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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

**PETITIONER'S MOTION TO
COMPEL DISCOVERY AND
SUPPORTING MEMORANDUM**

LR 7-1 CERTIFICATION

Pursuant to Local Rule 7-1 and in compliance with Federal Rule of Civil Procedure 37(a)(1), Petitioner's counsel certify that the parties have conferred in good faith on the issues presented in this motion. On November 17, 2025, the parties conferred on Petitioner's motion to compel by telephone conference at 1:15pm PT. On November 18, 2025, Respondents' counsel Ariana Garousi provided the following position by e-mail:

At this point, we're unable to take a position on the motion because we are still in the good faith conferral process. I'd appreciate it if you told the Court in the LR 7-1 certification that we cannot take a position because we're still engaged in the good faith meet and confer process about your concerns as I am still speaking with the agency about your requests. If you are unable to include my explanation in your certification, I may notify the Court via email to clarify our position. Additionally, Respondents oppose a two-day response deadline to the motion to compel.

MOTION

Pursuant to Rule 37(a) of the Federal Rules of Civil Procedure, Petitioner moves to compel Respondents to comply with Petitioner's discovery requests as ordered by this Court on October 31, 2025. *See* ECF 14. Petitioner respectfully moves for an order compelling the limited discovery requested by Petitioner pursuant to this Court's order. *See* ECF 13 ¶ 6.

Specifically, Petitioner requests that the Court order the completion of discovery on Petitioners' three Requests for Production that were served on Respondents on November 1, 2025. *See* Declaration of Tess Hellgren ("Hellgren Decl."), Exhibit A, Petitioners' First Set of Requests for Production ("First RFPs"), including the following relevant responsive documents:

- For RFP 1, "[a]ll documents relied on by Respondents" that led to Petitioner's October 30 arrest, not only documents naming Petitioner specifically. At minimum, these documents should include:
 - Any manifest, muster, or daily agenda issued by or to the Respondents for October 30, 2025;

- Any relevant instructions to or communication with or from “Arrest Team #7”, referenced in Respondents’ initial discovery response as responsible for Petitioner’s October 30 arrest; and
- All documents pertaining to “Operation Fortifying the Border” and its implementation in Oregon, referenced in Respondents’ initial discovery response as the operation that led to Petitioner’s October 30 arrest.
- For RFP 2, all relevant requested documents, not limited to Petitioner’s A-file, including:
 - Written or recorded communications responsive to the RFP; and
 - Any custody determination made pursuant to 8 U.S.C. § 1226(a). *See Cantrell Decl. ¶ 3* (stating that “Petitioner was previously detained pursuant to authority under INA § 236(a).”).
- For RFP 3, Petitioner’s unredacted A-file.

Petitioner requests that the Court order that Respondents produce the requested documents no later than Monday, November 24, 2025. Petitioners further request that if the Court desires a response from Respondents before adjudicating this motion, the Court order such response due no later than Thursday, November 20, 2025. This Motion is supported by the memorandum below.

MEMORANDUM IN SUPPORT OF MOTION

After Petitioner served her Requests for Production (“RFPs”) on Respondents on November 1, Respondents had two weeks to seek clarification of the RFPs or to raise concerns with their scope and content. They did not do so. Instead, on November 15, Respondents produced 46 pages of incomplete discovery alongside a Response citing multiple objections, confusion over “vague” terms, and misinterpreting Petitioner’s three RFPs. In light of Respondents’ undue delay and to promote the efficient conclusion of the discovery process, and particularly in light of the expedited nature of habeas proceedings and the upcoming December 2 hearing, the Court should grant Petitioner’s Motion to Compel.

I. RELEVANT BACKGROUND

On October 31, 2025, this Court ordered discovery. ECF 13 ¶ 6 (“Petitioner is entitled to file Requests for Production by November 1, 2025 at 11:59pm. Respondents’ Responses are due by November 15, 2025 at 11:59pm.”). On November 1, 2025, Petitioner served Respondents with three Requests for Production. *See* First RFPs.

During the hearing on November 4, 2025, Petitioner’s counsel summarized these Requests for Production for the Court and Respondents’ counsel:

[Petitioner] made three requests. So, one, just the documents relied on by the respondents or pertaining to the petitioner that led to her stop and arrest on Thursday, October 30th, including, but not limited to, a manifest, muster, or daily agenda issued by the respondents for that day.

The second request were all documents involved in the detention and processing of the petitioner in the course of her detention, and since October 30th -- and we particularly asked for -- these are immigration forms -- a form called an I-213; an I-200 warrant for arrest, if any; any documents the petitioner signed, was requested to sign, or was presented to her; any documents related to a transfer decision; any notice to appear, which is also an immigration document; and any further booking records related to that -- related to her.

And then the third request was what is called her A-file or her complete immigration file.

