UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Carlos JIMENEZ COMBITA and Angel CONTRERAS HERNANDEZ,

Petitioners,

v.

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

Respondents.

Case No. 2:26-cv-2584

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

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INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioners Carlos Jimenez Combita and Angel Contreras Hernandez. Petitioners are currently in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC).

2. Petitioners are individuals who were apprehended by the Department of Homeland Security (DHS) after entering the United States and subsequently released from custody to pursue immigration relief. Since their releases, Petitioners enrolled in Alternatives to Detention (ATD) programs as directed, diligently complied with their conditions, and built lives in the United States while pursuing their asylum claims before the immigration court. Petitioners have no criminal convictions.

3. Despite Petitioners' compliance with their immigration cases while released, they were each re-detained while driving in May 2026.

4. Both Petitioners were subject to DHS's practice of re-detaining previously released individuals without any meaningful written notice explaining the basis for revoking their releases, as well as Respondents' practice of re-detaining such individuals without any assessment of their flight risk or danger. Respondents' policy, furthermore, is that all such individuals are subject to mandatory detention under 8 U.S.C. § 1225(b) and thus not entitled to a hearing that requires DHS to justify the basis for re-detention before a neutral decisionmaker.

5. As this Court has recently held in multiple cases, due process demands a hearing *prior* to the government's decision to terminate a person's liberty. *See, e.g.*, *E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1321–24 (W.D. Wash. 2025); *Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130, 1136–38 (W.D. Wash. 2025); *Ledesma Gonzalez v. Bostock*, 808 F. Supp. 3d 1189, 1201–03 (W.D. Wash. 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025

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WL 2677089, at *2–4 (W.D. Wash. Sept. 17, 2025); *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025); *P.T. v. Hermosillo*, No. C25-2249-KKE, 2025 WL 3294988, at *4 (W.D. Wash. Nov. 26, 2025); *Francois v. Wamsley*, No. 2:25-cv-02122-RSM-GJL, 2025 WL 3496557, at *4 (W.D. Wash. Dec. 5, 2025); *Cabrera Perez v. Hermosillo*, No. 2:25-cv-02542-RSM, 2026 WL 100735, at *6 (W.D. Wash. Jan. 14, 2026); *Tsyamba v. Hermosillo*, No. 2:25-CV-02623-GJL, 2026 WL 237514, at *4–7 (W.D. Wash. Jan. 29, 2026); *Shinwari v. Hermosillo*, No. 2:26-CV-00009-RAJ, 2026 WL 262605, at *4 (W.D. Wash. Jan. 30, 2026); *Sarwari v. Wamsley*, No. 2:26-cv-00121-TL, 2026 WL 279968, at *3–6 (W.D. Wash. Feb. 3, 2026); *Arroyo Silva v. Hermosillo*, No. 2:26-cv-00179-GJL, 2026 WL 445003, at *5 (W.D. Wash. Feb. 17, 2026); *Arrioja Blanco v. Hermosillo*, No. C26-493-MLP, 2026 WL 548056, at *3–4 (W.D. Wash. Feb. 27, 2026); *Caceres Banegas v. Hermosillo*, No. 2:26-cv-00499-TSZ, 2026 WL 586234, at *1–2 (W.D. Wash. Mar. 2, 2026); *Ortiz v. Hermosillo*, No. 2:26-cv-00384-TL, 2026 WL 607672, at *5 (W.D. Wash. Mar. 4, 2026); *Jaimes Bohorquez v. Hermosillo*, No. C26-573-MLP, 2026 WL 632668, at *3–4 (W.D. Wash. Mar. 6, 2026); *Espinoza Palacios v. Hermosillo*, No. 2:26-cv-491-JNW, 2026 WL 686138, at *7 (W.D. Wash. Mar. 11, 2026); *Colina Castro v. Hermosillo*, No. C26-662-SKV, 2026 WL 817388, at *5–7 (W.D. Wash. Mar. 25, 2026); *Barraza Laguna v. Hernandez*, No. 2:26-cv-00864-GJL, 2026 WL 962127, at *8 (W.D. Wash. Apr. 9, 2026); *Castillo Sanchez v. Hernandez*, No. 2:26-cv-01003-TLF, 2026 WL 1213621, at *5–7 (W.D. Wash. May 4, 2026); *Lima Gamez v. Hernandez*, No. 2:26-cv-01104-BAT, 2026 WL 1382362, at *2–7 (W.D. Wash. May 18, 2026); *Yu v. Hernandez*, No. 2:26-cv-01372-DGE, 2026 WL 1560581, at *5–8 (W.D. Wash. May 22, 2026); *Xavier-De Assuncao v. Scott*, No. 2:26-CV-01549-SAB, 2026 WL 1678285, at *1–*2 (W.D. Wash. June 10, 2026). Numerous courts across the country have held the same.

