UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Jose MENDEZ RODRIGUEZ and Saron HABTE,

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-2620

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 Jose Manuel Rodriguez and Saron Habte. 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 reported for ICE check-ins, complied with the conditions of their release, found steady employment, and built lives in the United States while pursuing their asylum claims before the immigration court. Petitioners have no criminal convictions.

3. Despite Petitioners' active engagement with their immigration cases and pursuit of relief while released, they were re-detained in May and June 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 Jose Mendez Rodriguez is a citizen of Venezuela. He is detained at the NWIPC.

17. Petitioner Saron Habte is a citizen of Eritrea. She 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.

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.

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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)).

26. These well-established constitutional principles govern the re-detention of the many noncitizens who were previously released from DHS custody. Specifically, this District

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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" 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

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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.").

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

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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 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

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

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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.

FACTUAL ALLEGATIONS & ANALYSIS

Jose Mendez Rodriguez

38. Petitioner Jose Mendez Rodriguez is a citizen of Venezuela who fled his country with his long-term partner and their young son after [redacted] *See* Mendez Rodriguez Decl. ¶¶ 1, 2, 8. He entered the United States on

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December 12, 2023, and was detained upon entry. *Id.* ¶ 2. He was released with an ankle monitor two days later. *Id.*

39. In January 2024, Mr. Mendez Rodriguez attended an ICE check-in in Georgia. *Id.* The officers removed his ankle monitor and gave him a paper with a check-in date for 2025. *Id.* They gave him no additional instructions, including any restrictions on relocating within the United States or how to report a change of address with ICE. *Id.*

40. In March 2024, Mr. Mendez Rodriguez moved to Oregon with his partner and son. *See id.* On December 9, 2024, he filed a timely asylum application with the Atlanta Immigration Court, where his case was pending. On the application, he listed his new address in Beaverton, Oregon. *Id.*

41. About a month later, on January 9, 2025, Mr. Mendez Rodriguez went to the ICE office in Portland, Oregon, attempting to appear for his 2025 check-in. *Id.* ¶ 3. He was told the building was closed and did not receive any information about what to do next. *Id.*

42. Nonetheless, Mr. Mendez Rodriguez promptly took steps to ensure the government knew of his correct address, by first submitting a change of address form to the immigration court and subsequently filing a motion to change venue in his immigration court case to Portland. *See id.* ¶ 4. The immigration court granted his motion on March 3, 2025. *Id.*

43. While awaiting a hearing before the Portland Immigration Court, Mr. Mendez Rodriguez also diligently pursued other immigration-related applications. *See id.* He applied for an employment authorization document (EAD) and attended a biometrics appointment in Oregon. *Id.* His EAD was approved through 2030, and he was issued a Social Security card. *Id.*

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44. As he awaited news on his immigration case, Mr. Mendez Rodriguez found work and built community in Beaverton. *Id.* ¶ 5. He worked as a delivery driver for Amazon and joined three adult soccer teams. *Id.*

45. Mr. Mendez Rodriguez's son, now four years old, has been diagnosed with autism and struggles to communicate and verbalize emotions. *Id.* ¶ 8. Before being re-detained, Mr. Mendez Rodriguez shared caretaking responsibilities for his son with his partner, taking turns dropping him at daycare due to the couple's varying work schedules. *Id.*

46. On June 1, 2026, as Mr. Mendez Rodriguez left an Amazon warehouse, ICE officers in four trucks and one car surrounded Mr. Mendez Rodriguez and said they had a warrant for his arrest. *Id.* ¶ 7. The officers incorrectly claimed he did not appear for a court hearing. *Id.* Mr. Mendez Rodriguez did not resist the officers or try to flee. *Id.* When asked, he provided his name. *Id.* The officers grabbed his wallet, arrested him, and took him to the ICE facility in Portland. *Id.* Mr. Mendez Rodriguez was later transferred to the NWIPC, where he remains. *Id.* ¶ 8.

47. For Mr. Mendez Rodriguez, the most difficult aspect of detention is being separated from his 4-year-old son for the first time. *Id.* Since his detention, Mr. Mendez Rodriguez has only been able to see his son once. *Id.* Unable to understand why his father has suddenly disappeared, his son has become angry and resentful at times, acts out more frequently, and cries for his father even while sleeping. *Id.*

48. Mr. Mendez Rodriguez's next immigration court is on August 4, 2026, and he intends to continue pursuing his pending application. *See id.* ¶ 9.

