DETAINED

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

VICTOR VIVANCO REYES,

Petitioner,

v.

TODD BLANCHE, Acting Attorney General; MARKWAYNE MULLIN, Secretary of Homeland Security; DAVID VENTURELLA, Acting Director, U.S. Immigration and Customs Enforcement; JULIO HERNANDEZ, Acting Field Office Director, ICE Seattle Field Office; BRUCE SCOTT, Warden, Northwest ICE Processing Center;

Respondents.

Case No.: 2:26-cv-2490

PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Victor Vivanco Reyes is currently held at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington. He has been detained by Immigration and Customs Enforcement (ICE) since about January 12, 2026. Petitioner brings this habeas action to challenge the constitutionality of his continued detention.

2. Petitioner's detention is unlawful because ICE is holding him under conditions that violate the Fifth Amendment to the United States Constitution. Petitioner suffers from cardiomyopathy (a disease of the heart muscle), an enlarged heart, a heart murmur, and mural thrombus (a blood clot on the left ventricle). He has not received necessary medical treatment while detained, causing him life-threatening symptoms and multiple visits to the emergency room and lengthy stays in the hospital. His continued confinement at NWIPC places him at substantial risk of irreversible physical harm and possible death. These conditions are not incidental to detention; they are dangerous, punitive, and constitutionally impermissible for a civil detainee.

3. This habeas petition seeks only immediate release, because no lesser remedy can cure the ongoing constitutional violations.

PARTIES

4. Petitioner Victor Vivanco Reyes is a native and citizen of Mexico who is presently detained at the Northwest ICE Processing Center in Tacoma, Washington.

5. 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.

6. 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.

7. Respondent David Venturella is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. He is the head of the federal agency responsible for all immigration enforcement in the United States.

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

9. 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.

JURISDICTION & VENUE

10. 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).

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

12. 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.

13. 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.

FACTUAL BACKGROUND

14. Petitioner Victor Vivanco Reyes is a 26-year-old citizen and national of Mexico who is currently being held in detention at the NWIPC by ICE.

15. Petitioner last entered the United States in January 2014. He is married to his U.S. citizen wife and together, they have two young sons. Petitioner and his wife settled in Mount Vernon, Washington, where he was employed as a landscaper.

16. ICE officers arrested Petitioner on June 6, 2025, and he was detained at the Federal Detention Center, SeaTAC, in Seattle, Washington, as he was charged with assaulting a federal officer. On January 9, 2026, a jury found him not guilty and acquitted him of all charges. Despite this, Petitioner was transferred to the NWIPC on about January 12, 2026.

17. Petitioner filed an application for withholding of removal and protection under the Convention Against Torture, as well as an application for Cancellation of Removal for Non-permanent Residents, with the Tacoma Immigration Court. Both applications were denied by an Immigration Judge on May 5, 2026. Petitioner timely appealed the Immigration Judge's decisions, and his appeal remains pending at the Board of Immigration Appeals. Petitioner and his wife also filed a Form I-130, Petition for Alien Relative, with the United States Citizenship and Immigration Services. Adjudication of that petition remains pending.

18. Petitioner has been diagnosed with cardiomyopathy, an enlarged heart, a heart murmur, and mural thrombus of the left ventricle. Exh. A, Medical Letter from Skagit Regional

Health. These conditions have caused significant and debilitating symptoms which require routine visits to a cardiologist. Cardiomyopathy can lead to an enlarged heart which in turn, causes the heart to pump blood ineffectively, which can and has led to heart failure in Petitioner. *See* Decl. of Dr. Douglas Paauw.

19. In 2018, Petitioner had a defibrillator placed in his heart, but it was subsequently removed within the same year due to severe complications and safety concerns. *See* Exh. B, Emergency Department Encounter Record.

20. Before ICE detention, Petitioner was an established patient at the University of Washington (UW) Medical Center. He was recommended for a heart transplant and has been placed on the UW transplant list. *See* Exh. C, NWIPC Medical Records.

