

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Alberto GARCIA, Fernando
RANGEL-SAUCEDO, Ismael
ORTIZ MONTOYA,

Petitioners,

v.

Cammilla WAMSLEY, et al.,

Respondents.

Case No. 2:25-cv-1980

**EX PARTE MOTION TO GRANT
PETITION FORTHWITH OR
ISSUE ORDER TO SHOW CAUSE**

Note on Motion Calendar:
October 13, 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 all Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and 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. Because Petitioners are clearly entitled to relief, this Court should grant the petition "forthwith." 28 U.S.C. § 2243. There is no basis to provide Respondents any additional time to contest habeas relief as Plaintiffs and Respondents are all parties in *Rodriguez Vazquez* and thus

1 have already had the opportunity to fully litigate the legal issues presented herein. Alternatively,
 2 Petitioners request the Court issue an order to show cause requiring Respondents to explain,
 3 within three days, why each Petitioner is not a member of the Bond Denial Class; if Respondents
 4 fail to rebut class membership, the Court should immediately grant the petition.

5 **ARGUMENT**

6 Habeas “is a swift and imperative remedy in all cases of illegal restraint or confinement.”
 7 *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by Wainwright v. Sykes*, 433
 8 U.S. 72 (1977). The requirement for an expeditious remedy is codified by statute: once the court
 9 entertains an application, it “*shall forthwith award the writ or issue an order directing the*
 10 *respondent to show cause,*” set a prompt return, and hold a hearing no more than five days after
 11 the return. 28 U.S.C. § 2243 (emphasis added). These requirements ensure that courts
 12 “summarily hear and determine the facts, and dispose of the matter as law and justice require.”
 13 *Id.* Indeed, the Supreme Court has criticized the use of “comparatively cumbersome and time
 14 consuming procedure[s]” to decide habeas petitions, emphasizing the “more expeditious
 15 method . . . prescribed by the statute.” *Holiday v. Johnston*, 313 U.S. 342, 353 (1941).

16 Expeditious consideration is particularly appropriate here because the Court has already
 17 resolved the controlling legal issue for these parties: it has declared that § 1226(a) governs the
 18 detention of Bond Denial Class members and that Respondents’ bond denial policy is unlawful.
 19 *Rodriguez Vazquez*, 2025 WL 2782499, at *27. Thus, the *sole* question the Court must decide in
 20 order to grant relief in this case is whether Petitioners are members of the Bond Denial Class—a
 21 question that the Court may determine based on the governments’ own records submitted by
 22 Petitioners.

23 Consistent with this Court’s longstanding practice and to facilitate expedited relief,
 24 Petitioner respectfully requests that the Court effectuate service of the petition on Respondents.¹

25 ¹ Service by the Court is also consistent with the practice in habeas proceedings under 28
 26 U.S.C. §§ 2254 and 2255. *See* U.S. Courts, Rules Governing Section 2254 Cases and Section
 27 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 (“The clerk must then deliver or serve a copy of

If the Court then determines that Petitioners are a Bond Denial Class member, it should grant the petition “forthwith.” 28 U.S.C. § 2243.

In the alternative, should the Court elect not to issue habeas relief forthwith and instead proceed by issuing an order to show cause, Respondents should be required to file a return “within three days,” *id.* § 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 Petitioner is a member of the Bond Denial Class; Respondents are bound by the classwide judgment in *Rodriguez Vazquez* and not entitled to re-litigate the merits of the questions already resolved by this Court.

CONCLUSION

For the reasons above, and in light of the Court’s final judgment in *Rodriguez Vazquez*, Petitioners respectfully request that the Court immediately effectuate service of the petition on Respondents and, within three days, issue an order granting the petition. Alternatively, the Court should issue an order requiring Respondents to show cause why the writ should not be granted by demonstrating that Petitioners are not members of the Bond Denial Class.

Respectfully submitted this 13th day of October, 2025.

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I certify this motion contains 904 words in compliance with the Local Civil Rules.

s/ Leila Kang
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s/ Glenda M. Aldana Madrid

the motion on the United States attorney in that district, together with a notice of its filing.”). Furthermore, Federal Rule of Civil Procedure 4(c)(3) permits a plaintiff proceeding in forma pauperis to request service of a complaint and summons by a person appointed by the Court.

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