

**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

**EX PARTE MOTION TO ISSUE  
ORDER TO SHOW CAUSE AND  
EXPEDITED BRIEFING  
SCHEDULE**

Note on Motion Calendar:  
November 21, 2025

**INTRODUCTION**

Petitioners Petrona Tomas, Eduard Martinez, Martha Escorcía, Maria Choclo, and Carlos Navarrete are noncitizens who were re-arrested by Immigration and Customs Enforcement (ICE) without a pre-deprivation hearing or any prior notice. The law makes clear that Petitioners should not be detained. Individuals released on parole or other forms of conditional release have a “continued liberty” interest. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). As this Court has repeatedly held, due process requires that for people like Petitioners Tomas, Martinez, Escorcía, Choclo, and Navarrete—individuals who have lived in the United States without incident after release from immigration custody, submitted applications for protection from removal, and

1 otherwise complied with the terms of their release—prior to re-detention, Respondents must  
2 afford a hearing before a neutral decisionmaker where ICE is required to justify the revocation of  
3 release and show that Petitioners now constitute a flight risk or danger to the community. *See*,  
4 *e.g.*, *E.A. T.-B. v. Wamsley*, No. C25-1192-KKE, 2025 WL 2402130, at \*2–6 (W.D. Wash. Aug.  
5 19, 2025); *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at  
6 \*2–4 (W.D. Wash. Sept. 12, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025  
7 WL 2677089, at \*2–4 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-  
8 CV-01404-JNW-GJL, 2025 WL 2841574, at \*7–9 (W.D. Wash. Oct. 7, 2025); Report &  
9 Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct. 15,  
10 2025), Dkt. 13; *Y.M.M. v. Wamsley*, No. 2:25-cv-02075-TMC, 2025 WL 3101782, at \*2 (W.D.  
11 Wash. Nov. 6, 2025). No such process was provided here, and thus Petitioners’ immediate  
12 release is warranted.

13       Accordingly, Petitioners respectfully request that the Court immediately issue an order to  
14 show cause that ensures prompt resolution of this matter. Notably, the Court has issued similar  
15 orders to show cause in recent weeks. *See, e.g.*, Order, *Lopez Reyes*, No. 2:25-cv-01868-JLR-  
16 MLP (W.D. Wash. Oct. 1, 2025), Dkt. 5 (requiring return to petition within six days); Order,  
17 *Y.M.M.*, No. 2:25-cv-02075-TMC (W. D. Wash. Oct. 28, 2025), Dkt. 8 (requiring return within  
18 seven days); Order, *Guzman Alfaro v. Bostock*, No. 2:25-cv-01706-TMC (W.D. Wash. Sept. 16,  
19 2025) (same); Order, *Francois v. Wamsley*, No. 2:25-cv-02122-RSM-GJL (W.D. Wash. Nov. 3,  
20 2025) (requiring return within ten days); Order, *Scott v. Wamsley*, No. 2:25-cv-01819-TMC-  
21 BAT (W.D. Wash. Sept. 22, 2025), Dkt. 9 (same); Order, *Toktosunov v. Wamsley*, No. 2:25-cv-  
22 01724-TL (W.D. Wash. Sept. 9, 2025), Dkt. 6 (same). It should do the same here.

## FACTUAL BACKGROUND

Petitioners Tomas and Martinez, who entered as unaccompanied minors, were each permitted to reunite and live with close family members in the community. Both were living with family, complying with conditions of release, and planning to attend their upcoming immigration court dates. In Mr. Martinez's case, he had retained immigration counsel and was preparing an application for Special Immigrant Juvenile Status. Against this backdrop, both Ms. Tomas and Mr. Martinez were abruptly arrested by immigration authorities on October 28, 2025. *See* Dkt. 1 ¶¶ 25–40. Ms. Tomas, who was arbitrarily arrested alongside her father while on their way to her aunt's house, is now detained at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington. She is separated from her father, who is now detained in Louisiana, and family, who live in Oregon. She faces removal proceedings before the immigration court in Tacoma, Washington. *See* Dkt. 1 ¶¶ 28–29. Mr. Martinez was similarly unexpectedly arrested after law enforcement officers went to his home to arrest his brother. When Mr. Martinez asked to speak to his immigration attorney, the officials refused this request. He is likewise now detained at the NWIPC and awaiting a hearing on December 12, 2025 before the Tacoma Immigration Court. *See* Dkt. 1 ¶¶ 35–37.