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6. Respondents re-detained Petitioners without any notice and without any hearing before a neutral decisionmaker, violating their constitutional right to due process. Because "a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty," *E.A. T.-B.*, 795 F. Supp. 3d at 1324, Petitioners are entitled to immediate release.

7. Moreover, Respondents continue to engage in ongoing and deliberate due process violations by re-detaining similarly situated noncitizens without a pre-deprivation hearing. *See Ortiz v. Hermosillo*, No. 2:26-cv-00384-TL, 2026 WL 607672, at *5 (W.D. Wash. Mar. 4, 2026) ("Respondents have been on notice in this District since at least August 19, 2025, that re-detaining individuals who originally had been detained at the border and then released without notice and an opportunity to be heard violates the Fifth Amendment's Due Process clause." (citing *E.A. T.-B.*, 795 F. Supp. 3d at 1324)). Even if this Court orders Petitioners' immediate release, they face a significant risk of being re-detained again absent an order from this Court enjoining Respondents from further unlawful conduct.

8. Petitioners respectfully request that the Court grant their request for immediate release and enjoin Respondents from re-detaining them without notice and an opportunity to be heard, before a neutral decisionmaker, on the basis for re-detention.

JURISDICTION

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

10. 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).

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11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

12. Venue is proper because Petitioners are in Respondents' custody at the NWIPC in Tacoma, Washington. 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 Petitioners are currently in custody.

13. Venue is also proper 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

14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents "forthwith," unless Petitioners are not entitled to relief. 28 U.S.C. § 2243.

15. 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. INS*, 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").

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PARTIES

16. Petitioner Carlos Jimenez Combita is a citizen of Colombia. He is detained at the NWIPC.

17. Petitioner Angel Contreras Hernandez is a citizen of Venezuela. He is detained at the NWIPC.

18. Respondent Julio Hernandez is the Acting Director for the Seattle Field Office.of U.S. Immigration and Customs Enforcement (ICE), Enforcement and Removal Operations (ERO). 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 Petitioners and is sued in his official capacity.

19. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as Warden of the NWIPC, where Petitioners are detained. He has immediate physical custody of Petitioners. He is sued in his official capacity.

20. Respondent Markwayne Mullin is the Secretary of Homeland Security and the head of the U.S. Department of Homeland Security. He is responsible for the implementation and enforcement of the INA, and oversees ICE, which is responsible for Petitioners' detention. Respondent Mullin has ultimate custodial authority over Petitioners and is sued in his official capacity.

21. Respondent U.S. Department of Homeland Security is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

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22. Respondent Todd Blanche is the Acting Attorney General of the United States, and as such has authority over the Department of Justice. He is sued in his official capacity.

LEGAL FRAMEWORK

23. "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). Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their "continued liberty." *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it] includes many of the core values of unqualified liberty," such as the ability to be gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on the [released individual] and often on others." *Id.*

24. To protect against arbitrary re-detention and to ensure the right to liberty, due process requires "adequate procedural protections" that test whether the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (citation modified).

25. Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk prior to the revocation of an individual's release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law is the opportunity to be heard . . . . at a meaningful time in a meaningful manner." (citation modified)); *see also, e.g.*, *Morrissey*, 408 U.S. at 485 (requiring "preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions" and that such determination be made "by someone not directly involved in the case" (citation modified)).

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26. These well-established constitutional principles govern the re-detention of the many noncitizens who were previously released from DHS custody. Specifically, this District Court has recognized that due process requires the government to provide a pre-deprivation hearing *before* revoking an individual's release, applying the factors set forth in *Mathews v. Eldridge*: "First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. 319, 335 (1976).

