

No. 20-73521

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

CARLOS MENDOZA ESQUIVEL, Agency File Number 

Petitioner,

v.

PAMELA BONDI, Attorney General,

Respondent.

**PETITIONER'S EMERGENCY MOTION FOR INTERIM RELEASE OR, IN
THE ALTERNATIVE, FOR TRANSFER TO THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT OF WASHINGTON**

Petitioner, Carlos Mendoza Esquivel ("Mr. Esquire") through counsel, respectfully moves for immediate release from immigration detention, or, in the alternative, for transfer of this motion to the appropriate United States District Court as a petition for a writ of habeas corpus under 28 U.S.C. § 2241, with instructions for an expedited bond hearing.

I. INTRODUCTION

1. This motion challenges the unlawful civil re-detention of Petitioner Carlos Mendoza Esquivel, a 49-year-old man with severe mental illness who is currently confined by U.S. Immigration and Customs Enforcement at the Northwest Detention Center in Tacoma, Washington, despite having lived in the community for years under supervision without incident. His Petition for Review and Motion for Stay of Removal remain pending before this Court.
2. On August 13, 2025, Mr. Esquivel was seized at a routine ICE check-in without advance notice, without any written custody determination, without a warrant, and without a hearing. He had committed no crime and had violated no condition of supervision. Nevertheless, he has remained continuously detained since that date.
3. Mr. Esquivel is a severely mentally ill civil detainee. He suffers from schizophrenia, major depressive disorder with psychotic features, and post-traumatic stress disorder. He has a documented history of psychotic episodes, persecutory delusions, and command hallucinations directing him to kill himself.

He has previously been found mentally incompetent in immigration proceedings.

During this detention, he has expressed suicidal ideation and was placed on formal suicide observation by detention medical staff.

4. Petitioner's continued confinement under these conditions violates substantive due process. Civil detention must remain non-punitive and reasonably related to a legitimate regulatory purpose. Confining a person with active suicidal ideation in a custodial jail-like environment that exacerbates psychiatric decompensation is punitive in effect, not regulatory in purpose, and unconstitutional.
5. Petitioner's re-detention also violates procedural due process. After years of lawful supervised release, his conditional liberty interest was extinguished without notice and a pre-deprivation hearing determining whether custody was justified.
6. Petitioner's detention is also unlawful under any possible statutory framework.
7. This Court's jurisdiction is directly threatened by Petitioner's continued detention. If Mr. Esquivel were to die by suicide while this Court's review remains pending, judicial review will be permanently defeated and rendered moot. Preventing that outcome is the core function of the All Writs Act.
8. For these reasons, immediate judicial intervention is required. Mr. Esquivel respectfully seeks immediate release from detention or, in the alternative, immediate transfer to the district court for habeas review.

II. STATEMENT OF JURISDICTION

This Court's authority to act in this emergency arises under the All Writs Act, which provides that federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions." 28 U.S.C. § 1651(a). The Supreme Court has long held that this statute authorizes courts to issue orders needed "to effectuate and prevent the frustration of orders it has previously issued in its exercise of jurisdiction otherwise obtained." *United States v. New York Telephone Co.*, 434 U.S. 159, 172 (1977).

This Court also has active jurisdiction over Petitioner's pending Petition for Review and stay of removal under § U.S.C. § 1252. In *Nken v. Holder*, 556 U.S. 418, 426 (2009), the Supreme Court confirmed that an appellate court's authority to issue interim relief "is preserved in the grant of authority to federal courts to issue all writs necessary or appropriate in aid of their respective jurisdictions" under § 1651(a), and that this authority is part of the court's "traditional equipment for the administration of justice" (quoting *In re McKenzie*, 180 U.S. 536, 551 (1901), and *Scripps-Howard Radio, Inc. v. FCC*, 316 U.S. 4, 9 to 10 (1942)).

