IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

M.A.V.V. Petitioner,

vs.

JULIO HERNANDEZ, Seattle Acting Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement; **MARKWAYNE MULLIN**, Secretary, United States Department of Homeland Security; **TODD BLANCHE**, Acting U.S. Attorney General; **UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT**; **UNITED STATES DEPARTMENT OF HOMELAND SECURITY**; **BRUCE SCOTT**, Warden, Northwest ICE Processing Center; **Respondents.**

Case No.: **26-2721**

Agency No.: [redacted]

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioner M.A.V.V. Petitioner is currently in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington.

2. Petitioner is an individual who was paroled into the United States in the ONE (Operation

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Nexus Enrollment / "ONE App" / CBP's parole-processing smartphone app) program and immediately released from custody to pursue immigration relief. Since his release, Petitioner diligently complied with his conditions of release and built his life in the United States while pursuing his asylum claim before the immigration court. Petitioner has no criminal convictions.

PARTIES

3. Petitioner M.A.V.V. is a citizen of Venezuela. He is detained at the NWIPC.

4. 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 Petitioner and is sued in his official capacity.

5. Respondent Todd Lyons is the acting director of ICE, and he has authority over the actions of Respondent Julio Hernandez and ICE in general. Respondent Lyons is a legal custodian of Petitioner.

6. Respondent Markwayne Mullin is the Secretary of Homeland Security and has authority over the actions of all other DHS Respondents in this case, as well as all operations of DHS. Respondent Mullin is charged with faithfully administering the immigration laws of the United States. Respondent Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

7. Respondent Todd Blanche, Acting Attorney General of the United States, has authority

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over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

8. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of Petitioner.

9. Respondent ICE is the federal agency responsible for custody decisions relating to noncitizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens.

10. Respondent DHS is the federal agency that has authority over the actions of ICE and all other DHS Respondents.

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

JURISDICTION

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

13. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), *id.* § 1331 (federal question), and U.S. Const. art. I, § 9, cl. 2 (Suspension Clause).

14. This Court grants relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., and the All Writs Act, *id.* § 1651.

VENUE

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15. Venue is proper in the Western District of Washington because Petitioner was detained at the Northwest ICE Processing Center at the time of this filing. Under *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004), the proper respondent in a habeas action is the immediate custodian. And under *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 494–501 (1973), a habeas petition may be filed in the district with jurisdiction over the custodian responsible for the challenged custody. WDWA has jurisdiction over the NWIPC warden and the Seattle (Acting) Field Office Director.

16. 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

17. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to Respondents "forthwith," unless Petitioner is not entitled to relief. *Id.*

18. 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." *Hoeun 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").

FACTUAL CBP ONE STATEMENTS AND ANALYSIS

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19. In further detail. Petitioner entered the United States through the CBP One appointment system that DHS operated at the southwest border pursuant to its parole authority under 28 U.S.C. § 212(d)(5) and 8 C.F.R. § 212.5. The program required individuals to register through the CBP One mobile application, upload biographical information, and wait for an appointment slot to appear. The system did not allow walk-ins; applicants had to check the app daily until DHS issued an appointment. Petitioner did exactly that for roughly ninety days. When DHS finally issued him an appointment, he presented himself at the Brownsville, Texas designated port of entry with his Venezuelan passport, as instructed on September 19, 2023. CBP inspected him under 8 C.F.R. § 235.1, granted him parole, issued him a Form I-94 reflecting parole, and served him with a Form I-862 Notice to Appear ("NTA") containing a scheduled Master Calendar Hearing pursuant to *id.* § 1003.18(b), for December 28, 2026, at 8:30 AM before the Seattle Immigration Court. Exhibit A: NTA

20. CBP did not issue Petitioner a Notice to Report, which is a separate document used by ICE to require a person to appear at an ICE office within a specific timeframe. Nor did CBP place him under ICE supervision under 28 U.S.C. § 236(a) or 8 C.F.R. § 236.1. His release paperwork contained no reporting instructions, no ATD conditions, and no address-update requirements beyond the standard EOIR obligations applicable to all respondents in removal proceedings.

21. After entering the United States, Petitioner filed a timely Form I-589 asylum application under 8 C.F.R. § 208.3. He later applied for employment authorization under the asylum-pending category pursuant to 8 C.F.R. § 208.7(a). USCIS approved his c(8) application and issued him an

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Employment Authorization Document ("EAD").

22. He kept the card in his wallet because it was the only government-issued identification he possessed. Although an EAD is not itself a "registration document" under -8 C.F.R. § 264.1(b)-, asylum applicants routinely carry the EAD because DHS does not issue a physical I-94 card at the border and the EAD is the only document that shows both identity and lawful presence.

23. The EAD was valid at the time of his arrest. ICE seized his wallet, including the EAD and his Washington State Driver's License, but only after the arrest, and as an afterthought. From the date of his entry until the date of his arrest, Petitioner lived continuously at the address listed on his NTA. He never moved, never changed residences, and never received any instruction from ICE directing him to report, check in, or update his address.

24. Under 8 C.F.R. § 265.1, a noncitizen must file Form AR-11 only when he changes his address. Because Petitioner did not change his address, and because ICE never issued any supervision order or Notice to Report under 8 C.F.R. § 236.1(c)(1), he had no legal obligation to file an AR-11.

25. ICE did not enroll Petitioner in Alternatives to Detention (ATD), which is the program that imposes electronic monitoring, check-ins, curfews, or movement restrictions. ICE did not issue him an I-220A Order of Release on Recognizance or an I-220B Order of Supervision, both of which contain written conditions of release. His only obligation was to appear at his scheduled Master Calendar Hearing, which he fully intended to do.

ARREST FACTUAL STATEMENTS AND ANALYSIS

26. On the morning of July 17, 2026, Mr. V.V. was in a vehicle having arrived at 1015am early for his next client at Cesar Barber Shop in Lakewood, WA, scheduled at 1100am. Such

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place of work is an eight- to ten-mile drive from the address on the NTA where he lived continuously with his companion, who was paroled with him and is now 8 months pregnant. Abruptly, vehicles surrounded him and turned on their lights. The officers did not identify themselves, but began to yell instructions in English that Mr. V.V. does not understand, and he became extremely frightened and overwhelmed, and froze, the method of arrest triggering memories of [redacted] cited by United Nations bodies, Human Rights Watch, and Amnesty International as responsible for systematic human-rights violations—including extrajudicial executions, torture, illegal raids, and arbitrary detentions.

27. The officers then broke the window of his car, removed him from the vehicle, handcuffed him, and searched him. There are multiple videos of this arrest, and the description of the arrest as written by the ICE officers in I-213 "immigration police report" does not match what is played on the videos. He was never told why he was being re-detained. Mr. V.V.was eventually transferred to the NWIPC in Tacoma, Washington, where he remains. Exhibit B: I-213.

28. ICE arrested Petitioner without presenting a warrant, claiming in the I-213 that there already was a removal order. The agency later generated an administrative Form I-200 signed by a supervisory deportation officer, but that document was created after the arrest. DHS regulations require ICE to have lawful authority at the moment of arrest, and a warrant created after the fact cannot retroactively justify a seizure. *See id.* § 287.8(c)(2)(i). Exhibit B: I-213.

29. After the arrest and only as an afterthought, ICE seized Petitioner's wallet containing his Washington State Driver's License and his USCIS c(8) EAD. Exhibit B: I-213.

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30. The government now claims he violated reporting and address-update requirements, yet it has not produced any document imposing such conditions. Exhibit B: I-213.

31. A reporting requirement must be imposed through a Notice to Report, an I-220B, ATD paperwork, or other written instruction. An address-update requirement must be imposed through a written condition of release or triggered by an actual change of address. None of those circumstances applies here.

32. The arrest was based on allegations unsupported by any written documents or facts as alleged in the I-216 arrest record.

PRELIMINARY LEGAL ANALYSIS

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

34. 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 WL 2677089, at *2-4 (W.D. Wash. Sep. 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

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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. July 4, 2026); *Lima Gamez v. Hernandez*, No. 2:26-cv-01104-BAT, 2026 WL 1382362, at *2-7 (W.D. Wash. July 18, 2026); *Yu v. Hernandez*, No. 2:26-cv-01372-DGE, 2026 WL 1560581, at *5-8 (W.D. Wash. July 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.

35. Respondents re-detained Petitioner without any notice and without any hearing before a

neutral decisionmaker, violating his 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, Petitioner is entitled to immediate release.

36. 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, 2026 WL 607672, at *5* ("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 Petitioner's immediate release, he faces a significant risk of being re-detained again absent an order from this Court enjoining Respondents from further unlawful conduct.

37. Petitioner respectfully requests that the Court grant his request for immediate release and enjoin Respondents from re-detaining him without notice and an opportunity to be heard, before a neutral decisionmaker, on the basis for re-detention.

LEGAL FRAMEWORK

38. "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

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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.*

39. 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).

40. 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 and in a meaningful manner." (citation modified)); *see also , e.g., Morrissey,* 408 U.S. at 485 requiring a "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)).

41. 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

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substitute procedural requirement would entail." *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

42. 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," *E.A. T-B.*, 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—is 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 is 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.*

43. 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." *Ramirez Tesara*, 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. 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

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writ of habeas corpus).

44. 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. July 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, 2026 WL 237514, at *4* (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.").

45. 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).

46. 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., 2025 WL 3294988, at *4* (explaining that "any administrative or financial burdens in providing Petitioner a

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hearing is 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.").

47. 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, 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); *Barrera v. Andrews*, No. 1:25-cv-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

48. 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 Petitioner before his 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 petitioner's release and his "return... to the conditions of release identified in his previously issued Order of Release on Recognizance"); *Castillo Sanchez*, 2026 WL 1213621, at *7 (ordering petitioner's release "under his most recent conditions of release"); *Barraza Laguna*, 2026 WL 962127, at *10 (ordering petitioner's release "under conditions consistent with those in place at the time of his re-detention.").

