DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

MAURICIO JIMENEZ-OLAN,

Petitioner,

v.

Markwayne MULLIN, Secretary of U.S. Department of Homeland Security;
Todd BLANCHE, Acting 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

I. INTRODUCTION

1. This Petition challenges the unlawful and arbitrary detention of Petitioner Mauricio Jimenez-Olan (A# [redacted] a citizen of Mexico, in violation of the Due Process Clause of the Fifth Amendment.

2. Petitioner has been continuously detained by the Department of Homeland Security ("DHS") since July 15, 2026, following an immigration enforcement encounter in Tacoma, Washington, in which immigration officers traveling in multiple vehicles stopped the vehicle Petitioner was driving and arrested him without any prior notice or opportunity to be heard. He is currently confined at the Northwest ICE Processing Center in Tacoma, Washington.

3. Petitioner was living in the community at the time of his arrest. He had been residing in the United States since on or about April 7, 2022, more than four years before his detention, and was not apprehended at or near the border.

4. Petitioner has no criminal history and poses no demonstrated danger to the community.

5. Petitioner is currently in removal proceedings before the Immigration Court in Tacoma, Washington, with a Master Calendar Hearing scheduled for August 17, 2026. He is not subject to any administratively final order of removal, and no appeal is pending before the Board of Immigration Appeals.

6. Despite detaining Petitioner, Respondents have not provided him with any individualized custody determination or bond hearing before a neutral decisionmaker at which the government must justify his continued detention based on flight risk or danger. The Master Calendar Hearing scheduled in Petitioner's removal proceedings is a hearing on removability and relief; it is not a custody hearing and will not determine whether Petitioner's continued detention is justified.

7. Critically, this case does not challenge the Government's authority to initiate removal proceedings or temporarily detain Petitioner following arrest. Rather, this case challenges Respondents' continued incarceration of Petitioner without any individualized custody

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process whatsoever. Since July 15, 2026, no neutral decisionmaker has determined whether Petitioner's detention is necessary, whether he poses any flight risk or danger, or whether less restrictive alternatives to detention would suffice. No constitutionally adequate custody determination has ever occurred.

8. The Constitution does not permit the government to maintain civil immigration detention without meaningful procedural safeguards. At a minimum, due process requires a prompt, individualized custody determination before a neutral decisionmaker at which the necessity of continued detention is assessed.

9. To the extent Respondents contend that Petitioner's detention is mandatory or otherwise exempt from review, such a position is inconsistent with the Due Process Clause. Civil immigration detention without a constitutionally adequate hearing violates due process regardless of the statutory label invoked.

10. This Court has repeatedly recognized that continued immigration detention without an individualized hearing violates due process. *See, e.g.*, *E.A.T.-B. v. Wamsley*, --- F. Supp. 3d ---, No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025).

11. Accordingly, Petitioner's continued detention without a constitutionally adequate custody determination violates due process, and this Court should grant the petition for a writ of habeas corpus and order his immediate release or, at a minimum, a prompt individualized bond hearing before an Immigration Judge within seven (7) days.

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II. PARTIES

12. Petitioner MAURICIO JIMENEZ-OLAN (A# [redacted]), is an adult citizen of Mexico, currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

13. 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.

14. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as his designees.

15. 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.

16. 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.

17. 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 Petitioner is detained. Mr. Scott has immediate physical custody of Petitioner.

III. JURISDICTION

18. 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).

19. 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).

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

IV. VENUE

21. Venue is appropriate in this District under 28 U.S.C. § 1391(e)(1) because Petitioner is detained within this District, Respondents perform their official duties within this District, and a substantial part of the events giving rise to this Petition occurred within this District, including Petitioner's apprehension and his continued detention in Tacoma, Washington.

V. FACTUAL BACKGROUND

22. Petitioner, MAURICIO JIMENEZ-OLAN (A# [redacted], is a citizen and national of Mexico.

23. Petitioner entered the United States without inspection on or about April 7, 2022. Since that time, he has resided continuously in the United States.

24. Petitioner is currently in removal proceedings before the Immigration Court in Tacoma, Washington, with a Master Calendar Hearing scheduled for August 17, 2026. He is not subject to any administratively final order of removal, and no appeal is pending before the Board of Immigration Appeals.

25. Petitioner has no criminal history and is not subject to any criminal sentence.

26. Nothing in Respondents' conduct or the circumstances of Petitioner's arrest suggests that he posed any public safety threat requiring immediate incarceration without individualized custody review.

27. On July 15, 2026, officers from Immigration and Customs Enforcement ("ICE"), traveling in multiple vehicles, stopped the vehicle Petitioner was driving in Tacoma, Washington. The officers opened the vehicle door, directed Petitioner to exit, placed him in restraints, and took him into custody. Petitioner was not presented with any judicial warrant, was given no notice, and was afforded no opportunity to be heard before he was taken into custody.

