UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Yadien BEALTER REYES, Mohammad Hasan HUSSAINI, Eulis Enrique NUÑEZ NUÑEZ, and Pedro Romanely PONCE BAQUE,

Petitioners,

v.

Laura HERMOSILLO, Seattle Acting Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement (ICE); Bruce SCOTT, Warden, Northwest ICE Processing Center; Kristi NOEM, United States Secretary of Homeland Security; UNITED STATES DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, United States Attorney General;

Respondents.

Case No. 2:26-cv-270

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

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INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioners Yadien Bealter Reyes, Mohammad Hasan Hussaini, Eulis Enrique Nuñez Nuñez, and Pedro Romanely Ponce Baque. All four Petitioners are currently in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC).

2. Each Petitioner was apprehended after entering the United States and after being released from immigration custody for the purpose of pursuing immigration relief. Since their releases, Petitioners have fulfilled their conditions of release to the best of their abilities, attended removal proceedings whenever scheduled, submitted applications, and built lives in the United States. None have convictions for violent offenses.

3. Despite Petitioners' compliance while released, including attending their court hearings in removal proceedings or otherwise awaiting pending applications for relief, each was abruptly and unlawfully re-detained by the Department of Homeland Security (DHS).

4. Prior to re-detaining each of the Petitioners, Respondents did not provide any written notice explaining the basis for the revocation of their releases. Likewise, Respondents did not assess whether Petitioners presented a flight risk or danger to the community prior to their re-arrests. Nor did Respondents provide a hearing before a neutral decisionmaker, where Immigration and Customs Enforcement (ICE) was required to justify the basis for re-detention or to explain why each 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*, 795 F. Supp. 3d 1316, 1321–24 (W.D. Wash. 2025); *Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130, 1136–38 (W.D. Wash. 2025); *Ledesma Gonzalez v. Bostock*, --- F. Supp.

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3d ----, 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); *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); *Francois v. Wamsley*, No. 2:25-cv-02122-RSM-GJL, 2025 WL 3496557, at *4 (W.D. Wash. Dec. 5, 2025); *Cabrera Perez v. Hermosillo*, No. 2:25-cv-02542-RSM, 2026 WL 100735, at *6 (W.D. Wash. Jan. 14, 2026). Many other courts have recently held the same.

6. By failing to provide such a hearing, Respondents have violated Petitioners' constitutional rights to due process.

7. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and order Petitioners' immediate release. *See E.A. T.-B*, 795 F. Supp. 3d at 1324 (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*, 800 F. Supp. 3d at 1138 (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).

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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 all four Petitioners are 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 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 Western District of Washington.

REQUIREMENTS OF 28 U.S.C. § 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 Petitioners are 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 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "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 corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120

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(9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (habeas corpus is "a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination").

PARTIES

15. Petitioner Yadien Bealter Reyes is a citizen of Cuba. She is detained at the NWIPC.

16. Petitioner Mohammad Hasan Hussaini is a citizen of Afghanistan. He is detained at the NWIPC.

17. Petitioner Eulis Enrique Nuñez Nuñez is a citizen of Venezuela. He is detained at the NWIPC.

18. Petitioner Pedro Romanely Ponce Baque is a citizen of Venezuela. He is detained at the NWIPC.

19. Respondent Laura Hermosillo is the Acting Field Office Director for ICE's Seattle Field Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens charged with being removable from the United States. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Respondent Hermosillo is a legal custodian of Petitioners and is sued in her official capacity.

20. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as Warden of the NWIPC, where Petitioners are detained. He has immediate physical custody of Petitioners. He is sued in his official capacity.

21. Respondent Kristi Noem is the United States Secretary of Homeland Security and the head of the U.S. Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees

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ICE, which is responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority over Petitioners and is sued in her official capacity.

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

23. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice. She is sued in her official capacity.

FACTUAL BACKGROUND

Petitioner Yadien Bealter Reyes

24. Petitioner Yadien Bealter Reyes is a citizen of Cuba who fled political persecution and entered the United States on February 13, 2022. Bealter Decl. ¶ 1. After being detained in immigration custody, Ms. Bealter was thereafter released on her own recognizance, *id.*, with a Notice to Appear at "a date to be set" in the future, Ex. A.[1] Upon her release, she was provided with a mobile phone for the purpose of checking in every Thursday and further received instructions to report in person upon arrival in her new city. Bealter Decl. ¶ 1.

