

Eric Cascio, WSBA #52941
Law Office of Eric Cascio, PLLC
5608 17th Avenue NW, Suite 1966
Seattle, WA 98107
Phone: (206) 399-3468
Email: ec@casciolaw.net

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

Jose Ismael Recinos Acosta

Petitioner

vs.

Case No.

Laura HERMOSILLO, Seattle Field Office Acting
Director, Enforcement and Removal Operations,
U.S. Immigration and Customs Enforcement;
Bruce SCOTT, Warden, Northwest ICE Processing
Center;
Kristi NOEM, Secretary of Department of Homeland
Security; and,

PETITION FOR WRIT OF
HABEAS CORPUS

Respondents

PARTIES

1. Petitioner Jose Ismael Recinos Acosta (“Petitioner”) is detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Northwest ICE Processing Center (“NWIPC”) in Tacoma, Washington. Petitioner’s A-number is [REDACTED].

2. Respondent Bruce Scott is the Facility Administrator/Warden of NWIPC and Petitioner’s immediate physical custodian, sued in his official capacity.

3. Respondent Laura Hermosillo is the Seattle Field Office Acting Director (or Acting Field Office Director) for ICE Enforcement and Removal Operations (“ERO”), sued in her official capacity.

4. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”), sued in her official capacity.

JURISDICTION

5. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in federal custody within this District and seeks habeas relief to prevent irreparable constitutional process harm and to preserve this Court’s ability to adjudicate custody-related constitutional claims without mootness caused by transfer or removal.

6. This Court also has jurisdiction under 28 U.S.C. § 1331 because Petitioner’s claims arise under the Constitution and laws of the United States, including the Fifth Amendment.

7. Petitioner does not ask this Court to review the merits of any removal order.

8. Venue is proper in the Western District of Washington because Petitioner is

1 confined at NWIPC in Tacoma, Washington and Respondents exercise custody and control over
2 Petitioner in this District.

3 NATURE OF THE ACTION

4 9. Petitioner seeks process-preserving relief narrowly focused on preventing removal
5 or out-of-district transfer from irreparably depriving Petitioner of meaningful access to counsel
6 and adjudicators on time-sensitive proceedings, and from mooted this Court's ability to provide
7 effective habeas relief.

8 10. Petitioner requests prompt entry and application of this District's standard
9 immigration-habeas scheduling order and notice protections, including notice to Petitioner's
10 counsel prior to any action to remove Petitioner from the United States or transfer Petitioner out
11 of the Western District of Washington during the pendency of this case.

12 FACTUAL BACKGROUND

13 11. On November 12, 2025, the Immigration Court in Tacoma denied Petitioner's
14 application for cancellation of removal and ordered Petitioner removed to El Salvador. Exhibit A
15 is the Immigration Court removal order/summary.

16 12. On January 27, 2026, the Immigration Court held a custody/bond hearing and
17 denied bond. Exhibit B is the Immigration Court custody/bond order.

18 13. On January 2, 2026, Petitioner was informed late in the evening that he would be
19 deported the following morning. Petitioner has been subjected to rapid removal execution risk
20 that does not track ordinary business-hour timelines.

21 14. On February 1, 2026, Petitioner filed with the Board of Immigration Appeals via
22 EOIR ECAS a Motion to Accept Late Appeal (Equitable Tolling) and an Emergency Motion to
Stay Removal.

15. On February 3, 2026, Petitioner filed in the Immigration Court a Motion to Reopen accompanied by an Emergency Motion to Stay Removal and a Motion to Expedite.

16. Petitioner obtained a law-enforcement certification on Form I-918 Supplement B signed January 26, 2026.

17. On February 2, 2026, Petitioner's U-visa filing packet and waiver materials were placed in the mail to USCIS.

18. Counsel is pursuing the Immigration Court motion to reopen and stay request described above in part in light of the U-visa submission on February 2, 2026 and related supporting materials.

19. Removal or an out-of-district transfer on a rapid timeline would irreparably impair Petitioner's meaningful access to counsel and adjudicators on time-sensitive proceedings, including pending emergency stay requests.

20. Removal or out-of-district transfer would also threaten to moot this Court's ability to adjudicate this Petition and provide effective relief.

EXHAUSTION / ADMINISTRATIVE REMEDIES

21. Petitioner has pursued available administrative relief, including: (a) a Motion to Accept Late Appeal (Equitable Tolling) and Emergency Motion to Stay Removal filed with the Board of Immigration Appeals on February 1, 2026; and (b) a Motion to Reopen with an accompanying Emergency Motion to Stay Removal and Motion to Expedite filed with the Immigration Court on February 3, 2026.

