

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Petrona TOMAS MANUEL, Eduard Isai
MARTINEZ GAMEZ, Martha Dalila
ESCORCIA PINEDA, Maria Luisa CHOCLLO
RAMOS, and Carlos Fabian NAVARRETE
ACOSTA,

Petitioners,

v.

Laura HERMOSILLO, Seattle Acting Field
Office Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement (ICE); Bruce SCOTT,
Warden, Northwest ICE Processing Center;
Kristi NOEM, Secretary, United States
Department of Homeland Security; Pamela
BONDI, U.S. Attorney General; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY,

Respondents.

Case No. 2:25-cv-2353

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioners Petrona Tomas Manuel, Eduard Isai Martinez Gamez, Martha Dalila Escorcia Pineda, Maria Luisa Choclo Ramos, and Carlos Fabian Navarrete Acosta. All five Petitioners are currently in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC).

2. Each of the five Petitioners were apprehended shortly after entering the United States and thereafter released from immigration custody for the purpose of continuing their removal proceedings. In the subsequent years since their releases, Petitioners fulfilled their conditions of release, reunited with family members residing in the community, attended removal proceedings, raised children, received employment authorization, and built lives in the United States. None have criminal records in the United States or any other country.

3. Despite Petitioners' compliance while released, including attending their court hearings in their removal proceedings, each was abruptly and unlawfully re-detained by the Department of Homeland Security (DHS) between October and November of 2025.

4. Prior to re-detaining each of the Petitioners, Respondents did not provide any written notice explaining the basis for the revocation of their releases. Likewise, Respondents did not assess whether Petitioners presented a flight risk or danger to the community prior to their re-arrests. Nor did Respondents provide a hearing before a neutral decisionmaker, where ICE was required to justify the basis for re-detention or to explain why each Petitioner is now a flight risk or danger to the community.

5. As this Court has recently held in multiple cases, due process demands a hearing *prior* to the government's decision to terminate a person's liberty. *See, e.g., E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug.

19, 2025); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *2–4 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4 (W.D. Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13; *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025). Many other courts have recently held the same.

6. By failing to provide such a hearing, Respondents have violated Petitioners’ constitutional rights to due process.

7. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and order Petitioners’ immediate release. *See E.A. T.-B.*, 2025 WL 2402130, at *6 (ordering immediate release 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”); *Ramirez Tesara*, 2025 WL 2637663, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (similar); *Y.M.M.*, 2025 WL 3101782, at *2–3 (similar).

JURISDICTION

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

9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

(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”).

PARTIES

15. Petitioner Petrona Tomas Manuel is an eighteen-year-old citizen of Guatemala. She is detained at the NWIPC.

16. Petitioner Eduard Isai Martinez Gamez is a nineteen-year-old citizen of Honduras. He is detained at the NWIPC.

17. Petitioner Martha Dalila Escorcía Pineda is an adult citizen of Nicaragua. She is detained at the NWIPC.

18. Petitioner Maria Luisa Choclo Ramos is an adult citizen of Bolivia. She is detained at the NWIPC.

19. Petitioner Carlos Fabian Navarrete Acosta is an adult citizen of Colombia. He is detained at the NWIPC.

20. Respondent Laura Hermosillo 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 charged with being removable from the United States. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Hermosillo is a legal custodian of Petitioners and is sued in her official capacity.

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

22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority over Petitioners and is sued in her official capacity.

23. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice. She is sued in her official capacity.

24. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE.

FACTUAL BACKGROUND

Petitioner Petrona Tomas Manuel

25. Petitioner Petrona Tomas Manuel entered the United States on or around March 16, 2024. *See* Decl. of Petrona Tomas Manuel ¶ 2. She was apprehended and taken into government custody as an Unaccompanied Child. *See id.*; Ex. A.¹ That same day, she was released to live with her father in Oregon. Ex. A.

26. Ms. Tomas moved to Hillsboro, Oregon, where she and her father received home visits (welfare checks) with a government official. *See* Tomas Decl. ¶ 3. Ms. Tomas was scheduled to attend her first court hearing on March 5, 2026 in the Portland Immigration Court. *Id.* ¶ 4; *see also* Ex. B.

27. In the meantime, Ms. Tomas and her father settled into a routine. *See* Tomas Decl. ¶ 6. On days when her father had work, he usually dropped her off at an aunt's house before

¹ All exhibit citations are to the authenticating declaration of Sydney Maltese filed contemporaneously with this petition.