25. Ms. Bealter complied with the steps of her immigration process to the best of her ability. After moving to Florida, she reported to the ICE office in Miramar for her check-ins as directed. *See id.* ¶ 3. Ms. Bealter timely filed her asylum application by April 2022, *see id.* ¶¶ 2–3, Ex. B; provided biometrics for her application as requested, *see* Ex. C; and received a work permit, Bealter Decl. ¶ 2. She frequently checked online to ensure she did not miss any court dates as they were set and rescheduled. *See id.* ¶ 4. After being informed she no longer

[1] All exhibit citations are to the authenticating declaration of Amanda Ng filed contemporaneously with this petition.

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(206) 957-8611

needed to report to ICE by phone, she continued attending in-person check-ins at the Miramar office in 2023 and 2024. *Id.* ¶ 3. Ms. Bealter attended her first immigration court hearing on September 27, 2024, and received more time to prepare her case. *Id.* ¶¶ 3–4; Ex. D.

26. Ms. Bealter decided to make a permanent move to Oregon after she became pregnant. Bealter Decl. ¶ 5. She found an attorney to help notify ICE of her new address, so that she could continue her check-ins without issue. *See id.* The attorney charged Ms. Bealter $400 for this service. *Id.* The same attorney advised Ms. Bealter to simply travel back to Miami for her next hearing, which had been reset to 2028. *Id.* ¶¶ 4–5.

27. After moving to Oregon, Ms. Bealter separated from her child's father and was forced to find temporary housing. *Id.* ¶ 6. Because she was without a permanent physical home, she could not afford to pay her attorney $400 for an address change each time she found a new place to stay. *Id.* In 2024, Ms. Bealter was arrested and convicted for shoplifting from a Walmart. *Id.*

28. Throughout, Ms. Bealter was able to continue receiving mail at her prior address and checked her mail regularly. *Id.* She reported to her ICE appointments in person and never missed any appointments. *Id.*

29. Ms. Bealter gave birth to her son in [redacted], *id.* ¶ 7, and planned to attend her next court hearing in 2028, *id.* ¶ 11.

30. On December 23, 2025, Ms. Bealter reported for her ICE check-in as scheduled in Richland, Oregon. *Id.* ¶ 8. She left her baby in the car with his grandmother and assured them that she would return shortly to feed him. *Id.*

31. Once inside the office, the ICE officer informed Ms. Bealter that she was being re-detained. *Id.* Unable to understand English, Ms. Bealter could not comprehend anything the

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officer said beyond this statement. *Id.* Upon receiving this news, Ms. Bealter became so faint that paramedics were called to assess her vitals. *Id.*; *see also* Ex. E. Although Ms. Bealter communicated that she had an infant in the car, who was hungry and needed her to nurse him, she was re-detained that day. Bealter Decl. ¶ 8. Ms. Bealter was brought to the NWIPC in Tacoma, where she remains now. *Id.* At the time of her re-detention, Ms. Bealter's son was eight-months-old. *Id.*

32. Since being re-detained, Ms. Bealter has been unable to sleep for crying and worrying about her baby's health. *Id.* ¶ 10. Although she calls her son's grandmother twice a day, her baby has not been eating without her and cries as soon as he hears Ms. Bealter's voice. *Id.* In her absence, her son's grandmother has been covering the baby with Ms. Bealter's clothes in an attempt to soothe him. *Id.* Ms. Bealter worries constantly that due to their separation, her body will stop producing the milk that her son needs, and that her son will forget her. *Id.* ¶ 9.

33. Prior to Ms. Bealter's re-arrest on December 23, 2025, she did not receive written notice of the reason for her re-detention.

34. Prior to Ms. Bealter's re-arrest, ICE did not assess whether she presented a flight risk or danger to the community.

35. Prior to Ms. Bealter's re-arrest, she was not afforded a hearing before a neutral decisionmaker to determine if her re-detention was justified.

Petitioner Mohammad Hasan Hussaini

36. Petitioner Mohammad Hasan Hussaini is a citizen of Afghanistan who [redacted]. *See* Hussaini Decl. ¶ 1. He entered the country on a CBP One appointment on September 11, 2023, and was thereafter paroled into the United States with an I-94 and a Notice to Appear. *Id.* ¶ 2.

