

Magistrate Judge Grady J. Leupold

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Maria LOYA MEDINA

Petitioner,

v.

JULIO HERNANDEZ, Seattle Field Office
Director, Immigration and Customs Enforcement
and Removal Operations ("ICE/ERO"); TODD
LYONS, Acting Director of U.S. Immigration
Customs Enforcement ("ICE"); PAMELA BONDI,
Attorney General of the United States; BRUCE
SCOTT, Warden, Northwest ICE Processing Center
("NWIPC"); ICE; EOIR; and DHS.

Respondents.

Case No.: 2:26-cv-772

**PETITIONER'S TRAVERSE ISO
PETITION FOR WRIT OF HABEAS
CORPUS**

ORAL ARGUMENT REQUESTED

EXPEDITED HEARING REQUESTED

TABLE OF CONTENTS

1		
2	TABLE OF CONTENTS	ii
3	TABLE OF AUTHORITIES	iii
4	INTRODUCTION	1
5	RESPONDENTS' POSITION	2
6	ARGUMENT	3
7	I. This Court Has Jurisdiction to Review Respondents' Legal and Constitutional Errors at	
8	Ms. Loya's Custody Hearing.	3
9	A. Respondents deprived Ms. Loya of her right to a meaningful bond hearing.	3
10	B. The Post-Hoc Bond Memorandum does not cure Respondents' constitutional	
11	deficiencies.	6
12	C. Section §1226(e) does not strip this Court's jurisdiction to review legal error.	8
13	D. Ms. Loya's habeas claim is colorable and falls squarely within this Court's jurisdiction.	
14	10	
15	E. The Hubbard Declaration is inadmissible and should be disregarded.	11
16	F. Even if the Bond Memorandum were contemporaneous, the Immigration Judge's flight	
17	risk findings fail as a matter of law.	14
18	II. Respondents' administrative exhaustion argument is without merit.	17
19	A. The first <i>Puga</i> factor weighs against administrative exhaustion.	18
20	B. The second <i>Puga</i> factor weighs against administrative exhaustion.	19
21	C. The third <i>Puga</i> factor weighs against administrative exhaustion.	20
22	D. Administrative exhaustion would be futile.	20
23	E. Administrative exhaustion would cause irreparable harm.	20
	CONCLUSION	21

TABLE OF AUTHORITIES

Cases

<i>Amadeo v. Zant</i> , 486 U.S. 214 (1988).....	7
<i>Dep't of Com. v. New York</i> , 139 S. Ct. 2551 (2019).....	18
<i>E.A.T.-B. v. Wamsley</i> , --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025)	2, 6, 11
<i>Gomes v. Hyde</i> , 2025 WL 1869299 (D. Mass. July 7, 2025)	15
<i>Hernandez v. Sessions</i> , 872 F.3d 976 (9th Cir. 2017).....	13
<i>Jackson v. Indiana</i> , 406 U.S. 715 (1972).....	12
<i>Jimenez v. Bostock</i> , 2025 WL 2430381 (D.Or. Aug. 22, 2025)	10
<i>Jorge M.F. v. Jennings</i> , 534 F. Supp. 3d 1050 (N.D. Cal. 2021)	11
<i>Kansas v. Hendricks</i> , 521 U.S. 346 (1997))	12
<i>Maldonado Bautista v. Santacruz</i> , --- F. Supp. 3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025)	15
<i>Martinez v. McAleenan</i> , 385 F. Supp. 3d 349 (S.D.N.Y. 2019)	12
<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976).....	10, 11
<i>Morrissey v. Brewer</i> , 408 U.S. 471 (1972)	11
<i>Phetsadakone v. Scott</i> , No. 2:25-CV-01678-JNW, 2025 WL 2579569 (W.D. Wash. Sept. 5, 2025)	14
<i>Ramirez Tesara v Wamsley</i> , 2:25-cv-01723-MJP-TLF (W.D. Wash. Sept. 11, 2025).....	11, 14
<i>Rivas v. Napolitano</i> , 714 F.3d 1108 (9th Cir. 2013).....	7
<i>Rodriguez Vazquez v. Bostock</i> , 779 F. Supp. 3d 1239 (W.D. Wash. 2025)	15
<i>Rosado v. Figueroa</i> , 2025 WL 2337099 (D. Ariz. Aug. 11, 2025)	15

1	<i>U.S. v. Salerno</i> , 481 U.S. 739 (1987).....	18
2	<i>United States v. Arteaga</i> , 117 F.3d 388 (9th Cir. 1997)	8
3	<i>United States v. Butler</i> , 297 U.S. 1 (1936).....	10
4	<i>United States v. Combs</i> , 379 F.3d 564 (9th Cir. 2004)	10
5	<i>United States v. Lucas-Hernandez</i> , 102 F.4th 1039 (9th Cir. 2024).....	7
6	<i>United States v. Rivera-Valdes</i> , No. 21-30177, 2025 WL 2672555 (9th Cir. Sept. 18, 2025)....	12
7	<i>United States v. Valdovinos-Mendez</i> , 641 F.3d 1031 (9th Cir. 2011)	8
8	<i>United States v. Witkovich</i> , 353 U.S. 194 (1957).....	10
9	<i>Zadvydas v. Davis</i> , 533 U.S. 678 (2001)	passim
10	<u>Statutes</u>	
11	28 U.S.C. § 2241	6
12	5 U.S.C. § 706(2)(A).....	18
13	5 U.S.C. § 706(2)(D).....	18
14	8 U.S.C. §1226(c)(1)(E).....	14
15	<u>Rules</u>	
16		
17	Fed. R. Evid. 1002	8
18	Fed. R. Evid. 1101(b).....	6
19	Fed. R. Evid. 1101(e).....	6
20	Fed. R. Evid. 602	7
21	Fed. R. Evid. 801(d)(2)	7
22	Fed. R. Evid. 805	8
23	Fed. R. of Evid. 801(c).....	7

PETITIONER'S TRAVERSE ISO PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Ms. Maria Loya Medina has been detained for over three months following a fifteen-minute bond hearing in which the Immigration Judge applied no legal standard, left no contemporaneous record, and produced only a cursory checkbox order form devoid of any legal reasoning. Petr's Decl., Dkt. 2 at ¶ 18; Miranda Decl., Dkt. 5, Ex. 11 at p. 2; Andrade Decl., Dkt., 15, Ex. A at p. 2. Moreover, the Immigration judge failed to examine the required factors—including her two U.S. citizen children, her husband who has suffered a stroke and desperately depends upon her care, her many years in the community without any criminal history, and her long work history—required by *Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006). Miranda Decl., Dkt. 5, Ex. 9 at pp. 2-67. Petitioner's record compels the same conclusion this Court recently reached in an analogous case, that is, "there are no circumstances in which the [Immigration Judge] could plausibly establish that Petitioner posed a flight risk." *W.T.M. v. Bondi*, No. 2:25-CV-02428-RAJ-BAT, 2026 WL 262583, at *4 (W.D. Wash. Jan. 30, 2026).

