UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Nico FRANCISCO FRANCISCO,

Petitioner,

v.

Julio HERNANDEZ, 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-00890

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

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention and detention without bond of Petitioner Nico Francisco Francisco. Mr. Francisco is currently in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC).

2. Mr. Francisco entered the United in May 2022, when he was sixteen years old. He was designated an unaccompanied child and released from Office of Refugee Resettlement (ORR) custody for the purpose of pursuing immigration relief. Since his release, Mr. Francisco has built his life in the United States. He is currently a senior in high school scheduled to graduate this summer. Mr. Francisco has fulfilled his conditions of release to the best of his abilities, pursuing applications for lawful status and registering for supervision as directed. Mr. Francisco has never been arrested, charged, or convicted of any crime.

3. On January 30, 2024, U.S. Citizenship and Immigration Services (USCIS) approved Mr. Francisco's petition for Special Immigrant Juvenile (SIJ) classification and concurrently granted him deferred action for a period of four years.

4. Mr. Francisco also filed his asylum application in May 2024. As an asylum seeker who initially entered as an unaccompanied child and filed his application after turning 18, he is a class member protected by the Settlement Agreement in *J.O.P. v. DHS*, No. 8:19-cv-01944-SAG, Dkt. 199-2 at 2 (D. Md. approved Nov. 25, 2024). Importantly, the *J.O.P* settlement provides Mr. Francisco with protection from removal while his application is pending with USCIS.

5. Despite these protections against removal, and despite Mr. Francisco's compliance while released, Mr. Francisco was abruptly and unlawfully re-detained by DHS when he appeared at the scheduled time for an in-person check-in on February 26, 2026.

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

6. Prior to re-detaining Mr. Francisco, Respondents did not provide any written notice explaining the basis for the revocation of his release. Likewise, Respondents did not assess whether Petitioner presented a flight risk or danger to the community prior to his re-arrest. Nor did Respondents provide a hearing before a neutral decisionmaker, where ICE was required to justify the basis for re-detention and to explain why Petitioner is now a flight risk or danger to the community.

7. In dozens of recent decisions, this Court has held that 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); *Shinwari v. Hermosillo*, No. 2:26-CV-00009-RAJ, 2026 WL 262605, at *4 (W.D. Wash. Jan. 30, 2026); *Sarwari v. Wamsley*, No. 2:26-cv-00121-TL, 2026 WL 279968, at *3–6 (W.D. Wash. Feb. 3, 2026); *Arroyo Silva v. Hermosillo*, No. 2:26-cv-00179-GJL, 2026 WL 445003, at *5 (W.D. Wash. Feb. 17, 2026); *Arrioja Blanco v. Hermosillo*, No. C26-493-MLP, 2026 WL 548056, at *3–4 (W.D. Wash. Feb.

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

27, 2026); *Ortiz v. Hermosillo*, No. 2:26-cv-00384-TL, 2026 WL 607672, at *5 (W.D. Wash. Mar. 4, 2026); *Espinoza Palacios v. Hermosillo*, No. 2:26-cv-491-JNW, 2026 WL 686138, at *7 (W.D. Wash. Mar. 11, 2026) .

8. This Court has recognized that Respondents violated due process in re-detaining individuals who, like Mr. Francisco, initially entered the United States as unaccompanied children and had been released from ORR custody. *E.g.*, *Caisa Telenchana v. Hermosillo*, No. 2:26-cv-00363-GJL, 2026 WL 696806, at *10 (W.D. Wash. Mar. 12, 2026); *see also, e.g.*, *A.B.J.C. v. Hermosillo*, No. 2:26-CV-00185-JNW, 2026 WL 497097, at *3 (W.D. Wash. Feb. 23, 2026); *A.C.J. v. Hermosillo*, No. 2:25-CV-02486-DGE, 2026 WL 73857, at *5–6 (W.D. Wash. Jan. 9, 2026).

9. Similarly, this Court has held that due process requires a pre-deprivation hearing before revoking the liberty of individuals who are granted deferred action, which "prevents recipients' removal from the United States." *Sepulveda Ayala v. Bondi*, 794 F. Supp. 3d 901, 912 (W.D. Wash. 2025).

10. By re-detaining Mr. Francisco without a pre-deprivation hearing, Respondents have violated his constitutional right to due process.

11. The Court should thus grant the instant petition for a writ of habeas corpus and order Petitioner's 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).

