

DETAINED

OLIA CATALA, WSBA# 41306
4050 148th Ave NE
Redmond, WA 98052
Phone: (425) 633-2343
info@catalaimmigration.com
DIYORA ISMAILOVA, WSBA# 60641
330 SW 43rd Str, K432
Renton, WA 98057
Phone: (206) 552-9416
diyora.lawoffice@gmail.com

Attorneys for Petitioner

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON**

Giraldie Jesus Aguilar Lozada, an adult,

Petitioner,

v.

JULIO HERNANDEZ, Seattle Acting Field
Office Director, Enforcement and Removal
Operations, Todd LYONS, Acting Director,
U.S. Immigration and Customs Enforcement
(ICE); Bruce SCOTT, Warden, Northwest ICE
Processing Center; Kristi NOEM, Secretary,
United States Department of Homeland
Security; Pamela BONDI, U.S. Attorney
General; UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Respondents.

Case No. 2:26-cv-00967

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

Agency File Number: A



**PETITION FOR WRIT OF HABEAS CORPUS
(CASE NO. 2:26-cv-00967)**

Page - 1

OLIA CATALA, WSBA# 41306
4050 148th Ave NE, Redmond, WA 98052
(425) 633-2343 | info@catalaimmigration.com
DIYORA ISMAILOVA, WSBA# 60641
330 SW 43rd Str, K432, Renton, WA 98057
(206) 552-9416 | diyora.lawoffice@gmail.com

INTRODUCTION

Petitioner Giraldie Jesus Aguilar Lozada ("Petitioner") seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging his ongoing civil detention by the Department of Homeland Security ("DHS").

Petitioner has been detained since on or about December 17, 2025. See *Catala decl.*, Exs. A, D. Although Petitioner received a custody redetermination hearing on February 23, 2026, that proceeding failed to satisfy the most basic requirements of due process. See *Catala decl.*, Ex. E. The Immigration Judge ("IJ") denied bond through a boilerplate form order that contains no individualized reasoning, no factual findings, and no explanation of how the evidence supports continued detention. See *Catala decl.*, Ex. B. No audio recording of the hearing exists. *Id.* As a result, there is no meaningful record from which either Petitioner or this Court can discern the basis for the deprivation of liberty.

The Constitution does not permit detention to rest on such an opaque and unreviewable process. A bond hearing must provide a meaningful opportunity to obtain release and must result in a reasoned decision supported by the record. Here, the IJ failed to engage with the evidence, failed to explain how alternatives were evaluated or why rejected Petitioner's proposed alternatives to detention, and failed to explain how any alleged risk could not be mitigated through less restrictive means. Instead, the denial appears to rely on thin, uncorroborated allegations and a record that, as a matter of law, cannot sustain a finding of dangerousness.

Compounding these defects, the Notice to Appear ("NTA") underlying these proceedings fails to plead essential facts sufficient to establish removability, despite the Government's

1 possession of records contradicting its allegations. See *Catala decl.*, Ex. A. Thus, Petitioner's
2 continued detention rests not only on a procedurally deficient hearing, but also on a legally
3 insufficient foundation.

4 Because the bond proceeding produced no reasoning and no reviewable record, this Court
5 cannot defer to the IJ's determination. Continued detention under these circumstances constitutes
6 an arbitrary deprivation of liberty in violation of the Fifth Amendment. Petitioner therefore
7 respectfully requests that this Court grant the writ and order his immediate release.

8 This Petition is supported by the pleadings and documents on file in this case, including
9 Declaration of Olia Catala ("Catala Decl.") with exhibits attached thereto. Petitioner does not
10 request an evidentiary hearing and submits that the existing record is sufficient for the Court to
11 determine that his continued detention is unlawful and that immediate release is warranted.

12 JURISDICTION

13 This action arises under the Constitution of the United States and the INA, 8 U.S.C. §
14 1101 et. seq.

15 This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28
16 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
17 (Suspension Clause).

18 This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq.,
19 the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. §
20 1651.

21 **PETITION FOR WRIT OF HABEAS CORPUS**
(CASE NO. 2:26-cv-00967)

Page - 3

OLIA CATALA, WSBA# 41306
4050 148th Ave NE, Redmond, WA 98052
(425) 633-2343 | info@catalaimmigration.com
DIYORA ISMAILOVA, WSBA# 60641
330 SW 43rd Str, K432, Renton, WA 98057
(206) 552-9416 | diyora.lawoffice@gmail.com

1 This Court further has jurisdiction because the Petition raises constitutional claims under
2 the Fifth Amendment. Habeas jurisdiction remains available where a petitioner challenges
3 whether the bond proceedings themselves complied with due process, as such claims fall outside
4 the statutory bar on review of discretionary bond decisions. While 8 U.S.C. § 1226(e) generally
5 precludes federal courts from reviewing the Attorney General's discretionary judgment regarding
6 the application of bond, it does not strip federal district courts of their habeas jurisdiction to
7 review bond hearing determinations for constitutional claims and legal errors. *Singh v. Holder*,
8 638 F.3d 1196, 1202-03 (9th Cir. 2011).

9 This Court maintains jurisdiction because Petitioner is not challenging the IJ's
10 discretionary judgment, but rather whether the IJ provided a bond hearing that comports with the
11 constitutional due process protections to which he is entitled. *W.T.M. v. Bondi*, No.
12 2:25-cv-02428-RAJ-BAT, 2026 WL 262583, at *3 (W.D. Wash. Jan. 30, 2026); also see
13 *Zambrano-Vazquez v. Noem*, C26-122-RSM (W.D. Wash. Mar 09, 2026). Although § 1226(e)
14 bars review of discretionary determinations, it does not preclude review of constitutional claims
15 or questions of law, including challenges to the legal standards applied in bond proceedings.
16 *Martinez v. Clark*, 36 F.4th 1219, 1225-26, 1230 (9th Cir. 2022).

17 VENUE

18 Venue is proper because Petitioner is in Respondents' custody at the NWIPC in Tacoma,
19 Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,
20 493-500 (1973), venue lies in the judicial district in which Petitioner currently is in custody.

Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

REQUIREMENTS OF 28 U.S.C. § 2243

The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (Habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination.”)

PARTIES

- Petitioner is a 51-year old adult citizen of Venezuela. He has been detained at the NWIPC since his detention on or about December 17, 2025. Petitioner’s request for bond was denied on February 23, 2026 by an IJ at Tacoma Immigration Court.

- 1 2. Respondent Julio Hernandez is the Acting Field Office Director for ICE's Seattle Field
2 Office. The Seattle Field Office is responsible for local custody decisions relating to
3 noncitizens charged with being removable from the United States. The Seattle Field
4 Office's area of responsibility includes Alaska, Oregon, and Washington. Respondent
5 Hernandez is a legal custodian of Petitioner and is sued in her official capacity.
- 6 3. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as
7 Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody
8 of Petitioners. He is sued in his official capacity.
- 9 4. Respondent Kristi Noem is the Secretary of the DHS. She is responsible for the
10 implementation and enforcement of the INA, and oversees ICE, which is responsible for
11 Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is
12 sued in her official capacity.
- 13 5. Respondent Pamela Bondi is the Attorney General of the United States, and as such has
14 authority over the Department of Justice. She is sued in her official capacity.
- 15 6. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
16 ICE. He is the head of the federal agency responsible for all immigration enforcement in
17 the United States.
- 18 7. Respondent U.S. DHS is the federal agency that has authority over the actions of ICE.

FACTUAL BACKGROUND

Petitioner Giraldie Jesus Aguilar Lozada is a native and citizen of Venezuela who is currently detained by the ICE at the NWIPC in Tacoma, Washington. *See Catala Decl., Ex. D.*

Petitioner was admitted to the United States on or about November 19, 2018 through Miami, Florida as an L-1A nonimmigrant classification enables a U.S. employer to transfer an executive or manager from one of its affiliated foreign offices to one of its offices in the United States. *Id.* at 6. Before his detention, he has resided at a fixed address in Texas and has strong family ties, including a spouse, mother, and multiple children who are U.S. Citizens or Lawful Permanent Residents. *See Catala Decl., Ex. C.*

On or about December 17, 2025, ICE arrested Petitioner while he was attending a routine probation check-in. *See Catala Decl., Ex. D* at 5. The DHS subsequently initiated removal proceedings under section 237(a)(1)(B) of the INA based solely on an alleged overstay. *See Catala Decl., Ex. A.* Petitioner's presence in the U.S. is authorized while his application for adjustment of status remains pending, further undermining any basis for continued detention. *See Catala Decl., Ex. F.*