22. No administrative remedy can provide the process-preserving relief Petitioner seeks

1 on the timeframe required to prevent irreparable harm from imminent removal or out-of-district
2 transfer, and requiring additional exhaustion would be futile or inadequate under the
3 circumstances. See *Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541–42 (9th Cir. 2004).

4
5 FIRST CLAIM FOR RELIEF

6 (Fifth Amendment Due Process – Meaningful Access to Counsel and Adjudicators)

7 23. Petitioner incorporates paragraphs 1 through 21.

8 24. Petitioner faces imminent removal or out-of-district transfer actions that would
9 deprive him of meaningful access to counsel and adjudicators in connection with pending
10 emergency stay requests and closely related proceedings.

11 25. Executing removal or transfer before those processes can function on the only
12 timeline that matters inflicts irreparable constitutional process harm.

13 SECOND CLAIM FOR RELIEF

14 (28 U.S.C. § 2241 – Habeas and Ancillary Relief to Preserve Jurisdiction and Prevent
15 Irreparable Injury)

16 26. Petitioner incorporates paragraphs 1 through 24.

17 27. Petitioner is in custody within this District. This Court may grant habeas relief
18 and ancillary injunctive relief necessary to prevent irreparable constitutional injury and to
19 preserve the Court’s ability to adjudicate this Petition on an expedited basis.

20 PRAYER FOR RELIEF

21 28. Petitioner respectfully requests that the Court:

22 A. Issue an order directing Respondents to show cause why the writ should not be
granted and proceed on the expedited immigration habeas schedule used in this District;

1 B. Promptly enter and apply this District's standard immigration-habeas scheduling
2 protections, including notice to Petitioner's counsel prior to any action to remove Petitioner from
3 the United States or transfer Petitioner out of the Western District of Washington during the
4 pendency of this case;

5 C. In the alternative, if the Court concludes that notice-based scheduling protections
6 are insufficient to prevent irreparable constitutional process harm or mootness on the present
7 facts, order Petitioner released from physical ICE custody under reasonable conditions of
8 supervision (including, as appropriate, electronic monitoring, reporting, and residence at a fixed
9 address) for the limited purpose of preserving meaningful access to counsel and adjudicators
10 during the pendency of these proceedings;

11 D. Grant interim relief as necessary to prevent mootness and preserve the Court's
12 jurisdiction; and

13
14 E. Grant such other and further relief as the Court deems just and proper.

15
16 Dated this 4th day of February, 2026.

17
18 /s/ Eric Cascio
19 Eric Cascio, WSBA #52941
20 Law Office of Eric Cascio, PLLC
21 5608 17th Avenue NW, Suite 1966
22 Seattle, WA 98107
(206) 399-3468
ec@casciolaw.net

Counsel for Petitioner

VERIFICATION

Eric Cascio, being duly sworn upon oath, hereby states: I represent the Petitioner in these habeas corpus proceedings. I have discussed with the Petitioner and his family the matters alleged in the foregoing Petition. I verify that the information contained in the foregoing Petition is true and correct to the best of my knowledge and belief.

Dated: February 4, 2026

/s/ Eric Cascio

Eric Cascio, WSBA #52941
Law Office of Eric Cascio, PLLC
5608 17th Avenue NW, Suite 1966
Seattle, WA 98107
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Jose Ismael Recinos Acosta

Petitioner

vs.

Case No.

Laura HERMOSILLO, Seattle Field Office Acting
Director, Enforcement and Removal Operations,
U.S. Immigration and Customs Enforcement;
Bruce SCOTT, Warden, Northwest ICE Processing
Center;
Kristi NOEM, Secretary of Department of Homeland
Security; and,

DECLARATION OF ERIC
CASCIO

Respondents

1
2 I, Eric Cascio, declare under penalty of perjury as follows:

- 3 1. I am an attorney licensed to practice law in Washington. I represent Petitioner Jose
4 Ismael Recinos Acosta (A# ). I make this declaration based on personal
5 knowledge, client communications, and review of records.
6 2. Petitioner is detained at the Northwest ICE Processing Center (“NWIPC”) in Tacoma,
7 Washington.
8 3. On November 12, 2025, the Immigration Court in Tacoma denied Petitioner’s application
9 for cancellation of removal and ordered Petitioner removed. Exhibit A is the Immigration
10 Court removal order/summary.
11 4. On January 27, 2026, the Immigration Court held a custody/bond hearing and denied
12 bond. Exhibit B is the Immigration Court custody/bond order.
13 5. On January 2, 2026, Petitioner was informed late in the evening that he would be
14 deported the following morning, reflecting rapid removal execution risk that does not
15 track ordinary business-hour timelines.
16 6. On February 1, 2026, Petitioner filed with the Board of Immigration Appeals via EOIR
17 ECAS a Motion to Accept Late Appeal (Equitable Tolling) and an Emergency Motion to
18 Stay Removal.
19 7. On February 3, 2026, Petitioner filed in the Immigration Court a Motion to Reopen
20 accompanied by an Emergency Motion to Stay Removal and a Motion to Expedite.
21 8. Petitioner obtained a law-enforcement certification on Form I-918 Supplement B signed
22 January 26, 2026.