27. For example, in *E.A. T.-B.*, the court first held that the petitioner had "undoubtedly [been] deprive[d] . . . of an established interest in his liberty," 795 F. Supp. 3d at 1321, which, as noted, "is the most elemental of liberty interests," *id.* (citation modified). Second, the court explained that the risk of erroneous deprivation of liberty without a hearing was high because a hearing ensures that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at 1322–23. Finally, the court explained that "the Government's interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [Alternatives to Detention (ATD)] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue." *Id.* at 1324. Accordingly, this Court ordered the petitioner's immediate release. *Id.*

28. The *Ramirez Tesara* court applied a similar analysis. In granting the petitioner's motion for a temporary restraining order, the Court reasoned that the petitioner had a "weighty"

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interest in his liberty and was entitled to the "full protections of the due process clause." 800 F. Supp. 3d at 1136. When examining the value of additional safeguards, the Court also noted that despite the alleged ISAP violations, "the fact 'that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.'" *Id.* at 1137 (quoting *E.A. T.-B.*, 795 F. Supp. 3d at 1322). Finally, the Court reasoned that any government interest in re-detention without a hearing was "minimal." *Id.* Accordingly, there too, the Court ordered the petitioner's immediate release. *Id.* at 1138; *see also Ramirez Tesara v. Wamsley*, No. C25-1723-KKE-TLF, 2025 WL 3288295 (W.D. Wash. Nov. 25, 2025) (granting writ of habeas corpus).

29. This Court has reached the same conclusion in dozens of cases since *E.A. T.-B.* and *Ramirez Tesara*. *See supra* ¶ 5; *cf. Ramirez Tesara v. Wamsley*, No. C25-1723-KKE, 2026 WL 1506097, at *2 (W.D. Wash. May 29, 2026) ("[T]he orders granting the TRO motion and the habeas petition have been cited in more than 200 other cases in a matter of months."). In particular, courts have uniformly recognized the significant private liberty interest of noncitizens who were previously released, weighing the first *Mathews* factor in their favor. *E.g.*, *Tsyamba v. Hermosillo*, No. 2:25-cv-02623-GJL, 2026 WL 237514, at *4 (W.D. Wash. Jan. 29, 2026) (explaining that a petitioner's initial release "allowed him to gain[] a foothold in the United States and develop ties in this country, thereby strengthening his constitutional right to due process" (alteration in original)); *Lucena-Ojeda v. Noem*, No. 2:26-cv-00085-BAT, 2026 WL 279353, at *2 (W.D. Wash. Feb. 3, 2026) ("[T]he Court rejects the notion that petitioner's weighty liberty interest is greatly diminished solely because he is a noncitizen in immigration proceedings.").

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30. Courts have similarly found a high risk of erroneous deprivation absent notice and a hearing, including in cases where noncitizens had been charged or convicted of criminal offenses following their release. *E.g.*, *Ortiz*, 2026 WL 607672, at *4 (finding "high" risk of erroneous deprivation for petitioner who had been charged with second degree assault before being re-detained); *Lima Gamez*, 2026 WL 1382362, at *6 (finding "high" risk of erroneous deprivation for a petitioner with DUI conviction and pending criminal charges at time of re-detention).

31. And lastly, courts have consistently affirmed that "the Government's interest in re-detaining non-citizens previously released without a hearing is minimal." *P.T. v. Hermosillo*, No. C25-2249-KKE, 2025 WL 3294988, at *4 (W.D. Wash. Nov. 26, 2025) (explaining that "any administrative or financial burdens in providing Petitioner a hearing are far outweighed by the risk of erroneous deprivation of the liberty interest at issue."); *see also, e.g.*, *Chen v. Blanche*, No. C26-1762-MLP, 2026 WL 1733497, at *3 (W.D. Wash. June 16, 2026) ("[C]ourts have repeatedly found that the incremental administrative burden of such [pre-deprivation custody] hearings is modest when weighed against the risk and consequences of erroneous detention.").

