

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Jairo ESPINOZA PALACIOS, Carmen
GARRIDO CHAVARRIA, Evgenii
KUROCHKIN, Zemical MHRET, Amare
MITIKU, Faiz MOUNTHER, Eduardo PENZO
CROECHEZ, Abdulhaq RAHIM, Nestor
RODRIGUEZ, Hellen SHARP PEREZ, and
Ghezae UKBAGABIR,

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-491

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioners Jairo Espinoza Palacios, Carmen Garrido Chavarria, Evgenii Kurochkin, Zemical Mhret, Amare Mitiku, Faiz Mounther, Eduardo Penzo Croechez, Abdulhaq Rahim, Nestor Rodriguez, Hellen Sharp Perez, and Ghezze Ukbagabir. All eleven 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 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, 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 and 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.

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); *Francisco Francisco v. Hermosillo*, No. C25-2738-SKV (W.D. Wash. Jan. 22, 2026), Dkt. 11 at 9; *Tsyamba v. Hermosillo*, No. 2:25-CV-02623-GJL, 2026 WL 237514, at *4–7 (W.D. Wash. Jan. 29, 2026). Many other courts have recently held the same.

6. By failing to provide such a hearing, Respondents have violated Petitioners’ constitutional right 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).

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 eleven 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

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 **PARTIES**

8 15. Petitioner Jairo Espinoza Palacios is a citizen of Honduras. He is detained at the
9 NWIPC.

10 16. Petitioner Carmen Garrido Chavarria is a citizen of Peru. She is detained at the
11 NWIPC.

12 17. Petitioner Evgenii Kurochkin is a citizen of Russia. He is detained at the NWIPC.

13 18. Petitioner Zemical Mhret is a citizen of Eritrea. He is detained at the NWIPC.

14 19. Petitioner Amare Mitiku is a citizen of Ethiopia. He is detained at the NWIPC.

15 20. Petitioner Faiz Mounther is a citizen of Syria. He is detained at the NWIPC.

16 21. Petitioner Eduardo Penzo Croechez is a citizen of Venezuela. He is detained at the
17 NWIPC.

18 22. Petitioner Abdulhaq Rahim is a citizen of Afghanistan. He is detained at the
19 NWIPC.

20 23. Petitioner Nestor Rodriguez is a citizen of Venezuela. He is detained at the
21 NWIPC.

22 24. Petitioner Hellen Sharp Perez is a citizen of Nicaragua. She is detained at the
23 NWIPC.

1 25. Petitioner Ghezae Ukbagabir is a citizen of Eritrea. He is detained at the NWIPC.

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

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

10 28. Respondent Kristi Noem is the United States Secretary of Homeland Security and
11 the head of the U.S. Department of Homeland Security. She is responsible for the
12 implementation and enforcement of the Immigration and Nationality Act (INA), and oversees
13 ICE, which is responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority
14 over Petitioners and is sued in her official capacity.

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

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

20 **FACTUAL BACKGROUND**

21 **Petitioner Jairo Espinoza Palacios**

22 31. Petitioner Jairo Espinoza Palacios is a citizen of Honduras who was forced to flee
23 his country after receiving death threats from the [REDACTED]. Espinoza Decl. ¶ 1. At

1 age sixteen, he entered the United States with his father and sister in July 2019, was briefly
2 detained, and then released on his own recognizance with a Notice to Appear. *Id.* ¶¶ 2–3.

3 32. Immediately after moving to Florida, Mr. Espinoza went to check in at the local
4 ICE office with his father and sister. *Id.* ¶ 3. ICE informed them that, as the lead in the family’s
5 asylum case and given the ages of the children, Mr. Espinoza’s father would be the one to
6 complete check-ins for the whole family. *See id.*

7 33. Once a month, Mr. Espinoza’s father was required to submit photo check-ins from
8 their home. *Id.* To Mr. Espinoza’s knowledge, his father never missed a check-in on the family’s
9 behalf. *Id.*

10 34. Mr. Espinoza complied with the requirements of his immigration process to the
11 best of his ability. *Id.* He filed his asylum application on December 23, 2022 and was
12 subsequently granted employment authorization through 2028. *See id.* ¶ 4. He attended his first
13 immigration court hearing in 2024 and received a second court date for 2029. *Id.*

14 35. Mr. Espinoza has lived in Florida since his family moved there in 2019 and
15 resides among a close community of friends and extended family nearby. *Id.* ¶ 5. A regular
16 member of his church, he attends church on Sundays and Wednesdays. *Id.* ¶ 10. He has held the
17 same job for the last three years, painting new homes and businesses in the Orlando, Orange
18 County area. *Id.* ¶ 5. In 2024, Mr. Espinoza married his now-wife, and the two are raising their
19 one-year-old daughter together. *Id.*

20 36. On December 8, 2025, Mr. Espinoza was traveling to visit a friend in Montana
21 when he noticed police lights behind his car. *Id.* ¶ 6. After pulling over, stepping out, and
22 providing his driver’s license as instructed, he was informed that “everything was in order” and
23 that he was free to leave. *Id.* Just as Mr. Espinoza was returning to his car, he was approached by

1 an immigration officer and further questioned about his reason for visiting Montana and his
2 citizenship. *Id.* ¶ 7. After Mr. Espinoza answered truthfully—that he is not a U.S. citizen—the
3 ICE officer informed him that he was under arrest without further explanation. *See id.* Despite
4 Mr. Espinoza’s pending case in immigration court, he was re-detained that day. *Id.*

5 37. Mr. Espinoza was eventually taken to the NWIPC in Tacoma, Washington, where
6 he remains. *Id.* ¶ 8. He has no criminal history and still does not understand the reason for his re-
7 detention. *Id.*

8 38. Since being re-detained, Mr. Espinoza has struggled with his mental and physical
9 health. *Id.* ¶ 9. He feels “sad, hopeless, and depressed” and misses his family. *Id.* He is
10 particularly heartbroken to be separated from his young daughter, who is growing up without
11 him. *Id.* The food at NWIPC is “sometimes inedible”—“frozen,” “cold,” or “rotten”—or
12 otherwise insufficient. *Id.* In some instances, he has been served only scoops of corn or a piece of
13 bread. *Id.* He reports that many at the NWIPC are forced to choose between eating the terrible
14 food as provided or starving. *Id.*

15 39. Prior to Mr. Espinoza’s re-arrest on December 8, 2025, he did not receive written
16 notice of the reason for his re-detention.

