DETAINED

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THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

CLAUDIO TELLO VAZQUEZ,

Petitioner,

v.

Markwayne MULLIN, Secretary of U.S. Department of Homeland Security;
Todd BLANCHE, 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 detention of Petitioner Claudio Tello Vazquez. Petitioner lawfully entered the United States on a valid J-1 visa after inspection and admission by immigration authorities on September 8, 2020. For nearly six years

thereafter, Petitioner resided openly in the United States, maintained employment, established substantial ties to the community, and remained free from any criminal conduct.

2. Despite Petitioner's long-standing presence in the community and absence of any criminal history, Respondents abruptly deprived him of his physical liberty and continue to detain him without providing a bond hearing or any meaningful custody determination before a neutral decisionmaker.

3. Petitioner lawfully entered the United States through a port of entry pursuant to a valid J-1 visa and was admitted into the United States by immigration authorities.

4. Following his lawful admission, Petitioner continuously resided in the United States, maintained employment, lived at a known address, and established substantial ties to his community.

5. Petitioner has no criminal convictions in the United States or any other country and has no history of violence or conduct suggesting that he poses a danger to the community.

6. Petitioner is currently pursuing asylum protection and remains in active removal proceedings before the Immigration Court in Tacoma, Washington.

7. On May 20, 2026, while preparing to leave his residence for work, Petitioner was approached by Immigration and Customs Enforcement ("ICE") officers who blocked his vehicle and arrested him. Petitioner was immediately taken into immigration custody and transported to the Northwest ICE Processing Center in Tacoma, Washington.

8. Since his arrest, Respondents have continued to detain Petitioner without providing a bond hearing, individualized custody determination, or meaningful opportunity to challenge the necessity of his detention before a neutral decisionmaker.

9. No Immigration Judge has determined that Petitioner presents a danger to the community. Likewise, no Immigration Judge has determined that Petitioner presents a risk of flight warranting continued incarceration.

10. Because Petitioner was lawfully admitted into the United States and remained present in the country for nearly six years before his detention, his custody is governed by 8 U.S.C. § 1226, which requires an individualized custody determination regarding whether continued detention is necessary.

11. By continuing to detain Petitioner without a bond hearing or meaningful custody review, Respondents have unlawfully deprived Petitioner of his physical liberty in violation of federal law and the Due Process Clause of the Fifth Amendment.

12. Accordingly, this Court should grant the instant Petition for Writ of Habeas Corpus and order Petitioner's immediate release or, alternatively, order Respondents to provide Petitioner with a prompt custody hearing before an Immigration Judge within seven (7) days. See *Rodriguez Vazquez v. Bostock*, 802 F. Supp. 3d 1316, 1336 (W.D. Wash. 2025) (holding that similarly situated noncitizens are detained pursuant to 8 U.S.C. § 1226(a), not § 1225(b); and are entitled to custody determinations under § 1226(a)); *Artemio Mendez-Gonzalez v. Bostock*, No. 2:26-cv-01222-TMC, Dkt. 11 at 4–5 (W.D. Wash. May 11, 2026) (granting habeas relief and ordering a bond hearing pursuant to *Rodriguez Vazquez*); *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011) (recognizing the substantial liberty interests implicated by immigration detention and requiring constitutionally adequate procedural safeguards).

II. PARTIES

13. Petitioner, CLAUDIO TELLO VAZQUEZ (A# [redacted], is an adult citizen of Mexico currently detained by the Department of Homeland Security at the Northwest ICE Processing Center in Tacoma, Washington.

14. 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.

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

16. 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.

17. 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.

18. 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

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

20. 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).

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

IV. VENUE

22. 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.

23. 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

24. Petitioner CLAUDIO TELLO VAZQUEZ is a citizen and national of Mexico.

25. Petitioner lawfully entered the United States on September 8, 2020 pursuant to a valid J-1 nonimmigrant visa after inspection and admission by immigration authorities.

