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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE DISTRICT OF OREGON**
10 **Portland Division**

11 S-C-C-, an adult;

12 Petitioner,

13 v.

14 Cammilla WAMSLEY, Field Office
15 Director of Enforcement and Removal
16 Operations, Seattle Field Office,
17 Immigration and Customs Enforcement;
18 Todd LYONS, Acting Director,
19 Immigration and Customs Enforcement;
20 Kristi NOEM, Secretary of Homeland
21 Security; Pamela BONDI, U.S. Attorney
22 General; U.S. DEPARTMENT OF
23 HOMELAND SECURITY;

24 Respondents.

Civil Case No.: 25-2258

**PETITION FOR WRIT OF HABEAS
CORPUS**

Oral argument requested

Expedited hearing requested

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INTRODUCTION

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2 1. This case challenges the unlawful re-detention of S-C-C, who entered the
3 United States in August 2022 as an unaccompanied child seeking asylum and Special
4 Immigrant Juvenile Status (SIJS). He has been granted SIJS and deferred action. He was
5 apprehended shortly after his entry and transferred to the custody of Office of Refugee
6 Resettlement (ORR). He was released into the custody of his Uncle in Aunt in Beaverton,
7 Oregon in September 2022.

8 2. Since his release, Petitioner timely filed an application for asylum, complied
9 with the conditions imposed by Immigration and Customs Enforcement (ICE), attended all
10 court proceedings, had his removal proceedings terminated, was granted SIJS and deferred
11 action, and has been granted employment authorization.

12 3. On December 5, 2025, around 10:30 am Petitioner was detained in Forest
13 Grove, Oregon.

14 4. It is believed that Petitioner is currently detained in Portland, Oregon at the
15 Macadam ICE processing facility.

16 5. Before re-detaining Mr. C-C-, Respondents did not provide him with any
17 written notice explaining the basis for the revocation of his release. Nor did they provide
18 him with a hearing before a neutral decisionmaker where ICE was required to justify the
19 basis for re-detention or explain why he is a flight risk or danger to the community.

20 6. Due process demands such a hearing *prior* to the government's decision to
21 terminate a person's liberty.

22 7. By failing to provide such a hearing, Respondents have violated Petitioner's
23 constitutional right to due process. They have also violated the statutory requirement that
24 warrantless arrests like that of Mr. C-C- occur only after the arresting officer assesses if the
25 person poses a flight risk. *See* 8 U.S.C. § 1357(a)(2).

26 8. Accordingly, the court should grant the instant petition for a writ of habeas
27 corpus and order his immediate release.

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JURISDICTION

9. Petitioner is in the physical custody of Respondents. Petitioner is in custody in Portland, Oregon.

10. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of United States Constitution (The Suspension Clause).

11. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the District of Washington, the judicial district in which Petitioner is currently detained.

13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Oregon.

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days,³ is allowed.” *Id.*

15. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four

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1 corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation
2 omitted)

3 **PARTIES**

4 16. Petitioner S-C-C- is a 20 year old non citizen from Guatemala was arrested
5 by ICE on December 5, 2025. He is detained in Portland, Oregon.

6 17. Respondent Cammilla Wamsley is the Director of the Seattle Field Office of
7 ICE’s Enforcement and Removal Operations division. As such, Ms. Wamsley is
8 Petitioner’s immediate custodian and is responsible for her detention and removal. The
9 Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington.
10 She is named in her official capacity.

11 18. Respondent Todd Lyons is the acting director of U.S. Immigration and
12 Customs Enforcement, and he has authority over the actions of respondent Cammilla
13 Wamsley and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

14 19. Respondent Kristi Noem is the Secretary of the Department of Homeland
15 Security (“DHS”), and is sued in her official capacity. The Secretary of Homeland Security
16 is charged with the administration and enforcement of immigration laws. 8 U.S.C. §
17 1103(a).

18 20. Respondent Pamela Bondi is the Attorney General of the United States and is
19 sued in her official capacity as the head of the Department of Justice. The Attorney General
20 is responsible for the fair administration of the laws of the United States.

21 21. Respondent Department of Homeland Security (DHS) is the federal agency
22 responsible for implementing and enforcing the INA, including the detention and removal
23 of noncitizens.

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MOTION TO PROCEED ANONYMOUSLY

22. Parties may proceed anonymously when special circumstances justify secrecy. *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). In the Ninth Circuit, parties may use pseudonyms “in the unusual case when nondisclosure of the party's identity is necessary to protect a person from harassment, injury, ridicule or personal embarrassment.” *Id.* at 1067-68 (citation, ellipsis and internal quotes omitted). A party may preserve anonymity in “in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity.” *Id.* at 1068.