1 9. On February 2, 2026, Petitioner's U-visa filing packet and waiver materials were placed
2 in the mail to USCIS.

3 10. Petitioner seeks process-preserving habeas relief and prompt entry and application of this
4 District's standard immigration-habeas scheduling protections, including notice to
5 counsel prior to any action to remove Petitioner from the United States or transfer
6 Petitioner out of the Western District of Washington during the pendency of this case.

7 11. In the alternative, if the Court concludes that notice-based scheduling protections are
8 insufficient to prevent irreparable process harm or mootness on the present facts, release
9 under reasonable conditions of supervision during the pendency of these proceedings
10 would materially reduce the risk of irreparable injury while remaining narrowly tailored
11 to preserve meaningful access to counsel and adjudicators.

12 I declare under penalty of perjury that the foregoing is true and correct.

13 DATED: February 3rd, 2026, at Seattle, Washington.

14 /s/ Eric Cascio
15 Eric Cascio, WSBA #52941
16 Law Office of Eric Cascio, PLLC
17 5608 17th Avenue NW, Suite 1966
18 Seattle, WA 98107
19 (206) 399-3468
20 ec@casciolaw.net

21 *Counsel for Petitioner*
22

VERIFICATION

Eric Cascio, being duly sworn upon oath, hereby states: I represent the Petitioner in these habeas corpus proceedings. I have discussed with the Petitioner and his family the matters alleged in the foregoing Petition. I verify that the information contained in the foregoing Petition is true and correct to the best of my knowledge and belief.

Dated: February 3, 2026

/s/ Eric Cascio

Magistrate Judge S. Kate Vaughan

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

JOSE ISMAEL RESCINOS ACOSTA,

Petitioner,

v.

BRUCE SCOTT, *et al.*,

Respondents.

Case No. 2:26-cv-00405-SKV

FEDERAL RESPONDENTS' RETURN¹

Noted for Consideration:
February 23, 2026

I. INTRODUCTION

This Court should deny the habeas petition. This is Petitioner Jose Ismael Rescinos' second habeas petition. He filed his first habeas petition challenging the lawfulness of his detention in December of 2025. *Zavala v. Hermosillo*, No. 2:25-cv-02627-TMC, 2025 WL 3721729 (W.D. Wash. Dec. 23, 2025). The government has complied with the district court's order to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a),² providing a basis for legality of his current immigration custody. *Castulo-Cerro, v. Laura Hermosillo*, No. 2:26-cv-00437-TMC,

¹ Respondent Bruce Scott is not a federal official and is not represented by undersigned counsel.

² Federal Respondents do not concede that Petitioner is detained pursuant to 8 U.S.C. § 1226(a). However, this issue is not before this Court.

2026 WL 395324, at *2 (W.D. Wash. Feb. 12, 2026) (denying habeas relief because the petitioner had a bond hearing finding which provided a separate basis for the legality of his custody).

Petitioner now brings his second habeas petition – not challenging the lawfulness of his detention – seeking injunctive relief enjoining his removal from the United States or transfer outside of this District. In the alternative, he seeks release from detention. This Court should deny the requested relief as Petitioner has failed to demonstrate that he is entitled to an injunction or release.

II. FACTUAL BACKGROUND

Petitioner is a native and citizen of El Salvador who entered the United States at an unknown place in or about 2006 without admission or parole. Correa Decl., ¶ 3. On September 2, 2025, the Federal Bureau of Investigation arrested Petitioner after having determined that he was unlawfully present in the United States. Correa Decl., ¶ 4; Lambert Decl., Ex. A, Form I-213; Ex. B, Warrant or Arrest. Petitioner was transferred to ICE custody. Correa Decl., ¶ 4.

