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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

ABURTO Lopez, Fernando,
A No. 

CIVIL ACTION NO. 2:25-CV-2541

Petitioner,

PETITION FOR WRIT OF
HABEAS CORPUS
28 U.S.C. § 2241
AND EMERGENCY MOTION TO
PREVENT TRANSFER

v.

BRUCE SCOTT, Warden of the Northwest ICE
Processing Center;
ALEJANDRO MAYORKAS, Secretary of the
U.S. Department of Homeland Security

Respondents.

I. INTRODUCTION

Petitioner Fernando ABURTO Lopez petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner is currently detained at the Northwest ICE Processing Center in Tacoma, Washington, following a warrantless arrest on or around 12/02/2025 in Wenatchee, WA. The DHS issued a Notice to Appear (Form I-862) on 12/2/2025 charging the Petitioner with inadmissibility under INA § 212(a)(6)(A)(i) (present without admission or parole). The Petitioner is currently detained at the NWIPC in Tacoma, WA and has been in continuous custody since he was apprehended by DHS.

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II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the Due Process Clause of the Fifth Amendment to the United States Constitution.

Venue is proper in the Western District of Washington, Tacoma Division, because Petitioner is physically detained within this District and his immediate custodian, the Warden of the Northwest ICE Processing Center, resides here.

III. PARTIES

Petitioner is a civil immigration detainee currently housed at the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington, within the jurisdiction of this Court.

Respondent Bruce Scott is the Warden of the Northwest ICE Processing Center and Petitioner's immediate physical custodian. As the official with day-to-day authority over Petitioner's detention, Warden Scott is the primary and required Respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

Respondent Alejandro Mayorkas is the Secretary of the U.S. Department of Homeland Security, the federal agency responsible for overseeing immigration enforcement, detention, and removal operations nationwide. Secretary Mayorkas is a proper Respondent because DHS exercises legal authority over Petitioner's detention and has the power to direct or prevent Petitioner's transfer. The United States Attorney's Office for the Western District of Washington represents Secretary Mayorkas in this action.

IV. FACTUAL BACKGROUND

Petitioner is native and citizen of Mexico who entered the United States at an unknown date and unknown location. He is 44 years old and was born on  in Puebla, Mexico.

Petitioner has lived in the United States for an unknown amount of time, but it has been
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TRANSFER - 2

1 approximately 20 years. Petitioner has been a pastor of a Christian church called [REDACTED]
2 [REDACTED] Washington for the past six years. He has a wife from Nicaragua and two
3 United States citizen, children, ages 16 and 18. ICE picked him up at Home Depot in Wenatchee,
4 WA.
5

6 Petitioner has a Master Calendar Hearing scheduled for 01/06/2026. Petitioner's family
7 lives in Washington, and counsel has just been retained. If ICE were to transfer Petitioner it
8 would irreparably impair Petitioner's ability to be represented and to prepare for his upcoming
9 hearing. Emergency intervention by this Court is required.
10

11 **V. CLAIMS FOR RELIEF**

12 Petitioner is unlawfully detained in violation of the Due Process Clause of the Fifth
13 Amendment. Continued detention without meaningful bond consideration, despite deep family
14 ties, decades of residence, and no criminal history, is unconstitutional.
15

16 The imminent transfer of Petitioner would irreparably interfere with his right to counsel
17 and his ability to prepare for his 12/18/2025 hearing, violating due process.
18

19 **VI. EMERGENCY NATURE OF RELIEF**

20 ICE has been transferring other detainees without warning. If ICE were to transfer
21 Petitioner, effective judicial relief would be substantially impaired. Emergency action by this
22 Court is required to preserve jurisdiction and prevent irreparable harm.
23

24 **VII. RELIEF REQUESTED**

25 Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his
26 immediate release.
27

1 In the alternative, Petitioner requests an order directing an individualized bond hearing
2 before an Immigration Judge within seven days, with the government bearing the burden of
3 proof.

4 Petitioner further requests an order enjoining Respondents from transferring him outside
5 the Western District of Washington while his immigration proceedings are pending.

6 Petitioner requests any additional relief the Court deems just and proper.

7
8 **VIII. SIGNATURE AND CERTIFICATION**

9 The undersigned counsel certifies that she represents Petitioner Fernando ABURTO
10 Lopez and that this Petition is filed on his behalf pursuant to 28 U.S.C. § 2241.
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13 Respectfully submitted this 11th day of December 2025.

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15 /s/Vicky J Currie

16 Vicky J Currie, WSBA #24192
17 Attorney for Petitioners
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CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 11th day of December, 2025, I served true and correct copies of the **Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241**, together with all supporting exhibits, to be served upon the following Respondents by **United States mail and/or electronic service** as permitted:

BRUCE SCOTT

Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

ALEJANDRO MAYORKAS

Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Required Service on the United States

Michelle R. Lambert

Assistant United States Attorney
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101
(via CM/ECF and email, per her request)

Attorney General of the United States

U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 11th day of December 2025.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioners