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District Judge Ricardo S. Martin

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

10 TORRES FERRERA, ALMA LORENA

CIVIL ACTION NO. 2:26-CV-00583

11 Petitioner,

12 v.

**REPLY TO RESPONDENT'S RESPONSE
TO PETITION FOR WRIT OF HABEAS
CORPUS**

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

16 Respondents.

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18 **I. INTRODUCTION**

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20 Petitioner respectfully submits this reply in support of her Petition for Writ of Habeas
21 Corpus. Respondents' response focuses primarily on Petitioner's prior removal order and
22 immigration history, but largely ignores the central issue presented by the habeas petition:
23 whether Petitioner's present detention complies with the statutory and constitutional limits
24 governing immigration detention.

25
26 Petitioner does not dispute that a reinstated order of removal exists. The issue before the
27 Court is whether Petitioner's current detention—after approximately seven years of successful

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1 compliance with ICE supervision and while pursuing humanitarian immigration relief—remains
2 lawful under the Immigration and Nationality Act and the Due Process Clause.

3 The Court denied Petitioner’s motion for a temporary restraining order on March 9, 2026
4 after finding that the record at that stage did not demonstrate a likelihood of success on the
5 merits. At the time of filing the habeas petition, counsel did not have access to all of Petitioner’s
6 immigration records and supporting documents, but they are being supplemented here. The Court
7 also acknowledged that the habeas petition has not yet been fully briefed. This reply addresses
8 the concerns identified by the Court and clarifies the legal basis for habeas relief.
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10 As explained below, Petitioner’s detention raises serious statutory and constitutional
11 questions because it is not reasonably related to the purpose of removal, lacks meaningful
12 procedural safeguards, imposes significant liberty restraints, and continues despite Petitioner’s
13 extensive history of compliance with ICE supervision and her pursuit of humanitarian
14 immigration relief. These circumstances establish a substantial likelihood that Petitioner will
15 succeed on the merits of her habeas claim.
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18 **II. CLARIFICATION AND SUPPLEMENTATION OF FACTUAL RECORD**

19 In their response, Respondents focus primarily on Petitioner’s prior removal order and
20 criminal history but omit significant factual context regarding Petitioner’s supervision history,
21 family circumstances, and pending humanitarian immigration relief. Petitioner also clarifies
22 several factual points that were misstated or incomplete in the initial habeas petition based on
23 information that became available to counsel after the petition was filed. The following
24 information provides important context relevant to the legality of Petitioner’s detention.
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1 **A. Detention History**

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

4 Despite her prior removal order, DHS paroled Petitioner and permitted her to remain in
5 the United States under supervision. She has complied with ICE reporting requirements and
6 participated in ISAP monitoring since 2019, including telephonic check-ins requiring
7 photographic verification and geolocation confirmation.
8

9 On January 26, 2026, Petitioner reported to ICE regarding an ankle monitor installation.
10 She was initially released but instructed to return the following day due to equipment
11 malfunction. When she complied and returned, Petitioner was taken into custody despite no
12 allegation of supervision violation, flight risk, or danger to the community. This detention
13 occurred without apparent consideration of Petitioner's substantial humanitarian equities,
14 including her five United States citizen (USC) children, and her pending T-Visa petition.
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17 **B. Family Hardship**

18 Petitioner is the mother of five USC children (ages 17, 14, 7, 4 and 2) and one non-citizen
19 child (age 26). Petitioner's children reside in the United States and depend on her for emotional
20 and financial support. It is important to note that Petitioner has full custody of all of her USC
21 children. Currently, Petitioner's two youngest children are being cared for by their father (who is
22 the perpetrator that led Petitioner to file a T-Visa), *only* because Petitioner is detained. This is
23 causing issues within the family making it more evident that Petitioner needs to be back with her
24 children.
25

26 Petitioner's detention has forced her 17-year-old daughter, K [REDACTED] to assume the role
27 of primary caregiver within the household. K [REDACTED] is now responsible for the daily care of her
28

1 14-year-old and 7-year-old siblings, including supervision, transportation, and emotional
2 support.

