avail himself of the substantial procedural protections
21 of Section 1226(a) before seeking habeas relief in a federal district court. Although exhaustion
22 of administrative remedies is not a jurisdictional prerequisite for habeas petitions, courts
23 generally “require, as a prudential matter, that habeas petitioners exhaust available judicial and
24 administrative remedies before seeking [such] relief.” *Castro-Cortez v. INS*, 239 F.3d 1037,

1 1047 (9th Cir. 2001) (abrogated on other grounds by *Fernandez-Vargas v. Gonzales*, 548 U.S. 30
2 (2006)). The exhaustion requirement is subject to waiver because it is not a “‘jurisdictional’
3 prerequisite.’” *Id.*

4 Courts may require prudential exhaustion where: “(1) agency expertise makes agency
5 consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of
6 the requirement would encourage the deliberate bypass of the administrative scheme; and (3)
7 administrative review is likely to allow the agency to correct its own mistakes and to preclude
8 the need for judicial review.” *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).

9 The Court should not allow Ren to move forward with this litigation without first
10 exhausting his administrative remedies.

11 This case meets the elements requiring prudential exhaustion. Ren’s bond immigration
12 bond request is still on appeal at the BIA. The BIA “has a special expertise in reviewing the
13 question of whether the bond record as a whole makes it substantially unlikely that the
14 Department w[ill] prevail on [the petitioner’s] challenge to removability.” *Francisco Cortez v.*
15 *Nielsen*, No. 19-CV-00754-PJH, 2019 WL 1508458, at *3 (N.D. Cal. Apr. 5, 2019) (internal
16 quotation marks omitted). Also, allowing a “relaxation of the exhaustion requirement” would
17 promote the avoidance of seeking a bond redetermination by the IJ or an appeal of similar IJ
18 orders to the BIA. Finally, the outcome of a bond redetermination hearing before an IJ or a
19 subsequent BIA appeal may provide Ren with the relief sought here –release.

20 Accordingly, Ren has failed to exhaust his administrative remedies.

21 **C. The conditions of Ren’s confinement are not properly brought pursuant to habeas.**

22 This Court should not consider Ren’s conditions of confinement claim as part of a 28
23 U.S.C. § 2241 habeas corpus petition. *See Pinson v. Carvajal*, 69 F.4th 1059 (9th Cir. 2023).

24 Ren alleges that his medical care at the NWIPC violates his right to due process guaranteed by

1 the Fifth Amendment and is punitive. *See* Pet., ¶¶ 47-50. Although the relief he seeks is release
2 from detention, his claim is squarely focused on alleged constitutional violations caused by the
3 adequacy of his medical treatment at NWIPC. To be clear, the Petition asserts that NWIPC “is
4 not equipped to manage a complex degenerative eye condition like retinitis pigmentosa.” Pet., ¶
5 36. It does not allege that detention *at any facility* would be unlawful or unconstitutional. As
6 such, this is a challenge to the conditions of Ren’s confinement at the NWIPC and not a direct
7 challenge to the legality or duration of his confinement. Thus, “[t]he appropriate remedy for
8 such constitutional violations, if proven, would be a judicially mandated change in conditions
9 and/or an award of damages, but not release from confinement.” *Crawford v. Bell*, 599 F.2d 890,
10 891 (9th Cir. 1979); *see also Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (challenges to
11 conditions of confinement are pursued in a civil rights action).

12 While courts in this District have adjudicated conditions of confinement claims related to
13 the COVID-19 pandemic, those cases were decided under unique circumstances not present here.
14 *See, e.g., Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324, at *8-9 (W.D. Wash. Apr. 8,
15 2020) (explaining the circumstances under which the Court undertook consideration of COVID-
16 19-related conditions of confinement claims in petitions brought under 28 U.S.C. § 2241).
17 Accordingly, this Court should decline to extend such consideration to the claims in this case.

18 **D. The conditions of Ren’s confinement are constitutional.**

19 *1. Ren cannot demonstrate that he has been denied adequate medical care at*
20 *NWIPC.*

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

- 1
- 2 (i) The defendant made an intentional decision with respect to the conditions
- 3 under which the plaintiff was confined;
- 4 (ii) Those conditions put the plaintiff at substantial risk of suffering serious
- 5 harm;
- 6 (iii) The defendant did not take reasonable available measures to abate that
- 7 risk, even though a reasonable officer in the circumstances would have
- 8 appreciated the high degree of risk involved – making the consequences of
- 9 the defendant’s conduct obvious; and
- 10 (iv) By not taking such measure, the defendant caused the plaintiff’s injuries.

