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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

FABIOLA PILLE-VALERIO,

Petitioner,

vs.

BRANDON JONES, SUPERINTENDENT,  
HILAND MOUNTAIN CORRECTIONAL  
FACILITY;

LAURA HERMOSILLO, FIELD OFFICE  
DIRECTOR, SEATTLE FIELD OFFICE,  
UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT;

TODD LYONS, ACTING DIRECTOR,  
UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT.

MARKWAYNE MULLIN, SECRETARY  
OF U.S. DEPARTMENT OF HOMELAND  
SECURITY;

TODD BLANCHE, ACTING UNITED  
STATES ATTORNEY GENERAL,

Respondents.

Case No.

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

COMES NOW the Petitioner, Fabiola Pille-Valerio, by and through counsel and hereby moves this Court for an Order issuing a writ of habeas corpus, 28 U.S.C. § 2241 to remedy Petitioner's unlawful detention by Respondent, as follows.

## INTRODUCTION AND BACKGROUND

Petitioner, Fabiola Pille-Valerio, is originally from Mexico. Ms. Pille-Valerio has lived in Alaska for 20 years and has five sons and daughters, all of whom are U.S. citizens and live in Alaska. She was arrested in Anchorage yesterday, May 11, 2026, by Immigration and Customs Enforcement officials and is currently being held in custody as an immigration detainee at Hiland Mountain Correctional Facility. She is expected to be transferred to a facility outside Alaska within the next **24 hours**. Petitioner has not received, and is not expected to receive, a hearing by a neutral decisionmaker as to whether her detention is warranted based on a danger to the community or risk of flight. Petitioner's detention without a hearing violates the Due Process clause of the Fifth Amendment.

Ms. Pille-Valerio is alleged to be subject to a prior order of removal which was issued in absentia on January 20, 2004. However, the underlying removal order was issued in violation of Petitioner's right to counsel and due process. Specifically, Petitioner was not provided with a list of free legal service providers and was not given an opportunity to obtain free or low-cost legal help. Petitioner disputes whether she was given notice and an opportunity to appear at the removal hearings held in January 2004. She did not speak or understand spoken or written English well at that time. As a result, Petitioner was not given an opportunity to present her case to the Immigration Judge before the immigration court issued the in-absentia removal order on January 21, 2004.

In addition, it appears that one or more of Petitioner's United States citizen children has applied for Ms. Pille-Valerio's adjustment of status. ICE has not acknowledged or

contested this fact. Petitioner is also in the process of filing a motion to reopen her immigration case, and expects that it will be filed tomorrow, May 13, 2026, in Portland.

Finally, although Petitioner has given notice that she has a reasonable fear of returning to Mexico, she has not yet been referred to an asylum officer for an interview to determine whether she has a reasonable fear of persecution or torture. 8 C.F.R. 241.8(e).

Petitioner thus respectfully requests a writ of habeas corpus ordering the Government to immediately release her from her ongoing, unlawful detention, and prohibiting her re-arrest without a hearing to contest that re-arrest before a neutral decisionmaker. In addition, to preserve this Court's jurisdiction, Petitioner also requests that this Court order the Government not to transfer her outside this District or deport her for the duration of this proceeding.

### **JURISDICTION**

Under 28 U.S.C. § 2241, the Court has the authority to determine a petition for writ of habeas corpus in which the petitioner asserts she is being held in custody “in violation of the Constitution or laws or treaties of the United States.” “The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

This action arises under the Due Process Clause of the Fifth Amendment to the U.S. Constitution. Jurisdiction is proper under 28 U.S.C. § 1331 (federal question), 2241 (habeas corpus); U.S. Const. art I, § 2 (Suspension Clause); and 5 U.S.C. § 702 (Administrative

Procedures Act). This Court may grant relief pursuant to the habeas 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. Congress has preserved judicial review of challenges to prolonged immigration detention. *See Jennings v. Rodriguez*, 138 S.Ct. 830, 839-841 (2018).

### **VENUE**

Venue is proper in this District because this is the district in which Petitioner is physically detained. *See Doe v. Garland*, 109 F.4th 1188, 1197-99 (9th Cir. 2024).

### **PARTIES**

Petitioner is fifty-one years old, an Alaska resident of over 20 years, with five U.S. citizen children, and with no criminal history. She is presently detained at Hiland Mountain Correctional Facility.

