

INTRODUCTION

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2 1. Petitioners S.A.E.A., A.A.E.A., C.I.C.E., and M.M.E.A. are in the physical custody of
3 Respondents, ICE/DHS, currently being transferred from Soldotna, Alaska to Anchorage,
4 Alaska. Because Alaska does not have a family detention facility they will be transferred
5 imminently to an undisclosed facility in the continental United States. The transfer will
6 effectively sever their relationship with retained Alaska counsel and substantially impair
7 their ability to litigate pending removal and federal court proceedings.
- 8 2. The Fifth Amendment guarantees due process of law to noncitizens in removal
9 proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993). The Ninth Circuit has held that
10 the statutory right to counsel in removal proceedings is grounded in due process and must
11 be meaningfully protected. *See Montes-Lopez v. Holder*, 694 F.3d 1085, 1090–92 (9th
12 Cir. 2012) (denial of right to counsel requires reversal without showing prejudice).
13 Access to the courts is a fundamental constitutional right. U.S. Const. amend. I; U.S.
14 Const. amend. V; U.S. Const. art. IV, § 2, cl.1; *see also Bounds v. Smith*, 430 U.S. 817
15 (1977).
- 16 3. While DHS possesses authority to transfer detainees, that discretion may not be exercised
17 in a manner that substantially interferes with constitutional rights. The transfer here is not
18 administratively routine; it is a geographic displacement that would nullify retained
19 counsel and undermine judicial review. Alaska does not have a facility that would allow
20 for detention of a family unit.
- 21 4. Petitioners seek an immediate order prohibiting transfer outside Alaska and release under
22 reasonable supervision.

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VENUE

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9. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Alaska, the judicial district in which Petitioners currently are detained.

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10. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Alaska.

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REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

12. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

13. Petitioners S.A.E.A., A.A.E.A., C.I.C.E., and M.M.E.A. are citizens of Mexico who have been in immigration detention since February 17, 2026. After arresting Petitioners at

1 or near Soldotna, Alaska, ICE did not set bond. Petitioners have resided in the United States
2 since 2023.

3 14. Respondent Laura Hermosillo is the Director of the Seattle Field Office of ICE's
4 Enforcement and Removal Operations division. The Seattle Field Office has responsibility over
5 the Anchorage ICE ERO Sub-Office. As such, Ms. Hermosillo is Petitioners' immediate
6 custodian and is responsible for Petitioner's detention and removal. She is named in her official
7 capacity.

8 15. Respondent Kristi Noem is the Secretary of the Department of Homeland
9 Security. She is responsible for the implementation and enforcement of the Immigration and
10 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
11 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

12 16. Respondent Department of Homeland Security (DHS) is the federal agency
13 responsible for implementing and enforcing the INA, including the detention and removal of
14 noncitizens.

15 17. Respondent Pamela Bondi is the Attorney General of the United States. She is
16 responsible for the Department of Justice, of which the Executive Office for Immigration Review
17 and the immigration court system it operates is a component agency. She is sued in her official
18 capacity.

19 18. Respondent Executive Office for Immigration Review (EOIR) is the federal
20 agency responsible for implementing and enforcing the INA in removal proceedings, including
21 for custody redeterminations in bond hearings.

1 **FACTS**

2 19. Petitioners have resided in the United States since at least the year 2023 and live
3 in Soldotna, Alaska with Petitioner S.A.E.A.'s U.S. citizen spouse. Petitioners do not have a
4 criminal record.

5 20. Petitioner S.A.E.A. is the mother of Petitioners A.A.E.A., C.I.C.E., and M.M.E.A.
6 Petitioner A.A.E.A. is eighteen years old. Petitioners C.I.C.E. and M.M.E.A. are minor children.

7 21. At an unknown date on or after the Petitioners' dates of arrival to the United
8 States, Respondent DHS issued Notices to Appear to Petitioners, placing them in removal
9 proceedings before Respondent EOIR. At an unknown date, EOIR scheduled Petitioners for a
10 hearing to take place on January 13, 2026.

11 22. Petitioners failed to appear at the January 13, 2026 hearing due to the ill advice of
12 a non-lawyer. On that date, Respondent EOIR issued orders of removal to Petitioners *in*
13 *absentia*. Petitioner S.A.E.A. retained undersigned counsel on the afternoon of February 13,
14 2026 for the purpose of preparing and filing a motion to reopen their removal proceedings. The
15 filing of the motion to reopen will automatically stay the removal of Petitioners from the United
16 States.

17 23. Petitioner S.A.E.A. is not married to a U.S. Citizen via who she and her children
18 may obtain immigration relief.

19 24. On or about February 17, 2026, ICE officials arrested Petitioners, who ICE
20 identified for removal enforcement. Petitioners are currently in ICE custody in transit from
21 Soldotna to Anchorage, Alaska for immediate transfer out of state.

22 25. Without relief from this court, Petitioners face imminent transfer out of the State
23 of Alaska, depriving them of access to their counsel.

1 **CLAIMS FOR RELIEF**

2 **COUNT I**

3 26. Petitioners incorporate by reference the allegations of fact set forth in the
4 preceding paragraphs

5 27. The transfer of Petitioners out of Alaska violates the Fifth Amendment Right to
6 Counsel. 28 U.S.C. § 1362 guarantees representation by counsel of choice at no expense to the
7 government. The Ninth Circuit has made clear that denial of counsel in removal proceedings is a
8 structural due process violation. *Montes-Lopez*, 694 F.3d at 1093.

9 28. A transfer from Alaska to an undisclosed facility in the Lower 48 would eliminate
10 meaningful in-person access to retained counsel, severely restrict confidential communication,
11 impose extreme geographic and financial barriers to effective representation, and disrupt pending
12 proceedings before both the Alaska Immigration Court and this Court. The constitutional right to
13 counsel in removal proceedings is not satisfied by the mere theoretical availability of telephone
14 calls from a distant and unknown facility; due process requires real, practical, and meaningful
15 access to legal representation, not access in name only.

16 **COUNT II**

17 29. Petitioners repeat, re-allege, and incorporate by reference each and every
18 allegation in the preceding paragraphs as if fully set forth herein.

19 30. The transfer of Petitioners of out Alaska interferes with their access to the courts.
20 The right of access to courts prohibits executive action that obstructs the ability to prepare and
21 file legal claims. *Bounds*, 430 U.S. at 821. The Ninth Circuit has recognized that detainee
22 transfers that interfere with pending litigation may implicate constitutional concerns. Here,
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1 removal from the District would impair this Court's ability to exercise jurisdiction and would
2 prejudice ongoing litigation strategy.

3 **COUNT III**

4 31. Petitioners repeat, re-allege, and incorporate by reference each and every
5 allegation in the preceding paragraphs as if fully set forth herein

6 32. Habeas relief is proper. Federal courts may grant habeas relief where detention
7 practices violate the Constitution. *Zadvydas*, 533 U.S. at 687. Executive discretion over
8 placement decisions does not override constitutional limitations. Where transfer would
9 materially impair counsel access and court review, injunctive relief is warranted

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Petitioners pray that this Court grant the following relief:

- 12 a. Assume jurisdiction over this matter;
- 13 b. Issue an immediate order prohibiting transfer of Petitioners outside of Alaska;
- 14 c. Issue a writ barring transfer during the pendency of proceedings;
- 15 d. Issue a writ of immediate release of Petitioners from ICE custody under
16 reasonable circumstances;
- 17 e. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
18 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
19 law; and
- 20 f. Grant any other and further relief that this Court deems just and proper.

21 DATED this 17th of February, 2026.

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