

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

Hector CACERES BANEGAS, Sonia
JIMENEZ SANDOVAL, Mayro MURILLO
IRAHETA,

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-499

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention and detention without bond of Petitioners Hector Carceres Banegas, Sonia Jimenez Sandoval, and Mayro Murillo Iraheta. All three Petitioners are currently in the physical custody of Respondents at the Northwest Immigration and Customs Enforcement (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 and attended all immigration court hearings until their removal proceedings were terminated. Petitioners have built lives in the United States, including by pursuing applications for lawful status. None have convictions for violent offenses.

3. Despite Petitioners' compliance while released, and despite the Department of Homeland Security's (DHS) decision to terminate their cases, each Petitioner was abruptly and unlawfully re-detained by DHS and had their removal proceedings re-started.

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

1 F. Supp. 3d 1130, 1136–38 (W.D. Wash. 2025); *Ledesma Gonzalez v. Bostock*, --- F. Supp.
 2 3d ----, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025);
 3 *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4 (W.D. Wash.
 4 Sept. 17, 2025); *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-TMC, 2025 WL 3101782, at *2 (W.D.
 5 Wash. Nov. 6, 2025); *P.T. v. Hermosillo*, No. C25-2249-KKE, 2025 WL 3294988, at *4 (W.D.
 6 Wash. Nov. 26, 2025); *Francois v. Wamsley*, No. 2:25-cv-02122-RSM-GJL, 2025 WL 3496557,
 7 at *4 (W.D. Wash. Dec. 5, 2025); *Cabrera Perez v. Hermosillo*, No. 2:25-cv-02542-RSM, 2026
 8 WL 100735, at *6 (W.D. Wash. Jan. 14, 2026); *Francisco Francisco v. Hermosillo*, No. C25-
 9 2738-SKV (W.D. Wash. Jan. 22, 2026), Dkt. 11 at 9; *Tsyamba v. Hermosillo*, No. 2:25-CV-
 10 02623-GJL, 2026 WL 237514, at *4–7 (W.D. Wash. Jan. 29, 2026). Many other courts have
 11 recently held the same.

12 6. By failing to provide such a hearing, Respondents have violated Petitioners’
 13 constitutional right to due process.

14 7. Accordingly, this Court should grant the instant petition for a writ of habeas
 15 corpus and order Petitioners’ immediate release. *See E.A. T.-B*, 795 F. Supp. 3d at 1324 (ordering
 16 immediate release because “a post-deprivation hearing cannot serve as an adequate procedural
 17 safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty”);
 18 *Ramirez Tesara*, 800 F. Supp. 3d at 1138 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar);
 19 *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (similar); *Y.M.M.*, 2025 WL 3101782, at *2–3
 20 (similar); *P.T.*, 2025 WL 3294988, at *4 (similar).

21 8. Moreover, even if Petitioners were lawfully re-detained, DHS considers them
 22 subject to mandatory detention under 8 U.S.C. § 1225(b)(2).
 23

9. That determination is unlawful, as this Court has repeatedly made clear. The plain text of the Immigration and Nationality Act (INA) and other tools of statutory construction demonstrate that 8 U.S.C. § 1226(a), not § 1225(b)(2), governs Petitioners' detention. *See Rodriguez Vazquez v. Bostock*, 802 F. Supp. 3d 1297 (W.D. Wash. 2025); *Del Valle Castillo v. Wamsley*, No. 2:25-CV-02054-TMC, 2025 WL 3524932 (W.D. Wash. Nov. 26, 2025) (applying *Rodriguez Vazquez* to cases of individuals who were released, had their proceedings terminated, and were later re-detained).

10. Accordingly, if the Court does not order immediate release because of the due process violations—which it should—then it should alternatively hold that the INA affords the right to a bond hearing and order such a hearing within seven days of a request.

JURISDICTION

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

12. 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).

13. 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

14. Venue is proper because all twelve Petitioners are in Respondents' custody at the NWIPC in Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*,

1 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Petitioners are
2 currently in custody.

3 15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
4 Respondents are employees, officers, and agencies of the United States, and because a
5 substantial part of the events or omissions giving rise to the claims occurred in the Western
6 District of Washington.