Respondent Brandon Jones is the Superintendent of Hiland Mountain Correctional Facility, where Petitioner is presently detained. Respondent Jones is Petitioner's immediate physical custodian. Respondent Jones is sued in his official capacity.

Respondent Laura Hermosillo is the Field Office Director of the Seattle ICE Field Office. In this capacity, she is responsible for the administration of immigration laws and the execution of immigration enforcement and detention policy within ICE's Alaska Area of Responsibility, including Petitioner's ongoing detention. Respondent Hermosillo is sued in her official capacity.

Respondent Todd M. Lyons is the Acting Director of ICE. As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and

enforcement of the immigration laws of the United States; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove Petitioner. Respondent Lyons is sued in his official capacity.

Respondent Markwayne Mullin is the Secretary of Homeland Security and has ultimate authority over DHS. In that capacity and through her agents, Respondent Mullin has broad authority over and responsibility for the operation and enforcement of the immigration laws; routinely transacts business in this District; and is legally responsible for pursuing any effort to detain and remove the Petitioner. Respondent Mullin is sued in his official capacity.

Respondent Todd Blanche is the Acting Attorney General of the United States and the most senior official at the Department of Justice. In that capacity and through his agents, he is responsible for overseeing the implementation and enforcement of the federal immigration laws. The attorney General delegates this responsibility to the Executive Office of Immigration Review, which administers the immigration courts and the BIA. Respondent Blanche is sued in his official capacity.

### **EXHAUSTION**

There is no requirement to exhaust because no other forum exists in which Petitioner can raise the claims herein. There is no statutory exhaustion requirement prior to challenging the constitutionality of an arrest or detention. Prudential exhaustion is not required here because it would be futile, and Petitioner will “suffer irreparable harm if

unable to secure immediate judicial consideration of [their] claim.” *McCarthy v. Madigan*, 503 U.S. 140, 147 (1992). Any further exhaustion requirements would be unreasonable.

## **ARGUMENT**

### **A. Petitioner’s Detention Violates Federal Due Process Protections.**

The Constitution protects Petitioner—and every other person present in the United States—from arbitrary deprivations of her liberty, and guarantees her due process of law. *Hernandez v. Sessions*, 872 F3d 976, 990 (9th Cir. 2017). Due process rights are available to all persons, including noncitizens, regardless of whether their presence in the United States is lawful, unlawful, temporary, or permanent. *Id.*

“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action.” *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). “In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception.” *United States v. Salerno*, 481 U.S. 739, 755 (1987). Immigration detention must bear a “reasonable relation” to a non-punitive purpose. *See Jackson v. Indiana*, 406 U.S. 715, 738 (1972). The Supreme Court has recognized only two permissible non-punitive purposes for immigration detention: ensuring a non-citizen’s appearance at immigration proceedings and preventing danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690-92 (2001); *see also Demore v. Kim*, 538 U.S. 510 at 519-20, 527-28, 31 (2003). Generally, “the Constitution requires some kind of a hearing before the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

Here, Petitioner has alleged grounds for concluding that the final order of removal violated basic procedural safeguards. The Immigration and Naturalization Act, 8 U.S.C. § 1229a(b)(4)(A), states that in removal proceedings, the alien “shall have the privilege of being represented, at no expense to the Government, by counsel of the alien's choosing who is authorized to practice in such proceedings.” Further, 8 U.S.C. § 1229(a)(1)(E) requires that the Notice to Appear (NTA) inform the respondent of the right to be represented by counsel at no cost to the government and of the availability of free legal services. The alien is guaranteed a reasonable opportunity to examine the evidence against them, to present evidence on their behalf, and cross-examine witnesses presented by the government.

Given (1) the defects in Petitioner’s 2004 removal in absentia, (2) a possible pending I-130 Petition for Alien Relative and imminent reopening of Petitioner’s decades-old immigration case, as well as (3) Petitioner’s potential claim for protection in the United States from persecution and torture, and (4) the lack of any kind of hearing before Petitioner was apprehended yesterday, her detention violates federal law and her right to due process.

The Government has not shown that Petitioner is a danger or poses a flight risk. She has no criminal record and there simply is no basis to believe she poses any public safety risk. Due to her detention, Petitioner is suffering irreparable harm: she is unable to work, she has been separated from her family; and she is unable to effectively communicate with her lawyers and gather the documents necessary to prepare her immigration case.

