

DETAINED

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

JUN REN,

Petitioner,

v.

PAMELA BONDI, Attorney General;
KRISTI NOEM, Secretary of Homeland
Security;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
LAURA HERMOSILLO, Field Office
Director, ICE Seattle Field Office;
BRUCE SCOTT, Warden, Northwest ICE
Processing Center;

Respondents.

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

PETITIONER'S TRAVERSE

Agency File Number:



**PETITIONER'S TRAVERSE IN REPLY TO RESPONDENTS'
RETURN TO ORDER TO SHOW CAUSE**

I. INTRODUCTION

Petitioner Jun Ren respectfully submits this Traverse in reply to Respondents' Return and renews his request for immediate release. Respondents contend detention is lawful because Mr. Ren has received substantial procedural protections under 8 U.S.C. § 1226(a), including a bond hearing. However, his bond hearing was defective. And a procedurally defective bond hearing—one that relies primarily on *pending, unproven criminal allegations* while disregarding compelling evidence of non-dangerousness, non-flight risk, disability-related vulnerability, and imminent criminal trial interference—does not cure ongoing Fifth and Sixth Amendment violations. Mr. Ren's continued detention is unconstitutional as applied and habeas relief is appropriate.

II. ARGUMENT

A. The IJ's Bond Denial Is Not a Meaningful Procedural Safeguard Because It Relied on Pending Allegations Without a Reliable, Individualized Assessment

Respondents argue Mr. Ren's detention is lawful because the IJ denied bond after finding he was a danger and a flight risk. Dkt. No. 6, Resp. Return, 1. But because the bond decision rests primarily on arrest allegations and the nature of the offense, without a meaningful, individualized assessment of probative evidence, it cannot serve as the kind of substantial procedural protection Respondents invoke.

Under 8 U.S.C. § 1226(a), the government may detain a noncitizen pending removal proceedings, but due process requires an individualized custody determination grounded in reliable, probative evidence. *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006). The BIA has recognized that IJs may consider factors such as criminal history and community ties, but the ultimate inquiry remains whether the detainee has shown he is not a danger and not a flight risk. *Id.*; *Matter of Siniauskas*, 27 I&N Dec. 207, 208–09 (BIA 2018). None of these authorities

1 permits an IJ to treat a pending charge without a conviction as a substitute for actual proof of
2 dangerousness, nor do they displace constitutional requirements of fundamental fairness. *See*
3 *Matter of Y-S-L-C-*, 26 I&N Dec. 688, 690 (BIA 2015) (holding that in removal proceedings, the
4 test for whether evidence should be admitted is “whether it is probative and its admission is
5 fundamentally fair”).

6 Here, the IJ denied bond because, “[g]iven the recent arrest and nature of the offense,”
7 Mr. Ren failed to establish he was not a danger or flight risk. Medeiros Decl., Exh. H, IJ Bond
8 Decision. The IJ described Mr. Ren’s “criminal record” and “criminal history” as a basis to deny
9 bond—even though Mr. Ren has no criminal convictions, only pending allegations. *Id.* This is
10 precisely the due process problem recognized in *Ortega-Rangel v. Sessions*, where the federal
11 district court held that an IJ violated due process by denying bond relying only on the fact of the
12 arrest and pending charge, and ordering a new bond hearing because the record lacked
13 “probative and specific” evidence under *Guerra*. 313 F. Supp. 3d 993, 1004–07 (N.D. Cal.
14 2018). The IJ’s decision in Mr. Ren’s case suffers from the same defect. It effectively treats a
15 disputed allegation as proof of danger, rather than weighing the reliability of evidence and the
16 full record of equities.

17 **1. The Record Demonstrates Mr. Ren Is Not a Danger to the** 18 **Community**

19 Respondents emphasize the seriousness of the pending Clark County charges. Resp.
20 Return, 1. But seriousness of an allegation is not evidence of guilt, nor does it establish
21 dangerousness absent reliable evidentiary support. Mr. Ren has no prior convictions, no history
22 of violence, and no pattern of misconduct. The bond record included extensive evidence
23 supporting his release, including medical documentation of legal blindness and severe visual
impairment. Medeiros Decl., Exh. E, Evidence in Support of Bond.

1 Crucially, Mr. Ren’s own criminal defense counsel submitted a letter to the Immigration
2 Court affirming he “believe[s] in [Mr. Ren’s] innocence,” noting the complainant’s account
3 changed “multiple ways over time,” and emphasizing that “forensic evidence ... does not
4 support” the complainant’s recitation of events. Medeiros Decl., Exh. F, Additional Evidence in
5 Support of Bond. The police report submitted – while fundamentally unreliable and prejudicial –
6 lacked forensic evidence connecting Mr. Ren to the alleged conduct. Medeiros Decl., Exh. E,
7 Evidence in Support of Bond.

8 Instead of engaging with this evidence, the IJ’s decision relied primarily on the nature of
9 the offense and the fact of arrest. But due process requires more than a categorical inference
10 from accusation to danger, especially where the record contains evidence undermining the
11 reliability of the allegation and affirmatively demonstrating non-dangerousness. *See Ortega-*
12 *Rangel*, 313 F. Supp. 3d at 1005–07.