Ms. Escorcia entered the United States in August 2021 and was released from immigration detention with an immigration court hearing date after passing a fear interview. At her first hearing in October 2021, she was not permitted to go into court, presumably because of restrictions concerning the COVID-19 pandemic, and instructed to email ICE instead. She emailed ICE but never received a response. She also never received a new immigration court hearing notice. In July 2023, she moved to Washington State and presented herself to ICE in Tukwila, Washington, to register her changed address. Ms. Escorcia submitted an asylum

1 application to U.S. Citizenship and Immigration Services in September 2023 and received work  
2 authorization in April 2024. She had been complying with the yearly check-ins ICE had imposed  
3 on her when she was unexpectedly arrested at her third check-in on October 3, 2025. According  
4 to the ICE officer, he was arresting her because the president had changed the law. Ms. Escorcía  
5 is now detained at the NWIPC, and DHS asserts that she must attend a credible fear interview in  
6 order to continue pursuing her application for protection from deportation. *See* Dkt. 1 ¶¶ 41–51.

7 Ms. Choclo entered the United States in December 2023 to seek asylum and was  
8 released from immigration custody with a hearing notice for June 2024. She attended her  
9 hearing, successfully moved her case to the Seattle Immigration Court, submitted a *pro se*  
10 asylum application, was awaiting her scheduled June 2028 hearing date, and was diligently and  
11 proactively complying with her check-in reporting requirements when she was re-detained  
12 without notice on October 20, 2025. She had gone to the ICE office that day, unscheduled, out of  
13 an abundance of caution to confirm that she was complying with everything as required. She was  
14 transferred to the NWIPC—away from the supportive community she had found for herself—  
15 where her next hearing has been set for December 3, 2025. *See* Dkt. 1 ¶¶ 52–69.

16 Finally, Mr. Navarrete entered the country seeking asylum on January 2024 and was  
17 released with a hearing in August 2024 in the Portland Immigration Court. He attended his  
18 immigration court hearings, submitted an asylum application in October 2024, and received a  
19 work permit in May 2025. He had been complying with his ICE check-ins—the most recent on  
20 September 22, 2025, where he had been given a check-in date for a year later—when he was  
21 arrested by immigration officers who pulled him over on November 4, 2025. Mr. Navarrete was  
22 transferred to the NWIPC, torn from his partner, their two minor children, and other close family  
23 in Oregon. His case has been transferred to the Tacoma Immigration Court. *See* Dkt. 1 ¶¶ 70–78.

## ARGUMENT

This case is a habeas petition challenging executive detention under 28 U.S.C. § 2241. As the Supreme Court has explained, the habeas statute provides “a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds*, *Wainwright v. Sykes*, 433 U.S. 72 (1977). Given its purpose, “[t]he application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also, e.g., Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (“[R]emedy by petition for writ of habeas corpus . . . is a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination.”).

Congress’s intent to provide an expeditious remedy is reflected in 28 U.S.C. § 2243. Under that statute, “[a] court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted.” 28 U.S.C. § 2243. The custodian must file a return “within three days [of the OSC] unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added). Consistent with these expeditious procedures, the statute further requires a hearing “not more than five days after the return,” unless good cause is established. *Id.* These requirements ensure that courts “summarily hear and determine the facts, and dispose of the matter as law and justice require.” *Id.*

In the Court’s orders on similar requests, it has noted that the “Rules Governing Section 2254 Cases in the United States District Courts” supersede 28 U.S.C. § 2243, and that those rules allow for “a response [that] is due within the period of time fixed by the court.” *Guzman Alfaro*,