U.S. Department of Homeland Security (“DHS”) issued Petitioner a notice to appear that charged him as removable under 8 U.S.C. § 1182(a)(6)(A)(i), which placed him in removal proceedings at the Tacoma Immigration Court. Correa Decl., ¶ 5; Lambert Decl., Ex. C, Notice to Appear. On October 1, 2025, the immigration court denied Petitioner’s bond request after finding that he was subject to mandatory detention. Correa Decl., ¶ 6. Petitioner subsequently filed an application for relief from removal. Correa Decl., ¶ 7. On November 12, 2025, the immigration judge denied Petitioner’s application for relief and ordered him removed to El Salvador. Correa Decl., ¶ 8; Dkt. No. 1, Order of the Immigration Judge, at ECF 13-16. Thereafter, Petitioner unsuccessfully attempted to file an administrative appeal of the removal order with the Board of Immigration Appeals (“BIA”). Correa Decl., ¶¶ 9-12, 14. The BIA accepted the appeal on February 1, 2026, and it remains pending. Correa Decl., ¶ 15. In addition, Petitioner has a pending

1 motion to remand pending with the BIA. Correa Decl., ¶ 16. As a result, Petitioner is not subject
2 to an administratively final order of removal.

3 On December 19, 2025, eight detainees at the Northwest ICE Processing Center, including
4 Petitioner, filed a habeas petition seeking enforcement of the district court's declaratory relief as
5 members of the Bond Eligible Class from *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-
6 TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). *Zavala v. Hermosillo*, No. 2:25-cv-02627-
7 TMC, 2025 WL 3721729 (W.D. Wash. Dec. 23, 2025). The district court granted the habeas
8 petition, and in relation to Petitioner, ordered a bond hearing pursuant to 8 U.S.C. § 1226(a). *Id.*
9 On January 27, 2026, the immigration court held the court-ordered bond hearing and found that
10 Petitioner presents a flight risk. Correa Decl., ¶ 13; Dkt. No. 1, Order of the Immigration Judge,
11 at ECF 18-19.

12 III. LEGAL STANDARD

13 It is axiomatic that “[t]he district courts of the United States . . . are courts of limited
14 jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil*
15 *Corp. v. Allopach Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he
16 scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present
17 day.” *Dep’t of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020). Title 28
18 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions.

19 To warrant a grant of habeas corpus, the petitioner must demonstrate that his or her custody
20 is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3).

21 IV. ARGUMENT

22 Petitioner is not entitled to the relief he seeks here. He asserts that he would suffer
23 irreparable harm if transferred out of this District or removed while his visa application is pending.

24 Pet., ¶¶ 17-19. Specifically,

1 Petitioner seeks process-preserving relief narrowly focused on preventing removal
2 or out-of-district transfer from irreparably depriving [him] of meaningful access to
3 counsel and adjudicators on time-sensitive proceedings, and from mooted this
Court's ability to provide effective habeas relief.

4 Pet., ¶ 9.

5 As a preliminary point, Petitioner has not provided any legal basis for his release from
6 immigration detention. He has not demonstrated that his detention is unconstitutionally indefinite
7 as defined in *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Hong v. Mayorkas*, No. 2:20-cv-1784, 2021
8 WL 8016749, at *6 (W.D. Wash. June 8, 2021), *report and recommendation adopted*, 2022 WL
9 1078627 (W.D. Wash. Apr. 11, 2022). Nor has he claimed that his detention is unlawful.

10 Furthermore, any relief concerning his potential removal is speculative at this point.
11 Petitioner is not subject to an administratively final order of removal because he has an appeal
12 pending before the BIA. Thus, he cannot be removed. 8 U.S.C. § 1231(a)(1)(B). A habeas
13 petition "cannot be used to seek relief for claims that are speculative or otherwise not ripe for
14 review." *Van Huynh v. Bondi*, No. 25-cv-2093-KKE, 2025 WL 3534210, at *5 (W.D. Wash. Dec.
15 10, 2025). "For a case to be ripe, the issues presented must be definite and concrete, not
16 hypothetical or abstract." *Id.* (internal quotation marks and citation omitted). Any order
17 concerning Petitioner's removal would require this Court to improperly issue an advisory opinion.
18 *Thomas v. Anchorage Equal Rights Comm'n*, 220 F.3d 1134, 1138 (9th Cir. 2000).

19 Even if Petitioner was subject to a final order of removal, 8 U.S.C. § 1252(g) would strip
20 this Court of jurisdiction to stay his removal. *Rauda v. Jennings*, 55 F.4th 773, 777-78 (9th Cir.
21 2022). Finally, Petitioner's filing of a U visa petition does not effect DHS's authority to execute
22 a final order of removal. 8 C.F.R. § 214.14(c)(1)(ii) (the filing of a U visa petition "has no effect
23 on ICE's authority to execute a final order"). Accordingly, this Court should deny Petitioner's
24 request to enjoin any speculative, future removal.

1 Likewise, Petitioner is not entitled to a stay of a speculative, future out-of-district transfer.
2 Petitioner asserts that “an out-of-district transfer on a rapid timeline would irreparably impair
3 Petitioner’s meaningful access to counsel and adjudicators on time-sensitive proceedings,
4 including pending emergency stay requests.” Pet., ¶ 19. But he provides no factual support to
5 demonstrate a likelihood of irreparable injury that would entitle him to permanent injunctive relief.
6 *eBay Inc. v. MercExchange, LLC*, 547 U.S. 388, 391 (2006). The Petition does not even address
7 the likelihood of his transfer out of the District, or why he believes that he will be subject to
8 transfer.

9 Finally, Petitioner incorrectly asserts that a transfer “would also threaten to moot this
10 Court’s ability to adjudicate this Petition and provide effective relief.” Pet., ¶ 20. Jurisdiction
11 attaches to the district court at the time of filing. *Francis v. Rison*, 894 F.2d 353, 354 (9th Cir.
12 1989). Therefore, even if Petitioner were transferred, this Court would maintain jurisdiction over
13 this habeas matter.

14 Accordingly, Petitioner is not entitled to an order enjoining a potential future transfer or
15 removal.

16 CONCLUSION

17 For the foregoing reasons, this Court should deny the Petition.

18 //

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24 //

1 DATED this 18th day of February, 2026.

2 Respectfully submitted,

3 s/ Michelle R. Lambert

4 MICHELLE R. LAMBERT, NYS #4666657

5 Assistant United States Attorney

6 United States Attorney's Office

7 Western District of Washington

8 1201 Pacific Ave., Ste. 700

9 Tacoma, WA 98402

10 Phone: (253) 428-3824

11 Fax: (253) 428-3826

12 Email: michelle.lambert@usdoj.gov

13 *Attorney for Federal Respondents*

14 *I certify that this memorandum contains 1,279*
15 *words, in compliance with the Local Civil Rules.*

Magistrate Judge S. Kate Vaughan

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Center;

Kristi NOEM, Secretary of Department of Homeland
Security; and,

Respondents.

Case No. 2:26-cv-00405-SKV

**PETITIONER'S TRAVERSE TO
FEDERAL RESPONDENTS'
RETURN**

I. INTRODUCTION

Petitioner Jose Ismael Recinos Acosta filed this habeas petition seeking narrow, process-preserving relief to prevent removal or transfer from depriving him of meaningful access to counsel and adjudicators during the pendency of time-sensitive administrative proceedings. Petitioner did not challenge the lawfulness of his detention or seek release from custody.

Federal Respondents' Return (Dkt. 5) asks this Court to deny the petition on the grounds that Petitioner's removal concerns are "speculative" and that *Castulo-Cerro v. Hermosillo* forecloses relief. Both arguments fail on their own terms. More fundamentally, the Return omits critical evidence—a near-deportation event on January 2, 2026, just ten days after this Court's order in *Zavala*—that directly refutes the characterization of Petitioner's concerns as speculative.

II. SUPPLEMENTAL FACTUAL RECORD

Since the Return was filed on February 18, 2026, the following material developments have occurred:

On February 26, 2026, the Board of Immigration Appeals ("BIA") issued an Interim Order (Appellate Immigration Judge Mullane) formally accepting Petitioner's appeal as timely and indicating that a briefing schedule will be set. Cascio Traverse Decl. ¶ 4; Exhibit C. The removal order is non-final. BIA proceedings are expected to extend for a substantial period, likely well over a year.

Also on February 26, 2026, Petitioner filed a bond appeal with the BIA. Cascio Traverse Decl. ¶ 6.

As of March 2, 2026, Petitioner has been detained at the Northwest ICE Processing Center ("NWIPC") for six months. Cascio Traverse Decl. ¶ 5.

**III. THE JANUARY 2, 2026 NEAR-DEPORTATION REFUTES
RESPONDENTS' SPECULATION ARGUMENT**

The Return's central argument is that Petitioner's removal concerns are "speculative" because the BIA appeal prevents execution of the removal order. Return at 4. This characterization is contradicted by evidence Respondents chose not to discuss.

