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

Keyli Lohany CARDOZA-GARCIA,

Petitioner,

v.

Julio HERNANDEZ, Seattle Field Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement (ICE); Bruce SCOTT, Warden, Northwest ICE Processing Center; MarkWayne MULLIN, Secretary, United States Department of Homeland Security; Todd BLANCHE, United States Acting Attorney General; UNITED STATES DEPARTMENT OF HOMELAND SECURITY,

Respondents.

Case No.: 2:26-cv-2573

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

INTRODUCTION

This case challenges the unlawful ongoing detention of Ms. Keyli Lohany Cardoza-Garcia. Ms. Cardoza-Garcia is currently detained in violation of her rights to due process under

the Fifth Amendment of the Constitution. At her court order bond proceedings on April 29, 2026, the Immigration Judge ("IJ") relied on facts that, as a matter of law, do not support a finding that Ms. Cardoza-Garcia is a flight risk, and the IJ abused his discretion in denying her request for bond. As such, this Court should order her immediate release from government custody.

On April 23, 2026, Judge Tiffany Cartwright ordered that Ms. Cardoza-Garcia be provided a bond hearing pursuant to her membership in the Bond Denial Class outlined in *Rodriguez Diaz v. Bondi*, 779 F. Supp. 3d 1239 (W.D. Wash. 2023). *See Cardoza-Garcia v. Hernandez*, 2:26-cv-01231-TMC, *5 (W.D. Wash. Apr. 23, 2025). Following the courts order, Ms. Cardoza-Garcia promptly requested a hearing, and the hearing was held before IJ John Odell at the Tacoma Immigration Court on April 19, 2026. At the hearing, Ms. Cardoza-Garcia presented evidence of her strong ties to the Spokane area, including proof that she is currently engaged to a U.S. citizen and evidence that she has many family members also living in the area, where she had resided for nearly four years prior to her arrest by ICE in March 2026. Ms. Cardoza-Garcia also expressed her fear of returning to Honduras and her intention to apply for asylum. As rebuttal evidence, the government submitted Ms. Cardoza-Garcia's three page Form I-213.

At the close of the brief hearing, the IJ denied Ms. Cardoza-Garcia's bond request and found her to be "a very poor bail risk," noting specifically that she has "…very limited ties to this country, […] limited opportunities for relief from removal, […] unauthorized employment in the United States, and […] repeated immigration violations in 2021…" Exhibit D. The IJ further noted that "no amount of bail or condition of parole would be sufficient to mitigate the risk of flight in this case." *Id.* This conclusion was not supported by a discussion of possible parole conditions or why such conditions would be insufficient to ensure Ms. Cardoza-Garcia's

appearance. *See id.; see also Loya Medina v. Hernandez*, 2:26-cv-00772-GKL, 2026 WL 1260848, at *6 (W.D. Wash. May, 7, 2026).

Ms. Cardoza-Garcia argues that the IJ abused discretion in denying her bond, finding her to be a flight risk, failing to meaningfully engage with the *Guerra* factors, and failing to present justifiable reasoning to support his decision that no conditions of release could sufficiently mitigate the "risk of flight." *See In re* Guerra, 24 I. & N. Dec. 37, 40 (BIA 2006). In doing so, the IJ violated Ms. Cardoza-Garcia's rights to full and fair proceedings and her rights to due process under the Fifth Amendment of the Constitution, and she should be released immediately.

EVIDENCE RELIED UPON

A. Declaration of Petitioner, Keyli Lohany Cardoza-Garcia

B. Declaration of Counsel Peyton Jacobsen

C. Exhibit A. Screenshot of ICE Detainee Locator

D. Exhibit B. Order from *Cardoza-Garcia v. Hernandez*, Ms. Cardoza-Garcia's previous habeas case

E. Exhibit C. IJ Order Denying Bond

F. Exhibit D. IJ Memorandum explaining bond denial

G. Exhibit E. Ms. Cardoza-Garcia's bond evidence

H. Exhibit F. Government's evidentiary submission

I. Exhibit G. Order Granting Ms. Cardoza-Garcia relief under the Convention Against Torture

J. Exhibit H. Screenshot of EOIR Case Status

FACTUAL AND PROCEDURAL BACKGROUND

Petitioner Keyli Lohany Cardoza-Garcia is a 26-year-old citizen of Honduras, who entered the United States without inspection in March 2021. *Decl. of Petitioner*, ¶ 1-5. Ms. Cardoza-Garcia entered the United States with the intention of seeking safety and stability, after [redacted] *Id.* ¶ 6. Following her entry to the U.S., Ms. Cardoza-Garcia lived in Tulsa, Oklahoma for about one year, before moving to Spokane, Washington to live with her brother and his family. *Id.* ¶ 7. While living in Spokane, Ms. Cardoza-Garcia got a job, built community through her church, began learning English, and met her fiancé, who is a U.S. citizen. *Id.* ¶ 7. When she was detained by ICE in March 2026, she had been living in Spokane for nearly four years. *See id.*

On March 18, 2026, Ms. Cardoza-Garcia was driving in Spokane when she was pulled over by several ICE vehicles. *Id.* ¶ 8. Many agents exited the vehicle and approached Ms. Cardoza-Garcia's car. *Id.* They did not show her a warrant despite her requests, and proceeded to place Ms. Cardoza-Garcia under arrest. *Id.* ¶ 8-9. Following her arrest, she was transferred to the Northwest ICE Processing Center in Tacoma, Washington, where she remains today. *Id.* ¶ 9; *see also* Exhibit A.

In April 2026, Ms. Cardoza-Garcia filed a habeas corpus action in the Western District of Washington, arguing that she was entitled to a bond hearing pursuant to her membership in the Bond Denial Class outlined in *Rodriguez Diaz v. Bondi*, 779 F. Supp. 3d 1239 (W.D. Wash. 2023). The Court ordered that Ms. Cardoza-Garcia be provided a bond hearing and on April 29, 2026, a bond hearing was held before IJ John Odell at the Tacoma Immigration Court. Ms. Cardoza-Garcia presented evidence of her lack of criminal history, her strong ties to the Spokane community, and evidence that she would have a stable address and financial support from her

fiance if she were to be released. *See* Exhibit E. At the hearing, the government argued that Ms. Cardoza-Garcia is a flight risk because she worked without authorization and because she had a weak asylum claim. *See Decl. of Petitioner.* The government did not present any evidence of failure to appear or intent to abscond official proceedings. *See* Exhibit F. Ultimately, IJ Odell denied her bond request, finding her "risk of flight" made her a "very poor bail risk." Exhibit D. He did not discuss mitigating release conditions or why conditions could not be sufficient to ensure Ms. Cardoza-Garcia's future appearance. *Id.* In his reasoning for denying Ms. Cardoza-Garcia bond, the IJ noted that her asylum claim was "seemingly weak," and "based on the non-cognizable ground of fear of [redacted]" *Id.* He also emphasized that she "has no family in the United States with lawful immigration status," no work authorization in the United States, and further noted her "repeated immigration violations in 2021." *Id.* To the best of Petitioner's knowledge, the hearing was not recorded,[1] but the IJ's decision is formalized in a Memorandum dated June 10, 2026. *Id.*

In May 2026, Ms. Cardoza-Garcia presented her claims for asylum, pro se, before IJ Ferdinand Ortiz, also in the Tacoma Immigration Court. *See* Exhibit G. Following her hearing, Ms. Cardoza-Garcia was granted protection under the Convention Again Torture. *Id.* The government appealed the IJ's decision to the Board of Immigration Appeals, where the case remains pending. *See* Exhibit H. The sole reason that Ms. Cardoza-Garcia was not granted asylum was because her application was filed too late. *Decl. of Petitioner*; ¶ 19. As of today, Ms. Cardoza-Garcia remains detained in Tacoma, Washington. Exhibit A.

JURISDICTION

[1] It is the Respondents responsibility to create the "Record of Proceedings." 8 C.F.R. § 1003.36.

. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

. This Court may grant relief under the habeas corpus 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.

. "[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and...the traditional function of the writ is to secure release from illegal custody." *Preiser v. Rodriguez*, 411 U.S. 478, 484 (1973).

