

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Glendy Yaneth ARREAGA MORALES DE PUTUL,

Petitioner,

v.

Laura HERMOSILLO, *et al*;

Respondents.

Case No. 2:26-cv-00129-GJL

TRAVERSE AND RESPONSE TO  
RESPONDENTS' RETURN TO  
PETITION FOR WRIT OF  
HABEAS CORPUS

Noted for Consideration: February  
2, 2026

1 The central claim in this case is that the Due Process Clause requires a hearing *prior to*  
2 re-detention, before a neutral decisionmaker, where Immigration and Customs Enforcement  
3 (ICE) must justify the re-detention of Petitioner Glendy Arreaga Morales de Putul (Ms. Arreaga).  
4 Respondents did not provide these required procedures upon re-detaining Ms. Arreaga in  
5 November 2025, thus violating her due process rights, as several judges in this district have  
6 recognized, and as courts around the country have held. *See, e.g., E.A. T.-B. v. Wamsley*, 795 F.  
7 Supp. 3d 1316 (W.D. Wash. 2025); *Francois v. Wamsley*, No. C1:25-cv-02122-RSM-GJL, 2025  
8 WL 3063251 (W.D. Wash. Nov. 3, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT,  
9 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025); *Tesara v. Wamsley*, No. C25-1723-KKE-TLF,  
10 2025 WL 3288295, at \*2 (W.D. Wash. Nov. 25, 2025). This court has acknowledged these same  
11 due process rights even when the government lodges accusations of violations of petitioners'  
12 Alternatives to Detention (ATD) requirements. *See id.* at \*2, alleging about 40 ATD violations;  
13 *see also E.A. T.-B.*, 795 F. Supp. 3d at 1320 (W.D. Wash. 2025), alleging 2 ATD violations.

14 Accordingly, and consistent with these decisions, Ms. Arreaga's immediate release is warranted.

15 Regardless of the authority for the initial detention and release upon Ms. Arreaga's entry  
16 into the country, due process required a hearing *prior* to her re-detention, during which ICE was  
17 required to prove by clear and convincing evidence that Ms. Arreaga violated her conditions of  
18 release and is now a flight risk or danger. Here, Ms. Arreaga was provided no such process.  
19 Accordingly, the Court should grant the petition for a writ of habeas corpus and order Ms.  
20 Arreaga's release from detention.

### 21 Factual Issues

22 The parties agree on some facts in this case but diverge in others. The parties agree that  
23 Ms. Arreaga, a native and citizen of Guatemala, entered without inspection around September,

1 22, 2023. Immigration officials apprehended her the same day, issued her a Notice to Appear  
2 commencing removal proceedings, and released her on an OREC. Respondents do not contest  
3 that Ms. Arreaga attended all required immigration court hearings, timely filed her Form I-589  
4 Application for Asylum, nor that she applied for and received an employment authorization  
5 document.

6 The parties diverge in their description of the allegations of Ms. Arreaga's supposed ATD  
7 violations. Respondents present a declaration from Portland Deportation Officer Rita Soraghan  
8 in which Officer Soraghan describes her review and accounting of information regarding Ms.  
9 Arreaga's case, including Officer Soraghan's description of Respondents' records regarding  
10 ATD violations. Dkt. 8. Respondents supply no explanation for why they cannot present  
11 evidence of the record of violations, in violation of the "best evidence" principles found the  
12 Federal Rules of Evidence 1003-1004.

13 In this declaration, Officer Soraghan describes dates of alleged ATD violations  
14 documented by BI (the Officer does not explain what "BI" is or what the initials stand for). Dkt.  
15 8. Officer Soraghan's declaration does not mention that dozens of other times in which Ms.  
16 Arreaga complied with the extensive ATD requirements, including weekly photo check-ins for  
17 over a year and multiple in-person appointments at both the ISAP office and Ms. Arreaga's  
18 home. *Id.*

19 In response, Ms. Arreaga submits a declaration herein describing how, from her  
20 perspective, she had not violated the terms of the ATD program because (1) any problems were  
21 caused by technical issues with the application, (2) when she was notified of a problem, Ms.  
22 Arreaga immediately fixed it, and (3) officers told her that she was in compliance. *See* Second  
23 Declaration of Glendy Arreaga at ¶ 2.

