

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Ruben Paz Gomez v. Yanisleidy Reyes Gonzalez

No. C24-5645-KKE, United States District Court for the Western District of Washington (January 27, 2026)

SUMMARY

The United States District Court for the Western District of Washington denied the petitioner’s post-judgment motions for sanctions, transfer of physical custody, assistance from the U.S. Marshals, and appointment of counsel. The court held that the motions were not properly served, that the court lacked continuing jurisdiction to grant the requested custody, access, and return-related relief after judgment in the ICARA action, and that the petitioner had not established entitlement to requested costs. The court also denied appointment of counsel because the motion failed to demonstrate exceptional circumstances.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Kymberly K. Evanson
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	January 27, 2026
DOCKET	C24-5645-KKE
DISPOSITION	denied
PROCEDURAL POSTURE	Petitioner filed post-judgment motions for sanctions, transfer of physical custody, and appointment of counsel after the underlying ICARA petition was resolved and the child was returned to Mexico.
PRECEDENTIAL VALUE	unpublished

TOPICS

- child custody
- family law
- civil procedure
- motions to dismiss

PRACTICE AREAS

- family law
- international law
- civil procedure

QUESTIONS PRESENTED

1. Whether the court could grant ex parte relief on Petitioner's motions without service on Respondent.
2. Whether the court retained jurisdiction to grant custody and access-related remedies after final judgment and the child's return.
3. Whether Petitioner was entitled to costs for bringing the post-judgment motion.
4. Whether the court should appoint counsel for Petitioner.

HOLDINGS

1. Petitioner's motions are denied because he failed to serve them on Respondent and did not show entitlement to ex parte relief.
2. The court lacks jurisdiction to grant custody or access-related remedies under ICARA after final judgment has been entered and the child has been returned.
3. Petitioner is not entitled to costs because ICARA shifts costs only for expenses incurred during the action, and this action ended when judgment was entered.
4. The motion to appoint counsel is denied because there are no exceptional circumstances, and the merits of the underlying motion fail.

KEY QUOTATIONS

“once judgment has been entered in an ICARA case, the court “no longer exercis[es] jurisdiction of an action brought under section [9003(b)],” and its previous authority “to fashion provisional remedies ... no longer exists.”” (at 5-6)

““It is the Convention’s core premise that the interests of children in matters relating to their custody are best served when custody decisions are made in the child’s country of habitual residence.”” (at 9)

““With a few narrow exceptions, the court must return the abducted child to [their] country of habitual residence so that the courts of that country can determine custody.”” (at 9-10)

FACTUAL BACKGROUND

The case involved a petition under the International Child Abduction Remedies Act (ICARA) regarding a minor child, ACPR. After a four-day bench trial, the court entered judgment for the father, Petitioner Ruben Paz Gomez, in March 2025 and ordered the child's return to Mexico. The child was returned. Judgment was entered in June 2025. Seven months later, Petitioner filed motions alleging the mother had again wrongfully removed the child from Mexico to Washington state.

PROCEDURAL HISTORY

The court entered judgment for Petitioner in an ICARA case in June 2025 and ordered the return of a child to Mexico. The child was returned. Seven months later, Petitioner filed post-judgment motions seeking sanctions, custody transfer, and other relief, which the court denied.

DISPOSITION

denied

CASES CITED

- Ly v. Heu, 296 F. Supp. 2d 1009 (D. Minn. 2003)
- Monasky v. Taglieri, 589 U.S. 68 (2020)
- Cuellar v. Joyce, 596 F.3d 505 (9th Cir. 2010)
- Storseth v. Spellman, 654 F.2d 1349 (9th Cir. 1981)
- Palmer v. Valdez, 560 F.3d 965 (9th Cir. 2009)
- Wilborn v. Escalderon, 789 F.2d 1328 (9th Cir. 1986)

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE 7 RUBEN PAZ GOMEZ, CASE NO. C24-5645-KKE 8 Petitioner(s), ORDER
DENYING MOTION FOR 9 v. SANCTIONS, TRANSFER OF PHYSICAL CUSTODY, AND
ORDER DIRECTING 10 YANISLEIDY REYES GONZALEZ, THE U.S. MARSHALS TO
ASSIST AND MOTION TO APPOINT COUNSEL 11 Respondent(s). 12 I. BACKGROUND 13
This case arises under the International Child Abduction Remedies Act (“ICARA”), 22 14 U.S.C.
§§ 9001–9011, the statute that implements the Hague Convention on the Civil Aspects of 15
International Child Abduction (the “Convention”), Oct.

