

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSE LOPEZ REYES,

Petitioner,

v.

CAMILLA WAMSLEY, *et al.*,

Respondents.

Case No. C25-1868-JLR-MLP

ORDER GRANTING EX PARTE
MOTION FOR ORDER TO SHOW
CAUSE AND ISSUE EXPEDITED
BRIEFING SCHEDULE

This is a 28 U.S.C. § 2241 habeas action. Petitioner Jose Lopez Reyes seeks release from the Northwest Immigration and Customs Enforcement Processing Center, arguing that his over three years of residence in the United States entitles him to a hearing before a neutral decisionmaker prior to continued detention. (Dkt. # 2 at 1-2.) He requests an expedited briefing schedule, with a return due within seven days and a response four days thereafter, citing 28 U.S.C. § 2243 and arguing that typical habeas timelines in this district (at least three months) do not provide the prompt remedy intended by Congress. (*Id.* at 5-6.)

Courts have discretion in setting the briefing schedule for a § 2241 habeas petition and consider the individual circumstances of each case when determining appropriate deadlines. *See Clutchette v. Rushen*, 770 F.2d 1469, 1474-75 (9th Cir. 1985.) Here, Petitioner alleges the

1 following sequence of events: He entered the U.S. in April 2022, was apprehended by Border
2 Patrol, and released on his own recognizance with a court date set for May 27, 2025, in Miami,
3 Florida. (Dkt. # 3, ¶ 2.) He filed an asylum application with USCIS in November 2022. (*Id.*, ¶ 4.)
4 After the required waiting period, he obtained a work permit in 2024, valid for two years, and a
5 subsequent permit valid until 2030. (*Id.*) He then obtained a Class B Commercial Driver's
6 License and worked as a commercial driver. (*Id.*, ¶ 5.) He attended ICE check-ins in 2022, 2023,
7 and 2024. (*Id.*, ¶¶ 3, 7-8.) On May 27, 2025, at a Master Calendar Hearing, his case was
8 dismissed, but he was immediately detained by ICE. (*Id.*, ¶ 10.) He claims he informed ICE of
9 his intent to seek asylum but was not given a Credible Fear Interview until August 2025. (*Id.*,
10 ¶¶ 12-13.) His final court date is set for October 14, 2025. (*Id.*, ¶ 15.) He asserts he cannot
11 provide supporting documentation because ICE has possession of his belongings. (*Id.*) He also
12 claims he cannot understand instructions given to him because he is unable to read English. (*Id.*,
13 ¶ 16.) Finally, he alleges that his detention has negatively impacted his mental health, caused
14 financial hardship, and prevented communication with his girlfriend and family. (*Id.*, ¶¶ 19-24.)

15 The Court finds a basis to accelerate this matter. Mr. Reyes attended multiple ICE
16 check-ins prior to his re-detention and was previously determined not to be a danger or flight
17 risk. These factors were not reconsidered before his re-detention, which raises questions about its
18 legality. *See, e.g., Kumar v. Wamsley*, 2025 WL 2677089, at *3 (W.D. Wash. Sept. 17, 2025)
19 (“As with other non-citizens who have been released from ICE custody and are in the United
20 States, Petitioner has a strong private interest in not being re-detained. Petitioner acquired a due
21 process interest in his continued liberty upon his initial release from ICE custody.”); *Ramirez*
22 *Tesara v. Wamsley*, 2025 WL 2637663, at *3 (W.D. Wash. Sept. 12, 2025) (“Once established,
23 Petitioner’s interest in liberty is a constitutional right which may only be revoked through

1 methods that comport with due process, such as a hearing in front of a neutral party to determine
2 whether Petitioner’s re-detainment is warranted.”); *E.A. T.-B. v. Wamsley*, 2025 WL 2402130, at
3 *5 (W.D. Wash. Aug. 19, 2025) (“The Court finds that the Government’s interest in re-detaining
4 non-citizens previously released without a hearing is low[.]”). Given Mr. Reyes’ significant
5 economic and familial ties to the United States, his outstanding asylum claim, and the right of
6 habeas petitioners to a prompt ruling, the Court concludes that expedited briefing is warranted.

7 For the foregoing reasons, the Court hereby ORDERS:

8 (1) Petitioner’s Ex Parte Motion to Issue Order to Show Cause and Issue Expedited
9 Briefing Schedule (dkt. # 2), is GRANTED. Respondents shall file a return to the habeas petition
10 by **October 7, 2025**. Any reply is due by **October 10, 2025**. The Clerk shall note the matter as
11 ready for the Court’s consideration on **October 10, 2025**.

12 (2) The Clerk is directed to send copies of this order to the parties and to the
13 Honorable James L. Robart.

14 (3) The parties have a right to consent to have the case heard by the undersigned
15 Magistrate Judge. Consent is voluntary. Counsel for the parties are directed to indicate whether
16 they consent or decline consent by no later than **October 8, 2025**, by emailing Deputy Tim
17 Farrell at tim_farrell@wawd.uscourts.gov. If the parties consent, the undersigned Magistrate
18 Judge will preside over the entire case through judgment. If the parties decline, the case will
19 remain assigned to District Judge Robart.

20 Dated this 1st day of October, 2025.

21 

22 MICHELLE L. PETERSON
23 United States Magistrate Judge