1 Regarding the missed home visit in early November, Ms. Arreaga explains that she did  
2 not know that someone would visit her home. *Id.* at ¶ 3. She had asked the officers if she could  
3 leave her house and go to work with the ankle monitor and the officers told her that she could,  
4 and so she went to work that day intending to monitor her phone and receive the video call. *Id.*  
5 Ms. Arreaga's memory of the events contradicts Officer Soraghan's interpretation of the record  
6 regarding this incident, as Officer Soraghan claims that "Petitioner was contacted via phone and  
7 claimed that she forgot about the home visit." Dkt. 8, ¶ 8. Ms. Arreaga recalls that she  
8 affirmatively reached out to the office herself when she did not receive a video call as she  
9 believed she should have, and that the reason that she provided officers for missing the home  
10 visit appointment was that she did not know that there would be home visits and so believed that  
11 she should be waiting for a video call appointment. *See* Second Declaration of Glendy Arreaga at  
12 ¶ 3. Ms. Arreaga also recalls continued compliance with the program after the November 7,  
13 2025 incident and that even officers told her that her compliance was on track to have her ankle  
14 monitor removed soon. *Id.*

15 Ms. Arreaga's testimony regarding these events indicates substantial compliance with the  
16 ATD program and lack of notice or process regarding the deprivation of her liberty that occurred  
17 when Respondents re-detained her on December 18, 2025. The diversion in description of events  
18 only further underscores the need for a pre-deprivation hearing.

### 19 Legal Argument

#### 20 Due process requires a pre-deprivation hearing before re-detention.

21 Ms. Arreaga's petition for writ of habeas corpus presents one claim: that she is currently  
22 detained in violation of the Fifth Amendment's Due Process Clause. Respondents' claim that  
23 Ms. Arreaga is subject to statutory detention authority does not preclude bringing a Due Process

1 claim. Ms. Arreaga is not contesting the statutory authority. Respondents' argument that "a pre-  
2 deprivation hearing would be futile as her detention is based on her mandatory detention"  
3 ignores the fact that "the protections of due process are not exclusively based in statute" and,  
4 thus, apply even in cases where petitioners are subject to mandatory detention by statute. *See*  
5 *Tsyamba v. Hermosillo, et al*, No. 2:25-CV-02623-GJL, 2026 WL 237514, at \*5 (W.D. Wash.  
6 Jan. 29, 2026).

7 Ms. Arreaga meets the first *Mathews* factor. The Supreme Court has repeatedly held that  
8 "the interest in being free from physical detention by one's own government" is "the most  
9 elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 530 (2004); *see also Zadvydas*  
10 *v. Davis*, 533 U.S. 678 (2001) at 690 ("Freedom from imprisonment – from government custody,  
11 detention, or other forms of physical restraint – lies at the heart of the liberty [the Due Process  
12 Clause] protects."). The Supreme Court has also "repeatedly recognized that individuals who  
13 have been released from custody, even where such release is conditional, have a liberty interest  
14 in their continued liberty." *Doe v. Becerra*, No. 2:25-CV-00647-DJC-DMC, 2025 WL 691664, at  
15 \*5 (E.D. Cal. Mar. 3, 2025) (collecting Supreme Court cases on constitutional liberty interests  
16 post initial release from custody); *see also Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C.  
17 Cir. 2017) (same). Ms. Arreaga's interest in remaining out of custody has only accrued since her  
18 initial detention in 2023, as she and her family have built a life in the United States through  
19 participation in lawful employment, enrolling her children in school, and participating in  
20 community life. *See* Arreaga Declaration at Dkt 1-2 ¶ 5.

21 Ms. Arreaga also meets the second *Mathews* factor. The second *Mathews* factor considers  
22 whether a particular process results in a risk of erroneous deprivation of a protected interest. This  
23 court has previously affirmed that "the risk of erroneous deprivation of [Petitioner's] liberty

1 interest in the absence of a pre-detention hearing is high.” *E.A. T.-B.*, 2025 WL 2402130, at \*4.  
2 *Ramirez v Wamsley*, No. C25-1723-KKE-TLF, 2025 WL 3288295, at \*2 (W.D. Wash. Nov. 25,  
3 2025). As described earlier in this traverse, while Respondents allege multiple ATD violations  
4 they do not address Ms. Arreaga’s substantial overall compliance with the ATD program.  
5 Additionally, Ms. Arreaga’s differing description of the events leading up to her detention  
6 support a finding of a high risk of erroneous deprivation of her liberty.