25, 1980, T.I.A.S. No. 11,670, 1343 16 U.N.T.S. 49. On March 31, 2025, following a four-day
bench trial, the Court entered judgment 17 for Petitioner Ruben Paz Gomez, the father of a minor
child (“ACPR”), and ordered the return of 18 ACPR to Mexico City, Mexico by April 30, 2025.
Petitioner acknowledges that ACPR was 19 returned to Mexico in advance of the Court’s deadline.

Judgment was entered on June 12, 2025, 20 and this case was closed. 21 On November 19, 2025,
Petitioner filed the instant “Motion for Sanctions, for Transfer of 22 Physical Custody, and for
Order Directing the U.S. Marshals to Assist,” alleging that Respondent 23 Yanisleidy Reyes
Gonzalez had again wrongfully removed ACPR from Mexico City to 24 1 Washington state.

Petitioner seeks, among other forms of relief, the return of ACPR to Mexico 2 City and various
relief relating to custody, access, travel documents, and costs. Petitioner also 3 filed a Motion to
Appoint Counsel. For the reasons below, the Court will deny Petitioner’s 4 motions. 5 II.
DISCUSSION 6 A. The Court Will Not Order Ex Parte Relief. 7 As a threshold matter, it does not
appear that Petitioner served his motions on Respondent.

8 While Respondent was represented by counsel during the trial, her former attorneys informed the
9 Court and counsel for Petitioner in September 2025 that their representation concluded in June

10 2025, when judgment was entered and this case was closed, and that they were no longer in contact 11 with Respondent in any capacity.

The docket does not reflect service of either motion on 12 Respondent. Though the Court is sympathetic to Petitioner's situation, Petitioner has not shown 13 he is entitled to ex parte relief, and as such, his motions are denied for this threshold reason. 14 B. The Court Lacks Jurisdiction to Grant Petitioner's Motion for Relief. 15 Additionally, the Court must deny Petitioner's requests because they generally seek relief 16 beyond the Court's authority.

The majority of Petitioner's requested relief can be generally 17 characterized as custody and access-related remedies. See Dkt. No. 87 at 1–4 (seeking, among 18 other things, an order granting Petitioner custody of ACPR, immediate video visits with ACPR 19 and parameters for conducting them, an order “blocking” ACPR's United States and Cuban 20 passports, an order permitting Petitioner to obtain a Mexican passport for ACPR without 21 Respondent's involvement, and an order requiring Respondent to keep Petitioner apprised of her 22 current address).

Although ICARA grants courts the authority to fashion provisional remedies to 23 effectuate the return of a child, it also places temporal restrictions on that authority. See 22 U.S.C. 24 § 9004(a). Specifically, “any court exercising jurisdiction of an action brought under § 9003(b) of 1 this title may take ... measures ... to protect the well-being of the child involved or to prevent the 2 child's further removal or concealment before the final disposition of the petition.” *Id.* (emphasis 3 added).

Here, the petition was decided and judgment was entered over seven months ago. See 4 Dkt. Nos. 71, 73, 86; see also *Ly v. Heu*, 296 F. Supp. 2d 1009, 1011 (D. Minn. 2003) (holding 5 that once judgment has been entered in an ICARA case, the court “no longer exercis[es] 6 jurisdiction of an action brought under section [9003(b)],” and its previous authority “to fashion 7 provisional remedies ... no longer exists.” (citation modified)).

The Court also “lack[s] 8 jurisdiction to issue final orders under the Convention to secure rights of access,” or to otherwise 9 modify access rights¹ previously granted. See *Ly*, 296 F. Supp. 2d at 1010–11. Thus, the Court 10 cannot enter orders requiring video visitation or other access-related relief at this juncture. 11 Nor can this Court award custody of ACPR to Petitioner.

Because the primary remedy 12 under the Convention and ICARA is the return of wrongfully removed children, the Court's role 13 does not involve making affirmative custody determinations. *Monasky v. Taglieri*, 589 U.S. 68, 14 72 (2020) (“It is the Convention's core premise that the interests of children in matters relating to 15 their custody are best served when custody decisions are made in the child's country of habitual 16 residence.”) (citation modified); *Cuellar v. Joyce*, 596 F.3d 505, 508 (9th Cir.

2010) (“With a few 17 narrow exceptions, the court must return the abducted child to [their] country of habitual residence 18 so that the courts of that country can determine custody.” (emphasis in original)). To that end, 19 Petitioner’s motion indicates that custody proceedings were initiated in Mexico after ACPR’s 20 return. Dkt. No. 88 ¶ 22. 21 Although a judicial remedy is not the only one provided by the Convention, to the extent 22 Petitioner seeks a judicial order directing a second return of ACPR or enforcing any rights of 23 24 1 ICARA defines “rights of access” as “visitation rights.” 22 U.S.C. § 9002(7).

