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Attorneys for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
Portland Division

L-J-P-L-, an adult,

Petitioner,

v.

CAMMILLA WAMSLEY, Seattle Field
Office Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"); TODD LYONS, Acting
Director of Immigration Customs
Enforcement ("ICE"); U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; KRISTI
NOEM, Secretary of the Department of
Homeland Security ("DHS"); U.S.
DEPARTMENT OF HOMELAND
SECURITY; and PAMELA BONDI, Attorney
General of the United States,

Respondents.

Case No. 25-cv-01390-IM

Agency No. A



**MOTION FOR PRODUCTION OF
PETITIONER AT HEARING AND
PROVISION OF
INTERPRETEATION**

The present motion seeks an order to compel the in-person presence of the Petitioner at his hearing on August 19, 2025 and the provision of an interpreter in the Mam language so that he may meaningfully participate in his case. Pursuant to LR 7-1, counsel for Petitioner certifies that the parties conferred about the issues raised by this motion over a telephone call on August 13, 2025, and Respondents indicated they oppose this motion “due to resource constraints.”

I. Production of the Body of Petitioner L-J-P-L-

The Court should order Respondents to transport the Petitioner to his August 19, 2025 hearing in person because the statute requires it and there is no meaningful alternative to effectuate his right to be present at his hearing. Unless the petition only presents issues of law, “the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.” 28 U.S.C. § 2243. The formal production of the Petitioner’s body is necessary in a case in which (1) the court does not dismiss the petition as facially insufficient, (2) the court determines that a hearing is necessary after considering the return to its show cause order, and (3) the petition, together with the answer, presents issues of fact. *Roman v. Ashcroft*, 162 F. Supp. 2d 755, 759 (N.D. Ohio 2001); *Armentero v. I.N.S.*, 412 F.3d 1088, 1098 (9th Cir. 2005) (Berzon, J. dissenting from denial of petition on an unrelated procedural ground, referencing *Roman* on the merits and summarizing the rule). In the present case, all three of these conditions are met: the Court has not dismissed the petition; the Court has issued a show cause order and established a hearing date; and there are issues of fact that require resolution, including but not limited to, whether the traffic stop leading to Petitioner’s arrest was lawfully based on exigent circumstances, whether a prior removal order exists for Petitioner and the interactions between Petitioner and the Respondents when he applied for asylum. Thus, the Court should order Respondent to produce L-J-P-L-in person for his August 19 hearing.

Additional reasons exist for warranting that L-J-P-L- is brought to his hearing, namely, the need for interpretation to the Mam indigenous language, as discussed below at *infra* section II. The Petitioner's in-person appearance is necessary to enable the provision of adequate interpretation by the Court, as meaningful interpretation is not viable through other means.

II. Provision of Interpretation for Petitioner at the Hearing

The Court should provide an interpreter in the Mam language for the August 19, 2025 hearing. "It is long-settled that a competent translation is fundamental to a full and fair hearing." *Perez-Lastor v. I.N.S.*, 208 F.3d 773, 778 (9th Cir. 2000) (collecting cases). The Guide to Judiciary Policy provides guidance on the provision of interpretation and established that:

A judge must appoint interpreters in judicial proceedings instituted by the United States, if the judge determines that a party or a witness speaks only or primarily a language other than English or has a hearing impairment (whether or not also having a speech impairment), so as to inhibit that person's comprehension or communication in the proceeding.

See Guide to Judiciary Policy §110, Vol. 5, U.S. Courts, April 23, 2025, available at https://www.uscourts.gov/sites/default/files/document/guide_vol05.pdf. In particular, the guidelines provide that § 2241 habeas corpus proceedings are considered to be judicial proceedings instituted by the United States and that "a judge *must* appoint an interpreter for such in-court judicial proceedings when . . . the petitioner speaks only or primarily a language other than English" and this fact "inhibits" "the petitioner's comprehension of the proceedings" or "communication with counsel or the presiding judge." *Id.* at § 230 (emphasis added).

Interpretation is required in the present case because L-J-P-L- speaks a language other than English; he speaks the Guatemalan indigenous language, Mam. Mam is one of the most spoken indigenous languages in the region of the Mexico-Guatemala border and is a derived Mayan language that has no relationship to Latin-based languages and has its own complex structure.

Declaration of Byron Tzoc (“Tzoc Decl.”) at ¶¶ 5, 7. While it is assumed that many people in the Mam community speak Spanish, solely based in their place of birth, often their language proficiency is not sufficient to fully comprehend legal procedures or terms in a meaningful way to make an informed decision. *Id.* at ¶ 6. At best, the Petitioner has some limited Spanish abilities. In order for him to comprehend the proceedings and to communicate during the proceedings, he will need a Mam interpreter during the August 19 hearing. Therefore, interpretation services are warranted.

III. The Requested Order Would Not Unduly Prejudice Respondents

A Court order that Petitioner must be present in person at the August 19 hearing and providing him with Mam interpretation does not unduly prejudice Respondents. Respondents’ counsel have stated that their sole ground for opposing this motion is “resource constraints.” However, Respondents share the interest of abiding by the law, including 28 U.S.C. § 2243, which requires them to produce Petitioner under the current circumstances. *See, e.g., Lujan v. Defs. of Wildlife*, 504 U.S. 555, 576 (1992) (discussing “the public interest in Government observance of the Constitution and laws”).

Moreover, any resource allocation required by Respondents to transport Petitioner to his hearing is both minimal and proportionate. Respondents regularly transport detained noncitizens from the Portland area to the Northwest ICE Processing Center in Tacoma, Washington, where Petitioner is currently detained – indeed, they made this trip to transport Petitioner promptly after his arrest on August 7. *See, e.g., Declaration of Cleveland Wilson, Y-Z-L-H- v. Bostock*, 3:25-cv-00965-SI, ECF 11 ¶ 11 (D. Or. June 12, 2025) (representing to this Court that “it is ICE practice to transport [noncitizens] arrested in Oregon who ICE determines will not be immediately released from custody to the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington”).

Additionally, following the passage of the reconciliation bill which was signed into law in July 2025, Respondent U.S. Immigration and Customs Enforcement (ICE) received an unprecedented increase in funding that makes it the highest-funded law enforcement agency in the federal government. *See* Pub. L. No. 119-21, Title IX, Subtitle A, § 9001, et seq (July 4, 2025) (appropriating more than \$100 billion for immigration enforcement). As a result, any incidental resource expenditure required from Respondents to transport Petitioner to his hearing is unlikely to cause them hardship; moreover, it is the function of their agency to do so.

IV. Conclusion

For the reasons set forth above, Petitioner respectfully requests that the Court order Respondents to produce the body of Petitioner at the hearing set for August 19, 2025, at 12:00 PM, and to order the provision of Mam interpretation for him so he can meaningfully participate in his proceedings.

Respectfully submitted on August 15, 2025.

s/ Jordan Cummings
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