STEPHEN W. MANNING, OSB # 013373
stephen@innovationlawlab.org
smanning@ilgrp.com
JORDAN CUNNINGS, OSB # 182928
jordan@innovationlawlab.org
ROSA SAAVEDRA VANACORE*
NY Reg. #5625611, MD Bar #2301060014
rosa@innovationlawlab.org
INNOVATION LAW LAB
333 SW 5th Ave., Suite 200
Portland, OR 97204-1748
Telephone: +1 503-922-3042

**admitted pro hac vice*

Attorneys for Petitioner

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

B-P-, an adult

Petitioner,

v.

JULIO HERNANDEZ, Seattle Field Office Director, Immigration and Customs Enforcement and Removal Operations ("ICE/ERO"); TODD LYONS, Acting Director of Immigration Customs Enforcement ("ICE"); U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; MARKWAYNE MULLIN, Secretary of the Department of Homeland Security ("DHS"); U.S. DEPARTMENT OF HOMELAND SECURITY; and PAMELA BONDI, Attorney General of the United States,

Respondents.

Case No.: 3:26-v-450

Agency No. A XXX-XXX-801

PETITIONER'S MOTION FOR LEAVE FOR EXPEDITED LIMITED DISCOVERY

Petitioner B-P- respectfully moves the Court for leave to conduct expedited limited discovery under 28 U.S.C. § 2246 and the Federal Rules of Civil Procedure for information and materials held by Respondents that are relevant to his pending petition for writ of habeas corpus. Pursuant to LR 7-1, counsel for Petitioner certifies that the parties conferred on the issues raised by this motion and Respondents oppose it.

Petitioner seeks the opportunity to conduct the expedited, limited discovery enumerated below in order to "be able to demonstrate" that the Petitioner is "entitled to relief" related to his specific allegations about the legality of Respondent's policy that, but for the interim order of this Court, would have resulted in his unlawful detention. *See Smith v. Mahoney*, 611 F.3d 978, 996-97 (9th Cir. 2010) (cleaned up) (setting forth the good cause standard for discovery in federal habeas cases). Because there are disputes regarding the factual basis for this policy, the Court should order the requested limited, expedited discovery.

Expedited discovery is warranted here given the inherently rapid nature of habeas proceedings, *see, e.g.,* 28 U.S.C. § 2243 (setting an expedited timeframe for showing cause as to why the writ should not issue), and the fundamental liberty interests at stake, *see, e.g., Foucha v Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary government action.").

I. Legal Standard

A petitioner seeking a writ of habeas corpus challenging unlawful executive detention is entitled to limited discovery when good cause is shown. *Harris v. Nelson*, 394 U.S. 286, 299-300 (1969); *Mahoney*, 611 F.3d at 996-97. The rule allowing for discovery in habeas cases on good cause shown recognizes that the Great Writ—"the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action"—must be sufficiently flexible to

"reach all manner of illegal detention, . . . cut through barriers of form and procedural mazes," and "insure that miscarriages of justice … are surfaced and corrected." *Harris*, 394 U.S. at 290–91. Discovery is available under 28 U.S.C. § 2246 and the Federal Rules of Civil Procedure. *See* Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts ("Rules for 2254 Cases"). The Rules for 2254 Cases provides for a "good cause" standard and requires the Petitioner to obtain leave of court before seeking discovery under Rule 26.[1] *See* Rules for 2254 Cases 6(a)-(b).

"Good cause [for discovery] exists 'where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . , entitled to relief.'" *Mahoney*, 611 F.3d at 996–97 (quoting *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997)). A habeas petitioner seeking discovery need not "demonstrate that he will ultimately prevail on his underlying" claim. *Pham v. Terhune*, 400 F.3d 740, 743 (9th Cir. 2005). "Where good cause exists, 'it is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry.'" *Mahoney*, 611 F.3d at 996–97 (quoting *Harris*, 394 U.S. at 300). The "court should not hesitate to allow discovery, where it will help illuminate the issues underlying the applicant's claim." *Gaitan-Campanioni v. Thornburgh*, 777 F. Supp. 1355, 1356 (E.D. Tex 1991).

---

[1] The petition for habeas corpus in this instant matter is brought under 28 U.S.C. 2241, *not* 2254. Therefore, the Rules for 2254 Cases do not apply unless the Court decides to apply them. The "district court may apply any or all of these rules to a habeas corpus petition" not otherwise covered by 2254. Rules for 2254 Cases § 1(b). Here, Rule 6 of the 2254 Rules provides a useful and meaningful guide, and the district court could apply the Rule 6 standard in adjudicating this motion for leave.

II. Argument

The motion for leave should be granted and an expedited schedule for discovery ordered because Petitioner seeks limited discovery of information and materials related to Respondents' declarant, Department of Homeland Security Agent Named Redacted ("Deportation Officer"). *See* ECF 18. The limited discovery is necessary so that B-P- is "able to demonstrate" that he is "entitled to relief" related to his specific allegations about the legality of Respondents' policy targeting him for detention. *Mahoney*, 611 F.3d at 996–97 (cleaned up). These materials contain information regarding Respondents' decision to include B-P in their campaign to detain Laotian nationals in Oregon and Washington without due process and the timeline of events that led to this decision; materials to which B-P- has no access otherwise. Having access to the materials that the Deportation Officer references in his responses will help clarify why Petitioner is being subjected to this policy even though his removal remains not reasonably foreseeable and he has duly complied with the conditions of his Order of Supervision since its issuance eleven years ago. The materials will also provide a complete record so that the Court can properly issue a decision. Having access to this information will also inform Petitioner's replies and will assist in the efficient resolution of the present case, as it will provide a clear timeline of events regarding B-P-'s current custody and plans regarding future detention.