26. Petitioner was never encountered, apprehended, or detained by Customs and Border Protection or the United States Border Patrol upon entry into the United States.

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27. Following his lawful admission, Petitioner continuously resided in the United States, maintained employment, established substantial ties to his community, and lived openly at a known residential address.

28. Petitioner has remained physically present in the United States since his admission in September 2020.

29. Petitioner has no criminal convictions in the United States or any other country and has no history of violence.

30. Petitioner is currently pursuing asylum protection and remains in active removal proceedings before the Immigration Court in Tacoma, Washington.

31. On May 20, 2026, Petitioner was preparing to leave his residence for work when ICE officers arrived at his residence and blocked his vehicle.

32. Initially believing the individuals were residents or visitors of the apartment complex, Petitioner advised them that their vehicle was blocking his ability to leave.

33. ICE officers then identified themselves and immediately placed Petitioner under arrest.

34. Petitioner was taken into immigration custody and transported to the Northwest ICE Processing Center in Tacoma, Washington, where he remains detained.

35. Prior to his detention, Petitioner had lived in the United States for nearly six years following his lawful admission and had remained available to immigration authorities.

36. Petitioner was arrested while preparing to leave for work and was residing openly at a known residential address when ICE officers took him into custody. Petitioner was not absconding, evading immigration authorities, or attempting to flee.

37. Since his arrest, Respondents have continued to detain Petitioner without providing a bond hearing, individualized custody determination, or meaningful opportunity to challenge the necessity of his detention before a neutral decisionmaker.

38. No Immigration Judge has determined that Petitioner presents a danger to the community.

39. No Immigration Judge has determined that Petitioner presents a risk of flight warranting continued incarceration.

40. Petitioner has remained detained since May 20, 2026 despite his lawful admission to the United States, lack of criminal history, substantial community ties, and absence of any individualized determination that continued detention is necessary.

41. This case concerns the Government's continued detention of a lawfully admitted noncitizen who lived openly in the community for nearly six years without incident and who remains incarcerated without a meaningful custody determination regarding whether detention is justified.

VI. MEMORANDUM OF LAW

Due Process Clause

42. The Due Process Clause of the Fifth Amendment protects every person within the United States from arbitrary deprivation of physical liberty. "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).

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43. Petitioner was lawfully admitted to the United States on September 8, 2020 pursuant to a valid J-1 visa after inspection and admission by immigration authorities.

44. Following his lawful admission, Petitioner resided openly in the United States for nearly six years, maintained employment, established substantial community ties, and remained free from any criminal convictions.

45. Petitioner was never apprehended at the border, never detained upon entry, and never subjected to expedited removal proceedings.

46. On May 20, 2026, ICE officers arrested Petitioner at his residence and transported him to the Northwest ICE Processing Center, where he remains detained.

47. Since his arrest, Respondents have continued to detain Petitioner without providing a bond hearing or meaningful custody determination before a neutral decisionmaker.

48. Because Petitioner was lawfully admitted into the United States pursuant to a valid J-1 visa, was never apprehended at or near the border, resided in the United States for nearly six years following admission, and remains in pending removal proceedings, his detention is governed by 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225(b).

49. The Western District of Washington recently held that similarly situated noncitizens are detained pursuant to 8 U.S.C. § 1226(a), not § 1225(b). *Rodriguez Vazquez v. Bostock*, 802 F. Supp. 3d 1316, 1336 (W.D. Wash. 2025).

50. In *Rodriguez Vazquez*, the Court held that members of the Bond Denial Class are entitled to custody determinations under § 1226(a) and may not be categorically denied bond based upon the Government's assertion that § 1225(b) applies. Id.

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51. The Court subsequently applied *Rodriguez Vazquez* and granted habeas relief in *Artemio Mendez-Gonzalez v. Bostock*, No. 2:26-cv-01222-TMC (W.D. Wash. May 11, 2026), concluding that the petitioner was entitled to a custody determination under § 1226(a).