**B. Petitioner Does Not Expect to be Provided with a Prompt Adjudication Regarding Her Reasonable Fear if She is Removed from the Country.**

Although an individual subject to reinstated removal orders may not apply for asylum relief, *see* 8 U.S.C § 1231(a)(5), if that individual expresses fear of returning to the country designated in that order, the person “shall be immediately referred to an asylum officer for an interview to determine whether the alien has a reasonable fear of persecution or torture.” 8 C.F.R. § 241.8(e).

“If the officer decides that the alien does have a reasonable fear of persecution or torture, the case is referred to an immigration judge ... ‘for full consideration of the request for withholding of removal only.’ ” *Ayala v. Sessions*, 855 F.3d 1012, 1015 (9th Cir. 2017) (citing 8 C.F.R. § 208.31(e)). If “the asylum officer decides that the alien has not established a reasonable fear of persecution or torture, then the alien is entitled to appeal that determination to an [immigration judge].” *Id.* at 1015–16 (citation omitted).

Petitioner has given the Government notice of her reasonable fear of return to Mexico. She is entitled to have that claim heard by an asylum officer. Her present detention and imminent transfer out of state and removal from the country will deny her the opportunity to have her claim heard.

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus;

3. Grant Petitioner leave to amend the petition as necessary;
4. Hold a hearing before this Court if warranted, and determine that Petitioner's detention is not justified because Petitioner's prior order of removal failed to comply with federal law and due process;
5. Order Petitioner's immediate release from custody (with appropriate conditions of supervision if necessary), taking into account Petitioner's ability to pay a bond;
6. Alternatively, order Respondents to refrain from removing Petitioner from the District of Alaska while Petitioner's immigration case remains open;
7. Issue a declaration that Petitioner's ongoing detention violates the Due Process Clause of the Fifth Amendment;
8. Grant any such further relief as the Court deems just and proper.

DATED this 12th day of May, 2026.

Respectfully submitted,  
FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA

/s/ Daniel Poulson

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Certificate of Service:

I hereby certify that on May 12, 2026, the foregoing and any attachments was filed with the Clerk of Court for the United States District Court for the District of Alaska at [newcvcases@akd.uscourts.gov](mailto:newcvcases@akd.uscourts.gov).

A courtesy copy of the foregoing was provided to the following by email on March 12, 20226:

Acting United States Attorney Michael Heyman at [michael.heyman@usdoj.gov](mailto:michael.heyman@usdoj.gov)

Assistant United States Attorney Jacki Traini at [jackie.traini@usdoj.gov](mailto:jackie.traini@usdoj.gov)

Assistant United States Attorney Christopher Schroeder at [christopher.schroeder@usdoj.gov](mailto:christopher.schroeder@usdoj.gov) .

/s/ Daniel Poulson

## STATEMENT OF ISMAEL HERNANDEZ IN SUPPORT OF HABEAS CORPUS PETITION

1. I, Ismael Hernandez, declare the following:
2. My name is Ismael Hernández.
3. I am the husband of Fabiola Pille, also identified in immigration records as Fabiola Pille-Valerio.
4. I am making this statement on behalf of my wife because she is currently detained and it will not be possible for her to sign this document personally. The information contained in this statement is true and correct to the best of my knowledge.
5. Fabiola is a native and citizen of Mexico.
6. She has lived in the state of Alaska for over twenty years.
7. We have five sons and daughters. All of our children are U.S. citizens.
8. I have a case pending before the Portland Immigration Court and live with Fabiola in Anchorage, Alaska.
9. Immigration records identify Fabiola's A-number as A 
10. On or around November 2003, immigration agents encountered Fabiola in Anchorage, Alaska.
11. To my understanding and what Fabiola has told me, immigration records indicate that she was encountered at our residence and instructed to report to the DHS/ICE office in Anchorage. Records also indicate that she complied with that instruction.
12. Immigration records indicate that Fabiola was placed in removal proceedings and charged as a person present in the United States without admission or parole.