A. Deposition of Deportation Officer.

Petitioner seeks an order allowing a Rule 30 deposition not to exceed seven hours of (a) Deportation Officer on the topics attested to in his declaration. ECF 18. The deposition will allow the Petitioner to "fully develop[ ]" the facts in support of his claim. Deportation Officer is a witness

and declarant in support of Respondents' Return to Petition for Writ of Habeas Corpus and has offered his testimony as evidence in B-P-'s case. ECF 18.

B. Deposition of a Rule 30(b)(6) witness.

Petitioner seeks an order allowing government agency deposition under Rule 30(b) not to exceed seven hours of a designated agent limited to the topic of the policies, practices, and protocols related to intake, arrests and detentions of nationals of Laos by Immigration and Customs Enforcement at the Portland Field Office.

C. Propound interrogatories on Respondents

Petitioner seeks an order allowing for him to propound interrogatories on Respondents seeking:[2]

(1) The identity of the individuals who applied for the travel document referenced at ICE ECF 18 ¶ 9.

(2) The identity of the agents who interacted with Petitioner at his March 10, 2026 check-in appointment. ECF 18 ¶ 13.

(3) The identities of all individuals of Laotian nationality who have been called in to report to the Portland Field Office since, and including, January 2026; whether or not ICE had a travel document, or had applied for a travel document, for each individual at the time of detention; the date of each detained individual's actual removal, if removed; and the country to which each detained individual was removed.

(4) Description of all internal policies, rules, and/or procedures relied upon by Respondents to decide whether to detain and remove Petitioner.

---

[2] Petitioner has a statutory "right to propound interrogatories" separate from Rule 33. *See* 28 U.S.C. § 2246.

D. Requests for Production of materials relied on by Deportation Officer in rendering his declaration

Petitioner seeks an order allowing him to propound upon Respondents the following requests for production of documents:

(1) Petitioner's A-file.

(2) All Orders of Supervision ever issued to the Petitioner.

(3) All documents reviewed by Deportation Officer in rendering his declaration. ECF 18 ¶ 2.

(4) All documents related to Petitioner maintained in the "systems and records" in "official DHS systems" and in "coordinating with foreign governments[.]" ECF 18 ¶ 18.

(5) All documents relating to the application, negotiation, transmission, and adjudication of the travel document referenced by Deportation Officer at ECF 18 ¶ 9.

(6) All documents relating to Deportation Officer's communications with Laos officials regarding Petitioner's application for a travel document.

(7) All documents relating to Deportation Officer's statement that "[i]n 2026, Laos has been issuing travel documents to Laotian aliens with removal orders." ECF 18, ¶ 8.

(8) All documents transmitted to or from the Portland Field Office since January 2026 related to the detention of Laotian nationals currently on Orders of Supervision.

(9) All communications to or from anyone in Portland ERO related to Petitioner connected to his ICE reporting since January 2026.

(10) All documents describing the existing guidelines, written orders, or procedures related to the scheduling of ICE check-ins and detention of Laotian nationals by Portland ICE/ERO officers that have been in effect since March 10, 2026.

E. Requests for Production of materials regarding DHS policy

Petitioner seeks an order allowing him to propound upon Respondents the following requests for production of documents:

(1) All documents relating to DHS policies, procedures, or directives relating to ICE's detention and removal of Laos nationals (who have been reporting to ICE under an Order of Supervision) and that are being applied, or could apply, to Petitioner.

(2) All documents relating to any agreements between the United States and Laos to issue travel documents to Laos nationals who have been reporting to ICE under an Order of Supervision and that are being applied, or could apply, to Petitioner, including, but not limited to, documents showing the number of deportees that will be accepted, the timeline for acceptance of such deportees, and the conditions under which deportees will be accepted.

F. Expedited Discovery Schedule

Petitioner moves the court to order this discovery proceed on an expedited schedule as follows:

(a) Responses, objections, production of privilege log, and production of responsive documents provided to Petitioner's requests for production and interrogatories within 30 calendar days of an order permitting discovery;

(b) Depositions completed within 21 calendar days of service of notice; and,

(c) Any motion to compel regarding requests for production or interrogatories filed within 21 calendar days of an order permitting discovery, with any response due 7 calendar days thereafter, and production of any remaining discovery made 7 calendar days after entry of an order resolving the motion.

III. Conclusion

For the reasons set forth above, Petitioner respectfully requests that the Court order Respondents to provide the discovery requested or explain why they cannot provide the requested items.

Respectfully submitted on May 21, 2026.

s/ *Jordan Cunnings*
JORDAN CUNNINGS, OSB # 182928
jordan@innovationlawlab.org
STEPHEN W. MANNING, OSB # 013373
stephen@innovationlawlab.org
ROSA SAAVEDRA VANACORE,*
NY Reg. #5625611, MD Bar #2301060014
rosa@innovationlawlab.org
INNOVATION LAW LAB
333 SW 5th Ave., Suite 200
Portland, OR 97204-1748
Telephone: 503-922-3042

**admitted pro hac vice*