52. Petitioner presents an even stronger case for custody review. Unlike an arriving alien encountered at or near the border, Petitioner was lawfully admitted into the United States on a valid visa, remained physically present in the country for nearly six years, and was arrested only after establishing substantial ties to the community.

53. Petitioner presents an even stronger case for relief than the petitioners in *Rodriguez Vazquez*. Unlike an arriving alien encountered at or near the border, Petitioner was lawfully admitted into the United States pursuant to a valid J-1 visa, remained physically present in the country for nearly six years, established substantial ties to the community, maintained employment, and has no criminal history.

54. No Immigration Judge has determined that Petitioner presents a danger to the community.

55. No Immigration Judge has determined that Petitioner presents a risk of flight warranting continued incarceration.

56. No neutral decisionmaker has conducted an individualized assessment regarding whether continued detention is necessary.

57. Continued detention under these circumstances is inconsistent with the statutory framework recognized in Rodriguez Vazquez and violates Petitioner's liberty interests protected by the Due Process Clause.

58. Under these circumstances, immediate release is the appropriate habeas remedy because Respondents continue to detain Petitioner despite the absence of any individualized determination that he presents a danger to the community or a risk of flight.

59. Accordingly, this Court should grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release or, alternatively, order Respondents to provide Petitioner with a prompt custody hearing before an Immigration Judge within seven (7) days.

VII. CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

60. Petitioner restates and realleges all preceding paragraphs as though fully set forth herein.

61. The Due Process Clause of the Fifth Amendment protects individuals from arbitrary governmental deprivation of physical liberty. "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).

62. Petitioner was lawfully admitted to the United States, resided in the country for nearly six years, maintained employment, established substantial community ties, and remained free from any criminal convictions before his arrest by ICE on May 20, 2026.

63. Respondents continue to detain Petitioner without any individualized determination by a neutral decisionmaker that he presents a danger to the community or a risk of flight warranting continued incarceration.

64. No Immigration Judge has determined that Petitioner presents a danger to the community.

65. No Immigration Judge has determined that Petitioner presents a risk of flight.

66. No neutral decisionmaker has conducted a meaningful custody determination regarding whether Petitioner's continued detention is necessary.

67. Because Respondents continue to deprive Petitioner of his physical liberty without adequate procedural safeguards and without a meaningful custody determination,

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

68. Petitioner is suffering ongoing and irreparable injury as a result of his unlawful detention.

69. Accordingly, Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas Corpus and order his immediate release from immigration custody. In the alternative, Petitioner requests an order requiring Respondents to provide a constitutionally adequate custody hearing before an Immigration Judge within seven (7) days.

VIII. IRREPARABLE INJURY

70. Petitioner has suffered and continues to suffer irreparable injury as a result of his ongoing detention. He has remained physically confined since May 20, 2026, despite having lawfully entered the United States, residing in the community for nearly six years, and having no criminal convictions.

71. Petitioner remains detained without any individualized determination that he presents a danger to the community or a risk of flight warranting continued incarceration. Nor has any Immigration Judge ever found that continued detention is necessary.

72. Continued physical detention without constitutionally adequate process constitutes irreparable harm. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

73. Immediate release is therefore necessary to prevent further irreparable injury.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully request that this Court:

(1) Assume jurisdiction over this matter.

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(2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from immigration custody;

(3) In the alternative, order Respondents to provide Petitioner with a custody hearing before an Immigration Judge within seven (7) days;

(4) Declare that Petitioner's continued detention without a meaningful custody determination violates federal law and the Due Process Clause of the Fifth Amendment.

(5) Issue an order providing for an award of attorney's fees and costs; and

(6) Grant such other relief as may be just and reasonable.

Respectfully submitted this 11th day of June, 2026.

/s/ Jashan Multani
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