UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
Tacoma Division

R.T. Petitioner, vs. LAURA HERMOSILLO, Seattle Field Office Director, U.S. Immigration and Customs Enforcement and Removal Operation, KRISTI NOEM, Secretary of Homeland Security, PAMELA BONDI, Attorney General, TODD LYONS, Acting Director of Immigration and Customs Enforcement, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, U.S. DEPARTMENT OF JUSTICE, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW Respondents	Case No. Agency No. AXXX-XXX-667 PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 ORAL ARGUMENT REQUESTED Expedited hearing requested

In this action against respondents, petitioner alleges 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.

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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 in habeas corpus, 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 ("INA"), 8 U.S.C. § 1252(e)(2).

6. Venue is proper because petitioner is in Respondents' actual or constructive custody in this district and a substantial number of the events giving rise to his claims occurred in this district. 28 U.S.C. § 1391(e).

CUSTODY

7. Petitioner is now in the physical custody of respondents at the Northwest Detention Center in Tacoma Washington.

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MOTION TO PROCEED ANONYMOUSLY

8. 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 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.

9. The petitioner has filed for protection under the Violence Against Women Act. This application includes an I-360 Petition for Amerasian, Widow(er) or Special Immigrant and also an I-485 Application for adjustment of status. The information is protected by law from disclosure. 8 U.S.C. § 1367.

THE RESPONDENTS

10. 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.

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

12. 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.

13. 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.

14. 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.

15. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY 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.

16. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT is an agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY, and is under the direction of respondent TODD LYONS.

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

18. Respondent EXECUTIVE OFFICE FOR IMMIGRATION REVIEW ("EOIR") is an agency under the authority of respondents U.S. DEPARTMENT OF JUSTICE and ultimately respondent PAMELA BONDI.

19. Respondent EOIR is responsible for adjudication of cases for persons alleged to be subject to removal from the United States. EOIR has two main divisions, the Office of the Immigration Judge, known as immigration court, and the Board of Immigration Appeals. The immigration court conducts trial level hearings and is responsible for determining whether non-citizens may post bond to secure release from the physical custody of respondents.

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.

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.*

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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.*

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RESPONDENTS' POLICIES AND ARREST QUOTAS

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 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 threatened job consequences if officials did not meet quotas.[1]

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

[1]Julia 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).

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arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day."[2]

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.".[3]

CIRCUMSTANCES OF PETITIONER'S CASE

33. Petitioner was arrested by respondents on January 22, 2026 in Portland. On information and belief, this arrest was without probable cause and without any individualized determination that petitioner was a flight risk or a danger to the community.

34. Specifically petitioner has a pending I-360 and I-485 pending as above. He has filed for a renewal of his TPS (Temporary Protected Status) which is still pending. Petitioner is a naïve of Country A. TPS for Country A is set to expire on February 3, 2026. Petitioner alleges however that his pending application for TPS is

[2]Hannity, 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).

[3]Olivares, 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

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equivalent to legal status for at least some purposes, including this arrest, until such time as TPS for Country A shall expire.

35. Petitioner has a valid work permit (EAD) in category (c)(9) which is valid through 2029. Petitioner has no criminal record. Petitioner has three children who are U.S. citizens. They are all under age of 21, which would make petitioner prima facie eligible for cancellation of removal in immigration court for non-permanent residents under 8 U.S.C. § 1229b(b).

36. Petitioner could further pursue in immigration court his I-485 application for adjustment of status that is now pending before USCIS.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fourth Amendment to the U.S. Constitution Revocation of bond by unauthorized official

37. Petitioner restates all previous allegations as part of this count.

38. Under 8 C.F.R § 1236.1(c)(9), only certain officials[4] may revoke a bond granted by an immigration judge. Petitioner's detention based on the revocation of his bond is therefore unlawful except the extent that respondents can show that the decision to revoke was made by an authorized person.

[4] The district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign).

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39. Respondents' continued detention of Petitioner without probable cause to justify his detention violates the Fourth Amendment to the U.S. Constitution.

COUNT TWO

Violation of Fifth Amendment Right to Due Process

40. 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).

41. 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)).

42. Here petitioner was released on $8,000 bond on October 18, 2023, and was fully in compliance with the conditions. Then nearly two years later, respondents revoked his bond for no apparent cause or reason. This was an arbitrary and capricious action by the respondents, and therefore a violation of the respondent's right to Due Process of law under the Fifth Amendment to the United States Constitution.

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PRAYER FOR RELIEF

WHEREFORE petitioner prays for relief as follows in that this court:

a. Assume jurisdiction in this matter;

b. Issue an immediate order barring respondents from removing petitioner 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. Order that respondents reinstate petitioner's bond as ordered by the immigration judge on or about October 18, 2023.

e. Issue a writ of habeas corpus ordering respondents to release petitioner from custody.

f. Award petitioner reasonable attorney's 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 23rd day of January 2026

/s/ Michael T. Purcell

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