DETAINED

Jashan Multani
MULTANI LAW GROUP, PLLC
13106 SE 240th ST, Suite 110
Kent, WA 98031
(206) 243-4219
jashan@multanilawgroup.com
Attorney for Petitioner

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

SAMUEL ALEJANDRO CORDOVA RODRIGUEZ, 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 re-detention of Petitioner Samuel Alejandro Cordova Rodriguez ("Petitioner"), A# [redacted] is a native and citizen of Honduras currently detained by Immigration and Customs Enforcement ("ICE") at the Northwest ICE Processing Center in Tacoma, Washington.

2. Petitioner entered the United States on or about September 4, 2023, near Eagle Pass, Texas, without being admitted or paroled.
3. The Department of Homeland Security subsequently initiated removal proceedings against Petitioner under Section 240 of the Immigration and Nationality Act.
4. Petitioner has actively participated in those proceedings. He retained counsel on or about September 17, 2024, submitted written pleadings on or about October 18, 2024, and filed an Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture on or about April 3, 2025.
5. Petitioner currently has a pending asylum application and remains in active removal proceedings before the Immigration Court.
6. Petitioner is presently scheduled for an Individual Hearing before the Immigration Court on September 7, 2029, at 8:30 a.m., demonstrating his continued participation in the immigration process.
7. Petitioner was detained on May 27, 2026, as a result of an enforcement operation conducted by Immigration and Customs Enforcement, and not due to any criminal conduct.
8. DHS re-detained Petitioner despite his continued compliance with immigration proceedings, his pending asylum application, and the absence of any allegation that he violated the terms of his prior release.
9. Despite these facts, Respondents continue to detain Petitioner without providing him access to a meaningful individualized custody determination before a neutral adjudicator.

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10. Following *Matter of Yajure-Hurtado*, Immigration Judges in Tacoma routinely conclude that they lack jurisdiction to conduct custody redeterminations for individuals in Petitioner's position.

11. As a result, habeas corpus is Petitioner's only meaningful avenue to obtain a constitutionally adequate custody determination.

12. Petitioner seeks an order directing Respondents to provide an individualized bond hearing before a neutral adjudicator within seven (7) days at which the Government bears the burden of proving by clear and convincing evidence that continued detention is justified.

13. This Court has repeatedly held that re-detention without such process violates the Fifth Amendment. See, e.g., *E.A.T.-B. v. Wamsley*, No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025).

14. Respondents' failure to provide any process before or after re-detaining Petitioner violates his constitutional right to due process.

15. Accordingly, Petitioner respectfully requests that this Court grant habeas relief and order his immediate release or, in the alternative, a bond hearing within seven (7) days at which the Government bears the burden of justifying continued detention by clear and convincing evidence.

II. PARTIES

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16. Samuel Alejandro Cordova Rodriguez ("Petitioner"), A# [redacted] is a native and citizen of Honduras, currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

17. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. He is the cabinet-level secretary responsible for all immigration enforcement in the United States and has ultimate custodial authority over Petitioner.

18. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as his designees.

19. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible for all immigration enforcement in the United States.

20. Respondent Laura Hermosillo is sued in her official capacity as Acting Field Office Director for the Seattle office of Immigration and Customs Enforcement, an agency of the Department of Homeland Security. She is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition.

21. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention center where the Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.

III. JURISDICTION

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

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

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

IV. VENUE

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

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

V. FACTUAL BACKGROUND

27. Petitioner was born on [redacted] in Honduras.

28. Petitioner entered the United States on or about September 4, 2023, near Eagle Pass, Texas, without being admitted or paroled.

29. At the time of entry, Petitioner was an adult and entered the United States without being admitted or paroled.

30. Following his arrival, DHS processed Petitioner and permitted him to reside in the community while pursuing immigration relief. Petitioner thereafter resided at [redacted]

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31. On September 6, 2023, DHS formally released Petitioner on his own recognizance pursuant to an Order of Release on Recognizance, thereby affirmatively authorizing him to remain in the community while his immigration proceedings were pending.

32. DHS served Petitioner with a Notice to Appear charging him as removable under INA § 212(a)(6)(A)(i).

33. Petitioner has continuously pursued immigration relief. Our office was retained on or about September 17, 2024, and written pleadings were submitted on or about October 18, 2024.

34. Petitioner filed an application for asylum, withholding of removal, and protection under the Convention Against Torture on or about April 3, 2025, and continued to pursue that relief through the immigration court process.

35. Petitioner's removal proceedings remain pending. Petitioner is currently scheduled for an Individual Hearing before the Immigration Court on September 7, 2029, at 8:30 a.m.