32. Other district courts addressing similar situations have reached the same conclusion in their application of the *Mathews* factors. *See, e.g.*, *Valdez v. Joyce*, 803 F. Supp. 3d 213 (S.D.N.Y. 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, 792 F. Supp. 3d 1025 (N.D. Cal. 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

33. The proper remedy for unlawful re-detention without due process is immediate release—specifically, under conditions that are not more restrictive than the requirements that

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applied to Petitioners before their re-detention. *See, e.g.*, *Kirykovich v. Hernandez*, No. 26-cv-695-JNW, 2026 WL 890459, at *4 (W.D. Wash. Apr. 1, 2026) ("Because the constitutional violation is the absence of *pre-deprivation process*, the proper remedy is to restore the status quo ante—that is, to return [the petitioner] to the conditions that existed before his unlawful detention."); *Yu*, 2026 WL 1560581, at *9 (ordering petitioners' release and their "return . . . to the conditions of release identified in their previously issued Orders of Release on Recognizance"); *Castillo Sanchez*, 2026 WL 1213621, at *7 (ordering petitioners' release "under their most recent conditions of release"); *Barraza Laguna*, 2026 WL 962127, at *10 (ordering petitioners' release "under conditions consistent with those in place at the time of their re-detention").

34. This Court is also "authorized to 'fashion appropriate relief other than immediate release,' . . . in order to ensure an effective remedy for unlawful detention." *Barraza Laguna*, 2026 WL 962127, at *9 (quoting *Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973)); *see also, e.g.*, *Arroyo Silva*, 2026 WL 445003, at *6 (similar). In addition, "federal courts have 'long recognized the existence of an implied cause of action through which plaintiffs may seek equitable relief to remedy a constitutional violation.'" *Espinoza Palacios*, 2026 WL 686138, at *6 (quoting *Roman v. Wolf*, 977 F.3d 935, 941 (9th Cir. 2021)). Accordingly, "the Court has the authority both to entertain [a habeas petitioner's] constitutional challenges and to grant injunctive relief in response to them." *Id.* (citation modified).

35. A party seeking a permanent injunction must demonstrate "(1) that [he or she] has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest

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would not be disserved by a permanent injunction." *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006).

36. Individuals who have been re-detained in violation of their due process rights have suffered irreparable harm. *See, e.g.*, *Ortiz*, 2026 WL 607672, at *6 ("It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury." (quoting *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017))). Moreover, Respondents have continued to re-detain noncitizens like Petitioners "[d]espite this court's many orders holding that [their] conduct . . . is unconstitutional," demonstrating that the irreparable harm is "likely to recur absent injunctive relief." *Caballero Medero v. Hermosillo*, No. C26-0568JLR, 2026 WL 891355, at *4 (W.D. Wash. Apr. 1, 2026); *Barraza Laguna*, 2026 WL 962127, at *9 ("Petitioners allege, and the record supports, a clear pattern of re-detention without sufficient process by Respondents . . . . demonstrat[ing] a continuing risk of constitutional harm, the recurrence of which is not speculative."). "[I]mportant irreparable harm factors also include separation from family members, medical needs, and potential economic hardship." *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011) (citation modified))

37. Courts have also explained that "monetary damages are inadequate to remedy the deprivation of liberty, and . . . requiring the Government to follow constitutional procedures imposes no undue hardship." *Espinoza Palacios*, 2026 WL 686138, at *10. Such an order "does not create a disservice to the greater public; in fact, it reinforces constitutional rights," in furtherance of the public interest. *Ortiz*, 2026 WL 607672, at *6.

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FACTUAL ALLEGATIONS & ANALYSIS

Carlos Jimenez Combita

38. Petitioner Carlos Jimenez Combita is a citizen of Colombia who fled his country after surviving multiple attacks. Jimenez Combita Decl. ¶ 1. He entered the United States to seek asylum on May 7, 2023, and was held in immigration custody for about three weeks until he passed his credible fear interview. *Id.* ¶ 2. Mr. Jimenez Combita was issued a Notice to Appear scheduling an initial hearing for January 2024 before the Phoenix Immigration Court and was released from immigration custody. *Id.* He was instructed to report to the local ICE Field Office once he arrived at his destination within the United States. *See id.*