Transcript of Nov. 4 Motion Hearing, ECF 29, at 30-31. Respondents’ counsel represented to the Court that she did not “anticipate concerns” in producing documents leading up to the Petitioner’s detention and related to her arrest in detention in Oregon. *Id.* at 31. Neither before nor after the hearing did Respondents’ counsel raise any questions or concerns with Petitioner regarding the scope or meaning of Petitioner’s Requests for Production. Hellgren Decl. ¶ 3.

On November 15, 2025, Respondents provided a Response to Petitioners’ Requests for Production, along with 46 pages of partially-redacted discovery. *See* Hellgren Decl., Ex. B, Respondents’ Response to Petitioner’s First Request for Production (hereinafter “Resp.”).¹

¹ Petitioner is not submitting the discovery to the Court with this motion, given that it contains identifying details pertaining to Petitioner; however, if the Court requires visibility of the initial
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MEMORANDUM

Respondents' counsel explained by e-mail that certain information had been redacted as "law enforcement sensitive." *See* Hellgren Decl. ¶ 5. On November 17, Respondents filed their Response to Petitioner's Brief in Support of their Petitioner, ECF 33, including a supporting Declaration of ICE Assistant Field Office Director Matthew Cantrell ("Cantrell Decl."), ECF 34. Director Cantrell indicated without further explanation that "Petitioner was previously detained pursuant to authority under INA § 236(a)." Cantrell Decl. ¶ 3.

II. LEGAL STANDARD

A petitioner seeking a writ of habeas corpus challenging unlawful executive detention is entitled to limited discovery under 28 U.S.C. § 2246 and the Federal Rules of Civil Procedure when good cause is shown. *Harris v. Nelson*, 394 U.S. 286, 299-300 (1969); *Smith v. Mahoney*, 611 F.3d 978, 996-97 (9th Cir. 2010); Rule 6(a) of the Rules Governing Section 2254 Cases in the United States District Courts ("Rules for 2254 Cases"). "Good cause [for discovery] exists 'where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . , entitled to relief.'" *Mahoney*, 611 F.3d at 996-97 (quoting *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997)). The "court should not hesitate to allow discovery, where it will help illuminate the issues underlying the applicant's claim." *Gaitan-Campanioni v. Thornburgh*, 777 F. Supp. 1355, 1356 (E.D. Tex 1991).

Where an opposing party has failed to cooperate, "a party may move for an order compelling disclosure or discovery", including to compel an answer to an interrogatory or to compel production of documents. Fed. R. Civ. Proc. 37(a)(1), (a)(3)(B)(iii)-(iv). "[A]n evasive or incomplete disclosure, answer, or response must be treated as a failure to disclose, answer, or respond." *Id.* 37(a)(4).

discovery response in order to adjudicate this Motion, Petitioner will promptly file the initial discovery with a Motion to Seal.

III. ARGUMENT

Despite the Court's Order granting Petitioner's limited and relevant discovery, and Petitioner's further summary of requested discovery at the November 4 hearing, Respondents object and misinterpret the scope of Petitioner's Requests for Production. Respondents' initial discovery produced omits relevant documents responsive to all three of Petitioners' Requests for Production.

Because Respondents have failed to fully cooperate in the limited discovery that this Court has already approved, which Petitioner has good cause to request, the Court should grant Petitioner's motion to compel the discovery that was already granted in the Court's October 31 Order and further discussed at the November 4 hearing.

A. Respondents' objections to Petitioner's already-granted discovery requests are meritless

Respondents' boilerplate objections to Petitioner's limited discovery requests are without merit. *See generally* Resp. Petitioner's requested discovery goes to the heart of her habeas petition by addressing whether Respondents had a lawful basis for taking her into custody on October 30, 2025. To date, Respondents have failed to properly set forth the true cause of Petitioner's detention – the most information they have provided is that “Petitioner was previously detained pursuant to authority under INA § 236(a)”, Cantrell Decl. ¶ 3, though it is unclear whether this refers to the detention that occurred on October 30. Petitioner's Requests for Production thus crucially seek relevant discovery pertaining to the basis of Petitioner's arrest, the details (or lack) of Petitioner's custody determination, and the timeline of enforcement actions and limitations on access to counsel that resulted in Petitioner's stop, arrest, and transfer to detention in Tacoma, Washington. *See* First RFPs at 6.

The discovery granted by this Court is thus directly relevant to testing the legality of Petitioner’s detention – the core issue in this case. *See Mahoney*, 611 F.3d at 996 (explaining that good cause exists “where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief . . .”) (quoting *Bracy*, 520 U.S. at 908-09).

B. Respondents should provide complete responses to RFPs 1 and 2.

Respondents do not provide complete responses to RFPs 1 and 2. *See* Resp. at 4-5.

Respondents misinterpret RFP 1 as only referring to documents naming Petitioner specifically. Petitioner’s RFP 1 clearly requests those documents *or* “[a]ll documents relied on by Respondents.” *See* First RFPs at 6. At minimum, these documents should include the documents that Petitioners’ counsel enumerated at the November 4 hearing: the manifest, muster, or daily agenda issued by the Respondents for October 30, 2025. Transcript of Nov. 4 Motion Hearing, ECF 29, at 30-31. Respondents’ discovery references “Arrest Team #7”, *see* Hellgren Decl. ¶ 5; RFP 1 necessarily encompasses instructions to that team that led to Petitioner’s arrest. Additionally, Respondents’ discovery references “Operation Fortifying the Border” as the broader enforcement action responsible for Petitioner’s October 30 arrest, *see id.*; RFP 1 necessarily encompasses relevant documents pertaining to Operation Fortifying the Border and its implementation in Oregon.

Respondents also misinterpret RFP 2 as duplicative of RFP 3. RFP 2 does not ask only for Petitioner’s A-file; it encompasses relevant “documents” that, as defined in Petitioner’s Requests for Production, encompass a range of responsive materials, including any relevant correspondence, that go beyond the bounds of the A-file. *See* First RFPs at 2 (defining “Document(s)”). Indeed, RFP 2 enumerates a number of documents and was further explained at the November 4 hearing;

neither at that point or afterward did Respondents' counsel raise any concerns regarding vagueness or comprehension. *See id.* at 6; Hellgren Decl. ¶ 3; Transcript of Nov. 4 Motion Hearing, ECF 29, at 30-31. In addition to the documents already provided by Respondents, the Court should order full compliance with RFP 2, including but not limited to any custody determination made pursuant to 8 U.S.C. § 1226(a). *See Cantrell Decl.* ¶ 3 (stating that "Petitioner was previously detained pursuant to authority under INA § 236(a).").

C. Respondents should provide Petitioner's unredacted immigration records

Respondents represent that they have produced Petitioner's A-file. Resp. at 3. However, a number of redactions have been made, apparently based on the fact that this information is "from a CBP database that ICE is not able to disclose without authorization from CBP and is considered law enforcement sensitive." *See Hellgren Decl.* ¶ 5. The Court should order Respondents to provide Petitioner's unredacted records to her in full.

The requested immigration records are Petitioner's own records to which she is entitled by law. Even separate from these proceedings, Petitioner has a statutory right to request her own records under the Freedom of Information Act (FOIA). *See* 5 U.S.C. § 552. Where records are withheld pursuant to FOIA, specific enumerated grounds must be cited and justified. 8 U.S.C. § 552(b) (listing nine specific exemptions). Here, Respondents object to production of Petitioner's A-file by citing that this information is generally "law enforcement sensitive." Resp. at 6.

Even if the redacted information were properly withheld under FOIA, it should be provided to Petitioner in the context of this case. First, Respondents do not need permission from CBP to release this information to Petitioner. CBP is a component agency of DHS, a Respondent in this case. Moreover, even if CBP were not overseen by a party in this suit, Respondents are required to produce this information to Petitioner's as it is under their "custody and control", the correct

discovery inquiry. *See Concepcion v. F.B.I.*, 780 F.Supp.2d 46, 48 n.2 (D.D.C. 2011). Second, to the extent Respondents have valid confidentiality concerns, Petitioner is willing to discuss a protective order for this information. *See Hellgren Decl.* ¶ 5.

IV. CONCLUSION

For the reasons above, the Court should grant Petitioner's Motion to Compel and order the prompt completion of discovery on Petitioners' three Requests for Production that were served on Respondents on November 1, 2025, including but not limited to the following relevant responsive documents:

- For RFP 1, “[a]ll documents relied on by Respondents” that led to Petitioner's October 30 arrest, not only documents naming Petitioner specifically. At minimum, these documents should include:
 - Any manifest, muster, or daily agenda issued by or to the Respondents for October 30, 2025;
 - Any relevant instructions to or communication with or from “Arrest Team #7”, referenced in Respondents' initial discovery response as responsible for Petitioner's October 30 arrest; and
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- For RFP 2, all relevant requested documents, not limited to Petitioner's A-file, including:
 - Written or recorded communications responsive to the RFP; and
 - Any custody determination made pursuant to 8 U.S.C. § 1226(a). *See Cantrell Decl.* ¶ 3 (stating that “Petitioner was previously detained pursuant to authority under INA § 236(a).”).
- For RFP 3, Petitioner's unredacted A-file.

Petitioner requests that the Court order that Respondents produce the requested documents no later than Monday, November 24, 2025. Petitioners further request that if the Court desires a response from Respondents before adjudicating this motion, the Court order such response due no later than Thursday, November 20, 2025.

Respectfully submitted on November 18, 2025.

s/ Jordan Cummings
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