

District Judge Lauren King

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

ALBERTO QUIALA FERNANDEZ,

Petitioner,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT FIELD OFFICE
DIRECTOR,

Respondent.

Case No. 2:26-cv-00043-LK

RESPONDENT'S
SUPPLEMENTAL BRIEFING

Noted For Consideration:
February 11, 2026

Respondent submits this supplemental briefing to inform this Court that Petitioner's detention authority has shifted from 8 U.S.C. § 1225(b) to 8 U.S.C. § 1231(a)(2) as of today. On February 6, 2026, U.S. Immigration and Customs Enforcement ("ICE") filed its return to the habeas petition. Dkt. No. 8. In the return, ICE argued that Petitioner was subject to mandatory detention pursuant to 8 U.S.C. § 1225(b) as an arriving alien. Return, at 6. At that time, Petitioner was not subject to an administratively final order of removal as he had an administrative appeal pending at the Board of Immigration Appeals ("BIA"). Return, at 5. However, the BIA granted Petitioner's motion to withdraw his appeal today. Lambert Decl., Ex. J, Decision. As a result,

1 Petitioner's removal order is final and the removal period has begun. 8 U.S.C. § 1231(a)(1)(B)(i).

2 Accordingly, Petitioner's detention is mandatory. 8 U.S.C. § 1231(a)(2).

3 DATED this 11th day of February, 2026.

4 Respectfully submitted,

5 s/ Michelle R. Lambert

6 MICHELLE R. LAMBERT, NYS #4666657

7 Assistant United States Attorney

8 United States Attorney's Office

9 Western District of Washington

10 1201 Pacific Ave., Ste. 700

11 Tacoma, WA 98402

12 Phone: (253) 428-3824

13 Fax: (253) 428-3826

14 Email: michelle.lambert@usdoj.gov

15 *Attorneys for Respondent*

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers.

I further certify that on this date, I electronically filed the foregoing and the following Declaration of Michelle R. Lambert with the supporting Exhibit J, with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

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I further certify that on this date, I arranged for service of the foregoing on the following non-CM/ECF participant, via Certified Mail with return receipt, postage prepaid, addressed as follows:

Alberto Quiala Fernandez, *Pro Se Petitioner*
A# :
NW ICE Processing Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 11th day of February, 2026.

s/ Stephanie Huerta-Ramirez
STEPHANIE HUERTA-RAMIREZ, Legal Assistant
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101
Phone: (206) 553-7970
Fax: (206) 553-4073
Email: Stephanie.Huerta-Ramirez@usdoj.gov