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Attorney for petitioner

IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

W-J-C-V,	)	File No.
	)	
Petitioner,	)	Agency No: AXXX-XXX-350
	)	
vs.	)	PETITION FOR HABEAS
	)	CORPUS
LAURA HERMOSILLO, Seattle Field Office	)	
Director, U.S. Immigration and Customs	)	ORAL ARGUMENT
Enforcement and Removal Operation, KRISTI	)	REQUESTED
NOEM, Secretary of Homeland Security,	)	
PAMELA BONDI, Attorney General, TODD	)	Expedited hearing requested
LYONS, Acting Director of Immigration and	)	
Customs Enforcement, U.S. DEPARTMENT	)	
OF HOMELAND SECURITY, U.S.	)	
IMMIGRATION AND CUSTOMS	)	
ENFORCEMENT, and U.S. DEPARTMENT	)	
OF JUSTICE	)	
	)	
Respondents.	)	

Petitioner seeks a writ of habeas corpus as follows.

JURISDICTION AND VENUE

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
2. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
3. In addition, "a federal court always has jurisdiction to determine its own jurisdiction," including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218-19 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).
4. Unless the assertion of jurisdiction is frivolous, the court has the power to preserve existing conditions while it determines its own authority to grant injunctive relief. See *United States v. United Mine Workers of America*, 330 U.S. 258, 293 (1947). Such an order is valid unless and until overturned, even when the issuing court lacks subject-matter jurisdiction to determine the underlying action's merits. *Id.* at 293-94.
5. This court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).
6. Venue is proper because petitioners are in Respondents' constructive custody in Portland, Oregon and because a substantial part of the events giving rise to their claims occurred in this district. 28 U.S.C. § 1391(e).

THE PETITIONER

7. Petitioner is a resident of the state of Oregon, and, on information and belief, present in the state of Oregon as of the time of filing this petition.

CUSTODY

8. Under 28 U.S.C. § 2241(c), only persons “in custody” may apply for a writ of habeas corpus. “Custody includes either physical custody or constructive custody, where the person is under a restraint on liberty not shared by the public generally.¹ For example, this includes persons subject to a final order of deportation. *Nakaranurack v. United States*, 68 F.3d 290, 293 (9th Cir. 1995).

9. Petitioner is “in custody” of the respondents because he was arrested on the morning of December 19, 2025 at his apartment in Beaverton and is now being held in their physical custody.

MOTION TO PROCEED ANONYMOUSLY

10. 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

¹*Jones v. Cunningham*, 371 U.S. 236, 240, 83 S. Ct. 373, 9 L. Ed. 2D 285 (1963) (“[B]esides physical imprisonment, there are other restraints on a man's liberty, restraints not shared by the public generally, which have been thought sufficient in the English-speaking world to support the issuance of habeas corpus.”).

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.

11. The petitioner has applied for asylum previously from his home country. (“Country A”). For reasons related to future persecution in Country A, petitioner could potentially be harmed in his home country if details of his asylum application were to be made public.

THE RESPONDENTS

12. Respondent LAURA HERMOSILLO is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. LAURA HERMOSILLO is sued in her official capacity.

13. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Consequently, respondent LAURA HERMOSILLO is the immediate legal custodian of petitioners.

14. Respondent KRISTI NOEM is the Secretary of Homeland Security. As such she is responsible for the actions of that department, its subagencies, and its officers and personnel. KRISTI NOEM is sued in her official capacity.

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15. Respondent PAMELA BONDI is the Attorney General of the United States, and as such has responsibility for the conduct and operations of the Department of Justice and all of its officers and personnel, including the Executive Office for Immigration Review. PAMELA BONDI is sued in her official capacity.

16. Respondent TODD LYONS is the Acting Director of ICE, and as such is responsible for the means by which the immigration laws of the United States are enforced. TODD LYONS is sued in his official capacity.

17. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”) is an agency of the United States with responsibility for the enforcement of the nation's immigration laws. It is under the direction of respondent KRISTI NOEM.

18. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”) is an agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY, and is under the direction of respondent TODD LYONS.

19. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the United States, and is under the direction of respondent PAMELA BONDI.

HABEAS CORPUS REQUIREMENTS UNDER 28 U.S.C. § 2243

20. Pursuant to 28 U.S.C. § 2243, a court entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

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21. The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed. *Id.*

22. The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed. *Id.*

23. Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained. The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts. *Id.*

24. The return and all suggestions made against it may be amended, by leave of court, before or after being filed. The court shall summarily hear and determine the facts, and dispose of the matter as law and justice require. *Id.*

25. The person to whom the writ or order is directed shall make a return certifying the true cause of the detention. When the writ or order is returned a day shall be set for hearing, not more than five days after the return unless for good cause additional time is allowed. *Id.*

26. Unless the application for the writ and the return present only issues of law the person to whom the writ is directed shall be required to produce at the hearing the body of the person detained. *Id.*

27. The applicant or the person detained may, under oath, deny any of the facts set forth in the return or allege any other material facts. *Id.*

FACTUAL ALLEGATIONS

28. On January 20, 2025, the president of the United States issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (EO) setting out a series of interior immigration enforcement actions. The present administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation.

29. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

30. In late May 2025, respondent KRISTI NOEM and White House Deputy Chief of Staff Stephen Miller met with ICE leadership and set an arrest quota of 3,000 per day and reportedly threatening job consequences if officials failed to meet arrest quotas.²

31. On May 28, 2025, Deputy Chief of Staff Miller confirmed that “[u]nder President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up

²Julia Ainsley, et al., A sweeping new ICE operation shows how Trump’s focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), <https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494> (last visited Nov 26, 2025); Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at <https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller> (last visited Nov. 26. 2025).

higher each and every single day.”³

32. Following the directive from Noem and Miller, ICE agents were instructed in an email to “turn the creativity knob up to 11” and aggressively “push the envelope” in arrests, including by pursuing “collaterals.” One email is reported to have said: “If it involves handcuffs on wrists, it’s probably worth pursuing.”⁴

CIRCUMSTANCES OF PETITIONER'S CASE

33. Respondent DHS has a sub-agency called U.S. Citizenship and Immigration Services (“USCIS”). Among other things, USCIS is responsible for accepting and processing applications for asylum from persons who are not in removal proceedings as the time the application was filed. In general, 150 days after an application for asylum is filed, the applicant may file an application for employment authorization.

34. Petitioner has resided in the United States for at least two years. Petitioner has applied to USCIS for asylum from Country A. His application has been pending for more than 150 days, and he has applied for and received work authorization.

35. As of the filing of this petition for habeas corpus, petitioner has not been placed in removal proceedings. Until the day of his arrest by respondents, petitioner was on an order of supervision or recognizance.

³Hannity, Sean, “Stephen Miller says the admin wants to create the strongest immigration system in US History”, FOX NEWS (May 28, 2025), <https://www.foxnews.com/video/6373591405112> (last visited Nov. 26, 2025).

⁴Olivares, José, “US immigration officers ordered to arrest more people even without warrants,” The Guardian (Jun 4, 2025) <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>

36. On information and belief, respondents have given petitioner no prior notice that he would be taken into physical custody. On information and belief petitioner alleges that there are no changed circumstances that justify respondents taking him into custody.

37. Country A has been the focus of threats and military attack by the government of the United States. Nationals of that country present in the United States have been disfavored by officials of the United States government.

38. At about 7:30 a.m. at the petitioner's apartment building in Beaverton, Oregon, a number of agents of respondent gathered outside of petitioner's apartment door. They were able to bring respondent out of his apartment with his hands handcuffed behind his back. The agents put the respondent in an unmarked black vehicle. The agents then quickly departed.

FIRST CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

39. Petitioner incorporates all previous allegations into this claim for relief.

40. Respondents have acted arbitrarily and capriciously in taking petitioner into physical custody without any evaluation as to his individualized circumstances. This is a violation of petitioner's right to Due Process of Law under the Fifth Amendment to the United States Constitution.

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SECOND CLAIM FOR RELIEF

Violation of 8 C.F.R. § 241.4

41. Petitioner incorporates all previous allegations into this claim for relief.

42. ICE must provide petitioner with written notice, a statement of reasons for revocation, or a prompt informal interview following re-detention, as required by 8 C.F.R. § 241.4(l).

43. If ICE does not comply with these requirements, then petitioner's re-detention would be unlawful.

THIRD CLAIM FOR RELIEF

Violation of Due Process and 8 C.F.R. §§ 208.31, 241.8(e)

44. Petitioner incorporates all previous allegations into this claim for relief.

45. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

46. Due process requires that government action be rational and non-arbitrary. See *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). Due process also requires notice and "the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

47. If ICE seeks to remove petitioner to a country other than the one designated in his original removal order it must provide [him/her] with written notice, an opportunity to raise fear-based claims, and a reasonable fear interview conducted by an asylum officer.

48. ICE has not indicated it will provide these safeguards here and has failed to do so in similar cases nationwide. This would be a violation of due process.

PRAYER FOR RELIEF

49. Wherefore petitioner prays for relief as follows in that this court:

- a) Assume jurisdiction in this matter;
- b) Issue an immediate order barring the respondents from removing petitioner from the state of Oregon, or, if petitioner is in the state of Washington, from the state of Washington, without notice to and approval by the court;
- c) Issue an order to show cause why this petition should not be granted within three (3) days.
- d) Declare that petitioner's stop and arrest without reasonable suspicion, and petitioner's continued detention, violates applicable regulations, the INA, and the Fourth and Fifth Amendments to the Constitution of the United States.
- e) Issue a writ of habeas corpus ordering respondents to release petitioner from custody.
- f) Award petitioner reasonable attorneys fees and costs under the Equal Access to Justice Act and any other statute applicable to this matter.

g) Grant any further relief as the court may deem just and proper.

Dated this 19th day of December 2025

/s/ Michael T. Purcell

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Attorney for petitioner