

District Judge Tana Lin
Magistrate Judge Michelle L. Peterson

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

Petrona TOMAS MANUEL et al.,

Petitioners,

v.

Laura HERMOSILLO et al.,

Respondents.

Case No. 2:25-cv-2353-TL-MLP

**PETITIONERS' TRAVERSE AND
RESPONSE TO RESPONDENTS'
RETURN MEMORANDUM**

Note on Motion Calendar:
December 6, 2025

INTRODUCTION

Respondents' return and accompanying evidence pertaining to each Petitioner demonstrate that "the main facts in this case are undisputed." Dkt. 14 at 2. Each Petitioner was re-arrested without Respondents first providing notice and a hearing before a neutral decisionmaker where ICE demonstrated by clear and convincing evidence that Petitioners were re-detained because they are now a flight risk or danger to the community. *Compare* Dkt. 14 at 1–2, 6–7, with Dkt. 1 ¶¶ 4, 30–32, 38–40, 51–53, 69–71, 78–80. Further, Respondents' legal arguments are in turn irrelevant, contrary to this Court's recent rulings, or otherwise unavailing.

1 Because due process demands that Respondents afford Petitioners meaningful process
2 *before* re-detention, this Court should grant this habeas petition and order immediate release.

3 RELEVANT FACTUAL DEVELOPMENTS

4 Since the filing of this petition, Petitioner Martha Choclo Ramos has accepted voluntary
5 departure to end her detention. *See* Ng Decl., Ex. A; Dkt. 6 ¶ 12 (Ms. Choclo’s declaration
6 detailing her deteriorating “mental, physical and emotional health” in the face of
7 “overwhelming” detention conditions and lack of “any meaningful care” from staff at the
8 facility). Accordingly, Ms. Choclo now withdraws her claim and does not seek relief.

9 ARGUMENT

10 As an initial matter, Respondents’ assertion that there was not “sufficient time” to
11 “provide individual factual analyses for each Petitioner,” Dkt. 14 at 2, is belied by Respondents’
12 own submission, which includes documents that establish the critical facts all Petitioners have in
13 common. *See* Dkt. 15 at 4–15 (Petitioner Tomas); *id.* at 16–25 (Petitioner Martinez); *id.* at 26–38
14 (Petitioner Escorcía); *id.* at 50–60 (Petitioner Navarrete); *see also id.* at 39–49 (Ms. Choclo).
15 The Court should thus reject any suggestion that Respondents are prejudiced by the expedited
16 briefing schedule order by this Court.¹

17 Respondents fail to meaningfully contest Petitioners’ entitlement to relief. First,
18 Respondents’ focus on ICE’s statutory detention authority, Dkt. 14 at 5, is irrelevant to the issue
19

20 ¹ This is particularly so considering the nature of Petitioners’ claim that due process
21 requires a pre-deprivation hearing *before* their re-detention. *See, e.g.,* Order Granting Petition for
22 Writ of Habeas Corpus, *Ramirez Tesara v. Wamsley*, No. 2:25-cv-01723-KKE-TLF, 2025 WL
23 3288295 at *5 (W.D. Wash. Nov. 25, 2025) (stating that “factual disputes” as to any alleged
violations of initial release conditions “should be resolved at a pre-deprivation hearing, rather
than resolved after the fact by this Court”); *P.T. v. Hermosillo*, No. 2:25-cv-02249-KKE, 2025
WL 3294988, at *3 (W.D. Wash. Nov. 26, 2025) (“[A]ny factual dispute about the validity of the
[alleged] violations should have been resolved at a pre-deprivation hearing.”).

1 before this Court. In fact, in granting a similar re-detention habeas petition, the Court recently
 2 emphasized this exact point:

3 To the extent that the Government’s briefing suggests that Section 1225(b) should
 4 be the beginning and end of the Court’s inquiry, this position is emphatically
 5 rejected. In determining the lawfulness of Petitioner’s detention, the Court will
 focus not on the Government’s claimed authority to detain, but the process by
 which Petitioner was detained.

6 *P.T.*, 2025 WL 3294988, at *2 n.1;² *see also, e.g., Francois v. Wamsely*, No. C25-2122-RSM-
 7 GJL, 2025 WL 3063251, at *3 (W.D. Wash. Nov. 3, 2025) (“Any argument that ICE acted
 8 within its authority has no affect [sic] on a claim contending that detention violates
 9 Constitutional Due Process.” (citation omitted)).