1 access or visitation he may have, Petitioner must file a new petition in a court in the jurisdiction 2 where ACPR is located and serve it on Respondent.² 22 U.S.C. § 9003(b). ICARA provides that 3 “[a]ny person seeking ... the return of a child or for arrangements for organizing or securing the 4 effective exercise of rights of access to a child may do so by commencing a civil action by filing a 5 petition for the relief sought.” *Id.* (emphasis added).

The statute unambiguously directs those who 6 seek return of a child under the Convention to “commence,” a civil action “by filing a petition” for 7 their return. Nowhere does ICARA provide for a court’s continuing jurisdiction after the return of 8 a child. 9 C. Petitioner is Not Entitled to the Costs of Bringing this Motion. 10 Petitioner seeks “no less than \$5,000.00 for the cost of having to bring this motion[.]” Dkt.

11 No. 87 ¶ M. Under ICARA, “Petitioners may be required to bear the costs of legal counsel or 12 advisors, court costs incurred in connection with their petitions, and travel costs for the return of 13 the child involved and any accompanying persons, except as provided in paragraphs (2) and (3).” 14 22 U.S.C. § 9007(b)(1). Paragraph 2 requires that legal fees and court costs incurred in the context 15 of an ICARA civil suit “shall be borne by the petitioner” unless they are covered by federal, state, 16 or local assistant programs, except as provided for in paragraph 3.

Id. § 9007(b)(2). Where a court 17 orders the return of a child, paragraph 3 shifts costs to the respondent unless cost-shifting “would 18 be clearly inappropriate.” *Id.* § 9007(b)(3). Upon ordering the return of a child, the Court “shall 19 order the respondent to pay necessary expenses incurred by or on behalf of the petitioner, including 20 21 22 2 The Hague Convention requires contracting states to create a Central Authority, which is tasked with assisting applicants to secure the return of their children.

Convention, art. 7. Among other services, a Central Authority 23 “shall take all appropriate measures ... to discover the whereabouts of a child who has been wrongfully removed or retained,” and “initiate or facilitate” the commencement of “judicial or administrative proceedings.” *Id.* Under ICARA, the United States Central Authority may obtain information from the Parent Locator Service in carrying out 24 its Hague Convention functions.

22 U.S.C. § 9006(d). 1 court costs, legal fees, foster home or other care during the course of proceedings in the action[.]” 2 Id. 3 ICARA thus notifies petitioners they may bear costs in filing a petition, and shifts fees to 4 a respondent only as to “necessary expenses incurred” “during” the action where the court orders 5 return of the child. Id. Petitioner fails to provide any accounting for the \$5,000.00 that he seeks, 6 and makes no attempt to show that those expenses were “necessary.” Further, this action ended 7 on June 12, 2025 with the Clerk’s entry of judgment.

Dkt. No. 86. Thus, Petitioner is not entitled 8 to costs from bringing his post-judgment motion. 9 Petitioner also argues that Respondent has not complied with the Court’s June 12, 2025 10 order on attorney’s fees and seeks an order requiring Respondent to pay his trial counsel, Ms. 11 Silva.

Because this motion has not been served, the Court will not reach this issue. 12 D. Petitioner’s Motion to Appoint Counsel is Denied. 13 Though Petitioner has filed a motion to appoint counsel, and purports to represent himself, 14 his attorney, Ms. Andrekita Silva, has not withdrawn, and in fact submitted a declaration 15 identifying herself as “counsel of record” for Petitioner in support of the pending motions.

Dkt. 16 No. 89. Accordingly, the status of Petitioner’s legal representation is not clear. Moreover, 17 appointment of counsel in a civil case is the exception, not the rule. Although a district court may 18 appoint counsel in “exceptional circumstances,” under 28 U.S.C. § 1915(e)(1), generally, no 19 constitutional right to appointed counsel exists in civil actions.

See, e.g., *Storseth v. Spellman*, 654 20 F.2d 1349, 1353 (9th Cir. 1981); *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009). To decide 21 whether exceptional circumstances exist, the Court must evaluate both “the likelihood of success 22 on the merits [and] the ability of the [plaintiff] to articulate his claims pro se in light of the 23 complexity of the legal issues involved.” *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.

24 1986) (citation modified). For the reasons discussed above, Petitioner’s post-judgment, ex parte 1 motion for relief fails. As such, the Court will deny Petitioner’s request to appoint counsel in this 2 case. 3 III. CONCLUSION 4 For the foregoing reasons, the Court DENIES Petitioner’s motions. Dkt. No. 87, 90. 5 Dated this 27th day of January, 2026. 6 A 7 Kymberly K. Evanson 8 United States District Judge 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24