

District Judge Tiffany M. Cartwright

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

PATRICIA ALELI GALVAN,

Petitioner,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT FIELD OFFICE
DIRECTOR,

Respondent.

Case No. 2:26-cv-01007-TMC

FEDERAL RESPONDENT'S RETURN

Noted for Consideration:
April 13, 2026

I. INTRODUCTION

U.S. Immigration and Customs Enforcement ("ICE") detains Petitioner Patricia Galvan at the Northwest ICE Processing Center pursuant to 8 U.S.C. § 1226(c). Petitioner is a lawful permanent resident of the United States that was convicted drug related offenses in Texas. Petitioner's convictions make her inadmissible and deportable. 8 U.S.C. §§ 1101(a)(43)(B), 1182(a)(2)(A)(i)(II), 1227(a)(2)(A)(iii), 1227(a)(2)(B). This subjects her to mandatory detention while a decision on her removal is made pursuant to 8 U.S.C. § 1226(c)(1)(A)-(B). Once her removal proceedings end, she will either be removed from the United States or released. Either

1 way, her detention has a definite endpoint. Furthermore, Petitioner's detention has not become
2 unreasonably prolonged.

3 Petitioner asserts that she is not held under 8 U.S.C. § 1226(c) but rather is detained
4 pursuant to 8 U.S.C. § 1226(a). Dkt. 3, pg. 3-4. This is incorrect. She is detained pursuant to 8
5 U.S.C. § 1226(c).

6 This Court should deny the relief sought here.

7 **II. FACTUAL BACKGROUND**

8 **A. Petitioner Patricia Aleli Galvan**

9 Petitioner is a citizen of Mexico. Declaration of Deportation Officer Correa ("Correa
10 Decl."), ¶ 3. She became a lawful permanent resident of the United States on October 13, 2017.
11 *Id.*, ¶ 4.

12 On August 2, 2024, Petitioner was convicted of conspiracy to possess with intent to
13 distribute over 100 grams of a mixture or substance containing a detectable amount of heroin, in
14 violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B). Declaration of Jordan Steveson
15 ("Steveson Decl."), Exh. A, Judgment. Petitioner was additionally convicted of possession with
16 intent to distribute over 100 grams of a mixture or substance containing heroin. *Id.* Petitioner was
17 sentenced to 12 months and one day on each, to run concurrently. *Id.*

18 On January 21, 2026, Petitioner was encountered by immigration authorities in the Federal
19 Detention Center at SeaTac, Washington. Steveson Decl., Exh. B, Form I-213. Petitioner was
20 detained and issued a notice to appear. *Id.* Petitioner is charged with removal from the United
21 States pursuant to 8 U.S.C. §§ 1101(a)(43)(B), 1227(a)(2)(A)(iii), due to her criminal convictions.
22 Steveson Decl., Exh. C., Notice to Appear.

23 Petitioner has been detained at the Northwest ICE Processing Center in Tacoma,
24 Washington since January 21, 2026, which is less than three months. Correa Decl., ¶ 6. Petitioner

1 has had five master calendar immigration hearings since she arrived. *Id.*, ¶¶ 8-12. In the first two
 2 hearings, the immigration judge granted Petitioner's requests for continuance to seek counsel. *Id.*
 3 In the third hearing, the immigration judge continued the case sua sponte and asked the Department
 4 of Homeland Security to provide medical records. *Id.* In the fourth hearing, the immigration judge
 5 continued the case because Petitioner expressed a desire to file an application for relief. *Id.* At the
 6 fifth hearing, the Petitioner had not completed her application for relief. *Id.* The immigration judge
 7 continued the case to April 29, 2026, and advised Petitioner that if she did not file an application
 8 for relief by that date, her application would be deemed abandoned. *Id.*

9 III. LEGAL STANDARD

10 It is axiomatic that "[t]he district courts of the United States . . . are courts of limited
 11 jurisdiction. They possess only that power authorized by Constitution and statute." *Exxon Mobil*
 12 *Corp. v. Allopath Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). "[T]he
 13 scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present
 14 day." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 125, n. 20 (2020).

15 Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions.

16 To warrant a grant of habeas corpus, the burden is on the petitioner to prove that his or her
 17 custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. §
 18 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004).

19 IV. ARGUMENT

20 Petitioner's detention is statutorily mandated and comports with due process. Accordingly,
 21 this Court should dismiss her habeas petition.

22 A. ICE lawfully detains Petitioner pursuant to 8 U.S.C. § 1226(c).

23 Petitioner is a lawful permanent resident and would normally be eligible for a bond hearing
 24 during removal proceedings pursuant to 8 U.S.C. § 1226(a). However, detention pursuant to 8

1 U.S.C. § 1226(c) is mandatory for noncitizens who commit or are charged with certain criminal
2 offenses. This detention may end prior to the conclusion of removal proceedings “only if the
3 [noncitizen] is released for witness-protection purposes.” *Jennings v. Rodriguez*, 583 U.S. 281,
4 305 (2018) (internal quotation marks and citations omitted). If a noncitizen commits certain
5 criminal offenses, then she is subject to mandatory detention during immigration proceedings. 8
6 U.S.C. §§ 1226(c)(1)(A)-(B).

7 One type of conviction that triggers mandatory detention are multiple convictions for drug
8 related crimes or drug trafficking crimes. 8 U.S.C. §§ 1101(a)(43)(B), 1236(c)(1)(B),
9 1237(a)(2)(A)(iii), 1237(a)(2)(B).

10 Petitioner has been convicted of a drug distribution. Steveson Decl., Exh. A, Judgment.
11 Accordingly, Petitioner is lawfully detained pursuant to 8 U.S.C. §§ 1226(c)(1)(B) due to her
12 criminal activity in the United States.

13
14 **B. Petitioner has not met her burden establishing that her mandatory detention**
15 **violates her rights under the Fifth Amendment’s Due Process Clause.**

16 Petitioner’s detention pursuant to Section 1226(c) does not violate her due process rights.
17 The Supreme Court “has firmly and repeatedly endorsed the proposition that Congress may make
18 rules as to [noncitizens] that would be unacceptable if applied to citizens.” *See Demore v. Kim*,
19 538 U.S. 510, 522 (2003) (citations omitted). Detention is a constitutionally permissible aspect of
20 the Government’s enforcement of the immigration laws and fulfills the legitimate purpose of
21 ensuring that individuals appear for their removal proceedings. *See Jennings*, 583 U.S. at 285-86;
22 *Demore*, 538 U.S. at 523; *Zadvydas v. Davis*, 533 U.S. 678, 690-91 (2001). Consistent with the
23 requirements of due process, Petitioner’s confinement is thus “reasonably related” to a legitimate
24 government interest. *Bell v. Wolfish*, 441 U.S. 535, 538-39 (1979).

1 In *Demore*, the Supreme Court addressed the constitutionality of 8 U.S.C. § 1226(c) and
2 therein considered a noncitizen's claim of a due process violation based on the length of his
3 detention. 538 U.S. at 510-33. In addition to upholding the constitutionality of 8 U.S.C. § 1226(c)
4 and finding that the noncitizen's due process claim must fail, the Supreme Court did not embrace
5 any bright-line rule for when a noncitizen under 8 U.S.C. § 1226(c) *may* suffer a due process
6 violation. In fact, the Court upheld the constitutionality of the noncitizen's detention even though
7 it had surpassed six months and was likely to extend longer. *Id.*; see *Reid v. Donelan*, 17 F.4th 1,
8 7 (1st Cir. 2021) ("It requires no reading of tea leaves to see that *Demore* is fatal to the claim here
9 that every single person detained for six months must be entitled to a bond hearing."). After
10 *Jennings*, the Ninth Circuit has repeatedly declined in published decisions to state whether
11 noncitizens detained under Section 1226(c) should be afforded bond hearings *at any time*. See,
12 e.g., *Avilez v. Garland*, 69 F.4th 525, 538 (9th Cir. 2023) (ruling "we make no determination
13 regarding the issue" as to whether the noncitizen detained under 8 U.S.C. § 1226(c) has suffered a
14 due process violation based on length of detention).

15 Petitioner's detention meets due process requirements under the multi-factor test
16 previously employed in this District (the "*Martinez* test") to determine whether Section 1226(c)
17 detention has become unreasonable. *Martinez v. Clark*, 18-cv-1669, 2019 WL 5968089 (W.D.
18 Wash. May 23, 2019) (Report and Recommendation) (applying multi-factor due process analysis),
19 *adopted by*, 2019 WL 5962685 (W.D. Wash. Nov. 13, 2019).

20 In *Martinez*, the district court analyzed

21 (1) the total length of detention to date; (2) the likely duration of future detention;
22 (3) whether the detention will exceed the time petitioner spent in prison for the
23 crime that made him removable; (4) the nature of the crimes that petitioner
24 committed; (5) the conditions of detention; (6) delays in the removal proceedings
caused by petitioner; (7) delays in the removal proceedings caused by the
government; and (8) the likelihood that the removal proceedings will result in a
final order of removal.

1 2019 WL 5968089, at *9. These factors favor the Government's position that Petitioner's
2 continued immigration detention without a bond hearing is not unreasonable.

3 The first *Martinez* factor, the length of detention to date, is considered the most important
4 factor. *Id.* The district court in *Martinez* stated that the longer mandatory detention continues
5 beyond the "brief" period authorized in *Demore*, the harder it is to justify. *Martinez*, 2019 WL
6 5968089, at *9 (petitioner detained for nearly thirteen months). Petitioner's less than six months
7 detention should not favor granting her a court-ordered bond hearing or release. Accordingly, the
8 first factor favors the Government.

9 The second factor analyzes how long the detention is likely to continue absent judicial
10 intervention. This factor should be neutral at this time as any projection would be speculative.
11 Petitioner has not yet filed an application for relief from removal.

12 The third and fourth factors clearly favor the Government. The third factor reviews the
13 length of immigration detention compared to the noncitizen's criminal sentence; the fourth factor
14 reviews the nature of his crime. *Martinez*, 2019 WL 5968089, at *9. Petitioner was sentenced to
15 12 months and a day on each count, to run concurrently. Her immigration detention since January
16 21, 2026, has been much shorter than that. The fourth factor, the nature of the crime charged, is
17 considered an aggravated felony conviction for immigration purposes. Section 1226(c) only
18 applies to certain criminal noncitizens that Congress has inherently deemed a danger to society or
19 a flight risk. Congress enacted mandatory detention for certain criminal noncitizens as the
20 outcome of bond hearings "were too risky in some instances." *Nielsen v. Preap*, 586 U.S. 392,
21 396 (2019). Congress saw fit to include drug trafficking and drug related convictions.

22 The fifth factor analyzes the conditions of detention. Petitioner is currently detained at the
23 Northwest ICE Processing Center, which is an immigration detention facility.

1 Under the sixth and seventh factors, the Court considers “the nature and extent of any
2 delays in the removal proceedings caused by the petitioner and the government, respectively.”
3 *Martinez*, 2019 WL 5968089, at *10. Nearly all continuances in this case are to afford Petitioner
4 continuances as she evaluates and prepares to file an application for relief, there is no evidence
5 that Petitioner has deliberately delayed immigration proceedings. The sixth factor slightly favors
6 the Government. The seventh factor is neutral, the immigration judge sua sponte continued the
7 case once to review Petitioner’s medical records.

8 The last factor the likelihood that the removal proceedings will result in a final order of
9 removal is neutral because it is highly speculative. Petitioner has yet to file an application for relief,
10 but plans to do so.

11 The totality of the *Martinez* factors favors the Government. Therefore, Petitioner’s
12 continued immigration detention without a bond hearing is not unreasonable.

13 **V. CONCLUSION**

14 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
15 the Petition.

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1 DATED this 8th day of April, 2026.

2 Respectfully submitted,

3 s/ Jordan C. Steveson

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13 *I certify that this memorandum contains 1,811*
14 *words, in compliance with the Local Civil Rules.*