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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 TORRES FERRERA, ALMA LORENA

11 Petitioner,

12 v.

13 BRUCE SCOTT, Warden of the Northwest ICE  
14 Processing Center;  
15 ALEJANDRO MAYORKAS, Secretary of the  
16 U.S. Department of Homeland Security

17 Respondents.

CIVIL ACTION NO. 2:26-CV-00583

**PETITION FOR WRIT OF  
HABEAS CORPUS PURSUANT TO  
28 U.S.C. § 2241**

18 **I. INTRODUCTION**

19  
20 Petitioner Alma Lorena Torres Ferrera (“Petitioner”) brings this Petition for a Writ of  
21 Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging the legality of her ongoing civil  
22 immigration detention.

23 Petitioner is currently detained at the Northwest ICE Processing Center (“NWIPC”) in  
24 Tacoma, Washington. Her detention followed years of compliance with ICE supervision,  
25 including regular check-ins through the Intensive Supervision Appearance Program (ISAP).  
26

27 Petitioner does not challenge removal proceedings themselves in this action. Rather, she  
28 challenges the legality and constitutionality of her continued civil immigration detention without  
PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 - 1

1 meaningful custody review, in violation of the Immigration and Nationality Act and the Due  
2 Process Clause of the Fifth Amendment.

3 Federal courts retain authority to remedy unlawful civil immigration detention where  
4 custody exceeds statutory or constitutional limits. See *Zadvydas v. Davis*, 533 U.S. 678, 688  
5 (2001); *Ex parte Endo*, 323 U.S. 283, 304 (1944).  
6


## 7 **II. JURISDICTION AND VENUE**


8 This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody  
9 under the authority of the United States and challenges the legality of that custody.  
10

11 Jurisdiction is also proper under 28 U.S.C. § 1331 and the Due Process Clause of the  
12 Fifth Amendment.

13 Venue lies in the Western District of Washington because Petitioner is detained at  
14 NWIPC in Tacoma, Washington, within this District, and her immediate custodian resides here.  
15

## 16 **III. PARTIES**

17 Petitioner Alma Lorena Torres Ferrera is a native and citizen of Honduras, born 

18  She is currently detained at NWIPC.

19 Respondent Bruce Scott is the Warden of NWIPC and Petitioner's immediate physical  
20 custodian. He is the proper respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).  
21

22 Respondent Alejandro Mayorkas is the Secretary of the U.S. Department of Homeland  
23 Security, the agency responsible for immigration detention and enforcement nationwide.  
24

## 25 **IV. FACTUAL BACKGROUND**

### 26 **A. Detention History**

27 Petitioner first entered the United States in 2005. She was removed in 2009 and last  
28 reentered in May 2010 near McAllen, Texas.

1 Despite her prior removal order, DHS paroled Petitioner and permitted her to remain in  
2 the United States under supervision. She was granted work authorization and complied with ICE  
3 reporting requirements for years.

4 Petitioner participated in ISAP monitoring, including telephonic check-ins requiring  
5 photographic verification and geolocation confirmation.

6 On January 26, 2026, Petitioner reported to ICE regarding an ankle monitor installation.  
7 She was initially released but instructed to return the following day due to equipment  
8 malfunction. When she complied and returned, Petitioner was taken into custody despite no  
9 allegation of supervision violation, flight risk, or danger to the community.

10  
11 **B. Family Hardship and Caregiver Disruption**

12 Petitioner is the mother of five United States citizen children and one non-citizen child.  
13 All five U.S. citizen children reside in the United States and depend on her for emotional and  
14 financial support.

15  
16 Currently, Petitioner's two youngest children reside with their father; however,  
17 Petitioner's detention has forced her 17-year-old daughter, K [REDACTED] to assume the role of  
18 primary caregiver within the household. K [REDACTED] is now responsible for the daily care of her  
19 siblings M [REDACTED] (age 14) and H [REDACTED] (age 7), including supervision, transportation, and emotional  
20 support.