. Though in general, district courts do not have jurisdiction to review discretionary bond decisions, 8 U.S.C. § 1226(e), the law does not "preclude habeas jurisdiction over constitutional claims or questions of law." *Hernandez v. Sessions*, 872 F.3d 976, 987 (9th Cir. 2017). In fact, "[c]laims that the discretionary bond process itself was constitutionally flawed are cognizable in federal court on habeas because they fit comfortably within the scope of [28 U.S.C.] § 2241." *Id.; Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1202 (9th Cir. 2022). Thus, it is clear that "a district court has jurisdiction to review an IJ's discretionary bond denial where that bond denial is challenged as legally erroneous or unconstitutional." *Soriano v. Hernandez,* No. C26-900, 2026 WL 969764, at *3 (W.D. Wash. Apr. 10, 2026); *Loya Medina*, 2026 WL 1260848, at *9 (citing *Kharis v. Sessions*, No. 18-cv-04800-JST, 2018 WL 5809432, at *4 (N.D. Cal. Nov. 6, 2018) (collecting cases)).

. Petitioner argues that her current detention is unconstitutional because during the bond proceedings on April 29, 2026, the IJ relied on evidence that could not support bond denial as a matter of law and procedural defect pervaded her bond proceedings." *See Loya Medina*, 2026 WL 1260848, at *5. Petitioner's claim against the legality of her bond proceedings and the resulting continued detention fall squarely within this Court's jurisdiction.

VENUE

. Venue is proper because Ms. Cardoza-Garcia is in Respondents' custody at the NWIPC in Tacoma, Washington. *See* Exhibit A. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Petitioner currently is in custody.

. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

REQUIREMENTS OF 28 U.S.C. § 2243

. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents "forthwith," unless Petitioner is not entitled to relief 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt

action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (habeas corpus is "a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination").

PARTIES

. Petitioner, Ms. Keyli Lohany Cardoza-Garcia, is a citizen of Honduras and who is presently detained at the NWPIC in Tacoma, Washington. Exhibit A.

. Respondent Julio Hernandez is the Field Office Director for ICE's Seattle Field Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens charged with being removable from the United States. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Respondent Hernandez is a legal custodian of Petitioner and is sued in his official capacity.

. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of Ms. Cardoza-Garcia. He is sued in his official capacity.

. Respondent MarkWayne Mullin is sued in his official capacity as the Secretary of the Department of Homeland Security ("DHS"). He is the cabinet-level secretary responsible for all immigration enforcement in the United States.

. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. He has responsibility over the Executive Office for Immigration Review, which decides removal cases and applications for relief from removal.

. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE.

MEMORANDUM OF LAW

A. *Due Process Principles*

. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is "the most elemental of liberty interests." *E.A. T.-B.*, 795 F. Supp. 3d at 1321 (citation modified); s*ee also Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130, 1136 (W.D. Wash. Sept. 12, 2025) (stating that the petitioner had "an exceptionally strong interest in freedom from physical confinement").

. Given the "significant liberty interest at stake for noncitizens in immigration detention and the weak or non-existent governmental interest in continued detention without adequate process, courts in this and other districts have found due process violations where IJ's abuse discretion in bond determinations." *Loya Medina,* 2026 WL 1260849, at *3 (citing *W.T.M. v. Bondi*, No. 2:25-cv-02428-RAJ-BAT, 2026 WL 262583, at *4 (W.D. Wash. Jan. 30, 2026)); *Mamo v. Hernandez*, No. 2:26-cv-01696-TL, (W.D. Wash. July, 7 2026); *Mahashin v. Hernandez*, No. 2:26-cv-01804, 2026 WL 1733519 (W.D. Wash. June 16, 2026); *Soto-Gimenez v. Hernandez*, No. 2:26-cv-00966-GJL, 2026 WL 1156075, at *6 (W.D. Wash. Apr. 29, 2026) (collecting cases)).

B. *Administrative Exhaustion*

. The Ninth Circuit has required, "as a prudential matter, that habeas petitioners exhaust available judicial remedies before seeking relief under § 2241." *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001), *abrogated on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006). "The exhaustion requirement is prudential, rather than jurisdictional…' *Hernandez*, 872 F.3d at 988. Courts in the Ninth Circuit consider the *Puga*

factors when determining if prudential exhaustion is required, which include whether: (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of the requirement would encourage the deliberate bypass of the administrative scheme, and (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review." *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).