Petitioner is detained under 8 U.S.C. § 1226(a) because he is in ongoing removal proceedings initiated by the NTA charging removability under INA § 237, and his detention is therefore discretionary rather than mandatory. *See Catala Decl., Exs. A, D.* Section 1226(a) is the default statutory authority governing the detention of noncitizens pending a decision on removal and provides for individualized custody determinations, including bond hearings before an IJ. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Once a noncitizen is entitled to a bond

1 hearing, due process requires that the hearing provide a meaningful opportunity to be heard.
2 *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011); *Hernandez v. Sessions*, 872 F.3d 976,
3 988–90 (9th Cir. 2017).

4 On February 23, 2026, U. John Odell conducted a bond redetermination hearing. See
5 *Catala Decl.*, Exs. B, E. On February 19, 2026, DHS filed Form I-213 only listing Petitioner's
6 single misdemeanor offense in Texas on page 3. See *Catala Decl.*, Ex. D. The case was resolved
7 on October 30, 2025 through deferred adjudication, with a sentence of nine months of
8 community supervision and a \$300 fine. See *Catala Decl.*, Ex. C at 4. Petitioner was in full
9 compliance with his probation, and the complainant in the matter filed an affidavit of
10 non-prosecution. See *Catala Decl.*, Ex. C at 23. There is no evidence of any additional criminal
11 record, no additional criminal convictions, no history of incarceration, and no pattern of criminal
12 conduct reflected in the record. See *Catala Decl.*, Exs. A-D.

13 Previously, on January 14, 2026, DHS referenced an Interpol-related record referencing
14 fraud in Mexico. See *Catala Decl.*, Ex. G. See Petitioner's attorney later withdrew her bond
15 redetermination request to better prepare for this allegation. However, DHS has not submitted
16 this record as part of the bond proceedings held on February 23, 2026. See *Catala Decl.*, Ex. D.
17 In her February 26, 2026 motion for bond redetermination, Petitioner's immigration attorney
18 submitted evidence that Petitioner has not been charged as removable on the basis of any foreign
19 alleged conduct. In fact, the Mexican Ministry of Foreign Affairs expressly states that it did not
20 order, execute, or authorize any INTERPOL Red Notice against Petitioner. See *Catala Decl.*, Ex.
21 C at 4-5. The referenced INTERPOL information reflects, at most, an adjudicated foreign

1 allegation. *Id.* The record contains no evidence that Respondent has been convicted, sentenced,
2 or found guilty of any offense abroad, and no final judicial determination establishing criminal
3 liability has been presented. *Id.* DHS's prior submission as part of withdrawn bond proceedings
4 in January 2026 is unsupported by corroborating evidence. However, IJ has not meaningfully
5 engaged with any of these arguments. See *Catala Decl.*, Ex. B.

6 On February 23, 2026, IJ issued a boilerplate form order denying bond on the grounds
7 that Petitioner was a "Danger to Community". See *Catala Decl.*, Ex. E. The IJ's written custody
8 order consists of a brief checkbox form indicating that bond was denied based on a finding that
9 Petitioner is a danger to the community. The order contains no factual findings, no articulated
10 reasoning, no individualized findings, no analysis of the evidence presented, details regarding
11 appropriate consideration of the ability to pay, and no explanation of how the record supports the
12 conclusion of dangerousness. *Id.* The IJ did not engage with the extensive record of positive
13 equities, did not explain his denial of alternatives to detention. See *Catala Decl.*, Exs. B, E.
14 There is no Digital Audio Recording of the February 23, 2026 bond hearing provided on EOIR
15 Courts and Appeals System. See *Catala Decl.*, Ex. B.

16 It is important to reiterate that this Petition does not ask this Court to substitute its
17 discretionary judgment for that of the agency. Rather, Petitioner challenges the legality of his
18 continued detention because the bond proceedings failed to comport with the fundamental
19 procedural safeguards required by the Due Process Clause of the Fifth Amendment.

20 Because Petitioner's continued detention now rests upon a constitutionally infirm
21 process, his custody is unlawful. Consequently, this Court should exercise its authority under 28

1 U.S.C. § 2243 to grant habeas relief and order Petitioner's immediate release subject to
2 reasonable conditions of supervision.