49. Mr. Mendez Rodriguez has no criminal history. *Id.* ¶ 6.

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50. Before Mr. Mendez Rodriguez's re-detention in June 2026, Respondents provided no written notice of his re-detention.

51. Before Mr. Mendez Rodriguez's re-detention, Respondents did not provide a hearing before a neutral decisionmaker to determine if his re-detention was justified by flight risk or danger.

52. Applying the *Mathews* factors to Mr. Mendez Rodriguez 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 ongoing and proactive engagement with ICE and the immigration court for over two and a half years, repeated attendance at check-in and biometrics appointments, provision of his new address and motion to change venue, steady employment, lack of criminal history, deep ties to his community, and his commitment to his son all show that his re-detention was not justified by flight risk or danger. By contrast, the government did not have a legitimate interest in re-detaining Mr. Mendez Rodriguez without notice and an opportunity to be heard, and a brief hearing that requires the government to establish any flight risk or danger would impose only minimal burdens. Mr. Mendez Rodriguez is thus entitled to immediate release.

53. The *eBay* factors likewise support enjoining Respondents from re-detaining Mr. Mendez Rodriguez without notice and a hearing. Mr. Mendez Rodriguez has already been subject to weeks of unlawful detention, during which his 4-year-old son with autism has deteriorated; these harms are irreparable. Given that he was re-detained despite continued provision of his home address to immigration authorities and without any opportunity to explain his diligent monitoring of his immigration court case, he faces a significant risk of re-detention if

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he is released under the same conditions. No remedy at law is adequate, and the balance of hardships favors Mr. Mendez Rodriguez. 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. Mendez Rodriguez 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.

Saron Habte

54. Petitioner Saron Habte is a citizen of Eritrea who came to the United States fleeing [redacted] Habte Decl. ¶ 1. Upon entering the United States in December 2022, she was detained and placed in removal proceedings. *Id.* ¶ 2. While detained, she was given written documents with the details for a check-in appointment and her first immigration court hearing in 2024. *Id.* ¶ 3. Although Ms. Habte speaks Tigrinya, and only a little English, the officers provided no written or oral translation of those documents. *Id.* She does not recall receiving any further instruction before her release. *Id.*

55. Ms. Habte told the officials she would live with her aunt in Washington State and gave them her address. *Id.* ¶ 4. After Ms. Habte was released on her own recognizance, *id.* ¶ 2, she went to her aunt's home in Seattle, *id.* ¶ 4. Her aunt and her family helped Ms. Habte understand the documents she had been given, and they soon grew close. *Id.* ¶¶ 4, 23.

56. As she settled into Seattle, Ms. Habte avidly pursued legal assistance and relief. *See id.* ¶ 7. With her aunt's assistance, she found someone to help prepare her asylum application in January or February 2023, and filed her application within one year of her arrival in the United States. *See id.* Knowing that she would have to attend hearings and that she needed further legal assistance, in April or May 2023, she hired an attorney to file her EAD application. *Id.* Because

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this attorney was not able to assist her beyond that application, Ms. Habte again sought out additional legal representation and soon hired another attorney to represent her in her removal proceedings. *Id.*

57. In addition to pursuing her asylum and EAD applications, Ms. Habte attended her ICE check-ins between April 2023 and September 2025. *See id.* ¶¶ 5, 6, 10. At her first check-in, she confirmed her aunt's address as her current residence. *Id.* ¶ 5. While she does not recall the precise dates, she then attended check-ins approximately every six to eight months, totaling three to five check-ins. *Id.*

58. In 2024, Ms. Habte attended her first immigration court hearing with counsel. *Id.* ¶ 8. Her next hearing was scheduled for February 2027. *Id.* Despite knowing the hearing was scheduled, Ms. Habte took the added precaution of checking the online immigration court information system to confirm her hearing date on at least a weekly basis. *Id.*

59. As she diligently navigated the immigration system, Ms. Habte also dedicated herself to work and her education. *Id.* ¶ 9. She dreamed of attending the pre-nursing program at Renton Technical College, and so in 2025, after completing courses in biology, English, math and more, she earned both her high school diploma and her Certified Nursing Assistant Diploma. *Id.* While she pursued her studies, Ms. Habte also worked at Seattle-Tacoma International Airport and as a homecare aide to support herself and to contribute to her aunt's rent and expenses. *Id.* ¶¶ 9, 23. While managing this taxing schedule, Ms. Habte never missed a homework assignment. *Id.* ¶ 24.