39. Mr. Jimenez Combita settled in Phoenix, Arizona, to live with a cousin. *Id.* ¶¶ 2–3. He promptly reported to the Phoenix ICE Field Office as instructed. *See id.* ¶ 3. He found the heat in Arizona oppressive, and at his initial appointment, he requested permission to relocate to Anchorage, Alaska, where another cousin resided. *Id.* ¶ 3. He filed the requisite paperwork with his ICE officer, who granted his request and instructed him to report to the Anchorage ICE Field Office when he arrived. *See id.* ¶¶ 3–4. He promptly reported to the office in Anchorage, where he was fingerprinted, photographed, and instructed to attend any court hearings in Anchorage. *Id.* ¶ 4. He was not given any other reporting requirements. *Id.*

40. Mr. Jimenez Combita diligently complied with the requirements of his removal hearings. *See id.* ¶ 5. He hired an immigration attorney, who helped him to timely file his application for asylum. *Id.* He also filed his application for employment authorization, which was granted in April or May of 2024. *Id.* ¶¶ 5–6. He also filed an application for Temporary Protected Status which was approved in 2024. *Id.* ¶ 5. He kept his address updated when he moved within Anchorage. *Id.* He monitored his upcoming court date, which was originally

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scheduled for 2024, then rescheduled by the immigration court for 2026 and again after that. *Id.* In the meantime, he stayed in touch with his immigration lawyer. *See id.*

41. While he waited for the chance to present his asylum case in court, Mr. Jimenez Combita built a life in Anchorage, working to recover from the trauma he experienced in Colombia. *Id.* ¶ 9.

42. Mr. Jimenez Combita has no criminal convictions. *Id.* ¶ 8. In January 2024, he was stopped while driving and made to submit to alcohol testing, but the incident was expunged from his record. *Id.*

43. He was eventually joined by his wife and two children, aged five and eighteen, and lived with his family in a trailer home. *Id.* ¶ 9. He enrolled his children in their local schools. *Id.* He worked at a cleaning company to support his family, using his own name and his own identity documents. *Id.* ¶¶ 6, 9. He developed new friendships and attended his local church. *Id.* ¶ 9. He volunteered in his community, bringing clothing and blankets to unhoused people in his area. *Id.*

44. On the morning of May 19, 2026, Mr. Jimenez Combita was driving to work when two vehicles surrounded him and turned on their emergency lights. *Id.* ¶ 10. Mr. Jimenez Combita rolled his window partly down to determine who they were and why they had stopped him. *Id.* The officers did not identify themselves, but began to yell instructions at Mr. Jimenez Combita, who was frightened and overwhelmed. *Id.* The officers broke the window of his car, removed him from the vehicle, handcuffed him, and searched him. *Id.* Mr. Jimenez Combita asked to call his attorney but was refused, and was only allowed to contact his attorney once he reached the ICE office. *Id.* He was never told why he was being re-detained. *Id.*

45. Mr. Jimenez Combita was eventually transferred to the NWIPC in Tacoma,

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Washington, where he remains. *Id.* ¶ 11. The ICE arrest triggered memories of past torture that he suffered, and his mental health has deteriorated in detention. *Id.* He has sought mental health treatment and begun taking medication to cope. *Id.* He is terrified of being removed to Colombia and struggles to collaborate with his attorney to prepare his asylum case, which is scheduled for a final hearing on August 19, 2026. *Id.* He maintains close contact with his family by phone, consoling his daughters and hoping that they will be reunited soon. *See id.* ¶ 12.

46. Before Mr. Jimenez Combita's re-detention in May 2026, Respondents provided no written notice of his re-detention.

47. Before Mr. Jimenez Combita's re-detention, Respondents did not provide a hearing before a neutral decisionmaker to determine whether his re-detention was justified by flight risk or danger.

48. Applying the *Mathews* factors to Mr. Jimenez Combita confirms that his re-detention violated due process. As an individual who had already been granted release pending removal proceedings, he had a significant private interest in remaining free from physical custody. The risk of erroneous deprivation was high: his consistent compliance over roughly three years, his family and community ties in Alaska, his role as a parent to children enrolled in school, his diligent preparation for his immigration case, his provision of his current address, and his lack of any criminal convictions all show that his re-detention was likely not justified by flight risk or danger. By contrast, the government did not have a legitimate interest in re-detaining Mr. Jimenez Combita without a hearing, and a brief hearing at which the government could present any concerns regarding flight risk or danger would only impose minimal burdens. Mr. Jimenez Combita is thus entitled to immediate release.