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

12. Moreover, Respondents have now had nearly seven months' notice that their practice of re-detaining non-citizens without prior notice and a pre-deprivation hearing is unlawful. *See, e.g.*, *Ortiz v. Hermosillo*, 2026 WL 607672, at *5 ("Respondents have been on notice in this District since at least August 19, 2025, that re-detaining individuals who originally had been detained at the border and then released without notice and an opportunity to be heard violates the Fifth Amendment's Due Process clause." (citing *E.A. T.-B.*, 795 F. Supp. 3d at 1324)).

13. In the time since, Respondents have continued to unlawfully re-detain individuals like Petitioners without providing notice and without justifying the sudden revocation of liberty before a neutral adjudicator. *See, e.g.*, *id.* (collecting "at least ten" examples of similarly-situated individuals who were unconstitutionally re-detained between October 2025 and December 2025 (citations omitted)); *Espinoza Palacios*, 2026 WL 686138, at *1–5 (ordering immediate release for nine petitioners whom the court found had been unlawfully re-detained, including five who had been re-detained without notice or hearing between December 2025 and January 2025). Respondents' ongoing and intentional failure to abide by the requirements of due process demonstrate that even if the Court orders Petitioner's release from his current unlawful detention, he faces a significant likelihood of similar violation of his rights in the future.

14. Accordingly, in addition to seeking immediate release, Petitioner also requests that this Court enjoin Respondents from re-detaining him without notice and an opportunity to be heard on the basis for re-detention before a neutral decisionmaker.

JURISDICTION

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

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

16. 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).

17. 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

18. Venue is proper because Mr. Francisco is in Respondents' physical 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 Mr. Francisco is currently in custody.

19. 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

20. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless Petitioner is 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.*

21. 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

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

confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (habeas corpus is "a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination").

PARTIES

22. Petitioner Nico Francisco Francisco is a citizen of Guatemala. He is detained at the NWIPC.

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

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

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

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

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

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

FACTUAL BACKGROUND

28. Petitioner Nico Francisco Francisco is a citizen of Guatemala who entered the United States in May 2022 as an unaccompanied child. Francisco Decl. ¶¶ 1–2. Mr. Francisco is [redacted] *Id.*

29. Due to his designation as an unaccompanied child, Mr. Francisco was initially placed in ORR custody, and later released to live with his older brother. *Id.* ¶ 2.

30. Following his release to his sponsor in Spokane, Washington, Mr. Francisco enrolled in school, retained an immigration attorney, and submitted applications for SIJ classification and asylum. *Id.* ¶¶ 3–4.

31. USCIS approved Mr. Francisco's petition for SIJ classification on January 30, 2024. Ex. A, USCIS SIJ Approval Notice.[1]

32. At the same time, USCIS granted Mr. Francisco deferred action because a visa was not yet available to permit him to immediately apply for adjustment of status. *Id.* The deferred action, valid for a period of four years, reflected USCIS's determination that Mr. Francisco "warrant[s] a favorable exercise of discretion[.]" *Id.* Based on the deferred action,

[1] All cited exhibits are attached to and authenticated by the Declaration of Leila Kang, filed concurrently with this Petition.

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

USCIS granted Mr. Francisco an employment authorization document, valid from April 23, 2024, until January 29, 2028. Ex. B, Employment Authorization Document.

33. USCIS also received Mr. Francisco's affirmative asylum application on May 10, 2024. Ex. C, USCIS Asylum Receipt Notice.

34. DHS did not place Mr. Francisco in removal proceedings following his initial release. Around April 2025, approximately thirty-four months after his release, with no explanation and with no precipitating event, ICE contacted Mr. Francisco and asked him to appear in-person for a check-in appointment on April 18, 2025. Francisco Decl. ¶ 5. Mr. Francisco's attorney asked ICE to cancel the check-in given Mr. Francisco's approved and pending applications and deferred action. *Id.* ICE rescheduled the appointment July 25, 2025. *Id.*

35. Mr. Francisco appeared for two scheduled appointments on July 25 and August 20, 2025, but each was rescheduled. *Id.* ¶¶ 6–7. On August 20, 2025, an ICE officer instructed Mr. Francisco to return the following day. *Id.* ¶ 7.

