

1 Shara Svendsen, WSBA No. 38151
shara@svenlaw.com
2 Law Office of Shara Svendsen PLLC
16300 Mill Creek Blvd. STE 206
3 Mill Creek, WA 98012
4 425-361-1511

5
6 Attorney for Petitioner

7
8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**

10 **Zafar Iqbal,**

11 **Petitioner,**

12 **v.**

13 **Laura Hermosillo, Seattle Acting Field Office**
14 **Director, United States Immigration and**
15 **Customs Enforcement and Removal**
16 **Operations ("ICE/ERO"); Bruce Scott,**
17 **Warden, Northwest ICE Processing Center;**
18 **Kristi Noem Secretary of the Department of**
19 **Homeland Security ("DHS"); Pamela Bondi,**
20 **Attorney General of the United States; U.S.**
21 **Department of Homeland Security.**

22 **Respondents.**
23
24
25

Case No. 2:26-cv-00171

Agency No. A 

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §
2241

ORAL ARGUMENT REQUESTED

Expedited Hearing Requested

INTRODUCTION

1. Petitioner Zafar Iqbal (“Mr. Iqbal”) challenges his unlawful re-detention. Mr. Iqbal is being detained by Respondents at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE) in Tacoma, Washington.

2. Mr. Iqbal was apprehended after entering the United States on June 12, 2023 and then released from custody for the purpose of pursuing relief in removal proceedings. Since his release, Petitioner has fulfilled his conditions of release, attended removal proceedings hearings, submitted applications for relief, and received employment authorization. He has been living and working in the U.S. for the past two and a half years. He does not have a criminal record in the United States or in any other country.

3. Despite his compliance while released, including complying with all Immigration Court requirements, wearing an ankle monitor, presenting himself for check-ins, and submitting weekly photos of himself, he was suddenly and unlawfully re-detained by the Department of Homeland Security (DHS).

4. Prior to re-detaining the Petitioner, Respondents did not provide any written notice explaining the basis for the revocation of his release. Likewise, Respondents did not evaluate whether Petitioner presented a flight risk or danger to the community prior to his re-arrest. Nor did the Respondents provide a hearing before a neutral decisionmaker, where Immigration and Customs Enforcement (ICE) was obliged to justify the basis for re-detention or to explain why Petitioner is now a flight risk or danger to the community.

5. As this Court has recently held in multiple cases, due process demands a hearing *prior* to the government’s decision to terminate a person’s liberty. *See, e.g., E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug.

19, 2025); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *2–4 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4 (W.D. Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13; *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025); *P.T. v. Hermosillo*, No. C25-2249-KKE, 2025 WL 3294988, at *4 (W.D. Wash. Nov. 26, 2025); Order, *Francois v. Wamsley*, No. 2:25-cv-02122-RSM-GJL (W.D. Wash. Dec. 5, 2025), Dkt. 22 at 8. Many other courts have recently held the same.

6. By failing to provide such a hearing, Respondents have violated Petitioner’s constitutional right to due process.

7. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and order Petitioner’s immediate release. *See E.A. T.-B.*, 2025 WL 2402130, 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”); *Ramirez Tesara*, 2025 WL 2637663, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (similar); *Y.M.M.*, 2025 WL 3101782, at *2–3 (similar); *P.T.*, 2025 WL 3294988, at *4 (similar).

JURISDICTION

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et. seq.*

9. 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).

10. 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.

VENUE

11. 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 Petitioners are currently in custody.

12. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

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

14. 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

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the
2 attention and displaces the calendar of the judge or justice who entertains it and receives prompt
3 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120
4 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th
5 Cir. 1954) (habeas corpus is “a speedy remedy, entitled by statute to special, preferential
6 consideration to insure expeditious hearing and determination”).

7
8 **PARTIES**

9 15. Petitioner Mr. Iqbal is a citizen of Paikistan who is presently held at the ICE
10 facility in Tacoma, Washington.

11 16. Respondent Laura Hermosillo is the Field Office Director for the Seattle Field
12 Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Seattle
13 Field Office is responsible for local custody decisions relating to non-citizens charged with being
14 removable from the United States, including the arrest, detention, and custody status of non-
15 citizens. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and
16 Washington. Respondent Hermosillo is a legal custodian of Petitioner.