7 **REQUIREMENTS OF 28 U.S.C. § 2243**

8 16. The Court must grant the petition for writ of habeas corpus or issue an order to
9 show cause (OSC) to the Respondents “forthwith,” unless Petitioners are not entitled to relief.
10 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return
11 “within three days unless for good cause additional time, not exceeding twenty days, is allowed.”
12 *Id.*

13 17. Habeas corpus is “perhaps the most important writ known to the constitutional
14 law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or
15 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the
16 attention and displaces the calendar of the judge or justice who entertains it and receives prompt
17 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120
18 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th
19 Cir. 1954) (habeas corpus is “a speedy remedy, entitled by statute to special, preferential
20 consideration to insure expeditious hearing and determination”).

21 **PARTIES**

22 18. Petitioner Hector Carceres Banegas is a citizen of Honduras. He is detained at the
23 NWIPC.

1 19. Petitioner Sonia Jimenez Sandoval is a citizen of Honduras. She is detained at the
2 NWIPC.

3 20. Petitioner Mayro Murillo Iraheta is a citizen of Honduras. He is detained at the
4 NWIPC.

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

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

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

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

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

FACTUAL BACKGROUND

Petitioner Hector Caceres Banegas

26. Petitioner Hector Caceres Banegas is citizen of Honduras who entered the United States in March 2018 after fleeing violence in Honduras. Caceres Decl. ¶¶ 1–2.

27. Upon entry, Mr. Carceres was placed into expedited removal proceedings. He passed a credible fear interview, reflecting that he had a significant possibility of proving eligibility for asylum. *See* 8 U.S.C. § 1225(b)(1)(B)(v); *see also* Caceres Decl. ¶ 1. He was later released on bond. Caceres Decl. ¶ 2.

28. Following his release, Mr. Caceres moved to Washington, where he enrolled in the Intensive Supervision Appearance Program (ISAP), as required by DHS. *Id.* ¶ 3. He regularly conducted check-ins in person, via phone, and at his house through the ISAP program. *Id.* Mr. Caceres always complied with the conditions of the program to the best of his ability. *Id.*

29. Mr. Caceres also continued to participate in his removal proceedings, filing an application for asylum. *Id.* ¶ 4.

30. Since his release in 2018, Mr. Caceres has built a life here in the United States. Notably, in 2024, Mr. Caceres married a U.S. citizen. *Id.* ¶ 5. Following his marriage, in January 2025, DHS agreed to terminate removal proceedings against Mr. Caceres, and he and his wife intended to pursue a family visa petition so that Mr. Caceres could obtain lawful permanent resident status. *Id.*

31. On January 15, 2026, DHS re-detained Mr. Caceres and again placed him into removal proceedings. *Id.* ¶ 7. Mr. Caceres been detained at the NWIPC since that date. *Id.*

32. Mr. Caceres has no criminal history. *Id.* ¶ 6.

1 33. Prior to Mr. Caceres's re-arrest on January 15, 2026, he did not receive written
2 notice of the reason for his re-detention.

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

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

7 **Petitioners Sonia Jimenez Sandoval and Mayro Murillo Iraheta**

8 36. Petitioners Sonia Jimenez Sandoval and Mayro Murillo Iraheta are noncitizens
9 from Honduras who fled Honduras and entered the United States in April 2019. Jimenez Decl.
10 ¶ 1; Murillo Decl. ¶ 1. Ms. Jimenez is Mr. Murillo's mother. Jimenez Decl. ¶ 2; Murillo Decl.
11 ¶ 2. Upon arrival, they were briefly apprehended by immigration authorities and were
12 subsequently released on recognizance. Jimenez Decl. ¶ 2; Murillo Decl. ¶ 2. At that time, they
13 were also placed into removal proceedings. Jimenez Decl. ¶ 4; Murillo Decl. ¶ 4.

14 37. Following their release, Ms. Jimenez and Mr. Murillo moved to Lynnwood,
15 Washington. Jimenez Decl. ¶ 2; Murillo Decl. ¶ 2. Over the next several years, they built lives
16 together in Washington through family, friends, and jobs. Jimenez Decl. ¶ 7; Murillo Decl. ¶ 7.

17 38. In 2023, both Ms. Jimenez and Mr. Murillo were arrested for fourth degree
18 assault. The charges were later dismissed. Jimenez Decl. ¶ 5; Murillo Decl. ¶ 5.