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

12 Ren cannot meet this standard. First, Ren cannot show that the medical care at NWIPC

13 puts him at a substantial risk of suffering serious harm. Federal Respondents do not dispute that

14 Ren has eye conditions, including RP. Dr. Wang Decl., ¶ 7. IHSC can manage complex medical

15 issues and the medical clinic includes family medicine and emergency medicine physicians,

16 physician aids, advanced nurse practitioners, nurses, record technicians, pharmacists and

17 pharmacy technicians, psychiatrists and behavioral health specialists, and dentists and dental

18 technicians.. Dr. Wang Decl., ¶ 4. For outside specialties, IHSC has collaborative agreements

19 with local specialty services that cover all aspects of medical specialties. Dr. Wang Decl., ¶ 4.

20 Ren alleges that his disease has “been essentially *unmonitored* for two months....” Pet. ¶

21 36. While detained at the NWIPC, Ren has had multiple assessments for his eyes, he has had an

22 appointment with an outside optometrist, been issued a new eye prescription, a magnifier has

23 been provided, and he has been referred to an ophthalmologist. Dr. Wang Decl., ¶ 8-10. Thus,

24 Ren cannot show that the substantial medical care available to him places him at substantial risk

of sustaining serious harm.

1 Ren also cannot demonstrate a due process violation because the medical care offered to
2 him constitutes objectively reasonable measures to abate the risk of serious physical harm. The
3 Ninth Circuit applies an objectively unreasonable test to failure-to-protect claims brought under
4 the Due Process Clause. *Castro*, 833 F.3d at 1071. “[T]he defendant’s conduct must be
5 objectively unreasonable, a test that will necessarily ‘turn on the facts and circumstances of each
6 particular case.’” *Id.* (quoting *Kingsley v. Hendrickson*, 576 U.S. 389, 396 (2015) (alterations
7 and internal quotation marks omitted)).

8 Litigants claiming deliberate indifference must establish that government action is
9 “objectively unreasonable” – a standard akin to reckless disregard. *Gordon v. Cty. Of Orange*,
10 888 F.3d 1118, 1125 (9th Cir. 2018). “[T]he Constitution does not require that detention facilities
11 reduce the risk of harm to zero.” *C.G.B. v. Wolf*, 464 F. Supp. 3d 174, 212 (D.D.C. 2020)
12 (quoting *Benavides v. Gartland*, No. 20-cv-46, 2020 WL 1914916, at *5 (S.D. Ga. Apr. 18,
13 2020) & citing *Dawson v. Asher*, No. 20-cv-0409, 2020 WL 1704324, at *12 (W.D. Wash. Apr.
14 8, 2020)). Neither general allegations of negligence nor a petitioner’s general disagreement with
15 treatment received is enough to show deliberate indifference. *See Estelle v. Gamble*, 429 U.S.
16 97, 105-06 (1976). Rather, that standard can be met “only when the decision by the [medical]
17 professional is such a substantial departure from accepted professional judgment, practice, or
18 standards as to demonstrate that the person responsible actually did not base the decision on such
19 a judgment.” *Youngberg v. Romeo*, 457 U.S. 307, 321-22 (1982).

20 IHSC is providing Ren with appropriate, medically necessary care during his time at
21 NWIPC. Dr. Wang Decl., ¶ 13. Ren generally alleges that he was being followed by an
22 optometrist and ophthalmologist for his RP and alleges the treatment regimen was “essential” but
23 provides no medical records in support or specifying the frequency or necessity. Pet. ¶ 35. In
24

1 contrast, Ren has access to outside specialists and treatment during his detention at NWIPC,
2 including by eye specialists. Dr. Wang Decl., ¶ 11.



3 Finally, with substantial medical treatment available to him, Ren cannot demonstrate that
4 his medical care at NWIPC places him in sufficiently imminent danger. “To satisfy the fourth
5 element, a plaintiff need only prove a ‘sufficiently imminent danger[],’ because a ‘remedy for
6 unsafe conditions need not await a tragic event.” *Roman v. Wolf*, 977 F.3d 935, 943 (9th Cir.
7 2020) (quoting *Helling v. McKinney*, 509 U.S. 25, 33–34 (1993)). Ren alleges that he is at risks
8 “irreversible sight loss” and is at an “unacceptably high risk of avoidable permanent vision
9 deterioration.” Pet., ¶¶ 35-36. However, the eye specialist that examined Ren did not recommend
10 further referral to an ophthalmologist, although he did recommend an annual eye exam. Dr.
11 Wang Decl., ¶¶ 11, 15. Petitioner has been referred to an ophthalmologist after this Habeas
12 Petition was filed and Dr. Wang is prepared to make additional referrals based on any future
13 changes to Ren’s condition. Dr. Wang Decl., ¶¶ 10, 15. Meanwhile, Petitioner submits only
14 general allegations.