17 17. Respondent Bruce Scott is employed by the private corporation The GEO Group,
18 Inc., as Warden of the NWIPC, where Petitioners are detained. He has immediate physical
19 custody of Petitioners.
20

21 18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
22 (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all
23 operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with
24 faithfully administering the immigration laws of the United States.
25

19. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

20. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

21. This action is commenced against all Respondents in their official capacities.

FACTUAL BACKGROUND

22. Petitioner, Zafar Iqbal is a citizen of Pakistan who fled physical assaults and death threats before entering the United States on June 12, 2023 through the U.S./Mexico border. Attorney Declaration ¶ 5. After being apprehended by immigration officers, he was detained and then released on an Order of Recognizance and with a Notice to Appear. *Id*; Order of Recognizance, Notice to Appear.

23. After being released, Mr. Iqbal reunited with his sister and brother-in-law in Vancouver, Washington. Mr. Iqbal has lived at the same address since his release and maintained the same employment since July 2023. Attorney Declaration ¶ 5 & 8.

24. Since his release, Mr. Iqbal has complied with all supervision requirements.

Attorney Declaration ¶ 6.

25. As conditions of his release, Mr. Iqbal has been required to check in regularly in person as well as via phone. He was fitted with an ankle monitor for a time and while the monitor was on, he was also required to submit weekly photographs via a check-in phone application. After the ankle monitor was removed, Mr. Iqbal continued to submit photographs and check in telephonically. Likewise, ERO would frequently require that Mr. Iqbal present

1 himself in person at the ERO offices in Portland, a requirement that Mr. Iqbal complied with
2 every time. Attorney Declaration ¶ 6.

3 26. Mr. Iqbal has dutifully complied with all conditions and requirements of his
4 release for the past two and a half years, demonstrated by the fact that his check-in requirements
5 at the time of his apprehension had been reduced to submission of photographs. *Id.*

6 27. Mr. Iqbal submitted an application for asylum to the Immigration Court in
7 Portland, Oregon on May 30, 2024. He later applied for and was granted employment
8 authorization based on his pending asylum application. Attorney Declaration ¶ 2.

9 28. On January 21, 2025 Mr. Iqbal was assaulted by two unknown assailants as he
10 was riding his bike, one individual punched him in the eye and the other struck him several times
11 with a long wooden stick. Attorney Declaration ¶ 3. Mr. Iqbal reported the crime to police and
12 was helpful in the investigation of the crime. As such, Mr. Iqbal obtained a certification from law
13 enforcement and on November 15, 2025, filed a petition for U nonimmigrant status based on
14 having been the victim of felonious assault. The petition was received by USCIS on November
15 15, 2025, however, receipt notices for the petition have not yet been received by Mr. Iqbal or his
16 attorney's office. Such delay in receipts is usual for I-918 petitions. *Id.*

17 29. On the morning of January 3, 2026, six immigration officials came to Mr. Iqbal's
18 door. Attorney Declaration ¶ 10. Mr. Iqbal answered the door willingly. He identified himself
19 and complied with and answered officers' questions. *Id.* Mr. Iqbal did not attempt to abscond,
20 nor did he refuse to cooperate with officers. Mr. Iqbal answered the door, and when told he
21 needed to go with the officers, he only asked if he could put on warmer clothes before leaving.
22 *Id.* Mr. Iqbal allowed the officers into his home to wait while he changed clothes. *Id.*

30. Mr. Iqbal has no arrests by police or criminal convictions. Attorney Declaration ¶
9. Despite his lack of criminal history and his consistent compliance with ICE reporting requirements, he was taken into custody and transported to the immigration detention facility in Tacoma, Washington. He remains detained at the NWIPC.

31. Prior to Mr. Iqbal's re-arrest on January 3, 2026, he did not receive written notice of the reason for his re-detention.

32. Prior to Mr. Iqbal's re-arrest, ICE did not assess whether he presented a flight risk or danger to the community.

33. Prior to Mr. Iqbal's re-arrest, he was not afforded a hearing before a neutral decisionmaker to determine if his re-detention was justified.