1 No. 2:25-cv-01706-TMC (W.D. Wash. Sept. 16, 2025), Dkt. 11 at 2 (citation modified). But  
2 even if that is so, as the Court has recognized in these orders, expeditious processing of a petition  
3 for writ of habeas corpus is still warranted. In a typical § 2241 habeas petition, the Court issues  
4 an OSC several days or even weeks after the petition is filed. That OSC normally requires a  
5 return within thirty days, rather than the three days presumptively established by statute. Then, at  
6 the time the return is filed, the government files a return and motion to dismiss, which is noted  
7 for twenty-eight days later, as required by LCR 7(d)(4). Once briefing on the motion is complete,  
8 the petitions are first considered by a magistrate judge, who issues a report and recommendation  
9 (R&R) and provides another fourteen days for objections, and another fourteen days for  
10 responses to those objections. As a result, even assuming that an OSC is issued the same day a  
11 petition is filed (which does not typically happen) and a magistrate judge issues an R&R the  
12 same day as the noting date on the government's motion to dismiss, it takes at least three months  
13 for a district judge to first consider a petitioner's habeas petition. It is precisely this type of  
14 "comparatively cumbersome and time consuming procedure of reference, report, and hearing  
15 upon [a] report" that the Supreme Court has criticized as a means to decide habeas petitions,  
16 emphasizing the "more expeditious method . . . prescribed by the statute." *Holiday v. Johnston*,  
17 313 U.S. 342, 353 (1941).

18       Petitioners also respectfully submit that Congress did not intend for the § 2254 Rules to  
19 supersede the rules for § 2241 in most cases. Cases that proceed under § 2254 and § 2255 differ  
20 dramatically from those filed under § 2241. In § 2254 and § 2255 cases, a person has already  
21 proceeded through the criminal process, protected by the rights of the Fourth, Fifth, Sixth, and  
22 Seventh Amendments. Often, they have appealed their cases to higher courts. In short, by  
23 definition, such cases have already received extensive oversight by state or federal judges. That

1 is not true in most § 2241 immigration habeas cases. In these cases, typically it is only a  
 2 “government enforcement agent” who has made any decision about the propriety of detention,  
 3 *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971), a far cry from the hearing before a  
 4 neutral decisionmaker that due process typically requires, *see, e.g., Shadwick v. City of Tampa*,  
 5 407 U.S. 345, 350 (1972) (“Whatever else neutrality and detachment might entail, it is clear that  
 6 they require severance and disengagement from activities of law enforcement.”); *see also*  
 7 *Gerstein v. Pugh*, 420 U.S. 103, 112–13 (1975) (similar). This backdrop is important to  
 8 understanding the need for an expedited order to show cause. Such expeditious treatment of  
 9 habeas petitions reflects what Congress intended in § 2243, and is consistent with the Supreme  
 10 Court’s and Ninth Circuit’s repeated affirmances that cases like this one should receive timely  
 11 determinations.

## 12 CONCLUSION

13 In light of Petitioners’ strong claims for release, the statutory requirements for habeas  
 14 proceedings, and the caselaw cited above, Petitioners respectfully request that the Court issue an  
 15 order to show cause which orders the following:

- 16 (1) Respondents’ return, including any arguments for dismissal: due seven days from  
 17 issuance of the order to show cause;
- 18 (2) Petitioners’ traverse and response: due four days from the filing of the return;
- 19 (3) Petitioners also request that the Court order Respondents not to transfer any of them  
 20 from this district while it considers this petition, so as to not impede their access to  
 21 counsel while pursuing their claims; or in the alternative, Respondents must provide  
 22 Petitioners and their habeas counsel at least 48 hours’ notice (or 72 hours’ notice if  
 23 the period will include a weekend or holiday) prior to any action to transfer them

from the NWIPC. *See* Order, *Y.M.M.*, No. 2:25-cv-02075-TMC (W.D. Wash. Oct. 28, 2025), Dkt. 8 at 2 (ordering same notice of transfer as requested here).

Respectfully submitted this 21st day of November, 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 motion contains 2,064 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