

Magistrate Judge Brian A. Tsuchida

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

ROSA PADILLA PAZ,

Petitioner,

v.

JULIO HERNANDEZ et al.,

Respondents.

Case No. 2:26-cv-01394-BAT

PETITIONER'S TRAVERSE

Noted for Consideration:
May 13, 2026

INTRODUCTION

In its decision granting a temporary restraining order (TRO), this Court carefully reviewed the factual record and applicable law, concluding that immediate release was warranted. Since that time, nothing has changed: Respondents' return offers no new facts and virtually no new argument, simply re-visiting ground this Court has already rejected. The Court should thus grant the habeas petition.

Here, as at the TRO stage, the key underlying facts here are not in dispute: Petitioner has resided in this country for over two decades and has three U.S. citizen children. She also has a long history of strong community involvement and support as well as employment and tax payments, and a history of criminal and immigration contacts as a young adult when she was suffering from severe domestic violence and human trafficking. Since escaping from an abusive relationship in 2014, Petitioner has had no further criminal involvement. Notably, Petitioner's

1 criminal convictions have since been vacated as legally invalid because they occurred as a direct
 2 result of her having been the victim of intimate partner violence or sexual violence. Petitioner
 3 now has pending applications for U and T visas and an appeal of her removal case pending before
 4 the Board of Immigration Appeals (BIA). Respondents acknowledge that on those facts, the
 5 Immigration Judge (IJ) concluded Petitioner presents a danger to the community and a flight risk.
 6 That conclusion is indefensible and warrants action from this Court to ensure Rosa's liberty while
 7 she awaits a final decision in her immigration proceedings.

8 In urging this Court to keep Petitioner detained on these facts, Respondents rely primarily
 9 on their argument that Rosa should have to wait for an appeal to the BIA to conclude. However,
 10 Rosa has *already* suffered six months of detention waiting for the BIA to rule on her original bond
 11 appeal, which remains pending, and she would now have to start that process over again to
 12 challenge the IJ's most recent denial of bond. The plain legal errors committed here, and the
 13 continuing, irreparable harm Petitioner suffered—and would continue to suffer in detention—
 14 demonstrate that exhaustion is not warranted.

15 On the merits, Respondents argue in various ways that the IJ considered the record and
 16 that the Court should not disturb that conclusion. But the real question is whether the IJ abused
 17 his discretion, and as the Court already found in granting Petitioner's TRO, the record here reflects
 18 he did.

19 ARGUMENT

20 **I. THE COURT HAS JURISDICTION AND REVIEWS AN IJ'S BOND FINDINGS 21 FOR ABUSE OF DISCRETION**

22 Respondents misstate the law when asserting that this Court lacks jurisdiction. *See* Dkt.
 23 17 at 2. In *Martinez v. Clark*, the Ninth Circuit explained that IJ danger or flight risk findings are
 24 "a reviewable mixed question [of law]," notwithstanding 8 U.S.C. § 1226(e). 124 F.4th 775, 783
 25 (9th Cir. 2024).¹ In such cases, the habeas court reviews the IJ decision for abuse of discretion.

26 ¹ While *Martinez* focused on danger findings in IJ bond proceedings, the decision's holding
 27 also applies where "an IJ weighs [the] nine [applicable] factors under BIA precedent" to
 "determine . . . flight risk." 124 F.4th at 783; *see also Anyanwu v. Bondi*, No. C25-995-JLR-MLP,

1 *Id.* at 784; *see also* Dkt. 13 at 8-9 (finding that the Court has jurisdiction and reviews for abuse
2 of discretion).

3 **II. THE COURT SHOULD NOT REQUIRE PRUDENTIAL EXHAUSTION**

4 As other judges in this District have recently held, prudential exhaustion should not be
5 required to challenge the flawed bond decision at issue here. *See Lima Soriano v. Hernandez*, No.
6 2:26-CV-00900-DGE, --- F. Supp. 3d ----, 2026 WL 969764, at *3-4 (W.D. Wash. Apr. 10, 2026)
7 (overturning flight risk finding); *Vazquez Lopez v. Hernandez*, No. C26-0775 TSZ, --- F. Supp.
8 3d ----, 2026 WL 984151, at *2 (W.D. Wash. Apr. 13, 2026); *W.T.M. v. Bondi*, No. 2:25-CV-
9 02428-RAJ-BAT, 2026 WL 262583, at *2-3 (W.D. Wash. Jan. 30, 2026). Respondents err in
10 asserting both that the factors from *Puga v. Chertoff*, 488 F.3d 812 (9th Cir. 2007) require
11 exhaustion, and even if they do, that agency delay and irreparable harm do not excuse it.