On January 2, 2026—ten days after this Court ordered Petitioner's bond hearing in *Zavala v. Hermosillo*, No. 2:25-cv-02627-TMC (W.D. Wash. Dec. 23, 2025)—ICE officers woke Petitioner late at night at NWIPC and informed him he was being deported to El Salvador the following morning. Recinos Acosta Decl. (Ex. A) ¶ 3. Petitioner told the officers about the Court's Order and asked them to contact his attorney. *Id.* The officers did not appear to acknowledge his statements and proceeded with deportation preparations until approximately 7:00 a.m. on January 3, 2026, when the removal was finally stopped. *Id.*

Two weeks later, on January 16, 2026, Deportation Officer Sheldon A. Benjamin sent an email to undersigned counsel confirming that Petitioner had been "promptly removed from the ICE AIR manifest" and was "currently labeled in our systems as to not be removed until after his bond hearing." Exhibit B. The fact that this confirmation was necessary two weeks after the January 2 attempted removal—and that Petitioner apparently remained on the ICE AIR manifest during that intervening period—indicates that this was not a single aberrant event but a pattern of removal processing that required multiple interventions to correct.

Neither the Return nor the Correa Declaration (Dkt. 6) mentions this incident. Officer Correa's declaration provides a procedural history of the case through February 2026 but entirely omits ICE's attempt to remove Petitioner in apparent disregard of this Court's *Zavala* order. The

1 government cannot characterize removal risk as “speculative” while simultaneously omitting
2 from the record evidence of an actual removal attempt.

3 **IV. THE CASE SHOULD REMAIN OPEN**

4 Petitioner acknowledges that several favorable developments have occurred since the
5 petition was filed. The BIA has formally accepted Petitioner’s appeal. The Court’s scheduling
6 order provides notice protections. Respondents have represented that they will not execute
7 removal during the BIA appeal.

8 These developments substantially address the immediate concerns that prompted the
9 petition. Petitioner does not seek additional injunctive relief at this time. Petitioner respectfully
10 requests, however, that the Court maintain jurisdiction under the existing scheduling order rather
11 than dismiss the petition.

12 The conditions that prompted the petition have not been eliminated—they have been
13 managed. ICE demonstrated a willingness to initiate removal without providing notice to counsel
14 and in apparent disregard of a federal court order. The BIA appeal will extend for a substantial
15 period, but if it is ultimately denied, removal risk reactivates immediately. This Court’s
16 continued oversight under the scheduling order serves a legitimate function in ensuring that the
17 process protections currently in place are maintained.

18 In the alternative, should the Court conclude that the petition has been rendered moot by
19 the scheduling order and Respondents’ commitments, Petitioner requests dismissal without
20 prejudice to refiling should circumstances change.

21 Petitioner reserves the right to seek leave to amend to assert additional claims, including
22 claims arising from the duration of his detention, as circumstances warrant.

V. RESPONDENTS’ REMAINING ARGUMENTS DO NOT WARRANT DISMISSAL

1 **A. Castulo-Cerro Is Inapposite**

2 Respondents cite *Castulo-Cerro v. Hermosillo*, No. 2:26-cv-00437-TMC, 2026 WL
3 395324 (W.D. Wash. Feb. 12, 2026), for the broad proposition that a bond hearing provides an
4 independent basis for the legality of detention. That case addressed a materially different
5 question: whether a challenge to mandatory detention under § 1225(b)(2) is mooted when an
6 Immigration Judge has made an independent merits finding of flight risk and danger to the
7 community. (Critically, the *Castulo-Cerro* court denied relief only as to petitioner Hernandez
8 Santos, whose IJ found him to be both a flight risk and a danger to the community and set no
9 alternative bond amount. Slip op. at 3–4. In the same order, the court *granted* habeas relief for
10 three petitioners who had received bond hearings with alternative bond amounts (\$10,000,
11 \$15,000, and \$30,000 respectively). Id. at 1–2, 4. Respondents’ citation thus overstates the
12 decision’s holding.) This petition does not challenge the statutory authority for Petitioner’s
13 detention or seek to relitigate the bond denial. It seeks process-preserving relief—a
14 fundamentally different form of habeas relief that *Castulo-Cerro* did not address.

15 **B. § 1252(g) Does Not Strip Jurisdiction**

16 Respondents argue that 8 U.S.C. § 1252(g) strips this Court’s jurisdiction to stay
17 removal. But this petition does not ask the Court to enjoin the execution of a removal order. It
18 seeks to preserve Petitioner’s ability to access counsel and the courts during pending
19 administrative proceedings—precisely the type of process-preserving relief that habeas
20 jurisdiction under 28 U.S.C. § 2241 exists to provide. *See INS v. St. Cyr*, 533 U.S. 289, 301
(2001).

