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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

M-J-M-A-,

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

Petitioner,

v.

**LAURA HERMOSILLO; TODD
LYONS; U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT;
KRISTI NOEM; U.S. DEPARTMENT
OF HOMELAND SECURITY;
PAMELA BONDI,**

**RESPONDENTS' NOTICE OF
COMPLIANCE WITH THE
COURT'S ORDER REGARDING
PRODUCING WITNESSES AT THE
EVIDENTIARY HEARING**

Respondents.

The government provides notice that it has complied with the Court's Orders of October 31 and November 4, 2025, by arranging to produce relevant witnesses at the December 2, 2025, evidentiary hearing. The government further advises that it declines to produce four additional government employees identified by counsel for

Petitioner because those people do not properly fall within the contours of the Court's orders.

The petition for a writ of habeas corpus in this case alleges that Immigration and Customs Enforcement (ICE) officers unlawfully arrested Petitioner in violation of the Fourth Amendment. The day after the petition was filed, the Court held a status conference. The Court announced a briefing schedule and asked the parties whether they sought an evidentiary hearing. Counsel for Petitioner said he anticipated examining his client and any ICE officers who submitted a declaration in support of the government's briefing:

THE COURT: [Since] this is going to be an evidentiary hearing, you will have live testimony, Mr. Manning?

MR. MANNING: I anticipate that, Your Honor. Yes.

THE COURT: And how many witnesses do you think you will be calling?

MR. MANNING: Your Honor, we would probably call two witnesses; so the petitioner [MJMA] and then one other witness. ... If there's a declaration that comes with the return from, you know, one of the clients, Ms. Garousi's clients, we probably want to question that individual as well.

Oct. 31 Hr'g Tr. 20:7–20:17.

Immediately after that colloquy, the Court expanded the scope of the hearing:

It's been my observation in some of these cases that I've now had assigned to me that the declarations have been unusually and regrettably ambiguous, unclear, and when I've asked counsel to help me understand some of the references that have been made in declarations, the answer is "I don't have an answer for that," which is not a very gratifying answer for me since I need to ensure that a

record is made complete, both for my assessment and for that of any appellate court.

To that end, the arresting agents on the scene and anyone else with additional knowledge with respect to the basis for this petitioner's detention shall be made available in person to testify subject to direct and cross-examination and the examination of this Court at the time of this evidentiary hearing. The failure to comply and produce those – that individual or individuals will be defiance of my court order and subject to additional sanctions and considerations of the failing of sufficient evidence for defending the case.

So I do want to make sure it's clear. Whether a declaration is filed on the government's behalf, the respondent's behalf, I am ordering that the agent or agents that were involved in the detention – arrest and detention of the petitioner be made available to direct and cross by in-person appearance. Not video, not audio. In person.

Id. at 20:23–21:20.

The Court's written order, issued later that day, further expanded the description of witnesses required to appear in person at the December 2, 2025, evidentiary hearing. ECF 13 at 4. Specifically, instead of requiring the presence of “the arresting agents on the scene,” the Court ordered the in-person appearance of the “agent(s) or officer(s) involved in Petitioner's arrest[.]” *Id.* And instead of requiring the presence of “anyone else with additional knowledge with respect to the basis for this petitioner's detention,” the Court ordered the in-person appearance of “anyone else with knowledge of the basis for Petitioner's detention.” *Id.*

On November 4, 2025, the Court held a hearing on Petitioner's request for temporary restraining order. Given that Petitioner's request for a TRO was partly

based on events that allegedly happened at the ICE facility in Portland, the Court again verbally ordered additional witnesses be present:

Okay. And, Ms. Garousi, in my order on Friday, I – I ordered that – that there will be live testimony from your clients, people – I had been originally anticipating the people that were responsible for the arrest of – of the petitioner, but after reviewing the TRO and the declarations from counsel, it appears that there were – the deprivation of right to counsel is a central claim as well, and witnesses – [R]espondents' employees and agents who were responsible for what happened, as alleged by – by the petitioner, relating to the amount of time and opportunity to discuss their cases with attorneys, is also required.

Nov. 4 Hr'g Tr. 38:13–38:23. The Court also directed government counsel to “bring it to the Court’s attention immediately if there’s going to be some complication” with witnesses being produced. *Id.* at 39:5–39:13.

Later that day, the Court issued the another order requiring the following people to attend the December 2, 2025, evidentiary hearing: “(1) Petitioner; (2) the agent(s) or officer(s) involved in Petitioner’s arrest; (3) the agent(s) or officer(s) involved in the alleged deprivation of counsel, including the refusal to allow additional time for Petitioner to speak with counsel; and (4) anyone else with knowledge of the basis for Petitioner’s detention.” ECF 23 at 3.

Government counsel have been interviewing officers in preparation for the evidentiary hearing. The government has identified 12 officers arguably “involved in” Petitioner’s arrest, or who have knowledge of the basis for her detention, or who were arguably “involved in” the alleged deprivation of counsel. *See* ECF 43 (Joint

Witness List, showing nine witnesses on Respondents' list, plus *three* of the eight additional witnesses sought by Petitioner).

Of the 12 witnesses identified by the government, only two live in metropolitan Portland or Seattle. Five live in Colorado. Two live in Arizona. One lives in Nebraska. One lives in Idaho. One lives in southern California. All ten of the out-of-area witnesses have been directed to travel to Portland to prepare for and attend the evidentiary hearing.¹

Yesterday (the day after Thanksgiving), counsel for Petitioner informed government counsel of Petitioner's desire to compel the attendance of five additional government employees² whose appearance on December 2 the government believes is not required by the Court's orders in this case. Those people and their roles are:

- A. **C.S.W., an ICE Supervisory Detention & Deportation Officer** – Based in the Portland metropolitan area. Is a supervisor who was not involved in Petitioner's arrest but whose name mistakenly appears as an arresting officer on the Form I-213 (that was written by an agent who *will be* present at the evidentiary hearing). This error was likely due to the processing officer not being able to locate the actual arresting officer's name in the ICE database. Is

¹ Two witnesses were brought to the attention of government counsel by Petitioner's counsel yesterday (the day after Thanksgiving). One is a DHS agent whose initials are either "B.W." or "B.J.W." The other is an ICE Supervisory Detention & Deportation Officer whose initials are "K.K." Those witnesses have not yet responded to inquiries from ICE counsel and government counsel. One witness lives in Idaho; the other lives in Nebraska.

² Petitioner's counsel also identified "Security Guard at ICE Portland Office" as another witness whose testimony MJMA seeks. ECF 43. Government counsel have not yet identified the security guard.

also shown as an electronic recipient of the I-213 report because a “scratch” version of the I-213 was routed to her to forward to the processing officers whom she supervised.

B. S.P.S., an ICE Deportation Officer – Based in the Portland metropolitan area. Is a Deportation Officer who was not involved in Petitioner’s arrest but whose name appears as a recipient of the report electronically because a “scratch” version of the Form I-213 (that was written by an agent who *will be* present at the evidentiary hearing) was routed to him in the ordinary course of finalizing that document.

C. D.B., an ICE Deportation Officer – Based in Colorado. Was on Arrest Team 7 and in Portland on the day of Petitioner’s arrest but was working elsewhere with a subgroup of Arrest Team 7 when Petitioner was arrested. His only involvement was transporting Petitioner and another woman from Woodburn, Oregon to the Portland ICE facility. He did not speak with Petitioner.

D. J.L., an ICE Deportation Officer – Based in Colorado. Was on Arrest Team 7 and in Portland on the day of Petitioner’s arrest but was working elsewhere with a subgroup of Arrest Team 7 when Petitioner was arrested. His only involvement was arriving at the arrest site after individuals had been secured and assisting with Spanish translation, pat down searches, and property intake at the Portland ICE facility during the processing of a number of individuals.

The government advises the Court that those individuals do not properly fall within the scope of the Court's October 31 and November 4, 2025, Orders because they were not "involved in" Petitioner's arrest; do not have any "knowledge of the basis for" her detention, apart from what some of them may have read in reports written by witnesses who *will* appear at the evidentiary hearing; and were not "involved in" any alleged deprivation of counsel.

Importantly, if counsel for Petitioner were seeking to compel the appearance of the above-listed individuals under the Federal Rules of Civil Procedure, that attempt would likely fail the proportionality test in Rule 26(b)(1) because the burden and expense of bringing those witnesses to Portland outweighs the benefit of the limited information they might provide.

The government respectfully declines the request of Petitioner's counsel to arrange for individuals A through D to appear at the evidentiary hearing.

Respectfully submitted this 29th day of November 2025.

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