1 driving to his job. *Id.* She spent such days attending English classes at the library and going out
2 to eat with her aunt. *Id.*

3 28. On October 28, 2025, Ms. Tomas and her father were driving to her aunt's house
4 when immigration officers stopped their car. *Id.* ¶¶ 6–7. After they complied with instructions to
5 step out of the car, the immigration officers placed chains on both Ms. Tomas and her father. *Id.*
6 ¶ 7. Despite being informed that Ms. Tomas was an unaccompanied child, the officers chained
7 her around her hands and ankles. *Id.* She was transported in these chains and eventually taken to
8 the NWIPC in Tacoma, Washington. *See id.* ¶¶ 8–9. Her father is now detained in a detention
9 center in Louisiana. *Id.* ¶ 9.

10 29. Ms. Tomas has no criminal history in the United States or any other country. *Id.*
11 ¶ 8. Since being re-detained, she has been separated from both her father and supportive family
12 in Oregon. *Id.* ¶¶ 9–11.

13 30. Prior to Ms. Tomas' arrest on October 28, 2025, she did not receive written notice
14 of the reason for her re-detention.

15 31. Prior to Ms. Tomas' arrest, ICE did not assess whether she presented a flight risk
16 or danger to the community.

17 32. Prior to Ms. Tomas' arrest, she was not afforded a hearing before a neutral
18 decisionmaker to determine if her re-detention was justified.

19 **Petitioner Eduard Isai Martinez Gamez**

20 33. Petitioner Eduard Isai Martinez Gamez entered the United States on or around
21 June 22, 2023. *See Decl. of Eduard Isai Martinez Gamez* ¶ 2. Upon his entry, he was
22 apprehended by U.S. Border Patrol. *Id.* He was designated as an Unaccompanied Child and
23

1 thereafter placed into government custody. *See id.*; Ex. C On July 2, 2023, he was released to
2 live with his brother in Seattle, Washington. Ex. C at 4.

3 34. At the time of his release, Mr. Martinez was given a Notice to Appear in
4 immigration court. Martinez Decl. ¶ 3. By March 2024, he received a new Notice to Appear,
5 directing his appearance at the Seattle Immigration Court on April 2, 2026. *Id.*; Ex. D. In June
6 2024, Mr. Martinez received a notice changing his initial court date to December 5, 2025.
7 Martinez Decl. ¶ 3; Ex. E. He obtained an attorney and began preparing an application for
8 Special Immigrant Juvenile classification. Martinez Decl. ¶ 3.

9 35. On October 28, 2025, Mr. Martinez was asleep in his home when he woke to the
10 sound of law enforcement officers outside his home around 5:00 AM. *Id.* ¶ 4. The officers sought
11 Mr. Martinez's brother and his brother's girlfriend by name. *Id.* Once both had exited the house,
12 the officers directed all other residents of the house to also exit with their hands up. *Id.* Mr.
13 Martinez complied and came out of the house to see his brother and his brother's girlfriend being
14 arrested and driven away. *Id.*

15 36. The officers then handcuffed Mr. Martinez as well. *Id.* Although he explained that
16 he had entered as an unaccompanied minor, none of the officers would tell him the reason for his
17 sudden arrest. *Id.* He was subsequently transported to a location in downtown Seattle and then
18 Tukwila. *Id.* ¶ 5. At both locations, officers refused to inform Mr. Martinez of the reason for his
19 arrest. *Id.* In Tukwila, where the officers finally identified themselves as ICE, Mr. Martinez
20 asked to speak with his immigration lawyer. *Id.* The ICE officers denied this request. *Id.* He was
21 taken to the NWIPC, where he remains detained. *Id.* ¶ 8 His initial court date has been changed
22 to December 12, 2025, in the Tacoma immigration court. *Id.* ¶ 3 Ex. F.

1 37. Mr. Martinez has never committed a crime in the United States or any other
2 country. Martinez Decl. ¶ 6. To his knowledge, he was complying with all the steps of his
3 immigration process at the time of his re-detention. *Id.* ¶ 3. As a result of his detention, he has
4 been separated from family support in Auburn, Washington and has had difficulty accessing the
5 assistance of his immigration counsel. *Id.* ¶ 9.

