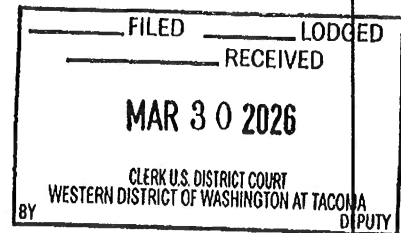


1 **SHKLYAREVSKY, MARIA FERNANDA**
2 **1623 EAST J STREET SUITE 5**
3 **TACOMA, WASHINGTON, 98421**



4
5 **UNITED STATES DISTRICT COURT**
6 **IN AND FOR THE WESTER DITRICT OF WASHINGTON**
7

8 In the Matter of:

2:26-cv-01079-JHC

9
10 **SHKLYAREVSKY, MARIA FERNANDA**)

A 2 

11 **VS**)

12 **ICE FIELD OFFICE DIRECTOR**)
13)
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14 **In Removal Proceedings**)
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25 **PETITION FOR WRIT OF HABEAS CORPUS**
26 **UNDER 289 USC 2241**
27
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I. INTRODUCTION

Petitioner, MARIA FERNANDA SHKLYAREVSKY, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

Petitioner is currently detained by the Department of Homeland Security ("DHS") at the Northwest Detention Center in Tacoma, Washington. Petitioner challenges the legality of her continued detention as a violation of her due process rights under the Fifth Amendment of the United States Constitution.

Petitioner seeks immediate release, or in the alternative, a constitutionally adequate bond hearing.

II. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in violation of the Constitution and laws of the United States.

Venue is proper in this Court because Petitioner is detained within the Western District of Washington.

III. FACTS

Petitioner has been detained at the Northwest Detention Center for over ten (10) months without release.

Petitioner is a native and citizen of Mexico who was lawfully admitted to the United States on a B-2 visitor visa. Due to circumstances beyond her control, including a serious medical condition affecting a family member, Petitioner was unable to depart the United States as required and has remained in the country since that time.

On May 29, 2025, Petitioner appeared for a scheduled interview with U.S. Citizenship and Immigration Services in connection with her application for adjustment of status based on her marriage to a United States citizen. During that interview, DHS officers arrested and detained Petitioner.

The arrest was based solely on an INTERPOL Red Notice issued by Petitioner's home country.

1 Since the date of arrest, DHS has failed to produce any corroborating evidence supporting
2 the allegations underlying the Red Notice, including:

- 3 • Certified foreign court records;
- 4 • Warrants, indictments, or charging documents; or
- 5 • Official communications from foreign judicial authorities.

6 In contrast, Petitioner has submitted verified and certified documentation from the
7 appropriate foreign court and prosecutorial authorities establishing that no criminal case—
8 pending or adjudicated—exists against her in Mexico. (Exhibit A)

9 On December 2, 2025, an Immigration Judge conducted a bond hearing. DHS
10 acknowledged on the record that:

- 11 • It possessed no new evidence beyond the INTERPOL Red Notice; and
- 12 • It was willing to release Petitioner on a higher bond.

13 Despite this, the Immigration Judge denied bond, relying solely on the outdated and
14 uncorroborated INTERPOL Red Notice and failing to give appropriate weight to Petitioner's
15 certified exculpatory evidence. (Exhibit B)

16 Petitioner has appealed the bond determination to the Board of Immigration Appeals, and
17 that appeal remains pending. (Exhibit C)

18 IV. ARGUMENT

19 A. Prolonged Detention Violates Due Process

20 Petitioner's detention for over ten months without a meaningful opportunity for release
21 violates the Due Process Clause of the Fifth Amendment.

22 The Ninth Circuit has held that prolonged immigration detention requires adequate
23 procedural protections, including a meaningful opportunity to seek release before a neutral
24 decision-maker.

25 B. Petitioner Was Denied a Meaningful Bond Hearing

26 Although a bond hearing was held, it was constitutionally deficient. The Immigration Judge
27 relied exclusively on an uncorroborated INTERPOL Red Notice and failed to properly
28 consider reliable, certified evidence submitted by Petitioner demonstrating that no criminal
case exists.

1 A bond determination based on unreliable or unverified allegations does not satisfy due
2 process requirements.

3 **C. Continued Detention Is Not Justified**

4 Under governing law, detention is not justified where the government cannot demonstrate
5 that the individual poses a danger to the community or a flight risk.

6 Here:

- 7 • DHS has produced no reliable evidence of criminal activity;
- 8 • Petitioner has strong equities in the United States, including a U.S. citizen spouse;
- 9 • Petitioners are pursuing lawful immigration relief; and
- 10 • Petitioner is willing to comply with any conditions of release.

11 Accordingly, continued detention is not reasonably related to any legitimate government
12 purpose.

13 **D. Statutory Authority Does Not Justify Indefinite Detention**

14 Even where detention is authorized under immigration statutes, due process requires an
15 individualized determination of necessity.

16 Prolonged detention without meaningful review exceeds the permissible scope of civil
17 immigration detention and violates constitutional protections.