36. Petitioner was detained on May 27, 2026, as a result of an enforcement operation conducted by Immigration and Customs Enforcement, and not due to any criminal conduct.

37. Petitioner has never been found to be a danger to the community.

38. Petitioner has never been convicted of any criminal offense in the United States or elsewhere, and Respondents have never alleged that he presents a danger to the community.

39. Petitioner has demonstrated consistent compliance with immigration proceedings throughout the pendency of his case. Following his release from federal custody, Petitioner remained in the community, appeared as required, pursued asylum relief,

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retained counsel, and continued litigating his case through lawful immigration procedures, including by complying with scheduling orders.

40. At no time during the nearly three years following his release did DHS revoke Petitioner's release, allege that he violated any release condition, or claim that he failed to comply with his immigration obligations.

41. Petitioner was released from federal custody and remained in the community for more than two years before his re-detention. During that period, Petitioner continued pursuing immigration relief, complied with his immigration obligations, obtained employment authorization on or about January 6, 2026, and established significant ties to the community.

42. Petitioner possesses significant incentives to appear for future proceedings, including his pending asylum application, his employment authorization, his family case pending before the Immigration Court, and his upcoming Individual Hearing. Petitioner also has substantial family ties in the United States through his wife and minor child, both of whom are included in the pending immigration proceedings.

43. Respondents nevertheless continue to detain Petitioner without access to a meaningful custody determination.

VI. MEMORANDUM OF LAW

Due Process Clause

44. Due process requires that when the federal government re-detains a person who has previously been released into the community, complied with immigration proceedings, and pursued relief from removal, the Government must provide constitutionally adequate

procedural safeguards before revoking that liberty.

45. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the core of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Courts consistently recognize this interest as "the most elemental of liberty interests." *E.A.T.-B. v. Wamsley*, 2025 WL 2402130, at *3 (W.D. Wash. Aug. 19, 2025); see also *Ramirez Tesara v. Wamsley*, 2025 WL 2637663, at *3 (W.D. Wash. Sept. 12, 2025).

46. Consistent with these principles, individuals who have been released from custody possess a protected liberty interest in their continued freedom. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). That liberty includes the ability to live and work in the community and "its termination inflicts a grievous loss." *Id.*

47. Here, the federal government previously released Petitioner from custody and permitted him to reside in the community while pursuing immigration relief. Having granted that liberty and allowed Petitioner to establish a settled life outside detention, the Government cannot later revoke that liberty without constitutionally adequate procedural protections.

48. This case is not about an initial detention at the border. It concerns the Government's revocation of previously granted liberty after allowing Petitioner to reside in the community for more than two years. Once DHS exercised its discretion to release Petitioner and permitted him to establish a settled life outside detention, due process required meaningful procedures before that liberty could be revoked.

49. The constitutional injury arises not from Petitioner's initial detention at the border, but from the Government's decision to revoke a settled liberty interest that it previously

granted and allowed Petitioner to exercise for nearly three years.

50. To guard against arbitrary detention, due process requires "adequate procedural protections" to ensure that the Government's justification for confinement outweighs the individual's liberty interest. *Zadvydas*, 533 U.S. at 690. At a minimum, this requires notice and an opportunity to be heard before a neutral decisionmaker. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970).

51. These protections apply with full force where, as here, DHS re-detains a noncitizen who was previously released into the community.

A. Re-Detention Without Process Violates Due Process

52. Several courts, including this Court, have held that re-detention without constitutionally adequate process violates the Fifth Amendment.

53. In *E.A.T.-B. v. Wamsley*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing test and held that re-detention without a hearing is unconstitutional. The Court emphasized that the petitioner had been deprived of an established liberty interest and that the risk of erroneous deprivation without a hearing was substantial. 2025 WL 2402130, at *3–5.

54. The Court further held that the Government's interest in re-detaining a previously released individual without providing notice or a hearing was minimal, particularly where procedural safeguards could be provided with limited administrative burden. *Id.* at *5.

55. Accordingly, the Court ordered the petitioner's immediate release. *Id.* at *6.

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56. This Court reached the same conclusion in *Ramirez Tesara v. Wamsley*, holding that even where DHS believed it had a valid basis to detain the petitioner, it was still required to provide constitutionally adequate process before depriving him of his liberty. 2025 WL 2637663, at *4.

57. The Court again ordered immediate release, emphasizing that the Government's failure to provide any meaningful procedural safeguards rendered the detention unconstitutional. *Id.* at *5.

58. Similarly, in *Kumar v. Wamsley*, the Court held that all three *Mathews* factors weighed in favor of the petitioner, finding that the absence of a hearing created an impermissible risk of erroneous deprivation of liberty. 2025 WL 2677089, at *3–4.