. Here, the *Puga* factors favor Ms. Cardoza-Garcia. First, further administrative record is not necessary to resolve her claims. *See Scott v. Wamsley*, No. 2:25-CV-1819, 2025 WL 3514304, at *4 (W.D. Wash. Dec. 8, 2025) ("[A]gency expertise is unnecessary because the question [Petitioner's] claim presents 'is a question…of due process, which is the province of the court.'"). Ms. Cardoza-Garcia's due process claim is fundamentally a question of law, and the BIA lacks authority to adjudicate it. *See id.* (citing *Hernandez v. Sessions*, 872 F.3d 976, 989 (9th Cir. 2022) ("[A]n administrative appellate record is not necessary to resolve the purely legal question[.]")). Moreover, whether, as a matter of law, the facts at issue at Ms. Cardoza-Garcia's bond hearing can sustain a flight risk finding requires no agency expertise. *See Garcia-Miranda v. Hernandez*, No. 2:26-cv-00906-JNW, 2026 WL 1328227, at *5 (W.D. Wash. May 13, 2026).

. Second, Ms. Cardoza-Garcia asserts that she is not attempting to bypass administrative schemes, but rather that the BIA appeals process is "incapable of timely resolving [Ms. Cardoza-Garcia's] claims while [her] liberty is at stake." *Id.*; *see also Rodriguez v. Bostock*, 779 F. Supp. 3d 1239, 1248-49 (W.D. Wash. 2025) ("According to data released by the Executive Office for Immigration Review, the average processing time for bond appeals exceeded 200 days in 2024."; *Vasquez Lopez v. Hernandez*, No. C26-775, 2026 WL 984151, at

*2 (W.D. Wash. Apr. 13, 2026) (finding that statistics from 2025 show that the BIA appeal process is currently "substantially longer" than it was in 2024).

. Third, when the issue is whether procedural due process was violated, as it is here, the court should not delay review in favor of allowing the BIA to possibly correct an error. *Garcia-Miranda*, 2026 WL 1328227, at *5 (citing *Soriano*, 2026 WL 969764, at *4).

. Even if the *Puga* factors did not favor Ms. Cardoza-Garcia, "there are a number of exceptions to the general rule requiring exhaustion, covering situations such as where administrative remedies are inadequate or not efficacious, pursuit of administrative remedies would be a futile gesture, irreparable injury will result, or the administrative proceedings would be void." *Laing v. Ashcroft,* 370 F.3d 994, 1000 (9th Cir. 2004).

. Here, pursuit of administrative remedy would cause Ms. Cardoza-Garcia irreparable injury and would be futile.

. Ms. Cardoza-Garcia has already been separated from her family and community for over four months, and requiring her to wait six months or more for BIA review would "inflict the kind of harm that the bond hearing was designed to prevent—that is, prolonged detention without meaningful process." *Garcia-Miranda*, 2026 WL 1328227, at *6 (citing *W.T.M. v. Bondi*, No. 25-cv-2428, 2026 WL 262583, at *3 (W.D. Wash. Jan. 30, 2026); *Vasquez-Lopez v. Hernandez*, --- F. Supp. 3d ---, C26-0775 TSZ, 2026 WL 984151, at *2 (W.D. Wash. Apr. 13, 2026); *Escalante Perez v. Hernandez*, C26-0956 TSZ, 2026 WL 1004559, at *2 (W.D. Wash. Apr. 14, 2026)).

. Further, Ms. Cardoza-Garcia is currently being subjected to ongoing, prison-like conditions at the Northwest ICE Processing Center,[2] which includes lack of food and water and

[2] The court in this district has found that conditions at the Northwest ICE Processing Center are similar to those in

lack of healthcare. Her current health conditions continue to worsen because of denial of care. She is surrounded by intense suffering and is unable to sleep. She cannot afford to contact her family members in Honduras and her loved ones struggle financially to provide her with basic needs from the commissary. She is consistently harassed by ICE officers who attempt to force her into self-deporting, despite her ongoing immigration case. *See generally Decl. of Petitioner.* Showings of individualized harm inside NWIPC constitute irreparable harm. *See Mahashin,* 2026 WL 1733519, at *4.