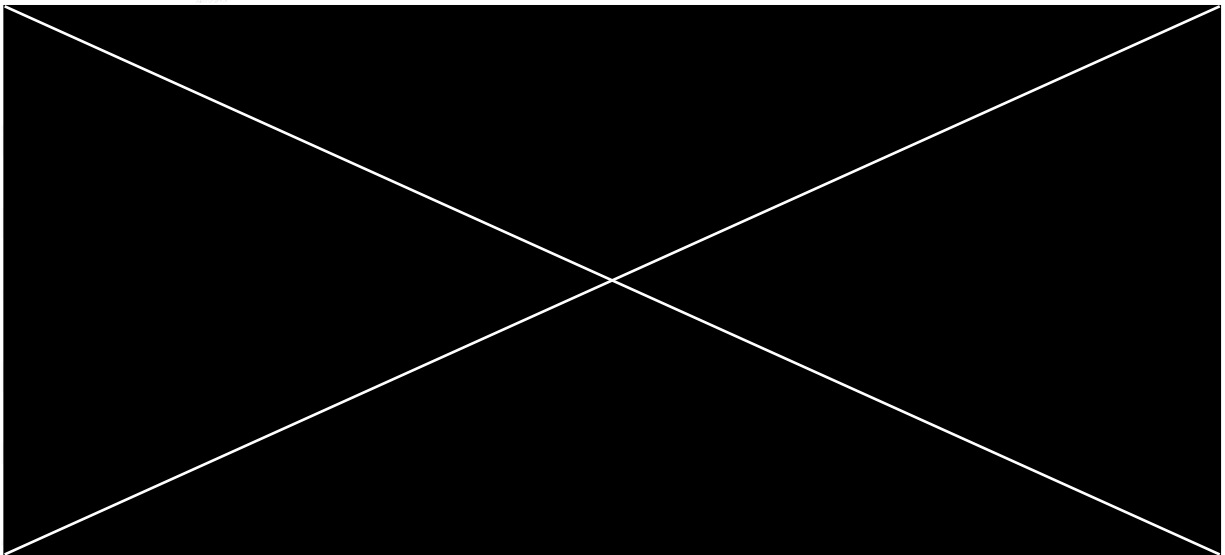
If this Court determines that permanent custody adjudication must proceed in district court, Petitioner alternatively requests immediate transfer under 28 U.S.C. § 1631 to prevent a jurisdictional gap and irreparable harm.

III. FACTUAL AND PROCEDURAL BACKGROUND

Mr. Esquivel is a 49-year-old native and citizen of Mexico. He first entered the United States without inspection in approximately 1992. Administrative Record ("AR") 1136. He is 

AR 778. He suffers from Major Depressive Disorder with psychotic features, Schizophrenia, Paranoid type, Post Traumatic Stress Disorder, permanent memory loss, and chronic headaches. AR 135, 193–196.

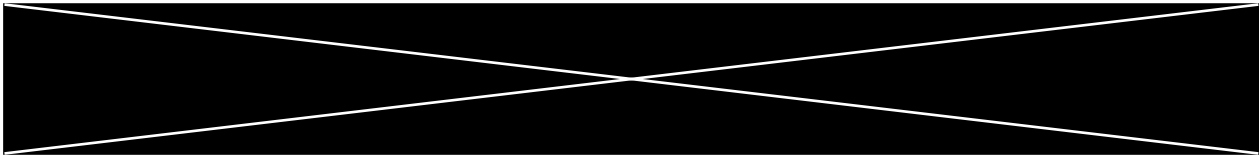
On August 13, 1999, Mr. Esquivel pled guilty in the United States District Court for the Western District of Washington to one count of possession of cocaine with intent to distribute in violation of 21 U.S.C. §§ 841(a), 841(b)(1)(C). Although the sentencing guideline range was 37 to 48 months, the court granted a downward departure based on substantial assistance and imposed a 30-month sentence. AR 995–981. He was removed to Mexico in approximately 2000.





On July 24, 2014, Mr. Esquivel and his family presented at the San Ysidro Port of Entry and requested asylum. On August 7, 2014, an asylum officer found that he established a credible fear of torture. AR 1282–1293. Removal proceedings commenced on August 13, 2014. AR 1278. He filed his I-589 application and supplemented it with extensive medical records, witness statements, and country condition evidence. AR 873–894.

At his July 10, 2017 individual hearing, Mr. Esquivel testified regarding both his criminal conviction and his persecution in Mexico. He testified that his 1999 offense involved peripheral involvement, no sale, no money exchanged, and no weapons. AR 462–485. He also testified regarding his psychosis, hallucinations, memory loss, and chronic headaches. AR 468.



The Immigration Judge denied asylum, withholding, and CAT relief. AR 365. The IJ found his testimony partially not credible as to the criminal offense and ruled the conviction was particularly serious. AR 394–97. CAT relief was denied on relocation and future risk grounds. AR 399.

On August 4, 2017, the Department of Homeland Security moved to reopen proceedings to conduct a competency hearing based on newly obtained mental health

evidence. AR 516–521. After procedural remand through the Board, the IJ conducted a competency hearing on March 28, 2018. AR 68–97.

At that hearing, the Immigration Court received psychiatric records confirming that Mr. Esquivel suffered from Schizophrenia, Paranoid type, Major Depressive Disorder with psychotic features, and PTSD. AR 135. Records showed that in August 2017 he had been hospitalized for acute psychosis, worsening delusions, and command auditory and visual hallucinations instructing him to kill himself. AR 193–196. The IJ found that Mr. Esquivel was no longer competent. AR 58, 63.

Despite reversing the prior adverse credibility finding as to the criminal offense, the IJ again denied withholding and CAT protection on March 28, 2018. AR 58–64.

On November 19, 2020, the Board issued a decision dismissing Mr. Esquivel's appeal. Although the Board acknowledged Mr. Esquivel had filed a motion to remand, it failed to issue a specific ruling on the motion. Rather, the Board indicated there was no evidence reflecting Mr. Esquivel was suffering from a mental disability at the time he committed the crime and, relying on the incomplete record before it, found that Mr. Esquivel's conviction was particularly serious. AR 4–5. The Board affirmed the IJ's denial of CAT relief without addressing Mr. Esquivel's mental health. AR 5.

On December 1, 2020, Mr. Esquivel filed a petition for review with this Court. Upon a joint motion of the parties, the case was judicially closed on August 4, 2021. On September 20, 2024, upon Respondent's motion, the case was reopened. On June 22,

2025, Mr. Esquivel submitted his opening brief.

On or about August 13, 2025, during a routine check-in with Immigration and Custody Enforcement ("ICE"), Mr. Esquivel was taken into custody. Without prior written notice, without any allegation that he violated supervision, and without any opportunity to be heard, ICE abruptly arrested and detained him. Mr. Esquivel has remained continuously detained since that date.

Following Petitioner's arrest and detention, a Motion for Stay of Removal was filed with this Court. That stay request remains pending.

Since his re-detention, Petitioner has psychiastically decompensated and expressed suicidal ideation. Medical staff at the Northwest Detention Center placed him on formal suicide observation based on an active risk of self-harm. He remains detained at that facility.

IV. ARGUMENTS

A. All Writs Act Authority

The All Writs Act, 28 U.S.C. § 1651(a), authorizes federal courts to "issue all writs necessary or appropriate in aid of their respective jurisdictions." The Supreme Court has made clear that this authority includes the power to issue orders needed "to effectuate and prevent the frustration of orders it has previously issued in its exercise of jurisdiction otherwise obtained." *United States v. New York Telephone Co.*, 434 U.S. 159, 172 (1977). The Court has further explained that interim relief is a critical mechanism for preserving

meaningful judicial review while a case remains pending. *Scruggs-Howard Radio, Inc. v. FCC*, 316 U.S. 4, 15 (1942); *Nken v. Holder*, 556 U.S. 418, 427 (2009). Where the absence of interim relief creates a real risk that judicial review will be defeated by events that cannot later be undone, the All Writs Act authorizes the Court to act to preserve the effectiveness of its review.