21 **C. The U-Visa Argument Is a Non Sequitur**

22

1 Respondents argue that a U-visa filing does not independently bar removal, citing 8
2 C.F.R. § 214.14(c)(1)(ii). Petitioner has never contended otherwise. The U-visa is relevant only
3 as context for the multiple avenues of administrative relief that remain pending and the equities
4 that weigh in favor of maintaining the status quo.

5 **D. The Transfer Argument Undercuts Respondents' Position**

6 Respondents contend that transfer concerns are speculative and, in any event, that
7 jurisdiction attaches at filing. *See Francis v. Rison*, 894 F.2d 353, 354 (9th Cir. 1990). Petitioner
8 agrees that jurisdiction attaches at filing. But that does not eliminate the practical harm that
9 transfer would cause: disruption of counsel access, separation from the jurisdiction where
10 administrative proceedings are pending, and potential interference with this Court's ability to
11 provide effective relief. The scheduling order's notice requirement appropriately addresses this
12 concern.

13 Finally, the Court should note Respondents' footnote 2, in which they "do not concede
14 that Petitioner is detained pursuant to 8 U.S.C. § 1226(a)." Return at 1 n.2. This reservation is
15 inconsistent with this Court's declaratory judgment in *Rodriguez Vazquez v. Bostock*, 802 F.
16 Supp. 3d 1297, 1336 (W.D. Wash. 2025), which declared that Bond Denial Class members—
17 including Petitioner—are detained under § 1226(a). Petitioner preserves his position that he is
18 detained under § 1226(a) pursuant to that binding order.

19 **VI. CONCLUSION**

20 For the foregoing reasons, Petitioner respectfully requests that the Court maintain
21 jurisdiction over this matter under the existing scheduling order. In the alternative, Petitioner
22 requests dismissal without prejudice to refiling should circumstances change.

Respectfully submitted,

Dated this 3rd day of March, 2026.

/s/ Eric Cascio

Eric Cascio, WSBA #52941
Law Office of Eric Cascio, PLLC
5608 17th Avenue NW, Suite 1966
Seattle, WA 98107
(206) 399-3468
ec@casciolaw.net

Counsel for Petitioner

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Magistrate Judge S. Kate Vaughan

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Laura HERMOSILLO, et al.,

Respondents.

Case No. 2:26-cv-00405-SKV

**DECLARATION OF ERIC CASCIO
IN SUPPORT OF TRAVERSE**

I, Eric Cascio, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 as follows:

1. I am counsel for Petitioner Jose Ismael Recinos Acosta in the above-captioned matter.

I submit this declaration in support of Petitioner's Traverse to Federal Respondents' Return.

2. Attached as **Exhibit A** is a true and correct copy of the Declaration of José Ismael Recinos Acosta. In this declaration, Mr. Recinos Acosta describes the events of January 2–3, 2026, when ICE officers at NWIPC informed him he was being deported to El Salvador and proceeded with deportation preparations until the removal was stopped the following morning.

3. Attached as **Exhibit B** is a true and correct copy of an email dated January 16, 2026, from Deportation Officer Sheldon A. Benjamin of ICE Enforcement and Removal Operations at NWIPC, sent to me and copying multiple attorneys at the U.S. Attorney's Office. In this email,

1 Officer Benjamin confirms that Mr. Recinos Acosta had been “promptly removed from the ICE
2 AIR manifest” and was “currently labeled in our systems as to not be removed until after his
3 bond hearing.” I received this email in the ordinary course of my representation of Mr. Recinos
4 Acosta.

5 4. Attached as **Exhibit C** is a true and correct copy of the Interim Order issued by the
6 Board of Immigration Appeals on February 26, 2026 (Appellate Immigration Judge Mullane),
7 formally accepting Mr. Recinos Acosta’s appeal as timely and indicating that a briefing schedule
8 will be set. This order post-dates Respondents’ Return, which was filed on February 18, 2026.

9 5. As of March 2, 2026, Mr. Recinos Acosta has been continuously detained at NWIPC
10 for six months, having been placed in ICE custody on September 2, 2025.

11 6. On February 26, 2026, I filed a bond appeal with the BIA on behalf of Mr. Recinos
12 Acosta.

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

15
16 Executed on March 3, 2026, at Seattle, Washington.

17
18 /s/ Eric Cascio
19 Eric Cascio, WSBA #52941
20 Law Office of Eric Cascio, PLLC
21 5608 17th Avenue NW, Suite 1966
22 Seattle, WA 98107
(206) 399-3468
ec@casciolaw.net

Counsel for Petitioner

NORMA ESTRELLA ZAVALA, et al.,
Petitioners,

v.

LAURA HERMOSILLO, et al.,
Respondents.