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49. 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. 2020)). 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).

50. 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, is 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).

51. 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 Petitioner "[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,

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at *4 (W.D. Wash. Apr. 1, 2026); *Barraza Laguna*, 2026 WL 962127, at *9 ("Petitioner alleges, 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).

52. Courts have also explained that "monetary damages is 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.

ANALYSIS

53. Applying the Mathews factors to Mr. V.V. 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 Tacoma, WA, 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. V.V.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. V.V.is thus entitled to immediate release.

54. The *eBay* factors likewise support enjoining Respondents from re-detaining Mr.

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V.V.without notice and a hearing.. 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. V.V.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. V.V.would suffer further irreparable injury if re-detained again without due process. Lastly, the enforcement of constitutional rights only serves the public interest

CAUSE OF ACTION
Violation of Fifth Amendment Right to Due Process Procedural Due Process

55. Petitioner restates and realleges paragraphs 1–54 as if fully set forth herein.

56. Due process does not permit the government to re-detain Petitioner and strip him of his 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.

57. ICE's detention of Petitioner is unlawful because the agency never imposed any reporting or address-update conditions, and DHS regulations require written notice of such conditions before ICE may allege a violation. See 8 C.F.R. § 236.1(c)(1). A Notice to Report is the document ICE uses to require a person to appear at an ICE office within a specific timeframe. An I-220A or I-220B is the document ICE uses to impose conditions of release. ATD paperwork is the document ICE uses to impose monitoring or check-in requirements. ICE has produced none of these. Because no conditions were imposed, no conditions could have been violated.

58. ICE's reliance on a post-arrest administrative warrant is also unlawful. DHS must have

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lawful authority at the moment of arrest, and a warrant created after the fact cannot retroactively justify detention. *See id.* § 287.8(c)(2)(i). The Western District has repeatedly rejected this practice, holding that ICE must produce the actual written condition allegedly violated and may not rely on unsupported assertions of noncompliance.

59. ICE's detention is arbitrary, capricious, and contrary to law under 5 U.S.C. § 706(2)(A). The agency acted without statutory authority, without evidence, and in a manner that obstructed Petitioner's access to the immigration court process. Detention premised on unproduced conditions or post hoc warrants violates due process and must be set aside.

60. Respondents revoked Petitioner's release and deprived him of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

61. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests 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 Petitioner from custody and restore him to the same conditions as those in place prior to Petitioner's re-detention, unless Respondents choose to impose less restrictive conditions;

(4) Immediately and permanently enjoin Respondents from re-detaining Petitioner during the pendency of his removal proceedings absent written notice and a hearing prior to re-detention

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

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

(6) Award Petitioner 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.

Dated July 30, 2026

Respectfully submitted,

LAW OFFICES OF BART KLEIN
/s/ Bart Klein
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242 AND LCR 100(e)

I am submitting this verification on behalf of Petitioner because I am Petitioner's attorney. In accordance with 28 U.S.C. § 2242 and LCR 100(e), 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. Due to Petitioner's detention status and the difficulty of accessing the NWIPC during the week because of traffic and limited attorney-visitation availability, Petitioner has had only the opportunity to review and verify the factual statements contained in the draft Petition provided to him by me on Saturday, July 25, 2025. Petitioner will execute his full verification of the filed, finalized Petition on Sunday, August 2, 2026, at the NWIPC legal visit scheduled with me at 8:00 a.m.

/s/ Bart Klein

Bart Klein, Attorney for Petitioner, WSBA #10909

CERTIFICATE OF SERVICE

I, Bart Klein, certify that on July 31, 2026, I filed the foregoing document with the Clerk of Court using the CM/ECF system, with the A-number partially redacted as XXXX.

I further certify that, pursuant to General Order 10-25 (W.D. Wash.), notice of the filing is transmitted through the CM/ECF system, including to USAWAW.ImmigrationHabeasService@usdoj.gov, for service on the following:

Civil Chief and the Habeas Coordinator
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271

ICE Office of the Principal Legal Advisor (OCC-Seattle/Tacoma)
DHS/ICE Enforcement and Removal Operations (ERO)
DOJ Office of Immigration Litigation (OIL-District Court Section)
Internal DOJ/Habeas Response Personnel

I further certify that service is also effected, by operation of law, on:

Bruce Scott, Warden
Northwest ICE Processing Center
1623 East J Street, Suite 1
Tacoma, WA 98421

I further certify that, immediately after filing, counsel's office will email a copy of the filed documents, including the Court's case number and the full A-number, to USAWAW.ImmigrationHabeasService@usdoj.gov.

I further certify that a filed hard copy of the documents will be served by certified mail on the individual listed below pursuant to Fed. R. Civ. P. 4.

Bruce Scott, Warden
Northwest ICE Processing Center
1623 East J Street, Suite 1
Tacoma, WA 98421

/s/ Bart Klein
Bart Klein, Attorney for Petitioner, WSBA #10909

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