15 2. *Ren cannot demonstrate punitive conditions of confinement.*

16 Ren’s detention is not punitive because it is reasonably related to legitimate governmental
17 objectives. When evaluating the constitutionality of civil detention conditions under the Fifth
18 Amendment, a district court must determine whether those conditions “amount to punishment of
19 the detainee.” *Bell*, 441 U.S. at 535. A petitioner may show punishment through an express
20 intent to punish or a condition that is not “reasonably related to a legitimate governmental
21 objective.” *Bell*, 441 U.S. at 539; *see also Kingsley*, 576 U.S. at 398 (noting that “a pretrial
22 detainee can prevail by providing only objective evidence that the challenged governmental
23 action is not rationally related to a legitimate governmental objective or that it is excessive in
24 relation to that purpose”). “A restriction is punitive where it is intended to punish, or where it is

1 'excessive in relation to [its] non-punitive purpose.'" See *Jones v. Blanas*, 393 F.3d 918, 933-34
2 (9th Cir. 2004).

3 Ren presents no evidence that ICE or IHSC's medical treatment constitutes an express
4 intent to punish him. Furthermore, the Supreme Court has recognized "a legitimate government
5 interest in ensuring noncitizens appear for their removal or deportation proceedings and
6 protecting the community from harm." *Bryan v. ICE Field Off. Dir.*, No. 21-cv-00154, 2021 WL
7 4556148, at *4 (W.D. Wash. June 14, 2021), *report and recommendation adopted*, 2021 WL
8 4552442 (W.D. Wash. Oct. 5, 2021) (citing *Jennings*, 583 U.S. at 285-88, *Demore*, 538 U.S. at
9 520-22, *Zadvydas v. Davis*, 533 U.S. 678, 690-91 (2001)). As the Supreme Court has
10 emphasized, "[t]he wide range of 'judgment calls' that meet constitutional and statutory
11 requirements [for federal detention] are confided to officials outside of the Judicial Branch of
12 Government." *Bell*, 441 U.S. at 562. The Constitution thus leaves the Government latitude in
13 determining how it may achieve its legitimate interest in executing the immigration laws. In
14 evaluating those determinations, courts must be careful to impose only what the Constitution
15 requires – not "a court's idea of how best to operate a detention facility." *Id.*, at 539.

16 Ren's detention is justified, consistent with immigration law for an individual that has
17 overstayed his visa, is suspected of 
18  and has been afforded a bond hearing before an immigration judge. Steveson
19 Decl., Exh. A; 8 U.S.C. § 1236(a).

20 **E. Ren's eye disease does not entitle him to release from detention under the Sixth**
21 **Amendment to prepare for a criminal trial.**

22 Ren's Sixth Amendment right to counsel is not compromised by his immigration
23 detention. The Sixth Amendment includes the right to of assistance of legal counsel and
24 effective assistance of that counsel in criminal prosecutions. See *Rothgery v. Gillespie County*,

1 *Tex.*, 554 U.S. 191, 198 (2008); *United States v. Chronic*, 466 U.S. 648, 656 (1984). However,
2 “[n]ot every restriction” on counsel’s opportunities to consult with a client or prepare for trial
3 violates the Sixth Amendment. See *Morris v. Slappy*, 461 U.S. 1, 11 (1983).

4 Ren asserts that his Sixth Amendment has been violated because detention “prevents him
5 from reviewing discovery, consulting meaningfully with counsel, and preparing for trial.” Pet. ¶
6 52. Petitioner also raises questions about attending in-person hearings for his trial. Pet. ¶ 44.
7 Petitioner’s bare allegations, with no evidence submitted in support, fail to establish any of these
8 assertions.