6 38. Prior to Mr. Martinez's arrest on October 28, 2025, he did not receive written
7 notice of the reason for his re-detention. Although after his re-detention, he was given some
8 papers at the Tukwila office, these papers were never translated into Spanish for him. *Id.* ¶ 7. He
9 believes the papers related only to his subsequent transfer to the immigration detention center in
10 Tacoma. *See id.*

11 39. Prior to Mr. Martinez's arrest, ICE did not assess whether he presented a flight
12 risk or danger to the community.

13 40. Prior to Mr. Martinez's arrest, he was not afforded a hearing before a neutral
14 decisionmaker to determine if his re-detention is justified.

15 **Petitioner Martha Dalila Escorcía Pineda**

16 41. Petitioner Martha Dalila Escorcía Pineda entered the United States on or around
17 August 6, 2021. Decl. of Martha Dalila Escorcía Pineda ¶ 2. Following an interview regarding
18 her fear of political persecution in Nicaragua, she was given a future court date in October 2021
19 in Miami, Florida and released from detention. *Id.*

20 42. On the date of her first hearing in early October 2021, Ms. Escorcía presented
21 herself at the Miami Immigration Court but was turned away at the entrance. *Id.* ¶ 3. She was
22 informed that due to the COVID-19 pandemic, the only individuals allowed inside were those
23 with supervision requirements. *Id.* She was provided with an email address to contact ICE, Ex.

1 G, and told to send an email explaining that she went to court but did not have a hearing,
2 Escorcia Decl. ¶ 3. She complied with these instructions but never received any email reply. *Id.*

3 43. Ms. Escorcia moved to Washington State around July 2023 and subsequently
4 went to the Tukwila ICE office to register her change of address. *Id.* ¶ 4. She was given annual
5 ICE check-ins every October. *Id.* She attended three such appointments at the ICE Tukwila
6 office in October 2023, October 2024, and October 2025. *Id.* These were all the check-in
7 requirements she was aware of, and she was not notified of any others during her check-ins. *See*
8 *id.*

9 44. Ms. Escorcia submitted her asylum application, which was received by the U.S.
10 Citizenship and Immigration Services (USCIS) in September 2023, *see id.* ¶ 5; Ex. H, attended a
11 biometrics appointment in October 2023, *see* Escorcia Decl. ¶ 5; Ex. I, and received her work
12 permit in April 2024, Escorcia Decl. ¶ 5; *see also* Ex. J (reflecting that Ms. Escorcia's
13 application for employment authorization was approved in March 2024).

14 45. To Ms. Escorcia's knowledge, she never received another court date. *See* Escorcia
15 Decl. ¶ 6. Although she repeatedly checked the EOIR Automated Case Information System
16 website, it never showed a court date for her. *Id.*

17 46. While waiting for USCIS to process her asylum case, Ms. Escorcia built a life for
18 herself in the United States. *Id.* ¶ 7. She found employment with the Compass Group in Bothell,
19 earned money to support her sick child and ailing grandfather in Nicaragua, and tried to follow
20 all the laws, including filing her tax return this year. *Id.*; *see also* Ex. K.

21 47. On October 3, 2025, Ms. Escorcia attended her annual ICE check-in at the
22 Tukwila office. Escorcia Decl. ¶ 8. To her shock, the officer informed her that she would be
23 detained because the president had changed the law: according to the officer, she "was 'under

1 credible fear’ and that ‘credible fear was cancelled.’” *Id.* She was taken to the NWIPC in
2 Tacoma, where she remains detained. *Id.* ¶ 9.

3 48. Immigration officials have told her that her asylum application was “never
4 registered,” and have reportedly referred her for a credible fear interview. *Id.* ¶¶ 11–12.

5 49. A “credible fear interview” is an interview that is conducted with noncitizens who
6 are placed in expedited removal proceedings under 8 U.S.C. § 1225(b)(1) and express a fear of
7 return to their home country. *See* 8 U.S.C. § 1225(b)(1)(A), (B).

8 50. On information and belief, Respondents have purported to subject Ms. Escorcía to
9 expedited removal proceedings under § 1225(b)(1). However, the statute may only be applied to
10 either someone who “is arriving” or “who has not been admitted or paroled into the United
11 States” *and* who has resided in the United States for less than two years. *Id.* § 1225(b)(1)(A)(i),
12 (iii); *see also* 8 C.F.R. § 235.3(b)(1). At the time of her re-arrest, Ms. Escorcía had been living in
13 the United States for four years.

14 51. Prior to Ms. Escorcía’s check-in on October 3, 2025, she did not receive written
15 notice of the reason for her re-detention.

16 52. Prior to Ms. Escorcía’s re-arrest, ICE did not assess whether she presented a flight
17 risk or danger to the community.

18 53. Prior to Ms. Escorcía’s re-arrest, she never received a hearing before a neutral
19 decisionmaker to determine if her re-detention is justified.

20 **Petitioner Maria Luisa Choclo Ramos**

21 54. Petitioner Maria Luisa Choclo Ramos entered the United States around
22 December 26, 2023 to seek asylum. Decl. of Maria Luisa Choclo Ramos ¶¶ 1–2. She was
23

1 released from immigration custody on her own recognizance about a week later and given an
2 immigration court hearing date of June 25, 2024. *Id.* ¶ 2; Exs. L & M.

3 55. Ms. Choclo attended that court hearing and was set for a second hearing. Choclo
4 Decl. ¶ 2.

5 56. She subsequently moved from the Washington, D.C., area to Yakima,
6 Washington State. *Id.* ¶ 3. After her move, she went to the ICE office in Yakima to report her
7 change of address, but the officers there told her they could not help her until she changed her
8 address with the immigration court first. *Id.* The officers also told her to check in with the
9 Intensive Supervision Appearance Program (ISAP) as soon as possible, which she did upon
10 leaving the ICE office. *Id.* The ISAP officials also said she needed to change her address with the
11 immigration court, and placed a wrist monitoring device on her, telling her that it would be
12 removed only once she updated her address with the court. *Id.* She was required to have the
13 device on her at all times and submit a photo of herself whenever she received a notification. *Id.*

14 57. Ms. Choclo successfully submitted a change of address form with the
15 immigration court and her next hearing was scheduled for June 14, 2028, with the Seattle
16 Immigration Court. *Id.*

17 58. In December 2024, Ms. Choclo filed a pro se asylum application with the Seattle
18 Immigration Court. *Id.*

19 59. Following the transfer, ISAP removed the wrist monitoring device, *id.*, and told
20 Ms. Choclo to check in and take a photo of herself on a phone application whenever she
21 received a notification with this instruction, *id.* ¶ 4. Aware of the importance of checking in as
22 required, Ms. Choclo was “vigilant” about complying with the notifications whenever she
23 received them, both via the wrist device and on her phone. *Id.* ¶ 5.

1 60. Ms. Choclo also had various check ins via phone, video call, ISAP office visits,
2 and home visits. *Id.* ¶ 6. The first time she had a home visit, the officer arrived very early in the
3 morning, without advance notice. *Id.* Even though she spoke to the officer and answered all his
4 questions, he told her she had “missed” her home check-in because she had taken too long to
5 answer the door (she had asked for a few minutes to get ready). *Id.* At her ISAP check-in about
6 three weeks later, concerned by what the officer had told her during the home visit, Ms. Choclo
7 asked whether she was still in compliance and was told by the officer that there were no issues.
8 *Id.* ¶ 7.

9 61. There were a few instances when Ms. Choclo affirmatively went to the ISAP
10 office to check in when she “received the check-in link on [her] phone later than normal.” *Id.*
11 “Each time” she was reassured by an ISAP official that she was fine. *Id.*

12 62. About a week and half before her re-detention, Ms. Choclo was unable to submit
13 her photo on time because she received the check-in link later than usual. *Id.* ¶ 8. Worried, she
14 went to the ISAP office to explain the situation, and the woman there “assured” her that they had
15 received her photo and there were no issues. *Id.* She “explained that their system had been down
16 and that other people had also had issues with the application.” *Id.*

17 63. When Ms. Choclo signed into the application to submit her photo the following
18 week, she noticed that her future appointments had changed from ISAP to ICE. *Id.* She was not
19 alarmed by that change because she saw several future check-in dates on the application,
20 including a photo check-in on November 19 and an ICE check-in on November 21, and assumed
21 the authorities were simply making a change to her monitoring plan. *Id.* ¶ 9. That day, she was
22 unable to submit her photo that day because of a problem with the photo submission button, and
23 she again went to the ISAP office to ask for guidance. *Id.* ¶ 8.

1 64. The woman at the ISAP office stated there were some changes to her monitoring
2 requirements. *Id.* ¶ 9. She informed Ms. Choclo that she did not need to submit weekly photos,
3 but monthly ones, and that she would need to answer some questions on the application and use a
4 different button to submit her photos. *Id.* The woman confirmed the dates of Ms. Choclo’s
5 future appointments, including her ICE check-in on November 21. *Id.*

6 65. Nervous about that upcoming check-in, Ms. Choclo went to the ICE office a
7 month early—on October 20, 2025—to “confirm that [she] was doing things correctly” and
8 “ensure [she] was in compliance with the immigration requirements.” *Id.* ¶ 10. The officers took
9 her passport and instructed her to wait. *Id.* An officer then detained her and only permitted her to
10 make one phone call. *Id.* The officers did not speak Spanish and Ms. Choclo could not
11 understand much of what they were saying. *Id.* She was never told the reason for her re-
12 detention. *Id.*

13 66. She was subsequently transferred to the NWIPC, and her hearing was rescheduled
14 to December 3, 2025 in the Tacoma Immigration Court. *Id.* ¶ 11.

15 67. Ms. Choclo was taken by surprise. *Id.* She has no criminal history, either in the
16 United States or anywhere in the world. *Id.* ¶ 11.

17 68. Being detained has taken a toll on her emotional and physical health. *Id.* ¶ 12.
18 Since her release, she has built a trusted community of friends who have provided her with
19 valuable support. *Id.* ¶ 13. Additionally, she suffers from digestive and stomach pain issues,
20 which have only grown worse since she has been detained. *Id.* ¶ 12. She has suffered from
21 bleeding and severe pain, as well as hair loss. *Id.* She has sought medical treatment but has not
22 been afforded meaningful treatment to deal with these ailments. *Id.*

69. Prior to Ms. Choclo's re-arrest on October 20, 2025, she did not receive written notice of the reason for her re-detention.

70. Prior to Ms. Choclo's re-arrest, ICE did not assess whether she presented a flight risk or danger to the community.

71. Prior to Ms. Choclo's re-arrest, she never received a hearing before a neutral decisionmaker to determine if her re-detention is justified.

Petitioner Carlos Fabian Navarrete Acosta

72. Petitioner Carlos Fabian Navarrete Acosta entered the United States with his pregnant partner and their child on or around January 9, 2024. Decl. of Carlos Fabian Navarrete Acosta ¶ 2. That same day, the family turned themselves in to DHS to seek asylum, were given a future court date of August 27, 2024 in Portland, Oregon, and released on their own recognizance. *Id.*; Exs. N & O.

73. As instructed upon his release, Mr. Navarrete attended his ICE check-in at the Portland office on March 11, 2024. *See* Navarrete Decl. ¶ 5; Ex. N at 3.

74. He likewise attended his first master calendar hearing in immigration court on August 27, 2024, Navarrete Decl. ¶ 3; *see also* Ex. P, and submitted his Form I-589, Application for Asylum on October 17, 2024, Navarrete Decl. ¶ 4; Ex. Q. He subsequently received his work permit in May 2025. Navarrete Decl. ¶ 4. At his second master calendar hearing on May 29, 2025, the immigration judge informed Mr. Navarrete that there would not be any future hearings and he would receive further instructions by mail. Navarrete Decl. ¶ 3. He updated his address with the court that same day. *See* Ex. R.

75. In total, Mr. Navarrete attended three ICE check-ins and provided his fingerprints at the most recent one on September 22, 2025. Navarrete Decl. ¶ 5. At that last check-in, ICE scheduled another appointment in 2026. *See id.*

76. On November 4, 2025, Mr. Navarrete was stopped while driving in Beaverton, Oregon and re-arrested by immigration officers. *See id.* The officers did not appear to stop him for any traffic infraction. *See id.* The only reason which officers provided for his re-detention was that he “wasn’t in the country legally.” *Id.* Mr. Navarrete was eventually taken to the NWIPC in Tacoma, Washington, where he remains detained. *Id.* ¶ 7.

77. Mr. Navarrete remains confused about the reason for his detention. *Id.* He has no criminal history and had submitted his application for asylum before the Portland Immigration Court. *Id.*; Ex. Q. He is a father and provider for his family, with a partner and two minor children who depend on him for support. *Id.* ¶ 8. Following his release in January 2024, Mr. Navarrete reunited with close family in Oregon, including his brother and his aunt. *See id.* ¶¶ 2, 8. Now re-detained, he does not know how his family will afford their rent in his absence. *Id.* ¶ 8.

78. Prior to Mr. Navarrete’s re-arrest on November 4, 2025, he did not receive written notice of the reason for his re-detention.

79. Prior to Mr. Navarrete’s re-arrest, ICE did not assess whether he presented a flight risk or danger to the community.

