

DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

JUAN CARLOS JARAMILLO-CARDENAS,
Petitioner,

v.

Markwayne MULLIN, Secretary of U.S.
Department of Homeland Security;
Todd BLANCHE, Acting United States
Attorney General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcements;
Laura HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;
Respondents.

Case No.

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

I. INTRODUCTION

1. This Petition challenges the unlawful and prolonged detention of Petitioner JUAN CARLOS JARAMILLO-CARDENAS, a native and citizen of Mexico currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

- 1 7. Civil immigration detention under § 1226 is constitutionally permissible only for a
2 limited period. When detention under § 1226 becomes prolonged, continued incarceration
3 without a bond hearing violates the Due Process Clause of the Fifth Amendment.
4 *Jennings v. Rodriguez*, 583 U.S. 281, 312 (2018); *Rodriguez v. Marin*, 909 F.3d 252,
5 255-56 (9th Cir. 2018); *Martinez v. Clark*, No. C18-1669-RAJ-MAT, 2019 WL 5968089
6 (W.D. Wash. May 23, 2019); *Smith v. Hernandez*, No. 2:26-cv-01138-JNW (W.D. Wash.
7 May 13, 2026).
- 8 8. This Court has repeatedly held that re-detention without such process violates the Fifth
9 Amendment. See, e.g., *E.A.T.-B. v. Wamsley*, *Ramirez Tesara v. Wamsley*, *Kumar v.*
10 *Wamsley*, and *Ledesma Gonzalez v. Bostock*.
- 11 9. Petitioner's continued detention without any individualized custody determination has
12 become unreasonable and unconstitutional. The Government may not indefinitely detain
13 an individual under § 1226 without demonstrating by clear and convincing evidence that
14 such detention is necessary.
- 15 10. Respondents' failure to provide any individualized custody determination in the eight
16 months since Petitioner's arrest violates his constitutional right to due process under the
17 Fifth Amendment.
- 18 11. Accordingly, Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 and
19 respectfully requests that this Court order a prompt bond hearing before an Immigration
20 Judge at which the Government bears the burden of justifying continued detention by
21 clear and convincing evidence, or, if no such hearing is provided within fourteen days,
22 order Petitioner's immediate release.
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1 17. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest
2 ICE Processing Center, the privately-operated immigration detention center where the
3 Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.
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5 **III. JURISDICTION**

6 18. This Court has jurisdiction over this matter under 28 U.S.C. § 1331 (federal question
7 jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).
8

9 19. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9, cl. 2, of
10 the U.S. Constitution. See *INS v. St. Cyr*, 533 U.S. 289 (2001).
11

12 20. No other petitions, appeals, or motions regarding habeas corpus have been filed with any
13 other court.

14 **IV. VENUE**

15 21. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1)
16 because the Petitioner is currently detained in this judicial district.

17 22. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the Respondents live,
18 work, and operate within this judicial district and because the actions which gave rise to
19 this Petition took place in Tacoma, Washington, which falls within this judicial district.
20

21 **V. FACTUAL BACKGROUND**

22 23. Petitioner JUAN CARLOS JARAMILLO-CARDENAS (A# ) is a native
24 and citizen of Mexico.
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1 30. On September 11, 2025, ICE officers apprehended Petitioner in the Tacoma, Washington
2 area. Petitioner was a passenger in a vehicle driven by a United States citizen. ICE agents
3 surrounded the vehicle, stated they had a warrant for Petitioner, but declined to produce
4 the warrant upon request. Petitioner informed ICE agents of his pending T Visa
5 derivative relief and offered his receipt notice, which agents declined to consider.
6
7 Petitioner was taken into custody and transferred to the Northwest ICE Processing
8 Center, 1623 E J St, Tacoma, Washington 98421, where he has remained detained.

9 31. Petitioner has not received any individualized custody determination, written explanation
10 for his continued detention, or any opportunity to be heard before a neutral decisionmaker
11 since his arrest on September 11, 2025.
12

13 32. Approximately one month into his detention, Petitioner suffered a medical emergency
14 exhibiting symptoms consistent with a stroke, including facial drooping. Petitioner made
15 repeated requests for medical assistance beginning at approximately 2:00 p.m. Each
16 request was denied. Petitioner was not transported to an emergency room until
17 approximately midnight, a delay of approximately ten hours. Following this incident,
18 Petitioner was prescribed blood pressure medication and medication to prevent blood
19 clots. Petitioner had no significant medical conditions prior to his detention.
20

21 33. Petitioner has a 2019 North Dakota matter involving misdemeanor charges for possession
22 of drug paraphernalia and possession of methamphetamine, both of which resulted in
23 sentences of three days with credit for time served. That matter is closed. Petitioner has
24 had no criminal involvement since that time.
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1 38. "Freedom from imprisonment, from government custody, detention, or other forms of
2 physical restraint, lies at the core of the liberty protected by the Due Process Clause."
3 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Courts consistently recognize this interest as
4 "the most elemental of liberty interests." *Smith v. Hernandez*, No. 2:26-cv-01138-JNW, at *3
5 (W.D. Wash. May 13, 2026); see also *Rodriguez v. Marin*, 909 F.3d 252, 255 (9th Cir. 2018)
6 (expressing "grave doubts that any statute that allows for arbitrary prolonged detention
7 without any process is constitutional").
8

9 39. Consistent with this principle, individuals detained under § 1226 have a fundamental liberty
10 interest in freedom from prolonged civil detention without an individualized hearing. When
11 the Government detains a noncitizen for months without any custody determination,
12 procedural due process protections become particularly weighty because the detention has
13 ceased to serve its limited purpose of securing the person pending removal proceedings.
14

15 40. Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it]
16 includes many of the core values of unqualified liberty," such as the ability to be gainfully
17 employed and live with family, "and its termination inflicts a 'grievous loss' on the [detained
18 individual] and often on others." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Petitioner
19 has a twelve-year-old United States citizen son,  who has been diagnosed with Post-
20 Traumatic Stress Disorder. Petitioner's wife is a victim of human trafficking with a pending T
21 Visa application before USCIS. Every additional day of detention inflicts grievous loss on
22 Petitioner and his family.
23

24 41. To protect against arbitrary prolonged detention and to ensure the right to liberty, due process
25 requires "adequate procedural protections" that test whether the Government's asserted
26 justification for a noncitizen's physical confinement "outweighs the individual's
27 constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690.