3 Petitioner's detention is taking a profound toll on all of her children, particularly
4 K [REDACTED] who has been compelled to assume adult parental responsibilities prematurely in order
5 to stabilize the family unit. The emotional strain, educational disruption, and psychological
6 burden imposed upon the minor children as a result of Petitioner's detention constitute
7 significant humanitarian harm.
8

9 **C. Humanitarian Relief Eligibility – Pending T-Visa Petition**
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11 Petitioner is currently pursuing humanitarian immigration relief. Petitioner is a
12 documented survivor of trafficking and domestic violence. Counsel corrects the statements on
13 Petitioner's Petition for Writ of Habeas Corpus that said Petitioner is pursuing U-Visa relief;
14 Petitioner is not pursuing a U-Visa (although she is eligible for a U-Visa due to being a victim of
15 domestic violence), instead, she has a pending T-Visa petition that was filed with USCIS in July
16 2025 by another attorney; our office recently received a copy of this petition (Declaration of
17 Vicky J Currie, Exhibit B).
18

19 To be eligible for such status, the Applicant must show that they: (1) have been a victim
20 of a severe form of trafficking in persons; (2) are physically present in the United States as a
21 result of trafficking; (3) have complied with any reasonable request for assistance in the
22 investigation and prosecution of acts of trafficking in persons; and (4) would suffer extreme
23 hardship involving severe and unusual harm upon removal. See INA § 101 (a)(15)(T); 8 C.F.R. §
24 214.202.
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26 Page 5 of her T-Visa cover letter says the following "***IV. The Applicant has***
27 ***demonstrated that "removal from the United States would subject the Applicant to extreme***
28

1 *hardship involving unusual and severe harm" pursuant to 8C.F.R. § 214.209.*" (See
2 Declaration of Vicky J Currie, Exhibit B on page 5 of cover letter).

3 **Based on her positive equities, Petitioner meets every requirement to obtain this**
4 **humanitarian relief, therefore it is extremely likely that she will be approved.** Continued
5 detention of a T-Visa petitioner and survivor of trafficking and domestic violence—particularly
6 one with multiple USC children—undermines the humanitarian objectives embedded within
7 federal immigration law and raises serious due process concerns when custody review is
8 restricted or delayed.
9

10 **D. Prior Removal & Supervision Compliance**

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12 Although Petitioner has a prior removal order, DHS exercised discretion to parole her and
13 permit supervision rather than execution of removal. Since 2019, she has complied with
14 reporting obligations and ISAP monitoring; it has been *approximately seven years*. Although
15 Petitioner has made mistakes in the past, she has proven that it is her intention to follow the rules
16 ICE has set for her.
17

18 Petitioner's current detention occurred not due to flight, danger, or violation of
19 supervision, but while complying with ICE's instructions to return to her designated check-in
20 location to correct an equipment malfunction, where she was instead taken into custody.
21

22 **III. IMMIGRATION DETENTION MUST BE REASONABLY RELATED TO THE 23 PURPOSE OF REMOVAL**

24 Even where a valid order of removal exists, immigration detention is not unlimited. Civil
25 detention must remain reasonably related to the purpose for which it is imposed and may not
26 become arbitrary or excessive.

27 The Supreme Court has recognized that immigration detention is subject to constitutional
28 limitations and must bear a reasonable relationship to the government's removal objectives.
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1 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). While *Zadvydas* addressed prolonged detention
2 following a removal order, the Court emphasized the broader constitutional principle that civil
3 detention cannot be imposed without adequate justification and must remain tied to its statutory
4 purpose.
5

6 Here, Petitioner lived under ICE supervision for approximately seven years. During that
7 time she complied with reporting requirements and monitoring obligations. Her arrest occurred
8 only after she reported to ICE as instructed in connection with a monitoring device installation.
9 These facts undermine any suggestion that detention was necessary to prevent flight or ensure
10 compliance with removal procedures. Where a noncitizen has demonstrated long-term
11 compliance with supervision requirements, continued detention may cease to serve a legitimate
12 immigration purpose.
13

