

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Gustavo CORRALES CASTILLO et
al.,

Petitioners,

v.

Cammilla WAMSLEY, et al.,

Respondents.

Case No. 2:25-cv-2172

**EX PARTE MOTION FOR ORDER
TO SHOW CAUSE**

Note on Motion Calendar:
November 1, 2025

INTRODUCTION

Petitioners are members of the certified Bond Denial Class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. filed Mar. 20, 2025). On September 30, 2025, this Court entered final judgment declaring that all Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and are thus entitled to a bond hearing before an immigration judge (IJ). *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Despite that ruling, Petitioners remain detained because of Respondents' outright refusal to comply with the judgment and continuation of a policy already found unlawful by the Court. This Court should therefore issue an order to show cause requiring Respondents to explain "within three days" why each Petitioner is not a member of the Bond Denial Class. 28 U.S.C. § 2243.

As detailed below, if Respondents fail to rebut class membership, the Court should immediately grant the petition and order the unconditional release of all Petitioners, except for Ms. Padilla-Paz. Such unconditional release is appropriate because Respondents are flagrantly ignoring the Court's *Rodriguez Vazquez* summary judgment order.¹ In the alternative, the Court should order that Respondents must release Petitioners unless, within one day of the Court's order, Respondents allow Petitioners to post their alternative bond amount. As to Mr. Padilla-Paz, Petitioners request an order that her bond appeal cannot be denied on the basis that she is subject to 8 U.S.C. § 1225(b)(2).

ARGUMENT

I. The Court should issue an order to show cause requiring a return from Respondents pursuant to 28 U.S.C. § 2243.

Habeas “is a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by Wainwright v. Sykes*, 433 U.S. 72 (1977). The requirement for an expeditious remedy is codified by statute: once the court entertains an application, it “shall forthwith award the writ or issue an order directing the respondent to show cause,” set a prompt return, and hold a hearing no more than five days after the return. 28 U.S.C. § 2243 (emphasis added). These requirements ensure that courts “summarily hear and determine the facts, and dispose of the matter as law and justice require.” *Id.*

Expeditious consideration is particularly appropriate here because the Court has already resolved the controlling legal issue for these parties: it has declared that § 1226(a) governs the detention of Bond Denial Class members and that Respondents' bond denial policy is unlawful. *Rodriguez Vazquez*, 2025 WL 2782499, at *27. Thus, the sole question the Court must decide in

¹ By unconditional release, Petitioners mean an order that requires Respondents to release them without posting bond and without any additional release conditions, such as GPS monitoring or monitoring via the Intensive Supervision Appearance Program. Petitioners do not object to any requirement that they be required to attend their immigration proceedings and to submit any change of address in their residence, as required by federal law.

order to grant relief is whether Petitioners are members of the Bond Denial Class—a question that the government records submitted with the petition demonstrate.

Consistent with this Court’s longstanding practice and to facilitate expedited relief, Petitioners respectfully request that the Court effectuate service of the petition on Respondents.² Respondents should then be required to file a return “within three days,” 28 U.S.C. § 2243, upon which the Court should promptly issue a decision on the merits of the petition. Further, the Court should direct Respondents to address only whether Petitioners are members of the Bond Denial Class and the relief to which they are entitled; Respondents are bound by the classwide judgment in *Rodriguez Vazquez* and not entitled to re-litigate the merits questions resolved in that case.

II. The Court should order immediate release as to the Petitioners with alternative bond orders.

Respondents’ defiance of the declaratory judgment in *Rodriguez Vazquez* calls for the immediate and unconditional remedy of release as to those Petitioners with alternative bond orders. As detailed below, this response to Respondents’ flagrant defiance of the *Rodriguez Vazquez* summary judgment order is appropriate because Respondents have not taken steps to remedy their willful violation of the law and unlawful detention of Petitioners.

