Vicky J Currie, WSBA #24192
Currie Law Firm
1008 S Yakima Ave STE 100
Tacoma, WA 98405
253.588.9922
currielawfirm@gmail.com

The Honorable Tiffany M Cartwright
Noting Date: Friday, April 10, 2026

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NAVARRO CEJA, CARLOS ENRIQUE Petitioner, v. BRUCE SCOTT, Warden of the Northwest ICE Processing Center; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security Respondents.	CIVIL ACTION NO. 2:26-CV-00193-TMC **PETITIONER NAVARRO CEJA, CARLOS ENRIQUE'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO FED. R. CIV. P. 59(e)**

I. INTRODUCTION

COMES NOW, Petitioner Carlos Enrique Navarro Ceja, by and through undersigned counsel and respectfully moves to alter or amend the Court's Order denying his Petition for Writ of Habeas Corpus pursuant to Federal Rule of Civil Procedure 59(e).

This motion is timely filed within 28 days of the February 24, 2026 entry of judgment.

Reconsideration of the habeas judgment is warranted in light of material facts not previously available to counsel or before the Court:

1. Petitioner has a timely filed Form I-290B, Motion to Reopen and Reconsider the denial of Petitioner's Form I-485, Adjustment of Status Application, and accompanying receipt notice, which remains pending and presents substantial statutory grounds for reversal of the adjustment denial with a meaningful likelihood of success; and
2. Petitioner has filed a Form I-485 with the Immigration Court, and his Individual Hearing has been set for March 30, 2026, at which the Immigration Judge has jurisdiction to adjudicate adjustment of status.

These facts materially distinguish this case from one in which removal is inevitable or adjustment is unavailable, and fundamentally alter the detention analysis under 8 U.S.C. § 1225(b)(2).

II. LEGAL STANDARD

Rule 59(e) permits a court to alter or amend a judgment for one or more of the following reasons: where there is an intervening change in controlling law that occurred after the court issued its judgment, where the availability of new evidence is discovered, or where there is the need to correct a clear error of law or prevent manifest injustice.

Here, Petitioner respectfully requests that the Court alter or amend his habeas judgment in light of newly discovered evidence not previously before the Court—namely, the pending Form I-290B presenting substantial statutory grounds for reversal of the adjustment denial, and the Immigration Judge's jurisdiction to adjudicate his Form I-485 at a scheduled Individual Hearing.

III. THE I-290B AND RECEIPT NOTICE WERE NOT AVAILABLE AT THE TIME OF HABEAS FILING

At the time the habeas petition was filed, Petitioner's counsel did not possess the Form I-290B filing or the USCIS receipt notice confirming its pendency. Petitioner's I-290B was filed by prior counsel in connection with his I-485 proceedings. The undersigned does not represent Petitioner in his USCIS adjustment proceedings and did not have access to that portion of his administrative file when the habeas petition was prepared.

Petitioner's family only recently provided counsel with the I-290B receipt notice confirming that the motion to reopen and reconsider was timely filed on November 18, 2025 and received by USCIS on November 21, 2025—prior to Petitioner's detention. This documentation was therefore not before the Court at the time of its ruling.

Because the adjustment denial was pending reconsideration at the time detention began—and remains pending—the Court's detention analysis was based on an incomplete procedural record.

IV. THE PENDING I-290B PRESENTS SUBSTANTIAL GROUNDS WITH A MEANINGFUL LIKELIHOOD OF SUCCESS

Petitioner's Form I-485 was denied on October 20, 2025, for two reasons: an alleged invalid signature and finding of inadmissibility under INA § 212(a)(9)(C).

On November 18, 2025, Petitioner timely filed a Form I-290B Motion to Reopen and Reconsider. The I-290B challenges both grounds for denial. First, it asserts that the signature defect cited by USCIS was legally insufficient to warrant denial. Second, it challenges the inadmissibility finding under INA § 212(a)(9)(C) and asserts eligibility for the statutory VAWA-specific waiver under INA § 212(a)(9)(C)(iii). Congress expressly created this waiver for

VAWA self-petitioners upon a showing of a connection between the abuse suffered and the conduct giving rise to inadmissibility.

The I-290B submission details that, at the time of the reentry at issue, Petitioner was experiencing severe physical and emotional abuse by his father in Mexico. It explains how that abusive environment materially influenced his departure and subsequent reentry into the United States. Under the "any credible evidence" standard applicable to VAWA cases, the I-290B asserts that this documented abuse satisfies the statutory nexus requirement.