DECLARATION OF JOSÉ ISMAEL RECINOS ACOSTA
(In Support of Motion to Enforce Habeas Order)

I, José Ismael Recinos Acosta, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. My name is José Ismael Recinos Acosta. My A-Number is [REDACTED]. I am a Petitioner in this action. I am currently detained at the Northwest ICE Processing Center in Tacoma, Washington. I make this declaration to provide this Honorable Court with a factual account of events related to the Court's binding Order of December 23, 2025.

The Court's Order and the Government's Actions

2. I understand that on December 23, 2025, this Court issued an Order in my case that declared I am being detained under 8 U.S.C. § 1226(a). I understand the Order required the government to either release me or provide me with a bond hearing under that law.
3. Late in the evening of January 2, 2026, officers from Immigration and Customs Enforcement (ICE) woke me up at the detention center and told me I was being deported to El Salvador early the next morning. I was terrified. I knew from conversations with my family earlier that day about the Court's Order, and I told the officers that they should not be deporting me. I told them they should talk to my attorney. The officers did not seem to care what I said and proceeded with the preparations to remove me. These deportation procedures continued until around 7:00 a.m. the following morning, January 3, when I was finally told the removal was stopped.
4. I understand that my attorney has scheduled a hearing for me before an Immigration Judge for the purpose of obtaining the bond hearing that this Court ordered. I intend to appear at that hearing to ask for my release.

My Case for Release on Bond

5. The facts of my life show that I am not a danger to the community or a flight risk. My continued detention, in violation of this Court's order, is causing extreme hardship to me and my family.

A. I Am Not a Danger to the Community

6. I am not a danger to any person or the community. I have never been arrested for or convicted of any crime in the United States. I have also never been arrested for or convicted of any crime in my home country of El Salvador, and I have provided the Court with an official certificate confirming this.

7. I am not a person who causes harm; I am a victim of a violent crime. In April 2023, I was stabbed in the back by a former coworker in an unprovoked attack. I was seriously injured and required major surgery at Harborview Medical Center, including thoracoscopic procedures and the placement of a chest tube.

8. After the attack, I fully cooperated with the Seattle Police Department in their investigation. Because of my helpfulness, the Seattle Police Department officially certified my application for a U-Visa, confirming I was the victim of a felonious assault and was helpful to law enforcement.

B. I Am Not a Flight Risk

9. I am not a flight risk. My entire life is here in Washington, where I have lived for almost twenty years since 2006. If released, I will reside at our family home at [REDACTED] [REDACTED] Seattle, WA 98125.

10. My most important ties are to my family here in Washington. My spouse, Maria, and our 11-year-old U.S. citizen son, [REDACTED], depend on me completely for financial support and as a father and husband. My sister, Mabel, also lives in the area. My family is suffering greatly without my income, and my only desire is to return home to care for them.

11. I have a long and consistent history of employment. For nearly twenty years, I have worked as a chef at Delfino's Chicago Style Pizza. My employer, Jay, has confirmed in a signed letter that my job as a senior chef is waiting for me upon my release and that he is willing to post a bond for me. In January 2025, I was honored to be named Employee of the Month for the entire University Village business district, a public recognition of my hard work and positive character.

12. I have every reason to stay and see my immigration case through to the end. I am actively pursuing three different paths to remain lawfully with my family: (1) an appeal of my Cancellation of Removal case; (2) a U-Visa as a victim of a violent crime; and (3) a family-based visa petition (Form I-130) filed for me by my U.S. citizen sister, Mabel, which was received by USCIS on April 24, 2025. I would never abandon my family or these legal cases by failing to appear in court.

13. I also know that my attorney has been working diligently to appeal the denial of my underlying case to the Board of Immigration Appeals. I understand my attorney filed the appeal on time, but it was rejected for minor technical reasons. My attorney immediately corrected these

and refiled, and we are still waiting for the Board to accept the appeal. I have done everything in my power to follow the rules and fight my case through the proper legal channels.

14. I promise to comply with any and all conditions this Court or any other court may impose upon my release.

15. I respectfully ask this Honorable Court to enforce its Order and grant me the relief I am entitled to.

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

CERTIFICATE OF INTERPRETATION AND UNDERSTANDING

I further declare that this declaration was read to me in full in the English language by my attorney. Although I will use a Spanish interpreter for a formal court hearing to ensure my complete understanding of the legal proceeding, I understand English well enough to have comprehended this document as it was read and explained to me. I had the opportunity to ask questions, and I affirm that I understand the contents of this entire declaration and that it is true and correct.

Executed on this 9 day of January, 2026, at Tacoma, Washington.



Jose Ismael Recinos Acosta, 