13 **2. The Record Demonstrates Mr. Ren Is Not a Flight Risk**

14 Mr. Ren’s compliance history is strong and undisputed. After his arrest on February 4,
15 2024, the state court released him on bail the very next day. Medeiros Decl., Exh. E, Evidence in
16 Support of Bond. From that point until ICE took him into custody on November 6, 2025, Mr.
17 Ren complied with every condition of release: he appeared for all hearings, maintained contact
18 with counsel, and respected the judicial process. *Id.* His public defender confirmed that, “from
19 the beginning,” Mr. Ren “has made his court dates and kept in good contact,” has been “very
20 involved in his own defense,” and provided “very useful information.” Medeiros Decl., Exh. F,
21 Additional Evidence in Support of Bond. This record directly supports release under *Guerra*,
22 which recognizes the importance of a person’s record of appearance and compliance with legal
23 obligations. 24 I&N Dec. at 40.

1 The bond evidence also demonstrates stable residence and family ties. Mr. Ren lives with
 2 his wife and son, and the bond packet included proof of a fixed address, family relationships, and
 3 supportive letters. Medeiros Decl., Exh. E, Evidence in Support of Bond. Further, Mr. Ren's
 4 legal blindness substantially limits his mobility and makes absconding implausible.

5 **B. Detention Is Causing Immediate and Irreparable Harm Because Mr. Ren Is**
 6 **Legally Blind and Not Receiving Reasonable Accommodations**

7 Respondents attempt to reframe Mr. Ren's constitutional claims as mere "conditions of
 8 confinement" claims outside habeas. Resp. Return, 6. But Mr. Ren seeks release because
 9 detention itself is producing ongoing constitutional harm that no lesser remedy can cure.

10 The medical record confirms Petitioner is legally blind and that his visual impairment is
 11 severe and functionally limiting. Ren Decl., Exh. A-I. Petitioner's treating optometrist certified
 12 that he meets the definition of legal blindness based on best-corrected visual acuity of 20/250 in
 13 the right eye and 20/320 in the left eye¹ and diagnosed him with bilateral retinitis pigmentosa.
 14 Ren Decl., Exh. A, Certificate of Legal Blindness. Objective retinal imaging confirms the
 15 severity of Petitioner's retinal condition, including findings of "severe loss" throughout the
 16 macula in both eyes. Ren Decl., Exh. E, Scan. Petitioner's Kaiser record further reflects he
 17 suffers from Type 2 diabetes, diabetes with cataract, and hereditary retinal dystrophy, conditions
 18 that increase vulnerability and make timely monitoring and specialty care particularly urgent.
 19 Ren Decl., Exh. B, Health Issue Summary. Petitioner's providers documented that he can only
 20 see reading material if he brings it extremely close to his eye and even then, only fleetingly, and

21

 ¹ Someone with a best corrected visual acuity result of 20/200 is considered legally blind. See "What Does 20/20
 22 Vision Mean?" American Academy of Ophthalmology, available at: [https://www.aao.org/eye-health/tips-
 23 prevention/what-does-20-20-vision-mean#:~:text=Leer%20en%20Espa%C3%B1ol;which%20is%20sharper%20than%20average](https://www.aao.org/eye-health/tips-prevention/what-does-20-20-vision-mean#:~:text=Leer%20en%20Espa%C3%B1ol;which%20is%20sharper%20than%20average). Mr. Ren's visual
 acuity means that he needs to 20 feet away to see detail an average person sees from 250 or 320 feet, respectively.
Id.

1 that he requires low-vision resources and assistance to function safely and independently. Ren
2 Decl., Exh. I, Visit Summary.

3 Since his detention began, he has not been seen by an ophthalmologist and has not
4 received the specialty care he received routinely outside of detention. Ren Dec., ¶ 30. Mre. Ren
5 went to eye doctors for appointments every two or three months. Ren Dec., ¶ 11. Kaiser records
6 show that Petitioner missed an ophthalmology/eye imaging office visit scheduled for December
7 31, 2025 at Clackamas Eye Care & Imaging. Ren Decl., Exh. D, Past Visits. Kaiser thereafter
8 rescheduled the missed appointment to February 20, 2026, nearly two months later. Ren Decl.,
9 Exh. H, Rescheduled Appointment. This missed and delayed specialty care is particularly
10 serious for a legally blind patient with progressive retinal disease and diabetes-related eye
11 conditions and demonstrates that detention has interfered with continuity of care rather than
12 ensuring appropriate access.

13 Undersigned Counsel has personally observed that Mr. Ren struggles to navigate
14 detention, and at times must be physically guided by another detainee just to participate in legal
15 visits. Medeiros Decl., ¶ 7. He has not been given the promised new prescription lenses, nor the
16 +20 stand magnifier² for reading, as alleged by Respondents. Ren Decl., ¶ 29. Instead, he got a
17 plastic sheet without a frame or stand with low magnifying power, rendering it useless to
18 Petitioner. *Id.*

19 NWIPC has not provided reasonable accommodations to allow Mr. Ren to access legal
20 processes independently and confidentially. Instead, because Mr. Ren cannot see documents,
21

22 ² A stand magnifier may sit on a base or have a clamp with an adjustable or flexible arm the magnifier can then be
23 placed over the object you want to magnify. See “Magnification (Hand or Stand),” Job Accommodation Network,
available at: <https://askjan.org/solutions/Magnification-Hand-or-Stand.cfm>.

1 legal review must occur orally line-by-line through an interpreter, and when signatures are
2 required, Mr. Ren cannot locate signature lines and must rely on another detainee, creating a
3 direct breach of attorney-client confidentiality. Medeiros Decl., ¶¶ 11-14. That ongoing
4 interference with counsel access and confidentiality is irreparable and cannot be cured after the
5 fact.

6 Immigration detention is a form of civil detention, and the Due Process Clause prohibits
7 conditions that are punitive or excessive relative to the government's legitimate nonpunitive
8 objectives. *See Bell v. Wolfish*, 441 U.S. 520, 535–39 (1979). The government also has an
9 affirmative duty to provide for the basic human needs of those it confines, including medical care
10 and reasonable safety. *DeShaney v. Winnebago Cnty. Dep't of Soc. Servs.*, 489 U.S. 189, 199–
11 200 (1989).

12 Here, Mr. Ren's blindness and the lack of accommodations are not incidental
13 inconveniences; they go to safety, medical vulnerability, and meaningful access to legal process.
14 Concerns about the lack of adequate accommodations and medical care for a blind detainee at
15 NWIPC have also been publicly corroborated during Congressional oversight of the facility.
16 Ren Decl., Exh. J, Randall Statement. Habeas relief is appropriate where continued confinement
17 is unconstitutional as applied and immediate release is necessary to stop ongoing harm.

18 **C. Detention Is Unconstitutionally Interfering With Mr. Ren's Ability to**
19 **Participate in His Pending Criminal Case**

20 Mr. Ren is a criminal defendant in Clark County Superior Court Case No. 24-1-00350-
21 06, with a jury trial scheduled for January 26, 2026. Medeiros Decl., Exh. M, Criminal Docket
22 Report. His ICE detention, particularly given his blindness and lack of accommodations, has
23 materially interfered with his ability to consult with counsel, review discovery, and prepare his
defense.

1 ICE's Detention Facility Appointment Scheduler ("DFAS") legal visit system is
2 immigration-specific and not available to criminal defense counsel, resulting in a lack of
3 meaningful access between Mr. Ren and his public defender. Medeiros Decl. 7; Exh. J, L. Mr.
4 Ren has reported he has had no contact with his criminal defense attorney since detention, even
5 by phone. Ren Decl., ¶ 36. This is particularly urgent because state court jury trial is imminent.
6 Medeiros Decl., Exh. M, Criminal Docket Report.

7 Undersigned Counsel requested release from ICE to allow Mr. Ren to attend critical
8 criminal proceedings, including a January 16 appearance that risked a bench warrant and the jury
9 trial date. Medeiros Decl., Exh. N, O. ICE did not respond to these parole requests. *Id.* Under
10 these circumstances, continued detention threatens Mr. Ren's Sixth Amendment interests by
11 preventing meaningful participation in his own defense.

12 **D. Exhaustion Is Not Required Under § 2241, and Prudential Exhaustion**
13 **Should Be Waived Under *Laing***

14 Respondents argue Mr. Ren failed to exhaust administrative remedies because his bond
15 appeal remains pending with the BIA. Resp. Return, 5. But there is no statutory exhaustion
16 requirement in 28 U.S.C. § 2241. *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001). At
17 most, exhaustion is judicially imposed and prudential. *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th
18 Cir. 2004).

19 Courts may waive prudential exhaustion where "administrative remedies are inadequate
20 or not efficacious, pursuit of administrative remedies would be a futile gesture, [or] irreparable
21 injury will result." *Laing*, 370 F.3d at 1000. Those exceptions apply here. Counsel appealed the
22 bond denial to the BIA, but the pursuit of administrative remedies will be futile. More
23 importantly, requiring Mr. Ren to await BIA review would cause irreparable harm: he is legally
blind, continues to suffer accommodation failures and confidentiality breaches, and faces

1 imminent criminal trial deadlines requiring his participation. Administrative delay would deprive
2 habeas of meaningful effect. *See Laing*, 370 F.3d at 1000.

3 **III. Conclusion**

4 Respondents ask this Court to defer to a bond denial that treated pending, unproven
5 allegations as a “criminal history,” while disregarding extensive record evidence of compliance,
6 stability, disability-related limitations, and urgent need for access to criminal defense counsel.
7 Mr. Ren’s continued detention is causing irreparable harm and violates due process and Sixth
8 Amendment principles as applied. Because prudential exhaustion should be waived and no lesser
9 remedy can cure the ongoing constitutional violations, Mr. Ren respectfully requests that the
10 Court grant the writ and order his immediate release.

11
12 Dated: January 19, 2026.

/s/ Caroline K. Medeiros

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18 I certify that this memorandum contains
19 2,090 words, in compliance with the Local
20 Civil Rules.