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Attorneys for Petitioner

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Portland Division

M-J-M-A-, an adult,

Petitioner,

v.

CAMMILLA WAMSLEY, Seattle Field
Office Director, Immigration and Customs
Enforcement and Removal Operations
("ICE/ERO"); TODD LYONS, Acting
Director of Immigration Customs
Enforcement ("ICE"); U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT; KRISTI
NOEM, Secretary of the Department of
Homeland Security ("DHS"); U.S.
DEPARTMENT OF HOMELAND
SECURITY; and PAMELA BONDI, Attorney
General of the United States,

Respondents.

Case No. 6:25-cv-02011-MTK

Agency No. AXXX-XXX-902

**MOTION FOR PRODUCTION OF
PETITIONER AT HEARING AND
PROVISION OF
INTERPRETEATION**

The present motion seeks an order to compel the in-person presence of the Petitioner at her hearing on November 4, 2025, and the provision of an interpreter in the Spanish language so that she may meaningfully participate in her case. In the alternative, but less preferred by Petitioner, Petitioner requests that the Court order her presence by video. Pursuant to LR 7-1, counsel for Petitioner certifies that Petitioner's counsel contacted counsel for Respondent who advised that Respondents take no position on the motion.

I. Production of the Body of Petitioner M-J-M-A-

The Court should order Respondents to transport the Petitioner to her November 4, 2025 hearing in person because the statute requires it and there is no meaningful alternative to effectuate her right to be present at the hearing. Unless the petition only presents issues of law, “the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained.” 28 U.S.C. § 2243. The formal production of the Petitioner's body is necessary in a case in which (1) the court does not dismiss the petition as facially insufficient, (2) the court determines that a hearing is necessary after considering the return to its show cause order, and (3) the petition, together with the answer, presents issues of fact. *Roman v. Ashcroft*, 162 F. Supp. 2d 755, 759 (N.D. Ohio 2001); *Armentero v. I.N.S.*, 412 F.3d 1088, 1098 (9th Cir. 2005) (Berzon, J. dissenting from denial of petition on an unrelated procedural ground, referencing *Roman* on the merits and summarizing the rule).

Here, the petition has not been dismissed as facially insufficient and there are issues of fact that require resolution, including but not limited to whether Respondents had a lawful basis for Petitioner's warrantless arrest under the U.S. Constitution, 8 U.S.C. § 1357, and the *Nava* Broadcast Policy. And while Respondents have not yet filed a return because of the accelerated nature of the temporary restraining order timeline, the reasons for Petitioner's presence remain

equally urgent in terms of providing her access to a hearing at which her liberty will be determined. Thus, the Court should order Respondent to produce M-J-M-A- in person for her November 4 hearing or, in the alternative, provide her access by video.

II. Provision of Interpretation for Petitioner at the Hearing

The Court should provide an interpreter in the Spanish language for the November 4, 2025, hearing. “It is long-settled that a competent translation is fundamental to a full and fair hearing.” *Perez-Lastor v. I.N.S.*, 208 F.3d 773, 778 (9th Cir. 2000) (collecting cases). The Guide to Judiciary Policy provides guidance on the provision of interpretation and established that:

A judge must appoint interpreters in judicial proceedings instituted by the United States, if the judge determines that a party or a witness speaks only or primarily a language other than English or has a hearing impairment (whether or not also having a speech impairment), so as to inhibit that person’s comprehension or communication in the proceeding.

See Guide to Judiciary Policy §110, Vol. 5, U.S. Courts, April 23, 2025, available at https://www.uscourts.gov/sites/default/files/document/guide_vol05.pdf. In particular, the guidelines provide that 28 U.S.C. § 2241 habeas corpus proceedings are considered to be judicial proceedings instituted by the United States and that “a judge *must* appoint an interpreter for such in-court judicial proceedings when . . . the petitioner speaks only or primarily a language other than English” and this fact “inhibits” “the petitioner’s comprehension of the proceedings” or “communication with counsel or the presiding judge.” *Id.* at § 230 (emphasis added).

Interpretation is required in the present case because M-J-M-A- speaks a language other than English; she speaks Spanish. In order to comprehend the proceedings and to communicate during the proceedings, she will need a Spanish interpreter and therefore, interpretation services are warranted.

III. The Requested Order Would Not Unduly Prejudice Respondents

A Court order that Petitioner must be present in person at the November 4 hearing (or, in the less preferred alternative, by video) and providing her with Spanish interpretation does not unduly prejudice Respondents. Respondents share the interest of abiding by the law, including 28 U.S.C. § 2243, which requires them to produce Petitioner under the current circumstances. *See, e.g., Lujan v. Defs. of Wildlife*, 504 U.S. 555, 576 (1992) (discussing “the public interest in Government observance of the Constitution and laws”). Respondents also take no position on this motion.

IV. Conclusion

For the reasons set forth above, Petitioner respectfully requests that the Court order Respondents to produce the body of Petitioner at the hearing set for November 4, 2025, at 8:00 AM, and to order the provision of Spanish interpretation so she can meaningfully participate in her proceedings.

Respectfully submitted on November 1, 2025.

s/ Stephen W Manning
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