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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
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11 IN RE: IMMIGRATION HABEAS  
12 PETITIONS UNDER 28 U.S.C. § 2241  
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GENERAL ORDER 10-25

16 This Order is adopted to set a case assignment and scheduling procedure specifically for  
17 petitions for writs of habeas corpus filed under 28 U.S.C. § 2241 by persons in immigration  
18 detention. This Order also modifies the Court's General Order No. 05-25, issued February 19,  
19 2025.

20 **THE COURT HEREBY ORDERS:**

- 21 1. **General Objectives.** It is the intent of the Court to facilitate the prompt adjudication  
22 of § 2241 immigration habeas petitions. To meet this goal, the Court will, to the  
23 greatest extent possible, assign such § 2241 habeas petitions to both District Judges  
24

GENERAL ORDER 09-25

1 and Magistrate Judges. The public, the parties, and the Court are well served by  
2 expanding the pool of judges available to decide these cases. The Court will also  
3 promptly enter a standard scheduling order after the petition is assigned to a judge.

4 **2. Case Assignment.** The Clerk shall randomly assign § 2241 immigration petitions to  
5 either a Magistrate Judge or a District Judge. When a petition is filed using CM/ECF,  
6 the filer will be asked to consent to Magistrate Judge jurisdiction. The United States  
7 has already indicated its “general” consent to Magistrate Judge jurisdiction in cases of  
8 this nature, subject to reserved rights to withdraw the consent in a given case and to  
9 withdraw the general consent no later than the filing of its Notice of Appearance  
10 (Exhibit 2).

11 If the petitioner consents, the United States does not timely withdraw consent, and the  
12 case is randomly assigned to a Magistrate Judge, the case shall remain assigned to the  
13 Magistrate Judge under 28 U.S.C. § 636(c). Because the assignment pool includes  
14 both Magistrate and District Judges, a case may still be assigned to a District Judge  
15 even if the petitioner consents to Magistrate Judge jurisdiction. If the petitioner  
16 declines to consent or if the United States timely withdraws its consent, the case will  
17 be assigned to a District Judge, without referral. The parties may also exercise their  
18 right to consent to the jurisdiction of a Magistrate Judge at a later stage of the case. A  
19 party who decides to consent later may do so by communicating their decision to the  
20 Court, and the District Judge may enter an order transferring the case to a Magistrate  
21 Judge upon unanimous consent of the parties.

22 **3. Paper Filings.** A pro se petitioner that files their petition in hard copy will be sent a  
23 hard copy scheduling order (Exhibit 1) by the Clerk’s Office. The Clerk’s Office will  
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1 serve the petition on the U.S. Attorney's Office pursuant to this General Order. If the  
2 petitioner indicates on the hard copy of the petition that they consent to the  
3 jurisdiction of a Magistrate Judge, then the case may be assigned to either a  
4 Magistrate Judge or a District Judge. If the petitioner indicates on the hard copy of the  
5 petition that they decline consent, or they do not indicate any decision about consent,  
6 then the case will be assigned to a District Judge.

7 **4. Case Scheduling.** Upon assignment of a petition to a judge, the Clerk's Office will  
8 serve the petition on the U.S. Attorney's Office (if not already accomplished) and the  
9 Court will issue a standard scheduling order (Exhibit 1). Among other things, the  
10 standard order provides that a return to the habeas petition will be due in 14 days and  
11 a traverse may be filed within 5 days of the return. The petition will be noted for  
12 consideration on the due date for the traverse. The order also sets forth a procedure  
13 for the parties to seek to expedite or enlarge the standard briefing schedule and  
14 requires notice to the petitioner before they are removed from the Western District of  
15 Washington during the pendency of their habeas proceedings.

16 **5. Temporary Restraining Orders.** The standard scheduling order is intended to  
17 provide a prompt resolution to habeas petitions that should reduce the  
18 contemporaneous filing of motions for temporary restraining orders seeking release  
19 from custody or the relief that is otherwise requested by the habeas petition. Motions  
20 for temporary restraining orders should be reserved for matters where the petitioner  
21 alleges imminent, irreparable harm, such as imminent removal from the United  
22 States. All motions for temporary restraining orders must meet the requirements of  
23 Federal Rule of Civil Procedure 65 and Local Civil Rule 65.  
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2       **6. Future Modification.** The Court reserves the right to modify this Order or to rescind  
3       the Order entirely as the Court determines appropriate. This Order is effective  
4       immediately and remains in force until modified or rescinded.

5       **7. Dissemination of Order.** The Clerk shall post a copy of this Order on the Court's  
6       website and shall distribute copies whenever and to whomever the Clerk deems  
7       appropriate.

8       Dated this 18th day of December, 2025.

A handwritten signature in black ink, appearing to read 'D. Estudillo', written over a horizontal line.

10       David G. Estudillo  
11       Chief United States District Judge

# EXHIBIT 1

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

[Petitioner],

Petitioner[s],

v.

[Respondent],

Respondents.

