

THE HONORABLE TANA LIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

VICTOR ARGENIS REA-
HERNANDEZ,

Petitioner,

v.

PAMELA BONDI, Attorney General of
the United States, *et al.*,

Respondents.

No. CV25-02609-TL

EMERGENCY MOTION FOR ORDER
PREVENTING TRANSFER DURING
PENDENCY OF PETITION

Note on Motion Calendar:
February 3, 2026

Petitioner Victor Rea-Hernandez formally reiterates his request that he not be transferred out of this jurisdiction while the petition is pending “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings,” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, Dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (sua sponte issuing such an order in a § 2241 case involving an ICE detainee). *See* Petition, Dkt. 1 at 1–2; *see also* Temporary Order Preventing Transfer, *Todd v. Bondi*, Dkt. 12, CV25-02519-JHC.

On December 18, 2025, Petitioner filed a § 2241 habeas petition. The Court quickly ordered that he be given 48 hours’ notice before any transfer. Dkt. 4. On January 2, 2026, Respondents filed a Return in which they admit that they have not obtained a travel document for Mr. Rea-Hernandez despite asking twenty-five countries. Dkt. 6. On January 7, 2026, Mr. Rea-Hernandez filed a return in which he pointed out the legal import of the lack of travel documents and cited a medical expert’s

1 opinion that travel in his current precarious state would put his health in serious
2 jeopardy. Dkt. 11, Ex. 1 at ¶¶ 11–12. In another case, the government has offered
3 evidence that NWIPC is the best-suited center for detainees with serious medical
4 problems, so if Mr. Rea-Hernandez knew anything about the transfer destination, he
5 might have arguments on that score as well. *See Hassan v. Bondi*, Case No. CV25-
6 02444-KKE, Dkt. 19 at ¶ 4 (NWIPC clinical director averring that “[t]he NWIPC is a
7 level 4 facility, meaning that it can provide a higher level of medical care. . . . NWIPC
8 can manage patients with complex medical issues and collaborates with multiple nearby
9 emergency departments that can assist in assessing critical patients and hospitalize
10 unstable patients. NWIPC also has collaborative agreements with local specialty
11 services that cover all aspects of medical specialties.”).

12 But on January 12, 2026, the U.S. Attorney’s Office filed a notice that Mr. Rea-
13 Hernandez will be removed “in the near future” without disclosing the destination
14 country, without stating whether it has obtained travel documents, and without
15 discussing what United States location he might be transferred to in the interim or any
16 more specific time frame. Dkt. 15. Respondents are not fulfilling the spirit of this
17 Court’s order requiring notice by filing a “notice” that contains no information.
18 Mr. Rea-Hernandez cannot respond by challenging the authenticity of any alleged travel
19 documents, researching whether the destination country will accept someone in his
20 precarious state of health, or determining whether the country will, like Mexico, refuse
21 to accept someone who is unwilling to go there. And while ICE may be indifferent to
22 the acute health problems of the people it is removing, receiving countries are more
23 likely to be interested. *See* Ex. 1 (Justo Robles, ‘*Have you ever smelled a cadaver?*’
24 *Family recounts horror after Costa Rican man deported in vegetative state*, The
25 Guardian (Jan. 11, 2026), [https://www.theguardian.com/us-news/2026/jan/11/ice-](https://www.theguardian.com/us-news/2026/jan/11/ice-deportation-costa-rica-man)
26 [deportation-costa-rica-man](https://www.theguardian.com/us-news/2026/jan/11/ice-deportation-costa-rica-man) [<https://perma.cc/S5TN-H4GU>]).

1 Undersigned counsel contacted the U.S. Attorney's Office seeking additional
2 information, but as of the morning of January 13, 2026, had received no reply. No
3 travel documents have been produced.

4 In order to facilitate this Court's jurisdiction over the pending petition and to
5 allow Mr. Rea-Hernandez opportunity to discover which country ICE is allegedly
6 trying to remove him to and to communicate with the relevant embassy, Petitioner
7 requests that he not be transferred out of this jurisdiction while his petition is pending.

8 The Office of the Federal Public Defender has contacted the U.S. Attorney's
9 Office about the motion asking that he not be transferred. Respondents have not
10 responded.

11 DATED this 13th day of January 2026.

12 Respectfully submitted,

13 s/ *Ann K. Wagner*
14 Assistant Federal Public Defender
15 Attorney for Victor Rea-Hernandez

16 I certify this motion contains 603 words in compliance with the Local Civil Rules.
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