

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

Giny FRANCOIS, Hector Moises DAVILA
ZURITA, Jean Carlos PINTO BAUTISTA,

Petitioners,

v.

Cammilla WAMSLEY, Seattle 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-2122

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioners Giny Francois, Hector Moises Davila Zurita, and Jean Carlos Pinto Bautista. All three Petitioners are currently in the physical custody of Respondents at the Northwest Immigration and Customs Enforcement (ICE) Processing Center (NWIPC).

2. Each of the three Petitioners were apprehended shortly after entering the United States and thereafter released for the purpose of continuing their removal proceedings. In the subsequent years and months since their releases, each had timely filed for asylum, fulfilled the conditions of release as set by Immigration and Customs Enforcement (ICE), attended removal proceedings, and received employment authorization. None have criminal records in the United States or any other country.

3. Despite Petitioners' compliance while released, including court attendance in removal proceedings, each was abruptly and unlawfully re-detained by the Department of Homeland Security (DHS) between May and October 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 Mr. Francois, Mr. Davila Zurita, and Mr. Pinto Bautista are 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.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug. 19, 2025);

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

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

9 7. Accordingly, this Court should grant the instant petition for a writ of habeas
10 corpus and order Petitioners’ immediate release. *See E.A. T.-B.* 2025 WL 2402130, at *6
11 (ordering immediate release because “a post-deprivation hearing cannot serve as an adequate
12 procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of
13 liberty”); *Ramirez Tesara*, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar);
14 *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (similar).

15 JURISDICTION

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

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

21 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
22 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.
23 § 1651.

VENUE

11. Venue is proper because all three Petitioners are 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.

12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless Petitioners are 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.” *Id.*

14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The 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 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 Giny Francois is an adult citizen of Haiti. He is detained at the NWIPC.

16. Petitioner Hector Moises Davila Zurita is an adult citizen of Venezuela. He is detained at the NWIPC.

17. Petitioner Jean Carlos Pinto Bautista is an adult citizen of Venezuela. He is detained at the NWIPC.

18. Respondent Cammilla Wamsley is the 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 Wamsley is a legal custodian of Petitioners and is sued in her official capacity.

19. 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.

20. 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.

21. 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.

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

FACTUAL BACKGROUND

1 **Petitioner Giny Francois**

2 23. Petitioner Giny Francois entered the United States on or around August 7, 2024
3 and was apprehended by U.S. Customs and Border Patrol (CBP). That same day, he was granted
4 humanitarian parole, issued an I-94, and released from detention. Francois Decl. ¶¶ 1–2; Ng
5 Decl., Ex. A.

6 24. Concurrently, Mr. Francois was issued a Notice to Appear in the Seattle
7 Immigration Court on May 28, 2025. Ng Decl., Ex. B. To his knowledge and belief, he was
8 scheduled for court in Seattle simply because his friend, with whom he had entered the United
9 States, was intending to live in Washington State. Francois Decl. ¶ 2. Following his release, Mr.
10 Francois moved to live with a friend in Gainesville, Georgia. *Id.* ¶¶ 2–3.

11 25. As a recipient of humanitarian parole, Mr. Francois was granted employment
12 authorization. *Id.* ¶ 3. He worked at a meat factory and began to save money. *Id.* ¶ 3.

13 26. Mr. Francois filed his asylum application in January of 2025, ahead of the one-
14 year deadline from his date of entry. *See id.* ¶¶ 1, 3.

15 27. Following unsuccessful attempts to move his immigration court case to Georgia,
16 where Mr. Francois was residing with support from his community, he flew to Washington State
17 in order to be present for his removal proceedings. *Id.* ¶ 4.

18 28. On May 28, 2025, Mr. Francois attended his first hearing before an immigration
19 judge (IJ) in Seattle. *Id.* ¶¶ 4–5. At that hearing, and acting on a motion from DHS, the IJ
20 dismissed Mr. Francois’s removal proceedings over his objections. *Id.* ¶ 5; Ng Decl., Ex. C.

21 29. Mr. Francois was arrested by DHS in the hallway immediately outside the
22 immigration courtroom. Francois Decl. ¶ 6. He was transported to the NWIPC. *Id.*

1 30. Mr. Francois has no criminal record in the United States or any other country. *Id.*
2 ¶ 9.

3 31. Moreover, since arriving in the United States, Mr. Francois has built a strong
4 network of support where he resides in Georgia. *Id.* ¶¶ 2, 11. He has close friends from his
5 church, the Bethel Baptist Church, as well as a cousin in Florida. *Id.* In addition, he was regularly
6 receiving medical treatment in Georgia for head injuries from a bullet wound sustained prior to
7 fleeing his country of Haiti. *Id.* ¶ 10.

8 32. Mr. Francois's appeal of the IJ's order dismissing his removal proceedings was
9 timely filed to the Board of Immigration Appeals (BIA) on June 26, 2025 and remains pending
10 as of this petition. *Id.* ¶ 7; Ng Decl., Ex. D.

11 33. Prior to Mr. Francois's re-arrest, Mr. Francois did not receive written notice of the
12 reason for his re-detention.

13 34. Prior to Mr. Francois's re-arrest, ICE did not assess whether Mr. Francois
14 presented a flight risk or danger to the community, or whether his re-arrest was justified for some
15 other reason.

16 35. Prior to Mr. Francois's re-arrest, Mr. Francois was not afforded a hearing before a
17 neutral decisionmaker to determine if his re-detention is justified.

18 **Petitioner Hector Moises Davila Zurita**

19 36. Petitioner Hector Moises Davila Zurita entered the United States on or around
20 September 7, 2023. *See* Davila Zurita Decl. (Davila Decl.) ¶ 2; Ng Decl., Ex. E. After passing a
21 Credible Fear Interview (CFI), Davila Zurita Decl. ¶ 2, on October 11, 2023, he was issued a
22 Notice to Appear in the Seattle Immigration Court on April 29, 2027, Ng Decl., Ex. E.
23

1 37. On October 17, 2023, Mr. Davila Zurita was granted parole and released from
2 detention with instructions to regularly report to ICE through the pendency of his immigration
3 court case. Ng Decl., Ex. F; Davila Decl. ¶ 2.

4 38. Mr. Davila Zurita moved to Yakima, Washington and complied with every
5 requirement of his release to the best of his knowledge. *Id.* ¶¶ 2–3. He submitted weekly photos
6 via the Intensive Supervision Appearance Program (ISAP) application on his phone, completed
7 monthly video calls, met with ICE at his residence for home visits, and attended all in-person
8 ICE check-in appointments. *Id.* ¶ 3.

9 39. Mr. Davila Zurita filed his asylum application on May 12, 2024 and later received
10 employment authorization. *Id.* ¶ 4. He began working as a delivery driver for services such as
11 Door Dash, in order to save money to hire an attorney for his asylum process. *Id.*

12 40. Once Mr. Davila Zurita received his work permit, ICE reduced the frequency of
13 his required calls and visits. *Id.* He continued submitting weekly photos of himself every
14 Tuesday via the ISAP phone application. *Id.*

15 41. In September of 2025, Mr. Davila Zurita received a call from ICE. *Id.* ¶ 5. He was
16 informed that he needed to attend a check-in at the office in Yakima. *Id.* Given the choice of
17 Wednesday or Friday, Mr. Davila Zurita selected Wednesday and went in the morning because
18 he was anxious to complete the requirement. *Id.*

19 42. On September 17, 2025, Mr. Davila Zurita presented himself at the ICE office in
20 Yakima. *Id.* ¶ 6. Despite his record of compliance with all ISAP requirements and ICE check-ins,
21 Mr. Davila Zurita was informed that he was being detained. *Id.* Although he explained that he
22 had never missed a single call or appointment, he was not given a reason for the revocation of
23 parole. *Id.*

43. In fact, Mr. Davila Zurita has no criminal record in the United States or anywhere in the world. *Id.* ¶ 7; *see also* Ng Decl., Ex. F (Individual Service Plan likewise reflecting “[n]o known criminal activity”). Beyond a ticket for a traffic infraction, for which he has saved money to timely pay the fine, he has had no interactions with criminal law enforcement in the United States. Davila Decl. ¶ 7.

44. Moreover, Mr. Davila Zurita has steadfast support from his community in the United States. *Id.* ¶ 9. In Washington State, he lived with his brother-in-law and two friends. *Id.* He likewise has half-siblings who reside in Texas. *Id.* Since entering the United States, he has diligently complied with all conditions of his release, *id.* ¶¶ 3–5, and worked hard to prepare his asylum case in the hopes of reuniting with his son, who remains in Venezuela. *Id.* ¶¶ 4, 8, 9.

45. After his arrest on September 17, 2025, Mr. Davila Zurita was transported to the NWIPC, where he remains detained. Davila Decl. ¶ 8. He now faces removal proceedings before the Tacoma Immigration Court and anticipates having to proceed *pro se* because he no longer has employment to afford a lawyer for his case. *Id.*

46. Prior to Mr. Davila Zurita’s re-arrest, Mr. Davila Zurita did not receive written notice of the reason for his re-detention. Although Mr. Davila Zurita was given a piece of paper while being re-arrested at his ICE check-in, it was written in English and was never translated to him. *Id.* ¶ 6; *see* Ng Decl., Ex. G (showing only that an Order of Release on Recognizance, dated September 17, 2025, had been cancelled that same day because “[t]he [noncitizen] failed to comply with the conditions of release”). No further details were provided to Mr. Davila Zurita, who was stunned that he was being re-detained after his diligence in complying with all photo, video, and in-person check-ins. Davila Decl. ¶ 6.