. Recent and stark politicization of the immigration court system, including the BIA, requires a new lens in considering whether exhaustion using that system should be required. *See e.g., Garcia Ortiz v. Henkey*, No. 1:26-CV0-00043-BLW, 2026 WL 948275 (D. Id. Apr. 7, 2026) (quoting *Chavez Ochoa v. Mason*, No. 2:26-CV-00130 ,2026 WL 541144, at *2 n.4 (S.D.W. Va. Feb. 26, 2026) ("[G]iven the broader irregularities in bond hearings across the country [...] administrative remedies in the immigration system appear no longer efficacious.").[3] If Ms. Cardoza-Garcia were to appeal the bond decision to the BIA, the result would be pre-

prisons and jails. *Duvine v. Hermosillo*, 814 F. Supp. 3d 1230, 1235 (W.D. Wash. 2026); *Maliway v. Scott*, C25-788, 2025 WL 2256711, at *6 (W.D. Wash. Aug. 7, 2025); *Toktosunov v. Wamsley*, No. 2:25-CV-1724-TL, 2025 3492858, at *5 (W.D. Wash. Dec. 5, 2025); *Amhirra v. Warden, NW Det. Ctr.*, No. 2:25-CV-01376-TL, 2025 WL 3718994, at *7 (W.D. Wash. Dec. 23, 2025); *Doe v. Bostock*, No. 2:25-CV-01376-TL, 2025 WL 3718994, at *7 (W.D. Wash. Mar. 24, 2024); *Rahman v. Garland*, No. 24-CV-01232-JHC-TLF, 2025 WL 1920341, at *4 (W.D. Wash. Jun. 26, 2026).

[3] Ximena Bustillo, Rahul Mukherjee, *An Immigration Court Few Have Heard of is Quietly Shaping Policy Behind the Scenes*, NPR (Mar. 20, 2026), available at https://www.npr.org/2026/03/20/nx-s1-5707535/trump-immigration-detention-appeals-board-deportation ("...the Board of Immigration Appeals has published a body of immigration case law that significantly narrows the due process and relief from deportation available for immigrants..."); Margy O'Herron, Neema Jyothiprakash, *The Empty Promise of the Board of Immigration Appeals*, Brennan Center for Justice (Apr. 10, 2026) available at https://www.brennancenter.org/our-work/research-reports/empty-promise-board-immigration-appeals ("Since Trump returned to office, the board has issued numerous decisions that significantly curtail immigrants' substantive and procedural rights. All but one of the 87 decisions narrow the rights of immigrants (the one exception involved a case in which DHS didn't even show up for the hearing), and none provide immigrants with guidance about what it would take to prevail in similar cases.").

determined and rubber stamped by an illegitimate, politicized administrative body, making those efforts both futile and inadequate to address ongoing constitutional violations.

. Because the *Puga* factors favor exhaustion and because Ms. Cardoza-Garcia is suffering irreparable harm, the court should waive the exhaustion requirement.

C. *Abuse of Discretion*

. Habeas courts review an IJ's bond determinations for abuse of discretion. *Martinez v. Clark*, 124 F.4th 775, 784–785 (9th Cir. 2014). The Court may determine whether the IJ applied the correct legal standard; it may not reweigh the evidence. *Id.* at 785 (citing *Konou v. Holder*, 750 F.3d 1120, 1127 (9th Cir. 2017)); *Garcia Ortiz v. Henkey*, No. 1:26-cv-00043-BLW, 2026 WL 948275, at *4 (D. Idaho Apr. 7, 2026) (in reviewing discretionary bond determinations, federal district courts are "not required to countenance a sham"). In making bond determinations, IJ's consider the *Guerra* factors:

> (1) whether the [noncitizen] has a fixed address in the United States; (2) the [noncitizen's] length of residence in the United States; (3) the [noncitizen's] family ties in the United States, and whether they may entitle the [noncitizen] to reside permanently in the United States in the future; (4) the [noncitizen's] employment history; (5) the [noncitizen's] record of appearance in court; (6) the [noncitizen's] criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the [noncitizen's] history of immigration violations; (8) any attempts by the [noncitizen] to flee prosecution or otherwise escape from authorities; and (9) the [noncitizen's] manner of entry to the United States.

In Re Guerra, 24 I. & N. Dec. 37, 40 (BIA 2006). "Bond determinations must bear a rational relationship between the governing legal standards and the facts and evidence in a given case." *Soto Gimenez v. Hernandez*, No. C26-966, 2026 WL 1156075, at *8 (W.D. Wash. Apr. 29, 2026).