23. The following special circumstances justify the petitioner in proceeding anonymously: Petitioner is a young adult who entered the United States an unaccompanied child. His case raises abuse and neglect by his parents. Proceedings anonymously is required to protect his privacy. Petitioner would provide his identity to the Respondents and the Court under seal.

LEGAL FRAMEWORK

24. Mr. C-C-'s detention as an unaccompanied minor encountered at the border was governed by the Trafficking Victims Protection and Reauthorization Act (“TVPRA”). The TVPRA provides that, in making custody determinations, ORR should consider, among other things, “danger to self, danger to the community, and risk of flight.” 8 U.S.C. § 1232(c)(2)(A).

25. Thus to release Petitioner as a minor from ORR custody, ORR determined that Petitioner was not a danger to the community or a flight risk. *See Id.*; *see also Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176, 1178 (N.D. Cal. 2017) (“ORR may release the minor to a “sponsor” . . . so long as the minor is not dangerous . . . Release [therefore] reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk”).

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1 26. As someone previously determined to be an unaccompanied minor,
2 Petitioner is also covered by the class actions settlement agreement entered in *J.O.P. v.*
3 *US Department of Homeland Security*, No. 8:19-cv-01944-SAG (D. Md.). That
4 settlement agreement provides that anyone initially determined to be an unaccompanied
5 minor must be permitted to pursue an asylum application with United States Citizenship
6 and Immigration Services (USCIS), even if there is already a final order of removal in
7 place. *See* Doc. 199-2 at ¶ I, *J.O.P. v. US Department of Homeland Security*, No. 8:19-
8 cv-01944-SAG (D. Md. July 30, 2024).

9 27. However, under current caselaw that governs the immigration court system,
10 the Executive Office for Immigration Review (EOIR) considers an individual like Mr. C-
11 C- — who entered without admission or parole — to be subject to mandatory detention.
12 *See Matter of Yajure Hurtado*, 29 I.&N. Dec. 216 (BIA 2025); *but see Maldonado*
13 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) *Maldonado Bautista v.*
14 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11
15 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-
16 Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.
17 Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying
18 Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and
19 extending declaratory judgment from Order Granting Petitioners' Motion for Partial
20 Summary Judgment providing current EOIR practices unlawful EOIR, the Immigration
21 Courts and DHS have blatantly refused to abide by the declaratory relief). At the time
22 Mr. C-C- entered the United States in 2022, EOIR caselaw provided that adults in
23 situations similar to her were detained under 8 U.S.C. § 1226(a). *See, e.g., Matter of R-A-*
24 *V-P-*, 27 I.&N. Dec. 803, 803 (BIA 2020).

25 28. Regardless of the statutory basis for detention, due process requires that a
26 person like Mr. C-C- receive a hearing before a neutral decisionmaker to determine
27 whether any re-detention is justified, and whether the person is a flight risk or danger to
28 the community

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1 29. “Freedom from imprisonment — from government custody, detention, or
2 other forms of physical restraint — lies at the heart of the liberty protected by the Due
3 Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

4 30. Consistent with this principle, individuals released on parole or other forms
5 of conditional release have a liberty interest in their “continued liberty.” *Morrissey v.*
6 *Brewer*, 408 U.S. 471, 482 (1972).

7 31. Such liberty is protected by the Fifth Amendment because, “although
8 indeterminate, [it] includes many of the core values of unqualified liberty,” such as the
9 ability to be gainfully employed and live with family, “and its termination inflicts a
10 ‘grievous loss’ on the [released individual] and often on others.” *Id.*

11 32. To guarantee against arbitrary re-detention and to guarantee the right to
12 liberty, due process requires “adequate procedural protections” that ensure the
13 government’s asserted justification for a noncitizen’s physical confinement “outweighs
14 the individual’s constitutionally protected interest in avoiding physical restraint.”
15 *Zadvydas*, 533 U.S. at 690 (citation modified).

16 33. Due process thus guarantees notice and an individualized hearing before a
17 neutral decisionmaker to assess danger or flight risk before the revocation of an
18 individual’s release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental
19 requisite of due process of law is the opportunity to be heard . . . at a meaningful time in
20 a meaningful manner.” (citation modified)); *see also, e.g., Morrissey*, 408 U.S. at 485
21 (requiring “preliminary hearing to determine whether there is probable cause or
22 reasonable ground to believe that the arrested parolee has committed . . . a violation of
23 parole conditions” and that such determination be made “by someone not directly
24 involved in the case” (citation modified)).