1 does not eliminate the constitutional requirement that the Government provide a bond
2 hearing. *Id.*

3 46. The Court explained that the Government's interest in continuing to detain a noncitizen
4 under § 1226 without a hearing is low, because the modest administrative burden of
5 providing a bond hearing is far outweighed by the risk of erroneous deprivation of the
6 fundamental liberty interest at stake. *Id.* As a result, the Court ordered a bond hearing
7 within fourteen days, at which the Government bears the burden of proof by clear and
8 convincing evidence. *Id.*

9
10 47. This Court applied consistent analysis in *Populus-Revuelta v. Scott*, No. 2:26-CV-00636-
11 RAJ, 2026 WL 1067317 (W.D. Wash. Apr. 20, 2026). There, the Court reasoned that
12 pursuing a statutory appeal process does not constitute abusive delay and cannot be used
13 to weigh against a petitioner in the *Martinez* analysis. The Court further noted that "the
14 fact that the Government may believe it has a valid reason to detain Petitioner does not
15 eliminate its obligation to effectuate the detention in a manner that comports with due
16 process." *Id.* at *5.

17
18 48. The *Joshi* court reached the same conclusion, holding that the likely duration of future
19 detention weighed in the petitioner's favor because BIA appeals routinely take over six
20 months, and any subsequent Ninth Circuit review would add many additional months.
21 *Joshi*, 2026 WL 456822, at *5.

22
23 49. This Court's decisions in *Smith*, *Populus-Revuelta*, *Joshi*, and *Toktosunov* are consistent
24 with decisions across this District addressing prolonged detention under § 1226. See, e.g.,
25 *Lopez v. Garland*, 631 F. Supp. 3d 870, 879-80 (E.D. Cal. 2022) (finding twelve months
26 of detention weighed in favor of granting bond hearing); *Amado v. United States Dep't of*
27

1 violates the Due Process Clause of the Fifth Amendment. Accordingly, Petitioner's
2 continued detention violates the Due Process Clause of the Fifth Amendment, and a bond
3 hearing is required immediately. At that hearing, the Government bears the burden of
4 establishing by clear and convincing evidence that Petitioner presents a flight risk or
5 danger to the community. *Singh v. Holder*, 638 F.3d 1196, 1208 (9th Cir. 2011). If the
6 Government fails to provide a constitutionally adequate bond hearing within fourteen
7 days of this Court's order, Petitioner must be immediately released. *Jimenez v. Wolf*, No.
8 19-CV-07996-NC, 2020 WL 1082648, at *4 (N.D. Cal. Mar. 6, 2020).

9
10 51. This Petition has been verified by Petitioner. *See* Verification of Petitioner.
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12 **VII. CLAIM FOR RELIEF**

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

14 **Procedural Due Process**

15 52. Petitioner restates and realleges all preceding paragraphs as though fully set forth herein.
16

17 53. The Due Process Clause of the Fifth Amendment prohibits the Government from
18 subjecting Petitioner to prolonged civil detention under 8 U.S.C. § 1226 without
19 providing a constitutionally adequate individualized bond hearing before a neutral
20 decisionmaker.
21

22 54. Petitioner has been in continuous immigration custody since September 11, 2025, a
23 period now exceeding eight months. During that time, Petitioner has maintained a
24 fundamental liberty interest in freedom from prolonged physical confinement. That
25 interest is "the most elemental of liberty interests" recognized by the Constitution.
26 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
27

60. Accordingly, Respondents' continued detention of Petitioner without an individualized bond hearing violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

VIII. IRREPARABLE INJURY

61. Petitioner has suffered and continues to suffer irreparable injury as a result of his unlawful detention.

62. Petitioner has been deprived of his physical liberty since September 11, 2025, a period now exceeding eight months, without any individualized bond hearing or constitutionally adequate custody determination. He has been separated from his family, including his twelve-year-old United States citizen son,  who has been diagnosed with Post-Traumatic Stress Disorder, and his wife, a victim of human trafficking with a pending T Visa application.

63. Continued physical detention without constitutionally adequate process is itself irreparable harm.

64. Petitioner's detention substantially interferes with his ability to pursue his pending BIA appeal, communicate effectively with counsel, gather supporting evidence, and meaningfully assist in his own defense.

65. Approximately one month into his detention, Petitioner suffered a medical emergency exhibiting symptoms consistent with a stroke. Despite repeated requests for care beginning at approximately 2:00 p.m., Petitioner was not transported to an emergency room until approximately midnight, a delay of approximately ten hours. He has since been prescribed blood pressure medication and medication to prevent blood clots.

Petitioner had no significant medical conditions prior to his detention. His continued

1 C. Enjoin Respondents from continuing to detain Petitioner absent constitutionally adequate
2 written notice and a hearing before a neutral decisionmaker;

3 D. Declare that Respondents violated Petitioner's rights under the Due Process Clause of the
4 Fifth Amendment;

5 E. Award reasonable attorney's fees and costs; and

6 F. Grant such other and further relief as this Court deems just and proper.
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9 Respectfully submitted this 20th day of May, 2026
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11 /s/ Jashan Multani

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