This Court already found that Respondents violated Petitioner's rights by detaining her without a bond hearing. *Loya-Medina v. Noem*, No. 2:26-cv-00125-TMC, Dkt. 10 (W.D. Wash. Jan. 29, 2026). Unfortunately, they have violated the law again by providing a custody determination hearing that was legally deficient in every respect. Miranda Decl., Dkt. 5, Ex. 11 at p. 2; Andrade Decl., Dkt. 15, Ex. A at p. 2. Respondents invite this Court to defer to a process that cannot withstand scrutiny. For the reasons set forth below, this Court should decline that invitation. This Court has the authority to remedy Respondents' legal violation here by ordering Petitioner's release under reasonable conditions. 8 U.S.C. § 2241; *Martinez v. Clark*, 124 F.4th 775, 783 (9th Cir. 2024); *Singh v. Holder*, 638 F.3d 1196, 1200 (9th Cir. 2011).

RESPONDENTS' POSITION

Respondents contend that Ms. Loya's detention is lawful under 8 U.S.C. § 1226(a) and that any challenge to the outcome is better suited to the administrative appellate process available to her. Return, Dkt. 14 at pp. 4, 7. In their view, the Immigration Judge considered the evidence, reached a reasoned determination that Petitioner is a flight risk, and later memorialized that determination in a written Bond Memorandum. *Id.* at pp. 2, 7. Respondents characterize Petitioner's claims as nothing more than disagreement with how the Immigration Judge weighed the evidence, and on that basis argue that this Court lacks jurisdiction to review the outcome, invoking 8 U.S.C. § 1226(e) as a bar to habeas review. *Id.* at pp. 1, 3, 6, 8, 12. Finally, because Petitioner's bond appeal remains pending before the Board of Immigration Appeals, Respondents insist she must exhaust that remedy before seeking relief. *Id.* at pp. 2, 8-11.

Respondents frame this case as a challenge to how the Immigration Judge weighed the evidence. *Id.* at pp. 1, 8, 12. It is not. This case is about whether the Immigration Judge applied the law *at all*. The Ninth Circuit has squarely held that district courts have habeas jurisdiction to review bond hearings for legal and constitutional errors, and § 1226(e) does not strip courts of that authority. *Martinez*, 124 F.4th at 783; *Singh*, 638 F.3d at 1202. Petitioner's claim is colorable: she was deprived of liberty without any contemporaneous findings following a fifteen-minute unrecorded hearing, and in direct violation of the Due Process Clause. Petr's Decl., Dkt. 2 at ¶ 18; Miranda Decl., Dkt. 5, Ex. 11 at p. 2; Andrade Decl., Dkt., 15, Ex. A at p. 2. This is precisely the kind of claim habeas jurisdiction exists to address. 8 U.S.C. § 2241; *Hernandez v. Sessions*, 872 F.3d 976, 989 (9th Cir. 2017) (holding that claims which allege that the "discretionary process itself was constitutionally flawed" are "cognizable in federal court on habeas" despite jurisdictional restrictions in §§ 1226(e) and 1252(a)(2)(B)). Respondents' legal error was

1 compounded by the Immigration Judge's failure to apply the governing legal standards under
 2 *Matter of Guerra*, 24 I. & N. Dec. at 38, and 8 C.F.R. § 1236.1(c)(8). The post-hoc Bond
 3 Memorandum, issued weeks later and explicitly in response to Petitioner's appeal, does not
 4 transform a procedurally deficient hearing into a lawful one. *SEC v. Chenery Corp.*, 318 U.S. 80,
 5 87 (1943).

6 Respondents' exhaustion argument fares no better. The doctrine of prudential exhaustion
 7 is meant to enable meaningful judicial review of agency action. *Hernandez*, 872 F.3d at 988. None
 8 of the traditional factors weighing in favor of exhaustion are present here and, even if they were,
 9 the administrative appeal process to the Board of Immigration Appeals is futile in this particular
 10 instance given the long delays in bond adjudications and forcing exhaustion in these circumstances
 11 will continue to cause individualized, specific irreparable harm. *Hernandez*, 872 F.3d at 988.

12 ARGUMENT

13 I. This Court Has Jurisdiction to Review Respondents' Legal and Constitutional 14 Errors at Ms. Loya's Custody Hearing.

15 A. Respondents deprived Ms. Loya of her right to a meaningful bond hearing.

16 Ms. Loya has been detained and separated from her family for three months because
 17 Respondents failed to apply the law at her bond hearing. Andrade Decl., Dkt. 15, Ex. A at p. 2;
 18 Miranda Decl., Dkt. 5, Ex. 10 at p. 2. The hearing lasted at most fifteen minutes. Petr's Decl., Dkt.
 19 2 at ¶ 18. It was neither recorded nor transcribed. Miranda Decl., Dkt. 5, Ex. 11 at p. 2. The only
 20 contemporaneous record is a boilerplate order form with a series of checked boxes: "[X]
 21 ORDERED...No bond," "[X] Flight Risk," "[X]...Conditional release is denied," and
 22 "[X]...Ability to pay is considered." Andrade Decl., Dkt. 15, Ex. A at p. 2; Miranda Decl., Dkt. 5,
 23 Ex. 10 at p. 2. The judge left no substantive, contemporaneous findings for appellate review. *Id.*
 This Court already found that Respondents violated Petitioner's rights once—when they detained

1 her under § 1225(b) without a bond hearing—and ordered Respondents to provide her a bond
2 hearing under § 1226(a). *Loya-Medina v. Noem*, No. 2:26-cv-00125-TMC, Dkt. 10 (W.D. Wash.
3 Jan. 29, 2026). Respondents' bond hearing did not satisfy the Court's mandate. *Id.*

4 The evidentiary record at the hearing consisted of a 69-page bond packet submitted by
5 Petitioner and the Government's Form I-213. Miranda Decl., Dkt. 5, Ex. 9 at pp. 2-67; Miranda
6 Decl., Dkt. 5, Ex. 4 at pp. 4-6. The bond packet established every factor favoring release on bond
7 and contained no evidence to support a denial. *Id.* (citing Ex. 9). The Immigration Judge,
8 however—without applying a single *Guerra* factor—reached the opposite conclusion. Andrade
9 Decl., Dkt. 15, Ex. A at p. 2; Miranda Decl., Dkt. 5, Ex. 10 at p. 2.