1 47. Prior to Mr. Davila Zurita's re-arrest, ICE did not assess whether Mr. Davila
2 Zurita presented a flight risk or danger to the community, or whether his re-arrest was justified
3 for some other reason.

4 48. Prior to Mr. Mr. Davila Zurita's re-arrest, Mr. Mr. Davila Zurita was not afforded
5 a hearing before a neutral decisionmaker to determine if his re-detention is justified.

6 **Petitioner Jean Carlos Pinto Bautista**

7 49. Petitioner Jean Carlos Pinto Bautista entered the United States with his wife and
8 daughter on August 24, 2024, the day of their CBP One appointment. Pinto Bautista Decl. (Pinto
9 Decl.) ¶¶ 1–2; Ng Decl., Ex. H. The family was granted humanitarian parole and issued a Notice
10 to Appear in the Seattle Immigration Court on July 2, 2025. *See* Pinto Decl. ¶ 2; Ng Decl., Ex. I.

11 50. Along with his wife and daughter, Mr. Pinto Bautista applied for and received
12 work authorization by October 2024. Pinto Decl. ¶ 3; Ng Decl., Ex. J.

13 51. The family submitted asylum applications in February 2025. Pinto Decl. ¶ 5.

14 52. Mr. Pinto Bautista and his family then attended their first immigration court
15 hearing on July 2, 2025, where they were given time to find an attorney and a second court date
16 of October 10, 2025. *Id.* ¶ 6; Ng Decl., Ex. K.

17 53. To his knowledge, Mr. Pinto Bautista attended every check-in that was scheduled
18 for him or his family at the ICE office in Yakima. Pinto Decl. ¶ 7. Even when the family
19 received an appointment notice for only one of them, all three presented themselves at the ICE
20 office in case one of their names had been accidentally left out of the summons. *Id.* Each time,
21 Mr. Pinto Bautista and his family drove hours to ensure they complied with the requirements of
22 their release. *Id.* ¶ 8.

1 54. Mr. Pinto Bautista and his family hired an attorney, Alejandra Lozano, to
2 represent them in their consolidated immigration court case. *See id.* ¶ 10.

3 55. On October 10, 2025, the family drove three and a half hours to reach the Seattle
4 Immigration Court. Pinto Decl. ¶ 11. They arrived at the Seattle Immigration Court an hour early
5 to wait for their hearing. *Id.*

6 56. While waiting, Ms. Lozano called to inform them that the hearing had been
7 changed to October 29, 2025 with a different IJ in Seattle. *See id.*; *see also* Ng Decl., Ex. L
8 (court notice notifying respondents and their attorney that the hearing date and time had been
9 changed).

10 57. Even after Ms. Lozano informed the family that she would mail the notice to
11 them, *see* Ng Decl., Ex. L, the family checked the case for themselves online, Pinto Decl. ¶ 12.
12 After further confirming that their court date had been rescheduled, the family left the
13 courthouse. Pinto Decl. ¶ 12.

14 58. As Mr. Pinto Bautista and his family had already made the drive to Seattle for the
15 rescheduled court hearing, they visited the Space Needle and took some photos together. *Id.*

16 59. Mr. Pinto Bautista's next received hearing notice, issued by the Seattle
17 Immigration Court and dated October 10, specifically noted that the family's "HEARING DATE
18 AND TIME HAS CHANGED." Ng Decl., Ex. L. This Notice of In-Person Hearing instructed
19 the family to return to the Seattle Immigration Court on October 29, 2025 at 9:30 A.M. *Id.*

20 60. In further confirmation that the case had been rescheduled with a different IJ, the
21 new hearing notice likewise contained a different location. *Compare* Ng Decl., Ex. K *with* Ng
22 Decl., Ex. L. While the cancelled October 10 hearing had been set in Courtroom 5 on the 8th
23

1 Floor of the Seattle Immigration Court, Ng Decl., Ex. K, the new notice instructed the family to
2 appear on October 29 in Courtroom 2 on the 6th Floor, Ng Decl., Ex. L.

3 61. On October 12, 2025, Mr. Pinto Bautista was stopped by ICE officers while in a
4 car and informed that he was under arrest for failing to attend court. Pinto Decl. ¶ 14. Despite his
5 explanation of his attendance and the changed court date, ICE took him into custody. *Id.* ICE
6 informed Mr. Pinto Bautista that his court case would now be in Tacoma. *Id.* ICE transported
7 Mr. Pinto Bautista to the NWIPC, where he remains detained. *Id.*

8 62. In fact, Mr. Pinto Bautista has never been arrested nor committed a crime. *Id.* ¶
9 17. He has always followed the law and made every effort to follow regular procedures to seek
10 asylum in the United States—entering the country through CBP One, filing his asylum
11 application on time, presenting himself for ICE check-ins, and attending all hearings in
12 immigration court. *Id.* ¶ 16.

13 63. Moreover, since entering the United States, Mr. Pinto Bautista has built a stable
14 and law-abiding life for himself and his family. Shortly after receiving his work permit, Mr.
15 Pinto Bautista found employment at Tyson Foods in Washington State while his wife worked for
16 a restaurant. *Id.* ¶ 4. Mr. Pinto Bautista enrolled his daughter in a local school and the family was
17 happily rebuilding their lives after trauma suffered in Venezuela. *Id.* ¶¶ 1, 4–5. At the time of his
18 arrest, Mr. Pinto Bautista had been compliant with all requirements of both his release and his
19 immigration court proceedings. *See id.* ¶¶ 5–13. Throughout, his goal has been to ask the U.S.
20 government to allow him to live safely together with his family in the United States. *See id.* ¶¶ 5,
21 7, 14. It has been very difficult for the whole family to be separated. *Id.* ¶¶ 14, 18.

22 64. Since his re-detention, Mr. Pinto Bautista’s case has been severed from his
23 family’s proceedings and moved to Tacoma. *See id.* ¶ 15. Although Ms. Lozano continues to

1 represent his wife and daughter’s immigration court case in Seattle, as a result of Mr. Pinto
2 Bautista’s detention in Tacoma, Ms. Lozano was no longer willing to serve as his attorney. *Id.*

3 65. Mr. Pinto Bautista is scheduled to proceed *pro se* at his first hearing in the
4 Tacoma Immigration Court on October 29, 2025. *Id.* ¶ 15; Ng Decl., Ex. M.

5 66. Prior to Mr. Pinto Bautista’s re-arrest, he did not receive written notice of the
6 reason for his re-detention.

7 67. Prior to Mr. Pinto Bautista’s re-arrest, ICE did not assess whether Mr. Pinto
8 Bautista presented a flight risk or danger to the community, or whether his re-arrest was justified
9 for some other reason.

10 68. Prior to Mr. Pinto Bautista’s re-arrest, he never received a hearing before a neutral
11 decisionmaker to determine if his re-detention is justified.

12 LEGAL FRAMEWORK

13 Due Process Principles

14 69. Due process requires that if DHS seeks to re-arrest a person like Mr. Francois,
15 Mr. Davila Zurita, or Mr. Pinto Bautista—individuals who have lived in the United States
16 without incident after DHS first released them, submitted applications for protection from
17 removal, and otherwise complied with the terms of their releases—the government must afford a
18 hearing before a neutral decisionmaker to determine whether any re-detention is justified, and
19 whether the person is a flight risk or danger to the community.

20 70. “Freedom from imprisonment—from government custody, detention, or other
21 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
22 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the
23 most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *see*

1 *also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally
2 strong interest in freedom from physical confinement”).

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

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

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

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

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

4 76. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
5 319 (1976), framework to hold that even in a case where the government asserted that mandatory
6 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court
7 did the same in *Ramirez Tesara, Kumar*, and *Ledesma Gonzalez*. See *Ramirez Tesara*, 2025 WL
8 2637663, at *2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574,
9 at *7–8.

10 77. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
11 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL
12 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation
13 modified). The Court further explained that even if detention was mandatory, the risk of
14 erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure
15 that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.*
16 at *4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens
17 previously released without a hearing is low: although it would have required the expenditure of
18 finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations
19 before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous
20 deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the
21 petitioner’s immediate release. *Id.* at *6.

22 78. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court
23 reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full

protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of additional safeguards, the Court also noted that despite the government’s allegations of ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at *4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). Finally, the Court reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court ordered the petitioner’s immediate release. *Id.* at *5.

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

80. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez* are consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

81. The same framework and principles apply here and compel all three Petitioners’ immediate release.

CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

1 82. Petitioners restate and reallege all the prior paragraphs as if fully set forth herein.

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

7 84. Respondents revoked Petitioners’ releases and deprived them of liberty without
8 providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker
9 prior to their re-detention.

10 85. Accordingly, Petitioners’ re-detention violates the Due Process Clause of the Fifth
11 Amendment.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Petitioners respectfully request that this Court:

- 14 (1) Assume jurisdiction over this matter;
- 15 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days
16 as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and
17 ordering that they not transfer Petitioners out of this district during the pendency of
18 the court’s adjudication of this petition;
- 19 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioners from
20 custody immediately and permanently enjoining their re-detention during the
21 pendency of their removal proceeding absent written notice and a hearing prior to re-
22 detention where Respondents must prove by clear and convincing evidence that each
23

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: October 28, 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