

District Judge Jamal N. Whitehead

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

JAIRO ESPINOZA PALACIOS, *et al.*,

Petitioners,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:26-cv-00491-JNW

JOINT EXPEDITED MOTION FOR
BRIEFING SCHEDULE

Noted For Consideration:
February 18, 2026

Pursuant to this Court's Scheduling Order (Dkt. No. 13), Federal Respondents respectfully request an enlarged briefing schedule to extend their deadline to file a return to March 2, 2026. The current deadline is February 25, 2026. Petitioners do not agree to the extension.

On February 10, 2026, eleven Petitioners filed the instant habeas action asserting that their detention at the Northwest ICE Processing Center ("NWIPC") is unlawful because their re-detentions violated procedural due process. They seek an order requiring their release, as well as permanent injunctive relief concerning future detention. Pet., Prayer for Release.

On February 11, 2026, this Court issued a scheduling order requiring Respondents to file a return to the habeas petition no later than February 25, 2026. Order, ¶ 1. The Order requires

1 Petitioners to file any traverse by March 2, 2026. Order, ¶ 2. The Order allows the parties to
2 seek an expedited or, as relevant here, an enlarged briefing schedule through a joint expedited
3 motion. Order, ¶ 6.

4 On February 11, 2026, Federal Respondents' undersigned counsel emailed Petitioner's
5 counsel requesting an extension of the current 14-day briefing schedule to a 21-day briefing
6 schedule. Lambert Decl., Ex. A, Email, dated Feb. 11, 2026. Petitioners' counsel promptly
7 responded that Petitioners would like to proceed under the Court's standard (14-day) schedule.
8 Lambert Decl., Ex. B.

9 **A. Federal Respondents' Request for an Extension of the Return Deadline**

10 For good cause, Federal Respondents seek a 5-day extension of the return deadline. This
11 extension is necessary to allow Federal Respondents' counsel to receive and review immigration
12 records for the eleven, unrelated Petitioners. Federal Respondents' undersigned counsel often
13 does not have access to a petitioner's alien file until 12 or 13 days after a habeas petition is filed.
14 Lambert Decl., ¶ 3. Due to the number of Petitioners in this matter, and the need to obtain separate
15 alien files for each Petitioner, undersigned counsel will likely be unable to review each file prior
16 to the current return deadline. This will prejudice Federal Respondents' ability to present a
17 meaningful response to the Petition. If granted, this extension would provide Federal Respondents
18 the opportunity to file a return responding to the claims of the eleven Petitioners within 20 days
19 from the filing of the Petition, in compliance with 28 U.S.C. § 2243. *See* 28 U.S.C. § 2243
20 (stating that the return shall be provided "within three days unless good cause additional time, not
21 exceeding twenty days, is allowed").

22 While Federal Respondents acknowledge that courts in this District have found that due
23 process requires a pre-deprivation hearing prior to re-detention, it is important that this Court be
24 allowed to review each Petitioner individually. "Due process is flexible and calls for such

1 procedural protections as the particular situation demands.” *Mathews v. Eldridge*, 424 U.S. 319,
2 334 (1976). A review of the Petition demonstrates that each Petitioner entered the United States
3 separately and were released from initial detention on various terms of release. Furthermore, the
4 facts of each Petitioners’ re-detentions differ. For instance, Petitioner Sharp Perez was detained
5 upon her release from criminal detention. Pet., ¶ 139. Accordingly, Federal Respondents should
6 be allowed the opportunity to respond to the Petition after a review of each Petitioners’
7 immigration records.

8 Petitioners object to this short extension of the return deadline because they believe that
9 courts in this District have ruled on habeas matters with similar facts in prior petitions. However,
10 Petitioners have presented this Court with detailed factual allegations concerning their period of
11 release, compliance with the terms of their release, circumstances of their re-detention, and
12 information about what has occurred in detention. Federal Respondents ask that this Court grant
13 them a 5-day extension of the return deadline to allow for a meaningful review of Petitioners’
14 assertions. Otherwise, this Court will not have the benefit of a complete record to determine what
15 procedural protections were required for each Petitioners’ particular situation.

16 Accordingly, Federal Respondents request that the return deadline be extended from
17 February 25, 2026, to March 2, 2026. Federal Respondents do not oppose any request by
18 Petitioners for additional time to file a traverse.

19 **B. Petitioners’ Position**

20 As Petitioners explain in their petition for a writ of habeas corpus, this case presents the
21 same factual and legal questions on which this Court has repeatedly ruled and for which it has
22 repeatedly granted immediate release. *See, e.g.*, Dkt. 1 ¶ 5 (citing cases). While Respondents
23 assert that they need additional time to review this case, a writ of habeas corpus is intended to be
24 “a speedy remedy, entitled by statute to special, preferential consideration to insure [sic]

1 expeditious hearing and determination.” *Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th
2 Cir. 1954). The current schedule—the default schedule created by the Court—ensures that timely
3 review is available while also providing Defendants two weeks to formulate their response.
4 Accordingly, the Court should not afford Respondents additional time to respond to the habeas
5 petition.

6 Respondents’ asserted need for additional time to obtain the A files of Petitioners should
7 not alter the standard briefing schedule. Respondents cannot meaningfully distinguish the
8 Petitioners in this habeas action from similar cases that this Court has already considered and
9 granted. Basing the response time on how long it takes for Respondents’ counsel to obtain A files
10 would provide a basis to alter the schedule in most habeas cases, despite the fact that Petitioners
11 raise claims similar to those that this Court has repeatedly granted. As required by the General
12 Order 10-25, Petitioners provided notice of this petition immediately upon filing to Respondents,
13 leaving them with over two weeks to consult with their clients regarding the basis for arrest in
14 each case. While Respondents assert that they require 12 or 13 days to obtain an A file, there is
15 no reason they cannot consult their clients during those two weeks about why they arrested each
16 of the Petitioners or whether their clients provided Petitioners with any pre-arrest process. After
17 all, it is Respondents who control access to the A file, maintain electronic records regarding them,
18 and made the decision to detain each Petitioner in this action.

19 The Court should also consider the other equities at stake when assessing whether an
20 extension is warranted. Despite decision after decision declaring the re-detention of similarly
21 situated petitioners unlawful, Respondents persist in re-arresting people like the Petitioners here
22 without notice and a pre-deprivation hearing. The Court should not reward that unlawful conduct
23 by further extending Petitioners’ detention when the state of the law means that Petitioners
24 “should never have been forced to file this habeas petition” in the first place. *M.M. v. Hermosillo*,

No. 2:25-CV-02074-TMC, 2026 WL 252076, at *3 (W.D. Wash. Jan. 30, 2026). Moreover, Petitioners are separated from their families, children, and in one case, even a breastfeeding infant (all on plainly unlawful basis). *See* Dkt. 1 ¶¶ 32, 38, 140 (“At the time of her re-detention, Ms. Sharp’s infant son was only a few months old, and her daughter was one.”). Relief is urgently needed here to ensure the significant harm that is already occurring does not last longer, and thus the Court should maintain the standard briefing schedule.

DATED this 18th day of February, 2026.

Respectfully submitted,

s/ Michelle R. Lambert

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I certify that this memorandum contains 1,184 words, in compliance with the Local Civil Rules

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