21. Since his detention over six months ago, Petitioner has not received appropriate or sufficient cardiac care for his severe heart conditions.

22. Petitioner has been the victim of assault in his unit at the NWIPC. Exh. D, Emergency Department Encounter. This can have serious, detrimental effects on his health due to his heart conditions.

23. Petitioner has been taken to the emergency room multiple times during his detention at NWIPC. These visits have escalated in frequency over the last few months because of the inadequate care he is receiving at the NWIPC. The care is inadequate, insufficient, and ultimately, punitive. Decl. of Dr. Douglas Paauw.

24. Since Petitioner has been detained, his heart function has worsened. *See id.*; Decl. of Yesica Solano.

25. Most recently, Petitioner has been hospitalized at St. Joseph's Medical Center in Tacoma, Washington. While he has been hospitalized, he was forced to remain handcuffed to his

hospital bed, forced to urinate in a container in view of guards, and forced to keep his bathroom door open when he showers. *See* Decl. of Yesica Solano. This treatment was not necessary for medical purposes or for security purposes. ICE's treatment of Petitioner violates his right to medical privacy and constitutes unconstitutionally punitive treatment.

26. Further, hospital staff at the University of Washington have informed Petitioner that he should have a heart transplant. *Id.* However, the staff expressed concerns that if Petitioner received a heart transplant, he would not be properly cared for or treated at the NWIPC. *Id.* Because of this, the staff is suggesting Petitioner have another defibrillator placed, which would also require routine and adequate follow-up medical appointments. *Id.* While this procedure is necessary and potentially lifesaving, Petitioner would not be able to receive the necessary aftercare required at the NWIPC after a defibrillator is surgically implanted. Decl. of Dr. Douglas Paauw.

27. Staff at the NWIPC have misdiagnosed Petitioner, refused necessary treatment, and have minimized the severity of his conditions. *See id.* Some medical records reflect that the staff characterized Petitioner's health crisis as "ineffective health maintenance" after a return from the emergency department. *See* Exh. C. Staff have also refused to regularly check Petitioner's blood pressure after explicit instructions to do so from outside providers. *See* Decl. of Yesica Solano; Decl. of Douglas Paauw.

28. Recently, staff at the NWIPC refused to take Petitioner's blood pressure and instead gave him medication without knowing his blood pressure. *Id.* After giving Petitioner the medication, the staff checked his blood pressure and found out they had given him medication that would decrease his blood pressure further to dangerously low levels. *Id.* This led to Petitioner's most recent emergency room visit at St. Joseph's. *Id.*

29. Petitioner was at St. Joseph's for about ten days, while staff attempted to remove excess fluid that had built up around his heart. *Id.* While at the emergency department, guards from the NWIPC treated Petitioner poorly and potentially, violated his right to medical privacy. *See id.*

30. Respondents' decision to not provide basic care to Petitioner to manage his severe conditions—such as refusal to check his blood pressure, refusal to check his weight daily, and refusal to effectively manage his medications—puts him at substantial risk of suffering serious harm or death. *See* Decl. of Dr. Douglas Paauw.

31. Respondents have acted in an unreasonable and unjustified manner in failing to take measures to limit the risk that Petitioner faces. Respondents' treatment of Petitioner and failure to provide proper treatment have caused him to suffer injuries that he would not otherwise have suffered.

LEGAL FRAMEWORK

32. Immigration detention is civil, not punitive. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Civil detainees may not be subjected to conditions that amount to punishment. *Bell v. Wolfish*, 441 U.S. 520, 535–37 (1979); *Kingsley v. Hendrickson*, 576 U.S. 389, 400 (2015). This claim is properly before the Court in habeas—whether civil detention is unconstitutionally punitive is a question that clearly sounds in habeas because it goes directly to the legality of detention itself. *See Zadvydas*, 533 U.S. at 690 ("[G]overnment detention violates [the Due Process] Clause unless the detention is ordered in a *criminal* proceedings with adequate procedural protections, or in certain special and 'narrow' nonpunitive 'circumstances,' where a

special justification, such as harm-threatening mental illness, outweighs the 'individual's constitutionally protected interest in avoiding physical restraint.'" (internal citations omitted)).