36. On August 21, 2025, Mr. Francisco returned to the ICE building. *Id.* ¶ 8. At the appointment, ICE ordered Mr. Francisco to enroll in the Intensive Supervision Appearance Program (ISAP). *Id.* ¶¶ 8–9. Mr. Francisco always complied with the conditions of the program to the best of his ability and understanding, taking weekly photos after school and before his evening work shift, appearing for videocalls, answering calls from officers to address technical issues and making efforts to comply, and appearing for in-person check-ins when directed to do so. *Id.* ¶¶ 10–16.

37. Since his release in 2022, Mr. Francisco has built a life here in the United States, the only place where he has felt safe and stable. *Id.* ¶¶ 3–4, 20–21. Notably, Mr. Francisco is

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

currently a full-time high school student in the 12th grade and is set to graduate this spring if he is released and able to complete his final school credits. *Id.*

38. On February 26, 2026, Mr. Francisco appeared at the scheduled time for his in-person ISAP check-in. *Id.* ¶ 16. Mr. Francisco's attorney, who had arrived earlier, informed him that there was an order of arrest in his case. *Id.* An ISAP officer also told him that he had missed many of her calls, but Mr. Francisco did not believe this to be the case. *Id.*

39. When his attorney stepped outside to make a phone call, two plain-clothed immigration officers detained Mr. Francisco by grabbing him out of his chair and taking him to another room, where they handcuffed him, searched and confiscated his belongings, an dchained him at his waist and ankle. *Id.* ¶¶ 17–18.

40. Mr. Francisco was then transported to NWIPC, where he has been detained since February 26, 2026.

41. Mr. Francisco's SIJ classification and deferred action were both valid at the time of his re-detention.

42. Mr. Francisco is also a class member protected by the Settlement Agreement approved in *J.O.P. v. DHS*, No. 8:19-cv-01944-SAG, Dkt. 199-2 (D. Md. approved Nov. 25, 2024). Under the agreement, DHS cannot remove Mr. Francisco while he awaits USCIS's adjudication of his asylum application, and DHS must generally join or not oppose Mr. Francisco's requests to dismiss, terminate, or postpone his removal proceedings. *Id.* § III(H)–(I).

43. Mr. Francisco has no criminal history. Francisco Decl. ¶ 16.

44. Prior to Mr. Francisco's re-arrest on February 26, 2026, he did not receive written notice of the reason for his re-detention.

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

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

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

LEGAL FRAMEWORK

47. Due process requires that if DHS seeks to re-arrest a person like Mr. Francisco—individuals who were released from immigration custody, had lived in the United States without major incident after their initial release, and had 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.

48. "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").

49. 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).

50. 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

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

be gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on the [released individual] and often on others." *Id.*

51. 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).

52. 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)).

53. 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.

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

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

Ledesma Gonzalez, 2025 WL 2841574, at *7–8; *Francisco Francisco*, No. 2:25-cv-2738-SKV (W.D. Wash. Jan. 22, 2026), Dkt. 11 at 6–7.

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

56. This Court applied a similar analysis in *Ramirez Tesara*. In granting the petitioner's motion for a temporary restraining order, the Court reasoned that the petitioner had a "weighty" interest in his liberty and was entitled to the "full protections of the due process clause." 800 F. Supp. 3d at 1136. When examining the value of additional safeguards, the Court also noted that despite the government's allegations of ISAP violations, "the fact 'that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.'" *Id.* at 1137 (quoting *E.A. T.-B*, 795 F. Supp. 3d at 1322). Finally, the Court reasoned that any government

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

interest in re-detention without a hearing was "minimal." *Id.* Accordingly, there too, the Court ordered the petitioner's immediate release. *Id.* at 1138.

57. Since *E.A. T.-B.* and *Ramirez Tesara*, "for months, courts in this district have repeatedly found that the Government's conduct in revoking release and re-detaining non-citizens without pre-deprivation process is unconstitutional." *Espinoza Palacios*, 2026 WL 68613, at *10; *see also Arroyo Silva*, 2026 WL 445003, at *4 n.2 (collecting "high volume of similar cases within the District"); *supra* ¶¶ 5–6.

