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District Judge Tiffany M. Cartwright

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

MALDONADO, Juan

Petitioner,

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-00014

REPLY TO RESPONDENTS' RESPONSE
TO PETITION FOR WRIT OF HABEAS
CORPUS

I. INTRODUCTION

Petitioner Juan Maldonado respectfully submits this Reply to Respondents' Response to the Petition for Writ of Habeas Corpus. Respondents argue that Petitioner is lawfully subject to mandatory detention under 8 U.S.C. § 1225(b) because he was apprehended upon arrival and therefore is not a member of the *Rodriguez Vazquez v. Bostock* Bond Denial Class. Even assuming Respondents' asserted statutory authority, their arguments do not defeat habeas jurisdiction or foreclose relief.

1 Habeas review remains available to determine whether Petitioner's continued detention,
2 as applied, violates the Constitution or laws of the United States. *Zadvydas v. Davis*, 533 U.S.
3 678, 688 (2001); *Ex parte Endo*, 323 U.S. 283, 304 (1944).

4 **II. CLASS MEMBERSHIP IS NOT DISPOSITIVE**

5 Respondents contend that Petitioner is not a member of the *Rodriguez Vazquez* Bond
6 Denial Class because he was apprehended upon arrival. Petitioner does not dispute that class
7 membership may not apply. However, inclusion in a certified class is not a prerequisite to habeas
8 relief. Jurisdiction under 28 U.S.C. § 2241 turns on whether a petitioner is "in custody in
9 violation of the Constitution or laws or treaties of the United States," not on class status.

10 **III. RESPONDENTS' RELIANCE ON § 1225(b) AND JENNINGS DOES NOT BAR** 11 **HABEAS REVIEW**

12 Respondents rely on *Jennings v. Rodriguez*, 583 U.S. 281 (2018), to argue that detention
13 under § 1225(b) is mandatory and that parole is the sole avenue for release. But *Jennings*
14 addressed statutory interpretation and expressly preserved constitutional challenges to detention
15 statutes. *Id.* at 309.

16 Thus, even if § 1225(b) applies, this Court retains authority to review whether continued
17 detention has become unconstitutional as applied, including whether it deprives Petitioner of
18 meaningful procedural protections or operates arbitrarily. *Zadvydas*, 533 U.S. at 688; *Endo*, 323
19 U.S. at 304.

20 **IV. EXHAUSTION DOES NOT BAR REVIEW**

21 Respondents argue that habeas relief is barred because Petitioner has not exhausted
22 administrative custody remedies. This argument fails.

23 Although a pre-Notice of Appearance bond request may be legally available in theory,
24 Petitioner has been unable to meaningfully pursue such relief due to Respondents' asserted
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REPLY TO RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS - 2

1 detention authority and the Government's exclusive control over Petitioner's custody records.
2 When counsel sought basic case information through the immigration hotline, counsel was
3 informed that "information cannot be released on this case."
4

5 Exhaustion is excused where administrative remedies are unavailable, inadequate, or
6 futile. *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011). Moreover, Petitioner's
7 habeas petition raises a threshold legal and constitutional challenge to detention authority itself,
8 not a discretionary bond determination, and therefore does not require exhaustion. *Zadvydas*, 533
9 U.S. at 688.
10

11 Nothing in this Petition waives Petitioner's ability to pursue bond or other administrative
12 relief should meaningful access become available.

13 **V. RESPONDENTS' FACTUAL ASSERTIONS DO NOT DEFEAT HABEAS**
14 **JURISDICTION**

15 Respondents rely on DHS declarations and records to describe Petitioner's entry history
16 and prior proceedings. Petitioner does not presently have access to the underlying A-file or
17 custody records necessary to confirm or challenge those assertions. Where the Government
18 controls the evidence relevant to detention authority, dismissal at this stage would be premature.
19 Habeas courts may require production of custody records sufficient to permit meaningful judicial
20 review. *Zadvydas*, 533 U.S. at 688.
21

22 **VI. PETITIONER'S REQUESTED RELIEF IS PROPER**

23 Respondents characterize Petitioner's requests for transfer notice and protection against
24 re-detention as improper injunctive relief. Petitioner instead seeks limited, ancillary relief
25 necessary to preserve habeas jurisdiction, ensure access to counsel, and prevent interference with
26 judicial review while this Petition is pending. Federal courts possess inherent authority to issue
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1 such relief in habeas proceedings. *Endo*, 323 U.S. at 304; *Rumsfeld v. Padilla*, 542 U.S. 426, 441
2 (2004).

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4 **VII. CONCLUSION**

5 Respondents' arguments do not defeat habeas jurisdiction or establish that Petitioner's
6 detention is lawful as applied. Accordingly, Petitioner respectfully requests that the Court deny
7 Respondents' request for dismissal, require production of sufficient custody records to permit
8 meaningful review, and grant appropriate habeas relief consistent with due process.
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11 Respectfully submitted this 26th day of January 2026.

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13 /s/Vicky J Currie

14 Vicky J Currie, WSBA #24192
15 Attorney for Petitioner
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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 TO PETITION FOR WRIT OF HABEAS CORPUS upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

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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 Petitioner