18
19 **E. Ninth Circuit Law Requires Meaningful Review of Prolonged Detention**

20 The Ninth Circuit has repeatedly held that prolonged immigration detention without
21 adequate procedural safeguards violates due process.

22 In **Casas-Castrillon v. DHS**, 535 F.3d 942 (9th Cir. 2008), the Court held that once
23 detention becomes prolonged, the government must provide a bond hearing before a
24 neutral decision-maker where the government bears the burden of justifying continued
detention.

25 Similarly, in **Prieto-Romero v. Clark**, 534 F.3d 1053 (9th Cir. 2008), the Ninth Circuit
26 confirmed that although detention may be authorized by statute, it must still be reasonable
27 and accompanied by adequate procedural protections.

28 In **Rodriguez v. Robbins**, 804 F.3d 1060 (9th Cir. 2015), the Ninth Circuit emphasized that
prolonged detention raises serious constitutional concerns and requires meaningful

1 review. Although later limited by the Supreme Court in *Jennings v. Rodriguez*, 138 S. Ct. 830
2 (2018), the constitutional due process principles remain intact.

3 The Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001) held that civil detention
4 must be reasonably related to its purpose and cannot be indefinite. The Court emphasized
5 that physical detention requires a "special justification" that outweighs the individual's
6 liberty interest.

7 Here, Petitioner's detention has exceeded ten months and is based solely on an
8 uncorroborated INTERPOL Red Notice. DHS has failed to present reliable evidence of
9 danger or flight risk. Under Ninth Circuit precedent, such prolonged detention without a
10 meaningful and fair bond determination violates due process.

11 Accordingly, this Court should order Petitioner's release or require a constitutionally
12 adequate bond hearing where the government bears the burden of proof.

13 **V. REQUEST FOR EXPEDITED CONSIDERATION**

14 Petitioner respectfully requests expedited consideration of this Petition.

15 Petitioner has been detained for over ten months without a constitutionally adequate bond
16 determination. Continued detention imposes severe hardship on Petitioner and her U.S.
17 citizen family members.

18 Good cause exists to expedite review because Petitioner's detention is ongoing and
19 unlawful, and each additional day of detention constitutes irreparable harm.

20 Accordingly, Petitioner requests that this Court order Respondents to respond on an
21 expedited basis and grant prompt relief.

22 **VI. RELIEF REQUESTED**

23 WHEREFORE, Petitioner respectfully requests that this Court:

- 24 1. Grant the Petition for Writ of Habeas Corpus;
- 25 2. Order Petitioner's immediate release under reasonable conditions of supervision;
26 OR, in the alternative:
- 27 3. Order Respondents to provide a prompt, constitutionally adequate bond hearing
28 before a neutral decision-maker, with proper consideration of all evidence;

1 4. Grant such other and further relief as the Court deems just and proper.
2
3

4 **VII. CONCLUSION**

5 Petitioner's continued detention—based solely on unverified allegations and without a
6 meaningful bond determination—violates fundamental principles of due process. Judicial
7 intervention is necessary to remedy this unlawful deprivation of liberty.
8

9 Respectfully submitted,

10 MARIA FERNANDA SHKLYAREVSKY

Date: 03.26.26

11 Maria F. Shklyarevsky
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Exhibits

Tabs

- A. Documents from Mexican authority No criminal Records.
- Copy of the letter from Mexico District Attorney's office. October 14, 2025
 - Copy of the letter from Mexican Secretary of Security. August 6, 2025
 - Copy of the letter from Mexican Secretary of Public Safety. August 14, 2025
 - Copy of the letter from the Mexican authorities stating that the District Attorney's office is the highest authority for presenting material evidence. July 25, 2025.
- B. Copy of Bond Denial December 2, 2025
- C. Copy of BIA Appeal January 8, 2026
- D. Copy of Bond Denial January 30, 2026
- E. Copy of Change of Venue Denial. March 17, 2026
- F. Good Moral Character Documents
- Copy of the letter from Respondent's spouse.
 - Copy of the job offer letter from Delgado & Associates "employment offer"
 - Copy of the letter from Genevieve Rosenberg.
 - Copy of the letter from Saint Vicent de Paul Parish church.
 - Copy of the letter from Bernard Beckker.
- G. Copy of Respondent's Medical Records. Deterioration of Health Condition.

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VERIFICATION

I MARIA FERNANDA SHKLYAREVSKY do hereby aver that the words above
are the truth and the entire truth, that I will testify to those facts under penalty of perjury
and I provide this information based upon personal belief that they are the facts of this
matter, except where stated on personal belief.

Submitted under the penalty of perjury of the laws of the United States.

MARIA FERNANDA SHKLYAREVSKY

Date: 03/26/26

Maria F. Shklyarevsky

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CERTIFICATE OF SERVICE

I MARIA FERNANDA SHKLYAREVSKY, AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY
AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

PETITION FOR WRIT OF HABEAS CORPUS

**U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101**

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

MARIA FERNANDA SHKLYAREVSKY

Date: 03.26.26

Maria F. Shklyarevsky

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