

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

6	K-A-	)	Case No. 3:26-cv-5041
7	Petitioner	)	
		)	Agency No. AXXX-XXX-XXX
8	vs.	)	
		)	PETITION FOR WRIT OF HABEAS
9	Laura HERMOSILLO, Seattle Field	)	CORPUS TO 28 U.S.C. § 2241
	Office Director, U.S. Immigration and	)	
10	Customs Enforcement (ICE), Bruce SCOTT,	)	NOTE ON MOTION CALENDAR: January
	Warden, Northwest ICE Processing Center;	)	15, 2026
11	Kristi NOEM, Secretary	)	
	of Homeland Security, Pamela	)	ORAL ARGUMENT REQUESTED
12	BONDI, Attorney General, Todd	)	
	LYONS, Acting Director of	)	
13	Immigration and Customs Enforcement,	)	Expedited hearing requested
	U.S. DEPARTMENT OF HOMELAND	)	
14	SECURITY, U.S. IMMIGRATION	)	
	AND CUSTOMS ENFORCEMENT,	)	
15	U.S. DEPARTMENT OF JUSTICE,	)	
	EXECUTIVE OFFICE FOR	)	
16	IMMIGRATION REVIEW	)	
		)	
17	Respondents	)	
		)	

In this action against respondents, Petitioner alleges as follows:

PETITION FOR HABEAS CORPUS-I
Case No.

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INTRODUCTION

1. This case challenges the unlawful re-detention of the petition, K-A-, who entered the United States on March 10, 2024, to seek asylum. She was released on parole and subsequently filed her asylum application based on her fear of persecution in Russia.
2. Since her release on parole, Petitioner has faithfully complied with the check-in requirements imposed by Immigration & Customs Enforcement (ICE) as part of her release.
3. Despite this compliance, on January 3, 2026, ICE re-detained Petitioner. Petitioner was transferred to the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington, where she remains detained.
4. Before re-detaining her, Respondents did not provide Petitioner with any written notice explaining the basis for the revocation of her release. Nor did they provide a hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention or explain why Petitioner is a flight risk or danger to the community.
5. Due process demands such a hearing *prior* to the government's decision to terminate a person's liberty. *See E.A.T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025).
6. By failing to provide such a hearing, Respondents have violated Petitioner's constitutional right to due process. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and order her immediate release. *See id.* at *6 (ordering immediate release because "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").

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.
8. 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).
9. 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., and the All Writs Act, 28 U.S.C. § 1651.
10. 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)).
11. 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.

VENUE

12. Venue is proper because Petitioner is in Respondents’ custody at the NWIPC in Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Petitioner is currently in Custody.
13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because

1 Respondents are employees, officers, and agencies of the United States, and because a
2 substantial part of the events or omissions giving rise to the claims occurred in the
3 Western District of Washington.

4 **REQUIREMENTS OF 28 U.S.C. § 2243**

5 14. The Court must grant the petition for writ of habeas corpus or issue an order to show
6 cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief. 28
7 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return
8 “within three days unless for good cause additional time, not exceeding twenty days, is
9 allowed.” *Id.*

10 15. Habeas corpus is “perhaps the most important writ known to the constitutional law . . .
11 affording as it does a swift and imperative remedy in all cases of illegal restraint or
12 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ
13 usurps the attention and displaces the calendar of the judge or justice who entertains it
14 and receives prompt action from him within the four corners of the application.” *Yong v.*
15 *I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); see also *Van Buskirk v.*
16 *Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (Habeas corpus is “a speedy remedy,
17 entitled by statute to special, preferential consideration to insure expeditious hearing and
18 determination.”).

19 16. Petitioner is “in custody” for the purpose of 28 U.S.C. § 2241 because she is in
20 Respondents’ custody at NWIPC.

21 **PETITIONER**

22 17. Petitioner, K-A-, is an adult citizen of Russia. She is detained at the NWIPC.