59. These decisions are consistent with other courts across the country that have ordered immediate release where DHS re-detained individuals without providing constitutionally required process.

B. The *Mathews* Framework Confirms Petitioner's Detention is Unlawful

60. Under *Mathews v. Eldridge*, courts consider: (1) the private interest affected; (2) the risk of erroneous deprivation; and (3) the Government's interest.

61. First, Petitioner's interest in freedom from physical confinement is fundamental and entitled to the highest level of constitutional protection.

62. Second, the risk of erroneous deprivation is extraordinarily high where, as here, Petitioner was re-detained without any notice, without any explanation, and without any opportunity to challenge his detention. The risk of erroneous deprivation is particularly

severe where DHS unilaterally determined that Petitioner should be re-incarcerated without any adversarial process, neutral custody review, or opportunity to contest the factual basis for detention.

63. At no point before or after his re-detention have Respondents provided any procedural mechanism through which Petitioner could contest the basis for his detention.

64. Further administrative exhaustion is excused because Immigration Judges within this District routinely conclude they lack jurisdiction to conduct custody redeterminations for individuals detained under circumstances similar to Petitioner's. Consequently, requiring Petitioner to seek relief through the Immigration Court would be futile.

65. Third, the Government's interest in bypassing basic procedural safeguards is minimal. Providing notice and a hearing imposes only modest administrative burdens, which are far outweighed by the risk of erroneous deprivation of liberty.

66. As this Court has repeatedly held, these factors weigh decisively in favor of the individual and against re-detention without process.

C. Immediate Release is the Appropriate Remedy

67. This is not a case where Petitioner received inadequate process; he received no process at all.

68. Respondents re-detained Petitioner without providing any notice, any opportunity to be heard, or any determination by a neutral decisionmaker.

69. The Government cannot imprison first and justify later. A post-deprivation hearing

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13106 SE 240th ST, Suite 110
Kent, WA 98031

cannot cure the constitutional defect created when liberty is revoked without meaningful process beforehand.

70. Because Respondents have provided no lawful process whatsoever, Petitioner's detention is constitutionally defective.

71. Where the Government detains an individual in violation of due process, the appropriate remedy is release from custody.

72. Immediate release is particularly appropriate where Respondents provided no process whatsoever before revoking Petitioner's liberty interest. Allowing Respondents to provide process only after unlawfully re-detaining Petitioner would reward the very constitutional violation challenged in this action.

73. Consistent with this Court's decisions in *E.A.T.-B.*, *Ramirez Tesara*, and *Kumar*, this Court should not remand for further proceedings but should instead order Petitioner's immediate release.

74. In the alternative only, if the Court declines to order release, it should require Respondents to provide a constitutionally adequate bond hearing before an Immigration Judge at which the Government bears the burden of proof.

VII. IRREPARABLE INJURY

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

76. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

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77. The deprivation of constitutional rights unquestionably constitutes irreparable harm. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

78. Petitioner has remained detained since May 27, 2026 without a bond hearing, without any neutral custody review, and without any meaningful opportunity to challenge the revocation of his liberty.

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

80. Petitioner's detention also substantially impairs his ability to assist counsel in preparing his pending asylum application and gathering evidence necessary to support his claims for relief from removal.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue a Writ of Habeas Corpus ordering Petitioner's immediate release from custody;

(3) Declare that Respondents' re-detention and continued detention of Petitioner without constitutionally adequate process violates the Due Process Clause of the Fifth Amendment;

(4) Declare that Respondents violated Petitioner's constitutional rights by revoking his previously granted liberty without notice, a hearing, or review before a neutral decisionmaker;

(5) Enjoin Respondents from continuing to detain Petitioner absent constitutionally adequate procedures consistent with due process;

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(6) Order that any conditions of release imposed be narrowly tailored, no more restrictive than necessary, and reasonably related to ensuring Petitioner's appearance at future proceedings and protecting the community;

(7) In the alternative only, should this Court decline to order immediate release, order Respondents to provide Petitioner with a constitutionally adequate bond hearing before an Immigration Judge within seven (7) days, at which the Government bears the burden of proving by clear and convincing evidence that Petitioner presents a danger or flight risk and that no less restrictive alternatives to detention are sufficient.

(8) Award Petitioner reasonable attorneys' fees and costs pursuant to applicable law;

(9) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted this 11th day of June, 2026.

/s/ Jashan Multani

Jashan Multani, WSBA 60073
MULTANI LAW GROUP
13106 SE 240th ST, Suite 110
Kent, WA 98031
(206) 243-4219
jashan@multanilawgroup.com
Attorney for Petitioner