Petitioners’ request is consistent with longstanding habeas practice. Historically, “[g]iven th[e] function of the writ [of habeas corpus], courts . . . confined habeas relief to orders requiring the petitioner’s unconditional release from custody.” *Harvest v. Castro*, 531 F.3d 737, 741 (9th Cir. 2008). But in “modern practice,” including in certain immigration detention habeas cases, “courts employ a conditional order of release . . . , which orders the [detaining authority] to release the petitioner unless the [detaining authority] takes some remedial action.” *Id.* Such writs merely “provide[] the [detaining authority] with a window of time within which it might cure the [unlawful detention].” *Gibbs v. Frank*, 500 F.3d 202, 208 (3d Cir. 2007). Or put another way,

² Service by the Court is also consistent with the practice in habeas proceedings under 28 U.S.C. §§ 2254 and 2255. *See* U.S. Courts, Rules Governing Section 2254 Cases and Section 2255 Proceedings (Dec. 1, 2019), at 3 (“In every case, the clerk must serve a copy of the petition and any order on the respondent”); *id.* at 9 (similar).

conditional writs are “essentially accommodations accorded to the [detaining authority],” allowing the custodian to quickly remedy the unlawful detention rather than immediately release an individual. *Harvest*, 531 F.3d at 742 (quoting *Phifer v. Warden*, 53 F.3d 859, 864–65 (7th Cir. 1995)); *see also, e.g., Hilton v. Braunskill*, 481 U.S. 770, 775 (1987) (“[T]his Court has repeatedly stated that federal courts may delay the release of a successful habeas petitioner in order to provide the State an opportunity to correct the constitutional violation found by the court.”); *see also Cardozo v. Bostock*, No. 2:25-CV-00871-TMC, 2025 WL 2592275, at *2 (W.D. Wash. Sept. 8, 2025) (similar).

A conditional writ, however, is not appropriate where the custodian “fails to comply with the district court’s order.” *Rose v. Guyer*, 961 F.3d 1238, 1246 (9th Cir. 2020) (citation modified). Instead, in the context of an action to enforce a court order, “a district court *must* decide whether a [detaining authority] has complied with the remedy designed by the district court in the underlying habeas proceedings.” *Id.* (emphasis added). Where the custodian “fails to cure the . . . error, i.e., when it fails to comply with the order’s conditions, . . . the conditional grant of habeas corpus *requires* the petitioner’s release from custody.” *Id.* (alteration in original) (quoting *Harvest*, 531 F.3d at 750); *see also Wilkinson v. Dotson*, 544 U.S. 74, 87 (2005) (Scalia, J., concurring) (observing that the remedy is “always release” for failure to comply with a conditional writ). Indeed, this is precisely how the Supreme Court has structured writs of habeas corpus that it has issued. *See, e.g., Chessman v. Teets*, 354 U.S. 156, 166 (1957) (remanding and ordering release if the detaining authority did not comply with the court’s order within a reasonable time); *Dowd v. United States ex rel. Cook*, 340 U.S. 206, 210 (1951) (similar).

The context of this case is analogous to the ones above. *Rodriguez Vazquez* plainly informs Respondents that they are unlawfully detaining Petitioners under § 1225(b)(2). The summary judgment decision “declares that Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2)” and that “the Tacoma Immigration Court’s practice of denying bond to Bond Denial Class members on the basis of § 1225(b)(2) violates the Immigration and Nationality Act.” 2025 WL 2782499,

at *27. Faced with that order, Respondents (who are also Defendants in *Rodriguez Vazquez*) had two options: comply with the final judgment and recognize Petitioners are being detained under § 1226(a), or defy it and bear the consequences that result. The record here and in other cases demonstrates they chose to defy it. *See, e.g.,* Korthuis Decl. Exs. C, F; *see also, e.g.,* Order Granting Petition for Writ of Habeas Corpus, *Ortiz Martinez v. Wamsley*, No. 2:25-cv-01822-TMC (W.D. Wash. Oct. 10, 2025), Dkt. 25; Order Granting Petition for Writ of Habeas Corpus, *Garcia v. Wamsley*, No. 2:25-cv-01980-TMC (W.D. Wash. Oct. 21, 2025), Dkt. 11.