19 39. Since their release in 2019, Ms. Jimenez and Mr. Murillo filed changes of address
20 with DHS when they moved from one address to another. Jimenez Decl. ¶ 3; Murillo Decl. ¶ 3.
21 They also filed applications for asylum. Jimenez Decl. ¶ 4; Murillo Decl. ¶ 4.

22 40. In March 2024, ICE dismissed removal proceedings against Ms. Jimenez and Mr.
23 Murillo. Jimenez Decl. ¶ 4; Murillo Decl. ¶ 4.

1 41. On January 29, 2026, ICE re-arrested Ms. Jimenez and Mr. Murillo after
2 instructing them to appear at an ICE office. At the time ICE did so, ICE claimed that Ms.
3 Jimenez and Mr. Murillo’s “contact with the police” years prior justified the re-arrest, despite the
4 fact that ICE had previously dismissed proceedings against both of them. Jimenez Decl. ¶ 6;
5 Murillo Decl. ¶ 6.

6 42. Prior to Ms. Jimenez and Mr. Murillo’s re-arrest, they did not receive written
7 notice of the reason for their re-detention.

8 43. Prior to Ms. Jimenez and Mr. Murillo’s, ICE did not assess whether they
9 presented a flight risk or danger to the community.

10 44. Prior to Ms. Jimenez and Mr. Murillo’s, they were not afforded a hearing before a
11 neutral decisionmaker to determine if their re-detention was justified.

12 LEGAL FRAMEWORK

13 Due Process & Re-detention

14 45. Due process requires that if DHS seeks to re-arrest a person like Petitioners—
15 individuals who were released from immigration custody, had lived in the United States without
16 major incident after their initial release, and had otherwise complied with the steps of their
17 immigration processes—the government must afford a hearing before a neutral decisionmaker to
18 determine whether any re-detention is justified because the person is a flight risk or danger to the
19 community.

20 46. “Freedom from imprisonment—from government custody, detention, or other
21 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
22 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the
23 most elemental of liberty interests.” *E.A. T.-B.*, 795 F. Supp. 3d at 1321 (citation modified); *see*

1 *also Ramirez Tesara*, 800 F. Supp. 3d at 1136 (stating that the petitioner had “an exceptionally
2 strong interest in freedom from physical confinement”).

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

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

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

14 50. Due process thus guarantees notice and an individualized hearing before a neutral
15 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
16 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
17 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation
18 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to
19 determine whether there is probable cause or reasonable ground to believe that the arrested
20 parolee has committed . . . a violation of parole conditions” and that such determination be made
21 “by someone not directly involved in the case” (citation modified)).
22
23

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

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

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

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

11 55. This Court has repeatedly reached the same conclusion in a series of cases since
12 *E.A.T.B.* and *Ramirez Tesara*. See, e.g., *Kumar*, 2025 WL 2677089, at *3–4; *Ledesma Gonzalez*,
13 2025 WL 2841574, at *7–9; *Y.M.M.*, 2025 WL 3101782, at *2; *P.T.*, 2025 WL 3294988, at *2–
14 4; *Francois*, 2025 WL 3496557, at *3–4; *Cabrera Perez*, 2026 WL 100735, at *5–6; *Ramirez*
15 *Tesara v. Wamsley*, No. C25-1723-KKE-TLF, 2025 WL 3288295 (W.D. Wash. Nov. 25, 2025);
16 *Francisco Francisco*, No. 2:25-cv-2738-SKV (W.D. Wash. Jan. 22, 2026), Dkt. 11 at 7–9.

17 56. In ordering the immediate release of similarly situated petitioners, courts have
18 also enjoined the government from re-detaining them without providing constitutionally
19 adequate procedures. See, e.g., *Ramirez Tesara*, 2025 WL 3288295, at *6 (ordering that the
20 petitioner "cannot be re-detained until after a hearing (with adequate notice) on his alleged parole
21 violations"). The same framework and principles apply here and compel the immediate release of
22 all Petitioners. Further, an order prohibiting their re-detention without notice and hearing is
23 warranted because the Petitioners, if released, will remain subject to similar conditions and thus

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

5 **Detention under 8 U.S.C. § 1226(a) and § 1225(b)(2)**

6 57. Respondents also violate the INA by considering Petitioners to be subject to
7 mandatory detention under 8 U.S.C. § 1225(b)(2) because each entered the United States without
8 inspection years ago. That claim to detain Petitioners without the opportunity for release on bond
9 lacks basis in the statute’s text, structure, and history of construction. *See generally Rodriguez*
10 *Vazquez*, 802 F. Supp. 3d 1297.