10 Under §1226(a), an Immigration Judge deciding whether to release a noncitizen on bond
11 is legally required to assess whether the noncitizen poses a flight risk or a danger to the community.
12 8 C.F.R. § 1236.1(c)(8); *Matter of Guerra*, 24 I&N Dec. at 38. Immigration judges must
13 *reasonably* consider and balance factors, including the noncitizen's fixed address, length of
14 residence, family ties, employment history, record of appearance, criminal record, history of
15 immigration violations, attempts to flee, and manner of entry. *Matter of Guerra*, 24 I&N Dec. at
16 40.

17 Ms. Loya has lived in the United States for over 21 years. Petr's Decl., Dkt. 2 at ¶ 7. She
18 has a fixed address, strong family ties, consistent employment, and no criminal legal history. *Id.*
19 at ¶¶ 2-7, 24; Miranda Decl., Dkt. 5, Ex. 9 at pp. 2-67. Her immigration history consists of only a
20 1998 voluntary return and a 2005 entry without inspection. Hubbard Decl., Dkt. 16 at ¶¶ 5-6;
21 Miranda Decl., Dkt. 5, Ex. 4 at p. 5; Petr's Decl., Dkt. 2 at ¶¶ 2, 8. Respondents have maintained
22 continuous custody of Petitioner since the start of her removal proceedings; thus, she has had no
23 opportunity to fail to appear at a hearing. Hubbard Decl., Dkt. 16 at ¶¶ 13; Miranda Decl., Dkt. 5,

1 Ex. 4 at p. 5; Petr's Decl., Dkt. 2 at ¶ 17. The record contains no evidence that Petitioner ever
2 attempted "to flee prosecution or otherwise escape from authorities." *Matter of Guerra*, 24 I&N
3 Dec. at 40. In their Form I-213, the Government alleges that Ms. Loya refused to cooperate with
4 her arrest. Miranda Decl., Dkt. 5, Ex. 4, pp. 4-6. Petitioner swore that she invoked her
5 constitutional rights and did not resist. Petr's Decl., Dkt. 2 at ¶¶ 13-16. Moreover, a third-party
6 witness confirms she remained calm throughout the encounter. J.H.S. Decl., Dkt. 4 at ¶ 10. But
7 even if the Government's allegation were true, conduct predating removal proceedings has no
8 logical connection to the relevant legal inquiry: whether Ms. Loya will appear at future
9 proceedings. *Guerra*, 24 I&N Dec. at 40; *Hernandez*, 872 F.3d at 986-87.

10 The evidence before the Immigration Judge at Ms. Loya's hearing demonstrates that she
11 does not pose a flight risk or a danger to society. Miranda Decl., Dkt. 5, Ex. 9 at pp. 2-67. Yet the
12 Immigration Judge's Order denied release on bond, without so much as addressing a single *Guerra*
13 factor. Andrade Decl., Dkt. 15, Ex. A at p. 2; Miranda Decl., Dkt. 5, Ex. 10 at p.2. Where the
14 record establishes every factor favoring release and an immigration judge provides no legal
15 justification, a no-bond finding is not a discretionary judgment—it is a failure to apply the law.

16 The Immigration Judge further compounded his legal and constitutional errors by finding
17 Petitioner a flight risk yet failing to consider any bond amount or alternative conditions of release.
18 Under *Hernandez*, an immigration judge must consider a noncitizen's financial circumstances and
19 whether alternative conditions could mitigate flight risk. *Hernandez*, 872 F.3d at 986-87. Under
20 *Singh*, the government must prove by clear and convincing evidence that no conditions of release
21 can reasonably assure future appearance. *Singh*, 638 F.3d at 1203. Here, the Immigration Judge
22 did neither. He simply checked a box stating "Ability to pay considered" without providing
23 analysis. Andrade Decl., Dkt. 15, Ex. A at p. 2; Miranda Decl., Dkt. 5, Ex. 10 at p. 2. The judge

1 then concluded that no amount of bond and no conditions could secure Petitioner's future
2 appearance. *Id.* This procedural failure creates a significant risk of erroneous deprivation of liberty
3 because it prevents any meaningful check on the judge's decision-making process, making an
4 arbitrary outcome all but inevitable.

5 Civil immigration detention must be non-punitive and bear a reasonable relation to its
6 purpose of ensuring compliance with immigration proceedings and preventing danger to the
7 community. *Zadvydas v. Davis*, 533 U.S. 678, 690-92 (2001); *Demore v. Kim*, 538 U.S. 510, 527
8 (2003). The government may not detain a noncitizen unless detention is reasonably necessary to
9 serve those purposes, and that necessity must be established through adequate procedures at every
10 stage. *Zadvydas*, 533 U.S. at 690-91; *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (recognizing
11 freedom from physical detention as "the most elemental of liberty interests"). A no-bond order for
12 flight risk is, as a matter of constitutional law, rare. *Zadvydas*, 533 U.S. at 690. The Immigration
13 Judge's failure to consider any bond amount or alternative conditions violated both the statutory
14 scheme and the Due Process Clause of the Fifth Amendment. *Hernandez*, 872 F.3d at 994
15 (requiring consideration of financial circumstances and alternative release conditions to ensure
16 detention is not used when less restrictive means can satisfy the government's interest); *Singh*, 638
17 F.3d at 1203 (requiring the government to prove by clear and convincing evidence that no
18 conditions of release can reasonably assure future appearance).

19 **B. The Post-Hoc Bond Memorandum does not cure Respondents' constitutional**
20 **deficiencies.**

21 The Immigration Judge's post-hoc Bond Memorandum—issued 22 days after the hearing
22 on February 26, 2026, and only as a response to Ms. Loya's appeal to the BIA—does not excuse
23 Respondents' constitutional violations. Andrade Decl., Dkt. 15, Ex. B at pp. 2-6. Miranda Decl.,
Dkt. 5, Ex. 14 at pp. 2-6. The memorandum itself states it was prepared because Petitioner

1 appealed, and explicitly acknowledges that it was drafted, “in the event that the Board of
2 Immigration Appeals finds that Respondent’s initial waiver of appeal was not knowing, voluntary,
3 and intelligent.” *Id* at p. 4. Respondents thus confirm by their own admission that there was no
4 contemporaneous reasoning at Ms. Loya’s hearing. *Id*.

