

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

Angelo ARRIOJA BLANCO, Kairolis
AVARIANO MARRERO, Dinesh (no last
name), Rosario FAYA FALLA, and Angel
TENIAS,

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-493

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioners Angelo Arrioja Blanco, Kairolis Avariano Marrero, Dinesh,¹ Rosario Faya Falla, and Angel Tenias. All five 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.

¹ Petitioner Dinesh (Mr. Dinesh) has no family name. *See* Dinesh Decl. ¶ 1.

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 five 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 Angelo Arrijoa Blanco is a citizen of Venezuela. He is detained at the
9 NWIPC.

10 16. Petitioner Kairolis Avariano Marrero is a citizen of Venezuela. She is detained at
11 the NWIPC.

12 17. Petitioner Dinesh is a citizen of India. He is detained at the NWIPC.

13 18. Petitioner Rosario Faya Falla is a citizen of Peru. He is detained at the NWIPC.

14 19. Petitioner Angel Tenias is a citizen of Venezuela. He is detained at the NWIPC.

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

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

1 22. Respondent Kristi Noem is the United States Secretary of Homeland Security and
2 the head of the U.S. Department of Homeland Security. She is responsible for the
3 implementation and enforcement of the Immigration and Nationality Act (INA), and oversees
4 ICE, which is responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority
5 over Petitioners and is sued in her official capacity.

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

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

11 **FACTUAL BACKGROUND**

12 **Petitioner Angelo Arrioja Blanco**

13 25. Petitioner Angelo Arrioja Blanco is a citizen of Venezuela who fled political
14 persecution and entered the United States with his wife and three children on or around
15 December 19, 2023. Arrioja Decl. ¶¶ 1–2.

16 26. After being held for a few days in immigration custody, the family was released
17 to pursue removal proceedings in Denver, Colorado. *Id.* ¶ 2. Upon their release from custody,
18 Mr. Arrioja's wife was given a mobile phone, with instructions to send weekly photos on the
19 device. *Id.* Mr. Arrioja himself was not given any device or instructions for checking in. *Id.*

20 27. After about three months of sending weekly photos, Mr. Arrioja's wife was
21 instructed to return the phone. *Id.* ¶ 3. To their knowledge, the family did not receive any further
22 check-in instructions. *Id.*

1 28. In 2024, the family relocated to Oregon, where they sought assistance from a
2 legal service provider. *Id.* ¶ 4. There, they made every effort to ensure they complied with the
3 requirements of their removal proceedings. *See id.* They filed their change of address with the
4 Immigration Court and with ICE. *Id.* They also timely filed their asylum applications with the
5 Portland Immigration Court within one year of entering the United States. *Id.* They waited in
6 anticipation of their scheduled immigration court hearing where they could present their case. *Id.*

7 29. Mr. Arrioja also applied for and was granted an employment authorization
8 document. *Id.* ¶ 5. With that, he was able to work as a delivery driver to support his family. *Id.*

9 30. On or about January 2, 2026, Mr. Arrioja was re-arrested by ICE while parked at
10 Walmart. *Id.* ¶ 6. He was picking up a delivery order for his job when an ICE vehicle parked next
11 to him and began questioning him. *Id.* Believing he was following the rules, Mr. Arrioja
12 answered all questions candidly and provided the ICE officer with his Oregon driver's license.
13 *Id.* ¶ 7. The ICE officer informed Mr. Arrioja that he was being re-arrested for failing to report
14 his change of address with the ICE office in El Paso, Texas. *Id.* Mr. Arrioja insisted he had filed
15 the change of address, but the officer ignored him, ordered him out of his vehicle, and placed
16 him in handcuffs. *Id.*

17 31. Mr. Arrioja was taken to the Portland ICE office and then transferred to Tacoma,
18 where he remains detained. *Id.* ¶ 8. Being detained and separated from his wife and children has
19 severely impacted Mr. Arrioja. *Id.* ¶ 9. He worries constantly about his family. *Id.*

20 32. Mr. Arrioja has no criminal history. *Id.* ¶ 9.