9 First, the allegations related to review of discovery are not supported. Ren asserts that he
10 is unable to review legal paperwork “unless someone reads it aloud in Mandarin, or he can
11 somehow magnify it far beyond normal.” Pet. ¶ 40. He further alleges that “tasks like reviewing
12 the evidence or going over witness statements are nearly impossible from detention.” Pet. ¶ 43. If
13 Ren does not speak or read English, his need for a Mandarin interpreter is not contingent upon
14 detention. His criminal defense or immigration attorney would need to make arrangements for a
15 qualified interpreter regardless. More importantly, accommodations are being made which
16 address Ren’s eyesight impairment. A +20 magnifier, recommended by the outside optometrist,
17 has been provided. Dr. Wang Decl., ¶ 9. New prescription lenses were ordered after Ren’s
18 examination by an outside optometrist. Dr. Wang Decl., ¶ 9. He is also being provided with
19 medications for dry eye symptoms. Dr. Wang Decl., ¶ 8c.

20 Second, Petitioner alleges that Ren’s “ability to communicate with his criminal defense
21 attorney has been severely curtailed.” Pet. ¶ 43. Ren admits that he is able to have phone calls
22 and video conferencing with his criminal defense attorney. *Id.* Ren also does not report any
23 government prohibition on his attorney meeting with him in person, only that his attorney is 140
24 miles away. *Id.* Petitioner’s reliance on *Doe v. Wolf* is misplaced and has no bearing on this case.

1 Pet. ¶ 28. In that case, there was an official policy that individuals could not “communicate with
2 retained counsel prior to or during non-*refoulement* interviews.” *Doe v. Wolf*, 432 F.Supp.3d
3 1200, 1205 (S.D. Cal. 2020). Their legal counsel was also not allowed to meet with clients in-
4 person. *Id.* at 1214. Petitioner has presented no evidence that his legal counsel is prohibited from
5 meeting with him in-person at the NWIPC, only that it is inconvenient. Pet. ¶ 43. Furthermore,
6 Ren admits that he has access to phone calls with his attorney. *Id.* Unmonitored phone calls at
7 NWIPC between attorneys and detainees at NWIPC are allowed, but there is a process to follow.
8 Melendez Diaz Decl., ¶ 4-6. Detainees routinely rely on telephone contact with their attorneys in
9 detained cases, whether in immigration detention or criminal pretrial confinement.

10 Ren speculates about transport “bureaucratic or logistical issues” in order to attend his
11 state criminal trial, but provides no evidence that a proper transport request has even been
12 submitted to ICE in this case. He has also not shown that the state court could even proceed
13 without his presence. The state court cannot commence trial without the defendant’s presence
14 and cannot trial cannot continue unless he is voluntarily absent from trial. *State v. Hammond*,
15 121 Wash.2d 787, 791-92 (1993). Accordingly, there is no danger that the state court will
16 proceed without him.

17 **F. Ren is not entitled to release.**

18 This Court should deny Ren’s request for immediate release from immigration detention.
19 Pet., at 30. A noncitizen is entitled to release if he can show that his immigration detention is
20 indefinite as defined in *Zadvydas*. *Hong v. Mayorkas*, No. 2:20-cv-1784, 2021 WL 8016749, at
21 *6 (W.D. Wash. June 8, 2021), *report and recommendation adopted*, 2022 WL 1078627 (W.D.
22 Wash. Apr. 11, 2022). Ren cannot allege that his detention is indefinite. His individual hearing
23 on any applications for relief is scheduled for later this month. Ren has presented no evidence
24 that ICE will be unable to remove him if he receives a final order of removal. Nor has Ren

1 provided any legal basis for his immediate release from detention while detained pursuant to 8
2 U.S.C. § 1226(a). Because Ren has already received a bond redetermination before an IJ, this
3 Court should deny the Petition and require Ren to exhaust his administrative remedies.

4 Accordingly, this Court should not grant Ren's request for immediate release.

5 **CONCLUSION**

6 For the foregoing reasons, this Court should dismiss Ren's Petition in its entirety.

7 DATED this 12th day of January, 2026.

8 Respectfully submitted,

9 CHARLES NEIL FLOYD
United States Attorney

10 *s/ Jordan C. Steveson*

11 JORDAN C. STEVESON, WA# 40636
12 Special Assistant United States Attorney
United States Attorney's Office
Western District of Washington
13 700 Stewart Street, Suite 5220
Seattle, Washington 98101
14 Phone: 206-553-7970
Fax: 206-553-4067
15 Email: jordan.steveson@usdoj.gov

16 *Attorneys for Federal Respondents*

17 I certify that this memorandum contains 3,912
18 words, in compliance with the Local Civil Rules.