5 Agency action must be judged on the reasoning given at the time of the decision. *SEC v.*
6 *Chenery Corp.*, 318 U.S. 80, 87 (1943) (“[A] reviewing court, in dealing with a determination or
7 judgment which an administrative agency alone is authorized to make, must judge the propriety of
8 such action solely by the grounds invoked by the agency”). Here, the only contemporaneous
9 decision was a boilerplate form lacking any legal analysis whatsoever. Andrade Decl., Dkt. 15,
10 Ex. A at p. 2; Miranda Decl., Dkt. 5, Ex. 10 at p. 2. The later Bond Memorandum cannot supply
11 the analysis that was absent when the original decision was made. *Chenery Corp.*, 318 U.S. at 87.

12 The Government asserts that the Bond Memorandum is a “routine articulation of the
13 agency’s decision [at the hearing] prepared to facilitate administrative review.” Return, Dkt. 14 at
14 p. 7. But this argument is circular: there is no contemporaneous record against which to verify the
15 memorandum’s accuracy; no transcript nor audio recording. Miranda Decl., Dkt. 5, Ex. 11 at p. 2.
16 There is no legal foundation for treating a post-hoc memo as a contemporaneous decision. The
17 only contemporaneous record of the Immigration Judge’s decision is a boilerplate form with a few
18 checked boxes. Andrade Decl., Dkt. 15, Ex. A. By suggesting that the Court should accept the
19 after-the-fact memorandum as if it were a “routine articulation” reflecting “contemporaneous
20 reasoning,” Respondents essentially ask the Court to excuse the Immigration Judge’s failure to
21 apply the law. Return, Dkt. 14 at pp. 7-8. The Court should decline.

22 The Immigration Court Practice Manual (“ICPM”) states that bond hearings are seldom
23 recorded. ICPM Ch. 8.3(b)(ii); *Id* at p. 7. But as the Ninth Circuit has observed, all immigration

1 courts are “equipped with recording devices and routinely record merits hearings.” *Singh*, 638 F.3d
2 at 1209. Respondents’ failure to record the bond hearing was therefore a choice, not a technological
3 limitation. *Id.* That choice does not excuse constitutional deficiency. Instead, it compounds it and
4 directly increases the risk of arbitrary outcomes and unconstitutional deprivations of liberty.

5 This Court has already held that a barebones bond order stating only “Flight Risk” without
6 analysis does not satisfy due process. *W.T.M.*, 2026 WL 262583 at *4. The government attempts
7 to distinguish *W.T.M.* by pointing to the post-hoc Bond Memorandum. Return, Dkt. 14 at pp. 7-8.
8 But *W.T.M.* held that a barebones bond order with no reasoning does not satisfy due process, and
9 the Government cannot cure the Immigration Judge’s violation through after-the-fact paperwork.
10 *W.T.M.*, 2026 WL 262583, at *4.

11 **C. Section §1226(e) does not strip this Court’s jurisdiction to review legal error.**

12 Respondents invoke 8 U.S.C. § 1226(e) as if it were an absolute jurisdictional bar to any
13 review of bond decisions. Return, Dkt. 14 at p. 6. That reading is foreclosed by binding Ninth
14 Circuit authority.

15 Section 1226(e) bars review of discretionary decisions only. It does not strip jurisdiction
16 over legal or constitutional challenges to bond hearings. *Singh*, 638 F.3d at 1200 (holding that
17 federal district courts have habeas jurisdiction to review bond hearings for constitutional claims
18 and legal error); *see also Hernandez*, 872 F.3d at 989 (holding that claims which allege the
19 “discretionary process itself was constitutionally flawed” are “cognizable in federal court on
20 habeas” despite jurisdictional restrictions in §§ 1226(e) and 1252(a)(2)(B)). More recently, the
21 Ninth Circuit held that district courts have habeas jurisdiction to review bond hearings for errors
22 of law, including mixed questions of law, such as whether the Immigration Judge properly
23 concluded someone is a danger or flight risk precluding release on bond. *Martinez*, 124 F.4th at

1 783; *see also* *Wilkinson v. Garland*, 601 U.S. 209 (2024) (holding that “the application of a
2 statutory legal standard...to an established set of facts is a quintessential mixed question of law
3 and fact.”). The determination of whether a noncitizen is a flight risk is a mixed question of law
4 and fact reviewable as a question of law. *Martinez*, 124 F.4th. at 779.

5 Respondents cite *Valenzuela v. Semaia*, 2025 WL 4041920, at *2 (C.D. Cal. Dec. 10,
6 2025),¹ an unpublished decision to argue that this Court lacks jurisdiction. Return, Dkt. 14 at p. 6.
7 But *Valenzuela* is non-binding, and upon examination, it undermines rather than supports
8 Respondents’ jurisdictional argument. The December 10 order Respondents cite is the second of
9 two orders issued in the same case by the same court. In the first order, issued on November 3,
10 2025, the court granted the petitioner’s TRO, ordered an individualized bond hearing, and excused
11 exhaustion as futile, doing precisely what Petitioner asks this Court to do here. *Valenzuela*, 2025
12 WL 3635578, at *1. It was only in the December 10 order that the court declined jurisdiction, and
13 only because by then the petitioner was asking the court to re-evaluate the evidence of his criminal
14 history that caused the Immigration Judge to deny him bond. *Id.* at *2.

15 But Respondents conflate unreviewable discretionary decisions with reviewable legal and
16 constitutional error. Return, Dkt. 14 at p. 6. Here, Petitioner is not challenging how the
17 Immigration Judge weighed the evidence. She is challenging the fundamental legality of the
18 process itself: the failure to create a record, the failure to apply the correct legal standard, and the
19 failure to provide any contemporaneous reasoning. Petition, Dkt. 1 at ¶¶ 5-6, 75, 78, 100-101, 105.
20 These are quintessential constitutional claims and legal errors that fall squarely within this Court’s
21
22

23 ¹ Respondents cite *Valenzuela* as 2025 WL 4041920, at *2 (C.D. Cal. Dec. 10, 2025). This is the
second of two orders issued in the same litigation. The first order appears at 2025 WL 3635578
(C.D. Cal. Nov. 3, 2025).

1 habeas jurisdiction under binding Ninth Circuit precedent. *Martinez*, 124 F.4th at 783; *Singh*, 638
2 F.3d at 1200.

3 **D. Ms. Loya's habeas claim is colorable and falls squarely within this Court's**
4 **jurisdiction.**

5 Habeas jurisdiction is proper where claims are "colorable," meaning they have "some
6 possible validity." *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271 (9th Cir. 2001). Respondents argue
7 that Petitioner's claim amounts to nothing more than disagreement with the Immigration Judge's
8 weighing of the evidence, and that such a claim does not warrant habeas review. Return, Dkt. 14
9 at p. 7.

10 Petitioner's claim is colorable on multiple independent grounds: the hearing left no
11 contemporaneous record, Return, Dkt. 14 at pp. 7-8; Miranda Decl., Dkt. 5, Ex. 11 at p. 2; the
12 Immigration Judge issued no findings and applied no legal standards, Andrade Decl., Dkt. 15, Ex.
13 A at p. 2; Miranda Decl., Dkt. 5, Ex. 10 at p.2.; the Immigration Judge considered no bond amount
14 or alternative conditions, *id.*; and the government issued a post-hoc Bond Memorandum only after
15 Petitioner appealed, Andrade Decl., Dkt. 15, Ex. B at pp. 3-4. Miranda Decl., Dkt. 5, Ex. 14 at pp.
16 3-4. Each of these independently constitutes a colorable constitutional or legal claim.

17 Respondents invoke *Torres-Aguilar* to argue that Petitioner is "cloaking an abuse of
18 discretion argument in constitutional garb." Return, Dkt. 14 at p. 5. The *Torres-Aguilar* doctrine
19 applies where a petitioner is unhappy with a discretionary outcome and dresses it up in
20 constitutional language to manufacture jurisdiction. *Torres-Aguilar v. INS*, 246 F.3d 1267, 1271
21 (9th Cir. 2001). It does not apply here. First, *Martinez* made clear that the application of facts to a
22 legal standard like danger or flight risk is not a discretionary determination. *Martinez*, 124 F.4th
23 at 783. Thus, Respondents err in asserting that it is simply a discretionary determination when
challenging how the Immigration Judge weighed the evidence. Second, Petitioner is not

1 challenging how the Immigration Judge weighed the evidence. She is challenging whether the
2 Immigration Judge applied any legally cognizable standard at all. Petition, Dkt. 1 at ¶¶ 5-6, 75, 78,
3 100-101, 105. *Torres-Aguilar* presupposes a lawful exercise of discretion, but there can be no
4 discretionary weighing where no legal standard was applied. *Martinez*, 124 F.4th at 783 (holding
5 that flight risk determinations are reviewable as questions of law). Because Petitioner challenges
6 reviewable questions of law, not a discretionary determination, *Torres-Aguilar* does not bar this
7 Court's review.

8 Finally, Petitioner is challenging the IJ's failure to produce a contemporaneous record of
9 the bond hearing to ensure she has a meaningful opportunity to appeal any adverse
10 determination. Petition, Dkt. 1 at ¶¶ 5-6, 75, 78, 100-101, 105.

11 **E. The Hubbard Declaration is inadmissible and should be disregarded.**

12 Respondents rely on the Declaration of Deportation Officer Christopher Hubbard to supply
13 factual support for their return. Hubbard Decl., Dkt. 16. Hubbard's declaration is inadmissible
14 under the Federal Rules of Evidence, as it is replete with out-of-court statements offered for the
15 truth of the matter asserted in the statement. *See* Fed. R. of Evid. 801(c); *see also United States v.*
16 *Lucas-Hernandez*, 102 F.4th 1039, 1043 (9th Cir. 2024).

17 The Federal Rules of Evidence generally apply in proceedings under 28 U.S.C. § 2241.
18 Federal Rule of Evidence 1101 states that the Rules govern "civil cases and proceedings," and then
19 lists several exceptions, none of which includes habeas proceedings. Fed. R. Evid. 1101(b), (d).
20 Subsection (e) then clarifies that another statute or set of rules "may provide for admitting or
21 excluding evidence independently from these rules." Fed. R. Evid. 1101(e). That exception also
22 does not apply, as federal habeas rules do not displace the Rules of Evidence. Significantly, the
23 comment to Rule 1101 clarifies that "[t]he rule does not exempt habeas corpus proceedings." Fed.

1 R. Evid. 1101 advisory committee's note to subdivision (d). Consistent with this reading, the
2 Supreme Court has applied the Federal Rules of Evidence to determine admissibility in a habeas
3 proceeding. *See, e.g., Amadeo v. Zant*, 486 U.S. 214, 227 n.5 (1988). By their plain text, the Rules
4 make clear that they apply in full force in the present case, thus, governing the admissibility of
5 Respondents' proffered evidence.

6 The best evidence rule provides that "[a]n original writing, recording, or photograph is
7 required in order to prove its content unless these rules or a federal statute provides otherwise."
8 Fed. R. Evid. 1002. "The rule is the familiar one requiring production of the original of a document
9 to prove its contents[.]" Fed. R. Evid. 1002 advisory committee's note. In other words, a declarant
10 cannot simply assert what a document contains where that document itself can "prove its content."
11 *Id.*; accord, e.g., *United States v. Valdovinos-Mendez*, 641 F.3d 1031, 1035 (9th Cir. 2011) (finding
12 the best evidence rule does not apply when an immigration official testifies as to the lack of
13 records, and noting that this differs from testimony where the "[a]gent . . . testif[ies] to the contents
14 of the records sought to be proved," in which case the rule applies).

15 Officer Hubbard concedes at the outset that his declaration is not based on personal
16 knowledge. He states it is based on "various records and systems maintained by ICE in the regular
17 course of business." Hubbard Decl., Dkt. 16 at ¶ 3. He then testifies to the contents of those
18 unproduced records. This is hearsay, an out-of-court statement offered for the truth of the matter
19 asserted. Fed. R. Evid. 801(c). A witness who lacks personal knowledge of the underlying events
20 cannot testify to their subject matter. Fed. R. Evid. 602; *see also United States v. Lucas-Hernandez*,
21 102 F.4th 1039, 1043 (9th Cir. 2024); *M-Z-H- v. Hermosillo*, 2025 WL 3718655, *4-6 (W.D.
22 Wash. 2025) (applying best evidence rule and hearsay rule to find similar ICE declaration
23 inadmissible).