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615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

37. Following his release by immigration authorities, Mr. Hussaini moved to California and complied with the requirements of his immigration process to the best of his ability. *Id.* ¶ 3. He reported to the ICE office in San Bernadino, *id.* ¶ 2; timely filed his asylum application, *id.* ¶ 3; received employment authorization, Ex. F; notified ICE and the court of his plans to change address, *id.*; and actively participated in his immigration court case with his attorney's assistance, *id*. His next immigration hearing was scheduled for January 2026 with the Los Angeles Immigration Court. *Id.*

38. On May 22, 2025, Mr. Hussaini was taking his son to school when ICE officers unexpectedly re-arrested him. *Id.* ¶ 4. The officers did not explain the reason for his arrest while re-detaining Mr. Hussaini. *Id.* He was taken to the Adelanto ICE Processing Center, where he suffered a stroke, and eventually transferred to the NWIPC in Tacoma, Washington. *Id.* ¶¶ 5–6.

39. Due to his medical condition, Mr. Hussaini arrived at the NWIPC in a wheelchair. *Id.* ¶ 6. Although he has since been hospitalized twice and received recommendations for surgery, he has yet to receive this medical care. *Id.*

40. On August 27, 2025, an Immigration Judge (IJ) in Tacoma granted Mr. Hussaini's asylum application. *Id.* ¶ 7; Ex. H. Despite winning his case, he remains detained in Tacoma because DHS has filed an appeal. Hussaini Decl. ¶ 7.

41. Mr. Hussaini has no criminal convictions. *Id.* ¶ 8. He describes his ongoing detention as "physical and emotionally difficult" due to his medical conditions and lengthy separation from his family. *Id.* In his absence, his son has become severely depressed. *Id.* Without Mr. Hussaini's support, his daughter has been unable to afford the family's rent in California and the family has been forced to relocate to Virginia. *Id.* As a result, Mr. Hussaini

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615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

has received no visits since being re-detained in May 2025. *See id.* ¶ 10. Due to language barriers, he is unable to speak to anyone at the NWIPC. *Id.* He is "very lonely." *Id.*

42. Prior to Mr. Hussaini's re-arrest on May 22, 2025, he did not receive written notice of the reason for his re-detention.

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

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

Petitioner Eulis Enrique Nuñez Nuñez

45. Petitioner Eulis Enrique Nuñez Nuñez is a citizen of Venezuela who fled political persecution and entered the United States with his wife and children on November 13, 2023. Nuñez Decl. ¶¶ 2–3. After being held in immigration custody, the family was released on an Order of Recognizance to pursue removal proceedings in Colorado. *Id.* ¶ 3; Ex. I. Mr. Nuñez was also released with a GPS ankle monitor and received instructions to report to the ICE Field Office in Denver on December 13, 2023. Nuñez Decl. ¶ 4.

46. Mr. Nuñez diligently kept up with his release requirements and removal proceedings. *See, e.g.*, Ex. J (Mr. Nuñez's copy of his Order of Release on Recognizance); Ex. K (Mr. Nuñez's copy of his ATD enrollment notice); Ex. L (Mr. Nuñez's copy of his Notice to Appear). Upon the family's move to Colorado, Mr. Nuñez presented himself as directed and had the ankle monitor removed by an ICE officer. Nuñez Decl. ¶ 4. The same officer informed him that his only remaining obligation was to attend his hearing in the Denver Immigration Court on May 16, 2024. *Id.* The ICE officer told Mr. Nuñez that no future check-ins were scheduled or required of him. *See id.*

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

47. Around February 2024, Mr. Nuñez and his family were no longer able to stay at their friend's home in Colorado and determined to seek other friends' support in Portland, Oregon. *Id.* ¶ 5. Upon their arrival in Portland, Mr. Nuñez filed a change of address form and a motion to change venue with the Portland Immigration Court. *Id.* ¶ 6. They received a new court date for December 21, 2026 in Portland. *Id.* On September 17, 2024, Mr. Nuñez timely-filed his asylum application with the immigration court. *Id.* ¶ 7. He subsequently received his work permit. *Id.*