12 First, the *Puga* factors do not require exhaustion. In habeas cases, “[t]he exhaustion
13 requirement is prudential, rather than jurisdictional.” *Hernandez v. Sessions*, 872 F.3d 976, 988
14 (9th Cir. 2017). Courts may require prudential exhaustion where “(1) agency expertise makes
15 agency consideration necessary to generate a proper record and reach a proper decision,” “(2)
16 relaxation of the requirement would encourage the deliberate bypass of the administrative
17 scheme,” and “(3) administrative review is likely to allow the agency to correct its own mistakes
18 and to preclude the need for judicial review.” *Id.* (quoting *Puga*, 488 F.3d at 815). Here, these
19 factors favor Petitioner or are neutral.

20 As to the first factor, the challenge here is ultimately a question of law that this Court is
21 better suited to review. Specifically, the Court must address whether, “as a matter of law, the
22 undisputed evidence presented at the bond hearing could establish that Petitioner posed a flight
23 risk.” *Lima Soriano*, 2026 WL 969764, at *3. Federal courts are equally or better suited to
24 resolving such questions of law. *See, e.g., Scott v. Wamsley*, No. 2:25-CV-1819, 2025 WL
25 3514304, at *4 (W.D. Wash. Dec. 8, 2025); *W.T.M.*, 2026 WL 262583, at *2.

26 _____
27 2025 WL 3466910, at *4 (W.D. Wash. Oct. 6, 2025) (stating flight risk is reviewable), *report and
recommendation adopted*, No. C25-0995JLR, 2025 WL 3187485 (W.D. Wash. Nov. 14, 2025).

1 On the second *Puga* factor, exhaustion is not warranted because granting the habeas
2 petition here will help to “provide concrete guidance for future administrative proceedings” as to
3 when someone constitutes a flight risk or danger. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d
4 1239, 1251 (W.D. Wash. 2025); *see also Lima Soriano*, 2026 WL 969764, at *4 (explaining that
5 a decision “would be beneficial to provide the specific immigration court, which regularly
6 handles bond hearings, with guidance on the types of circumstances that may lead to a finding of
7 constitutional deficiency”); *W.T.M.*, 2026 WL 262583, at *2 (similar). Specifically, a ruling here
8 would help to clarify for the immigration court that Rosa’s convictions that were vacated under
9 Cal. Pen. Code § 236.15 cannot serve as a basis for a danger finding. Similarly, the Court can
10 reiterate for the IJ that Rosa’s illegal entries from long ago cannot serve as a basis for concluding
11 that she is a flight risk *today*, many years later. Respondents’ only response is that relaxing
12 exhaustion here may allow the same for other petitioners, Dkt. 17 at 6, but that concern is allayed
13 if this Court clarifies the applicable law. *See Rodriguez Vasquez*, 779 F. Supp. 3d at 1251;
14 *W.T.M.*, 2026 WL 262583, at *2; *Lima Soriano*, 2026 WL 969764, at *4.

15 The last *Puga* factor similarly favors Petitioner, as no meaningful appellate process exists
16 for the agency to correct its mistakes since the BIA takes half a year or more to review detention
17 decisions. *Infra* pp. 4-5. *see also Miri v. Bondi*, No. 5:26-CV-00698-MEMF-MAR, 2026 WL
18 622302, at *11 (C.D. Cal. Mar. 5, 2026) (holding this factor favored the petitioner because “the
19 prolonged nature of appeals before the [BIA]” means “requiring Miri to appeal . . . would result
20 in unreasonable and unconstitutional continued detention”).

21 Second, even if the *Puga* factors require exhaustion, irreparable harm and futility warrant
22 excusing that requirement. That harm flows from the BIA’s lengthy timeline for adjudicating
23 custody appeals. *See Rodriguez Vazquez*, 779 F. Supp. 3d at 1248 (“In 2024, EOIR data showed
24 an average processing time of 204 days for bond appeals.”); *W.T.M.*, 2026 WL 262583, at *3
25 (waiving exhaustion for this reason). Indeed, Rosa’s own bond appeal has been pending for over
26 six months without a decision. *See* Dkt. 3-2 ¶ 32. She spent that entire time in what this Court
27 has already recognized is likely unlawful detention, *see* Dkt 13 at 8-14, underscoring that

1 requiring administrative exhaustion would simply result in irreparable harm by extending her
 2 unlawful detention for months.² Furthermore, as the Court already found, pursuit of
 3 administrative remedies would be a futile gesture, as it is Respondents' position under its recent
 4 EOIR policy that Petitioner is subject to mandatory detention under § 1225. Dkt. 13 at 7.

