Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YADIEN BEALTER REYES, *et al.*, Petitioners, v. LAURA HERMOSILLO, *et al.*, Respondents.	Case No. 2:26-cv-00270-TLF STIPULATED MOTION TO SEVER AND FOR EXTENSION OF DEADLINES FOR PETITIONER MOHAMED HASAN HUSSAINI Noted for Consideration: February 6, 2026.

Federal Respondents respectfully move, and Petitioners agree and stipulate, to sever Petitioner Mohamed Hasan Hussaini from the above-captioned habeas petition. *See* Dkt. 1. Federal Respondents believe the operative petition joins four unrelated detainees in a single action and that Petitioner Hussaini's circumstances differ fundamentally from those of the remaining petitioners. *Id.* Petitioners agree to the severance of Mr. Hussaini's case for the sole purpose of avoiding delay for the remaining three Petitioners.

Federal Respondents have reason to believe that Petitioner Hussaini presents potential national-security concerns that may require individualized judicial review, distinct from the claims asserted by the other petitioners.

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Federal Respondents submit that severance is warranted under Federal Rules of Civil Procedure 21 and 42, as well as this Court's broad authority to manage its docket to ensure fairness, efficiency, and the orderly adjudication of habeas claims. Federal Rule of Civil Procedure 21 authorizes the Court to "sever any claim against a party" at any time and on just terms. Courts routinely apply Rule 21 in habeas proceedings to separate petitioners whose claims do not arise from a common nucleus of operative fact. *See also* 28 U.S.C. § 2241 (contemplating individualized review of the legality of each petitioner's custody).

Severance is appropriate where, as here, joinder would (1) cause prejudice, (2) create inefficiency or confusion, or (3) require distinct legal and factual determinations. Federal Respondents' position is that his potential national-security profile necessitate evidence and legal analysis wholly distinct from those applicable to the other petitioners. Federal Respondents believe that proceeding jointly would improperly merge unrelated records and frustrate the individualized review that § 2241 requires. As noted above, Petitioner Hussaini agrees to severance for the sole purpose of avoiding prejudice or delay to the three remaining Petitioners.

Federal Respondents also submit that the principles underlying Federal Rule of Civil Procedure 42(b), which permits separate trials or hearings to avoid prejudice and promote convenience and judicial economy, apply with equal force here. Federal Respondents' position is that although the petitioners challenge detention under the same statute, their circumstances do not present "common questions" within the meaning of Rule 42; that Petitioner Hussaini's case may involve unique national-security considerations and potentially sensitive evidence; and that separate adjudication will enable the Court to conduct the individualized assessment these issues require, streamline proceedings, and protect the integrity of any sensitive submissions. Petitioner Hussaini understands that separate adjudication may facilitate the Court's review of his claims without further delaying the adjudication of the remaining Petitioners' claims.

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Federal Respondents further submit that district courts possess broad authority to manage their dockets to ensure the fair and efficient administration of justice. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). Exercising that authority is particularly appropriate in habeas matters, which demand individualized determinations regarding custody. The parties agree to severance in order to prevent prejudice and permit tailored scheduling to allow the Court to address Federal Respondents' allegations of national-security-related issues with the care they require.

Finally, the parties agree and stipulate to an additional seven days for Federal Respondents to file a Return addressing Petitioner Hussaini's distinct circumstances. The parties therefore agree and stipulate that Respondents' return memorandum as to Petitioner Mohamed Hasan Hussaini be due on February 16, 2026, and that Petitioner Hussaini's traverse and the Court's noting date be set for seven days thereafter on February 23, 2026. The response and traverse dates for the remaining three Petitioners in this matter shall remain unchanged in accordance with this Court's scheduling order (Dkt. 7). A proposed order is submitted concurrently.

Dated this 6th day of February, 2026.

Respectfully submitted,

s/ Alixandria K. Morris
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I certify that this memorandum contains 590 words, in compliance with the Local Civil Rules.

NORTHWEST IMMIGRANT RIGHTS PROJECT

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Attorneys for Petitioners

[PROPOSED] ORDER

The Court, having reviewed the pleadings and materials in this case, it is hereby ORDERED that:

1. Federal Respondents' Motion to Sever is GRANTED. Petitioner Mohammad Hasan Hussaini is hereby severed from the above habeas petition. The clerk is directed to assign a new case number as to Petitioner Hussaini.

2. The Court also GRANTS Respondents seven additional days to file a habeas return as to Petitioner Hussaini. Respondents shall file a return to the habeas petition for Petitioner Hussaini no later than February 16, 2026. The return shall be noted on the Court's motion docket for the due date of the Petitioner's traverse – 7 days after the due date of the respondent's return.

3. All other provisions of this Court's order in Dkt. 7 remain in effect as to Petitioner Hussaini.

IT IS SO ORDERED.

DATED this _____ day of _____, 2026.

_____
THERESA L. FRICKE
United States Chief Magistrate Judge

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