. Here, there is no evidence that the IJ considered the *Guerra* factors or applied them to the set of facts he was presented at Ms. Cardoza-Garcia's bond hearing. The record

indicated that she has a fixed address in Spokane, has resided in the Spokane area for nearly four years, has family members and a U.S. citizen fiancé in the area, was employed, and had no criminal record. Further, there was no evidence was she had ever attempted to flee prosecution or failed to appear in court. In his bond denial memo, the IJ does not mention any of the *Guerra* factors nor how Ms. Cardoza-Garcia's evidence related to those factors. *See Perez Velasquez v. Bondi*, No. 3:26-cv-001759-GPC-DDL, at *11 (S.D. Cal. Apr. 16, 2026) (finding that where burden was on the Petitioner, the failure of the IJ to consider the *Guerra* factors, and their reliance on facts bearing little relevance to flight risk was an error of law).

. In sum, the IJ abused its discretion when he failed to meaningfully engage with the evidence. *See Franco-Rosendo v. Gonzales*, 454 F.3d 965, 966 (9th Cir. 2006) (finding that the BIA abuses its discretion "when it fails to 'consider and address in its entirety the evidence submitted by petitioner'"). "Simply acknowledging contrary evidence is not enough; the IJ must meaningfully engage with it." *Miranda v. Hernandez* et al.,2:26-CV-00906-JNW, 2026 WL 1328227 at *4.(W.D. Wash. May 13, 2026) (citing *Miri v. Bondi,* No. 5:26-cv-00698-MEMF-MAR, 2026 WL 622302, at *8–9 (C.D. Cal. Mar. 5, 2026) (finding an abuse of discretion where an immigration judge did not explain the reasons for denying bond); *Vanessa Soto Gimenez, Petitioner, v. Julio Hernandez, et al., Respondents,* No. 2:26-cv-00966-GJL, 2026 WL 1156075, at * 8 (W.D. Wash. Apr. 29, 2026) (failure to engage with evidence and absence of articulated reasoning constitutes an abuse of discretion).

. The IJ also relied on facts that do not support a flight risk finding. First, the IJ found Ms. Cardoz-Garcia to be a flight risk because of her "very limited ties to the United States." Exhibit D. He noted that she has "only resided in the United States since 2021, and she has no family in the United States with lawful immigration status," and "[w]hile she has worked

in the United States, she has no work authorization." *Id.* Based on the record, it is not clear that the government produced any rebuttal evidence to show that Ms. Cardoza-Garcia lacked ties to the United States. But she did present evidence of a stable address in Spokane, family and friends who live in the area, and incentive to return there to fight her immigration case. Exhibit E.

. The IJ also speculated that Ms. Cardoza-Garcia had a "seemingly weak" claim for asylum based on "non-cognizable ground[s]" of fear. Exhibit D. It is improper for an IJ to rely on speculation about a person's eligibility for relief, and use that speculation to deny them their freedom. This improper justification for making a flight risk finding is further evidenced by the fact that Ms. Cardoza-Garcia was ultimately granted relief under the Convention Against Torture in immigration court.

. The IJ emphasized Ms. Cardoza-Garcia's "repeated immigration violations in 2021" as a reason for finding her to be a "very poor bail risk." Exhibit D. But nothing in the government's evidence or the IJ's findings give any insight into *why* Ms. Cardoza-Garcia's manner of entry would indicate that she is likely to flee, especially in light of contrary evidence that she has been residing in Spokane for years. *See Mamo*, No. 2:26-cv-01696, at *9 (noting an IJ abuse of discretion when he failed to "rationally connect the evidence regarding how Petitioner entered the United States to the standard she was required to follow to find Petitioner a flight risk."). Ultimately, the IJ abused their discretion in finding Ms. Cardoza-Garcia to be a flight risk and denying her release on bond.

D. *Immediate Release*

. Petitioner's ongoing, unlawful detention requires immediate release from ICE custody. "[T]he traditional function of the writ is to secure release from illegal custody." *Preiser*, 411 U.S. at 484.

. Federal courts have "a fair amount of flexibility" in fashioning specific habeas relief. *Burnett v. Lampert*, 432 F.3d 996, 999 (9th Cir. 2005); *See W.T.M.*, 2026 WL 262583, at *5; *Garcia v. Hyde*, Case No. 25-CV-585-JJM-PAS, — F.Supp.3d ——, ——, 2025 WL 3466312, at *11 (D.R.I. Dec. 3, 2025) (ordering habeas petitioner's immediate release from custody "[g]iven the due process violations that pervaded his bond hearing[.]"); *Miri v. Bondi*, Case No. 5:26-CV-00698-MEMF-MAR, 2026 WL 622302, at *12 (C.D. Cal. Mar. 5, 2026) (ordering habeas petitioner's immediate release after finding immigration judge abused discretion in denying petitioner's request for bond at the bond determination hearing).

. "Petitioner's continued detention is not supported by a lawful bond determination, and additional delay for further proceedings would not cure that deficiency." *Loya Medina*, 2026 WL 1260849, at *16 (holding that ordering further bond proceedings or providing the Respondents an opportunity to cure the constitutional deficiency was not appropriate, and ordering Petitioner's release); *see also, e.g., Escalante Perez v. Hernandez*, no. C26-0956 TSZ, 2026 WL 1004559, at *2 (W.D. Wash. Apr. 14, 2026) (ordering immediate release where IJ abused discretion at court-ordered bond hearing).

CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

. Due process required that Respondents provide Ms. Cardoza-Garcia with constitutionally sufficient bond proceedings. Respondents did not do so and rather, the IJ abused their discretion in finding her to be a flight risk based on factors that, as a matter of law, do not justify this conclusion.

. In making bond determinations, IJ's consider the *Guerra* factors: (1) whether the [noncitizen] has a fixed address in the United States; (2) the [noncitizen's] length of residence in the United States; (3) the [noncitizen's] family ties in the United States, and whether they may entitle the [noncitizen] to reside permanently in the United States in the future; (4) the [noncitizen's] employment history; (5) the [noncitizen's] record of appearance in court; (6) the [noncitizen's] criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the [noncitizen's] history of immigration violations; (8) any attempts by the [noncitizen] to flee prosecution or otherwise escape from authorities; and (9) the [noncitizen's] manner of entry to the United States. *In Re Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006). The IJ abused its discretion by not considering the bulk of these factors or engaging with evidence that indicated a number of these factors weighed in favor of Ms. Cardoza-Garcia.

. The record as a matter of law contains insufficient evidence to find that Ms. Cardoza-Garcia is a flight risk. Here, the government did not present any individualized evidence or argument related to flight risk.

. Numerous courts in this district have found due process violations where an IJ abused their discretion in bond determinations. *See e.g.*, *W.T.M. v. Bondi*, No. 2:25-cv-02428-RAJ-BAT, 2026 WL 262583, at *3–4 (W.D. Wash. Jan. 30, 2026); *Soriano v. Hernandez*, 2026 WL 969764, at *4–6 (W.D. Wash. Apr. 10, 2026); *Zambrano-Vazquez v. Noem*, No. 26-cv-122-RSM, 2026 WL 657129, at *4 (W.D. Wash. Mar. 9, 2026); *Velasquez v. Bondi*, No. 26-cv-01759-GPC-DDL, 2026 WL 1042479, at *6–7 (S.D. Cal. Apr. 16, 2026); *Ortega-Rangel v. Sessions*, 313 F. Supp. 3d 993, 1004–05 (N.D. Cal. 2018); *Garcia v. Hyde*, 2025 WL 3466312, at *7–11 (D.R.I. Dec. 3, 2025); Garcia Ortiz, 2026 WL 948275, at *3–4.

. Accordingly, Petitioner's ongoing, prolonged detention violates the Due Process Clause of the Fifth Amendment and she should be released immediately.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

(1) Assume Jurisdiction over this matter;

(2) Issue a Writ of Habeas Corpus ordering Respondents to release Ms. Cardoza-Garcia from custody immediately;

(3) Declare that Petitioner's detention without an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;

(4) Provide counsel with explicit leave to seek attorney's fees and costs under the Equal Access to Justice Act and on any other basis justified under law; and

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

Respectfully submitted this 21st day of July, 2026,

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VERIFICATION OF PETITIONER

On behalf of Petitioner, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and pleadings. On July 20, 2026, I spoke with Petitioner over the phone regarding the allegations contained herein, and she again verified that the facts and allegations are true and correct to the best of her knowledge and advised me, as her counsel, to verify the Petition on her behalf. Ms. Cardoza-Garcia has not verified the petition herself because she is currently in custody at NWPIC, Tacoma.

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