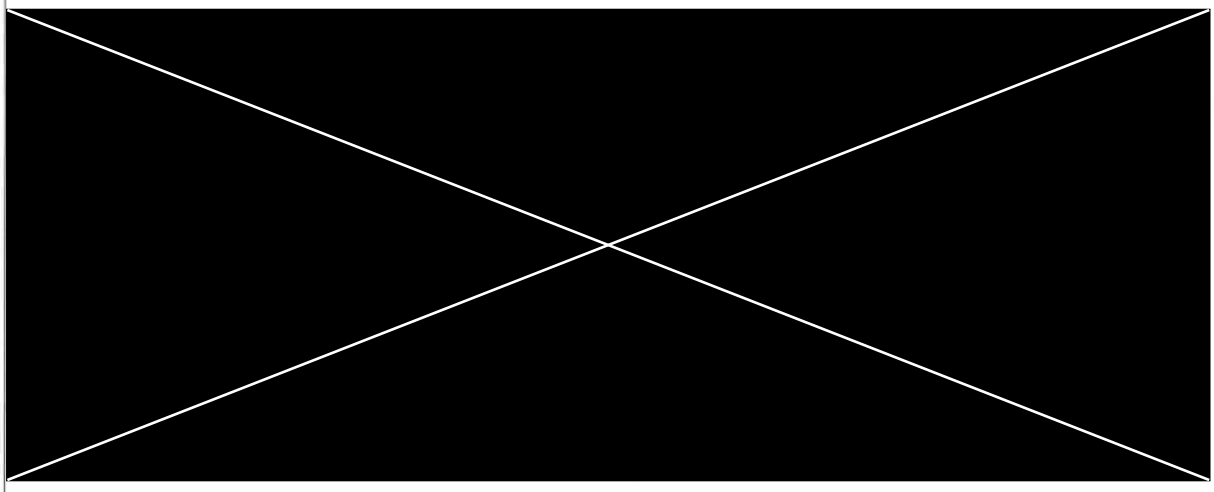
60. At Ms. Habte's September 2025 ICE appointment, the officer did not say anything aloud about her next appointment. *Id.* ¶ 10. She expected that, like all the other check-

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ins she had attended for more than two years, her next one would be in about six months, which would have been sometime in the spring of 2026. *Id.*

61. The months after the September 2025 check-in were hectic and frightening for Ms. Habte. *See id.* ¶¶ 11–15. Eager and driven to achieve, she was a full-time employee and student: she worked or studied from 5:00 a.m. to 8:00 p.m. most days, with no days off. *Id.* ¶ 11. In November or December 2025, Ms. Habte and her aunt's family moved to a new address in Seattle. *Id.* ¶¶ 11, 14. She repeatedly informed her attorney of the move, believing only an attorney could change her address with the government. *Id.* ¶ 14; *see also* Gaime Decl. ¶¶ 7–10. When the attorney did not respond, Ms. Habte planned to provide her new address at her next ICE appointment. Habte Decl. ¶ 14.

62. Around this time, Ms. Habte also learned that her younger brother [redacted]



63. Under intense stress about her brother, working or studying for about 15 hours every day, and in the midst of a move, Ms. Habte misplaced the paper with the time and date of her check-in. *Id.* ¶¶ 11–14. She planned to contact ICE about the missing paper, but lost track of time as she became overwhelmed by other worries consuming her attention. *Id.* ¶ 15.