1 Application of the Federal Rules here is straightforward and fatal to the Hubbard
2 Declaration. Paragraph 5 asserts that Petitioner first entered the United States on November 29,
3 1998, was encountered by Border Patrol, and voluntarily returned to Mexico. Hubbard Decl., Dkt.
4 16. Hubbard has no personal knowledge of a 1998 border encounter. His statement relies entirely
5 on out-of-court records offered for their truth, and no original records are produced. This violates
6 both the hearsay rule and the best evidence rule. Fed. R. Evid. 802, 1002; *United States v.*
7 *Valdovinos-Mendez*, 641 F.3d 1031, 1035 (9th Cir. 2011).

8 Paragraphs 7 through 9 assert that ERO officers “identified themselves as federal
9 immigration officers,” that Petitioner “initially refus[ed] to cooperate,” and that she was “shown a
10 signed warrant for her arrest.” Hubbard Decl., Dkt. 16. Hubbard was not present at the January 10,
11 2026, arrest in Albany, Oregon. He asserts no personal knowledge of these events. His assertions
12 rely on out-of-court records he has not produced. This is inadmissible hearsay. Fed. R. Evid. 802.
13 Moreover, these assertions are directly contradicted by Petitioner, who states no warrant was
14 presented. Petr’s Decl., Dkt. 2 at ¶ 13. Ms. Loya’s testimony that ICE did not present her a warrant
15 is further supported by an eyewitness. J.H.S. Decl., Dkt. 4 at ¶ 8.

16 Paragraph 11 asserts that Hubbard “could locate no indication in DHS records that an
17 officer ‘apologized’ to Petitioner or claimed that her arrest was ‘mandated...by the President.’”
18 Hubbard Decl., Dkt. 16. This assertion is based on a review of unproduced records. It is offered
19 to contradict Petitioner’s sworn declaration Petr’s Decl., Dkt. 2 at ¶ 17. Indeed, one would not
20 expect an officer to document in the arresting report that they apologized to the person they
21 arrested.

22 Paragraph 16 asserts that Petitioner, “through counsel, waived appeal of the IJ’s decision.”
23 Hubbard Decl., Dkt. 16. This is a legal conclusion about a contested fact. Hubbard has no personal

1 knowledge of what occurred at Ms. Loya's bond hearing, or what she understood at its conclusion.
2 His characterization of the waiver relies on records he does not produce and is directly controverted
3 by the record. Petr's Decl., Dkt. 2 at ¶¶ 19-21.

4 Because paragraphs 5, 7, 8, 9, 11, and 16 of the Hubbard Declaration contain out-of-court
5 statements offered for the truth of the matter asserted, rely on the contents of unproduced records
6 in violation of the best evidence rule, and/or draw legal conclusions unsupported by personal
7 knowledge, Petitioner respectfully moves to strike them in their entirety.

8 **F. Even if the Bond Memorandum were contemporaneous, the Immigration**
9 **Judge's flight risk findings fail as a matter of law.**

10 The after-the-fact Bond Memorandum cannot supply what the contemporaneous record
11 lacked. *SEC v. Chenery Corp.*, 318 U.S. 80, 87 (1943). But even accepting it on its own terms, the
12 Immigration Judge's flight risk findings fail as a matter of law and independently violate the Due
13 Process Clause of the Fifth Amendment.

14 *Guerra* does not authorize consideration of factors that bear no rational relationship to the
15 actual inquiry of flight risk or dangerousness. *Matter of Guerra*, 24 I&N Dec. at 40. The
16 Immigration Judge applied a bond legal standard where, in the Immigration Judge's view, there is
17 "no limitation on the discretionary factors that an Immigration Judge may consider[.]" Andrade
18 Decl., Dkt. 15, Ex. B at p. 4; Miranda Decl., Dkt. 5, Ex. 14 at p. 4. This description of the bond
19 legal standard as essentially a free-for-all is telling and underscores the legal errors because *Matter*
20 *of Guerra* is to the contrary. Not only does the case *not* place any limitation on the factors an
21 immigration judge may consider, *Matter of Guerra* legally cabins what and how an immigration
22 judge can do when deciding whether to restrain an individual's liberty. *Matter of Guerra*, 24 I&N
23 Dec. at 40. *Matter of Guerra*'s rule explains that an immigration judge "may look to a number of
factors" and that the actual factors weighed "may include any or all" of the factors from an

1 enumerated list. *Id.* Not only that, the weighing—which is within the “broad discretion” of the
2 immigration judge is also legally limited by relevance of the factors to the specific inquiry being
3 made. *Id.*; *Hernandez*, 872 F.3d at 986-87 (explaining that an Immigration Judge must provide a
4 reasoned explanation of how each cited factor bears on the specific inquiry of future appearance).
5 Finally, the *Matter of Guerra* rule requires that the decision itself must be “reasonable.” *Id.*; *Matter*
6 *of R-A-V-P-*, 27 I&N Dec. 803, 805 (BIA 2020) (same). The relevance, rational connection, and
7 objectively “reasonable” standards are rooted in the Constitutional requirement that civil
8 immigration detention bear a reasonable relation to its purpose. *Zadvydas*, 533 U.S. at 690-92. The
9 BIA has explained that “[w]e have held that an alien generally should not be detained or required
10 to post bond pending a determination of deportability unless there is a finding that he is a threat to
11 the national security or is a poor bail risk.” *Matter of Andrade*, 19 I&N Dec. 488, 490 (BIA 1987).

12 The Immigration Judge’s erroneous understanding that the bond inquiry is in essence a
13 free-for-all permeates the decision: he fails to consider factors, he fails to articulate rational
14 connections, and he fails to provide a reasonable basis for the no-bond order. *Id.* First, under
15 *Guerra*, manner of entry is a factor to be weighed in the bond analysis, not a *per se* equivalent for
16 flight risk. The Immigration Judge failed to rationally connect Petitioner’s 1998 voluntary return
17 as evidence she would fail to appear, without explaining how a decades-old border encounter
18 predicts future conduct. Moreover, the Immigration Judge was legally required—but did not—
19 consider how the twenty-one years of continuous presence without any attempt to flee impacts
20 flight risk. Petr’s Decl., Dkt. 2 at ¶¶ 2, 7. While the Immigration Judge may weigh the factors
21 within his “broad discretion” he may not ignore them. *Hernandez*, 872 F.3d at 986-87.