Case No. [Case #]

SCHEDULING ORDER DIRECTING  
RESPONDENTS TO SHOW CAUSE WHY  
WRIT OF HABEAS CORPUS SHOULD  
NOT BE GRANTED

## I. ORDER

Petitioner(s) have filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 alleging that Petitioner(s) are in custody in violation of the Constitution or laws of the United States. The Court has discretion to determine when a response to a § 2241 habeas petition is due. *See, e.g.,* Sect. 2254 Rule 1(b) (“The district court may apply any or all of these rules to a habeas corpus petition not covered by” 28 U.S.C. § 2254); *Clutchette v. Rushen*, 770 F.2d 1469, 1474–75 (9th Cir. 1985) (pursuant to Habeas Rule 4, the federal court has discretion to fix a time to file an answer beyond the time periods set forth in 28 U.S.C. § 2243). A court considering a habeas corpus petition “shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted.” 28 U.S.C. § 2243. The Court directs Respondents to show cause why the writ of habeas corpus should not be granted and ORDERS:

SCHEDULING ORDER DIRECTING RESPONDENTS TO SHOW CAUSE WHY WRIT OF HABEAS CORPUS SHOULD NOT BE GRANTED - 1

1. Respondents shall file a return to the habeas petition no later than [*14 days from entry of order*]. The return shall be noted on the Court's motion docket for the due date of the Petitioner's traverse – 5 days after the due date of the respondent's return. Any arguments that the petition should be dismissed shall be made in the return and not by separate motion. The return shall be filed using the "Response to Habeas Petition" ECF filing event.
2. Any traverse by Petitioner(s) shall be filed no later than [*5 days from due date for return*]. A traverse filed through ECF shall be filed using the "Reply to Response to Motion" filing event.
3. Respondents shall provide Petitioner(s) and Petitioner(s)' counsel in this habeas action at least 48 hours' notice (or 72 hours' notice if the period extends into a weekend, holiday, or date the Court is closed) prior to any action to move or transfer any Petitioner(s) from the Western District of Washington or to remove them from the United States.
4. The Clerk is directed to effectuate immediate service, if service has not already been accomplished, of the habeas petition filed in this case upon Respondents by emailing a copy of the habeas petition and this order to [USAWAW.ImmigrationHabeasService@usdoj.gov](mailto:USAWAW.ImmigrationHabeasService@usdoj.gov).
5. For Petitioner(s) who are represented by counsel, their counsel shall provide Petitioner(s)' A-file number promptly to the U.S. Attorney's Office via email to [USAWAW.ImmigrationHabeasAnumbers@usdoj.gov](mailto:USAWAW.ImmigrationHabeasAnumbers@usdoj.gov).
6. If either party seeks an expedited or enlarged briefing schedule, counsel for that party (or the party themselves, if unrepresented) shall contact the opposing counsel (or party) promptly to meet and confer. The parties shall then file a joint expedited

1 motion, noted for the same day it is filed, that contains either an agreed briefing  
2 schedule or the parties' competing proposals for a briefing schedule.

3  
4 Dated this \_\_\_\_ day of \_\_\_\_.

5 \_\_\_\_\_  
6 [Signature]



# EXHIBIT 2

U.S. Department of Justice

United States Attorney  
Western District of Washington

Please reply to:  
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Chief, Civil Division  
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December 16, 2025

The Honorable David G. Estudillo  
Chief District Judge  
United States District Court for the  
Western District of Washington  
1717 Pacific Avenue  
Tacoma, WA 98402

*Sent Via Email*

Re: General Consent to Disposition by Magistrate Judge in Immigration Habeas Cases

Dear Chief Judge Estudillo:

The U.S. Attorney's Office for the Western District of Washington (USAO) represents United States Immigration and Customs Enforcement (ICE) and ICE employees named in their official capacity, in immigration-related habeas cases filed in the Western District of Washington under 28 U.S.C. § 2241. Effective immediately, the USAO hereby consents, pursuant to 28 U.S.C. § 636(c)(1), to the disposition by either a United States Magistrate Judge or a United States District Judge (at the discretion of the Court) in all such cases. In addition, the GEO Group, Inc. (GEO) has authorized the U.S. Attorney's Office to consent to the same on behalf of GEO and the Facility Administrator at the Northwest Immigration Processing Center (currently Bruce Scott) when the Facility Administrator is named as a respondent in his official capacity in any immigration-related habeas cases filed in the Western District of Washington under 28 U.S.C. § 2241.

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The U.S. Attorney's Office for the Western District of Washington reserves ICE and GEO's right to withdraw consent in any individual case, and to withdraw this general consent, at any time.

Please do not hesitate to contact me if you have any questions.

Yours truly,

CHARLES NEIL FLOYD  
United States Attorney

A handwritten signature in blue ink, appearing to read "Reb S. Cohen". The signature is fluid and cursive, with the first name "Reb" and last name "Cohen" clearly distinguishable.

REBECCA S. COHEN  
Assistant United States Attorney  
Chief, Civil Division