21 33. Prior to Mr. Arrioja's re-arrest, he did not receive written notice of the reason for
22 his re-detention.
23

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

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

5 **Petitioner Kairolis Avariano Marrero**

6 36. Petitioner Kairolis Avariano Marrero is a citizen of Venezuela who fled
7 persecution and entered the United States with her two-year-old daughter on or about April 29,
8 2023. Avariano Decl. ¶¶ 1–2. After turning themselves in to immigration authorities, Ms.
9 Avariano and her daughter were detained for about six days and thereafter released on their own
10 recognizance. *Id.* ¶¶ 3–4.

11 37. At the time of her release, Ms. Avariano was not instructed to attend any ICE
12 check-ins and was not issued any electronic monitoring device. *Id.* ¶ 3. She and her daughter
13 moved to New York to reunite with her older sister. *Id.*

14 38. In New York, Ms. Avariano timely filed her asylum application with the
15 immigration court and attended two immigration court hearings. *Id.* ¶ 4. She also applied for
16 Temporary Protected Status and was approved through April 2025. *Id.* ¶ 5.

17 39. In mid-July 2024, Ms. Avariano and her daughter relocated to Tacoma,
18 Washington to live with family friends. *Id.* ¶ 6. Ms. Avariano notified the immigration court of
19 her change of address and had her venue changed to the Seattle Immigration Court. *Id.* She
20 received a master calendar hearing date of September 2, 2026, and was awaiting her day in court
21 at the time of her re-detention by ICE. *See id.* ¶¶ 6, 9. She has never committed any violent
22 crimes in the United States or in Venezuela. *Id.* ¶ 7.

1 40. On October 31, 2025, Ms. Avariano went to Portland to be with her younger sister
2 as she recovered from recently giving birth. *Id.* ¶ 8.

3 41. On November 2, 2025, Ms. Avariano was with friends in a parked car when their
4 group was approached by three immigration officers. *Id.* ¶ 9. She and her friends were told that
5 they would not be arrested if they simply cooperated and provided their identification, which
6 they did. *Id.* However, within seconds of exiting the car, ICE handcuffed Ms. Avariano and her
7 friends. *Id.*

8 42. The ICE officers appeared aware of Ms. Avariano's upcoming immigration court
9 hearing and pending TPS application, and she further informed them that she was compliant with
10 all requirements of her immigration case and had a young daughter waiting for her at home. *Id.* ¶
11 11. Disregarding all of these details, ICE re-detained Ms. Avariano because she was "illegal." *Id.*

12 43. Ms. Avariano was eventually transferred to the NWIPC in Tacoma, Washington,
13 where she remains detained. *See id.* ¶ 12. This is the longest that she has been separated from her
14 young daughter, who is being cared for by Ms. Avariano's sister. *Id.* ¶¶ 14–15.

15 44. Prior to Ms. Avariano's re-arrest, she did not receive written notice of the reason
16 for her re-detention.

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

19 46. Prior to Ms. Avariano's re-detention, she never received a hearing before a neutral
20 decisionmaker to determine if her re-detention is justified.

21 **Petitioner Dinesh**

22 47. Petitioner Dinesh is a citizen of India who was forced to leave his home country
23 after being persecuted for his religious beliefs. Dinesh Decl. ¶ 1. He entered the United States on

1 March 27, 2024, and was apprehended by immigration authorities, then released from custody on
2 his own recognizance to pursue proceedings in immigration court. *Id.* ¶ 2.