3 CAUSES OF ACTION

4 Claim One: Violation of the Fifth Amendment Due Process Clause

5 Procedurally Deficient Bond Hearing, Legally Insufficient Basis for Detention, and Failure 6 to Provide a Meaningful Record

7 The Fifth Amendment prohibits the government from depriving any person of liberty
8 without due process of law. This protection applies to all persons within the United States,
9 including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Freedom from physical
10 restraint lies at the core of the liberty protected by the Due Process Clause. *Id.*; see also *Demore*
11 *v. Kim*, 538 U.S. 510, 523 (2003); *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Immigration
12 detention therefore requires constitutionally adequate procedures and a legally sufficient
13 justification.

14 A bond hearing under 8 U.S.C. § 1226(a) must provide a meaningful opportunity to be
15 heard and result in a reasoned, individualized determination supported by the record. *Hernandez*
16 *v. Sessions*, 872 F.3d 976, 988–90 (9th Cir. 2017). Although courts do not reweigh discretionary
17 determinations, they retain habeas jurisdiction to review whether bond proceedings comply with
18 due process. *Id.*

19 Under *Mathews v. Eldridge*, 424 U.S. 319 (1976), the procedures employed here created
20 a substantial risk of erroneous deprivation of liberty. The Immigration Judge denied bond
21 through a conclusory, boilerplate form order devoid of factual findings or analysis. See Catala

Decl., Exs. D, E. That failure to provide a reasoned, individualized explanation deprived Petitioner of a meaningful opportunity to understand or challenge the basis for detention and forecloses meaningful judicial review. Courts in this District consistently hold that a bond determination lacking a reasoned explanation is constitutionally deficient. *W.T.M. v. Bondi*, No. 2:25-cv-02428-RAJ-BAT, slip op. at 7–8 (W.D. Wash. Jan. 30, 2026); *Zambrano-Vazquez v. Noem*, No. C26-122-RSM (W.D. Wash. Mar. 9, 2026).

The absence of a meaningful record independently renders the proceeding fundamentally unfair. The Ninth Circuit has emphasized that a contemporaneous record is necessary to permit meaningful review and protect against erroneous deprivation of liberty. *Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011). While not every hearing requires a recording, courts must be able to examine a record sufficient to determine whether the decision is legally supportable. Where, as here, the record contains no explanation of how the evidence supports detention, meaningful review is impossible and the decision cannot stand. *W.T.M.*, slip op. at 7–8.

The deficiency is further confirmed by the IJ's failure to explain how Petitioner's proposed alternatives to detention, including GPS monitoring and in-person reporting, were evaluated or why they were rejected. See Catala Decl., Ex. C. Such a conclusory checkbox, unsupported by any reasoning, does not satisfy due process and demonstrates the absence of a meaningful, individualized determination.

Finally, the determination lacks a legally sufficient evidentiary basis. The relevant inquiry is whether the evidence relied upon could, as a matter of law, support detention. Where it cannot, continued detention is arbitrary and violates due process. See *W.T.M.*, slip op. at 7 (citing *Garcia*

1 v. Hyde, No. 25-CV-585-JJM-PAS, 2025 WL 3466312, at *7 (D.R.I. Dec. 3, 2025)),
2 *Zambrano-Vazquez*, No. C26-122-RSM.

3 Accordingly, Petitioner's continued detention rests on a procedurally deficient hearing
4 and a legally insufficient evidentiary basis, in violation of the Fifth Amendment. Because no
5 reasoned decision exists and no reviewable record supports detention, custody cannot be
6 sustained as a matter of law.

7 **Claim Two: Unlawful Detention in Violation of the Fifth Amendment**

8 **Arbitrary Deprivation of Liberty and Unlawful Custody Based On A Statutorily**

9 **Deficient Notice To Appear**

10 Petitioner does not seek to challenge removability in this proceeding. Rather, the
11 deficiencies in the Notice to Appear are relevant solely to the lawfulness of continued detention,
12 because the Government cannot justify civil confinement based on a charging document that is
13 facially deficient and contradicted by its own records.