28. Since his detention on July 15, 2026, Respondents have not provided Petitioner with any bond hearing or other individualized custody review before a neutral Immigration Judge at which the necessity of his continued detention may be assessed based on flight risk or danger to the community.

29. At no point since Petitioner's arrest have Respondents identified any individualized finding that Petitioner poses a danger to the community or a flight risk requiring

continued incarceration. Nor have Respondents identified why less restrictive alternatives to detention would be insufficient.

30. Petitioner has therefore been continuously detained without any meaningful opportunity to challenge the necessity of his confinement, in violation of due process.

VI. MEMORANDUM OF LAW

Due Process Clause

31. 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 remains warranted based on flight risk or danger to the community.

32. 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 before a neutral decisionmaker. Because Petitioner was arrested inside the United States after residing in the community for more than four years, rather than being apprehended at or near the border, Respondents cannot constitutionally justify continued detention without individualized custody process. Respondents have detained Petitioner since July 15, 2026, without providing any bond hearing or other individualized custody review before a neutral decisionmaker. Such continued detention without individualized process violates due process.

33. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the core of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

34. 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). In the immigration custody context, this includes an individualized determination of whether detention is necessary based on flight risk or danger to the community.

35. Courts in this District, applying the framework set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), have repeatedly held that the Government may not maintain civil immigration detention without constitutionally adequate procedural safeguards. Those decisions arose in a different procedural posture from this case and are not offered as controlling authority on the statutory basis for Petitioner's detention. They confirm the substantial liberty interest implicated by civil immigration detention and the necessity of meaningful custody review before a neutral decisionmaker. *See E.A.T.-B. v. Wamsley*, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *Kumar v. Wamsley*, 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025).

36. The *Mathews* framework governs the procedural sufficiency of Petitioner's detention. It requires consideration of the private interest affected, the risk of erroneous deprivation under the procedures used and the probable value of additional safeguards, and the Government's interest, including the burden that additional procedures would impose.

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37. The *Mathews* balancing weighs strongly in Petitioner's favor. Petitioner's interest in physical liberty is profound. The risk of erroneous deprivation is categorical where no custody hearing or review before a neutral decisionmaker has occurred. By contrast, the Government faces minimal burden in providing a prompt individualized custody determination.

38. Those 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 before a neutral decisionmaker to challenge the necessity of his confinement.

39. Petitioner resided in the United States for more than four years before his arrest and was living in the community, rather than in custody, at the time immigration officers detained him. A noncitizen seized from within the interior of the United States, rather than at or near the border, is entitled to constitutionally adequate process before that established physical liberty is revoked through continued incarceration.

40. 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).

41. Nor does the relatively recent nature of Petitioner's detention diminish the Government's constitutional obligations. The constitutional defect here is not the duration of Petitioner's confinement, but the absence of any custody determination before a neutral

decisionmaker at any point since his arrest. No constitutionally adequate custody determination has ever occurred.

42. Accordingly, Petitioner's continued detention without an individualized custody determination before a neutral decisionmaker 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.

43. This Petition has been verified by counsel on behalf of Petitioner. *See* Verification.

VII. CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

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

45. 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 remains warranted.

46. Petitioner was arrested within the interior of the United States and is currently detained pursuant to ongoing removal proceedings. The Fifth Amendment requires constitutionally adequate custody procedures.

47. Respondents have detained Petitioner since July 15, 2026, without providing any bond hearing or other individualized custody review before a neutral Immigration Judge at which the necessity of his continued detention may be assessed based on flight risk or danger to the community.

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

VIII. IRREPARABLE INJURY

49. Petitioner is suffering ongoing irreparable injury as a result of his continued detention. He has been in immigration custody since July 15, 2026, without any meaningful opportunity to challenge the necessity of his confinement or to obtain a constitutionally adequate custody determination.

50. Continued detention substantially impairs Petitioner's ability to prepare for his pending removal proceedings, consult with counsel, and make informed legal decisions. Each day of detention without adequate process constitutes a continuing deprivation of liberty that cannot be remedied through monetary damages.

51. Continued physical detention without constitutionally adequate process is itself irreparable harm.

52. 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)).

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

(1) Assume jurisdiction over this matter.

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(2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody, or, in the alternative, ordering Respondents to provide Petitioner with a prompt individualized bond hearing before an Immigration Judge, at which the Immigration Judge shall determine whether Petitioner's continued detention is warranted based on flight risk or danger to the community and whether conditions of release would reasonably mitigate any identified risk, such hearing to be held within seven (7) days;

(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 31st day of July, 2026.

/s/ Jashan Multani
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