3 48. After moving to Bakersfield, California, Mr. Dinesh complied with the
4 requirements of his release to the best of his ability. *Id.* ¶ 3. He checked in at the Bakersfield ICE
5 Office as directed, timely submitted his asylum application, and attended his court hearings. *Id.*
6 Upon receiving his work permit, he found employment and waited to attend his Individual
7 Calendar Hearing on June 30, 2027. *Id.*

8 49. In February 2025, Mr. Dinesh visited Beaverton, Oregon, as he was considering
9 moving there. *Id.* ¶ 4. Once he determined to move permanently, Mr. Dinesh informed ICE of
10 this intention at his last check-in in June 2025 at the Bakersfield ICE Office. *See id.* ¶¶ 3, 5. He
11 was instructed to download the BI SmartLink phone application, and to report to the ICE
12 Portland Office after his move. *Id.* ¶ 5. Mr. Dinesh complied with these requirements, *id.* ¶¶ 6–7,
13 and similarly notified his lawyer of his move, *id.* ¶ 4. His lawyer informed him that he would file
14 a change of address with the immigration court. *Id.*

15 50. Mr. Dinesh waited at home all day for his first two scheduled Alternatives to
16 Detention (ATD) visits in Beaverton, Oregon in July and August 2025. *Id.* ¶¶ 7–8. ICE officers
17 failed to appear at his home both times. *Id.*

18 51. His third ATD visit was scheduled for September 19, 2025, the day after he
19 worked a night shift. *Id.* ¶ 9. He planned on returning from work early that morning to remain at
20 home all day. *Id.* At 8:30 A.M., Mr. Dinesh was surprised to receive a call from an ICE officer
21 who asked if he was home for his visit. *Id.* Mr. Dinesh explained that he was just leaving work
22 but would be home in 30 minutes. *Id.* He shared his location on the phone application, as
23 requested by the ICE officer. *Id.* Once his location was verified, the ICE officer informed Mr.

1 Dinesh that he was “ok.” *Id.* Mr. Dinesh went home just to be safe and waited all day at home in
2 case ICE came by for a visit. *Id.* No officers ever came. *Id.*

3 52. After September 19, Mr. Dinesh continued to complete calls, video calls, and
4 photo and location requests through the mobile application. *See id.* ¶ 10. His fourth ATD home
5 visit was scheduled between December 2025 and January 2026. *Id.*

6 53. On the morning of November 12, 2025, eight or nine ICE officers went to Mr.
7 Dinesh’s home and entered his apartment without a warrant. *Id.* ¶ 11. They subsequently arrested
8 him, claiming he had a “violation” without specifying what the violation was. *Id.* Mr. Dinesh
9 never received any information or warnings about any violations prior to his arrest. *Id.* ¶ 13.

10 54. Mr. Dinesh has no criminal history in any country. *Id.* ¶ 13.

11 55. Mr. Dinesh was eventually taken to the NWIPC in Tacoma, where he remains
12 detained. *Id.* On January 6, 2026, an Immigration Judge (IJ) denied Mr. Dinesh’s applications for
13 asylum, withholding of removal, and protection under the Convention Against Torture (CAT).
14 *Id.* ¶ 12. Afraid for his life if returned to India, *id.* ¶¶ 12, 14, Mr. Dinesh has appealed this
15 decision.

16 56. Prior to Mr. Dinesh’s re-arrest, he did not receive written notice of the reason for
17 his re-detention.

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

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

1 **Petitioner Rosario Faya Falla**

2 59. Petitioner Rosario Faya Falla is a citizen of Peru who fled his country after
3 receiving threats from a criminal organization. Faya Decl. ¶ 1. He entered the United States on or
4 about August 12, 2022, near Calexico, California. *Id.* ¶ 2.

5 60. After being briefly detained in immigration custody, Mr. Faya was released on his
6 own recognizance. *Id.* Upon his release, he was provided with a mobile phone for the purpose of
7 checking in every Tuesday and further received instructions to report in person to the ICE office
8 in Portland, Oregon. *Id.* He was given a court date in March of 2023 with the Portland
9 Immigration Court. *Id.*

10 61. Mr. Faya complied with the steps of his immigration process to the best of his
11 ability. After moving to Portland, he reported to the ICE office for his check-ins as directed. *See*
12 *id.* ¶ 3. Eventually, Mr. Faya was instructed to report to the office of the Intensive Supervision
13 Appearance Program (“ISAP”). *Id.* ¶ 3. When he reported to ISAP, a representative took back
14 the phone that he had been previously issued and assisted him in downloading an application to
15 conduct weekly check-ins through his personal phone. *Id.* Mr. Faya complied with these
16 requirements, sending weekly photos and messages and adhering to the geographical limits that
17 ISAP placed on him. *Id.*

18 62. In approximately August 2025, the ISAP representative reduced Mr. Faya’s
19 reporting requirements, mandating that he send photos only on a monthly and not a weekly basis.
20 *Id.*

21 63. Mr. Faya also complied with his obligations in his immigration court process. He
22 obtained legal assistance and timely filed his asylum application within one year of entering the
23 United States. *Id.* ¶ 4. He applied for and was granted employment authorization. *Id.* He

1 monitored his court dates to ensure that he would not miss any hearings. *Id.* He received a notice
2 stating that his initial court date had been postponed from 2023 to March 22, 2027. *Id.* . He
3 intended to appear in court on that date. *Id.*

4 64. Mr. Faya found a new community at his Mormon church in Oregon and
5 connected with friends who frequently travel to Peru. *Id.* ¶ 7.

6 65. On or around January 4, 2026, Mr. Faya was re-arrested by ICE officers while
7 helping a friend fix her car outside her apartment in Vancouver, Washington. *Id.* ¶ 5. The officer
8 who arrested Mr. Faya asked for him by name but did not offer a reason for his re-detention. *Id.*
9 Later, the ICE officer stated that Mr. Faya was being detained for failing to report, and when Mr.
10 Faya insisted that he had been complying with her reporting obligations, he was told that he
11 would be taken to an ICE office for a few hours to review his case. *Id.* Instead, when he arrived
12 at the ICE office, he was asked to sign a Notice of Custody Determination. *Id.*

13 66. Mr. Faya was brought to the NWIPC in Tacoma, where he remains. *Id.* ¶ 6.

14 67. Mr. Faya has no criminal history. *Id.* ¶ 6.

15 68. Prior to Mr. Faya's re-arrest, he did not receive written notice of the reason for his
16 re-detention.

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

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

21 **Petitioner Angel Tenias**

22 71. Petitioner Angel Tenias is a citizen of Venezuela who fled from political
23 persecution and entered the United States on August 22, 2024. Tenias Decl. ¶¶ 2–3. Following a

1 brief time in immigration custody, he was released on humanitarian parole and instructed to
2 attend his immigration court case. *Id.* ¶ 3. He was not instructed to report to any ICE office. *Id.*

3 72. Mr. Tenias timely filed his asylum application with the Orlando Immigration
4 Court within two months of his arrival. *Id.* ¶ 4. His first hearing was scheduled for November 6,
5 2025. *Id.* ¶ 5. In the meantime, he received work authorization and monitored the court's online
6 system for any updates on his court date. *Id.*

7 73. In the middle of 2025, Mr. Tenias and his family moved to Oregon and thereafter
8 successfully submitted a motion to change venue to Portland. *Id.* ¶ 6. Although he was prepared
9 to return to Orlando to attend his first hearing if necessary, his request was granted and Mr.
10 Tenias' hearing was rescheduled for December 9, 2027, before the Portland Immigration Court.
11 *Id.*

12 74. Mr. Tenias has no criminal history in the United States or any other country that
13 he believes would make him subject to mandatory detention. *Id.* ¶ 7.

14 75. On January 18, 2026, ICE officers suddenly arrested Mr. Tenias at Walmart,
15 where he was working as a delivery driver. *Id.* ¶ 8. Despite his compliance with officers'
16 requests, Mr. Tenias was handcuffed and taken into the ICE officers' vehicle. *Id.* The ICE
17 officers appeared aware of his upcoming court date in 2027 but claimed that Mr. Tenias had
18 failed to change his address with ICE. *Id.* ¶ 9. Mr. Tenias explained that he had provided his
19 phone number and email address to ICE at his release and properly notified the immigration
20 court of his address as instructed. *Id.*

21 76. Mr. Tenias was eventually taken to the NWIPC in Tacoma, where he remains
22 detained. *Id.* ¶ 10. His partner and two children remain in Oregon and have struggled in Mr.
23 Tenias' absence. *Id.* ¶ 11. Prior to his sudden re-detention, he attended church and had stable

1 employment with Walmart. *Id.* Given the family’s economic situation, he cannot afford to call
2 his family often from inside detention. *Id.*

3 77. Prior to Mr. Tenias’ re-detention, he did not receive written notice of the reason
4 for his re-detention.