21  
22 Petitioner's detention is taking a profound toll on all of her children, particularly  
23 K [REDACTED] who has been compelled to assume adult parental responsibilities prematurely in order  
24 to stabilize the family unit. The emotional strain, educational disruption, and psychological  
25 burden imposed upon the minor children as a result of Petitioner's detention constitute  
26 significant humanitarian harm.

1 Federal courts recognize that civil detention must remain reasonably related to its purpose  
2 and cannot impose excessive liberty restraints. *Zadvydas v. Davis*, 533 U.S. at 690. The Ninth  
3 Circuit likewise recognizes the profound liberty interests implicated by immigration detention.  
4 *Hernandez v. Sessions*, 872 F.3d 976, 991–94 (9th Cir. 2017).  
5

### 6 **C. Domestic Violence Victim & Humanitarian Relief Eligibility**

7 Petitioner is a documented survivor of domestic violence. She previously obtained a  
8 restraining order against her abusive spouse following police intervention triggered by neighbor  
9 reports of violence.  
10

11 Petitioner is currently pursuing humanitarian immigration relief, including U-Visa  
12 protection as a crime victim cooperating with law enforcement. Congress created such  
13 protections to stabilize victims and encourage reporting of abuse. See 8 U.S.C. § 1101(a)(15)(U).  
14

15 Continued detention of a domestic violence survivor—particularly one with multiple U.S.  
16 citizen children—undermines the humanitarian objectives embedded within federal immigration  
17 law and raises serious due process concerns when custody review is restricted or delayed.  
18

### 18 **D. Prior Removal & Supervision Compliance**

19 Although Petitioner has a prior removal order, DHS exercised discretion to parole her and  
20 permit supervision rather than execution of removal.  
21

22 She complied with:

- 23 • Reporting obligations
- 24 • ISAP monitoring
- 25 • Employment authorization requirements

26 Her detention occurred not due to flight, danger, or violation of supervision, but  
27 following a routine monitoring equipment issue.  
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**V. LEGAL STANDARD**

A federal court may grant habeas relief where a petitioner is “in custody in violation of the Constitution or laws of the United States.” 28 U.S.C. § 2241(c)(3).

Civil immigration detention is constitutionally permissible only where it is authorized by statute and reasonably related to a legitimate governmental purpose. *Zadvydas v. Davis*, 533 U.S. at 688.

Where detention exceeds statutory authority or operates in an arbitrary manner, habeas relief is required. *Ex parte Endo*, 323 U.S. at 304.

**VI. ARGUMENT**

**A. Civil Immigration Detention Is Subject to Constitutional Limits**

Immigration detention, though civil, implicates fundamental liberty interests.

The Ninth Circuit has held that due process requires meaningful procedural safeguards in civil immigration custody determinations. *Hernandez v. Sessions*, 872 F.3d at 991.

Even where detention is statutorily authorized, courts retain authority to review whether custody has become excessive or unconstitutional as applied. *Jennings v. Rodriguez*, 583 U.S. 281, 309 (2018).

**B. Petitioner’s Detention Is Excessive and Disproportionate**

Petitioner’s detention is not reasonably related to removal objectives where:

- She has longstanding U.S. residence
- She is primary caregiver to five U.S. citizen children
- She is pursuing humanitarian relief
- She complied with supervision for years

1 Civil detention must remain proportionate to its purpose. *Zadvydas v. Davis*, 533 U.S. at  
2 690.

3  
4 **C. Humanitarian and Family Harm Weigh Strongly in Favor of Release**

5 Courts evaluating detention legality consider real-world liberty impacts, including:

- 6 • Family separation
- 7 • Caregiver displacement
- 8 • Medical or psychological harm

9 Here, Petitioner's detention has destabilized a household led by minor children and  
10 imposed severe emotional hardship.