10 Second, Respondents’ assertion that “[t]here is no statutory or regulatory requirement for
 11 a hearing before an individual in removal proceedings is redetained,” Dkt. 14 at 6, is similarly
 12 unavailing. As Respondents “acknowledge,” Dkt. 14 at 7, this Court and others around the
 13 country have repeatedly held such a pre-deprivation hearing is required by the U.S. Constitution.
 14 *E.g., P.T.*, 2025 WL 3294988, at *4 (granting habeas petition, ruling that “absent notice and an
 15 opportunity to be heard, “[p]etitioner’s re-detention does not comport with due process,” and
 16 granting immediate release); *Ramirez Tesara*, 2025 WL 3288295 (same); *Y.M.M. v. Wamsley*,
 17 No. 2:25-CV-02075, 2025 WL 3101782-TMC (W.D. Wash. Nov. 6, 2025) (same); *Ledesma*
 18 *Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *9 (W.D. Wash.

20 ² Although not necessary to decide the merits of this petition, it is worth noting that the
 21 court also rejected the application of 8 U.S.C. § 1225(b) to a petitioner who was similarly
 22 apprehended after entering without inspection, released on his own recognizance to continue his
 23 removal proceedings, and subsequently re-detained. *See P.T.*, 2025 WL 3294988, at *2 n.1
 (“Although the Government asserts that Petitioner falls within the mandatory detention scheme
 under 8 U.S.C. § 1225(b) simply because he has not been ‘admitted’ to the United States, this
 Court joins others in rejecting an expansion of the scope of this scheme to include Petitioner.”
 (citation modified). The same logic holds here.

Oct. 7, 2025) (same); *E.A. T.-B. v. Wamsley*, No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025) (same); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *3 (W.D. Wash. Sept. 17, 2025) (granting TRO and ordering immediate release due to lack of pre-deprivation hearing); *Francois*, 2025 WL 3063251 (same); *Hernandez v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *8 (E.D. Cal. Aug. 21, 2025) (same); *Duong v. Kaiser*, No. 25-CV-07598-JST, 2025 WL 2689266, at *7 (N.D. Cal. Sept. 19, 2025) (granting preliminary injunction and ordering that petitioner not be re-detained without a pre-deprivation hearing before a neutral immigration judge where the government must demonstrate by clear and convincing evidence that she is a flight risk or danger); *Garro Pinchi v. Noem*, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (same).

Respondents offer no valid basis for “disagree[ing] with these decisions.” Dkt. 14 at 7.

Lastly, Respondents do not contest that the *Mathews* test is appropriate here and simply assert that noncitizens’ liberty interests are less than those of U.S. citizens. *See id.* (recognizing Petitioners’ “weighty liberty interests” (citation omitted)). However, this comparison “does not negate Petitioner[s]’ liberty interest” in avoiding arbitrary re-detention. *Kumar*, 2025 WL 2677089, at *3. It is undisputed that Respondents previously released Petitioners from immigration custody, that Petitioners participated in their immigration proceedings as instructed, and that thereafter Respondents took Petitioners into immigration custody without notice and a hearing prior to their re-detention. Accordingly, the three *Mathews* factors weigh in favor of affording Petitioners notice and a hearing prior to any re-detention. *See* Dkt. 1 ¶¶ 81–93. Because Respondents’ manner of re-detaining Petitioners did not comport with procedural due process, Petitioners have been unlawfully detained since their re-detentions in October and November 2025. They accordingly request that the Court grant this petition.

CONCLUSION

Respondents' return and supporting documents do not contest the material facts nor pose new legal arguments that undermine this Court's recent rulings in similar habeas cases. As each of the *Mathews* factors favor Petitioners, the Court should grant their habeas petition for immediate release, and order that Respondents not re-detain Petitioners "until after an immigration court hearing is held (with adequate notice) to determine whether detention is appropriate." *E.A. T.-B.*, 2025 WL 2402130, at *6.

Respectfully submitted this 3rd day of December, 2025.

s/ Matt Adams

Matt Adams, WSBA No. 28287

matt@nwirp.org

s/ Leila Kang

Leila Kang, WSBA No. 48048

leila@nwirp.org

s/ Glenda M. Aldana Madrid

Glenda M. Aldana Madrid,

WSBA No. 46987

glenda@nwirp.org

s/ Aaron Korthuis

Aaron Korthuis, WSBA No. 53974

aaron@nwirp.org

s/ Amanda Ng

Amanda Ng, WSBA No. 57181

amanda@nwirp.org

NORTHWEST IMMIGRANT RIGHTS
PROJECT

615 Second Ave., Suite 400

Seattle, WA 98104

(206) 957-8611

Counsel for Petitioners

WORD COUNT CERTIFICATION

I, Amanda Ng, certify that this traverse contains 1,159 words, in compliance with the Local Civil Rules.

s/ Amanda Ng

Amanda Ng, WSBA No. 57181

Northwest Immigrant Rights Project

615 Second Ave., Ste 400

Seattle, WA 98104

(206) 816-3897

amanda@nwirp.org