48. On January 4, 2026, Mr. Nuñez had just finished a shift at work when ICE officers approached his parked car in the Walmart parking lot. *Id.* ¶ 8. Mr. Nuñez became afraid that the officers, who included a masked officer, would break his windows. *Id.* After he opened his door, three officers handcuffed him and took him into their vehicle. *Id.* The officers did not show Mr. Nuñez a warrant. *Id.* Once Mr. Nuñez was handcuffed and in the ICE officers' car, the officers questioned him about his name and country of origin. *Id.* One officer informed Mr. Nuñez that he was being re-detained simply for entering the country without permission. *See id.*

49. Mr. Nuñez has no criminal history. *Id.* ¶ 4. He was eventually taken to the NWIPC in Tacoma, where he is still detained. *Id.* ¶ 9. He has not yet received a new court date. *Id.*

50. Prior to his re-detention, Mr. Nuñez lived with his wife and two young children in Oregon. *Id.* ¶ 11. The family had built a supportive community of friends and were members of their church in Gresham, Oregon. *Id.* In his words, "[t]his is the longest I have ever been apart from my children and it hurts." *Id.*

51. Prior to Mr. Nuñez's re-arrest on January 4,2026, he did not receive written notice of the reason for his re-detention.

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

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

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

Petitioner Pedro Romanely Ponce Baque

54. Petitioner Pedro Romanely Ponce Baque is a citizen of Venezuela who was forced to flee his country and enter the United States on June 28, 2023. *See* Ponce Decl. ¶ 1. Upon crossing the border, he turned himself in to immigration officials and was transferred to a local jail. *Id.* ¶ 2. Unbeknownst to him, Mr. Ponce's point of entry was through private land and he was charged with trespass. *Id.* Feeling intimidated, he eventually signed papers to plead guilty and was subsequently returned to immigration custody. *Id.* After a credible fear interview, Mr. Ponce was paroled and released from immigration custody to continue removal proceedings in Chicago. *Id.* ¶ 3; Ex. N.

55. Mr. Ponce found an attorney to help him and eventually received a future court date for 2026. Ponce Decl. ¶ 5; Ex. M. Although Mr. Ponce missed one ICE check-in on October 5, 2023, he did his best to keep immigration authorities informed of his location. *See* Ponce Decl. ¶ 5. In December 2023, he and his wife went to the ICE office to notify officials of the family's plans to move to Tukwila, Washington in January. *Id.* ¶ 5. The ICE officers assured Mr. Ponce that "there was no problem" and that they should report to the nearest ICE office upon arrival in Washington. *Id.*

56. Within a week after moving, Mr. Ponce reported to ICE as directed and received a new appointment date. *Id.* ¶ 6. Mr. Ponce and his wife attended this check-in a few days early, and received new instructions to check-in via a mobile phone application. *Id.* ¶ 6. The check-ins

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

gradually slowed from weekly requirements to monthly check-ins. *Id.* At times, Mr. Ponce left work early in order to submit a photo from home as requested. *Id.*

57. Mr. Ponce also did his best to comply with the steps of his immigration case. *See id.* ¶¶ 7–8. He submitted a change of address to the immigration court in February 2024, applied for asylum, and was granted Temporary Protected Status and a work permit. *Id.*

58. On December 11, 2025, Mr. Ponce had just finished dropping off his children when he was stopped by ICE and abruptly re-detained two blocks from the school. *Id.* ¶ 9. Although Mr. Ponce was cooperating with the agents, the ICE officers broke two of his windows and used force to re-arrest him. *Id.* Mr. Ponce still does not understand why he was punished following his record of compliance in Washington. *Id.*

59. When Mr. Ponce asked the arresting officers why he was being re-detained, he was told "sorry" and that "it was numbers the government was asking for." *Id.* ¶ 12.

60. Prior to Mr. Ponce's re-arrest on December 11, 2025, he did not receive written notice of the reason for his re-detention.

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

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

LEGAL FRAMEWORK

63. Due process requires that if DHS seeks to re-arrest a person like Ms. Bealter, Mr. Hussaini, Mr. Nuñez, and Mr. Ponce—individuals who were released and attending to immigration court dates, had lived in the United States without major incident after their initial release, and have otherwise complied with the steps of their immigration processes—the

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

government 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.

64. "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.*, 795 F. Supp. 3d at 1321 (citation modified); *see also Ramirez Tesara*, 800 F. Supp. 3d at 1136 (stating that the petitioner had "an exceptionally strong interest in freedom from physical confinement").