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64. On May 17, 2026, ICE arrested Ms. Habte around 6:00 a.m. while she was in her car on her way to work. *Id.* ¶ 16. ICE officers appeared on both sides of the car, confirmed her identity, and told her to exit the car. *Id.* They immediately grabbed her even as she began complying and handcuffed her. *Id.* The officers did not use an interpreter and as Ms. Habte was very frightened, it was difficult for her to communicate or to understand what was happening. *Id.* She was denied access to her phone to make any calls. *Id.*

65. Ms. Habte was taken to the ICE Field Office in Tukwila, where an officer told her she was being detained because of a missed check-in. *Id.* ¶ 17. Not knowing she had missed one, Ms. Habte inquired further. *Id.* The officer incorrectly told her that her last check-in was in 2024. *Id.* She was never given the opportunity to explain why she might have missed a check-in. *Id.* Ms. Habte was then transferred to the NWIPC, where she remains. *Id.* ¶ 18. A friend later searched her belongings and finally found the paper with the check-in date, showing it had been scheduled for December 2025. *Id.*

66. Had Ms. Habte been given the chance to explain why she missed the December 2025 appointment, she would have done so and taken responsibility for her error. *Id.* ¶ 19. She would have reported to the ICE office voluntarily if she had been notified of the missed check-in. *Id.* She had no intent to evade authorities and planned to diligently pursue her asylum claim. *Id.*

67. Ms. Habte has no criminal history. *Id.* ¶ 20.

68. Detention has worsened Ms. Habte's health. *Id.* ¶ 21. She cannot eat much. *Id.* Her mental health has deteriorated: she feels depressed, extremely worried about her life and [redacted] *Id.* Despite seeking mental health care inside the detention center, she has not received it. *Id.*

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69. Ms. Habte would return to live with her aunt if released. *Id.* ¶ 23. She has built strong ties not only to her aunt and family, but also to her local Eritrean community, her coworkers, and her union during her years in Seattle. *Id.* She is eager to return to her work, so she can continue helping people. *Id.* She also has detailed plans to ensure she never misses another ICE appointment again. *Id.* ¶ 24. Since being informed of her missed check-in, she has identified seven specific steps she would take to prevent a similar error. *See id.*

70. Before Ms. Habte's re-detention in May 2026, Respondents provided no written notice of her re-detention.

71. Before Ms. Habte's re-detention, Respondents did not provide a hearing before a neutral decisionmaker to determine whether her re-detention was justified by flight risk or danger.

72. Applying the *Mathews* factors to Ms. Habte confirms that her re-detention violated due process. As an individual who had already been granted release pending removal proceedings, she had a significant private interest in remaining free from physical custody. The risk of erroneous deprivation was high: her years of compliance with ICE check-ins, her attendance in immigration court, her family ties, her diligent preparation for her immigration case, pending asylum case, her educational accomplishments, and lack of criminal history all show that her re-detention was not justified by flight risk or danger. By contrast, the government did not have a legitimate interest in re-detaining Ms. Habte without notice and an opportunity to be heard, and a brief hearing that requires the government to establish any flight risk or danger would impose only minimal burdens. Ms. Habte is thus entitled to immediate release.

73. The *eBay* factors likewise support enjoining Respondents from re-detaining Ms. Habte without notice and a hearing. Ms. Habte has already been subject to months of unlawful

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detention, suffering significant, irreparable mental harm as a result. Given that she was re-detained despite years of compliance and genuine efforts to report her change of address, she faces a significant risk of re-detention if she is released under the same conditions. No remedy at law is adequate, and the balance of hardships favors Ms. Habte. The injunction she seeks would require Respondents only to comply with the Constitution, leaving them free to detain her after a hearing if grounds exist. In contrast, Ms. Habte 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.

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

74. Petitioners restate and reallege paragraphs ¶¶ 1–73 as if fully set forth herein.

75. 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.

76. 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.

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

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

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(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 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 24th of July, 2026.

s/ Matt Adams
Matt Adams, WSBA No. 28287
matt@nwirp.org

s/ Leila Kang
Leila Kang, WSBA No. 48048
leila@nwirp.org

s/ Glenda M. Aldana Madrid
Glenda M. Aldana Madrid,
WSBA No. 46987
glenda@nwirp.org

s/ Amanda Ng
Amanda Ng, WSBA No. 57181
amanda@nwirp.org

NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

s/ Kevin Hollinz
Kevin Hollinz, WSBA No. 52043
khollinz@nwirp.org

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615 Second Ave., Suite 400
Seattle, WA 98104
(206) 957-8611

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 Jose Mendez Rodriguez;
- Declaration of Saron Habte; and
- Declaration of Haregu Gaime.

s/ Amanda Ng
Amanda Ng, WSBA No. 57181
NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Suite 400
Seattle, WA, 98104
(206) 816-3897
amanda@nwirp.org

Counsel for Petitioners