22 For example, the Immigration Judge’s reliance on Petitioner’s use of a false Social Security
23 number as evidence of extreme flight risk is irrational because there is no reasoning connecting

1 the Social Security number and Ms. Loya's bail risk. Andrade Decl., Dkt. 15, Ex. B at pp. 2, 6.
2 *Guerra* and *Hernandez* require more than a bare assertion that a factor weighs against release.
3 They require a reasoned explanation of how each factor bears on the specific inquiry of future
4 appearance. *Hernandez*, 872 F.3d at 986-87; *Guerra*, 24 I&N Dec. at 40. The Immigration Judge
5 provided none.² Likewise, in the free-for-all, "no limitations" standard the Immigration Judge
6 used, he inverted *Guerra*'s family ties factor, concluding that because Petitioner's children were
7 in good health, family ties did not favor release. Andrade Decl., Dkt. 15, Ex. B at p. 6; Miranda
8 Decl., Dkt. 5, Ex. 14 at p. 6. Family ties are a factor favoring release precisely because they
9 demonstrate community roots and incentives to appear. *Guerra*, 24 I&N Dec. at 40. The strength
10 of family ties is measured by their existence and depth, not by whether the children currently
11 require medical attention. The Immigration Judge's reasoning here would render family ties
12 irrelevant in virtually every case where children are healthy, which is precisely backwards. A
13 detention premised on such reasoning bears no reasonable relation to the government's legitimate
14 interest in ensuring non-citizens' appearance in future proceedings. *Zadvydas*, 533 U.S. at 690-
15 91.³

16 The Immigration Judge additionally used a legally impermissible factor—Ms. Loya's
17 invocation of her constitutional rights during a violent ICE encounter—to find that she is a flight
18 risk. Petitioner's sworn declaration established that she held a "red card" against her window,
19 gestured to the agents to calm down, and was in the process of unlocking her door when an agent
20

21 ² To the contrary, filing tax returns using an ITIN, as Petitioner did, affirmatively demonstrates
22 good faith engagement with legal systems. Miranda Decl., Dkt. 5, Ex. 9. Moreover, her long
employment history is a factor that *Guerra* dictates must weigh in her favor, not against her.

23 ³ Worse yet, the Immigration Judge failed to justify his finding in light of her husband's medical
situation, requiring her presence and support. Andrade Decl., Dkt. 15, Ex. B at pp. 5-6; Miranda
Decl., Dkt. 5, Ex. 14 at pp. 5-6.

1 shattered her window.⁴ Petr's Decl., Dkt. 2 at ¶¶ 13-16. To treat Ms. Loya's invocation of her
2 constitutional rights as evidence of flight risk bears no reasonable relation to the inquiry of whether
3 she will appear at future proceedings.

4 The Immigration Judge's finding that Petitioner is an "extremely poor bail risk" is
5 emblematic of the erroneous "no limitations" bond standard. Andrade Decl. Dkt. 15, Ex. B at p. 6;
6 Miranda Decl., Dkt. 5, Ex. 14 at p. 6. To the contrary, as this Court recently explained in another
7 case, "it is clear from the existing record in this case that the IJ's bond denial was constitutionally
8 deficient, because there are no circumstances in which the IJ could plausibly establish that
9 Petitioner posed a flight risk." *W.T.M.*, 2026 WL 262583, at *4.

10 This Court need not accept the Bond Memorandum as dispositive. It was prepared after the
11 fact, in response to Petitioner's appeal, and cannot substitute for contemporaneous analysis that
12 the law requires. But even if it were, the Immigration Judge's flight risk findings fail as a matter
13 of law and violate the Due Process Clause. Either way, Petitioner's detention is unlawful, and this
14 Court has both the authority and the obligation to order her release.

15 **II. Respondents' administrative exhaustion argument is without merit.**

16 Applying the prudential exhaustion doctrine here to require Ms. Loya to wait for the BIA
17 to decide her appeal will not serve the needs of justice. *McCarthy v. Madigan*, 503 U.S. 140, 144-
18 145 (1992). Courts may require prudential exhaustion if "(1) agency expertise makes agency
19 consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of
20 the requirement would encourage the deliberate bypass of the administrative scheme; and (3)
21 administrative review is likely to allow the agency to correct its own mistakes and to preclude the
22

23 ⁴ A third-party witness corroborates this account, stating that Petitioner "remained calm throughout the entire encounter" and "did not resist arrest or fight back at any time." J.H.S. Decl., Dkt. 4 at ¶ 10. This is not the conduct of someone attempting to flee.

1 need for judicial review.” *Hernandez*, 872 F.3d at 988. These are called the “Puga” factors because
 2 they originate in the case of *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007). Nonetheless,
 3 even if these three factors weigh in favor of prudential exhaustion, a court may waive the prudential
 4 exhaustion requirement if “administrative remedies are inadequate or not efficacious, pursuit of
 5 administrative remedies would be a futile gesture, irreparable injury will result, or the
 6 administrative proceedings would be void.” *Id.*

7 **A. The first *Puga* factor weighs against administrative exhaustion.**

8 The *Puga* first factor weighs against administrative exhaustion. The first factor asks
 9 whether “agency expertise makes agency consideration necessary to generate a proper record and
 10 reach a proper decision.” *Puga*, 488 F.3d at 815. While the BIA may have general subject-matter
 11 expertise in individual immigration bond decisions, the BIA has no particular expertise in
 12 interpreting the Constitution or the particular questions of statutory and constitutional law that Ms.
 13 Loya raises in her petition. *W.T.M.*, 2026 WL 262583 at *2; Petition, Dkt. 1 at ¶¶ 21-24 (Counts
 14 One and Two raising constitutional challenge; Count Three raising statutory interpretation
 15 challenge). Indeed, that is the role of the judiciary. *Loper Bright Enterprises v. Raimondo*, 603
 16 U.S. 369, 401 (2024). Second, additional proceedings before the BIA are unnecessary to generate
 17 a proper record because the statutory and constitutional questions presented here do not require
 18 agency consideration to generate a proper record in order for the Court to reach a proper decision.
 19 *Valenzuela*, 2025 WL 3635578 at *7. Third, the administrative proceedings have already generated
 20 two decisions: the contemporaneous decision issued by the Immigration Judge on February 4,
 21 2026, and the post-hoc bond memorandum issued in response to Ms. Loya’s filing of an
 22 administrative appeal on February 26, 2026. Additional administrative proceedings before the BIA
 23 will not generate any additional meaningful record. *Cf. Martinez v. Scott*, 2025 WL 2689844, at *

5 (W.D. Wash. 2025) (reasoning that “[i]f [p]etitioner were required to present his claims to the BIA, the BIA would expand the available record by requiring the IJ to provide a written decision fully explaining why Petitioner was denied bond.”) (cleaned up).⁵ Therefore, additional proceedings before the BIA will not aid in the crystallization of a record for this Court to review. *Valenzuela*, 2025 WL 3635578 at *7.

