DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

DAVID DIRCIO-RAMIREZ

Petitioner,

v.

Markwayne MULLIN, Secretary of U.S. Department of Homeland Security;
Todd BLANCHE, United States Attorney General;
David J. VENTURELLA, Senior Official Performing the Duties of the Director, U.S. Immigration and Customs Enforcement;
Julio HERNANDEZ, 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

INTRODUCTION

1. This Petition challenges the unlawful detention of Petitioner David Dircio-Ramirez. Petitioner lawfully entered the United States after inspection and admission by

immigration authorities on or about August 7, 2014, pursuant to a valid H-2A nonimmigrant visa issued by the United States Consulate at Nuevo Laredo, Mexico.

2. For more than eleven years thereafter, Petitioner lived openly and continuously in the United States. He made his home here, maintained employment, resided at a known address, and built substantial ties to his community. He remained free from any criminal conduct. Respondents took no action to detain Petitioner at any point during those years, and acquiesced in his continued liberty in the community.

3. 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.

4. 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.

5. On June 8, 2026, Petitioner was in the parking lot of a Home Depot store in Washington when Immigration and Customs Enforcement ("ICE") officers arrived in multiple vehicles, addressed Petitioner by name, and stated that they had a warrant for his arrest. Petitioner was taken into immigration custody and transported to the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington, where he remains detained.

6. Petitioner received no notice, no hearing, and no individualized determination by a neutral decisionmaker before he was deprived of his physical liberty. Any warrant executed that day was an administrative warrant issued by Respondents themselves, not a warrant issued by a neutral judicial officer.

7. 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. No constitutionally adequate custody determination has ever occurred.

8. 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.

9. Petitioner has applied for asylum and remains in active removal proceedings before the Immigration Court in Tacoma, Washington. He is not subject to any administratively final order of removal, and no appeal is pending before the Board of Immigration Appeals.

10. Because Petitioner was lawfully admitted into the United States and remained present in the country for nearly twelve years before his detention, his custody is governed by 8 U.S.C. § 1226(a), the discretionary detention provision, which authorizes release on bond or conditional parole and is structured around individualized review of the custody decision.

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. The constitutional violation presented here concerns the manner in which Petitioner's liberty was taken, not the duration of his confinement.

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

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Petitioner with a prompt custody hearing before an Immigration Judge within seven (7) days. See *Tello Vazquez v. Mullin*, No. C26-2039-KKE, Dkt. No. 8 (W.D. Wash. July 2, 2026) (granting habeas petition and ordering immediate release of a lawfully admitted noncitizen arrested for visa overstay without a pre-detention hearing, where the Government had acquiesced in his continued liberty); *A.B.J.C. v. Hermosillo*, No. 2:26-cv-00185-JNW, 2026 WL 497097, at *3 (W.D. Wash. Feb. 23, 2026) (where the Government acquiesced in petitioner's continued liberty, petitioner's reliance on his freedom created a liberty interest that cannot be extinguished without due process); *E.A.T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1324 (W.D. Wash. 2025); *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017).

PARTIES

13. Petitioner, DAVID DIRCIO-RAMIREZ (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.

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16. Respondent David J. Venturella is sued in his official capacity as the Senior Official Performing the Duties of the 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 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 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.

JURISDICTION

19. 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).

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.

VENUE

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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 Washington, where Petitioner was arrested, and in Tacoma, Washington, where he is detained, both of which fall within this judicial district.

FACTUAL BACKGROUND

24. Petitioner DAVID DIRCIO-RAMIREZ is a citizen and national of Mexico.

25. On or about August 7, 2014, the United States Consulate at Nuevo Laredo, Mexico issued Petitioner a valid H-2A nonimmigrant visa, authorizing him to seek admission to the United States to perform temporary agricultural labor for [redacted] pursuant to an approved nonimmigrant worker petition.

26. Petitioner lawfully entered the United States on or about 2014, pursuant to that visa, after inspection and admission by immigration authorities at a port of entry.

27. Petitioner was never encountered, apprehended, or detained by Customs and Border Protection or the United States Border Patrol upon entry into the United States. He was not subjected to expedited removal, and he was not placed in removal proceedings at any time before 2026.

28. 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.

29. Petitioner has remained physically present in the United States since his admission in 2014. He has never departed and re-entered, and he has never been removed from the United States or granted voluntary departure.

30. At all times following the expiration of Petitioner's authorized stay, Respondents possessed Petitioner's complete biographic and biometric records. Those records were obtained through Petitioner's consular visa application and through the nonimmigrant worker petition approved on his behalf, which identified his United States employer by name.

31. Respondents could have detained Petitioner at any time after October 20, 2014. They did not do so for more than eleven years. Throughout that period, Respondents took no step to locate, apprehend, or remove Petitioner, and acquiesced in Petitioner's continued liberty in the community.

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

33. On June 8, 2026, Petitioner was present in the parking lot of a Home Depot store in Washington.

34. Two to three vehicles carrying ICE officers arrived in the parking lot. The officers addressed Petitioner by name and stated that they had an order for his arrest.

35. Respondents thus knew Petitioner's identity and were able to locate him in the ordinary course.

36. Petitioner received no notice that Respondents intended to arrest or detain him, no opportunity to be heard before his arrest, and no determination by a neutral decisionmaker that his detention was necessary.

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37. Any warrant executed on June 8, 2026 was a Form I-200 administrative warrant issued by Respondents themselves. No neutral judicial officer authorized Petitioner's arrest or his detention.

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

39. Petitioner was arrested while going about ordinary daily activity, in a public place, in daylight, within the community where he resided at a known address. Petitioner was not absconding, evading immigration authorities, or attempting to flee.

40. 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.

41. The only custody determination reflected in this matter was made on the day of Petitioner's arrest by an ICE deportation officer, on a Form I-286 Notice of Custody Determination. That determination was made by the same agency that arrested and charged Petitioner. It required no burden of proof, afforded Petitioner no opportunity to present evidence, and involved no individualized finding by a neutral decisionmaker that detention was necessary.

42. Petitioner has remained detained since June 8, 2026 despite his lawful admission to the United States, lack of criminal history, substantial community ties, and the absence of any individualized determination by a neutral decisionmaker that continued detention is necessary.

43. Petitioner has applied for asylum and related protection. That application remains pending.

44. Petitioner remains in active removal proceedings before the Immigration Court in Tacoma, Washington. A master calendar hearing is scheduled for July 31, 2026.

45. Petitioner is not subject to any administratively final order of removal, and no appeal is pending before the Board of Immigration Appeals.

46. This case concerns Respondents' detention of a lawfully admitted noncitizen who resided openly in the community for nearly twelve years without incident, whose continued liberty Respondents acquiesced in throughout that period, and who was deprived of his physical liberty without any pre-deprivation process and remains incarcerated without any custody determination by a neutral decisionmaker.

MEMORANDUM OF LAW

Due Process Clause

47. The Due Process Clause prohibits the government from maintaining civil immigration detention without constitutionally adequate procedural safeguards. Where a noncitizen's physical liberty is at stake, due process requires a meaningful opportunity to be heard before a neutral decisionmaker to determine whether continued detention is justified based on flight risk or danger to the community.

48. The issue presented here is not whether DHS possesses authority to apprehend Petitioner, but whether it may continue to detain him without any individualized custody determination. Petitioner was arrested within the interior of the United States, where he had resided since 2014, rather than being apprehended at or near the border. Respondents have detained Petitioner since June 8, 2026 without providing any bond hearing since June 9, 2026 without providing any bond hearing or meaningful review of his custody

status. Such continued detention without individualized process violates due process.

49. Freedom from imprisonment "lies at the core of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Courts consistently recognize this as "the most elemental of liberty interests." See, e.g., *E.A.T.-B. v. Wamsley*, 2025 WL 2402130, at *3 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, 2025 WL 2637663, at *3 (W.D. Wash. Sept. 12, 2025).

50. Because detention imposes a "grievous loss," due process requires procedures that meaningfully test whether the government's asserted justification for confinement outweighs the individual's liberty interest. *Zadvydas,* 533 U.S. at 690.

51. At a minimum, due process requires notice and a meaningful opportunity to be heard before a neutral decisionmaker. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970); *Morrissey v. Brewer*, 408 U.S. 471, 485 (1972). This includes an individualized determination of whether detention is necessary based on flight risk or danger to the community.

52. Applying the framework set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), courts in this District have repeatedly held that continued immigration detention without a bond hearing violates due process, even where the government asserts mandatory detention authority. *See E.A.T.-B.*, 2025 WL 2402130, at *3–5; *Ramirez Tesara*, 2025 WL 2637663, at *2–4; *Kumar v. Wamsley*, 2025 WL 2677089, at *3–4 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574, at *7–8 (W.D. Wash. Oct. 7, 2025)

53. In applying the *Mathews* factors, courts consistently find: (1) a profound liberty interest in freedom from detention; (2) a high risk of erroneous deprivation where no hearing is provided; and (3) minimal government burden in affording a prompt custody

determination. *See E.A.T.-B.*, 2025 WL 2402130, at *3–5; *Ramirez Tesara*, 2025 WL 2637663, at *3–4.

54. The *Mathews* balancing factors weigh strongly in Petitioner's favor. Petitioner's interest in physical liberty is profound. The risk of erroneous deprivation is exceptionally high where no custody hearing or neutral review has occurred whatsoever. By contrast, the Government faces minimal burden in providing a prompt individualized custody determination.

55. Those same considerations apply here with full force. Petitioner was living in the community at the time of his arrest, has no criminal history, and is not subject to any criminal sentence. Yet Respondents have detained him without providing any mechanism to challenge the necessity of his confinement.

56. Since 2014, Petitioner has lived openly in the community, worked, and resided at a known location. Once the Government permits a noncitizen to establish settled physical liberty within the United States, due process protections attach before that liberty may be revoked through continued incarceration.

57. The government's obligation to provide constitutionally adequate process does not disappear simply because it asserts statutory authority to detain. As this Court has explained, "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." *Ramirez Tesara*, 2025 WL 2637663, at *4 (quoting E.A.T.-B., 2025 WL 2402130, at *4).

58. Nor does the recent nature of Petitioner's detention diminish the Government's constitutional obligations. The constitutional defect here is not the duration of detention,

but that no constitutionally adequate custody determination has ever occurred. Petitioner has never received an individualized custody determination before a neutral decisionmaker. The only custody determination reflected in this matter was made on the day of arrest by an ICE deportation officer, by the same agency that arrested and charged Petitioner, without any burden of proof, without any opportunity for Petitioner to present evidence, and without any individualized finding by a neutral decisionmaker that detention was necessary.

59. Accordingly, Petitioner's continued detention without an individualized custody determination violates the Due Process Clause. This Court should grant the writ and order Petitioner's immediate release or, at minimum, a prompt individualized bond hearing within seven (7) days.

60. This Petition has been verified by Petitioner. *See* Verification of Petitioner

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process
Procedural Due Process

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

62. The Due Process Clause prohibits the government from detaining a noncitizen without providing a prompt and meaningful opportunity to be heard before a neutral decisionmaker regarding whether continued detention is justified.

63. Petitioner was arrested within the interior of the United States and is detained during the pendency of ongoing removal proceedings. The Fifth Amendment requires that his custody be subject to constitutionally adequate procedures.

64. Respondents have detained Petitioner since June 8, 2026, without providing any bond

hearing or other individualized custody review at which the government must justify continued detention based on flight risk or danger to the community.

65. The failure to provide Petitioner with a prompt and meaningful custody determination violates the Due Process Clause of the Fifth Amendment.

IRREPARABLE INJURY

66. Petitioner is suffering ongoing irreparable injury as a result of his continued detention. He has been in immigration custody since June 9, 2026, without any meaningful opportunity to challenge the necessity of his confinement or to obtain a constitutionally adequate custody determination.

67. Continued detention substantially impairs Petitioner's ability to prepare for his pending removal proceedings, communicate effectively with counsel, and assist in preparing his application for asylum and related protection. Petitioner's detention also separates him from his employment and from the community in which he has resided since 2014. These ongoing constitutional injuries cannot be remedied through monetary damages.

68. 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)).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter.

(2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody, or, in the alternative, ordering Respondents to provide Petitioner

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with an individualized custody hearing before an Immigration Judge within seven (7) days, at which Respondents must prove by clear and convincing evidence that Petitioner presents a danger or flight risk and that no condition or combination of conditions of release can reasonably mitigate those concerns;

(3) Declare that Petitioner's detention while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;

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

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

Respectfully submitted this 24th day of July, 2026.

/s/ Jashan Multani

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