DETAINED

Christopher Flory
GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080
Christopher.flory@ghp-law.net

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

JOSE DELGADO CRUZ,

Petitioner,

v.

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

Respondents.

Case No.: 2:26-cv-02656

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

Alien Registration Number: [redacted]

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Jose Delgado Cruz, is being held in immigration detention without bond at the Northwest ICE Processing Center (NWIPC) in violation of this Court's order in *Rodriguez Vazquez v. Bostock*, Case No. 3:25-cv-5240-TMC, 2025 U.S. Dist. LEXIS 193611(W.D. Wash. 2025). He seeks an order requiring the Respondents to release him from detention under bond in a reasonable amount.

PARTIES

2. Petitioner Jose Delgado Cruz has lived in the United States since December 2007. He does not have lawful immigration status. On or about June 24, 2026, he was arrested by Immigration and Customs Enforcement (ICE) officers. He is currently being held in detention at the Northwest ICE Processing Center in Tacoma, Washington.

3. Respondent Todd Blanche is the executive officer who has been given authority to manage and control the Executive Office of Immigration Review (EOIR), including Immigration Judges and the Board of Immigration Appeals (BIA). In addition, the U.S. Attorney General has authority to establish legal and policy guidelines concerning which non-citizens are to be detained for immigration purposes. Respondent Blanche is sued in his official capacity.

4. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security ("DHS"). He is the cabinet-level secretary responsible for all immigration enforcement in the United States and has ultimate custodial authority over Petitioner. He is sued in his official capacity.

5. Respondent David J. Venturella is the Acting 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. He is sued in his official capacity.

6. Respondent Julio Hernandez is the Acting Field Office Director of the ICE Seattle Field Office and is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and removal operations. He is the immediate legal custodian of the petitioner for purposes of a federal habeas petition. He is sued in his official capacity.

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7. Respondent Bruce Scott is sued in his official capacity as the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention center where the Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.

JURISDICTION & VENUE

8. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. §2201 (jurisdiction to render declaratory judgments); 28 U.S.C. §1361 (jurisdiction over actions for mandamus); and 28 U.S.C. § 1651 (All Writs Act).

9. 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).

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

11. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1) because the petitioner is detained in this judicial district and because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

12. 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 Petitioner is in the Respondents' custody at the NWIPC in Tacoma, Washington, which falls within this judicial district.

FACTUAL BACKGROUND

13. Jose Guadelupe Delgado Cruz is a native and citizen of Mexico. He entered the United States without inspection in September 2007. On or around December 15, 2007, he was detained

GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
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and accepted voluntary return. On or around December 25, 2007, Mr. Delgado Cruz again entered the United States without inspection and has been living in the United States ever since.

14. Mr. Delgado Cruz seeks a writ of habeas corpus to enforce his rights as a class member of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock*, Case No. 3:25-cv-5240-TMC, 2025 WL 2782499, 2025 U.S. Dist. LEXIS 193611, *18 (W.D. Wash. 2025).

15. On September 30, 2025, this Court issued a final judgment declaring that Bond Denial Class members are detained under 8 U.S.C. §1226(a) and are not subject to mandatory detention under 8 U.S.C. §1225(b)(2). The Bond Denial Class is comprised of all noncitizens without lawful status detained at the NWIPC who (1) have entered or will enter the United States without inspection, (2) are not apprehended upon arrival, and (3) are not or will not be subject to detention under 8 U.S.C. §1226(c), §1225(b)(1), or §1231 at the time the noncitizen is scheduled for or requests a bond hearing. *Rodriguez Vazquez v. Bostock*, 2025 WL 2782499, 2025 U.S. Dist. LEXIS 193611, (W.D. Wash. Sept. 30, 2025). The Court declared that "the Tacoma Immigration Court's practice of denying bond to Bond Denial Class members on the basis of §1225(b)(2) violates the Immigration and Nationality Act." Id. at *87.

16. Mr. Delgado Cruz has lived in the United States without interruption since December 2007.

17. On or about June 24, 2026, twenty years after entering the United States, Mr. Delgado Cruz was arrested by ICE while driving his work truck near Billings, Montana.

18. Mr. Delgado Cruz has no criminal convictions.

19. Mr. Delgado Cruz is a member of the Bond Denial Class in the *Rodriguez Vazquez* lawsuit in that: (1) he does not have lawful status in the United States and is currently detained at NWIPC after being apprehended by ICE on July 1, 2026; (2) he entered the United States

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without inspection 20 years ago and was not apprehended upon arrival; and (3) he is not detained under 8 U.S.C. §1226(c), §1225(b)(1), or §1231.

20. The Respondents refuse to establish a bond amount and maintain that Petitioner is not eligible for bond.

21. Mr. Delgado Cruz is not a danger to the community, and he is not a flight risk.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

22. Petitioner has no available administrative remedies that can provide the relief he seeks. *Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541–42 (9th Cir. 2004) ("Exhaustion of remedies is not required when resort to such remedies would be futile.").

23. Petitioner has verified this Petition. See Verification of Petitioner.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

24. The petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

25. As a member of the Bond Denial Class in Rodriguez Vazquez, Mr. Delgado Cruz is entitled to have a bond amount established under 8 U.S.C. §1226(a). Under this Court's decision in *Rodriguez Vazquez*, the Respondents are in violation of the Immigration and Nationality Act because they have applied the mandatory detention provision in §1225(b)(2) to Mr. Delgado Cruz.

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GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
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SECOND CLAIM FOR RELIEF
Violation of 8 U.S.C. 1231(a)

26. The petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

27. By refusing to establish a bond amount for Mr. Delgado Cruz, the Respondents are in violation of this Court's judgment in *Rodriguez Vazquez*.

THIRD CLAIM FOR RELIEF

28. The petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

29. The Respondents' decision to detain Mr. Delgado Cruz without bond and without a hearing to determine whether he is a danger to the community or a flight risk constitutes a violation of the Due Process clause of the United States Constitution.

IRREPARABLE INJURY

30. Petitioner has suffered irreparable injury because of the detention. He "suffers potentially irreparable harm every day that he remains in custody without a hearing, which could ultimately result in his release from detention." *Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018). His physical liberty continues to be restrained, in penal-like conditions, and no just cause for doing so can be specified. *See, e.g., Maliwat v. Scott*, No. 2:25-cv-00788-TMC, 2025 U.S. Dist. LEXIS 152663, at *15 (W.D. Wash. August 7, 2025). Petitioner has been deprived of his constitutional rights, which "unquestionably constitutes irreparable injury." *de Jesus Ortega Melendres v. Arpaio*, 695 F.3d 990, 1002 (2012); *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

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PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Issue an order that the Respondents may not transfer the Petitioner out of this district while this petition remains pending;

(3) Issue an order that Petitioner be released from detention under bond in a reasonable amount;

(4) In the alternative, if an alternative bond order has been established, issue a writ of habeas corpus requiring that within one day, Respondents release the petitioner unless Respondents allow for his release upon payment of the alternative bond amount and any other conditions set by the Immigration Judge;

(5) In the alternative, issue an order requiring that within seven days Respondents must provide a bond hearing under 8 U.S.C. §1226(a) for Petitioner;

(6) Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. §2142, et seq., or any other basis allowed under law; and

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

Dated: July 27, 2026.

/s/ Christopher Flory

Christopher Flory, WSBA #65253
GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080
Christopher.flory@ghp-law.net

Attorney for Petitioner