7 In the final *Mathews* factor, the Court considers the government’s interest in re-detaining  
8 Petitioner without a hearing. Respondents acknowledge that district courts have found the  
9 revocation of OREC requires a pre-deprivation hearing to determine if a noncitizen is a flight  
10 risk or a danger to the community, and argue that since Petitioner is subject to mandatory  
11 detention that the only outcome of a pre-detention hearing would be detention. This argument  
12 ignores the slew of cases coming out of this court and courts throughout the Ninth Circuit finding  
13 a pre-deprivation due process hearing is warranted for. *See Osuna Benitez v. Hermosillo*, No.  
14 2:25-CV-02535-BAT, 2025 WL 3763932, at \*3 (W.D. Wash. Dec. 30, 2025)(“As to Petitioner’s  
15 situation in which he was initially released upon parole and then redetained numerous courts in  
16 this circuit have found such individuals have a protected liberty interest in remaining out of  
17 custody. *See Pinchi v. Noem*, 792 F.Supp.3d 10125, 1025, 1032-22 (N.D. Cal. 2025) (collecting  
18 cases); *Tesara v. Wamsley*, 2025 WL 3288295 at \* 4 (W.D. Wash. Nov. 25, 2025) (mandatory  
19 detention under § 1225(b) despite noncitizens’ due process rights and with no consideration of  
20 their deep financial, community, and familial ties in the country raises constitutional issues)  
21 (citing, *Salgado v. Mattos*, No. 2:25-cv-01872-RJB-EJY, 2025 WL 3205356, at \*20 (D. Nev.  
22 Nov. 17, 2025)); *Arias v. Larose*, No. 3:25-CV-02595-BTM-MMP, 2025 WL 3295385 (S.D.  
23 Cal. Nov. 25, 2025) (When a noncitizen is redetained in violation of due process, the

1 applicability of § 1225 or § 1226 is not before the court because detention is improper regardless  
2 of which statute applies).

3 Further, there is little to no administrative or financial burden and no legitimate interest  
4 that would support specific detention of Petitioner without a pre-deprivation hearing. As other  
5 courts assessing the legality of re-detention without a pre-deprivation hearing before a neutral  
6 decisionmaker have found, “the Government’s interest in re-detaining non-citizens previously  
7 released without a hearing is low: although it would have required the expenditure of finite  
8 resources (money and time)” to provide a pre-deprivation hearing, “those costs are far  
9 outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *E.A.T.-B.*, 2025  
10 WL 2402130, at \*5; *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL  
11 2841574, at \*8 (W.D. Wash. Oct. 7, 2025) (concluding government interest to be low even  
12 assuming “requiring pre-detention process would present some administrative burden”).

13 Respondents’ reference to *Calderon v. Noem*, No. 2:25-cv-2136, 2025 WL 3754042, at  
14 \*8 (W.D. Wash. Dec. 29, 2025) does not support their argument, as that case concerned a  
15 petitioner subject mandatory detention under the Laken Riley Act. In fact, the “inapposite” cases  
16 that the court refers to in the quotation that Respondents leverage to support their position,  
17 include *E.A. T.-B.*, 795 F. Supp. 3d at 1324 (W.D. Wash. 2025), *Ramirez Tesara*, 800 F.Supp.3d  
18 1130 (W.D. Wash. 2025), both of which pertain to re-detained petitioners who had been accused  
19 of ATD violations, making Respondents’ citation to that case irrelevant to Ms. Arreaga’s  
20 situation. Notably, even if the Court followed Respondents’ reference to *Martinez Hernandez v.*  
21 *Andrews*, No. 1:25-cv-01035, 2025 WL 2495767 (E.D. Cal. Aug. 28, 2025), the court would still  
22 need to order release with a bond hearing where the burden is shifted to Respondents.

23 As this Court has repeatedly explained, “a post-deprivation hearing cannot serve as an

adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty.” *E.A. T.-B.*, 795 F. Supp. 3d at 1324 (W.D. Wash. 2025); *see also, e.g., Kumar*, 2025 WL2677089 (“[R]elease following post-deprivation procedures is insufficient to remedy the alleged harm because the alleged harm, i.e., a potentially erroneous detention, has happened and is continuing to occur.”). Consistent with these decisions, Ms. Arreaga is already being unlawfully detained without a pre-deprivation hearing. Only her immediate release remedies that ongoing violation.

### CONCLUSION

For the foregoing reasons, due process requires a pre-deprivation hearing before a neutral decisionmaker, at which ICE must justify re-detention by clear and convincing evidence. Because Respondents failed to provide Ms. Arreaga that constitutionally-required process, her immediate release is warranted, and the Court should grant the habeas petition.

Respectfully submitted this 2<sup>nd</sup> day of February, 2026.

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3 I certify that this traverse and response contains 1991  
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