11 Such humanitarian harm underscores the need for meaningful custody review.

12  
13 **D. Habeas Relief Is Necessary to Ensure Lawful Custody Review**

14 Where detention persists without adequate procedural safeguards, federal courts may  
15 intervene.

16 Habeas relief may include:

- 17 • Release
- 18 • Bond hearing
- 19 • Conditional supervision

20 Ex parte Endo confirms courts may issue relief necessary to end unlawful custody.

21  
22  
23 **E. Transfer of Petitioner Would Cause Irreparable Harm and Interfere With Meaningful Habeas Review**

24 Petitioner's continued detention already imposes severe hardship on her five United  
25 States citizen children, all of whom rely on her for emotional, financial, and day-to-day  
26 caregiving support. A transfer outside this District would exponentially compound that harm by  
27

1 severing the limited in-person visitation and family contact currently available and destabilizing  
2 the fragile caregiving structure that has emerged in her absence.

3 As set forth in the factual record, Petitioner's minor children are currently experiencing  
4 significant caregiver disruption. Her seventeen-year-old daughter has been forced into a parental  
5 role, caring for younger siblings in Petitioner's absence. Courts recognize that custodial transfers  
6 in immigration detention disrupt family unity, impair legal access, and interfere with the  
7 preparation and adjudication of pending habeas proceedings.

8 Transfer would also materially prejudice Petitioner's ability to pursue humanitarian  
9 immigration relief. Petitioner is a documented victim of domestic violence and is in the process  
10 of pursuing U-Visa protection. Humanitarian relief filings rely heavily on localized  
11 documentation, victim-support services, and coordination with counsel. Transfer outside this  
12 jurisdiction would disrupt access to evidence, witnesses, and trauma-informed support networks  
13 necessary to pursue lawful immigration relief.

14 Federal courts possess inherent authority to issue ancillary relief necessary to preserve  
15 habeas jurisdiction and prevent government action that would undermine judicial review. See *Ex*  
16 *parte Endo*, 323 U.S. 283, 304 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004). Where  
17 custodial transfer would impair access to counsel, disrupt litigation, or interfere with the Court's  
18 ability to adjudicate a pending habeas petition, injunctive relief is appropriate.

19 Maintaining Petitioner within this District imposes no administrative burden on  
20 Respondents, while transfer risks irreversible harm to Petitioner, her minor U.S. citizen children,  
21 and the integrity of this Court's habeas review.

1 **F. Production of Immigration and Custody Records Is Necessary for Meaningful Habeas**  
2 **Review**

3 Petitioner filed this habeas action without access to her immigration file, custody  
4 determinations, or charging documents, all of which remain exclusively within the Government's  
5 possession and control.

6 To date, Petitioner has not been provided:

- 7
- 8 • Her Notice to Appear;
  - 9 • Form I-213 Record of Deportable/Inadmissible Alien;
  - 10 • Any reinstatement or removal documentation;
  - 11 • Custody classification determinations;
  - 12 • Parole or supervision revocation records; or
  - 13 • The statutory basis asserted for her present detention.

14 Where the Government controls the evidence necessary to evaluate detention authority,  
15 courts may require production of custody records sufficient to permit meaningful judicial review.  
16 See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001).  
17

18 Without access to these records, Petitioner cannot fully assess or challenge the statutory  
19 basis for her detention, nor can this Court determine whether her custody complies with the  
20 Immigration and Nationality Act or the Constitution.

21 Accordingly, the Court should order Respondents to produce Petitioner's A-File, custody  
22 records, and all documents reflecting the asserted legal basis for detention.  
23

24 **VII. PRAYER FOR RELIEF**

25 WHEREFORE, Petitioner respectfully requests that this Court:

- 26 1. Assume and retain jurisdiction over this matter;
- 27
- 28



**CERTIFICATE OF SERVICE**

I, Vicky J Currie, certify that on this 18<sup>th</sup> day of February 2026, I served true and correct copy of the **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** upon the following Respondents by electronic service as permitted:

**BRUCE SCOTT**

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

**ALEJANDRO MAYORKAS**

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

**Required Service on the United States**

**MICHELLE R. LAMBERT**

Assistant United States Attorney  
United States Attorney's Office  
Western District of Washington  
700 Stewart Street, Suite 5220  
Seattle, WA 98101  
(via CM/ECF and email)

**ATTORNEY GENERAL OF THE UNITED STATES**

U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Washington, DC 20530

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

DATED this 18<sup>th</sup> day of February 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192  
Attorney for Petitioner