Because this waiver argument is central to the pending administrative reconsideration of his adjustment denial, removability and admissibility remain under active review. Because the waiver is governed by the "any credible evidence" standard applicable to VAWA cases, the grounds for reconsideration are substantial and supported by documented facts.

If the I-290B is granted, the I-485 denial will be reversed, and Petitioner will be eligible to adjust to lawful permanent resident status. This is not speculative relief. It is a congressionally authorized statutory pathway that is actively pending.

V. THE ADJUSTMENT DENIAL REMAINS SUBJECT TO REVIEW

The Court's Order observed that Petitioner did not argue that the denial of adjustment of status or termination of parole violated due process and therefore treated those administrative decisions as providing an unreviewable basis for detention under § 1225(b).

At the time of the Court's ruling, however, the pending Form I-290B and its receipt notice were not before the Court. The adjustment denial is not a settled or final determination; it is under active administrative reconsideration on substantial statutory grounds.

Accordingly, detention is based on a determination that is actively being challenged and subject to reversal.

VI. THE IMMIGRATION JUDGE HAS JURISDICTION TO ADJUDICATE THE I-485

Petitioner has filed a Form I-485 with the Immigration Court for adjudication with the Immigration Judge.

Petitioner's Individual Hearing was originally scheduled for March 12, 2026. Petitioner filed a motion to continue so that the Immigration Court would have ample time to review Petitioner's case—including the pending I-290B and adjustment eligibility—in order to make an informed decision regarding the adjudication of his Form I-485. The motion to continue was granted and Petitioner's Individual Hearing is now set for March 30, 2026.

DHS classifies Petitioner as an "arriving alien," however, that classification does not deprive the Immigration Judge of jurisdiction to adjudicate his Form I-485 in removal proceedings. Here, the Immigration Judge retains jurisdiction because Petitioner was paroled into the United States pursuant to advance parole after filing for adjustment of status. See 8 C.F.R. § 1245.2(a)(1)(ii); *Matter of Silitonga*, 25 I&N Dec. 89 (BIA 2009).

The Immigration Court is therefore actively positioned to determine Petitioner's eligibility for lawful permanent residence within the week.

VII. THESE DEVELOPMENTS MATERIALLY ALTER THE DETENTION ANALYSIS

The Court's prior Order noted that approval of the Form I-360 and deferred action did not themselves confer immigration status; Petitioner agrees. However, the present posture is materially different. Petitioner now has a pending I-290B presenting substantial statutory grounds for reversal, a granted continuance so the Immigration Court may review and adjudicate adjustment eligibility, and a scheduled Individual Hearing at which the Immigration Judge has jurisdiction to adjudicate his Form I-485 and grant lawful permanent residence.

If adjustment is granted—either through the I-290B or before the Immigration Judge—Petitioner will become a lawful permanent resident, and detention authority under § 1225(b) will terminate.

Removal is therefore not inevitable. Where a respondent's adjustment eligibility is actively pending before adjudicators with jurisdiction to grant relief and is supported by substantial legal grounds, continued mandatory detention warrants reconsideration.

VIII. PRAYER FOR RELIEF

Because Petitioner's adjustment denial is under active administrative reconsideration on substantial statutory grounds, and because the Immigration Judge has jurisdiction to adjudicate his Form I-485 at his scheduled Individual Hearing, the Court's detention analysis warrants reconsideration.

Petitioner respectfully requests that this Court:

1. Alter or amend the judgment pursuant to Federal Rule of Civil Procedure 59(e) and grant the Petition for Writ of Habeas Corpus;
2. Order Respondents to release Petitioner from custody within 24 hours of the Court's order;
3. Alternatively, vacate the prior judgment and reopen the habeas proceedings for further consideration in light of the clarified procedural posture; and
4. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 23rd day of March 2026.

/s/Vicky J Currie
Vicky J Currie, WSBA #24192
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 23rd day of March 2026, I served true and correct copy of the **PETITIONER NAVARRO CEJA, CARLOS ENRIQUE'S MOTION TO ALTER OR AMEND JUDGMENT PURSUANT TO FED. R. CIV. P. 59(e)** upon the following Respondents by electronic service as permitted:

BRUCE SCOTT
Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

KRISTI NOEM
Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

MICHELLE R. LAMBERT
Assistant United States Attorney
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101

Required Service on the United States:

US Attorney Habeas
usawaw.Habeas@usdoj.gov

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 23rd day of March 2026.

/s/Vicky J Currie
Vicky J Currie, WSBA #24192
Attorney for Petitioner