58. The liberty interest and risk of erroneous deprivation are particularly salient where, as here, an individual has been granted SIJ classification, a form of immigration relief intended to provide "permanent protection for certain at-risk children." 8 U.S.C. § 1232(d) (capitalization omitted). Even though it is not an "admission," it is "a form of parole that confers eligibility for adjustment to [lawful permanent resident] status to noncitizen minors who have been abused, abandoned, or neglected." *Murillo-Chavez v. Bondi*, 128 F.4th 1076, 1085 (9th Cir. 2025); *see also, e.g.*, *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1211 (W.D. Wash. 2019) (noting that SIJ provides "a pathway to lawful permanent residency and, ultimately, citizenship"). Accordingly, "SIJ status . . . reflects the determination of Congress to accord those abused, neglected, and abandoned children a legal relationship with the United States and to ensure they are not stripped of the opportunity to retain and deepen that relationship without due process." *Osorio-Martinez*, 893 F.3d at 174.

59. Courts have thus recognized these interests and held that individuals granted SIJ and deferred action are constitutionally entitled to a pre-deprivation hearing, ordering their immediate release. *See, e.g.*, *Amaya-Quinteros v. Corecivic, Inc.*, No. 1:25-cv-1672 ACP, 2025 WL 3687642, at *11, 13(E.D. Cal. Dec. 19, 2025) (recognizing substantial private interest in

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

liberty and risk of erroneous deprivation where, "[a]t the time of his detention, [the petitioner] had approved SIJ, deferred action, and work authorization"); *F.S.S.M. v. Wofford*, No. 1:25-cv-01518-TLN-AC, 2025 WL 3526671, at *6 (E.D. Cal. Dec. 9, 2025) ("The length of time Petitioner has been in the United States and had expected to remain through deferred action, as well as his connection to his local community, create a powerful interest for Petitioner in his continued liberty."); *De Leon Hernandez v. Bondi*, No. 25-cv-1384, 2025 WL 3217037 (W.D. La. Nov. 18, 2025) ("To continue to detain would only be penal in nature.").

60. This Court and others have also found that the government has no legal basis to detain individuals with deferred action, which "prevents recipients' removal from the United States." *Sepulveda Ayala*, 794 F. Supp. 3d at 912 (granting preliminary injunctive relief and ordering release of individual who had received deferred action based on bona fide eligibility for U nonimmigrant status after a final removal order); *see also, e.g., Aguilar Gama v. Bondi*, No. 2:25-CV-01925-TL, 2025 WL 3559942, at *4 (W.D. Wash. Dec. 12, 2025) (similar); *cf. B.D.A.A. v. Bostock*, No. 6:25-CV-02062-AA, 2025 WL 3484912, at *7 (D. Or. Dec. 4, 2025) ("[B]y detaining her without prior notice and hearing[,] Respondents . . . nullified Petitioner's bona fide U visa determination and its attendant benefits, including Petitioner's work authorization and deferred action status without due process.").

61. In ordering the immediate release of similarly situated individuals, courts have also enjoined the government from re-detaining them without providing constitutionally adequate procedures. *See, e.g.*, *Ramirez Tesara*, 2025 WL 3288295, at *6 (ordering that the petitioner "cannot be re-detained until after a hearing (with adequate notice) on his alleged parole violations"); *see also, e.g.*, *P.T.*, 2025 WL 3294988, at *4 (ordering that government could not re-detain the petitioner absent "a hearing . . . (with adequate notice) to determine whether

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

detention is appropriate"); *Francois*, 2025 WL 3496557, at *4 (similar); *Cabrera Perez*, 2026 WL 100735, at *6 (similar); *Shinwari*, 2026 WL 262605, at *4 (similar); *Sarwari*, 2026 WL 279968, at *8 (similar); *Arroyo Silva*, 2026 WL 445003, at *7 (similar); *Arrioja Blanco*, No. 2026 WL 548056, at *4 (similar); *Ortiz*, 2026 WL 607672, at *7 (similar); *Espinoza Palacios*, 2026 WL 686138, at *11; *Caisa Telenchana* 2026 WL 696806, at *15 (similar).

62. This Court has recognized that such an injunctive remedy is squarely within its habeas authority to "fashion appropriate relief other than immediate release." *Arroyo Silva*, 2026 WL 445003, at *6 (quoting *Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973)). The Court has further explained that "[w]here a petitioner demonstrates a cognizable danger of repeated unlawful detention, permanent injunctive relief falls within the breadth and flexibility inherent in habeas equitable powers." *Id.* (citing *Cummings v. Connell*, 316 F.3d 886, 897 (9th Cir. 2003)).

63. As this Court has repeatedly recognized in enjoining further unlawful detentions, Petitioner satisfies the test for issuing permanent injunctive from *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388 (2006). Under *eBay*, a party "seeking a permanent injunction must demonstrate (1) that he has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction." 547 U.S. at 391.