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34. Several courts, have recognized that these principles apply with respect to the re-detention of the many noncitizens that DHS has recently begun taking back into custody, often after such persons have been released for months and years. *See, e.g., R.D.T.M. v. Wofford*, 1:25-cv-01141-KES-SKO (E.D. Cal. Sept. 9, 2025) (ordering immediate release of unaccompanied child previously in ORR custody); *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25- CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

35. The same framework and principles apply here and compel Mr. C-C-'s immediate release.

FACTS

36. Petitioner is a 20 year old [REDACTED] who speaks very little Spanish from Guatemala.

37. He applied for asylum pursuant to the TVPRA in August 2023.

38. On March 12, 2024, his application for Special Immigrant Juvenile Status (SIJS) was approved. He was granted "deferred action." Meaning, according to his approval notice that "deferred action is an act of administrative convenience to the government which gives some cases lower priority for removal from the United States."

39. Because of his pending applications with USCIS, the Immigration Court terminated Mr. C-C-'s removal proceedings on January 23, 2024. He never failed to attend an immigration hearing.

40. Petitioner was detained by ICE officers in Forest Grove, Oregon around 10:30am on December 5, 2025 near a medical clinic while going out to buy food with his extended family.

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41. On information and belief, Mr. C-C- has no criminal history in the United States or anywhere in the world. His personal circumstances have not changed since his removal proceedings were terminated in 2024.

42. Prior to Mr. C-C-'s rearrest, neither he nor counsel received written notice of the reason for his re-detention.

43. Prior to Mr. C-C-'s rearrest, ICE did not assess whether he presented a flight risk or danger to the community, or whether his arrest was justified for some other reason.

44. Prior to Mr. C-C-'s rearrest, he did not receive a hearing before a neutral factfinder to determine if his re-detention is justified.

45. Petitioner faces imminent transfer outside of this judicial district and face removal from the United States.

CLAIMS FOR RELIEF

COUNT I

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

46. Mr. C-C- restates and realleges all paragraphs as if fully set forth herein.

47. Due process does not permit the government to re-detain Mr. C-C- and strip him of his liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur prior to any re-detention.

48. Respondents revoked Mr. C-C-'s release and deprived him of liberty without providing him written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

49. Accordingly, Mr. C-C-'re-detention violates the Due Process Clause of the Fifth Amendment.

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COUNT II

Violation of 8 U.S.C. § 1357(a)(2)

Arrest without Flight Risk Assessment

50. Mr. C-C- restates and realleges all paragraphs as if fully set forth herein.

51. 8 U.S.C. § 1357(a)(2) and its implementing regulations require that, for noncitizens arrested “in the United States,” the arresting officer must have a “reason to believe” that the noncitizen “is likely to escape before a warrant can be obtained for his arrest.”

52. To meet this requirement, officers must have “grounds for a reasonable belief that they were particularly likely to escape.” *Mountain High Knitting, Inc. v. Reno*, 51 F.3d 216, 218 (9th Cir. 1995). A “reason to believe” is equivalent to “the constitutional requirement of probable cause.” *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980).

53. 8 C.F.R. § 287.8(c)(2)(ii) reinforces these requirements by stating that before making a warrantless arrest, an immigration officer must make an individualized determination that an individual is “likely to escape before a warrant can be obtained.”

58.

54. The officer who arrested Mr. C-C- did not make an individualized determination based on a reasonable belief or probable cause that Mr. C-C- is a flight risk.

55. Accordingly, Mr. C-C-’s arrest violated the mandatory statutory and regulatory requirements that govern ICE’s conduct in such arrests and was unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Enjoin Respondents from transferring Petitioner outside of this judicial district without notice to an approval by the Court;

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1 (3) Issue an order to show cause why this petition should not be granted within
2 three (3) days.

3 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Mr. C-C from
4 custody immediately and permanently enjoining his re-detention during the pendency of
5 his removal proceeding absent written notice and a hearing prior to re-detention where
6 Respondents must prove by clear and convincing evidence that he is a flight risk or danger
7 to the community and that no alternatives to detention would mitigate those risks;

8 (5) Declare that Mr. C-C-'s re-detention while removal proceedings are ongoing
9 without first providing an individualized determination before a neutral decisionmaker
10 violates the Due Process Clause of the Fifth Amendment;

11 (6) Issue a writ of habeas corpus ordering respondents to release petitioner from
12 custody;

13 (7) Award costs and reasonable attorney fees incurred under this action under 28
14 U.S.C. § 2412, et. seq. (Equal Access to Justice Act); and

15 (8) Grant any further relief that this Court may deem fit and proper.
16

17 Dated: December 5, 2025

Respectfully Submitted,

18 s/Nancy Alexander

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