5 **III. THE IJ'S FLIGHT RISK AND DANGER FINDINGS WERE AN ABUSE OF** 6 **DISCRETION**

7 As to the merits, Respondents fail to meaningfully respond to Petitioner's abuse of
 8 discretion arguments. Instead, Respondents assert that the hearing was fair because Petitioner
 9 "received a hearing, represented by counsel, where she had the opportunity to present or rebut
 10 any evidence that may bear on her dangerousness or flight risk." Dkt. 17 at 8. Respondents
 11 further contend that the IJ "weighed the evidence" and that Rosa's arrests and entries from many
 12 years ago demonstrate the IJ's decision was not an abuse of discretion. *Id.* at 11-12.

13 That analysis, like the IJ's, bears little resemblance to the factors and caselaw on flight
 14 risk and danger. Under those factors, Ms. Padilla Paz's basis for relief is straightforward. At a
 15 bond hearing, IJs must assess the following factors:

16 (1) whether the [noncitizen] has a fixed address in the United States; (2) the
 17 [noncitizen]'s length of residence in the United States; (3) the [noncitizen]'s family
 18 ties in the United States, and whether they may entitle the [noncitizen] to reside
 19 permanently in the United States in the future; (4) the [noncitizen]'s employment
 20 history; (5) the [noncitizen]'s record of appearance in court; (6) the [noncitizen]'s
 21 criminal record, including the extensiveness of criminal activity, the recency of
 22 such activity, and the seriousness of the offenses; (7) the [noncitizen]'s history of
 23 immigration violations; (8) any attempts by the [noncitizen] to flee prosecution or
 24 otherwise escape from authorities; and (9) the [noncitizen]'s manner of entry to the
 25 United States.

26 *Martinez*, 124 F.4th at 783 (citing *In re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006)). Bond
 27 determinations based on these factors must "bear a rational relationship between the governing
 legal standards and the facts and evidence in a given case. Where those minimum requirements
 are not met, a resulting bond denial decision violates due process." *Soto Gimenez v. Hernandez*,

² Respondents' brief also appears to assert that Rosa was required to address exhaustion in her
 petition. See Dkt. 17 at 6. This is not the law. See *Jones v. Bock*, 549 U.S. 199, 211-17 (2007).

1 No. 2:26-CV-00966-GJL, 2026 WL 1156075, at *8 (W.D. Wash. Apr. 29, 2026). No such rational
2 relationship exists here. Notably, this case is part of a growing pattern of cases in which the
3 Tacoma IJs' flight risk and danger findings are divorced from the reality presented by the records
4 before them and lack "objective rationale." *Lima Soriano*, 2026 WL 969764, at *5 (overturning
5 flight risk finding); *see also, e.g., Vazquez Lopez*, 2026 WL 984151, at *2 ("The record
6 unequivocally contradicts the immigration judge's finding of dangerousness and flight risk.
7 Petitioner has children who are citizens of, and therefore rooted in, the United States, other
8 family members in the local area, steady employment, and community connections developed
9 over a 20-year period."); *Escalante Perez v. Hernandez*, No. C26-0956 TSZ, 2026 WL 1004559,
10 at *2 (W.D. Wash. Apr. 14, 2026) (overturning flight risk finding for noncitizen who resided in
11 the United States for over a decade and has U.S. citizen children); *Loya Medina v. Hernandez*,
12 No. 2:26-CV-00772-GJL, 2026 WL 1260848, at *7 (W.D. Wash. May 7, 2026) (granting habeas
13 petition that presented the "same circumstances" as *Lima Soriano*); *Garcia Ortiz v. Henkey*, No.
14 1:26-CV-00043-BLW, 2026 WL 948275, at *4 (D. Idaho Apr. 7, 2026) (remarking of a bond
15 hearing held by Tacoma IJ that the record "create[d] the appearance that the Immigration Judge
16 was looking to rationalize a preordained decision to deny bond rather than conducting a genuine
17 individualized assessment of Petitioner's circumstances"). As in these cases, the IJ's decisions
18 here similarly lack an objective basis and constitute an abuse of discretion.

19 **A. The danger finding was an abuse of discretion.**

20 This Court already properly recognized that the IJ abused his discretion when granting
21 the TRO. The record is unchanged since that decision. In assessing danger, the "most pertinent"
22 factor "is the [noncitizen]'s criminal record, including the extensiveness of criminal activity, the
23 recency of such activity, and the seriousness of the offenses." *Martinez*, 124 F.4th at 783 (citation
24 modified). These factors "grant an IJ broad discretion to weigh the listed factors and add any
25 factors not mentioned or discount those that are less probative." *Id.* at 783-84.

26 Here, the IJ simply recounted the fact of Rosa's prior involvement in drug sales, without
27 regard for the vacatur of her two convictions stemming from that conduct or the voluminous

1 evidence regarding their context and Rosa's changed circumstances and rehabilitation.
2 Specifically, the IJ found Petitioner to be a danger because she had "engaged in distribution of
3 rock cocaine in San Francis[c]o on at least 4 occasions between 2010 and 2014." Dkt. 3-11.
4 However, the IJ failed to address that the criminal court had since vacated her convictions
5 pursuant to California Penal Code § 236.15, *see generally* Dkt. 3-11, finding Petitioner lacked
6 the requisite intent to commit the offenses because she committed them as a direct result of being
7 a victim of intimate partner violence, and the convictions were invalid due to legal defect at the
8 time of the arrest or conviction. *See* Dkt. 3-6 at 7-11 (vacatur of 2010 conviction under Cal. Pen.
9 Code § 236.15); Dkt. 3-8 at 37 (vacatur of 2014 conviction under Cal. Pen. Code § 236.15). It is,
10 of course, black letter law that an act committed without the requisite culpable mental state is not
11 a crime. The IJ's decision ignores this fundamental principle and is plainly erroneous. Relatedly,
12 by ignoring the vacatur orders, the IJ also failed to consider the context of those crimes, instead
13 fixating only on the allegations set forth in the police reports.

14 The IJ's insistence that Rosa is a danger also ignores the requirement to consider the
15 "recency" of the offense. *See Martinez*, 124 F.4th at 783 (citing *In re Guerra*, 24 I. & N. Dec. at
16 40 (IJ must consider "the [noncitizen]'s criminal record, *including the extensiveness of criminal*
17 *activity, the recency of such activity, and the seriousness of the offenses*" (emphasis added)));
18 *Singh v. Holder*, 638 F.3d 1196, 1206 (9th Cir. 2011), *abrogated on other grounds as recognized*
19 *by Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1202 (9th Cir. 2022) (an IJ "must" consider "the
20 recency and severity of [an] offense[]," as "a [offense] could have occurred years ago, and the
21 [noncitizen] could well have led an entirely law-abiding life since then.").

22 Here, these factors further underscore the IJ's abuse of discretion. Petitioner's offenses
23 occurred twelve or more years ago. *See* Dkt. 3-6 (criminal history chart); Dkt. 3-7 at 4, 6 (2025 I-
24 213 summary of criminal history); Dkt. 3-5 at 8 (declaration of Rosa). The criminal court since
25 found by clear and convincing evidence that she committed them because she was the victim of
26 intimate partner violence. *See* Dkt. 3-6 at 7-11 (vacatur of 2010 conviction under Cal. Pen. Code
27 § 236.15); Dkt. 3-8 at 37 (vacatur of 2014 conviction under Cal. Pen. Code § 236.15); Cal. Pen.

Code § 236.15 (“The petitioner shall establish, by clear and convincing evidence, that the arrest or conviction was the direct result of being a victim of intimate partner violence or sexual violence that demonstrates that the person lacked the requisite intent to commit the offense. Upon this showing, the court shall find that the person lacked the requisite intent to commit the offense and shall therefore vacate the conviction as invalid due to legal defect at the time of the arrest or conviction.”). Since Petitioner escaped that abusive relationship in 2014, she has led a law-abiding life and raised her three children as a single mother. *See* Dkt. 3-5 at 6-10 (declaration of Petitioner), 19-22 (children’s birth certificates), 29-33 (declaration of daughter Jennifer), 40-41 (letter of support of co-sponsor Joc Wilson), 68 (declaration of [REDACTED]), 75 (declaration of [REDACTED]), 98 (letter of daughter’s school principal), 100-101 letter from after-school site director), 103-104 (letter from community social worker), 114- 24 (Tax Returns); Dkt. 3-18 at 251 (letter of support from family liaison at daughters’ elementary school), 254-55 (letter of support from outreach coordinator & community liaison at local community center), 257-66 (letters of support from other community members).

The uncontested record thus shows the offenses that the IJ considered in finding Petitioner to be a danger have been vacated for cause, are “essentially ancient history,” and that Petitioner has since fully rehabilitated and led a productive, law-abiding life. *Vasquez Lopez*, 2026 WL 984151, at *3. The IJ’s finding of dangerousness is thus unsupported by evidence and an abuse of discretion.

B. The IJ’s flight risk finding was an abuse of discretion.

The IJ also abused his discretion in finding Petitioner to be a flight risk, minimizing and ignoring the extensive record demonstrating Petitioner’s deep ties to the community, established residence, U.S. citizen children, and strong support network. *See generally* Dkt. 3-11; Dkt. 3-5 19-22 (children’s birth certificates), 24-33 (declaration of daughter Jennifer), 40-41 (letter of support of co-sponsor Joc Wilson), 51 (lease for her home since 2022), 68 (declaration of [REDACTED]), 75 (declaration of [REDACTED]), 98 (letter of daughter’s school principal), 100-101 letter from after-school site director), 103-104 (letter from community social worker), 114-

1 24 (Tax Returns); Dkt. 3-18 at 251 (letter of support from family liaison at daughters' elementary
2 school), 254-55 (letter of support from community liaison at local community center), 257-66
3 (letters of support from other community members).

4 Instead of engaging the record, the IJ cited two factors to support the flight risk finding.
5 First, the IJ point to Rosa's prior removals to Mexico. Dkt. 3-11. And while he acknowledged
6 that those removals were at the direction of her abusive partner, *id.*, he failed to explain why her
7 unauthorized re-entry into the United States fifteen years ago demonstrates Petitioner is a risk of
8 flight *today*. *Lima Soriano*, 2026 WL 969764, at *5 (finding the IJ abused his discretion in
9 finding flight risk in part because "[t]he IJ provides no explanation why an unauthorized reentry
10 into the United States 25 years ago would motivate Petitioner to uproot his family from his
11 community (or abandon his family) to avoid immigration officials and flee").

12 Second, the IJ points to Rosa's denied applications. Dkt. 3-11. The BIA directs that an IJ
13 "may consider the likelihood that relief from removal will be granted in determining whether an
14 alien warrants a bond" based on the rationale that a noncitizen who likely faces inevitable
15 removal may be less likely to appear at future removal hearings. *Matter of R-A-V-P-*, 27 I. & N.
16 Dec. 803, 805 (B.I.A. 2020). But "[w]hile it might be rational to draw such conclusion based on
17 the specific facts presented in a particular case, the IJ did not explain how the relative strengths
18 or weaknesses of Petitioner's claims for relief outweighed the specific circumstances presented
19 in this case." *Lima Soriano*, 2026 WL 969764, at *5. The IJ noted Petitioner's significant family
20 connections and roots in the San Francisco community, but then "concluded without explanation
21 that Petitioner's challenges in establishing relief automatically supported finding Petitioner a
22 '[extremely] poor bail risk.'" *Id.* The IJ provided no rationale for the conclusion that, under
23 Petitioner's circumstances, she would try to flee rather than appear in immigration court to
24 pursue claims for relief from removal proceedings. *Id.* Nor did the IJ address Petitioner's
25 subsequent filing of U and T visa applications, which provided alternative grounds for relief
26 from removal. *See* Dkt. 3-2 at 8-9; Dkt. 3-20.

C. The IJ had jurisdiction to grant bond.

Finally, the IJ erred as a matter of law in deeming Petitioner mandatorily detained under § 1225(b). Respondents do not contest otherwise, and accordingly, the Court should also grant the petition on this basis and hold that § 1226(a) provided the basis for Rosa's detention. *See Rodriguez Vazquez v. Bostock*, 802 F. Supp. 3d 1297 (W.D. Wash. 2025).

IV. RESPONDENTS DO NOT RESPOND TO PETITIONER'S SUBSTANTIVE DUE PROCESS ARGUMENT

Respondents again fail to respond to Petitioner's claim that her detention violates substantive due process. *See* Dkt. 1 ¶¶ 44-89; *see generally* Dkt. 17. Such a failure to contest constitutes waiver of an argument. *See, e.g., United States v. Murguia-Rodriguez*, 815 F.3d 566, 572 (9th Cir. 2016) (government waives issue where it fails to argue it); *United States v. Dreyer*, 804 F.3d 1266, 1277 (9th Cir. 2015) (en banc) (the responding party "waives any argument it fails to raise in its answering brief"); *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025) (granting petition where government did not argue merits of due process issue); *Soleimani v. Larose*, No. 25-cv-3082-DMS-DEB, 2025 WL 3268412, *3 (S.D. Cal. Nov. 24, 2025) (granting habeas petition where government's response to the petition failed to respond to numerous claims raised in the petition).

In any event, Respondents cannot meaningfully contest that all the substantive due process factors favor Petitioner. Respondents do not contest that Petitioner's civil detention (331 days total prior to the issuance of the TRO) was prolonged. *See* Dkt. 17 at 7-10. Nor do they respond to Petitioner's arguments that government delay favors Petitioner, Dkt. 2 at 13-14; that the conditions of confinement are carceral in nature and punitive as applied to her, *id.* at 17-18; and that she is not a present flight risk or danger, *id.* at 14-17; *see generally* Dkt. 17. Respondents merely argue that because she was given a bond hearing, she has received some process and that is all that is due. *See* Dkt. 17 at 6-12. The Constitution and caselaw in this Circuit show otherwise. *See* Dkt. 1 ¶¶ 44-89.

1 When Respondents address Petitioner's due process arguments at all, they conflate
 2 procedural and substantive due process. *See* Dkt. 17 at 7-10 (applying the test from *Mathews v.*
 3 *Eldridge*, 424 U.S. 319 (1976)). Substantive due process "protects individuals from arbitrary
 4 deprivation of their liberty by government." *Brittain v. Hansen*, 451 F.3d 982, 991 (9th Cir.
 5 2006). Unlike procedural due process, substantive due process "forbids the government to
 6 infringe certain 'fundamental' liberty interests *at all*, no matter what process is provided, unless
 7 the infringement is narrowly tailored to serve a compelling state interest." *Reno v. Flores*, 507
 8 U.S. 292, 301-02 (1993).

9 **V. RESPONDENTS' VERIFICATION ARGUMENT LACKS MERIT.**

10 Respondents' final argument is a procedural objection: that Rosa did not verify her
 11 petition. Dkt. 17 at 12-13. Counsel effectively verified the petition on Petitioner's behalf, as both
 12 28 U.S.C. § 2242 and Local Civil Rule 100(e) both contemplate. Counsel's sworn declaration
 13 sets forth the key facts underlying the petition and authenticates the documents accompanying
 14 the petition. *Compare* Dkt. 3 ¶¶ 3, 19, with L. Civ. R. 100(e) (requiring person making
 15 verification to "state he or she knows the facts set forth therein, or if upon information and belief,
 16 the sources of his or her information shall be stated"). Those documents contain *hundreds* of
 17 pages of evidence, most of which are agency records, and the petitioner's own declaration. *See*
 18 *generally* Dkts. 3, 3-1. Collectively, these documents provided a robust factual basis for the
 19 petition. Indeed, Respondents identify no allegation as being false or unsupported.

20 Notably, in other situations where Respondents have raised this issue, the Court has
 21 looked to whether evidence supported the petition to determine whether verification is needed.
 22 For example, in *Barraza Enriquez v. Mullin*, No. 2:25-CV-02352-LK, 2026 WL 838357, at *1
 23 (W.D. Wash. Mar. 26, 2026), Judge King noted that the lack of verification would be alleviated
 24 where a declaration attested to the same facts. And in *Singh v. Bondi*, No. C26-0477-KKE, 2026
 25 WL 586230 (W.D. Wash. Mar. 2, 2026)—the Court considered the issue of verification because
 26 the petitioner submitted no evidence. This case could not be more different, as voluminous
 27 evidence was submitted. Ultimately, there is "no authority for the proposition that it is reversible

error for the district court to address the merits of an unverified petition,” *Hendricks v. Vasquez*, 908 F.2d 490, 491 (9th Cir. 1990), and Petitioner has provided the Court with ample evidence to substantiate the allegations in her petition and reach the merits.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant a writ of habeas corpus and order her continued release. Petitioner further requests that the Court specify that any conditions of release may not include electronic monitoring, such as a GPS or ankle bracelet. *See Vasquez Lopez*, 2026 WL 984151, at *4 (prohibiting electronic monitoring absent cause).

Respectfully submitted this 13th day of May, 2026.

s/ Aaron Korthuis

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I certify that this motion contains 4,079 words, in compliance with the Local Civil Rules.

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