13. The Notice to Appear in her immigration file indicates that the immigration court's address was in Seattle, Washington, but notes that the date and time of his hearing were "to be set."
14. According to what Fabiola has told me, at the time she was given the Notice to Appear, she does not remember receiving a list of free legal service providers. You also don't remember someone explaining to you in a meaningful way how to get free or low-cost legal help for your immigration case.
15. Fabiola understands that immigration records contain forms with boxes or language indicating that a free list of legal services was provided. That's not what she remembers receiving or understanding at the time.
16. Fabiola also does not remember receiving a meaningful explanation about the immigration court process, the consequences of missing a hearing, or what she needed to do to protect herself in court.
17. The records contain a Notice of Hearing dated November 25, 2003, which sets a preliminary hearing for January 6, 2004, at 620 East 10th Avenue, Room 302, Anchorage, Alaska. Fabiola does not remember receiving this document.
18. The records also contain a subsequent Notice of Hearing dated January 2, 2004, which sets another hearing for January 20, 2004, at 620 East 10th Avenue, Room 302, Anchorage, Alaska. Fabiola does not remember receiving this document.
19. According to what Fabiola has explained to me, she did not understand that her removal would be ordered if she did not appear at the immigration hearing.
20. On January 21, 2004, an immigration judge ordered Fabiola's removal in absentia after determining that she was not present at the January 20, 2004 hearing.

21. The immigration judge ordered Fabiola's removal to Mexico.
22. To my understanding, Fabiola did not have a meaningful opportunity to apply for relief from removal before the immigration court issued the order of removal in absentia.
23. To my understanding, Fabiola did not have a meaningful opportunity to present her case to the Immigration Judge before her removal was ordered.
24. There was no reason for Fabiola not to appear at the removal hearing, as she was under electronic monitoring by the INS.
25. At the time the above occurred, Fabiola did not speak or understand the English language well and was not provided with a proper interpretation of the documents she was told to sign.
26. On May 11, 2026, Fabiola was detained and arrested by Immigration and Customs Enforcement.
27. Since ICE detained Fabiola on May 11, 2026, we have been informed that ICE is reinstating her 2004 removal order.
28. Since being detained by ICE, she has not been given a real opportunity to challenge any determination on the reinstatement of the 2004 removal order.
29. He has not been informed that he has the right to make a statement challenging the reinstatement of the 2004 removal order.
30. She has not been given a real opportunity to challenge whether the 2004 removal order can be legally reinstated against her.
31. She has not been given a meaningful opportunity to challenge whether immigration records correctly establish the facts required for reinstatement.

32. Fabiola has lived in Alaska for over twenty years. Her life, her family, and her children are in Alaska.

33. If Fabiola is removed before the immigration court has an opportunity to address issues related to the 2004 order of removal in absentia, she will lose the ability to meaningfully exercise her rights from within the United States.

34. I make this statement in support of Fabiola's habeas corpus petition and request the Court to prevent her removal while the legality of her detention, the readmission process, and the 2004 order of removal in absentia are addressed.

35. Fabiola's right and ability to obtain adequate representation and have meaningful access to legal counsel would be seriously harmed if ICE were to transfer her from Alaska to Washington, because her attorney, family, records, and support system are located in Alaska, and the transfer would interfere with her ability to communicate with her attorney, assist in the preparation of your case, gather evidence, and protect your rights before your deportation takes place.

I declare, under penalty of perjury, that the foregoing is true and correct, to the best of my knowledge. Executed on May 12, 2026, in Anchorage, Alaska.

Ismael Hernández

DECLARATION OF FLUVIA PILLE IN SUPPORT OF PETITION FOR  
WRIT OF HABEAS CORPUS

I, Fluvia Pille, declare as follows:

1. My name is Fluvia Pille. I am also identified in immigration records as Fabiola Pille-Valerio.
2. I am a native and citizen of Mexico.
3. I have lived in the State of Alaska for more than twenty years.
4. I have five sons and daughters. All of my children are United States citizens.
5. My husband has a pending case before the Portland Immigration Court and lives with me in Anchorage, AK.
6. Immigration records identify my A-number as A 
7. In or around November 2003, immigration agents encountered me in Anchorage, Alaska.
8. The immigration records state that I was encountered at my residence and that I was instructed to present myself to the DHS/ICE office in Anchorage. The records also state that I complied with that instruction.
9. The immigration records state that I was placed in removal proceedings and charged as a person present in the United States without admission or parole.
10. The Notice to Appear in my immigration record lists the immigration court address as Seattle, Washington, but states that the date and time of my hearing were "to be set."
11. At the time I was served with the Notice to Appear, I do not remember being served with a list of free legal service providers. I also do not remember anyone explaining to me in a meaningful way how to obtain free or low-cost legal help for my immigration case.