B. The second *Puga* factor weighs against administrative exhaustion.

The second *Puga* factor weighs against exhaustion. Ms. Loya is seeking a determination on a point of statutory and constitutional law. Ms. Loya’s petition raises a discrete legal question, the resolution of which may “provide concrete guidance for future administrative proceedings.” *Rodriguez*, 779 F. Supp. 3d at 1251. She is not seeking a fact-intensive review of the Immigration Judge’s discretionary weighing. *Cf. Martinez*, 2025 WL 2689844 at *5. This matter raises at least two serious legal questions that, once answered, may actually promote clarity and “thus reduce the number of future habeas petitions.” *Rodriguez*, 779 F. Supp. 3d. at 1252. Specifically, this matter asks the Court to decide (1) whether the § 1226(a) bond standard places “no limitation” on an immigration judge; and (2) whether a noncitizen’s invocation of her Fourth and Fifth Amendment rights can serve as a factor in an Immigration Judge’s flight risk determination and result in a bond denial. *W.T.M.*, 2026 WL 262583 at *2 (holding that the specific question of whether a recalled or

⁵ It is the BIA’s own policy that condoned the bond hearing procedure the Immigration Judge followed here—the very procedure Ms. Loya challenges. *See* BIA Practice Manual, Chap. 7.3(b)(ii) (last revised Nov. 14, 2022) (explaining that, in spite of the weighty liberty interests, bond hearings are less formal, are not recorded, and not transcribed). All immigration courts, including the immigration court that heard Ms. Loya’s habeas-ordered bond hearing, are “equipped with recording devices and routinely record merits hearings.” *Singh*, 638 F.3d at 1209. However, as a matter of policy, “[b]ond hearings are seldom recorded and are not routinely transcribed.” BIA Practice Manual, Chap. 7.3(b)(ii). The BIA cannot be expected to “expand” and available record when its own policy sanctions the absence of a record.

1 inactive bench warrant can ever serve as the sole basis for a flight risk finding “lean[ed]” against
2 requiring exhaustion).

3 **C. The third *Puga* factor weighs against administrative exhaustion.**

4 The third *Puga* factor weighs against exhaustion. Here, the defect alleged by Petitioner is
5 constitutional and statutory in nature. Petition, Dkt. 1 at ¶¶ 1 at 22-24. While the BIA can correct
6 evidentiary rulings by an Immigration Judge, Ms. Loya’s case is about the constitutional and
7 statutory adequacy of the bond hearing. Thus, her case is not one in which the BIA’s “authority to
8 correct the erroneous factual determinations and evidentiary errors alleged” justifies requiring
9 administrative exhaustion. *W.T.M.*, 2026 WL 262583 at *3; *cf. Martinez*, 2025 WL 2689844 at *5
10 (finding that where a petitioner sought review of the IJ’s factual errors, not legal errors, the third
11 factor favors exhaustion). As such, the third *Puga* factor leans against requiring prudential
12 exhaustion.

13 **D. Administrative exhaustion would be futile.**

14 Administrative exhaustion would be futile. The BIA process is long, and the lengthy delays
15 in adjudication often moot pending bond appeals before they are adjudicated. In 2024, EOIR data
16 showed an average processing time of 204 days for bond appeals. *Rodriguez*, 802 F. Supp. 3d at
17 1307. Between 2015 and 2024, bond appeal cases took a year or longer to resolve. *Id.* During the
18 time it takes the BIA to resolve the bond appeal, most detainees’ claims are mooted by
19 adjudications in their removal proceedings. *Id.*

20 **E. Administrative exhaustion would cause irreparable harm.**

21 There is irreparable harm caused by Petitioner’s unnecessary detention. Administrative
22 delay here carries concrete, individualized, and human consequences to Ms. Loya, her spouse, and
23 her children. *Rodriguez*, 779 F. Supp. 3d at 1253-54 (an individualized showing of harm permits

the court to waive exhaustion in spite of the *Puga* factors); *W.T.M.*, 2026 WL 262583 at *3 (same). Ms. Loya is a mother of two United States citizen children and the primary caregiver to a husband recovering from a stroke. Petr's Decl., Dkt. 2 at ¶¶ 3-6. She has now been detained and away from her family for over three months, following a bond hearing that failed to comport with the law. *Id.* at ¶¶ 17-18. Andrade Decl., Dkt. 15, Ex. A at p. 2; Miranda Decl., Dkt. 5, Ex. 10 at p. 2. Petitioner's spouse had a stroke in December 2025 and heart surgery after that. See C.H. Decl. Dkt 3 at 3-4. Petitioner's 16-year-old son has had to take on the role of parent to his younger sibling because his mother (the Petitioner) is detained and his father is recovering from surgery. *Id.* at 4-5. Petitioner's daughter has been diagnosed with depression and often refuses to eat because of the family separation. *Id.* at 3-4 Petitioner's son's mental health is also suffering, because he has to care for his younger sibling and ailing father while balancing a rigorous academic schedule. *Id.*

CONCLUSION

The Court should grant the writ and order Ms. Loya's immediate release under reasonable conditions.

Dated: March 30, 2026

s/ Stephen W Manning
Stephen W Manning, OSB No. 013373*
stephen@innovationlawlab.org

s/ Jose G. Miranda
Jose G. Miranda, NYSB No. 5714969*
jmiranda@innovationlawlab.org

INNOVATION LAW LAB
333 SW 5th Avenue
Suite 200
Portland OR 97204
(503) 922-3042

**Appearing pro hac vice*

s/ Matt Adams
Matt Adams, WSBA No. 28287
matt@nwirp.org

NORTHWEST IMMIGRANT
RIGHTS PROJECT
615 Second Ave., Suite 400
Seattle, WA 98104
(206) 957-8611

Attorneys for Ms. Loya