11 58. Section 1226 generally governs the detention of those “already in the United
12 States.” *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). Subsection (a) of § 1226(a) applies the
13 default rule for such people, providing for discretionary detention “pending a decision on
14 whether the [noncitizen] is to be removed from the United States.” These removal hearings are
15 held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

16 59. Subsection (c) confirms that subsection (a) governs Petitioners’ detention. As the
17 Supreme Court has explained, “subsection (c) is simply a limit on the authority conferred by
18 subsection (a).” *Nielsen v. Preap*, 586 U.S. 392, 409 (2019). It “carves out a statutory category of
19 [noncitizens] who may *not* be released under § 1226(a)” in *Jennings*. 583 U.S. at 289.

20 60. Critically, subsection (c)’s carve-outs reference people charged as being
21 inadmissible, including those—like Petitioners—who entered without admission or parole. *See* 8
22 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by
23 default, people like Petitioner people are afforded a bond hearing under subsection (a). This is

1 because “the statutory exceptions would be unnecessary” unless the statute “appl[ies] generally”
2 to inadmissible persons. *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393,
3 400 (2010); *see also id.* (“The fact that Congress has created specific exceptions to [the Rule]
4 hardly proves that the Rule does not apply generally. In fact, it proves the opposite.”)

5 61. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
6 recently entered the United States. The statute’s entire framework is premised on “inspection[s]”
7 at the border by “examining immigration officer[s]” of people who are “seeking admission” to
8 the United States. 8 U.S.C. § 1225(b), (2)(A). Indeed, the Supreme Court has explained that this
9 mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the
10 Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.”
11 *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

12 62. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
13 people like Petitioners, who have already entered and were residing in the United States at the
14 time they were apprehended.

15 63. This Court has already declared that similarly situated individual are detained
16 under § 1226(a). *See Rodriguez Vazquez*, 802 F. Supp. 3d 1297. While *Rodriguez Vazquez* class
17 members include only those not detained “upon arrival,” the rationale of that decision also
18 extends to people who were detained upon entry, released, and later re-arrested. This includes
19 people whose proceedings were later terminated, even where the original proceedings were
20 expedited removal proceedings. *See Del Valle Castillo*, 2025 WL 3524932 at *6–7 (concluding
21 that petitioners who were apprehended at the border, placed into regular or expedited removal
22 proceedings, released, had their cases terminated, and were later re-arrested, were subject to
23 detention under § 1226(a)).

1 64. Accordingly, the Court should order Petitioners' immediate release because they
2 were unlawfully re-detained without the opportunity for a hearing where Respondents were
3 required to justify detention. *See, e.g., Lucena-Ojeda v. Noem*, No. 2:26-cv-00085-BAT, 2026
4 WL 279353 (W.D. Wash. Feb. 3, 2026) (holding petitioner was detained under § 1226(a) and
5 ordering immediate release because lack of pre-deprivation hearing). In the alternative, the Court
6 should order that Petitioners receive a bond hearing under 8 U.S.C. § 1226(a).

7 **CLAIMS FOR RELIEF**

8 **Count I**

9 **Violation of Fifth Amendment Right to Due Process**

9 **Procedural Due Process**

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

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

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

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

Count II
Violation of the INA:
Unlawful Detention under 8 U.S.C. § 1225(b)(2)(A)

69. Petitioners repeat, re-allege, and incorporate by reference paragraphs 1–64 as if fully set forth herein.

70. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does apply to Petitioners. The text and structure of § 1226 and § 1225 reflect that Congress provided for discretionary detention under § 1226(a) to govern Petitioners’ detention.

71. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates the INA.

72. Accordingly, Petitioners are entitled to immediate release, or, in the alternative, consideration for release on bond by Respondents.

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) 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;
- (6) In the alternative, issue a Writ of Habeas Corpus requiring Respondents to release Petitioners unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days of a request;
- (7) 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;
- (8) Award Petitioners attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (9) Grant any further relief this Court deems just and proper.

Respectfully submitted this 11th day of February, 2026.

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