

Name: *Alberto Quiala Fernandez*
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TACOMA, WASHINGTON 98421



FEB 11 2026

UNITED STATES DISTRICT COURT

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

Name: *Quiala Alberto*

Petitioner

vs.

ICE Field Office Director

Respondent

) Case No *2:26-cv-00043-LK*

) REPLY TO RESPONSE TO MOTION

The Petitioner is currently held in custody of the Attorney General at Tacoma's Northwest Detention Center in Tacoma Washington.

Here, the Petitioner moves this Court to

1. Be immediately released from detention under *Zadvydas v. Davis*, 533 U.S. 678, 689, 121. S. Ct. 2491, 150 L. Ed. 2D 653 (2001);[*702] V. 208 F. 3d at 831 and n. 30.
2. Provide me with a hearing in which the government must show I'm a risk of flight or danger to the community before re-detaining me as required by the due process clause.
3. Not to remove me to a third country in an unconstitutionally, punitive manner and provide me with a notice and an opportunity to respond to any third country removal attempt in a re-opened removal proceeding, (*KHIM v. BONDI*)

I was born in Cuba in  and came to USA in 2013 . Do to a criminal conviction I was giving a removal order by an immigration judge on Nov 2025. ERO is not successfully removing detainees to Cuba I was placed on an Order Of Supervision.

DETENTION

I was paroled on supervision on 2013. My removal to Cuba is unlikely or nonexistent because Cuba has been extremely reluctant to accept individual's with criminal record's. I came to America seeking asylum and I believed I was granted asylum when placed on parole. I'm considered a traitor to my country for leaving in 2012 . Although ICE arrested 419 Cuban's citizen's in fiscal year 2025, only 138 Cuban's were removed, and only 32 of those had criminal conviction. There are at least 34,000 Cubans with final order of removal due in large part to criminal convictions. (Quoting Lindsay Daniels, The End Of Special Treatment For Cubans With Final Order Of Removal, 122 Dick L.R. 2,707 (2018)) Cuban deportation are no where near the pace required to reasonably process the backlog of individuals with pending removal orders. There is no indication that the Cuban government's policy of refusing to accept detainees with criminal records has materially changed even as the United States government has begun re-arresting detainees who where previously released under order of supervision. *VEIGA v. BOND*. ICE has not obtained a travel document from Cuba for me, nor is it co-operating with ICE deportation process. Today is my 330th day in this Tacoma Washington Detention Center, (11 months today, way past the presumptive 180 days. The government states that ERO has removed Cubans who have final orders of removal through a nomination process which ERO HQ and the Cuban government participate in yet they could not answer any factual questions when it came to said program. The Courts have made it clear that the government did not meet it's burden nor was it persuasive enough to rebut that

said detention has become indefinite. (Veiga v. Bondi, 2025 U.S. Dist. LEXIS 254968 case NO. 2:25-cv-02168-TMC). Therefore my detention has become illegal under (Zadvy v. Davis 533 U.S, 678, 689, 121 S. Ct. 2491, 150 L. Ed. 2D 653 (2001) (Dkt. # 1 at 3). ICE has asked many Cubans if they would go to Mexico as of today and almost all have refused, just as I will refuse and say NO cause I would be persecuted, tortured, or kidnapped because I'm not Mexican and my Religion. Therefore my removal is not in the foreseeable future.

SIMILAR CASE GRANTING HABEAS CORPUS UNDER 2241

Gil v. Lyons----Veiga v. Bondi

Kuot v. Bondi, 2025 U.S. Dist. LEXIS 267683 case NO. 2:25-cv-02313-BAT. [*9] also Huyna v. Bondi, C 25-2371-KKE, 2025 U.S. Dist. LEXIS 26538 (WD. WASH De. 23, 2025.

VERIFICATION

I, *Alberto Quicala*, do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief. Submitted under the penalty of perjury of the laws of the United States.

//

Dated this _____

SIGNED _____

PROOF OF SERVICE

&

DECLARATION

I, Alberto Quinlan AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

REPLY TO RESPONSE TO MOTION

**U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101**

Charles Neil Floyd
700 Stewart Street, Suite 5220
Seattle WA. 98101-1271

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON

02/06/2026

SIGNED

[Signature]