64. Here, an order prohibiting Petitioner's re-detention without notice and a hearing is warranted because Petitioner, if released, will remain subject to similar conditions and are likely to face arbitrary re-detention again. *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

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

relief); *see also supra* ¶ 5 (collecting non-exhaustive list of orders from this District finding that Respondents re-detained individuals without adequate notice and pre-deprivation hearing in over 60 instances); *supra* ¶¶ 12–13 (demonstrating that Respondents have continued re-detaining individuals without such procedural safeguards for nearly seven months since first receiving notice that this practice fails to comport with due process); *Ortiz*, 2026 WL 607672, at *5 ("[T]he Court finds that Petitioner's circumstances, in conjunction with the history of habeas orders in this District (and, indeed, nationwide), support Petitioner's assertion that there exists some cognizable danger of recurrent violation, and not simply a mere possibility his rights could be violated in a similar way yet again.").

65. Recognizing this fact, in *Espinoza Palacios* and *Ortiz*, this Court specifically applied the *eBay* factors to issue permanent injunctive relief. First, the Court found that individuals who were already unconstitutionally detained without process had suffered irreparable harm that was "likely to continue or recur absent injunctive relief to protect against further constitutional violations." *Espinoza Palacios,* 2026 WL 686138, at *10; *see also Ortiz*, 2026 WL 607672, at *6 ("It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" (quoting *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017))). As detailed above, this is particularly true because in this district alone, Respondents have continued to unlawfully detain hundreds of people like Mr. Francisco in the face of established caselaw demonstrating such detentions are unlawful. Second and third, the Court explained that "monetary damages are inadequate to remedy the deprivation of liberty . . . and requiring the Government to follow constitutional procedures imposes no undue hardship." *Espinoza Palacios*, 2026 WL 686138, at *10. Fourth, "the public interest favors compliance with the law." *Id.* On this last factor, the *Ortiz* court similarly reasoned that "despite multiple court

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

orders releasing petitioners for being re-detained in violation of due process," "Respondents' re-detention procedures" violated not only the due process rights of those specific individuals, "but also the rights of many other similarly situate[ed] petitioners in this District." 2026 WL 607672, at *6. "Ordering Respondents to not re-detain noncitizens without due process does not create a disservice to the greater public; in fact, it reinforces constitutional rights." *Id.* (citations omitted).

66. The same logic applies here, where Petitioner has suffered similar irreparable harm, has endured a constitutional violation that would not be remedied by monetary damages, and requests an injunctive remedy that merely requires Respondents to adhere to the law in the future.

CLAIMS FOR RELIEF

Count I
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

67. Mr. Francisco restates and realleges all the prior paragraphs as if fully set forth herein.

68. Due process does not permit the government to re-detain Mr. Francisco and strip him of his 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.

69. Respondents revoked Mr. Francisco's release and deprived him of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

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

orders releasing petitioners for being re-detained in violation of due process," "Respondents' re-detention procedures" violated not only the due process rights of those specific individuals, "but also the rights of many other similarly situate[ed] petitioners in this District." 2026 WL 607672, at *6. "Ordering Respondents to not re-detain noncitizens without due process does not create a disservice to the greater public; in fact, it reinforces constitutional rights." *Id.* (citations omitted).

66. The same logic applies here, where Petitioner has suffered similar irreparable harm, has endured a constitutional violation that would not be remedied by monetary damages, and requests an injunctive remedy that merely requires Respondents to adhere to the law in the future.

CLAIMS FOR RELIEF

Count I
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

67. Mr. Francisco restates and realleges all the prior paragraphs as if fully set forth herein.

68. Due process does not permit the government to re-detain Mr. Francisco and strip him of his 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.

69. Respondents revoked Mr. Francisco's release and deprived him of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

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

70. Accordingly, Mr. Francisco's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Mr. Francisco respectfully request that this Court:

(1) Assume jurisdiction over this matter;

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

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

(4) In the alternative, issue a Writ of Habeas Corpus requiring Respondents to release Mr. Francisco unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days of a request;

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

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

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

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

Respectfully submitted this 16th day of March, 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,
WSBA No. 46987
glenda@nwirp.org

s/ Aaron Korthuis
Aaron Korthuis, WSBA No. 53974
aaron@nwirp.org

s/ Amanda Ng
Amanda Ng, WSBA No. 57181
amanda@nwirp.org

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

Counsel for Petitioner