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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-TMC

**TRAVERSE IN SUPPORT OF
MOTION TO ENFORCE**

I. INTRODUCTION

As a threshold matter, Respondent's incorrectly characterize Petitioner's position as being a mere disagreement with the outcome of her bond hearing: rather, the relief she seeks in the

instant motion is immediate release on the basis that the bond hearing provided to her was not constitutionally adequate. It is true that Respondents provided a bond hearing to Petitioner in form; however, the Immigration Court circumvented this Court's order by making an arbitrary determination that she is a flight risk. Undisputed by Respondents are the numerous affidavits and declaration from other immigration law practitioners who have repeatedly witnessed this same practice since the various judgments and orders in *Maldonado Bautista*. Here, indicated in the declaration of counsel and undisputed by Respondents, Petitioner's bond request was denied with no argument, evidence, or testimony referenced in the record to support the Immigration Judge's finding that she is a flight risk. She does not seek review of an erroneous decision based on a simple disagreement -- she seeks review of whether the bond hearing with which she was ostensibly provided was compliant with the Order of this Court.

II. ARGUMENT

Courts in this circuit have indeed held that requiring prudential exhaustion in circumstances similar to Petitioner's was not required. In *Cortez v. Sessions*, the Northern District of California held that Federal Judicial Review did not require prudential exhaustion because a) the delay in waiting for a BIA appeal, often times of at least four (4) months, is not efficacious and b) the difficulties in preparing for an upcoming merits hearing while in detention rendered prudential exhaustion to not be in the public interest. 318 F.Supp.3d 1134, 1138-39 (N.D. Cal. 2018). Like the petitioner in *Cortez*, Petitioner here has an upcoming merits hearing for her 42-B Cancellation of Removal application scheduled for Monday, March 3, 2026, and is experiencing difficulty in preparing for that hearing as a result of her detention.

Respondent's contention that she should simply seek the record of her bond

determination through an appeal to the BIA is, moreover, directly undercut by the reasoning in *Cortez and Singh*.

In order to seek review of the Immigration Judge's bond determination through the BIA, it would take months for her even to receive a briefing schedule. In the meantime, she would be afforded little opportunity to prepare for a merits hearing in her case while in detention, and is more likely to be denied relief if she is unable to effectively assist her counsel in preparation for that hearing. And as the court in *Singh v. Holder* notes, Singh had requested a BIA transcript of his hearing, receiving only a summary denial on the basis that no right to a transcript existed. *Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011). Like the petitioner in *Singh*, under current BIA precedent, Petitioner here would be not afforded a transcript of the hearing, and instead a post-hac memorandum justifying the Immigration Judges decision – a memorandum that is not constitutionally insufficient for judicial review. *Id.*

The *Singh* court additionally reasoned that that prudential exhaustion was not required by an alien detainee for reviewing the constitutionality of a bond hearing because:

First, a record of administrative appeal is not germane to the purely legal question of what standard is most appropriate for such hearings. Second, relaxation of the requirements in this case will not encourage future habeas petitions to attempt to bypass the administrative scheme because, once the standard has been set, this issue should cease to arise. Third, administrative review would not preclude the need for judicial review, because litigants would undoubtedly seek this court's determination of whether whatever standard the agency set was correct.

Singh v. Holder, 638 F.3d 1196, 1203 n.3 (9th Cir. 2011) (citing *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007)). While it arose in the context of a *Casas* hearing, *Singh* is the clearest 9th Circuit precedent with respect to the minimum procedural safeguards that are required to be afforded to an alien detainee in a bond hearing. *Id.* at 1203. In doing so, the *Singh* Court held that the burden must be on the government in an immigration bond hearing to establish that the

individual is a danger to the community and a flight risk by clear and convincing evidence. *Id.* Indeed, the 9th Circuit in *Singh* directly held that the district court had erred in denying his habeas corpus petition on the basis that an individualized bond hearing had been conducted before a neutral Immigration Judge – a claim nearly identical to what Petitioner argues here. *Id.* at 1202.

It also bears noting that the dramatic in rise like habeas corpus petitions over the last year is a direct consequence of Respondents refusing to provide constitutionally adequate bond hearings to alien detainees that entered without inspection and admission or parole under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

III. CONCLUSION

For the foregoing reasons, Petitioner respectfully asks that this Court grant her motion to enforce so that she may meaningfully benefit from the relief that this Court has already determined to be appropriate.

DATED this 13th day of January 2026.

/s/ Casey Parsons
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Attorney for Petitioner