This Court has likewise recognized that interim custodial relief may be appropriate in extraordinary circumstances where necessary to protect judicial review. In *Marino v. Vasquez*, 812 F.2d 499, 507 (9th Cir. 1987), the Court held that “[t]he federal court’s authority to release a state prisoner on recognizance or surety in the course of a habeas corpus proceeding derives from the power to issue the writ itself.” That authority is reserved for “special circumstances.” *United States v. Mett*, 41 F.3d 1281, 1282 (9th Cir. 1994). Among those circumstances, the Court has specifically identified cases involving **“a serious deterioration of health while incarcerated.”** *Salerno v. United States*, 878 F.2d 317, 317 (9th Cir. 1989). These decisions provide a defined and narrow framework for interim release tied to medical risk and the preservation of judicial review.

Here, the record shows that Mr. Esquivel’s continued detention coincides with acute psychiatric deterioration. He is a civil immigration detainee with severe mental illness, including schizophrenia, major depressive disorder with psychotic features, and post-traumatic stress disorder. His medical history documents psychotic decompensation and symptoms directly associated with self-harm risk. During his current detention, he

experienced suicidal ideation, and detention medical staff placed him on formal suicide observation. Suicide observation is not routine monitoring; it reflects a clinical judgment that the risk of self-harm is real, immediate, and ongoing.

On this record, continued confinement in a custodial environment is not simply a disputed condition of detention. It is a setting that, as documented, has coincided with psychiatric destabilization and an elevated risk of irreversible harm. The danger is not speculative. It has been identified by the government's own medical personnel and addressed through emergency monitoring measures that underscore the seriousness of the risk.

Interim relief is warranted because the harm at issue cannot be remedied after the fact. A completed suicide or other catastrophic act of self-harm cannot be undone through later judicial action. Where detention medical staff has already determined that suicide observation is necessary, even brief delay carries substantial risk. The All Writs Act is designed to prevent precisely this type of irreversible harm from extinguishing effective judicial review before it can be completed.

The relief requested is limited and protective in nature. It does not preempt or resolve any future custodial determinations under the statutory framework. It seeks only to remove Mr. Esquivel from a custodial environment that, on this record, materially increases his risk of self-harm and irreversible injury while judicial review proceeds. Such interim relief is consistent with the All Writs Act as applied in *United States v. New*

York Telephone Co., 434 U.S. 159, 172 (1977)), and with this Court's "special circumstances" jurisprudence recognizing interim release where detention is accompanied by a serious deterioration of health, *Marino v. Vasquez*, 812 F.2d 499, 507 (9th Cir. 1987); *United States v. Mett*, 41 F.3d 1281, 1282 (9th Cir. 1994); *Salerno v. United States*, 878 F.2d 317, 317 (9th Cir. 1989).

The Court's authority to intervene here is concrete and practical, extending to the prevention of irreversible harm that would otherwise render judicial review ineffective.

B. Substantive Due Process

The Fifth Amendment forbids the government from depriving any person of liberty without due process of law. *Zachrydas v. Davis*, 533 U.S. 678, 690 (2001). Freedom from physical restraint lies at the core of the liberty the Due Process Clause protects. *Id.* Because immigration detention is civil, not criminal, it is constitutionally permissible only so long as it remains nonpunitive and reasonably related to a legitimate governmental purpose. *Id.* Once detention no longer bears a reasonable relation to its regulatory purpose, it becomes arbitrary and unconstitutional. *Id.*; *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

A statute permitting indefinite detention of an alien raises a serious constitutional problem because freedom from physical restraint lies at the heart of the Due Process Clause. Government detention violates that guarantee unless it occurs in a criminal proceeding with adequate procedural protections, *United States v. Salerno*, 481 U.S. 739,

746 (1987), or in special and narrow nonpunitive circumstances supported by a distinct justification outweighing the individual's liberty interest, *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Such circumstances exist only where detention rests on a special justification, such as harm-threatening mental illness, *Kansas v. Hendricks*, 521 U.S. 346, 356 (1997). Outside those tightly confined contexts, civil detention that inflicts serious harm without advancing its regulatory justification violates substantive due process.

Mr. Esquivel is not detained pursuant to any civil commitment statute and is not being confined because of mental illness. He remains in immigration custody solely by virtue of a final order of removal. Under *Zadvydas*, however, detention imposed for removal purposes becomes unconstitutional once it no longer advances removal and instead inflicts serious harm. *Id.* at 690. Where detention exacerbates severe mental illness and no longer bears a reasonable relation to its regulatory purpose, it falls outside the narrow circumstances the Constitution permits.

Consistent with these principles, the Ninth Circuit applies an objective deliberate indifference standard to civil detainee claims involving medical care and safety. *Gordon v. County of Orange*, 888 F.3d 1118, 1124 to 1125 (9th Cir. 2018). Due process is violated where officials make an intentional decision regarding conditions of confinement, the conditions place the detainee at substantial risk of serious harm, reasonable measures are not taken to abate that risk, and the failure results in injury.

These conditions are present here. Mr. Esquivel is a post-final-order civil

immigration detainee with schizophrenia, major depressive disorder with psychotic features, and post-traumatic stress disorder. His medical history documents psychotic decompensation, persecutory delusions, and command hallucinations directing him to kill himself. He has previously been found mentally incompetent in immigration proceedings. During his current detention, he experienced suicidal ideation, and detention medical staff placed him on formal suicide observation due to active risk of self-harm. The government's own actions thus acknowledge the substantial risk created by continued confinement.

In addition, detention no longer reasonably advances any legitimate immigration purpose. Prior to August 2025, Mr. Esquivel lived in the community for years under supervision without incident. He committed no new crimes, violated no conditions, and posed no public safety concern. The government has identified no change in circumstances justifying incarceration rather than supervised release. Detaining him in a secure facility that has coincided with renewed suicidal crisis does not advance removal or protect the community. It instead intensifies medical danger.

Nor has the government invoked any alternative legal framework that would permit confinement with the safeguards the Constitution requires. It is using general immigration detention to hold an actively suicidal person in a jail-like environment while offering observation rather than altering the conditions of confinement. That is precisely the form of detention without adequate justification or safeguards that *Zadvydas* and

related cases forbid.

Under the Fifth Amendment, civil detention that becomes excessive, medically dangerous, and unrelated to its regulatory purpose is unconstitutional. Here, continued detention no longer serves removal, is unnecessary to protect the public, and places Mr. Esquivel's life in immediate jeopardy. Even assuming *arguendo* that statutory detention authority exists, substantive due process independently requires his immediate release.

C. Procedural Due Process

The Fifth Amendment's Due Process Clause applies to all persons within the United States, including noncitizens in civil immigration custody. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). At its core, procedural due process requires notice and a meaningful opportunity to be heard before the government deprives a person of physical liberty. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

When the government confers conditional liberty and permits a person to live in the community, that liberty may not be withdrawn without constitutionally adequate process. In *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972), the Supreme Court held that revocation of conditional liberty inflicts a "grievous loss" and therefore requires notice and a hearing before liberty is terminated. Although *Morrissey* arose in the parole context, its core teaching is procedural: once the government authorizes a person to live at liberty subject to conditions, that liberty may not be extinguished summarily.

Here, following entry of a final order of removal in 2017, the government released

Mr. Esquivel into the community under supervision. He remained at liberty for years, complied with all reporting requirements, and committed no new crimes. On August 13, 2025, he appeared as required for a routine ICE check-in. Without advance notice, without any written explanation, without an opportunity to contest the basis for revocation, and without any pre-deprivation hearing, ICE took him into custody on the spot.

That seizure extinguished years of uninterrupted conditional liberty in a single moment. At the time of arrest, the government offered no justification beyond the existence of a prior removal order. ICE did not allege any violation of supervision, identify any new criminal conduct, make any finding of flight risk, or claim any emergency or danger to the community. It arrested him first and provided no process at all before depriving him of liberty.

Procedural due process is not satisfied by after-the-fact justification where the government bypasses constitutionally required pre-deprivation safeguards. Under *Mathews*, due process requires notice and an opportunity to be heard before liberty is taken where the deprivation is severe and the risk of error is high. Summary arrest without prior process is permissible only where true exigent circumstances exist. No such circumstances were present here.

The absence of exigency is underscored by what the government knew at the time of re-arrest. Mr. Esquivel has a documented history of severe mental illness, including

schizophrenia, major depressive disorder with psychotic features, and post-traumatic stress disorder, and he had previously been found mentally incompetent in immigration proceedings. ICE knew, or at minimum should have known, that sudden detention posed a serious and foreseeable risk of catastrophic psychiatric harm. Yet it revoked his liberty without counsel present, without procedural safeguards, and without any contemporaneous assessment of the mental health consequences of detention. The harm was immediate and foreseeable: following re-detention, Mr. Esquivel expressed suicidal ideation and was placed on formal suicide observation by detention medical staff.

The procedural posture of the case further confirms the absence of exigent circumstances. At the time of the re-arrest, Mr. Esquivel's Petition for Review and Motion for Stay of Removal were both pending before this Court. The government's removal authority was therefore actively contested and subject to ongoing judicial oversight. Where removal authority is under review in the court of appeals, sudden re-arrest without notice or hearing cannot be justified by emergency necessity. This was an administrative choice, not a constitutional necessity.

Under *Mathews*, the balance overwhelmingly favors pre-deprivation process. The private liberty interest was extreme, the risk of erroneous deprivation was absolute in the absence of any procedure, and the government faced no countervailing emergency that could justify dispensing with basic constitutional safeguards. Where the government summarily revokes long-standing conditional liberty without notice or a pre-deprivation

hearing, the resulting detention is constitutionally tainted from its inception. The appropriate remedy is not delayed administrative review, but release from custody obtained in violation of due process.

Because Mr. Esquivel's was rearrested without constitutionally sufficient procedure, his present custody independently violates procedural due process and provides a separate and sufficient basis for immediate release.

D. Statutory Limits on Continued Detention

Assuming arguendo that the government asserts Petitioner's custody is authorized under 8 U.S.C. § 1231 by virtue of an outstanding final order of removal, continued detention nevertheless exceeds the limits of that statute as construed by the Supreme Court. Section 1231(a)(1) establishes a ninety-day "removal period" during which the government is directed to effectuate removal and during which detention is mandatory. The statute provides that the removal period begins on the latest of: (1) the date the order of removal becomes administratively final; (2) if the order is judicially reviewed and a court orders a stay, the date of the court's final order; or (3) if the noncitizen is detained or confined for non-immigration reasons, the date of release from that confinement. 8 U.S.C. § 1231(a)(1)(B). The final order of removal itself remains legally operative unless and until it is executed or vacated.

Here, the government did not effectuate removal during the ninety-day removal period triggered by the finality of Petitioner's removal order. Once that period elapsed

without removal, detention authority shifted from § 1231(a)(2) to § 1231(a)(6), which permits continued detention only subject to the limitations recognized in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

In *Zadvydas*, the Supreme Court construed § 1231(a)(6) to avoid serious constitutional concerns, holding that post-removal-period detention is authorized only for a period reasonably necessary to bring about removal. *Id.* Where removal cannot be accomplished in the reasonably foreseeable future, continued detention is not authorized by the statute. *Id.* The government must point to a realistic prospect of removal, not a speculative or indefinite possibility. *Id.*

Under the present circumstances, removal cannot be accomplished in the reasonably foreseeable future. The record reflects that Petitioner remained in the community under supervision for an extended period following entry of the final order of removal, and at the time of re-detention in August 2025 there was no indication that removal was immediately forthcoming.

In addition, Petitioner's Petition for Review and Motion for Stay of Removal remains pending before this Court. While judicial review remains ongoing and the stay remains in effect, execution of the removal order is deferred. In this procedural posture, removal cannot be considered reasonably foreseeable for purposes of § 1231(a)(6).

Under the circumstances presented to the Court, continued detention is not authorized by § 1231. As construed in *Zadvydas*, post-removal-period detention is

permitted only so long as it bears a reasonable relation to the purpose of effectuating removal. In the present procedural posture, where removal is not presently forthcoming and remains subject to ongoing judicial review, continued custody falls outside the scope of detention authorized by the statute.