14 Furthermore, Respondents repeatedly assert that Petitioner's removal to Honduras is
15 imminent (See Declaration of Vicky J Currie, Exhibit A). However, Respondents have not
16 provided any evidence demonstrating that removal is actually scheduled or that it can be
17 executed within a definite timeframe. The record contains no documentation showing that travel
18 documents have been issued, that consular authorization has been secured, or that transportation
19 arrangements have been finalized. Instead, Respondents rely solely on a general statement that
20 removal is anticipated. Courts have recognized that speculative or indefinite assertions regarding
21 removal do not justify continued detention or emergency action without supporting evidence.
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23 *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001).
24

25 In the Court's order denying the temporary restraining order, the Court noted uncertainty
26 in the record regarding whether Petitioner had already been removed, highlighting the absence of
27 clear evidence establishing when or whether removal would occur.
28

1 From our understanding, as of March 10, 2026 at the time of this filing, Petitioner
2 remains detained at the Northwest ICE Processing Center, further underscoring the absence of
3 evidence that removal has actually been scheduled or is realistically imminent.
4

5 **IV. THE EXISTENCE OF A REMOVAL ORDER DOES NOT ELIMINATE**
6 **CONSTITUTIONAL LIMITS ON DETENTION**

7 Respondents repeatedly emphasize that Petitioner is subject to a reinstated removal order.
8 Petitioner does not dispute the existence of that order. However, the existence of a removal order
9 does not eliminate constitutional limits on detention. Even individuals subject to final orders of
10 removal retain liberty interests protected by the Due Process Clause. *Zadvydas v. Davis*, 533
11 U.S. 678, 690 (2001).
12

13 The question presented in this habeas proceeding is therefore not whether the removal
14 order exists, but whether the government's decision to detain Petitioner—after seven years of
15 successful supervision and in the absence of any individualized determination that detention was
16 necessary—comports with statutory and constitutional limits governing immigration detention.
17 Civil detention remains subject to due process and must bear a reasonable relationship to its
18 statutory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
19

20 **V. THE RELATIVELY SHORT DURATION OF DETENTION DOES NOT RESOLVE**
21 **THE CONSTITUTIONAL QUESTION**

22 Respondents emphasize that Petitioner's detention has lasted less than two months.
23 However, the legality of civil detention does not depend solely on its duration. Even relatively
24 brief detention may violate due process where it lacks adequate justification or meaningful
25 procedural safeguards.
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1 Civil detention must remain reasonably related to its purpose and supported by
2 individualized necessity. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Hernandez v. Sessions*,
3 872 F.3d 976, 991 (9th Cir. 2017).

4 Here, Petitioner was detained despite seven years of successful compliance with ICE
5 supervision and without any individualized determination that detention was necessary to ensure
6 compliance with removal procedures. These circumstances raise serious questions about whether
7 her detention meaningfully advances the government's removal objectives.
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9 **VI. PETITIONER'S HUMANITARIAN CIRCUMSTANCES ARE RELEVANT TO THE**
10 **LAWFULNESS OF DETENTION**

11 Respondents dismiss Petitioner's personal circumstances—including her family
12 responsibilities and her status as a survivor of trafficking and domestic violence—as legally
13 irrelevant, but they are not.
14

15 Petitioner is the mother of five United States citizen children who depend on her for
16 emotional and financial support. Her detention has forced her seventeen-year-old daughter to
17 assume primary caregiving responsibilities for younger siblings. The youngest two children are
18 being cared for by their father, who is the man that Petitioner filed a T-Visa against. These facts
19 are not presented merely as equitable considerations. Rather, they illustrate that Petitioner's
20 detention does not meaningfully advance removal objectives. For seven years, Petitioner
21 demonstrated that she could comply with immigration supervision in the community. Her sudden
22 detention following a routine reporting appointment therefore raises serious questions about
23 whether detention is reasonably necessary to effectuate removal.
24

25 Courts have repeatedly recognized that immigration enforcement actions impose
26 profound consequences on families and may result in severe hardship for United States citizen
27 children. *Padilla v. Kentucky*, 559 U.S. 356, 365 (2010); *Nken v. Holder*, 556 U.S. 418, 435
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1 (2009). Immigration detention also implicates significant liberty interests requiring careful
2 judicial review. *Hernandez v. Sessions*, 872 F.3d 976, 991–94 (9th Cir. 2017).