12. I understand that the immigration records contain forms with boxes or language stating that a free legal services list was provided. That is not what I remember receiving or understanding at the time.
13. I also do not remember receiving a meaningful explanation of the immigration court process, the consequences of missing a hearing, or what I needed to do to protect myself in court.
14. The records contain a Notice of Hearing dated November 25, 2003, setting a master calendar hearing for January 6, 2004, at 620 East 10th Avenue, Room 302, Anchorage, Alaska. I do not recall receiving this document.
15. The records also contain a later Notice of Hearing dated January 2, 2004, setting another hearing for January 20, 2004, at 620 East 10th Avenue, Room 302, Anchorage, Alaska. I do not recall receiving this document.
16. I did not understand that I would be ordered removed if I did not appear at the immigration hearing.
17. On January 21, 2004, an Immigration Judge ordered me removed in absentia after finding that I was not present at the January 20, 2004 hearing.
18. The Immigration Judge ordered me removed to Mexico.
19. I did not have a meaningful opportunity to present my case to the Immigration Judge before I was ordered removed.
20. I did not have a meaningful opportunity to ask for relief from removal before the immigration court entered the in-absentia removal order.
21. There was no reason for me not to appear at my removal hearing as I was under electronic monitoring by then INS.
22. At the time the foregoing took place I did not speak and understand the English language properly and I was not provided with a proper interpretation of the documents I was told to sign.

23. On May 11, 2026, I was detained and arrested by Immigration and Customs Enforcement.
24. Since being detained by ICE on May 11, 2026, I have been advised that ICE is reinstating my 2004 removal order.
25. Since being detained by ICE, I have not been provided with a meaningful opportunity to contest any determination regarding reinstatement of the 2004 removal order.
26. I have not been advised that I have the right to make a statement contesting reinstatement of the 2004 removal order.
27. I have not been provided with a meaningful opportunity to contest whether the 2004 removal order can lawfully be reinstated against me.
28. I have not been provided with a meaningful opportunity to contest whether the immigration records correctly establish the facts required for reinstatement.
29. I have lived in Alaska for more than twenty years. My life, my family, and my children are in Alaska.
30. If I am removed before the immigration court has the opportunity to address the problems with the 2004 in absentia order, I will lose the ability to meaningfully pursue my rights from inside the United States.
31. I make this declaration in support of my petition for writ of habeas corpus and request that the Court prevent my removal while the legality of my detention, the reinstatement process, and the 2004 in absentia removal order are addressed.
32. My right and ability to obtain proper representation and meaningfully access counsel would be significantly harmed if ICE transfers me from Alaska to Washington because my counsel, family, records, and support system are located in Alaska, and transfer would interfere with my ability to communicate with counsel, assist in preparing my case, gather evidence, and protect my rights before removal is carried out.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 12<sup>th</sup> day of May 2026, at \_\_\_\_\_.

Fluvia Pille

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

FABIOLA PILLE-VALERIO,

Petitioner,

vs.

BRANDON JONES, SUPERINTENDENT,  
HILAND MOUNTAIN CORRECTIONAL  
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LAURA HERMOSILLO, FIELD OFFICE  
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UNITED STATES IMMIGRATION AND  
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TODD LYONS, ACTING DIRECTOR,  
UNITED STATES IMMIGRATION AND  
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MARKWAYNE MULLIN, SECRETARY  
OF U.S. DEPARTMENT OF HOMELAND  
SECURITY;

TODD BLANCHE, ACTING UNITED  
STATES ATTORNEY GENERAL,

Respondents.

Case No.

**(PROPOSED) ORDER GRANTING  
PETITION FOR WRIT OF HABEAS  
CORPUS PURSUANT TO 28 U.S.C. §  
2241**

After due consideration of the petition for writ of habeas corpus, pursuant to 28 U.S.C. 2241, and this Court being fully advised in the premises, the petition is hereby GRANTED. It is ORDERED that Respondents shall immediately release Petitioner from her unlawful detention and grant release Petitioner on the least restrictive conditions of supervision necessary to ensure her appearance.

DATED \_\_\_\_\_, 2026.

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UNITED STATES DISTRICT COURT