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District Judge Tiffany M. Cartwright

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

CRUZ-Rodas, et al.

Petitioners,

v.

BRUCE SCOTT, Warden of the Northwest ICE
Processing Center;
ALEJANDRO MAYORKAS, Secretary of the
U.S. Department of Homeland Security

Respondents.

CIVIL ACTION NO. 2:26-CV-00012

REPLY TO RESPONDENTS' RESPONSE
AND NOTICE OF CLARIFICATION OF
IDENTITY, CHANGED CIRCUMSTANCES,
AND REQUEST FOR RESTORATION OF
HABEAS JURISDICTION

I. INTRODUCTION

Petitioners submit this Reply to Respondents' Response to ensure that the Court's consideration of the Petition for Writ of Habeas Corpus is based on the correct factual record, correct individuals, and current custodial circumstances. Since the Petition was filed, material developments have occurred that Respondents' Response does not address, including (1) the post-filing transfer of Petitioner Narciso Cruz-Rodas out of this District, (2) the withdrawal of representation as to Petitioner Mercedes Espinoza Balcaceres, and (3) Respondents' apparent misidentification of Petitioner Miguel Lopez as a different detainee with a similar name.

REPLY TO RESPONDENTS' RESPONSE AND NOTICE OF CLARIFICATION OF IDENTITY, CHANGED CIRCUMSTANCES, AND REQUEST FOR RESTORATION OF HABEAS JURISDICTION - 1

1 As explained below, Respondents' Response does not meaningfully engage with the
2 habeas claims of the correct Petitioners and relies on factual premises that are either inaccurate
3 or inapplicable. Petitioners respectfully submit this Reply to clarify the record, preserve the
4 Court's habeas jurisdiction, and request appropriate relief.
5

6 **II. PETITIONER NARCISO CRUZ-RODAS — POST-FILING TRANSFER**
7 **IMPROPERLY IMPAIRED HABEAS JURISDICTION**

8 At the time the Petition was filed, Petitioner Narciso Cruz-Rodas was detained at the
9 Northwest ICE Processing Center in Tacoma, Washington, within this Court's jurisdiction. The
10 day after the Petition was filed, Respondents transferred Petitioner Cruz-Rodas to a detention
11 facility in Georgia. The transfer occurred after this Court's habeas jurisdiction had attached upon
12 filing.
13

14 The Supreme Court has long held that the Government may not defeat or impair habeas
15 jurisdiction through a post-filing transfer of a detainee. *Ex parte Endo*, 323 U.S. 283, 304 (1944).
16 Where jurisdiction has attached at the time of filing, a subsequent transfer does not divest the
17 Court of authority to grant relief necessary to preserve meaningful judicial review. *Rumsfeld v.*
18 *Padilla*, 542 U.S. 426, 441 (2004).
19

20 Petitioner Cruz-Rodas clarifies that he was admitted to the United States on May 15,
21 2013, and he does not seek application of *Rodriguez Vazquez v. Bostock* to his detention. His
22 habeas claim rests instead on Respondents' post-filing transfer, which impaired access to counsel
23 and this Court's ability to adjudicate his pending habeas petition.
24

25 Petitioner Cruz-Rodas respectfully requests that the Court order Respondents to return
26 him to the Northwest ICE Processing Center in Tacoma, Washington to restore the Court's
27

1 ability to exercise its habeas jurisdiction and permit meaningful review. See Calderon-Rodriguez
2 v. Wilcox, 374 F. Supp. 3d 1024 (W.D. Wash. 2019).

3 **III. PETITIONER MERCEDES ESPINOZA BALCACERES —**
4 **WITHDRAWAL OF REPRESENTATION**

5 Petitioner Mercedes Espinoza Balcaceres is no longer represented by undersigned
6 counsel. Petitioners therefore notify the Court that no relief is sought on his behalf, and
7 Petitioners do not oppose dismissal of his claims without prejudice.
8

9 **IV. PETITIONER MIGUEL LOPEZ —**
10 **RESPONDENTS ADDRESSED THE WRONG INDIVIDUAL**

11 Respondents' Response appears to address an individual named Miguel Antonio-Lopez, a
12 Guatemalan national detained at NWIPC. That individual is not the Petitioner before this Court.

13 The Petitioner in this action is Miguel Angel Lopez Esteban, a native and citizen of
14 Mexico, born  Petitioner Lopez Esteban was issued a Notice to Appear on
15 January 13, 2026, charging him as removable under INA § 212(a)(6)(A)(i). He has never been
16 admitted or paroled into the United States.
17

18 Because "Miguel Lopez" is a common name and full identifying information was not
19 available at the time of filing, Respondents' Response does not address the detention, procedural
20 posture, or statutory classification of the correct Petitioner. Respondents' factual assertions
21 concerning prior removal orders and enforcement actions pertain to a different individual and
22 cannot support dismissal of the habeas petition as to Petitioner Lopez Esteban.
23

24 **V. RESPONDENTS' EXHAUSTION ARGUMENT FAILS**

25 Respondents argue that Petitioners failed to exhaust administrative remedies by not
26 seeking bond hearings under 8 U.S.C. § 1226(a). This argument fails for multiple reasons.
27

28 REPLY TO RESPONDENTS' RESPONSE AND NOTICE OF CLARIFICATION OF IDENTITY, CHANGED
CIRCUMSTANCES, AND REQUEST FOR RESTORATION OF HABEAS JURISDICTION - 3

1 First, as to Petitioner Lopez Esteban, Respondents' exhaustion argument is directed at the
2 wrong individual and therefore establishes nothing regarding his access to administrative
3 remedies.

4 Second, exhaustion is not required where a habeas petition raises a purely legal challenge
5 to detention authority rather than discretionary custody determinations. *Zadvydas v. Davis*, 533
6 U.S. 678, 688 (2001); *Ex parte Endo*, 323 U.S. 283, 304 (1944).

7 Third, Respondents cannot rely on § 1226(a) exhaustion principles where Respondents'
8 own statutory position foreclosed meaningful administrative review or where no bond
9 proceedings occurred for the correct Petitioner. Exhaustion is excused where administrative
10 remedies are unavailable, futile, or inadequate. *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th
11 Cir. 2011).

12 **VI. RESPONDENTS' RESPONSE DOES NOT SUPPORT DISMISSAL**

13 In sum, Respondents' Response:

- 14 • Does not justify the post-filing transfer of Petitioner Cruz-Rodas;
- 15 • Does not address the correct individual as to Petitioner Miguel Angel Lopez
- 16 Esteban;
- 17 • Relies on factual premises that do not apply to the Petitioners before the Court;
- 18 and
- 19 • Does not defeat this Court's habeas jurisdiction.

20 Petitioners respectfully submit that the Court should decline to resolve the merits of the
21 Petition on an inaccurate or incomplete record and should grant relief necessary to preserve
22 meaningful habeas review.

VII. RELIEF REQUESTED

WHEREFORE, Petitioners respectfully request that the Court:

1. Order Respondents to return Petitioner Narciso Cruz-Rodas to the Northwest ICE Processing Center in Tacoma, Washington;
2. Disregard Respondents' factual assertions addressing individuals other than the named Petitioners in this action;
3. Dismiss the claims of Mercedes Espinoza without prejudice;
4. Permit supplementation or amendment of the Petition as necessary; and
5. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 26th day of January 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioners

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 26th day of January 2026, I served true and correct copies of the REPLY TO RESPONDENTS' RESPONSE AND NOTICE OF CLARIFICATION upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

Warden, Northwest ICE Processing Center
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Tacoma, WA 98421

ALEJANDRO MAYORKAS

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 26th day of January 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioners