Vicky J Currie, WSBA #24192
Currie Law Firm
1008 S Yakima Ave STE 100
Tacoma, WA 98405
253.588.9922
currielawfirm@gmail.com

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAJEKAODUNMI, TEMITOPE SEKINAT Petitioner, v. BRUCE SCOTT, Warden of the Northwest ICE Processing Center; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security Respondents.	CIVIL ACTION NO. **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**

I. INTRODUCTION

Petitioner Temitope Sekinat Majekodunmi ("Petitioner") brings this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 because her continued immigration detention has lasted for nearly two and a half years and is unlawful under the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment.

Petitioner is currently detained at the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington. Her detention has become prolonged, punitive, and no longer reasonably related to any legitimate governmental purpose.

Petitioner's continued detention is particularly egregious because she is the sole caregiver of a medically vulnerable child suffering from sickle cell disease, who has already experienced serious medical crises, including hospitalization, during her detention. Medical evidence confirms that the child requires ongoing treatment, faces life-threatening complications, and must have a consistent caregiver due to the chronic and unpredictable nature of the illness. Petitioner has fully completed her criminal sentence, and her continued confinement now operates as punitive detention in violation of the Constitution.

Further, Petitioner has a pending petition for review before the Ninth Circuit and a pending U-Visa application. Her continued detention undermines Congress's intent to provide humanitarian protection to victims of crime, is not reasonably related to any legitimate governmental purpose, and removal remains uncertain and contingent on ongoing judicial review.

Because Petitioner's detention is prolonged, punitive, constitutionally deficient, and actively causing irreparable harm to her child, this Court should grant the Petition and order her immediate release.

II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of that custody.

Jurisdiction is also proper under 28 U.S.C. § 1331 and the Due Process Clause of the Fifth Amendment.

Venue lies in the Western District of Washington because Petitioner is detained at NWIPC in Tacoma, Washington, within this District, and his immediate custodian resides here.

III. PARTIES

Petitioner is a native and citizen of Nigeria who is currently detained at NWIPC.

Respondent Bruce Scott is the Warden of NWIPC and Petitioner's immediate physical custodian. He is the proper respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security, the agency responsible for immigration detention and enforcement nationwide.

IV. FACTUAL BACKGROUND

A. Immigration and Detention History

Petitioner was paroled into the United States on June 21, 2014, and subsequently placed in removal proceedings. She applied for asylum in 2016.

In 2021, Petitioner was charged and later convicted of conspiracy to commit wire fraud. On March 23, 2023, she was sentenced to ten months of imprisonment, which she fully served.

Following completion of her sentence, DHS initiated removal proceedings, and on March 13, 2024, an Immigration Judge ordered her removed to Nigeria. Petitioner appealed that decision to the Board of Immigration Appeals and then the Ninth Circuit, where it remains pending.

Petitioner has now been detained for approximately two years and five months, with no clear endpoint to her detention.

B. Pending Ninth Circuit Appeal

Petitioner has filed a petition for review with the United States Court of Appeals for the Ninth Circuit, which remains pending. As a result, the timing and outcome of Petitioner's removal remain uncertain and contingent on ongoing judicial review.

C. Petitioner Is the Sole Caregiver of a Medically Fragile Child

Petitioner is the sole caregiver of her minor child, who suffers from sickle cell disease, a chronic and life-threatening condition.

Medical documentation confirms:

- The child requires ongoing treatment and monitoring;
- The condition may result in sudden medical crises requiring hospitalization; and
- A consistent caregiver is medically necessary.

During Petitioner's detention, the child suffered a severe sickle cell crisis requiring hospitalization for nearly a week, during which he was unable to walk and repeatedly cried out for his mother.

Medical guidance further establishes that sickle cell disease can lead to:

- Episodes of severe pain
- Organ damage
- Stroke
- Life-threatening complications

Petitioner's absence has deprived the child of his primary caregiver during critical medical events.

D. Emotional and Psychological Harm to Petitioner's Children

The separation has caused significant emotional and psychological harm to Petitioner's children. Evidence shows depression, academic decline, emotional instability and ongoing distress due to separation. Petitioner's children are suffering not only physically, but emotionally, from her continued detention.

E. Rehabilitation and Community Support

Petitioner has accepted responsibility for her past conduct, demonstrated remorse, and completed rehabilitative programming while incarcerated. She has strong community ties and support, is not a danger to the community, and is committed to caring for her children and rebuilding her life.

F. Pending U-Visa Application

Petitioner has a pending U-Visa application. The U-Visa program is designed to provide humanitarian protection to victims of crime and reflects Congress's intent to stabilize vulnerable individuals—not detain them.

V. LEGAL STANDARD

The writ of habeas corpus permits individuals to challenge unlawful executive detention. 28 U.S.C. § 2241(c)(3).

Although immigration detention is civil in nature, it is subject to constitutional limitations. Detention is permissible only where it is reasonably related to its statutory purpose and may not become arbitrary or indefinite. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Under *Zadvydas*, once detention becomes prolonged, the Government must justify continued confinement by demonstrating that removal is significantly likely in the reasonably foreseeable future. Id. at 701.

The Fifth Amendment further requires that any deprivation of liberty be accompanied by adequate procedural safeguards. See *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Where detention becomes prolonged or no longer reasonably related to its purpose, due process requires meaningful review to ensure that continued detention is justified.

VI. ARGUMENT

Even assuming Petitioner is properly classified as an arriving alien under 8 U.S.C. § 1225, her prolonged detention remains subject to constitutional limitations. The Supreme Court has made clear that immigration detention—whether under § 1225 or otherwise—may not become indefinite or arbitrary. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Although the statutory framework may limit access to bond hearings, it does not eliminate the requirements of due process. See *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018) (recognizing that constitutional challenges to prolonged detention remain available). Where, as here, detention has become prolonged and is not reasonably related to its purpose, and Petitioner has a pending appeal with the Ninth Circuit, continued confinement violates the Due Process Clause.

A. Petitioner's Prolonged Detention Violates Zadvydas

Under Zadvydas v. Davis, detention is presumptively reasonable for only six months. After that period, once detention becomes prolonged, the Government must justify continued confinement by demonstrating that removal is significantly likely in the reasonably foreseeable future. Id. at 701.

Here, Petitioner has been detained for approximately two years and five months—far exceeding both the six-month presumptive period and any constitutionally permissible limit. Her detention is no longer reasonably related to removal and has become effectively indefinite.

B. Continued Detention Has Become Punitive in Violation of Due Process

Petitioner was sentenced in federal court to a term of 10 months imprisonment, which she completed, followed by three years of supervised release, reflecting the court's determination that she could be safely managed in the community under supervision. This is significant. Supervised release is a less restrictive alternative to incarceration and is imposed only where the

court determines that continued detention is not necessary to protect the public or ensure compliance.

Despite this determination, Petitioner has remained in immigration detention for over two years and five months—far exceeding her criminal sentence and in direct tension with the federal court's judgment. Where a criminal court has already determined that supervision in the community is sufficient, continued immigration detention is excessive, unnecessary, and not reasonably related to any legitimate governmental purpose. Once detention no longer serves its regulatory purpose, it becomes constitutionally impermissible. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Civil detention may not be used as a form of punishment. The Supreme Court has made clear that a detainee "may not be punished prior to an adjudication of guilt." See *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). Consistent with that principle, the Court has emphasized that civil detention is constitutionally permissible only so long as it remains non-punitive and tied to a legitimate regulatory purpose. See *Kansas v. Hendricks*, 521 U.S. 346, 361 (1997). Where detention ceases to serve such a purpose and instead functions as punishment, it violates the Due Process Clause.

Civil detention cannot be used to extend punishment beyond a completed criminal sentence. To permit such detention would collapse the distinction between civil and criminal confinement and raise serious constitutional concerns.

This case presents the exact scenario the Constitution forbids: prolonged civil detention that functions as punishment.

C. Continued Detention Causes Severe and Irreparable Harm to Petitioner's Medically Vulnerable Child

Petitioner's detention is causing ongoing, documented, and severe harm to her child. The child suffers from sickle cell disease and has already experienced:

- A hospitalization lasting nearly a week
- Inability to walk
- Severe distress and repeated cries for his mother

Medical evidence confirms that the child:

- Requires continuous care
- Faces unpredictable crises
- Needs a consistent caregiver

This is not speculative harm—it is real, ongoing, and life-threatening. Continued detention is actively endangering the child's health and well-being.

The Constitution protects the fundamental right to family integrity and the parent-child relationship. See *Santosky v. Kramer*, 455 U.S. 745, 753 (1982); *Troxel v. Granville*, 530 U.S. 57, 65 (2000) (recognizing the fundamental liberty interest of parents in the care and custody of their children).

Courts have also recognized that detention decisions must account for the severe and irreparable harm caused by separating a parent from a dependent child. See *Nken v. Holder*, 556 U.S. 418, 435 (2009) (recognizing that removal—and the resulting separation from family—can constitute irreparable harm).

Here, the harm is even more acute. Petitioner's child is not merely dependent—he is medically fragile, and his health and safety depend on Petitioner's presence. Continued detention

is therefore not a neutral administrative act, but one that inflicts immediate and ongoing constitutional harm on both Petitioner and her child.

D. Detention Undermines Petitioner's Pending U-Visa and Congressional Intent

Petitioner has a pending U-Visa application. The U-Visa statute was enacted to "strengthen the ability of law enforcement agencies to detect, investigate, and prosecute" certain crimes while offering protection to victims who assist in those efforts. See *Victims of Trafficking and Violence Protection Act of 2000*, Pub. L. No. 106-386, § 1513(a)(2)(A), 114 Stat. 1464 (2000).

Detaining a U-Visa applicant undermines that statutory purpose. Continued detention disrupts a victim's ability to cooperate with law enforcement, interferes with the adjudication of humanitarian relief, and contradicts Congress's intent to provide stability and protection to vulnerable individuals.

Additionally, prolonged or unjustified detention that interferes with a noncitizen's pursuit of available relief raises serious due process concerns. See *Landon v. Plasencia*, 459 U.S. 21, 34 (1982) (recognizing that noncitizens are entitled to due process in proceedings affecting their rights).

Here, Petitioner's continued detention undermines Congress's humanitarian framework for U-Visa applicants and serves no legitimate regulatory purpose. It is therefore unlawful.

E. Detention Is Not Reasonably Related to Any Legitimate Government Purpose

The Government's justification for detention has collapsed. Detention no longer serves removal, supervision, or safety purposes and is therefore arbitrary. Immigration detention is constitutionally permissible only so long as it bears a reasonable relationship to its regulatory purpose. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). When detention ceases to serve that

purpose, it becomes impermissible. See *Demore v. Kim*, 538 U.S. 510, 527–28 (2003) (upholding detention only where it is of limited duration and tied to removal proceedings).

The Ninth Circuit has likewise recognized that continued detention is unlawful where it is no longer reasonably related to removal or becomes prolonged without adequate justification. See *Prieto-Romero v. Clark*, 534 F.3d 1053, 1062–63 (9th Cir. 2008). Where, as here, detention persists without a realistic prospect of removal or a legitimate regulatory purpose, it is arbitrary and violates due process.

Petitioner's pending petition for review further underscores that removal is not imminent and remains contingent on the outcome of ongoing judicial proceedings.

F. Detention Violates Due Process Under Mathews v. Eldridge

Under Mathews v. Eldridge, 424 U.S. 319 (1976), courts balance (1) the private interest affected, (2) the risk of erroneous deprivation, and (3) the government's interest. All three factors weigh heavily in Petitioner's favor.

First, Petitioner's private interests are exceptionally strong. The interest in freedom from physical restraint is a fundamental liberty interest at the core of the Due Process Clause. Petitioner has now been detained for over two years and five months—far exceeding any constitutionally reasonable period of civil detention. This deprivation is compounded by the impact on her family, particularly her minor child who suffers from a serious and life-threatening medical condition requiring consistent care. The Constitution also protects the parent-child relationship and family integrity. Thus, Petitioner's private interests—both in her physical liberty and in maintaining the care and custody of her medically vulnerable child—are at their highest.

Second, the risk of erroneous deprivation is substantial because Petitioner has not received a meaningful individualized determination of her detention. Although Petitioner was

afforded a custody hearing on August 29, 2025, the Immigration Judge concluded that there was no jurisdiction to consider bond and that Petitioner was subject to mandatory detention under 8 U.S.C. § 1225(b) and under *Matter M-S & Matter of Q. Li*; 235(b)(1) and 235(b)(2). A proceeding in which the adjudicator lacks authority to grant relief and does not evaluate the necessity of detention does not satisfy due process. The absence of a meaningful hearing creates a significant risk that Petitioner is being detained unnecessarily and unlawfully. Despite concluding no jurisdiction, the Immigration Judge did not believe that Petitioner posed a danger to the community or was a flight risk as those boxes were left unchecked on the Order.

Third, the Government's interest does not justify continued detention under these circumstances. While the Government has an interest in ensuring removal and protecting the community, those interests are significantly diminished here. Petitioner has already completed her criminal sentence, has demonstrated rehabilitation, and has strong community ties. There is no individualized finding that she poses a danger or flight risk. Moreover, the Government's interests can be fully served through less restrictive alternatives, such as supervised release, which reflects a prior determination by the Federal Court that Petitioner could be safely managed in the community. Continued detention—particularly where it is prolonged, based on a categorical classification, and causes harm to a medically vulnerable child—is excessive in relation to any legitimate governmental objective.

Accordingly, under the balancing framework set forth in Mathews v. Eldridge, Petitioner's continued detention violates due process.

G. Indefinite Detention Without a Defined Endpoint Violates the Constitution

Absent judicial intervention, there is no defined endpoint to Petitioner's detention. The Constitution does not permit indefinite civil detention. See *Zadvydas v. Davis*, 533 U.S. 678, 690

(2001) ("A statute permitting indefinite detention of an alien would raise a serious constitutional problem."). The Supreme Court has made clear that civil detention must be constrained by meaningful limits and tied to a valid regulatory purpose. Id. at 699–701. Where no such limiting principle exists, detention becomes arbitrary and unconstitutional. See *Clark v. Martinez*, 543 U.S. 371, 386 (2005).

The Ninth Circuit has likewise emphasized that the permissibility of immigration detention depends on the existence of a realistic prospect of removal and a defined endpoint. See *Prieto-Romero v. Clark*, 534 F.3d 1053, 1062–63 (9th Cir. 2008). Where detention lacks a foreseeable termination point, it exceeds constitutional bounds. Here, because there is no clear timeline for Petitioner's removal and no meaningful mechanism to limit the duration of her confinement, her detention violates due process.

VII. PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. GRANT the Petition for Writ of Habeas Corpus;
2. ORDER Respondents to release Petitioner within 24 hours, or, in the alternative, to release her on conditions of supervision;
3. DECLARE that Petitioner's detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;
4. GRANT all further relief the Court deems just and proper.

VIII. CONCLUSION

Petitioner's detention is prolonged, unjustified, and unconstitutional. After more than two years and five months in custody, it is no longer reasonably related to removal and has become punitive in nature. Her continued confinement lacks meaningful procedural safeguards and

imposes ongoing, irreparable harm on her medically vulnerable child, who depends on her as a sole caregiver. The Constitution does not permit indefinite civil detention under these circumstances. The Petition should be granted and Petitioner should be released.

IX. SIGNATURE AND CERTIFICATION

The undersigned counsel certifies that she represents the Petitioner and that this Petition is filed on his behalf pursuant to 28 U.S.C. § 2241.

Respectfully submitted this 25th day of March 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 25th day of March 2026, I served true and correct copy of the **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** upon the following Respondents by electronic service as permitted:

BRUCE SCOTT
Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

KRISTI NOEM
Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Required Service on the United States

UNITED STATES ATTORNEY'S OFFICE
USAWAW.ImmigrationHabeasService@usdoj.gov
(Via email)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 25th day of March 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner