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

SAMUEL RAMIREZ VILLAGOMEZ,

Petitioner,

vs

JULIO HERNANDEZ, Seattle Acting Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement; **TODD LYONS,** Acting Director of 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; EXECUTIVE OFFICE OF IMMIGRATION REVIEW; BRUCE SCOTT**, Warden, Northwest ICE Processing Center;

Respondents.

Case No.: 2:26-cv-02730

Related Closed Case (Habeas): 2:26-cv-00188-TMC
Agency No.: [redacted]

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

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

INTRODUCTION

1. Petitioner entered without inspection ("EWI") on August 18, 2003, in Pima County, Arizona, as a six-year-old child, and was not apprehended upon arrival. He was granted DACA "status" on October 1, 2015, due to his youthful entry and continuous stay in the United States, and applied for such DACA renewal on December 12, 2025. On January 7, 2026, he completed his ASC biometrics at the USCIS Field Office Building. Exhibit B Petitioner's Immigration History.

2. He was apprehended illegally as an "incidental" in the apprehension of his relative at the O'Reilly Auto Parts store in SeaTac, WA, while replacing a brake light. Respondent's ICE agents tried to force him to sign the "voluntary departure" form, though he had been in the United States for 22 years since childhood. Video shows that he did not resist arrest.

3. He is married to a U.S. citizen and she has filed a I-130 petition for him on January 30, 2026. The petition still pends. Exhibit A He went through 4 years of apprentice school and is a certified sound technician and has filed taxes since 2016. He has deep and meaningful ties to Washington state. Yet the Department of Homeland Security ("DHS") has held Mr. Ramirez Villagomez in detention unlawfully since January 9, 2026. The Immigration Court, part of the Department of Justice (DOJ), has now once denied his request for release on bond or conditional parole. Both agencies have committed plain error in finding that Petitioner is ineligible for release on bond or conditional parole.

4. On information and belief, Petitioner was arrested and detained by Respondents without notice or cause. Respondents did so based not on Petitioner's personal circumstances

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

or individualized facts, but because of Respondents' interpretation of President Trump's order that they "to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History."[1] But Respondents' power to detain remains checked by law, as this country remains "a government of laws and not of men." *Cooper v. Aaron,* 358 U.S. 1, 23 (1958) (Frankfurter, J. Concurring) (cleaned up).

5. At first, DHS unlawfully held Petitioner in so-called "mandatory detention" as an "applicant for admission" under 8 U.S.C. § 1225(b). This was in spite of two class actions adjudging that type of custody to be unlawful for people like Petitioner. Petitioner was forced to file a petition for habeas corpus in this district court, which was granted on November 26, 2025. *Del Valle Castillo v. Wamsley,* 2:25-cv-02054-TMC (W.D. Wash. Nov. 26, 2025). The district court ordered that Petitioner was entitled to a hearing on his bond. *Id.*

6. On February 12, 2026, an Immigration Judge ("IJ") at the Tacoma Immigration Court held a hearing pursuant to the district court's order. After a brief hearing-of which no contemporaneous recording or transcript was made-the IJ issued a "no bond" order. In doing so, the IJ found that Petitioner was a danger to the community, and that there were no conditions, including the posting of bond, under which he could be released to mitigate *any* perceived danger.

7. But that order was the product of a constitutionally deficient hearing. Under the Due Process Clause of the Fifth Amendment, there are no circumstances in which the IJ could have plausibly established that Petitioner posed such an extreme danger that no amount of bond or set of conditions could possibly mitigate the risk. Further, the IJ failed to consider the factors

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

required to make a bond determination under the Immigration and Nationality Act ("INA") and agency decisions requiring at minimum "reasonable foundation" for a bond denial. *Matter of*

8. EOIR's own guidance requires that IJs review several factors in making bond determinations. *See Matter of Guerra,* 24 I. & N. Dec. at 38; *Matter of R-A-V-P-,* 27 I. & N. Dec. at 805. However, the IJ made no findings of fact and provided no legal reasoning to support the "no bond" order. Instead, the IJ merely checked boxes on a boilerplate order form that said "Danger to Community" and "OTHER: Conditional release is: Denied," thereby prolonging Petitioner's unlawful executive detention and subjecting him to de facto mandatory detention, contrary to this court's prior order.

