

District Judge Ricardo S. Martinez

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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALMA LORENA TORRES FERRERA,
Petitioner,

v.

BRUCE SCOTT, *et al.*,
Respondents.

Case No. 2:26-cv-00583-RSM

FEDERAL RESPONDENTS'¹ RETURN

Noted for Consideration:
March 10, 2026

I. INTRODUCTION

U.S. Immigration and Customs Enforcement (“ICE”) detains Petitioner pursuant to 8 U.S.C. § 1231(a)(6) pending her removal to Honduras. ICE initially removed Petitioner to Honduras in 2009, but she illegally re-entered the United States after her removal. Thus, Petitioner’s is subject to a reinstated order of removal as set forth in 8 U.S.C. § 1231(a)(5). Her removal is imminent.

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¹ Respondent Bruce Scott is not a federal official and is not represented by undersigned counsel.

1 execute a reinstated order of removal. *See id.*, at 957. Detention during this process is pursuant
2 to 8 U.S.C. § 1231(a). *See Padilla-Ramirez v. Bible*, 882 F.3d 826, 830-33 (9th Cir. 2017).

3 **B. Petitioner Torres Ferrara**

4 Petitioner, a citizen and native of Honduras, initially entered the United States without
5 inspection or parole in 2006. Dumo Decl., ¶ 5. In 2009, Petitioner was convicted of 4th Degree
6 Theft in Iowa and sentenced to 42 days in jail. Dumo Decl., ¶ 4(b). ICE first encountered
7 Petitioner during her jail sentence on January 21, 2009. Dumo Decl., ¶ 5; Lambert Decl., Ex. A,
8 Form I-213. Because Petitioner did not possess any valid immigration documents to remain in the
9 United States, ICE issued her a Notice to Appear charging her as removable pursuant to 8 U.S.C.
10 § 1182(a)(6)(A)(i). Dumo Decl., ¶ 6; Lambert Decl., Ex. B, Notice to Appear. On March 24,
11 2009, an immigration judge ordered Petitioner removed from the United States. Dumo Decl., ¶ 7;
12 Lambert Decl., Ex. C, Order. ICE subsequently removed her to Honduras on April 17, 2009.
13 Lambert Decl., Ex. D, Warrant of Removal.

14 On May 23, 2019, ICE again encountered Petitioner in the United States and arrested her.
15 Dumo Decl., ¶ 8; Lambert Decl., Ex. E, Form I-213. Petitioner claimed fear of return to Honduras.
16 Dumo Decl., ¶ 8. ICE reinstated her prior order of removal pursuant to 8 U.S.C. § 1231(a)(5).
17 Dumo Decl., ¶ 9; Lambert Decl., Ex. F, Notice of Intent/Decision to Reinstate Prior Order.
18 Because Petitioner was breastfeeding an infant, ICE released her on an Order of Supervision
19 (“OSUP”) with electric monitoring under the Alternatives to Detention program. Dumo Decl.,
20 ¶ 10; Lambert Decl., Ex. G, OSUP.

21 At her check-in on January 27, 2026, ICE arrested her and transferred her to the Northwest
22 ICE Processing Center. Dumo Decl., ¶ 11; Lambert Decl., Ex H, Form I-213; Ex. I, Warrant for
23 Arrest; Ex. J, Notice of Custody Determination. Due to her fear claim, Petitioner underwent the
24 reasonable fear process as set forth in 8 C.F.R. § 208.31. Dumo Decl., ¶¶ 12-14; Lambert Decl.,

1 Ex. K, Notice of Referral to Immigration Judge. Ultimately, an immigration judge affirmed DHS's
2 negative reasonable fear finding and returned the matter to DHS for Petitioner's removal. Dumo
3 Decl., ¶ 14; Lambert Decl., Ex. L, Order.

4 On March 4, 2026, ICE notified Petitioner of her imminent removal as the agency has a
5 travel document to do so. Dumo Decl., ¶ 15.

6 III. LEGAL STANDARD

7 "The district courts of the United States ... are courts of limited jurisdiction. They possess
8 only that power authorized by Constitution and statute." *Exxon Mobil Corp. v. Allopah Servs.,*
9 *Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). "[T]he scope of habeas has been
10 tightly regulated by statute, from the Judiciary Act of 1789 to the present day." *Dep't of Homeland*
11 *Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020). Title 28 U.S.C. § 2241 provides district
12 courts with jurisdiction to hear federal habeas petitions. To warrant a grant of habeas corpus, the
13 burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws,
14 or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943,
15 969 n.16 (9th Cir. 2004).

16 IV. ARGUMENT

17 A. Petitioner's detention is lawful.

18 Petitioner's detention is constitutionally and statutorily lawful. Petitioner is detained
19 pursuant to 8 U.S.C. § 1231(a)(6). Although there is no statutory time limit on detention pursuant
20 to Section 1231(a)(6), the Supreme Court has held that a noncitizen may be detained only "for a
21 period reasonably necessary to bring about that [noncitizen's] removal from the United States."
22 *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). The Supreme Court has identified six months as a
23 presumptively reasonable time necessary to bring about a noncitizen's removal. *Id.*, at 701.

1 Petitioner “challenges the legality and constitutionality of her continued civil immigration
2 detention without meaningful custody review.” Pet., at 1-2. She specifically alleges that her
3 detention is not reasonably related to “removal objectives.” *Id.*, at 5. But the Supreme Court has
4 repeatedly recognized, detention is a constitutionally permissible aspect of the Government’s
5 enforcement of the immigration laws and fulfills the legitimate purpose of ensuring that individuals
6 appear for their removal proceedings. *See Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018);
7 *Demore v. Kim*, 538 U.S. 510, 523 (2003); *Zadvydas*, 533 U.S. at 690-91. Petitioner is undeniably
8 subject to a final order of removal. Lambert Decl., Ex. L. Moreover, her removal is imminent.
9 Consistent with the requirements of due process, Petitioner’s confinement is thus “reasonably
10 related” to a legitimate government interest and is constitutional pending her removal. *Bell v.*
11 *Wolfish*, 441 U.S. 535, 538-39 (1979).

12 Petitioner also argues that her detention without “meaningful custody review” violates the
13 INA and Due Process. Pet., at 1-2. Petitioner provides no statutory or regulatory basis for a
14 custody review. To the extent that she challenges the revocation of her OSUP, Federal
15 Respondents acknowledge that the record does not contain evidence of revocation or an informal
16 interview. 8 CFR §§ 241.4(l), 241.13(i). However, the appropriate remedy here is to require ICE
17 to follow DHS regulations.

18 ICE has a travel document and Petitioner’s removal is imminent. Thus, Petitioner cannot
19 demonstrate that the facts here support an actionable injury even if an informal interview was not
20 conducted given that ICE has obtained a travel document for her removal. The informal interview
21 is required so a noncitizen may present information showing that there is no significant likelihood
22 of removal in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(3). Petitioner will not be
23 able to present such a showing. “Thus, there is no apparent reason that ICE’s failure to provide an
24 informal interview should result in [Petitioner’s] release.” *See Ahmad v. Whitaker*, No. 18-cv-

1 287-JLR-BAT, 2018 WL 6928540, at *5 (W.D. Wash. Dec. 4, 2018), *report and recommendation*
2 *adopted*, 2019 WL 95571 (W.D. Wash. Jan. 3, 2019) (discussing requirements of Section 241.13
3 and stating that “[t]he regulations do not require notice”).

4 **B. Petitioner’s claim concerning a speculative transfer is not justiciable.**

5 Petitioner’s claim concerning a transfer from the NWIPC, other than the execution of her
6 reinstated removal order, is completely speculative and not ripe for review. Petitioner does not
7 allege that she has been informed that she will be transferred or that she may be transferred to a
8 facility that will not provide the same type of access to counsel available at the NWIPC. Therefore,
9 Petitioner’s theoretical transfer is not part of a live controversy before this Court. Thus, this claim
10 should be denied. *Torres v. Noem*, No. 25-cv-2697, 2026 WL 234076, at *4 (W.D. Wash. Jan. 29,
11 2026) (holding that a similar hypothetical transfer claim is not cognizable in habeas).

12 **C. Petitioner has not demonstrated that she is entitled to discovery.**

13 This Court should deny Petitioner’s request for discovery. *Pet.*, at 8. Parties in habeas
14 proceedings are not entitled to discovery as a matter of course. *Bracy v. Gramley*, 520 U.S. 899,
15 904 (1997). Petitioner has not demonstrated that good cause exists for this Court to exercise its
16 discretion to order discovery. *See* Rule 6(a) of the Rules Governing Section 2254 Cases in the
17 United States District Courts. Absent a showing of good cause, a court should deny a motion for
18 leave to conduct discovery. *Rich v. Calderon*, 187 F.3d 1064, 1067-68 (9th Cir. 1999).

19 Discovery is unnecessary here. First, Petitioner has received most of the documents listed
20 in the Petition as exhibits to the Lambert Declaration. *Pet.*, at 8. Second, Petitioner is subject to a
21 reinstated removal order. Thus, the statutory basis for her detention is plain. Petitioner provides
22 no good reason why she requires her “A-file, custody records, and all documents reflecting the
23 asserted legal basis for her detention.” *Pet.*, at 8.

24 Accordingly, Petitioner’s request for discovery should be denied.

V. CONCLUSION

For the foregoing reasons, this Court should deny the Petition.

DATED this 5th day of March, 2026.

Respectfully submitted,

s/ Michelle R. Lambert

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I certify that this memorandum contains 1,710 words, in compliance with the Local Civil Rules.