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49. The *eBay* factors likewise support enjoining Respondents from re-detaining Mr. Jimenez Combita without notice and a hearing. Mr. Jimenez Combita has already been subject to months of unlawful detention, separated from his family and suffering significant mental harm; the emotional harms suffered by his wife and his daughters are also irreparable. Given that he was re-detained despite his strict compliance, he faces a significant risk of re-detention if he is released under the same conditions. No remedy at law is adequate, and the balance of hardships favors Mr. Jimenez Combita because the injunction he seeks would require Respondents only to comply with the Constitution. Respondents would remain free to detain him after a hearing if grounds exist, while Mr. Jimenez Combita would suffer further irreparable injury if re-detained again without due process. Lastly, the enforcement of constitutional rights only serves the public interest.

Angel Contreras Hernandez

50. Petitioner Angel Contreras Hernandez is a citizen of Venezuela who came to the United States to escape political persecution. Contreras Hernandez Decl. ¶ 1. Mr. Contreras Hernandez entered the United States in June 2022, accompanied by a service dog that assisted with his Post-Traumatic Stress Disorder. *Id.* ¶ 2. He was apprehended by immigration authorities, who compelled him to surrender his service dog and detained him. *Id.* ¶¶ 2–3.

51. Around a week later, Mr. Contreras Hernandez was released from detention with a phone for submitting weekly photo check-ins and instructions to attend an ICE appointment in Nevada, where he planned to live. *Id.* ¶ 3. He thereafter complied to the best of his ability and successfully sent the required photos each Monday morning for the first two weeks after his release. *Id.* ¶ 4. But on the third Monday, the ICE-provided phone stopped working and did not allow Mr. Contreras Hernandez to send his scheduled photo. *Id.* Because ICE had never provided

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instructions on what to do if the phone broke, Mr. Contreras Hernandez brought the phone to his first-scheduled appointment at the ICE office in Nevada and notified an officer of the issue during the visit. *Id.* The ICE officer informed Mr. Contreras Hernandez that such technical malfunctions were common and that there was no problem with his compliance. *See id.* Mr. Contreras Hernandez returned the phone and was not provided with a new one. *Id.* After signing paperwork confirming his successful check-in, he was not scheduled for any future ICE check-ins or given any additional instructions or requirements. *Id.*

52. Mr. Contreras Hernandez subsequently attended his first master calendar hearing in November 2022, received another hearing date, and was instructed to notify the court of any address changes. *Id.* ¶ 5. He timely filed an asylum application, submitted evidence in support of his claim, attended his second master calendar hearing, and was scheduled for a merits hearing in 2027. *Id.* He began gathering more evidence and planned to find an attorney to represent him at his final court hearing. *Id.*

53. In late 2023, Mr. Contreras Hernandez moved from his friend's home in Las Vegas to Mesquite, Nevada. *Id.* ¶ 7. He provided this new address to the immigration court within a week of his move. *Id.* Mr. Contreras Hernandez kept checking online in case his individual hearing date was changed and eventually received a mailed notice informing him that his individual hearing was rescheduled to 2029. *Id.* ¶ 6.

54. Mr. Contreras Hernandez received his work permit in January 2024 and found work first as a delivery driver and eventually as a welder. *Id.* ¶ 8. He continued building a supportive network of friends, participating in basketball games at his community recreational center and exercising with a friend nearly every evening. *Id.* ¶ 13.

55. Mr. Contreras Hernandez has no criminal history anywhere in the world. *Id.* ¶ 9.

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56. In May 2026, Mr. Contreras Hernandez decided to move from Nevada to Oklahoma to pursue a work opportunity. *Id.* ¶ 10. None of the immigration officers he had previously met with had mentioned any restrictions on his travel. *Id.* On May 21, while driving through Utah, he was pulled over by police officers and asked for his license, insurance, and registration. *Id.* Mr. Contreras Hernandez gave all of the requested documents and consented to a search of his car. *Id.* Within moments, ICE officers arrived on the scene to question him. *Id.* Although Mr. Contreras Hernandez provided his work permit and social security card, an ICE officer placed him in handcuffs and booked him into a local county jail. *Id.*

57. Once at the jail, he was not charged with any crimes. *Id.* ¶ 11. Instead, he submitted to additional questioning from an ICE officer, who told Mr. Contreras Hernandez only that he was being arrested because he lacked documents to remain legally in the United States. *Id.* Mr. Contreras Hernandez had no opportunity to make a phone call or ask further about why he was being re-detained. *Id.* He was transferred to the NWIPC in Tacoma, Washington on May 26, 2026, where he remains detained. *Id.* ¶¶ 11–12.

58. Mr. Contreras Hernandez's mental health has suffered since his re-detention. *Id.* ¶ 12. He is unable to sleep, suffers from anxiety, and worries about how he can find an attorney or prepare evidence for his asylum case while detained. *Id.* In addition, he fears for the wellbeing of his daughter in Venezuela, who was injured when their house collapsed during the earthquake in June 2026. *Id.* From the NWIPC, Mr. Contreras Hernandez can speak to his family for only three minutes at a time. *Id.* He has been unable to send financial support for his daughter's medical care due to his detention. *Id.*

59. Before Mr. Contreras Hernandez's re-detention in May 2026, Respondents provided no written notice of his re-detention.

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60. Before Mr. Contreras Hernandez's re-detention, Respondents did not provide a hearing before a neutral decisionmaker to determine whether his re-detention was justified by flight risk or danger.

61. Applying the *Mathews* factors to Mr. Contreras Hernandez confirms that his re-detention violated due process. As an individual who had already been granted release pending removal proceedings, he had a significant private interest in remaining free from physical custody. The risk of erroneous deprivation was high: his consistent compliance, his community ties in Nevada, his record of employment, his diligent preparation for his immigration case, and his pending asylum claim all show that his re-detention was likely not justified by flight risk or danger. By contrast, the government did not have a legitimate interest in re-detaining Mr. Contreras Hernandez without notice and an opportunity to be heard, and a brief hearing at which the government could present any concerns regarding flight risk or danger would only impose minimal burdens. Mr. Contreras Hernandez is thus entitled to immediate release.

62. The *eBay* factors likewise support enjoining Respondents from re-detaining Mr. Contreras Hernandez without notice and a hearing. Mr. Contreras Hernandez has already been subject to months of unlawful detention, suffering significant mental harm as a result. Given that he was re-detained despite active engagement with his pending immigration case, he faces a significant risk of re-detention if he is released under the same conditions. No remedy at law is adequate, and the balance of hardships favors Mr. Contreras Hernandez. The injunction he seeks would require Respondents only to comply with the Constitution, leaving them free to detain him after a hearing if grounds exist. In contrast, Mr. Contreras Hernandez would suffer further irreparable injury if re-detained again without due process. Lastly, enforcing constitutional rights serves—and does not diminish in any way—the public interest.

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

63. Petitioners restate and reallege paragraphs ¶¶ 1–62 as if fully set forth herein.

64. Due process does not permit the government to re-detain Petitioners and strip them of their liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur *prior* to any re-detention.

65. Respondents revoked Petitioners' releases and deprived them of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to their re-detention.

66. Accordingly, Petitioners' re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

(1) Assume jurisdiction over this matter;

(2) Issue a standard order as provided for by General Order No. 08-26 of this Court;

(3) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioners from custody and restore them to the same conditions as those in place prior to Petitioners' re-detention, unless Respondents choose to impose less restrictive conditions;

(4) Immediately and permanently enjoin Respondents from re-detaining Petitioners during the pendency of their removal proceedings absent written notice and a hearing

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prior to re-detention where Respondents must prove by clear and convincing evidence that each Petitioner is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;

(5) Order that upon Petitioners' release, Respondents must return to Petitioners any personal property, including personal identification documents (other than a passport) and employment authorization documents (EADs);

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

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

Respectfully submitted this 22nd of July, 2026.

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Counsel for Petitioners

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioners because I am one of Petitioners' attorneys. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

Each Petitioner has verified the factual allegations specific to their own case by signing a sworn declaration. I certify that the exhibits attached to this Petition are true and correct copies of:

- Declaration of Carlos Jimenez Combita; and
- Declaration of Angel Contreras Hernandez.

s/ Amanda Ng
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