3 Petitioner is also pursuing humanitarian immigration relief through a pending T-Visa
4 petition as a survivor of trafficking and domestic violence. Based on the available record,
5 Petitioner appears to satisfy the statutory criteria for T-Visa eligibility. (See Declaration of Vicky
6 J Currie, Exhibits B-G). While a pending petition does not automatically prevent detention, it is
7 highly relevant to whether detention meaningfully advances removal objectives.
8

9 **VII. PETITIONER’S DETENTION LACKS ADEQUATE PROCEDURAL**
10 **SAFEGUARDS**

11 Due process requires that civil detention include adequate procedural safeguards to
12 prevent arbitrary deprivation of liberty. Immigration detention falls within the core liberty
13 interests protected by the Due Process Clause. *Hernandez v. Sessions*, 872 F.3d 976, 991 (9th Cir.
14 2017). Adequate procedural safeguards in the immigration detention context include meaningful
15 individualized review of detention, an opportunity to challenge continued custody before a
16 neutral decision maker, and consideration of whether detention is reasonably necessary to
17 effectuate removal. See *Hernandez v. Sessions*, 872 F.3d 976, 991–94 (9th Cir. 2017).
18

19 When civil detention is imposed without meaningful procedural safeguards and without a
20 clear relationship to the government’s objectives, it raises serious constitutional concerns
21 warranting habeas review.
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23 Petitioner’s detention raises serious procedural due process concerns because it occurred
24 without any meaningful individualized determination that detention was necessary. Instead, she
25 was taken into custody after complying with ICE’s instructions to report for a monitoring
26 appointment. Respondents’ return claims that Petitioner was taken into custody in order to
27 enforce her prior order of removal, but Respondents have provided no proof that removal is
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1 actually imminent other than an email providing forty-eight (48) hour notice of removal dated
2 March 4, 2026. (See Declaration of Vicky J Currie, Exhibit A).

3 Immigration detention implicates core liberty interests protected by the Due Process
4 Clause, and courts have repeatedly emphasized the importance of procedural safeguards when
5 the government exercises its civil detention authority. *Hernandez v. Sessions*, 872 F.3d 976, 991–
6 94 (9th Cir. 2017). Where detention is imposed despite long-standing compliance with
7 supervision and without an individualized necessity determination, habeas review is particularly
8 appropriate to ensure that detention remains consistent with constitutional limits.

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11 **VIII. THE HABEAS PETITION PRESENTS SERIOUS QUESTIONS WARRANTING
RELIEF**

12 Respondents argue that Petitioner’s detention is lawful simply because removal is
13 anticipated. But habeas review exists precisely to ensure that executive detention complies with
14 statutory and constitutional limits. The Supreme Court has long recognized habeas corpus as a
15 critical mechanism for reviewing the legality of executive detention. *Boumediene v. Bush*, 553
16 U.S. 723, 745 (2008).

17
18 At minimum, the circumstances of Petitioner’s detention raise serious questions
19 regarding whether continued detention is lawful given her extensive compliance with
20 supervision, her family responsibilities, and her pursuit of humanitarian immigration relief.

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22 **IX. CONCLUSION**

23 Petitioner does not dispute that a removal order exists. The issue before the Court is
24 whether her present detention—after approximately seven years of successful compliance with
25 ICE supervision and while pursuing humanitarian relief—comports with statutory and
26 constitutional limits governing immigration detention.
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1 Respondents treat the existence of a removal order as conclusive, but it is not.

2 Immigration detention remains subject to due process and must remain reasonably related to the
3 purpose of removal.

4 Petitioner's detention occurred despite years of compliance with supervision
5 requirements, without meaningful custody review, and in circumstances involving substantial
6 humanitarian considerations. These facts raise serious questions regarding whether her continued
7 detention is lawful.
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9 For these reasons, Petitioner respectfully requests that the Court grant the Petition for
10 Writ of Habeas Corpus and grant such relief as the Court deems appropriate.
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12 Respectfully submitted this 10th day of March 2026.

13 /s/Vicky J Currie

14 Vicky J Currie, WSBA #24192
15 Attorney for Petitioner
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