RESPONDENTS

18. 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. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Consequently, Laura Hermosillo is a legal custodian of Petitioner and is sued in her official capacity.
19. Respondent Bruce Scott is employed by the private corporation The Geo Group, Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.
20. 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.
21. 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.
22. 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.
23. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE. It is under the direction of respondent Kristi NOEM.

1 24. Respondent U.S. Immigration and Customs Enforcement is an agency of Respondent,
2 U.S. Department of Homeland Security, and is under the direction of respondent Todd
3 LYONS.

4
5 **MOTION TO PROCEED ANONYMOUSLY**

6 25. Parties may proceed anonymously when special circumstances justify secrecy. *Does I*
7 *thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). In the Ninth
8 Circuit, parties may use pseudonyms “in the unusual case when nondisclosure of the
9 party's identity is necessary to protect a person from harassment, injury, ridicule or
10 personal embarrassment.” *Id.* at 1067-68 (citation, ellipsis and internal quotes omitted).
11 A party may preserve anonymity in “in special circumstances when the party's need for
12 anonymity outweighs prejudice to the opposing party and the public's interest in knowing
13 the party's identity.” *Id.* at 1068.
14 26. Petitioner seeks leave to proceed anonymously because public identification creates a risk
15 of retaliatory physical harm due to Petitioner's immigration status in the United States,
16 and the nature of Petitioner's claim is sensitive and highly personal. She alleges
17 wrongdoing on the part of the Department of Homeland Security and fears that these
18 allegations could lead to retaliation against the Petitioner and her family.

19
20 **FACTUAL BACKGROUND**

21 27. Petitioner is a 30-year-old citizen and national of Russia.
22
23

1 28. Petitioner fled Russia to seek asylum and related protections from persecution and torture
2 in the United States. She fled Russia with her spouse, with whom Petitioner resided in
3 Vancouver, WA prior to her detention.

4 29. On or about March 10, 2024, Petitioner came to or near the port of entry at San Ysidro,
5 CA to seek asylum. That same day, Respondents arrested and detained Petitioner.

6 30. Respondents initiated removal proceedings under 8 U.S.C. § 1229a, serving a Notice to
7 Appear on April 5, 2024.

8 31. On April 25, 2024, Respondent DHS paroled Petitioner into the United States under 8
9 U.S.C. § 1182(d)(5). As a condition of Petitioner's release on parole, she was subject to
10 parole reporting requirements and monitoring, and fitted with an ankle bracelet
11 monitoring device.

12 32. In August 2024, Petitioner had a check in appointment with Respondent DHS, where her
13 ankle monitor was removed and she was instructed to download an application on her
14 phone, which she would use to check in every Wednesday by sending a photograph with
15 her location.

16 33. Respondent DHS delegated management of this application and Petitioner's check ins to
17 the Intensive Supervision Appearance Program (ISAP), a program operated by a private
18 contractor that ICE uses to monitor released noncitizens.

19 34. Petitioner timely filed her application for asylum, withholding of removal, and
20 Convention Against Torture Protection with the Portland Immigration Court.

21 35. To the best of her knowledge, Petitioner complied with all ISAP requirements following
22 her release. These requirements included phone and video check-ins through the ISAP
23 mobile phone application (ISAP app).

1 36. In November 2025, Petitioner was scheduled for a virtual check in call. She was
2 instructed to call between the hours of 9:00AM and 10:30AM. Petitioner woke up at
3 approximately 8:20AM that day and saw she had a missed call. Petitioner called and
4 messaged through the chat feature on her application. Eventually, a representative
5 returned her call. The representative asked her whether she was pregnant and if she had
6 children. Petitioner answered that she was not and did not. Petitioner was instructed to
7 visit the Portland, OR ICE office on January 21, 2026. When Petitioner asked the reason
8 for the in-person visit, the representative informed her that this is not the standard
9 procedure.

10 37. On December 24, 2025 Petitioner's mobile ISAP application malfunctioned. She
11 contacted ISAP by phone but was unable to get in contact with a representative. She
12 contacted Respondent DHS' office in Portland, OR to report the problem. Over the next
13 week, Petitioner attempted to install and reinstall the application numerous times on
14 various devices. On December 31, 2025, Petitioner was able to successfully provide a
15 photograph but was informed that the location data was missing. Petitioner retook the
16 photograph, uploaded it and confirmed the upload in chat through the application.