80. Prior to Mr. Navarrete’s re-arrest, he never received a hearing before a neutral decisionmaker to determine if his re-detention is justified.

LEGAL FRAMEWORK

Due Process Principles

1 81. Due process requires that if DHS seeks to re-arrest a person like Ms. Tomas, Mr.
2 Martinez, Ms. Escorcia, Ms. Choclo, or Mr. Navarrete—individuals who were released and
3 given upcoming court dates, have lived in the United States without incident after their initial
4 release, and have otherwise complied with the terms of their release—the government must
5 afford a hearing before a neutral decisionmaker to determine whether any re-detention is justified
6 because the person is a flight risk or danger to the community.

7 82. “Freedom from imprisonment—from government custody, detention, or other
8 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
9 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the
10 most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *see*
11 *also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally
12 strong interest in freedom from physical confinement”).

13 83. Consistent with this principle, individuals released on parole or other forms of
14 conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408
15 U.S. 471, 482 (1972).

16 84. Such liberty is protected by the Fifth Amendment because, “although
17 indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to
18 be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the
19 [released individual] and often on others.” *Id.*

20 85. To protect against arbitrary re-detention and to ensure the right to liberty, due
21 process requires “adequate procedural protections” that test whether the government’s asserted
22 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
23 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

1 86. Due process thus guarantees notice and an individualized hearing before a neutral
2 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
3 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
4 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation
5 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to
6 determine whether there is probable cause or reasonable ground to believe that the arrested
7 parolee has committed . . . a violation of parole conditions” and that such determination be made
8 “by someone not directly involved in the case” (citation modified)).

9 87. Several courts, including this one, have recognized that these principles apply
10 with respect to the re-detention of the many noncitizens that DHS has arbitrarily begun taking
11 back into custody, often after such persons have been released for months and years.

12 88. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
13 319 (1976), framework to hold that even in a case where the government asserted that mandatory
14 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court
15 did the same in *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL
16 2637663, at *2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574,
17 at *7–8.

18 89. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
19 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL
20 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation
21 modified). The Court further explained that even if detention was mandatory, the risk of
22 erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure
23 that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.*

1 at *4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens
2 previously released without a hearing is low: although it would have required the expenditure of
3 finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations
4 before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous
5 deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the
6 petitioner’s immediate release. *Id.* at *6.

7 90. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court
8 reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full
9 protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of
10 additional safeguards, the Court also noted that despite the government’s allegations of ISAP
11 violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner
12 does not eliminate its obligation to effectuate the detention in a manner that comports with due
13 process.’” *Id.* at *4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). Finally, the Court reasoned
14 that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly,
15 there too, the Court ordered the petitioner’s immediate release. *Id.* at *5.

16 91. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again
17 holding that all three factors weighed in favor of affording the petitioner a bond hearing. 2025
18 WL 2677089, at *3–4; 2025 WL 2841574, at *7–9; *see also* Report & Recommendation, *Lopez*
19 *Reyes*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13 (same).

20 92. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma*
21 *Gonzalez* are consistent with many other district court decisions addressing similar situations.
22 *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18,
23 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v.*

1 *Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24,
 2 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal.
 3 Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068
 4 (E.D. Cal. Aug. 21, 2025) (similar).

5 93. The same framework and principles apply here and compel all five Petitioners'
 6 immediate release.

7 **CLAIM FOR RELIEF**
 8 **Violation of Fifth Amendment Right to Due Process**
 9 **Procedural Due Process**

9 94. Petitioners restate and reallege all the prior paragraphs as if fully set forth herein.

10 95. Due process does not permit the government to re-detain Petitioners and strip
 11 them of their liberty without written notice and a pre-deprivation hearing before a neutral
 12 decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See*
 13 *Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur *prior* to any re-
 14 detention.

15 96. Respondents revoked Petitioners' releases and deprived them of liberty without
 16 providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker
 17 prior to their re-detention.

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

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioners respectfully request that this Court:

22 (1) Assume jurisdiction over this matter;
 23

- (2) Issue an Order to Show Cause ordering Respondents to show cause within seven days as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering that they not transfer Petitioners out of this district during the pendency of the court's adjudication of this petition, or, alternatively, provide Petitioners and their habeas counsel with advance notice of any transfer or removal;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioners from custody immediately and permanently enjoining their re-detention during the pendency of their removal proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that each Petitioner is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Declare that the re-detention of Petitioners while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (5) Award Petitioners attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Dated: November 21, 2025.

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