9. With his bond request, Petitioner submitted a copy of his Mexican passport; his birth certificate; proof of his residence in Kent with his U.S. citizen wife, his US citizen sister-in-law, and his mother-in-law; proof of his employment and tax filings; his juvenile dismissal his statement on guilty plea, and judgment and sentence for an reckless driving (x2, his entire DACA renewal application, and letters of support from Petitioner's wife, sister-in-law, former classmates and instructors, co-workers, employers. pastor, and several other family and friends.

10. DHS submitted Form I-213 "Record of Deportable/Inadmissible Alien".

11. Petitioner appealed the bond denial in that the IJ did not allow him to explain (cut him off), his rehabilitation efforts to rebut any danger risk. Based on Petitioner's attorney's notes, the IJ appears to have relied on his dismissed juvenile to deny bond. The IJ does not appear to have considered the numerous letters of support that Petitioner provided, nor evidence of his family

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

ties, employment history, and compliance with the requirements of his criminal case. By focusing on juvenile conduct, the IJ does not appear to have considered Petitioner's history since he was 6 years old, and entirely failed to consider his rehabilitative efforts. *See,* Statement of Attorney Mark Nerheim.

12. Despite evidence thereof, the IJ also ignored Petitioner's pending renewed DACA application.

13. To restrain an individual's liberty, the Due Process Clause of the Fifth Amendment, the INA and agency rules all require the Government to do more than check boxes or justify detention after-the- fact. The Court should grant the petition and order Mr. Samuel Ramirez Villagomez's immediate release under reasonable conditions.

JURISDICTION

14. This action arises under the Constitution of the United States and the INA, 8 U.S.C. § 1101 et seq.

15. This court has subject matter jurisdiction and may grant relief under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, and Article I,§ 9, cl. 2 of the United States Constitution (Suspension Clause).

16. This Court has jurisdiction to review bond hearings for errors of law, including as to whether the IJ properly concluded someone is a flight risk or danger to the community. *Martinez v. Clark,* 124 F.4th 775, 783 (9th Cir. 2024).

17. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

REQUIREMENTS OF 28 U.S.C. § 2241, 2243

18. The Court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to the Respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed."

19. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. It has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

VENUE

20. Venue is proper because Petitioner is 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.

21. Venue is further appropriate under 28 U.S.C. § 1391(e)(l) because the Respondents live, work, and/or operate within this judicial district and because a substantial part of the events or omissions which gave rise to this petition occurred in this District.

PARTIES

22. Petitioner Samuel Ramirez Villagomez is a non-citizen who is currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

23. Respondent Julio Hernandez is the Acting Field Office Director for ICE's Seattle Field Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington; thus, Field Director Hernandez is a legal custodian of Petitioner.

24. 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.

25. 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 and is a legal custodian of Petitioner.

26. Respondent Todd Blanche, Acting Attorney General of the United States has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.

27. 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.

28. 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.

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

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

30. Respondent EOIR is the federal agency that has authority over the actions of the immigration court.

31. This action is commenced against all Respondents in their official capacities.

LEGAL FRAMEWORK

Detention Authority under the Immigration & Nationality Act 26

32. The Immigration and Nationality Act authorizes the DHS to detain noncitizens who are in removal proceedings. This case concerns the detention provision at 8 U.S.C. § 1226(a) and its implementing regulations.

33. To be constitutional, civil immigration detention must be non-punitive. *Zadvydas v. Davis,* 533 U.S. 678, 690-92 (2001). The government may not detain a noncitizen unless needed to prevent flight or danger to society. Id. Due process requires both that immigration detention be '"reasonabl[y] relat[ed]"' to its purposes of preventing flight and danger to the community, and that it be accompanied by adequate procedures to ensure those purposes are met. *Id.* at 690-91 (citation omitted) *accord Demore v. Kim,* 538 U.S. 510, 527 (2003).

34. In making release decisions under§ 1226(a), the regulations provide that a noncitizen must demonstrate he or she does not pose a danger to property or persons, and that he or she is "likely to appear for any future proceeding." 8 C.F.R. § 1236.l(c)(8); see also *Matter of Guerra,* 24 I. & N. Dec. 37, 38 (BIA 2006).

35. The Government must consider a range of evidence, some of which is objective, and some of which may require the Government to evaluate the credibility of the noncitizen and other witnesses. The factors the Government should consider are:

a) whether the noncitizen has a fixed address in the United States;

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

b) the noncitizen's length of residence in the United States;

c) the noncitizen's family ties in the United States, and whether they may entitle the noncitizen to reside permanently in the United States in the future;

d) the noncitizen's employment history;

e) the noncitizen's record of appearance in court;

f) the noncitizen's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses;

g) the noncitizen's history of immigration violations

h) any attempts by the noncitizen to flee prosecution or otherwise escape from authorities; and,

i) the noncitizen's manner of entry to the United States.

Matter of Guerra, 24 I&N Dec. at 38; *Matter of R-A-V-P-,* 27 I&N Dec. at 805.

36. For noncitizens who may present some level of flight risk, the Government must also consider the noncitizen's financial ability to pay a bond. *Hernandez v. Sessions,* 872 F.3d 976 (9th Cir. 2017). The Government should consider whether the noncitizen may be released on alternative conditions of supervision, alone or in combination with a lower bond amount, that are sufficient to mitigate flight risk. *Id.* at 986-87.

37. These factors all relate to the core inquiry in a custody determination proceeding before either DHS or EOIR. If the noncitizen is not a danger to the community, the DHS or EOIR must consider whether the noncitizen is a flight risk and, if so, what are the conditions of release that will best ensure the noncitizen will appear at future proceedings.

38. Because of the liberty interest, there are seldom circumstances where no combination of

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

conditions, including bond, could mitigate any risk. *See, e.g., Zadvydas v. Davis,* 533 U.S. 678,690 (2001) (recognizing the fundamental liberty interest at stake in civil detention); *Hernandez v. Sessions,* 872 F.3d 976, 994 (9th Cir. 2017) (requiring consideration of financial circumstances and alternative release conditions to ensure detention is not used when less restrictive means can satisfy the government's interest); *Singh v. Holder,* 638 F.3d 1196, 1203 (9th Cir. 2011) (requiring the government to prove by clear and convincing evidence that no conditions of release can reasonably assure future appearance).

Release/Custody Determinations by DHS & IJs

39. Individuals subject to the Government's § 1226(a) detention authority are entitled to a release determination made by DHS; if not released by DHS, they are also entitled to a custody redetermination made by an immigration judge. 8 C.F.R. § 1236.l(c)(8); 8 C.F.R. § 1236.l(d).

40. When purporting to assert initial detention over a noncitizen, DHS must make a custody (or release) determination. 8 C.F.R. § 1236.l(c)(8).

41. DHS documents its decision on ICE Form 1-286, Notice of Custody Determination.

42. DHS may release the noncitizen on their own recognizance. 8 U.S.C. § 1226(a)(2)(B) (referring to "conditional parole"); *Ortega-Cervantes v. Gonzales,* 501 F.3d 1111, 1115 (9th Cir. 2007) ("It is apparent that the INS used the phrase "release on recognizance" as another name for "conditional parole" under 1226(a)"); ICE Form I-220A Order of Release on Recognizance.2

43. DHS may also release the noncitizen on the posting of a bond of at least $1,500. 8 U.S.C. § 1226(a)(2)(A); 8 C.F.R. § 103.6; ICE Form I-352, Immigration Bond.3

44. Noncitizens are entitled to a meaningful opportunity to be heard on their custody status before DHS. 8 C.F.R. § 1236.l(c)(8). DHS is required to engage in a "deliberative process prior

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

to, or contemporaneous with, the initial decision to strip a person of the freedom that lies at the heart of the Due Process Clause." *Gonzalez v. Joyce,* 2025 WL 2961626, *5 (S.D.N.Y. 2025). "That the Government may believe it has a valid reason to detain [a noncitizen] does not eliminate its obligation to effectuate the detention in a manner that comports with due process." *E.A.T.-B. v. Wamsley,* 795 F.Supp.3d 1316, 1322 (W.D. Wash. 2025). The availability of custody redetermination proceedings by immigration judges does not relieve the DHS from their obligation to follow the law. Any suggestion that "government agents may sweep up any person they wish without consideration of dangerousness or flight risk, so long as the person will, at some unknown future date, be allowed to ask some other official for his or her release, offends the ordered system of liberty that is the pillar of the Fifth Amendment." *Gonzalez,* 2025 WL 2961626 at *5.

45. If DHS does not grant release, a noncitizen is entitled to a meaningful opportunity to be heard on their custody status before an immigration judge. Immigration judges may also grant bond in this custody redetermination hearing. 8 C.F.R. § 1236.l(d); *WT.M v. Bondi,* 2026 WL 262583, *1 (W.D. Wash. 2026); *Garcia v. Hyde,* -F.Supp.3d-, 2025 WL 3466312, *8-9 (D.R.I. 2025).

46. The custody decisions-and the proceedings in which those decisions are made before the DHS or EOIR-must be constitutionally adequate and comply with the statute and regulations. *WTM,* 2026 WL 262583 at *1; *Garcia,* 2025 WL 3466312, *8. For a noncitizen otherwise eligible for release under § 1226(a), custody proceedings and decisions may not be arbitrary, irrational, irrelevant or unreasonable. Custody proceedings and decisions must comport with the interest in being free from physical detention which is "most elemental of liberty interests." *Hamdi v. Rumsfeld,* 542 U.S. 507, 529 (2004).

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

47. Courts in this district and others have recently recognized "evidence that Immigration Judges across the country are systemically denying bond to alien detainees, regardless of the weight of the evidence." *Ortiz v. Henkey,* No. 1:26-cv-00043-BLW, at *10-11 (D. Idaho Apr. 7, 2026) *(Citing Chavez Ochoa v. Mason,* No. 2:26-CV-00130 at *2 n.4 (S.D.W. Va. Feb. 26, 2026) (noting "evidence that "immigration judges who provide neutral adjudications have been removed, and bond is systematically denied after a pro forma hearing with a predetermined outcome) and *Zheng v. Rokosky,* No. 26-cv-01689 at *5 (D.N.J. Mar. 23, 2026) (observing" "an established pattern of Respondents violating judicial orders")); *see also, Singh v. Valdez,* 26-cv-1109-WJM, * 10-11 (Col. Apr. 1, 2026)(the mounting evidence that bond determination hearings conducted in Immigration Court under§ 1226(a) have preordained outcomes has become impossible to ignore").4

FACTUAL BACKGROUND

Respondents' Detention and Deportation Policies

48. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including "Protecting the American People Against Invasion," an executive order (EO) setting out a series of interior immigration enforcement actions. Through this and other actions, the Trump administration has made sweeping changes to immigration enforcement policy, establishing a formal framework for mass deportation. The "Protecting the American People Against Invasion" EO instructs the DHS Secretary "to take all appropriate action to enable" ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

49. In late May, then-Secretary of DHS Kristi Noem and White House Deputy Chief of Staff Stephen Miller met with ICE leadership, setting a new arrest quota of 3,000 arrests per day and reportedly threatening job consequences if officials failed to meet arrest quotas.5

50. On May 28, Miller confirmed that "[u]nder President Trump's leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day."6

51. Following the directive from Noem and Miller, ICE agents were instructed in an e-mail to "tum the creativity knob up to" and aggressively "push the envelope" in arrests, including by pursuing "collaterals"-individuals who by definition would not have warrants.7 As another e-mail put it: "If it involves handcuffs on wrists, it's probably worth pursuing."8

52. The overriding message, communicated by and to Respondents, is that agents and officers carrying out immigration operations on the ground must prioritize arrest numbers, regardless of the law. As one ICE official put it earlier this year, all that matters is "numbers, pure numbers, [q]uantity over quality."9

53. The District Court for the District of Oregon recently found that DHS implemented these practices in Oregon. *M-J-M-A- v. Hermosillo,* 6:25-cv-02011-MTK, Dkt. 88 at 2 (D.Or. Feb. 27, 2026). The Court found that "[t]o serve the President's demands for 3,000 immigration arrests each day nationally", ICE officers deployed to Oregon communities and arrested an "extraordinary" number of Oregonians beginning in October 2025. *Id.* at 5.

Petitioner's Background

54. Petitioner is a 29 year-old non-citizen who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

(ICE).

55. Petitioner native and citizen of Mexico who has lived in the United States for over twenty-two years. He is married to a U.S. citizen, and she has filed a I-130 petition for him on January 30, 2026. The petition still pends. Exhibit A He went through 4 years of apprentice school and is a certified sound technician and has filed taxes since 2016.

56. Petitioner and his married family have made their home in Kent, Washington, for the past four years.

57. He went through 4 years of apprentice school and is a certified sound technician and has filed taxes since 2016. He has deep and meaningful ties to Washington state. He has a wide network of support, with letter of support from Petitioner's wife, sister-in-law, but also former classmates, co-workers, employers. pastor, and several other family and friends. Exhibit C.

58. He presented the statement on guilty plea, and judgment and sentence for the two reckless driving. He also presented his juvenile dismissal.

59. He was granted DACA "status" on October 1, 2015, due to his youthful entry and continuous stay in the United States, and applied for such DACA renewal on December 12, 2025. On January 7, 2026, he completed his ASC biometrics at the USCIS Field Office Building. The DACA renewal was just denied, but not because of the crimes, which were attached to the renewal application, but only because he was in removal proceedings. Exhibit B Petitioner's Immigration History.

Petitioner's Arrest

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

60. He was apprehended illegally as an "incidental" in the apprehension of his relative at the O'Reilly Auto Parts store in SeaTac, WA, while replacing a brake light, on January 9, 2026. Respondent's ICE agents tried to force him to sign the "voluntary departure" form, though he had been in the United States for 22 years since childhood. Video shows that he did not resist arrest.

Petitioner's Prior Habeas Proceedings

61. Beginning in July 2025, Respondent DHS adopted a policy of mandatory detention which courts have found directly at odds with the INA. *Maldonado-Bautista v. Santacruz,* -F.Supp.3d-, 2025 WL 3713987 *12 (C.D. Cal. 12/28/2025).

62. This policy was later adopted by EOIR in *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025), and subsequently deemed unlawful. *Rodriguez Vasquez v. Bondi,* 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Maldonado-Bautista v. Santacruz,* -F.Supp. 3d-, 2026 WL 468284, *10 (C.D. Cal. Feb. 18, 2026).

63. Upon Petitioner's arrest, DHS failed to conduct a meaningful, individualized custody determination as required by 8 U.S.C. § 1226(a) and§ 8 C.F.R. § 1236.l(c)(8).

64. DHS classified Petitioner as subject to mandatory detention under 8 U.S.C. § 1225(b)(2), asserting that he is an "applicant for admission" not entitled to release on bond. Based on this determination, he was detained without an individualized custody hearing.

65. On January 26, 2026, Petitioner filed a petition for writ of habeas corpus in federal district court arguing that his detention violated the U.S. Constitution and the INA, and that he was entitled to a bond hearing under 8 U.S.C. § 1226(a) as a member of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock,* 779 F. Supp. 3d 1239 (W.D. Wash. 2025 and

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). *Del Valle Castillo, et al, v. Wansley* 2:25-cv-02054, (W.D. Wash. 2025). In response, the government maintained that his detention was authorized under§ 1225(b)(2) as a noncitizen seeking admission to the United States.

66. On February 4, 2026, U.S. District Judge Tiffany M. Cartwright granted Petitioner's petition for writ of habeas corpus and ordered that he be provided a bond hearing pursuant to 8 U.S.C. § 1226(a). *Id.*

67. The Court found that Petitioner's mandatory detention violated the INA. *Id.* at *10, 15.

68. The Court ordered Respondents to provide Petitioner a bond hearing under 8 U.S.C. § 1226(a) within fourteen days.

Petitioner's Post-Habeas IJ Custody Proceeding & Agency Decision

69. DHS, a respondent in this habeas action, did not make an initial custody determination under 8 U.S.C. § 1226(a) as required by regulation. 8 C.F.R. § 1236.l(c)(S).

70. Instead, on February 12, 2026,, Petitioner received a bond hearing before IJ John Odell at the Tacoma Immigration Court. He was represented by Mark Nerheim.

71. At the bond hearing, the IJ denied bond and ordered that Petitioner remain detained, concluding that Petitioner had not established that he is not a danger to the community.

72. The record established the following uncontested facts: Mr. Samuel Ramirez Villagomez has a fixed address in the United States; he has resided in Washington state for more than 22 years since his entry at age 6; his DACA status since age 18, and proof of the latest renewal application, still pending; he has strong family ties here including a U.S. citizen spouse who filed an I-130 petition for him; he has been employed for years, having gone through a 4 year

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

apprenticeship program for 4 years; he may be eligible for relief that would entitle him to remain in the United States permanently, but eligible the immigrant visa processing, if even removed, though "waivers" (I-212 and I-601) would need to be obtained for any removal if he wishes to be able to return to the US before the required 10 year bar based on being unlawful in the US beyond the 183 days he had when he was granted DACA (accrued upon leaving the US); he has strong ties to his community; he consistently pays taxes as required; and he has never attempted to flee prosecution or escape from authorities (video evidence of the immigration arrest); balanced against the his dismissed juvenile arrest, and his statement on guilty plea, and judgment and sentence for an reckless driving (x2). his entire DACA renewal application.

73. DHS did not contest the above evidence or facts. At the conclusion of the hearing, the Immigration Judge issued the following written decision:

74. Order:[...] [X] ORDERED that the request for a change in custody status be denied. No bond.

[X] Danger to Community

[X] OTHER: Conditional release is: denied

75. The written decision is the only contemporaneous record of the agency action because there is no recording or transcript of the hearing.

Petitioner's Continued Detention and the Futility of the Administrative Appeal

76. The Board of Immigration Appeals (BIA) is an administrative body within the Executive Office for Immigration Review, a Justice Department component. 8 C.F.R. § 1003.l(d)(l).

77. The BIA adjudicates administrative appeals of lmmigration Judge bond decisions. 8 C.F.R. § 1236.l(d)(3).

78. The BIA process is long, and the lengthy delays in adjudication often moot pending bond

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

appeals before they are adjudicated.

79. In 2024, EOIR data showed an average processing time of 204 days for bond appeals. *Rodriguez v. Bostock,* 802 F. Supp. 3d 1297, 1307 (W.D. Wash. 2025). Between 2015 and 2024, bond appeal cases took a year or longer to resolve. *Id.* During the time it takes the BIA to resolve the bond appeal, most detainees' claims are mooted by adjudications in their removal proceedings. Id. Petitioner just had his hearing where his asylum application (I-589) and his cancellation of removal application (EOIR42B) relief were denied. The two reckless driving convictions were cited to deny the discretion needed for both of the reliefs to be granted.

80. All immigration courts, including the immigration court that heard Petitioner's habeas-ordered bond hearing, are "equipped with recording devices and routinely record merits hearings." Singh, 638 F.3d at 1209.

81. However, as a matter of policy, "[b]ond hearings are seldom recorded and are not routinely transcribed." BIA Practice Manual, Chap. 6.3(b)(2) (updated February 10, 2026, 2022).

82. There is irreparable harm caused by Petitioner's unnecessary detention..

ADMINISTRATIVE EXHAUSTION

83. In the habeas context, exhaustion "is a prudential rather than jurisdictional requirement." *Singh v. Holder,* 638 F.3d 1196, 1203 n.3 (9th Cir. 2011). Courts may waive prudential exhaustion in light of factors including when "pursuit of administrative remedies would be a futile gesture, [or] irreparable injury will result". *Laing v. Ashcroft,* 370 F.3d 994, 1000 (9th Cir. 2004); *Hernandez v. Sessions,* 872 F.3d 976, 988 (9th Cir. 2017).

IRREPARABLE INJURY

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

84. Petitioner himself has suffered irreparable injury as a result of his detention. He has lost seven months of work, and seven months of helping his U.S. citizen wife and his family, and expended significant financial and emotional resources fighting his illegal mandatory detention and now the fallout from an unconstitutional bond hearing. His physical liberty continues to be restrained, in jail-like conditions, and no just cause for doing so can be specified.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Procedural Due Process Failure by DHS to conduct individualized determination (against Respondents Hermosillo, DRS, Lyons)

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

86. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas,* 533 U.S. at 693.

87. Due process requires that government action be rational and non-arbitrary. *See US. v. Trimble,* 487 F.3d 752, 757 (9th Cir. 2007).

88. While the government has discretion to detain individuals under 8 U.S.C. § 1226(a), this discretion is not "unlimited" and must comport with constitutional due process. *See Zadvydas,* 533 U.S. at 698. 93. Under the Due Process Clause, immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore,* 538 U.S. at

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

527 (quoting *Zadvydas*, 533 U.S. at 690).

89. Petitioner's detention does not bear a "reasonable relation" to either preventing flight risk or preventing danger to the community.

90. Respondents' failure to conduct an individualized custody determination and provide an opportunity for Petitioner to be heard in that process prior to or contemporaneous with Petitioner's detention violates his due process rights.

COUNT TWO

Violation of Fifth Amendment Right to Procedural Due Process Failure by Immigration Court to conduct fair custody redetermination (against Respondents EOIR, Blanche)

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

92. "Freedom from imprisonment-from government custody, detention or other forms of physical restraint-lies at the heart of the liberty that [Due Process] Clause protects." *Zadvydas*, 533 U.S. at 690.

93. Under the Due Process Clause immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore*, 538 U.S. at 527 *(quoting Zadvydas*, 533 U.S. at 690).

94. Petitioner's detention does not bear a "reasonable relation" to either preventing flight risk or preventing danger to the community.

95. The Immigration Judge's failure to provide a basis for his conclusion of "no bond"-a de facto order of mandatory detention-violates Petitioner's due process rights. There are no circumstances in which the IJ could plausibly establish that the Petitioner posed a flight risk. The IJ only provided a reasoned decision in a post hoc fashion, weeks after he ordered no bond and

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

relying heavily on facts that were not in evidence at the time of the bond decision.

96. Moreover, as applied to the facts here, Petitioner was entitled as a matter of due process, to a contemporaneous recording or transcript of the bond proceedings. The Respondents have previously been found to have violated his constitutional and statutory rights by unlawfully depriving him of an individualized release decision. Accordingly, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT THREE

Violation of the Immigration and Nationality Act and Bond Regulations Unlawful Denial of Release on Bond (Against all Respondents)

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

98. Section 1226(a) is the statutory authority for detaining Petitioner "pending a decision on whether he is to be removed from the United States." It affords him a right to a fair, individualized bond hearing. *Jennings v. Rodriguez,* 583 U.S. 281,287 (2018); *Matter of Guerra,* 24 I&N Dec. 37 (BIA 2006).

99. DHS has failed entirely to provide a reasoned basis for the exercise of its detention authority.

100. The Immigration Judge failed to provide any facts or probative and reasonable basis for this "no bond" determination.

101. Respondents have violated §1226(a) and its implementing regulations by detaining Petitioner since his arrest without providing him a fair, individualized release determination that the statute and regulations mandate.

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court grant the following:

a) Assume jurisdiction over this matter;

b) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;

c) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, the INA, and the implementing regulations;

d) Declare that Respondent EOIR violated Petitioner's constitutional and statutory rights by failing to record the bond hearing and failing to provide any contemporaneous decision explaining the results;

e) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

f) In the alternative, issue an order compelling Respondent DHS to provide Petitioner an individualized determination-and a meaningful opportunity to be heard in the determination process-of his eligibility for release within three days;

g) In the alternative, conduct a hearing before this Court to determine whether Petitioner presents a flight risk or danger that justifies continued detention;

h) Order Respondents, upon Petitioner's release, to promptly return all personal property; including personal identification documents (other than a passport) and employment authorization documents;

i) Award Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and

Law Offices of Bart Klein
#500, 605 First Avenue
Seattle, WA 98104
(206)755-5651cell/624-3787off/238-9975fax

j) Grant any other and further relief as the Court deems just and proper.

Dated this 2nd day of August, 2026.

Respectfully submitted,
LAW OFFICES OF BART KLEIN
s/ Bart Klein
Bart Klein, Attorney for Petitioner, WSBA #10909
605 First Avenue, Suite 500
Seattle, WA 98104
(206)755-5651cell
(206) 624-3787off
(206) 238-9975fax
bart.klein@bartklein.com

VERIFICATION

On behalf of Mr. Samuel Ramirez Villagomez, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and pleadings. Mr. Ramirez Villagomez has not verified the petition himself because he is currently detained at the Northwest Immigrant ICE Processing Center. But he verified the draft, and this final version only corrected the typos.

/s/ Bart Klein, 08/02/2026
Bart Klein, WSBA#10909
Attorney for Petitioner

I verified, under penalty of perjury, the facts contained in the 07/18/26 draft Petition for Writ of Habeas Corpus of this filing.
/s/Samuel Ramirez Villagomez, 07/18/2026
Samuel Ramirez Villagomez, Petitioner

CERTIFICATE OF SERVICE

I, Bart Klein, certify that pursuant to GO 10-25, an automatic email USAWAW.ImmigrationHabeasService@usdoj.gov is issued to serve the following parties:

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

and which by operation of law serves also:

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

I further certify that immediately after filing, copy of the documents will be emailed from counsel's office (with the Court Case Number **and full #A listed**) to this same USAWAW.ImmigrationHabeasService@usdoj.gov

I, Bart Klein, further certify that the filed hard copy of the documents will be sent via certified mail to the individuals listed below to Fed. R. Civ. P. 4:

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

August 2, 2026

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