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

66. Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it] includes many of the core values of unqualified liberty," such as the ability to be gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on the [released individual] and often on others." *Id.*

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

68. Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk before the revocation of an individual's release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law is the opportunity to be heard . . . . at a meaningful time in a meaningful manner." (citation

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

modified)); *see also, e.g.*, *Morrissey*, 408 U.S. at 485 (requiring "preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions" and that such determination be made "by someone not directly involved in the case" (citation modified)).

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

70. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976), framework to hold that even in a case where the government asserted that mandatory detention initially applied, a person's re-detention could not occur absent a hearing. The Court did the same in *Ramirez Tesara*, *Kumar*, *Ledesma Gonzalez*, and several other cases since those decision. *See Ramirez Tesara*, 800 F. Supp. at 1136–37; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574, at *7–8.

71. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner had "undoubtedly [been] deprive[d] . . . of an established interest in his liberty," 795 F. Supp. 3d at 1321, which, as noted, "is the most elemental of liberty interests," *id.* (citation modified). The Court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at 1322–23. Finally, the Court explained that "the Government's interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

deprivation of the liberty interest at issue." *Id.* at 1324. As a result, this Court ordered the petitioner's immediate release. *Id.*

72. This Court applied a similar analysis in *Ramirez Tesara*. In granting the petitioner's motion for a temporary restraining order, the Court reasoned that the petitioner had a "weighty" interest in his liberty and was entitled to the "full protections of the due process clause." 800 F. Supp. 3d at 1136. When examining the value of additional safeguards, the Court also noted that despite the government's allegations of ISAP violations, "the fact 'that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.'" *Id.* at 1137 (quoting *E.A. T.-B*, 795 F. Supp. 3d at 1322). Finally, the Court reasoned that any government interest in re-detention without a hearing was "minimal." *Id.* Accordingly, there too, the Court ordered the petitioner's immediate release. *Id.* at 1138.

73. This Court has repeatedly reached the same conclusion in a series of cases since *E.A.T.B.* and *Ramirez Tesara*. *See, e.g.*, *Kumar*, 2025 WL 2677089, at *3–4; *Ledesma Gonzalez*, 2025 WL 2841574, at *7–9; *Y.M.M.*, 2025 WL 3101782, at *2; *P.T.*, 2025 WL 3294988, at *2–4; *Francois*, 2025 WL 3496557, at *3–4; *Cabrera Perez*, 2026 WL 100735, at *5–6; *Ramirez Tesara v. Wamsley*, No. C25-1723-KKE-TLF, 2025 WL 3288295 (W.D. Wash. Nov. 25, 2025) (granting writ of habeas corpus).

74. This Court's decisions are consistent with many other district court decisions addressing similar situations. *See, e.g.*, *Valdez v. Joyce*, --- F.Supp.3d ----, 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, 792 F. Supp. 3d 1025 (N.D. Cal. 2025) (similar); *Maklad v. Murray*, No.

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

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).

75. In ordering the immediate release of similarly situated petitioners, courts have also enjoined the government from re-detaining them without providing constitutionally adequate procedures. *See, e.g.*, *Ramirez Tesara*, 2025 WL 3288295, at *6 (ordering that the petitioner "cannot be re-detained until after a hearing (with adequate notice) on his alleged parole violations").

76. The same framework and principles apply here and compel the immediate release of all Petitioners. Further, an order prohibiting their re-detention without notice and hearing is warranted because the Petitioners, if released, will remain subject to similar conditions and thus face the prospect of arbitrary re-detention.

CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

77. Petitioners restate and reallege all the prior paragraphs as if fully set forth herein.

78. Due process does not permit the government to re-detain Petitioners and strip them of their 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.

79. Respondents revoked Petitioners' releases and deprived them of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to their re-detention.

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80. Accordingly, Petitioners' re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

(1) Assume jurisdiction over this matter;

(2) Require 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 Petitioners to file a traverse within five days of Respondents' return, *see* W.D. Wash. Gen. Order No. 10-25 & App. A;

(3) Issue an Order that prohibits Respondents from transferring Petitioners out of this district during the pendency of the court's adjudication of this petition, or, alternatively, orders Respondents to notify Petitioners and their habeas counsel in advance of any transfer or removal, *see* W.D. Wash. Gen. Order No. 10-25 & App. A;

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

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

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

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

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

Respectfully submitted this 23rd day of January, 2026.

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