17 38. On January 3, 2026, Petitioner was detained by ICE officers at her home. ICE officers
18 knocked on her door and she opened it. ICE officers informed Petitioner that they needed
19 to transport her to the Portland, OR ICE office to be fitted for a monitoring bracelet.
20 Petitioner asked ICE officers several times whether she would be able to return home
21 after this visit and they replied that yes, she would.

22 39. ICE officers transported Petitioner to the Portland, OR ICE office where she was
23 presented with documents to sign agreeing to be removed from the United States.

Petitioner refused to sign these documents and ICE officers informed her that she would be detained.

40. Prior to her re-detention, Petitioner did not receive written notice of the reason for her re-detention.

41. Prior to Petitioner's re-detention, ICE did not provide notice of the revocation of her parole, as required by 8 C.F.R. § 212.5(e)(2).

42. Prior to Petitioner's re-detention, she did not receive a hearing before a neutral decisionmaker to determine if her re-detention is justified.

LEGAL FRAMEWORK

43. Under current caselaw that governs the immigration court system, the mandatory detention scheme under 8 U.S.C. § 1225(b)(1) applies to individuals who are placed in expedited removal proceedings, pass a CFI, and are subsequently placed in removal proceedings. *See Matter of M-S-*, 27 I. & N. Dec. 509 (A.G. 2019). Such individuals are subject to detention without any bond hearing until the conclusion of their proceedings unless DHS releases them on parole. *See id.* at 510, 518–19.

44. However, once released, due process requires that a person like Petitioner receive a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community.

45. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized,

1 this is “the most elemental of liberty interests.” *E.A.T.-B.*, 2025 WL 2402130, at *3
2 (citation modified).

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

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

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

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

1 50. Several courts, including this one, have recognized that these principles apply with
2 respect to the re-detention of the many noncitizens that DHS has recently begun taking
3 back into custody, often after such persons have been released for months and years.

4 51. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319
5 (1976), framework to hold that even in a case where the government argued mandatory
6 detention applied, a person's re-detention required a hearing.

7 52. In applying the three *Mathews* factors, this Court held that the Petitioner had
8 "undoubtedly [been] deprive[d] . . . of an established interest in his liberty," *E.A. T.-B.*,
9 2025 WL2402130, at *3, which, as noted, "is the most elemental of liberty interests," *id.*
10 (citation modified). The Court further explained that even if detention was mandatory, the
11 risk of erroneous deprivation of liberty without a hearing was high because a hearing
12 serves to ensure that the purposes of detention—the prevention of danger and flight
13 risk—are properly served. *Id.* at *4–5. Finally, the Court explained that "the
14 Government's interest in re-detaining non-citizens previously released without a hearing
15 is low: although it would have required the expenditure of finite resources (money and
16 time) to provide petitioner notice and hearing on [ISAP] violations before arresting and
17 re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of
18 the liberty interest at issue." *Id.* at *5. As a result, this Court ordered the Petitioner's
19 immediate release. *Id.* at *6.

20 53. This Court's decision in *E.A. T.-B.* is consistent with many other district court decisions
21 addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025
22 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of
23 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).

54. The same framework and principles apply here and compel Petitioner's immediate release.

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

55. Petitioner restates and realleges all paragraphs as if fully set forth here.

56. Due process does not permit the government to strip Petitioner of her liberty without written notice and a 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.

57. Respondents revoked Petitioner's release and deprived her of liberty without affording her any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to her re-detention.

58. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately and permanently enjoining her re-detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Declare that Petitioner's detention without an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

DATED: January 15, 2026

s/ Inna Scott

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Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed the Petitioner's immigration history with the Petitioner and Petitioner's family members, who spoke to her after her detention regarding the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Cole Enabnit

Date: January 15, 2026

PETITION FOR HABEAS CORPUS-14
Case No.

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