Accordingly, continued custody falls outside the scope of detention authorized by § 1231 as construed in *Zadvydas*.

E. Transfer Under § 1631

If this Court concludes that it lacks authority to order release directly under the All Writs Act or the Constitution, the custody component of this motion must be transferred to the United States District Court for the Western District of Washington pursuant to 28 U.S.C. § 1631. Transfer is required to ensure continuous judicial protection and to prevent a jurisdictional gap during which Petitioner would remain detained without any forum capable of reviewing the legality of his confinement.

Section 1631 provides that when an action is filed in a federal court that lacks jurisdiction, “the court shall, if it is in the interest of justice, transfer such action” to a court in which it could have been brought. 28 U.S.C. § 1631. This Court has applied § 1631 in the immigration detention context and has explained that transfer will ordinarily be in the interest of justice because “normally dismissal of an action that could be brought elsewhere is ‘time-consuming and justice-defeating.’” *Cruz-Aguilera v. INS*, 245 F.3d 1070, 1074 (9th Cir. 2001).

These concerns apply here. Mr. Esquivel has been detained since August 2025 and remains confined. He suffers from severe mental illness, including schizophrenia, major depressive disorder with psychotic features, and post-traumatic stress disorder, and has experienced recent suicidal ideation requiring suicide observation in ICE custody. Mr. Esquivel's Petition for Review and Motion for Stay of Removal remain pending before this Court, and removal therefore remains subject to ongoing judicial review.

Absent transfer, the custody component of this matter would lack a forum for prompt adjudication while Petitioner remains detained, notwithstanding the serious and ongoing harm reflected in the record. Section 1631 is designed to prevent such gaps in judicial review. As this Court has explained, transfer is ordinarily appropriate because "normally dismissal of an action that could be brought elsewhere is 'time-consuming and justice-defeating,'" *Cruz-Aguilera v. INS*, 245 F.3d 1070, 1074 (9th Cir. 2001).

Accordingly, if the Court concludes that permanent custody relief should proceed through habeas corpus under 28 U.S.C. § 2241, the custody component of this motion should be transferred to the United States District Court for the Western District of Washington pursuant to § 1631, while this Court retains jurisdiction over the pending Petition for Review and Motion for Stay of Removal.

V. CONCLUSION

This case presents an urgent risk of irreparable harm. Mr. Esquivel is a civil immigration detainee with severe mental illness who was summarily re-arrested at a

routine ICE check-in without notice or a hearing and who has since experienced suicidal ideation requiring formal suicide observation. The Petitioner's Petitions for Review and Motion for Stay of Removal remain pending before this Court.

Under the All Writs Act and this Court's inherent equitable authority, immediate protective release is necessary to prevent serious and irreversible harm and to preserve the Court's ability to exercise meaningful jurisdiction over the pending Petition for Review. Continued detention under these circumstances is unlawful and cannot be sustained under any statutory detention framework.

Absent prompt judicial intervention, Mr. Esquivel faces a substantial risk of severe injury or death, and this Court's review risks being rendered moot by events that cannot later be remedied.

IV. PRAYER FOR RELIEF

For the foregoing reasons, Mr. Esquivel respectfully requests that this Court:

1. Order Petitioner's immediate temporary release from immigration detention pursuant to the All Writs Act and this Court's equitable authority to prevent irreparable harm and preserve jurisdiction over the pending Petition for Review;
2. In the alternative, if the Court determines that custody relief must proceed in district court, order immediate transfer of the custody component of this matter to the United States District Court for the Western District of Washington under 28 U.S.C. § 1631, with instructions for a prompt consideration under 28 U.S.C. § 2241; and

3. Grant such other and further relief as the Court deems just and proper.

Dated: December 12, 2025

Respectfully Submitted,

/s/ Theodora E. Adoghe

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CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December 2025, I electronically filed the foregoing document with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Theodora E. Adoghe

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