14 DHS's reliance on a facially deficient and unproven charging document (*see* Ex. A) to
15 justify detention creates a substantial risk of erroneous deprivation of liberty and violates due
16 process. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976); *Hernandez v. Sessions*, 872 F.3d 976,
17 988–91 (9th Cir. 2017). The Fifth Amendment applies to all persons within the United States,
18 and civil immigration detention requires constitutionally adequate procedures and a legally
19 sufficient justification to guard against arbitrary deprivation of liberty. *Zadvydas v. Davis*, 533
20 U.S. 678, 693 (2001).

1 DHS is detaining Petitioner under INA § 236 based on removal proceedings initiated by a
2 charging document that fails to plead essential facts required by statute. An NTA must specify
3 the acts alleged to be in violation of law and the statutory provisions at issue. 8 U.S.C. §
4 1229(a)(1). It must be sufficiently explicit to inform the noncitizen of the alleged conduct and
5 enable a meaningful defense. *Matter of Chery & Hasan*, 15 I&N Dec. 380, 381 (BIA 1975).

6 Here, DHS charged Petitioner with a visa overstay under INA § 237(a)(1)(B), but the
7 NTA omits the basic factual elements necessary to sustain that charge. See Catala Decl., Ex. A. It
8 asserts that Petitioner was admitted in an “unknown manner,” leaves blank the period of
9 authorized stay, and alleges that he remained “beyond” a date that is also left blank. *Id.* Petitioner
10 denied these allegations at the Master Calendar Hearing, placing the burden on DHS to establish
11 removability by clear and convincing evidence. 8 U.S.C. § 1229a(c)(3)(A); *Woodby v. INS*, 385
12 U.S. 276, 286 (1966). Petitioner’s presence in the U.S. is authorized while his application for
13 adjustment of status remains pending, further undermining any basis for continued detention. See
14 Catala Decl., Ex. F.

15 These deficiencies are not technical. They deprive Petitioner of a meaningful opportunity
16 to understand and contest the asserted basis for his detention and leave both the IJ and this Court
17 without a reliable factual foundation on which to assess the legality of continued custody. Where
18 detention rests on a charging document devoid of essential factual allegations and contradicted
19 by the Government’s own records, the risk of erroneous deprivation of liberty is substantial and
20 constitutionally intolerable. *Mathews*, 424 U.S. at 335. Due process does not permit continued

1 detention based on an incomplete, internally inconsistent, and unsupported record. *Hernandez*,
2 872 F.3d at 988–90.

3 Detaining an individual based on unproven charges unsupported by reliable evidence
4 constitutes an arbitrary deprivation of liberty. As this District has recognized, continued
5 detention premised on flawed legal foundations and unsupported conclusions cannot justify
6 ongoing custody. *W.T.M. v. Bondi*, 2026 WL 262583, at *7 (W.D. Wash. Jan. 30, 2026).

7 Here, DHS's reliance on a facially deficient and contested charging document, combined
8 with the Immigration Judge's conclusory bond denial, results in detention unsupported by
9 reasoned decisionmaking or adequate process, in violation of the Fifth Amendment.
10 *Zambrano-Vazquez v. Noem*, No. C26-122-RSM (W.D. Wash. Mar. 9, 2026). Because DHS has
11 not produced sufficient evidence to cure these defects or establish a lawful basis for custody,
12 Petitioner's continued detention is arbitrary and unlawful.

13 Although the statutory requirements governing NTAs are treated as claims-processing
14 rules, a respondent may obtain relief upon demonstrating actual prejudice. *Matter of R-T-P-*, 28
15 I&N Dec. 828, 830 (BIA 2024); *Hernandez-Garcia v. Barr*, 930 F.3d 915, 918–19 (9th Cir.
16 2019). That standard is met here. The omission of core factual allegations has directly impaired
17 Petitioner's ability to contest the asserted basis for detention and has resulted in a custody
18 determination untethered from a reliable factual record. Moreover, DHS cannot cure these
19 material defects through subsequent filings where doing so would perpetuate prejudice. *Matter of*
20 *R-T-P-*, 28 I&N Dec. at 834–35.

Petitioner does not ask this Court to terminate removal proceedings or adjudicate removability. Rather, he challenges the Government's use of a facially deficient, unproven, and internally inconsistent charging document to justify his ongoing physical confinement. Because that confinement rests on a procedurally defective and legally insufficient foundation, it violates the Due Process Clause and cannot be sustained.

**EXHAUSTION OF ADMINISTRATIVE REMEDIES IS PRUDENTIAL AND SHOULD
BE WAIVED**

Exhaustion in § 2241 proceedings is prudential, not jurisdictional. *Hernandez v. Sessions*, 872 F.3d 976, 988 (9th Cir. 2017). The Supreme Court has likewise clarified that administrative exhaustion under the INA is a claims processing rule, not a strict jurisdictional bar. *Santos-Zacaria v. Garland*, 598 U.S. 411, 416–23 (2023). Courts may therefore excuse exhaustion where administrative remedies are inadequate, futile, or incapable of providing timely and effective relief.

Applying the factors set forth in *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007), waiver is warranted here.

First, Petitioner raises a constitutional challenge to the adequacy of his bond proceedings, presenting a pure question of law that does not depend on agency expertise and is properly resolved by the federal courts. *Scott v. Wamsley*, No. 2:25-CV-1819, 2025 WL 3514304, at *4 (W.D. Wash. Dec. 8, 2025); *see also Puga*, 488 F.3d at 815.

Second, requiring exhaustion would not serve the purposes of the administrative scheme, as Petitioner does not seek to bypass routine review but instead challenges a fundamentally defective process lacking meaningful reasoning and a reliable evidentiary basis. *Rodriguez v. Bostock*, 779 F.Supp.3d 1239, 1251 (W.D. Wash. 2025).

Third, where the defect alleged is constitutional in nature, administrative appeal is unlikely to permit the agency to correct the IJ's failure to afford due process. *Martinez v. Scott*, No. 2:25-CV-01538-TSZ-GJL, 2025 WL 2689844, at *5 (W.D. Wash. Aug. 27, 2025); also see, e.g., *W.T.M. v. Bondi*, No. 2:25-cv-02428-RAJ-BAT, 2026 WL 262583, at *4-5 (W.D. Wash. Jan. 30, 2026); *Zambrano-Vazquez v. Noem*, No. C26-122-RSM (W.D. Wash. Mar. 9, 2026).

Independent of the *Puga* factors, exhaustion should be excused because it would result in irreparable harm. Petitioner remains in ongoing civil detention based on a constitutionally deficient bond proceeding, and BIA bond appeals routinely take months to resolve, often exceeding 200 days. Requiring Petitioner to exhaust his administrative remedies will result in irreparable injury. *Rodriguez v. Bostock*, 779 F.Supp.3d 1239, 1248-49, 1253 (W.D. Wash. 2025); *W.T.M. v. Bondi*, No. 2:25-cv-02428-RAJ-BAT, 2026 WL 262583, at 6 (W.D. Wash. Jan. 30, 2026).

Courts in this District have recognized that continued detention during the pendency of administrative review renders exhaustion impractical and ineffective in habeas challenges to custody. See *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1248-53 (W.D. Wash. 2025).

PRAYER FOR RELIEF

1. Assume jurisdiction over this action;
2. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243 directing Respondents to show cause within an expedited timeframe as to why the Petition should not be granted;
3. Order Respondents, during the pendency of this action, not to transfer Petitioner outside the jurisdiction of the Western District of Washington in a manner that would defeat or impair this Court's jurisdiction, or, in the alternative, to provide Petitioner and counsel with at least 48 hours' advance written notice of any proposed transfer;
4. Issue a writ of habeas corpus ordering Petitioner's immediate release from ICE custody because his detention is not supported as a matter of law on the existing record;

- 1 5. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal
- 2 Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
- 3 6. Grant such other and further relief as the Court deems just and proper.

4 Respectfully submitted on this 22nd day of March, 2026,

5 s/ Olia Catala

6 OLIA CATALA, WSBA# 41306
7 CATALA IMMIGRATION PLLC
8 4050 148th Ave NE
9 Redmond, WA 98052
10 Phone: (425) 633-2343
11 info@catalaimmigration.com

12 s/ Diyora Ismailova

13 DIYORA ISMAILOVA, WSBA# 60641
14 DIYORA LAW OFFICE PLLC
15 330 SW 43rd Str, K432
16 Renton, WA 98057
17 Phone: (206) 552-9416
18 diyora.lawoffice@gmail.com

19 *Counsel for Petitioner*