LEGAL FRAMEWORK

Due Process Principles

34. For individuals who are released and given a future court date, have been living in the United States without incident after initial release, and have complied with the terms of release, due process requires that if DHS seeks to re-arrest a person it must afford a hearing before a neutral decisionmaker to determine whether any re-detention is justified because the person is a flight risk or danger to the community.

35. “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, this is the “the most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *see also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally strong interest in freedom from physical confinement”).

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

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

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

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

20 40. Several courts, including this one, have recognized that these principles apply
21 with respect to the re-detention of the many noncitizens that DHS has arbitrarily begun taking
22 back into custody, often after such persons have been released for months and years.
23
24
25

1 41. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
2 319 (1976), framework to hold that even in a case where the government asserted that mandatory
3 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court
4 did the same in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. See *Ramirez Tesara*, 2025 WL
5 2637663, at *2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574,
6 at *7–8.

7 42. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
8 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL
9 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation
10 modified). The Court further explained that even if detention was mandatory, the risk of
11 erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure
12 that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.*
13 at *4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens
14 previously released without a hearing is low: although it would have required the expenditure of
15 finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations
16 before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous
17 deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the
18 petitioner’s immediate release. *Id.* at *6.

19 43. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court
20 reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full
21 protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of
22 additional safeguards, the Court also noted that despite the government’s allegations of ISAP
23 violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner
24
25

1 does not eliminate its obligation to effectuate the detention in a manner that comports with due
 2 process.” *Id.* at *4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). Finally, the Court reasoned
 3 that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly,
 4 there too, the Court ordered the petitioner’s immediate release. *Id.* at *5.

5 44. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again
 6 holding that all three factors weighed in favor of affording the petitioner a bond hearing. 2025
 7 WL 2677089, at *3–4; 2025 WL 2841574, at *7–9; *see also* Report & Recommendation, *Lopez*
 8 *Reyes*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13 (same).

10 45. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma*
 11 *Gonzalez* are consistent with many other district court decisions addressing similar situations.
 12 *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18,
 13 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v.*
 14 *Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24,
 15 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal.
 16 Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068
 17 (E.D. Cal. Aug. 21, 2025) (similar).

18 46. The same framework and principles apply here and compel the immediate release
 19 of Petitioner.
 20

21 CLAIMS FOR RELIEF

22 Violation of Fifth Amendment Right to Due Process 23 Procedural Due Process

24 47. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.
 25

48. Due process does not permit the government to re-detain Petitioner 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.

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

50. 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 requiring Respondents to show cause within fourteen days of this Petition's filing as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and permitting Petitioner to file a traverse within five days of Respondents' return;

(3) Issue an Order that prohibits Respondents from transferring Petitioner out of this district during the pendency of the court's adjudication of this petition, or, alternatively, provides Petitioner and his habeas counsel with advance notice of any transfer or removal;

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately and permanently enjoining his re-detention during the pendency of his removal proceeding absent written notice and a hearing prior to re-detention

1 where Respondents must prove by clear and convincing evidence that Petitioner is a
2 flight risk or danger to the community and that no alternatives to detention would
3 mitigate those risks;

4 (5) Order that upon Petitioner's release, Respondents must return to Petitioner any
5 personal property, including personal identification documents (other than a passport)
6 and employment authorization documents;

7 (6) Declare that the re-detention of Petitioner while removal proceedings are ongoing
8 without first providing an individualized determination before a neutral
9 decisionmaker violates the Due Process Clause of the Fifth Amendment;

10 (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and
11 on any other basis justified under law; and
12

13 (8) Grant any further relief this Court deems just and proper.
14

15 Dated: January 16, 2026.

16 s/ Shara Svendsen

17 Shara Svendsen, WSBA No. 38151

18 Email: shara@svenlaw.com

19 Law Office of Shara Svendsen PLLC

20 16300 Mill Creek Blvd. STE 206

21 Mill Creek, WA 98012

22 425-361-1511

23 *Attorney for Petitioner*
24
25