5 78. Prior to Mr. Tenias’ re-detention, ICE did not assess whether he presented a flight
6 risk or danger to the community.

7 79. Prior to Mr. Tenias’ re-detention, he was not afforded a hearing before a neutral
8 decisionmaker to determine if his re-detention was justified.

9 **LEGAL FRAMEWORK**

10 80. Due process requires that if DHS seeks to re-arrest a person like Mr. Arrioja, Ms.
11 Avariano, Mr. Dinesh, Mr. Faya, and Mr. Tenias—individuals who were released and attending
12 to immigration court dates or pending applications for relief, had lived in the United States
13 without major incident after their initial release, and have otherwise complied with the steps of
14 their immigration processes—the government must afford a hearing before a neutral
15 decisionmaker to determine whether any re-detention is justified because the person is a flight
16 risk or danger to the community.

17 81. “Freedom from imprisonment—from government custody, detention, or other
18 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
19 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the
20 most elemental of liberty interests.” *E.A. T.-B.*, 795 F. Supp. 3d at 1321 (citation modified); *see*
21 *also Ramirez Tesara*, 800 F. Supp. 3d at 1136 (stating that the petitioner had “an exceptionally
22 strong interest in freedom from physical confinement”).
23

82. 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).

83. 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.*

84. 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).

85. 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 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)).

86. 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.

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

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

20 89. This Court applied a similar analysis in *Ramirez Tesara*. In granting the
21 petitioner’s motion for a temporary restraining order, the Court reasoned that the petitioner had a
22 “weighty” interest in his liberty and was entitled to the “full protections of the due process
23 clause.” 800 F. Supp. 3d at 1136. When examining the value of additional safeguards, the Court

1 also noted that despite the government’s allegations of ISAP violations, “the fact ‘that the
2 Government may believe it has a valid reason to detain Petitioner does not eliminate its
3 obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at 1137
4 (quoting *E.A. T.-B.*, 795 F. Supp. 3d at 1322). Finally, the Court reasoned that any government
5 interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court
6 ordered the petitioner’s immediate release. *Id.* at 1138.

7 90. This Court has repeatedly reached the same conclusion in a series of cases since
8 *E.A.T.B.* and *Ramirez Tesara*. See, e.g., *Kumar*, 2025 WL 2677089, at *3–4; *Ledesma Gonzalez*,
9 2025 WL 2841574, at *7–9; *Y.M.M.*, 2025 WL 3101782, at *2; *P.T.*, 2025 WL 3294988, at *2–
10 4; *Francois*, 2025 WL 3496557, at *3–4; *Cabrera Perez*, 2026 WL 100735, at *5–6; *Ramirez*
11 *Tesara v. Wamsley*, No. C25-1723-KKE-TLF, 2025 WL 3288295 (W.D. Wash. Nov. 25, 2025)
12 (granting writ of habeas corpus); *Francisco Francisco*, No. 2:25-cv-2738-SKV (W.D. Wash.
13 Jan. 22, 2026), Dkt. 11 at 7–9.

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

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

violations”). 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 that the same arbitrary re-detention is likely to occur. *See Nielsen v. Preap*, 586 U.S. 392, 403 (2019) (explaining that a live controversy remained where permanent injunctive relief had not been entered because the detained “individuals faced the threat of re-arrest and mandatory detention” absent such relief).

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

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

94. 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.

95. 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.

96. 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;
- (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.

1 Respectfully submitted this 10th day of February, 2026.

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