

SHARA SVENDSEN PLLC
SHARA SVENDSEN, WSB: 38151
shara@svenlaw.com
16300 Mill Creek Blvd. Ste. 206
Mill Creek, WA 98012
425-361-1511

RAMIREZ-SMITH LAW
CASEY PARSONS, ISB: 11323
CPARSONS@NRSMT.COM
**Pro Hac Vice Counsel*
6700 SW 105th Ave. Ste. 320
Beaverton, OR 97008
503-446-5386

Attorneys for Petitioner

UNITED STATES DISTRICT COURT
FEDERAL DISTRICT COURT OF WESTERN WASHINGTON

Alondra Berenice Medina Romero,

Petitioner,

v.

Laura HERMOSILLO, Field Office Director of
Enforcement and Removal Operations, Seattle
Field Office, Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security Pamela
BONDI, U.S. Attorney General; Bruce SCOTT,
Warden, Northwest Detention Center,

Case No. 2:26-cv-00118

**MOTION FOR TEMPORARY
RESTRAINING ORDER ENFORCING
JUDGMENT**

Petitioner moves this Court for a Temporary Restraining Order to Enforce its Judgment on her Petition for Writ of Habeas Corpus, with the Judgment being dated for January 29, 2026. Dkt. 6.

I. FACTUAL AND PROCEDURAL BACKGROUND

The Department of Homeland Security initiated removal proceedings against Petitioner on January 7, 2026, based on a Notice to Appear alleging that she is not a citizen of the United States, is a citizen of Mexico, and entered the United States without inspection and admission or parole. See Exhibit A, Notice to Appear. She was detained on January 7, 2026. See Exhibit B, I-213. At the time that she was stopped, she was not the subject of the enforcement action: they were attempting to detain an individual known as Angel Felexis Lopez Vasquez, but Petitioner was stopped on the basis that she somehow matched his description. *Id.* At the time that she was detained, the I-213 does not indicate that she took any steps to flee or elude immigration officials; rather, she consented to officers entering her vehicle to retrieve her personal belongings and move the car. *Id.* The I-213 does not indicate that an administrative warrant had been procured identifying her as a flight risk or a danger to the community at the time of her arrest. *Id.*

Following her detention and transport to the Northwest ICE Processing Center in Tacoma, Washington, she filed with this Court a Petition for Writ of Habeas Corpus. Dkt. 1. On January 29, 2026, this Court granted her petition, requiring Respondents to release Petitioner or provide her with a bond hearing under 8 U.S.C. 1226(a) within fourteen (14) days. Dkt. 6. On February 3, 2026, Respondent submitted her bond request, and submitted her final evidence packet on February 12, 2026. The bond hearing was conducted that same day.

At that hearing, the immigration judge denied bond to Petitioner on the basis that he had determined that she had not met her burden of demonstrating that she was not a flight risk. See Exhibit D, Order Denying Bond Motion. Upon contacting the Tacoma Immigration Court, Counsel for Petitioner was informed that no Digital Audio Recording (DAR) was created for Petitioner's bond hearing, nor does the written order contain any reasoning for why the

Immigration Judge determined that Petitioner was a flight risk. See Dec'l of Casey Parsons. At that hearing, the Immigration Judge did not orally specify what facts or evidence in the record justified his determination. *Id.* The only facts introduced into evidence by the Department that could have substantiated a finding of Petitioner's flight risk are that (a) she is not currently married and (b) at the time that she was arrested, she was going to pick up her United States Citizen children from their biological father. *Id.* The I-213 in this matter indicates that the children live with their father; however, Petitioner's testimony clarified that they in fact lived with her and that she was picking them up from his home after work. *Id.*

II. ARGUMENT

a. The Immigration Judge erred in denying Petitioner's bond request.

In general, an Immigration Judge must consider whether an alien who seeks a change in custody status is a threat to national security, a danger to the community at large, likely to abscond, or otherwise a poor bail risk. *Matter of Patel*, 15 I&N Dec. 666 (BIA 1976).