Having “fail[ed] to comply with the order[.],” Respondents must now release Petitioners without further conditions. *Rose*, 961 F.3d at 1246; *see also Harvest*, 531 F.3d at 750 (similar). The fact that the prior decision was a declaratory judgment, rather than a conditional writ, makes no difference. *Rodriguez Vazquez* explains in exacting detail why class members are detained under § 1226(a) and declares their rights to that effect. That decision was “a real judgment, not just a bit of friendly advice.” *Florida ex rel. Bondi v. U.S. Dep’t of Health & Hum. Servs.*, 780 F. Supp. 2d 1307, 1316 (N.D. Fla. 2011). And it is a judgment with which courts rightly assume that “government officials . . . will comply.” *Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023); *see also, e.g., Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 n.8 (D.C. Cir. 1985) (Scalia, J.) (“[T]he discretionary relief of declaratory judgment is, in a context such as this where federal officers are defendants, the practical equivalent of specific relief such as injunction or mandamus, since it must be presumed that federal officers will adhere to the law as declared by the court.”), *abrogated on other grounds as recognized by, Schieber v. United States*, 77 F.4th 806 (D.C. Cir. 2023), *cert. denied*, 144 S. Ct. 688 (2024). Accordingly, the Court should order the immediate release of those Petitioners with alternative bond orders.

Finally, as part of the release order, the Court should specify that Respondents may not set additional conditions of release—including GPS monitoring or monitoring via the Intensive Supervision Appearance Program—other than requiring that Petitioners attend their immigration

1 court hearings and update their address with the immigration court and Immigration and
 2 Customs Enforcement (ICE), should they move to a new residence. *See* 8 C.F.R. 265.1.³

3 **III. The Court should instruct that Respondents must provide notice prior to any**
 4 **transfer of Petitioners.**

5 Finally, along with the order to show cause, the Court should require Respondents to
 6 provide at least 48 hours' notice (or 72 hours' notice if the period will include a weekend or
 7 holiday) prior to any action to transfer them from the Northwest ICE Processing Center
 8 (NWIPC). Petitioners seek such an order in light of large numbers of transfers from NWIPC to
 9 other facilities over the past two weeks. Providing such notice will ensure that Petitioners—some
 10 of whom lived locally prior to their arrest—may seek immediate emergency relief from this
 11 Court, if necessary, to enjoin their transfer. Petitioners should not be forced to pay hundreds of
 12 dollars to return to this district after their release when they *already* should have been released on
 13 bond in this district. Moreover, ensuring that Petitioners remain in this district is important to
 14 guarantee that their access to counsel is not interrupted, as Petitioners have local immigration
 15 counsel. For these reasons, notice prior to any transfer is warranted.

16 **CONCLUSION**

17 For the reasons above, and in light of the Court's final judgment in *Rodriguez Vazquez*,
 18 Petitioners respectfully request that the Court immediately effectuate service of the petition on
 19 Respondents and issue an order to show cause requiring Respondents' return within three days.
 20 In addition, the Court should order that Respondents provide at least 48 hours' notice (or 72
 21 hours' notice if the period will include a weekend or holiday) prior to any action to move or
 22 transfer Petitioners from NWIPC.
 23
 24
 25

26 ³ Should the Court deny the request for immediate release, then Petitioners request that the
 27 Court order that Respondents release them unless within one day of the Court's order they allow
 Petitioners to be released upon payment of their alternative bond amount.

1 Respectfully submitted this 1st day of November, 2025.

2 s/ Aaron Korthuis

3 Aaron Korthuis, WSBA No. 53974
4 aaron@nwirp.org

I certify this motion contains 1,983 words in
compliance with the Local Civil Rules.

5 s/ Matt Adams

6 Matt Adams, WSBA No. 28287
7 matt@nwirp.org

8 s/ Glenda M. Aldana Madrid

9 Glenda M. Aldana Madrid,
10 WSBA No. 46987
11 glenda@nwirp.org

12 s/ Leila Kang

13 Leila Kang, WSBA No. 48048
14 leila@nwirp.org

15 s/ Amanda Ng

16 Amanda Ng, WSBA No. 57181
17 amanda@nwirp.org

18 NORTHWEST IMMIGRANT RIGHTS PROJECT

19 615 Second Ave., Suite 400
20 Seattle, WA 98104
21 (206) 957-8611

22 *Counsel for Petitioners*