17 40. Prior to Mr. Espinoza’s re-arrest, ICE did not assess whether he presented a flight
18 risk or danger to the community.

19 41. Prior to Mr. Espinoza’s re-arrest, he was not afforded a hearing before a neutral
20 decisionmaker to determine if his re-detention was justified.

21 **Petitioner Carmen Garrido Chavarria**

22 42. Petitioner Carmen Garrido Chavarria is a citizen and national of Peru who fled
23 persecution and entered the United States on or about September 6, 2022. Garrido Decl. ¶¶ 1, 2.

1 After being detained in immigration custody, Ms. Garrido was thereafter released on parole
2 under the authority of 8 U.S.C. § 1182(d)(5)(A). *Id.* ¶ 2. She was instructed to send weekly
3 photographs via an application on her phone, and to attend regular check-ins with ICE in person.
4 *Id.* ¶ 3.

5 43. Ms. Garrido relocated to Anchorage, Alaska, where she complied with her
6 reporting requirements. *Id.* ¶ 4. At her ICE check in on or about December 12, 2023, she learned
7 that she had missed her immigration court hearing due to her attorney's error. *Id.* The ICE
8 official informed her that she had been ordered removed *in absentia* and advised her to find an
9 attorney. *Id.* She hired new counsel and successfully reopened her removal proceedings on
10 March 12, 2024. *Id.* Throughout the reopening of her case, she continued to check in with ICE as
11 directed. *Id.*

12 44. On May 10, 2024, Ms. Garrido filed a Form I-589 application for asylum. *Id.* ¶ 6.
13 That asylum application is still pending. *Id.* In 2025, she also applied for adjustment of status to
14 become a lawful permanent resident based on her marriage to Carmelo Ramirez Bedoya, a U.S.
15 citizen. *Id.* That application, and the underlying relative petition on which it is based, both
16 remain pending. *Id.*

17 45. Ms. Garrido has no criminal record of any kind in the United States. *Id.* ¶ 8.

18 46. Since coming to the United States, Ms. Garrido has developed deep ties to this
19 country. *Id.* ¶ 10. In addition to her strong bond with her husband, she maintains close
20 relationships with members of her community in Anchorage, Alaska. *Id.* She and her husband
21 are active members of a local church where they enjoy strong support. *Id.*

22 47. Ms. Garrido's claims to relief in immigration court have only grown stronger
23 since she was initially apprehended and released by immigration authorities. Since her initial

1 apprehension and release, she has married a U.S. Citizen who has filed a petition to allow her to
2 adjust her status to lawful permanent resident. *Id.* ¶ 6. Her applications for asylum and
3 adjustment of status remain pending with the Immigration Court, and her husband's relative
4 petition remains pending with U.S. Citizenship and Immigration Services. *Id.*

5 48. On or about July 10, 2025, Ms. Garrido was arrested by ICE officials in the
6 parking lot outside the apartment she shares with her husband. *Id.* ¶ 7. As she entered her car, she
7 was approached and arrested. She was not told the reason for her arrest, but one ICE official
8 whispered a crude insult in her ear as he was arresting her. *Id.* ¶ 7.

9 49. Ms. Garrido has been in immigration custody for more than seven months. During
10 this time, her mental health has suffered, and she has experienced anxiety, depression, and fear.
11 *Id.* ¶ 9.

12 50. Prior to Ms. Garrido's re-arrest, she did not receive written notice of the reason
13 for her re-detention.

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

16 52. Prior to Ms. Garrido's re-detention, she never received a hearing before a neutral
17 decisionmaker to determine if her re-detention is justified.

18 **Petitioner Evgenii Kurochkin**

19 53. Petitioner Evgenii Kurochkin is a Jehovah's Witness and citizen of Russia.
20 Kurochkin Decl. ¶ 1. He and his wife fled religious persecution at the hands of their government
21 in early 2023. *Id.* On September 10, 2023, Mr. Kurochkin entered the United States and was held
22 in immigration custody for purposes of a credible fear interview. *Id.* ¶ 2. Despite passing his
23 credible fear interview and being issued a Notice to Appear, Mr. Kurochkin remained separated

1 from his wife and in detained immigration proceedings. *See id.* ¶¶ 2–4. While detained, he timely
2 submitted his asylum application and was eventually granted a change of venue to allow him to
3 reunite with his wife and pursue their asylum claim together. *Id.* ¶ 3.

4 54. On February 4, 2024, Mr. Kurochkin was granted humanitarian parole and
5 released with an ankle monitor to continue his proceedings in the Seattle Immigration Court. *See*
6 *id.* ¶¶ 4–5. He was instructed to notify ICE and the immigration court of any address changes,
7 report to ICE for check-ins, and avoid committing any criminal offenses. *Id.* ¶ 5. In April 2024,
8 the Intensive Supervision Appearance Program (ISAP) removed his ankle monitor and scheduled
9 regular check-ins instead. *Id.*

10 55. Mr. Kurochkin and his wife joined a Russian-speaking congregation of Jehovah’s
11 Witnesses in Des Moines, Washington and resided near family in the area. *Id.* ¶ 14. He
12 eventually received employment authorization and found work as a maintenance technician. *Id.*
13 ¶¶ 4, 14. He successfully consolidated his case with his wife’s asylum application, *see id.* ¶¶ 4, 7,
14 and the couple was set for an individual calendar hearing on May 6, 2025, *id.* ¶ 9.

15 56. After being paroled, Mr. Kurochkin followed all his release requirements to the
16 best of his ability. *Id.* ¶ 5. To his knowledge, he has not missed any check-ins. *Id.* ¶ 6. Using a
17 mobile application, Mr. Kurochkin sent photos of his face as requested every week. *Id.* He
18 submitted these photo check-ins on time, responding immediately in response to a phone
19 notification between 9:00 A.M. and 11:00 A.M. *Id.* Although there were occasionally issues due
20 to the connection or the program’s facial recognition software, he always re-sent the photo
21 whenever there was a technical problem. *Id.* He never received notification of any violation of
22 this requirement. *Id.*

1 57. In addition to weekly photos, Mr. Kurochkin completed home video call visits
2 once a month and reported to the ISAP office as requested every two months. *Id.* Because his
3 home video calls were scheduled on Mondays, he specifically asked his employer to take such
4 days off so that he could stay home to receive the calls. *Id.* ¶ 8. On May 5, 2025, the day before
5 his individual hearing, he remained home all day in order to wait for ISAP's video call. *Id.*
6 Because ISAP had previously refused his request to schedule the video visit before noon, to
7 allow him to meet with his immigration attorney, Mr. Kurochkin prepared with his lawyer over
8 Zoom instead. *Id.* Although he kept his phone close, he never received any calls or visits from
9 ISAP that day. *Id.*

10 58. On May 6, 2025, Mr. Kurochkin and his wife attended their individual hearing.
11 *Id.* ¶ 9. The immigration judge (IJ) asked them to return to continue their individual hearing on
12 May 3, 2027. *Id.*

13 59. After that, Mr. Kurochkin continued to follow his ISAP check-ins, sending
14 weekly photos, completing monthly video calls at home, and reporting to the office in-person as
15 instructed. *Id.* ¶ 10. On January 12, 2026, an ISAP representative visited Mr. Kurochkin's home
16 and informed him that due to the loosening of prior COVID-19 protocols, his future home visits
17 would always be conducted in-person rather than by video. *Id.*

18 60. On January 27, 2026, Mr. Kurochkin reported to the ISAP office as usual and was
19 instructed to go to the Tukwila ICE Office. *Id.* ¶ 11. He did so and showed his documents and
20 work permit at the ICE office as proof of his A-number. *Id.* After taking Mr. Kurochkin's work
21 permit, ICE officers brought him to another room. *Id.* There, he was informed that he had been
22 arrested. *Id.* Despite Mr. Kurochkin's requests for his attorney, the ICE officers informed him
23 that the conversation was over and placed him in handcuffs. *Id.*

1 61. ICE subjected Mr. Kurochkin to search, took the documents he had brought with
2 him, and ignored his questions throughout the process. *Id.* Mr. Kurochkin was repeatedly denied
3 a call to his lawyer and was only permitted to contact his attorney hours later, just as he was
4 about to be transferred to the NWIPC in Tacoma. *Id.*

5 62. Mr. Kurochkin has no criminal history. *Id.* ¶ 13. He is now detained at the
6 NWIPC. *Id.* ¶ 12.

7 63. Prior to Mr. Kurochkin's re-arrest, he did not receive written notice of the reason
8 for his re-detention.

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

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

13 **Petitioner Zemical Mhret**

14 66. Petitioner Zemical Mhret is a citizen of Eritrea who left his country for fear of
15 torture by his government. Mhret Decl. ¶ 1. He was detained by immigration officers shortly
16 after entering the United States on January 13, 2019. *Id.* ¶ 2. He remained in immigration
17 custody in Texas until January 19, 2021, when he was released on humanitarian parole. *See id.*

18 67. Mr. Mhret was not given reporting requirements at his release and stayed in Texas
19 to attend his biometrics appointments and submit his Form I-589 application for asylum. *Id.* ¶¶
20 3–4. After his asylum application was referred to the immigration court, Mr. Mhret attended his
21 hearings until January 8, 2024, when an IJ denied asylum but granted him protection under the
22 Convention Against Torture (CAT). *Id.* ¶ 4. Mr. Mhret timely appealed to pursue his asylum
23 claim and received his work permit. *Id.* Following his CAT grant, he was not aware of any

1 requirements beyond monitoring his appeal for asylum before the Board of Immigration Appeals
2 (BIA). *Id.*

3 68. In the meantime, Mr. Mhret met and moved in with his girlfriend, a lawful
4 permanent resident. *Id.* ¶ 5. The two lived together for about one year in Texas before
5 determining to move to Seattle, Washington in January 2025. *Id.* After the move, Mr. Mhret
6 found steady work in Seattle as a delivery driver and a cashier in a gas station. *Id.* ¶ 6. He has
7 never been convicted of any crimes in the United States or elsewhere. *Id.*

8 69. On December 25, 2025, Mr. Mhret was sitting in his car in a parking lot when
9 ICE officers approached and ordered him to exit the vehicle. *Id.* ¶ 6. After he complied, Mr.
10 Mhret was immediately handcuffed and taken to the ICE office. *Id.* ICE did not explain why he
11 was being re-detained. *Id.* Although Mr. Mhret informed the officers that he had an open
12 immigration case before the BIA, he was eventually transferred to the NWIPC in Tacoma,
13 Washington. *Id.*

14 70. Mr. Mhret remains detained at the NWIPC and has felt depressed about being re-
15 detained without reason. *Id.* He describes this experience as deeply distressing, as he was
16 previously released after enduring two years of detention after his arrival in 2019. *Id.*

17 71. Prior to Mr. Mhret's re-arrest, he did not receive written notice of the reason for
18 his re-detention.

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

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

23 **Petitioner Amare Mitiku**

1 74. Petitioner Amare Mitiku is a noncitizen of Ethiopia who entered the United States
2 in October 2025. Mitiku Decl. ¶ 1. He was apprehended shortly after entering and subsequently
3 released on parole for purposes of continuing his immigration proceedings. *Id.* ¶ 2.

4 75. Upon his release on November 12, 2024, Mr. Mitiku was issued a form
5 instructing him to report at an ICE office in Seattle, Washington on December 11, 2024. *Id.* Mr.
6 Mitiku reported as required, and was ordered to check-in again on June 13, 2025. *Id.* ¶¶ 2–3.

7 76. Mr. Mitiku was not provided with a notice to appear or other paperwork upon his
8 release. *Id.* ¶ 2.

9 77. Following his release, Mr. Mitiku timely filed an application for asylum in March
10 2025. *Id.* ¶ 4.

11 78. At his June 13, 2025, check-in, ICE re-arrested Mr. Mitiku. *Id.* ¶ 5. Federal arrest
12 records for Mr. Mitiku justify that re-arrest by reference to an expedited removal order that was
13 allegedly issued on November 25, 2024, after Mr. Mitiku was released from detention. Mr.
14 Mitiku never received any such removal order. *Id.* ¶ 4.

15 79. USCIS also dismissed Mr. Mitiku’s asylum application based on the claimed
16 expedited removal order. *Id.*

17 80. Following his re-arrest, Mr. Mitiku was transferred to the NWIPC. Once there, he
18 was administered a credible fear interview and found to have a credible fear. *Id.* ¶ 9

19 81. In the subsequent removal proceedings, an IJ granted Mr. Mitiku asylum. DHS
20 appealed, and that appeal remains pending. *Id.*

21 82. Mr. Mitiku fully complied with his conditions of release following his arrival in
22 the United States and has no criminal history. He has family and friends who live in Seattle and
23 who will continue to support him if released. *Id.* ¶¶ 3, 6, 10.

1 83. Prior to Mr. Mitiku's re-detention, he did not receive written notice of the reason
2 for his re-detention.

3 84. Prior to Mr. Mitiku's re-detention, ICE did not assess whether he presented a
4 flight risk or danger to the community.

5 85. Prior to Mr. Mitiku's re-detention, he was not afforded a hearing before a neutral
6 decisionmaker to determine if his re-detention was justified.

7 **Petitioner Faiz Mounther**

8 86. Petitioner Faiz Mounther is a citizen of Syria who escaped his country's
9 dictatorship and subsequently had to flee Venezuela to seek further safety in the United States.
10 Mounther Decl. ¶ 1. His family was forced to stay behind in Venezuela. *See id.* ¶ 7. Mr.
11 Mounther entered the United States in February 2023 and was held in immigration custody for
12 about one month. *Id.* ¶ 2. After passing a credible fear interview, he was released on
13 humanitarian parole with a Notice to Appear on March 22, 2023. *Id.*

14 87. Mr. Mounther kept ICE notified of his address and even sought permission prior
15 to moving from Ohio to Oregon, where his brother lives. *Id.* ¶ 3. Around June 2023, he relocated
16 to Oregon and went to his local ICE office to check in as instructed. *Id.* He was given a new
17 order of release and a paper to stamp at his next appointment. *Id.*

18 88. Mr. Mounther's Form I-589 asylum application was timely filed with the Portland
19 Immigration Court on January 23, 2024 and he received a future court date in 2026. *Id.* ¶ 4.

20 89. Mr. Mounther complied with the requirements of his release to the best of his
21 ability and settled into life in Oregon. *Id.* ¶ 5. He found employment, made friends, and joined
22 his brother in the Arab community in Oregon. *Id.* ¶¶ 5, 11.

1 90. Because Mr. Mounther does not speak or read English, he relied upon the ICE
2 officer to tell him of his next appointment date at each check-in. *Id.* ¶ 6. He recalls reporting at
3 least twice to the Portland ICE Office. *Id.* After his last check-in in 2024, he does not recall
4 receiving another date to return. *Id.*

5 91. Around October 2025, Mr. Mounther sought additional work in the restaurant
6 industry across the river in Vancouver, Washington. *Id.* ¶ 7. Due to ongoing medical treatments
7 in Oregon and the proximity of family support and friends, he continued living in Oregon. *Id.*
8 But because he often got off work late, Mr. Mounther rented a temporary apartment to have a
9 place to sleep a few nights a week. *Id.* He worked hard to support his family back in Venezuela
10 while waiting for his first court date in 2026. *Id.*

11 92. Mr. Mounther has no criminal history. *Id.* ¶ 8. He filed tax returns for two years
12 and tried to do everything right while awaiting his court date. *See id.*

13 93. On December 11, 2025, Mr. Mounther was taking out the trash before leaving for
14 a restaurant shift in Vancouver when ICE officers approached him and informed Mr. Mounther
15 that he was being arrested. *Id.* ¶ 9. Although Mr. Mounther showed his documents and work
16 permit, the ICE officers did not provide any reason for his re-arrest. *Id.* When he further
17 questioned the officers, all he was told was that he had court. *Id.* He was eventually taken to the
18 NWIPC in Tacoma, Washington. *Id.*

19 94. Mr. Mounther's health has deteriorated since being re-detained. *Id.* ¶ 10.
20 Although he severely needs glasses, his glasses were in his car at the time of his re-arrest, and he
21 has not been provided a new pair in detention. *Id.* His vision is impaired, and he experiences
22 headaches from his eye strain. *See id.* In addition, he has not received medical care for pain in his
23 arm and abdomen, and has been provided only beans while at the NWIPC. *Id.*

1 95. Prior to Mr. Mounther's re-arrest, he did not receive written notice of the reason
2 for his re-detention.

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

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

7 **Petitioner Eduardo Penzo Croechez**

8 98. Petitioner Eduardo Penzo Croechez is a citizen of Venezuela who left with his
9 wife and son after he was kidnapped by the police in his country. Penzo Decl. ¶ 1. On December
10 16, 2025, his family entered the United States together to ask border officers for asylum. *Id.* ¶ 2.
11 Following a few days in immigration detention, Mr. Penzo and his family were released with a
12 Notice to Appear. *Id.* Mr. Penzo was also given an ankle monitor and instructions to report to the
13 Yakima ICE Office once the family moved to Washington. *Id.*

14 99. Mr. Penzo followed these instructions closely, providing the Yakima ICE Office
15 with his temporary address upon arriving in Washington and returning to provide his new
16 address after the family moved into a permanent home. *Id.*

17 100. On October 23, 2024, Mr. Penzo timely filed his asylum application with the
18 Seattle Immigration Court and thereafter attended two master calendar hearings. *Id.* ¶ 3. At his
19 last hearing, he was given an individual calendar hearing date of August 23, 2027. *Id.*

20 101. His family settled in Yakima, Washington. *Id.* ¶ 11. Mr. Penzo received his work
21 permit and began working to pack apples at a warehouse to provide for his family. *Id.* His son
22 enrolled in a local school and Mr. Penzo was proud to attend all his baseball practices and
23

1 participate with the other team parents. *Id.* He also joined a church and regularly attended
2 services and volunteered at community events. *Id.*

3 102. Mr. Penzo complied with the requirements of his release to the best of his ability.
4 *Id.* ¶ 4. During an ICE check-in one month after the family's move to Washington, ICE removed
5 his ankle monitor and enrolled Mr. Penzo in ISAP, with weekly photo check-ins every Tuesday.
6 *Id.* He was careful to monitor for these notifications and was aware that he had only two hours to
7 submit a photo after the notification came in. *Id.* He always responded with a photo within this
8 window. *Id.*

9 103. But technical issues with the ISAP mobile application prevented Mr. Penzo from
10 submitting his photo. *Id.* ¶ 6. He understood that a recent application update changed the way
11 photos could be submitted. *Id.* Under the new version, users had to blink into the camera rather
12 than press a button to capture a photo in the application. *Id.* Although Mr. Penzo did his best to
13 adapt, he experienced technical issues with this new update. *Id.* In addition, there were a number
14 of times when the ISAP application did not send a notification at all. *Id.* On these occasions, Mr.
15 Penzo received a call and instructions from his ISAP agent to submit his photo later, once the
16 application was no longer malfunctioning. *Id.*

17 104. At his last in-person ISAP appointment in September 2025, Mr. Penzo's ISAP
18 representative told him he had no violations in their system and changed his schedule to monthly
19 reports at the ICE office rather than weekly check-ins through the ISAP mobile application. *Id.*
20 ¶ 7.

21 105. On January 9, 2026, Mr. Penzo reported to the Yakima ICE Office as scheduled
22 and received another appointment to return on January 23, 2026. *Id.*

1 106. On January 23, 2026, Mr. Penzo arrived early for his 8:30 A.M. appointment and
2 was suddenly re-detained. *Id.* All he was told about his re-detention was that he was in the
3 country illegally. *Id.*

4 107. He was eventually taken to the NWIPC in Tacoma, Washington, where he is still
5 detained. *Id.* ¶ 9.

6 108. Mr. Penzo has no criminal record. *Id.* ¶ 8. Being re-detained after doing his best to
7 abide by the laws and requirements of his case has been immensely frustrating and he feels
8 depressed and anguished about being separated from his family. *Id.* ¶ 9.

9 109. Mr. Penzo has always taught his son to follow the rules and do the right thing and.
10 *See id.* ¶ 10. He does not know how to explain his current re-detention to his son, who had
11 encouraged Mr. Penzo to attend his appointment without fear and was forced to witness his
12 father's arrest at the ICE office. *Id.* ¶ 9. He worries now about how his continuing detention will
13 affect his son's development. *Id.* ¶ 10.

14 110. Prior to Mr. Penzo's re-arrest, he did not receive written notice of the reason for
15 his re-detention.

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

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

20 **Petitioner Abdulhaq Rahim**

21 113. Mr. Abdulhaq Rahim is a 29-year-old citizen and national of Afghanistan.
22
23

1 114. In Afghanistan, Mr. Rahim was a humanitarian aid worker and an advocate for
2 the government that preceded the  rule. Rahim Decl. ¶ 1. He fled the country due to
3 persecution by the . *Id.*

4 115. Mr. Rahim entered the United States on November 28, 2022, crossing the border
5 near Calexico, CA, to seek asylum. *Id.* ¶ 2. He was apprehended by Border Patrol, and in
6 immigration custody he was given a credible fear interview before he was released on parole on
7 December 27, 2022. *Id.*

8 116. DHS released Mr. Rahim on his own recognizance and instructed him to check in
9 at his local ICE office in Jacksonville, Florida. *Id.*

10 117. Following his release from detention, Mr. Rahim settled in the home of his U.S.
11 citizen cousin and sponsor in Jacksonville. *Id.* He complied with all conditions of his release
12 from immigration custody. *Id.* ¶ 3. He reported to all scheduled ICE appointments as required
13 and attended all of his court hearings. *Id.*

14 118. Mr. Rahim filed a Form I-589 application for asylum within six months of his
15 arrival in the United States. *Id.* ¶ 4. The IJ denied his application on April 18, 2025, and Mr.
16 Rahim filed a timely appeal, which remains pending with the BIA. *Id.*

17 119. After Mr. Rahim filed his asylum application, he supported himself by working as
18 an Amazon warehouse worker. *Id.* ¶ 7. He timely filed his taxes. *Id.* He built a life in the United
19 States, spending time with his numerous family members in the Jacksonville area and continuing
20 to live in the home of his cousin. *Id.*

21 120. Since his 2022 arrival in the United States, Mr. Rahim has complied with the
22 check-in requirements imposed by ICE as part of his release on recognizance. He has no criminal
23 record of any kind in the United States. *Id.* ¶¶ 3, 8.

1 121. Mr. Rahim was scheduled to report to ICE on April 7, 2026. *Id.* ¶ 5. But on
2 December 3, 2025, Mr. Rahim was instead re-arrested by ICE at his home, after being told he
3 needed to report to ICE to “sign paperwork.” *Id.*

4 122. Prior to Mr. Rahim’s re-arrest, he did not receive written notice of the reason for
5 his re-detention.

6 123. Prior to Mr. Rahim’s re-arrest, ICE did not assess whether Mr. Rahim presented a
7 flight risk or danger to the community.

8 124. Prior to Mr. Rahim’s re-detention, he never received a hearing before a neutral
9 decisionmaker to determine if his re-detention was justified.

10 **Petitioner Nestor Rodriguez**

11 125. Petitioner Nestor Rodriguez is a citizen of Venezuela who was forced to leave his
12 country due to state violence and corruption. Rodriguez Decl. ¶ 1. He entered the United States
13 in July 2022 and was detained by immigration authorities. *Id.* ¶ 2. Although he was held in
14 immigration custody for about three days, he never received a credible fear interview nor saw an
15 IJ. *Id.* When he was released, he was given paper instructions on how to comply with his release
16 requirements. *Id.*

17 126. After receiving these instructions and receiving a government-provided phone for
18 photo check-ins, he moved to Denver to live with a friend. *Id.* He complied with the given
19 instructions carefully, submitting photos of his face every day between 11:00 A.M. and 1:00
20 P.M. for fifteen days. *Id.* ¶ 3.

21 127. At the end of this period, Mr. Rodriguez reported to an office in Denver to return
22 the phone as directed. *Id.* He did not receive any new requirements. *Id.*

1 128. In November 2022, Mr. Rodriguez decided to moved to Seattle, Washington to
2 live with his niece. *Id.* ¶ 4. After moving to Seattle, he applied for Temporary Protected Status
3 (TPS), received a receipt notice, and attended a biometrics appointment. *Id.* His pending
4 application was never adjudicated because the federal government has sought to terminate TPS
5 for Venezuelans. *See id.*¹ As a result, he never received an approval notice. *See id.*

6 129. Mr. Rodriguez settled in Seattle near extensive family support, *see id.* ¶ 9, and
7 found employment delivering packages for Amazon, *id.* ¶ 5.

8 130. On January 6, 2026, Mr. Rodriguez was driving his delivery route when he
9 noticed flashing lights on a vehicle behind him. *Id.* ¶ 6. Assuming that this was the police, he
10 pulled over and provided his license as requested. *Id.* But when the officers returned to his car,
11 they informed Mr. Rodriguez that he had a deportation order and was being arrested. *Id.*
12 Although Mr. Rodriguez explained that this was not the case and that he had no criminal history,
13 he was re-detained and eventually transferred to the NWIPC in Tacoma, Washington. *Id.*

14 131. Since being re-detained, Mr. Rodriguez has passed a credible fear interview and
15 been set for a hearing on February 19, 2026 before the Tacoma Immigration Court. *Id.* ¶ 8. He is
16 afraid for his future, as he cannot afford to hire an attorney while detained. *Id.*

17 132. Prior to Mr. Rodriguez's re-arrest, he did not receive written notice of the reason
18 for his re-detention.

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

21
22
23 ¹ *See, e.g., Nat'l TPS All. v. Noem*, 798 F. Supp. 3d 1108 (N.D. Cal. 2025) (order to, *inter alia*, set aside the
termination of Venezuela's TPS designation and the vacatur of TPS extension for Venezuelans), *stayed by*, 146 S.
Ct. 23 (2025), *but aff'd*, ---F.4th ---, 2026 WL 226573 (9th Cir. Jan. 28, 2026).

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

3 **Petitioner Hellen Sharp Perez**

4 135. Petitioner Hellen Sharp Perez is a citizen of Nicaragua who fled political
5 persecution and entered the United States on or around July 1, 2022. Sharp Decl. ¶¶ 1–2. Ms.
6 Sharp turned herself in to immigration officials, and after a brief detention in immigration
7 custody, was released on her own recognizance. *Id.* ¶ 2.

8 136. Upon her release, she was given a mobile phone and instructed to check in weekly
9 by sending a photo every Tuesday. *Id.* She did her best to comply with her weekly check-ins,
10 occasionally sending her photo late but always the same day they were due. *Id.* ¶ 3.

11 137. Ms. Sharp settled in Miami, where her mother and sister live. *Id.* ¶ 4. She became
12 involved with an abusive partner who would become the father of her two children. *Id.* She
13 temporarily traveled with him to Iowa, but maintained her primary address in Miami where she
14 could monitor her immigration case. *Id.* In Iowa, her partner attempted to choke her and was
15 arrested for domestic violence. *Id.* Ms. Sharp gave birth to their first daughter while staying at a
16 domestic violence shelter, and returned to her family in Miami after the birth. *Id.* The abuse
17 continued, and her partner was arrested again for domestic violence in Miami in 2025. *Id.* Her
18 son was born in Miami in July 2025. *Id.*

19 138. Despite these challenges, Ms. Sharp did her best to pursue her immigration case.
20 *Id.* ¶ 5. In January 2023, she hired an immigration attorney to file her asylum application. *Id.*
21 When she eventually learned that he had not filed it, she sought assistance from Catholic
22 Charities. *Id.* ¶¶ 5–6. Through that organization, she filed applications for asylum and for an
23

1 employment authorization document. *Id.* ¶ 6. She attended a biometrics appointment, was
2 granted a work permit, and attended an immigration court hearing in Miami in 2025. *Id.*

3 139. Her abusive partner falsely accused her of domestic violence in July 2024 and in
4 October 2025. *Id.* ¶ 7. When she was released from criminal custody in November 2025 after the
5 dismissal of these charges, ICE re-detained her from the jail facility. *Id.*

6 140. At the time of her re-detention, Ms. Sharp's infant son was only a few months old,
7 and her daughter was one. *Id.* ¶ 8. She was brought to an ICE office in Miramar, Florida, where
8 she explained that the charges against her had been dropped and that she was breastfeeding her
9 three-month-old son. *Id.* Without any hearing or opportunity to seek release, she was transferred
10 to a detention center in Florida. *Id.*

11 141. Over the next several months, ICE arbitrarily transferred Ms. Sharp to at least
12 eight different facilities. *Id.* ¶¶ 9–13. At one site, Orange County Jail, she was held for fifteen
13 days despite a facility limit of 72 hours for immigration stays. *Id.* ¶ 9. To circumvent this rule,
14 her jailers would book her out every three days, drive her around the facility, and book her back
15 in. *Id.* Each time she was re-booked into that facility, she was subjected to a humiliating strip
16 search. *Id.*

17 142. Because she was only a few months post-partum when she was taken into ICE
18 custody, Ms. Sharp has experienced severe physical and emotional symptoms while in detention.
19 Separated from her breastfeeding infant son, she suffered from post-partum depression when in
20 Orange County jail. *Id.* ¶ 10. When she reported this to her jailers, she was put in a cell alone and
21 stripped of her shoes and socks. *Id.* She also experienced heavy post-partum bleeding at various
22 times during her detention, bleeding through four sanitary napkins at a time. *Id.* ¶ 11. While
23 detained at a facility in Mesa, Arizona, she was bleeding heavily but guards refused to give her

1 more than one sanitary napkin at a time, causing her to bleed through her uniform. *Id.* The guards
2 also refused to provide her with a change of uniform, so she resorted to taking her clothes off and
3 washing them herself. *Id.*

4 143. Ms. Sharp was eventually brought to the NWIPC in Tacoma, where she remains
5 today, thousands of miles away from her family in Florida. *Id.* ¶ 13. She believes she is suffering
6 from post-partum depression and worries about her children constantly. *Id.* ¶ 14. Her sister is
7 doing her best to care for her children but reports that Ms. Sharp's infant son, now six months
8 old, is sick and is not growing because he refuses to eat formula. *Id.* ¶ 15. Ms. Sharp worries that
9 she will no longer be able to produce breastmilk for him even if she is released. *Id.* Her daughter,
10 now two, is presenting with behavior problems. *Id.* ¶ 16. Her children are also a financial burden
11 on her sister, and Ms. Sharp is only able to talk to her two-year-old daughter about once a week
12 because that is all the family can afford. *Id.* ¶¶ 14, 16.

13 144. Prior to Ms. Sharp's re-arrest, she did not receive written notice of the reason for
14 her re-detention.

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

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

19 **Petitioner Ghezae Ukbagabir**

20 147. Petitioner Ghezae Ukbagabir is a citizen of Eritrea who was forced to flee his
21 country. Ukbagabir Decl. ¶ 1. Mr. Ukbagabir was imprisoned for six months in Eritrea for
22 publicly questioning why members of certain religious faiths could not obtain national
23 identification cards. *Id.*

1 148. Mr. Ukbagabir entered the United States on July 17, 2024 near San Diego,
2 seeking asylum. *Id.* ¶ 2. He was detained in immigration custody near the border and then was
3 transferred to detention centers in California and Mississippi. *Id.* Following an August 2024
4 interview where he was found to have a credible fear of persecution, he was released from
5 immigration custody. *Id.* ¶ 3.

6 149. Upon his release, Mr. Ukbagabir was instructed to submit weekly telephonic
7 check-ins to ICE, and present himself for monthly in-person visits to his local ICE office. *Id.* ¶ 5.
8 He complied with these requirements, dutifully reporting for more than a year. *Id.*

9 150. Mr. Ukbagabir also complied with all requirements in his court process. *See id.*
10 ¶ 6. He filed his asylum application with the immigration court. *Id.* He attended his master
11 calendar hearing and was scheduled for a final merits hearing in January 2029 in Seattle. *Id.*

12 151. On January 14, 2026, when Mr. Ukbagabir reported for his regular ICE
13 appointment, he was abruptly handcuffed and detained. *Id.* ¶ 7. He was not told the reason for his
14 re-arrest. *Id.* The only explanation he received was that the officials were from the Trump
15 administration and he must go with them. *Id.*

16 152. Mr. Ukbagabir has no criminal history. *Id.* ¶ 8.

17 153. Prior to Mr. Ukbagabir's re-arrest, he did not receive written notice of the reason
18 for his re-detention.

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

21 155. Prior to Mr. Ukbagabir's re-arrest, he was not afforded a hearing before a neutral
22 decisionmaker to determine if his re-detention was justified.
23

LEGAL FRAMEWORK

156. Due process requires that if DHS seeks to re-arrest a person like Mr. Espinoza, Ms. Garrido, Mr. Kurochkin, Mr. Mhret, Mr. Mitiku, Mr. Mounther, Mr. Penzo, Mr. Rahim, Mr. Rodriguez, Ms. Sharp, and Mr. Ukbagabir—individuals who were released and attending to immigration court dates or pending applications for relief, 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 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.

157. “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”).

158. 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).

159. 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.*

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

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

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

16 163. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
17 319 (1976), framework to hold that even in a case where the government asserted that mandatory
18 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court
19 did the same in *Ramirez Tesara*, *Kumar*, *Ledesma Gonzalez*, and several other cases since those
20 decision. *See Ramirez Tesara*, 800 F. Supp. at 1136–37; *Kumar*, 2025 WL 2677089, at *2–3;
21 *Ledesma Gonzalez*, 2025 WL 2841574, at *7–8; *Francisco Francisco*, No. 2:25-cv-2738-SKV
22 (W.D. Wash. Jan. 22, 2026), Dkt. 11 at 6–7.

1 164. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
2 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 795 F. Supp. 3d
3 at 1321, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The
4 Court further explained that even if detention was mandatory, the risk of erroneous deprivation
5 of liberty without a hearing was high because a hearing serves to ensure that the purposes of
6 detention—the prevention of danger and flight risk—are properly served. *Id.* at 1322–23. Finally,
7 the Court explained that “the Government’s interest in re-detaining non-citizens previously
8 released without a hearing is low: although it would have required the expenditure of finite
9 resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before
10 arresting and re-detaining him, those costs are far outweighed by the risk of erroneous
11 deprivation of the liberty interest at issue.” *Id.* at 1324. As a result, this Court ordered the
12 petitioner’s immediate release. *Id.*

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

1 166. This Court has repeatedly reached the same conclusion in a series of cases since
2 *E.A.T.B. and Ramirez Tesara*. See, e.g., *Kumar*, 2025 WL 2677089, at *3–4; *Ledesma Gonzalez*,
3 2025 WL 2841574, at *7–9; *Y.M.M.*, 2025 WL 3101782, at *2; *P.T.*, 2025 WL 3294988, at *2–
4 4; *Francois*, 2025 WL 3496557, at *3–4; *Cabrera Perez*, 2026 WL 100735, at *5–6; *Ramirez*
5 *Tesara v. Wamsley*, No. C25-1723-KKE-TLF, 2025 WL 3288295 (W.D. Wash. Nov. 25, 2025)
6 (granting writ of habeas corpus); *Francisco Francisco*, No. 2:25-cv-2738-SKV (W.D. Wash.
7 Jan. 22, 2026), Dkt. 11 at 7–9.

8 167. This Court’s decisions are consistent with many other district court decisions
9 addressing similar situations. See, e.g., *Valdez v. Joyce*, --- F.Supp.3d ----, 2025 WL 1707737
10 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing);
11 *Garro Pinchi v. Noem*, 792 F. Supp. 3d 1025 (N.D. Cal. 2025) (similar); *Maklad v. Murray*, No.
12 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v.*
13 *Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

14 168. In ordering the immediate release of similarly situated petitioners, courts have
15 also enjoined the government from re-detaining them without providing constitutionally
16 adequate procedures. See, e.g., *Ramirez Tesara*, 2025 WL 3288295, at *6 (ordering that the
17 petitioner “cannot be re-detained until after a hearing (with adequate notice) on his alleged parole
18 violations”). The same framework and principles apply here and compel the immediate release of
19 all Petitioners.

20 169. Further, an order prohibiting their re-detention without notice and hearing is
21 warranted because the Petitioners, if released, will remain subject to similar conditions and thus
22 face the prospect that the same arbitrary re-detention is likely to occur. See *Nielsen v. Preap*, 586
23 U.S. 392, 403 (2019) (explaining that a live controversy remained where permanent injunctive

1 relief had not been entered because the detained “individuals faced the threat of re-arrest and
2 mandatory detention” absent such relief).

3 **CLAIM FOR RELIEF**
4 **Violation of Fifth Amendment Right to Due Process**
5 **Procedural Due Process**

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

7 171. Due process does not permit the government to re-detain Petitioners and strip
8 them of their liberty without written notice and a pre-deprivation hearing before a neutral
9 decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See*
10 *Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur *prior* to any re-

11 detention.
12 172. Respondents revoked Petitioners’ releases and deprived them of liberty without
13 providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker
14 prior to their re-detention.

15 173. Accordingly, Petitioners’ re-detention violates the Due Process Clause of the Fifth
16 Amendment.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Petitioners respectfully request that this Court:

19 (1) Assume jurisdiction over this matter;

20 (2) Require Respondents to show cause within fourteen days of this Petition’s filing as to

21 why this Petition should not be granted as required by 28 U.S.C. § 2243, and

22 permitting Petitioners to file a traverse within five days of Respondents’ return, *see*

23 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;
- (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 10th day of February, 2026.

s/ Matt Adams
Matt Adams, WSBA No. 28287
matt@nwirp.org

s/ Leila Kang
Leila Kang, WSBA No. 48048
leila@nwirp.org

s/ Glenda M. Aldana Madrid
Glenda M. Aldana Madrid,

s/ Aaron Korthuis
Aaron Korthuis, WSBA No. 53974

1 WSBA No. 46987
glenda@nwirp.org

aaron@nwirp.org

2 s/ Amanda Ng

3 Amanda Ng, WSBA No. 57181
amanda@nwirp.org

4 NORTHWEST IMMIGRANT RIGHTS PROJECT
5 615 Second Ave., Suite 400
Seattle, WA 98104
6 (206) 957-8611

7 *Counsel for Petitioners*