Immigration Judges may look to a number of factors in determining whether an alien merits release from bond, as well as the amount of bond that is appropriate. These factors may include any or all of the following: (1) whether the alien has a fixed address in the United States; (2) the alien's length of residence in the United States; (3) the alien's family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien's employment history; (5) the alien's record of appearance in court; (6) the alien's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien's manner

of entry to the United States. *Matter of Saelee*, 22 I&N Dec. 1258 (BIA 2000); *Matter of Drysdale*, at 817; *Matter of Andrade*, 19 I&N Dec. 488 (BIA 1987). An Immigration Judge has broad discretion in deciding the factors that he or she may consider in custody redeterminations. The Immigration Judge may choose to give greater weight to one factor over others, as long as the decision is reasonable.

Here, although Petitioner does have criminal history in the form of a misdemeanor Assault IV charge in the state of Oregon, the Immigration Judge did not determine that she was a danger to the community. The Immigration Judge determined only that she was a flight risk, but did not articulate why he made such a finding. As noted above, the only evidence introduced into the record substantiating that she is at any risk of absconding from future proceedings is that she is unmarried and that the I-213 incorrectly stated that her United States Citizen minor children live with their biological father.

The Immigration Judge ostensibly did not take into consideration the fact that she has a fixed address, has been in the United States for more than a decade, is employed, has not failed to appear in any proceedings, has no other history of immigration violations, and at no point has attempted to flee prosecution or otherwise escape from authorities. Moreover, to the degree that he took into consideration Petitioner's familial ties to the United States, his finding that her tie to her United States Citizen children did not mitigate any potential flight risk was unreasonable – particularly because Petitioner and her children have survived domestic violence perpetuated by the children's biological father, in response to which she had previously secured a protection order prohibiting him from coming into contact with her or her children.

Such error is not limited to this proceeding: immigration judges across the country have begun to routinely deny bond requests on behalf of individuals based on arbitrary determinations

of flight risk since approximately January of 2026, lacking individualized assessments of flight risk and danger to the community. See Exhibit E, Affidavits of Counsel.

b. The Immigration Court's failure to create a Digital Audio Record or other record of proceedings violated Petitioner's Due Process Rights under the Fifth Amendment of the United States Constitution.

Federal regulations impose a clear burden on Immigration Courts to create a record of proceedings for the purpose of appeal. 8 C.F.R. § 1003.36 provides that the court "shall" create and be in control of the Record of Proceeding. 8 C.F.R. § 1240.9 provides that the content of such Record of Proceeding must include the hearing itself and that the "hearing shall be recorded verbatim." 8 C.F.R. § 1003.28 further prohibits the use of any recording device except equipment used by the Immigration Judge "to create the official record." While the current Immigration Court Practice Manual provides that bond hearings are not generally recorded, no guidelines or criteria seemingly exist for when a hearing should be recorded to preserve pertinent information for appellate review. In light of this practice, the only Record of Proceedings that seemingly exists is the a court's written order.

Here, Counsel for Petitioner attempted to procure the Digital Audio Recording of Petitioner's using the Export DAR feature found on the Immigration Court's electronic case access system website several times during the week of February 16, 2026. The only available recording for Petitioner's hearings on February 12, 2026 was a recording of her Master Calendar Hearing, which occurred after the Immigration Court conducted her bond hearing. Counsel for Petitioner contacted the Tacoma Immigration Court on February 20, 2026 to inquire into how to procure a transcript or DAR for Petitioner's bond hearing, but was informed that no such recording or transcription exists. Apparently, the only existent record of the proceeding is the Immigration Court's generic order, which simply indicates that Petitioner is a flight risk and cites

no evidence or testimony in the record that would allow an appellate court to review that determination.

III. CONCLUSION

Petitioner was given a bond hearing as required by this Court's judgment; however, in lock step with a growing trend among Immigration Courts across the United States, her bond was denied based on a finding that she presents a flight risk with no reference to any testimony or evidence in the record presented by Petitioner or the Department. No Record of Proceedings besides a generic order was produced to document why the Immigration Judge made such a determination, preventing Petitioner from seeking meaningful appellate review of the decision. Consequently, Petitioner respectfully asks this Court to GRANT her Motion to Enforce Judgment and order her immediate release from custody.

DATED this 20th day of February 2026.

/s/ Casey Parsons
Casey Parsons
Attorney for Petitioner

TABLE OF EXHIBITS

EXHIBIT	DOCUMENT
A	Petitioner's Notice to Appear
B	Petitioner's I-213
C	Evidence Submitted in Support of Petitioner's Bond Motion
D	Order Denying Petitioner's Bond Motion
E	Affidavits of Counsel