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

ARIAS PEREZ, PETRA,

Petitioner,

v.

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

Respondents.

CIVIL ACTION NO. 2:25-CV-2558

REPLY TO RESPONDENTS' RESPONSE
TO PETITION FOR WRIT OF HABEAS
CORPUS AND SUPPLEMENT

I. INTRODUCTION

Petitioner respectfully submits this Reply to Respondents' Response and supplements the record with material facts arising after Respondents filed their brief. On January 6, 2026, an Immigration Judge conducted a custody hearing and found that Petitioner is not a danger to the community and not a flight risk, stating that if the Immigration Judge had jurisdiction, he would grant bond in the amount of \$8,000. A copy of the Immigration Judge's order is attached as Exhibit A.

REPLY TO RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND
SUPPLEMENT - 1

1 This filing is made promptly after the bond hearing and before this Court has ruled. The
2 Immigration Judge's findings, together with this Court's binding decision in *Rodriguez Vazquez*
3 *v. Bostock*, confirm that Petitioner's continued detention is unlawful.

4 **II. RESPONDENTS' ARGUMENT THAT THE PETITION IS "CONCLUSORY" FAILS**

5 Respondents argue that the Petition lacks factual and legal support. That argument fails
6 under controlling law.

7 In *Rodriguez Vazquez v. Bostock*, this Court issued a final judgment declaring that Bond
8 Denial Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory
9 detention under § 1225(b)(2). No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *27 (W.D.
10 Wash. Sept. 30, 2025). The Court further held that the Tacoma Immigration Court's practice of
11 denying bond based on § 1225(b)(2) violates the Immigration and Nationality Act. *Id.*

12 Respondents are parties to *Rodriguez Vazquez* and are bound by that judgment, which has
13 the force and effect of a final judgment. 28 U.S.C. § 2201(a). Petitioner's detention under §
14 1225(b)(2) is therefore unlawful as a matter of law.

15 **III. PETITIONER HAS MET HER BURDEN UNDER § 2241**

16 A petitioner is entitled to habeas relief where she is "in custody in violation of the
17 Constitution or laws of the United States." 28 U.S.C. § 2241(c)(3). Because Respondents
18 continue to detain Petitioner under a statutory interpretation rejected by this Court, Petitioner has
19 met her burden. *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001); *Ex parte Endo*, 323 U.S. 283, 304
20 (1944).

1 **IV. THE IMMIGRATION JUDGE'S ALTERNATIVE BOND FINDING CONFIRMS**
2 **UNLAWFUL DETENTION**

3 At the January 6, 2026 custody hearing, the Immigration Judge stated that he lacked
4 jurisdiction under DHS's asserted detention framework, but expressly found that if jurisdiction
5 existed, he would grant bond in the amount of \$8,000. This alternative bond finding confirms
6 that Petitioner poses no danger and no flight risk.

7 Under § 1226(a), detention is discretionary, and release is appropriate where bond
8 conditions suffice. The Immigration Judge's findings confirm that continued detention serves no
9 legitimate purpose once the correct statutory framework is applied, as required by *Rodriguez*
10 *Vazquez*.

11 **V. THE COURT HAS AUTHORITY TO PREVENT TRANSFER PENDING HABEAS**
12 **REVIEW**

13 Respondents' transfer argument misstates habeas authority. While DHS retains general
14 discretion over detention locations, courts may issue ancillary relief necessary to preserve habeas
15 jurisdiction and meaningful judicial review. *Ex parte Endo*, 323 U.S. at 304; *Rumsfeld v. Padilla*,
16 542 U.S. 426, 441–42 (2004). Courts in this District have enjoined transfers where necessary to
17 protect pending habeas proceedings. *Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024, 1030
18 (W.D. Wash. 2019).

19 **VI. CONCLUSION**

20 Because Petitioner is detained under a statutory interpretation declared unlawful by this
21 Court, and because an Immigration Judge has found that Petitioner would be eligible for release
22 on bond in the amount of \$8,000, continued detention violates the Immigration and Nationality
23 Act and the Due Process Clause.

1 Petitioner respectfully requests that the Court grant the Petition for Writ of Habeas
2 Corpus and order Petitioner's release within twenty-four (24) hours, or upon posting the \$8,000
3 alternative bond, enjoin transfer pending resolution, and grant such other relief as the Court
4 deems just and proper.
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6
7 Respectfully submitted this 6th day of January 2026.
8

9 /s/Vicky J Currie

10 Vicky J Currie, WSBA #24192
11 Attorney for Petitioner
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CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 6th day of January 2026, I served true and correct copies of the **REPLY TO RESPONDENTS' RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS AND SUPPLEMENT**, together with all supporting exhibits, upon the following Respondents by 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

US Attorney Habeas

Email: usawaw.Habeas@usdoj.gov

Katherine Grant Collins

United States Attorney's Office (SEA)
700 Stewart Street
STE 5220
Seattle, WA 98101
206-553-4356
Email: katherine.collins@usdoj.gov

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

DATED this 6th day of January 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioners

EXHIBIT A



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
TACOMA IMMIGRATION COURT**

Respondent Name:

ARIAS- PEREZ, PETRA

To:

Currie, Vicky J
1008 S Yakima Ave
Suite 100
Tacoma, WA 98405

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/06/2026

ORDER OF THE IMMIGRATION JUDGE

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Customs Enforcement and the respondent, it is **HEREBY ORDERED** that:

Order:

☐ No Action: withdrawn by party without prejudice.

☒ ORDERED No Jurisdiction:

☐ Arriving Alien.

☐ Mandatory Detention under Matter of M-S & Matter of Q. Li; 235(b)(1) and 235(b)(2)(A)

☒ Mandatory Detention under Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025)

☐ Mandatory Detention under 236(c).

☐ Reinstated Order of Removal / Final Order of Removal

☐ Withholding Only Proceedings

☐ Does not meet the 180 day requirement.

☒ In the alternative, if the court had jurisdiction, the court would grant a bond in the amount of \$8,000, with any conditions set by ICE.

☐ ORDERED that the request for a change in custody status be denied. No bond.

☐ Danger to Community / Flight Risk.

☐ ORDERED that the request be granted and that respondent be released from custody under bond of \$ _____

☒ OTHER: Conditional release is: granted - any conditions set by ICE/DHS.

[X] OTHER: Ability to pay considered.

[] OTHER: By agreement of parties.

Attachments: [] EOIR-33 [] EOIR-28 [] Legal Services List [] Appeal Packet [] Other



Immigration Judge: ODELL, JOHN 01/06/2026

Appeal:	Department of Homeland Security:	☐ waived	☒ reserved
	Respondent:	☒ waived	☐ reserved

Appeal Due: 02/06/2026

Certificate of Service

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To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : ARIAS- PEREZ, PETRA | A-Number : 

Riders:

Date: 01/06/2026 By: De La Torre, Nicole, Court Staff