33. "Because a person in punitive civil detention is therefore 'in custody in violation of the Constitution or law or treaties of the United States,' . . . a petition seeking release from the unlawful detention sounds squarely in habeas." *Sorio v. Hermosillo*, No. 2:25-cv-02492-TL, 2026 U.S. Dist. LEXIS 30627, at *20 (W.D. Wash. Feb. 13, 2026).

34. The question in deciding whether civil detention is punitive in nature is whether the conditions of a petitioner's detention, specifically the medical care or denial of medical care, are intended to punish or are excessive in relation to a legitimate non-punitive purpose served by the detention. *Id.* at *23. This test is also supported by the Supreme Court—punishment may be shown through an express intent to punish or a condition that is not "reasonably related to a legitimate governmental objective." *Bell*, 441 U.S. at 539; *see also Kingsley*, 576 U.S. at 398 (clarifying that "a pretrial detainee can prevail by providing only objective evidence that the challenged governmental action is not rationally related to a legitimate governmental objective or that it is excessive in relation to that purpose").

35. In addition, "when the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being." *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 199-200 (1989).

36. The fact that a petitioner receives care from outside contractors does not mitigate the continued threat of a danger of further deprivations of their health and bodily integrity without due process of law, especially when the government and its health providers substitute their own judgments for the orders of these outside providers. *See Sorio*, 2026 U.S. Dist. LEXIS 30627, at

IRREPARABLE INJURY

37. Petitioner has suffered irreparable injury as a result of his detention and the medical neglect at NWIPC. His heart conditions have worsened, he has been to the emergency room multiple times since his detention, and life-saving treatment such as a heart transplant or a pacemaker is not being performed due to outside medical staff's concerns for the follow-up care that would be needed that would not be provided at NWIPC.

38. Petitioner has a U.S. citizen wife and two U.S. citizen children who are struggling financially, mentally, and emotionally because of Petitioner's detention.

39. Petitioner's physical liberty continues to be restrained, his health continues to worsen, and no just cause for doing so can be specified. "It is well established that the deprivation of constitutional rights' unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting Elrod v. Burns, 427 U.S. 347, 373 (1976)).

CLAIMS FOR RELIEF

COUNT ONE
Violation of the Fifth Amendment
Unlawful Punitive Detention

40. Petitioner restates and realleges all paragraphs as if fully set forth here.

41. The Fifth Amendment of the Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of the law."

42. Respondents are violating the Fifth Amendment rights of Petitioner by continuing to detain Petitioner under conditions that expose him to a substantial risk of serious harm. Petitioner's heart conditions constitute serious medical needs. Detention at the NWIPC has

deprived him of necessary medical care, placing him at risk of irreversible health complications, and possibly death.

43. Respondents have subjected Petitioner to unconstitutionally punitive conditions during his detention.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

(2) Grant the writ of habeas corpus;

(3) Order Petitioner's immediate release from ICE custody;

(4) Declare that Petitioner's continued detention violates the Fifth Amendment;

(5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(6) Grant any further relief this Court deems just and proper.

Dated: July 14, 2026.

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VERIFICATION

Robert Pauw, being duly sworn upon oath, hereby states: I represent the Petitioner in these habeas corpus proceedings. I have reviewed Petitioner's file in this matter and I have discussed with the Petitioner's wife the matters alleged in the foregoing Petition. I verify that the information contained in the foregoing Petition is true and correct to the best of my knowledge and belief.

Dated: July 14, 2026

/s/ Robert Pauw