

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Daixon Jose RAMIREZ TESARA,

Petitioner,

v.

Camilla 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, United States Attorney General;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;

Respondents.

Case No. 25-cv-1723

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

INTRODUCTION

1. This case challenges the unlawful re-detention of Daixon Jose Ramirez Tesara, who entered the United States in early 2024 to seek asylum. Shortly after his entry, he was released on parole and subsequently filed his asylum application.

2. In the year and a half since his release, Mr. Ramirez has faithfully complied with the check-in requirements imposed by Immigration and Customs Enforcement (ICE) as part of his release. In the one instance where Respondents claim he missed a call, Mr. Ramirez immediately remedied the issue by physically presenting himself at a check-in office in Portland, Oregon.

3. Nevertheless, on August 18, 2025, ICE re-detained Mr. Ramirez during a check-in appointment. Mr. Ramirez was transferred to the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington, where he remains detained today.

4. Before re-detaining him, Respondents did not provide Mr. Ramirez with any written notice explaining the basis for the revocation of his release. Nor did they provide a hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention or explain why Mr. Ramirez is a flight risk or danger to the community.

5. As this Court recently held, due process demands such a hearing *prior* to the government's decision to terminate a person's liberty. *E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025). Many other courts have held the same in recent months.

6. By failing to provide such a hearing, Respondents have violated Mr. Ramirez's constitutional right to due process. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and order his immediate release. *See id.* at *6 (ordering immediate release

1 because “a post-deprivation hearing cannot serve as an adequate procedural safeguard because it
2 is after the fact and cannot prevent an erroneous deprivation of liberty”).

3 JURISDICTION

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

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

9 9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et.
10 seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C.
11 § 1651.

12 VENUE

13 10. Venue is proper because Mr. Ramirez is in Respondents’ custody at the NWIPC
14 in Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
15 484, 493–500 (1973), venue lies in the judicial district in which Mr. Ramirez currently is in
16 custody.

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

21 REQUIREMENTS OF 28 U.S.C. § 2243

22 12. The Court must grant the petition for writ of habeas corpus or issue an order to
23 show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief. 28

1 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within
2 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

3 13. Habeas corpus is “perhaps the most important writ known to the constitutional
4 law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or
5 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the
6 attention and displaces the calendar of the judge or justice who entertains it and receives prompt
7 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120
8 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th
9 Cir. 1954) (Habeas corpus is “a speedy remedy, entitled by statute to special, preferential
10 consideration to insure expeditious hearing and determination.”).

11 14. Mr. Ramirez is “in custody” for the purpose of 28 U.S.C. § 2241 because he is in
12 Respondents’ custody at NWIPC.

13 PARTIES

14 15. Daixon Jose Ramirez Tesara is an adult citizen of Venezuela. He is detained at the
15 NWIPC.

16 16. Respondent Camilla Wamsley is the Field Office Director for ICE’s Seattle Field
17 Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens
18 charged with being removable from the United States. The Seattle Field Office’s area of
19 responsibility includes Alaska, Oregon, and Washington. Respondent Wamsley is a legal
20 custodian of Mr. Ramirez and is sued in her official capacity.

21 17. Respondent Bruce Scott is employed by the private corporation The Geo Group,
22 Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody
23 of Petitioner. He is sued in his official capacity.

18. 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 Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

19. 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.

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

FACTUAL BACKGROUND

21. Mr. Ramirez is a 27-year-old citizen and national of Venezuela.

22. Mr. Ramirez fled Venezuela to seek asylum and related protections from persecution and torture in the United States. He fled Venezuela with his partner, Daimarys Jose Suniaga Martinez, and her two children, for whom Mr. Ramirez is a father figure.

23. On or about January 11, 2024, Mr. Ramirez came to or near the port of entry at El Paso, Texas to seek asylum. That same day, Respondents arrested and detained Mr. Ramirez and initiated expedited removal proceedings under 8 U.S.C. § 1225(b)(1).

24. Mr. Ramirez's partner and her children were not detained and were released from custody.

25. After a Credible Fear Interview (CFI) on January 26, 2024, Respondents determined that Mr. Ramirez had a credible fear of persecution or torture in Venezuela. Accordingly, Respondents rescinded his expedited removal order and commenced removal proceedings under 8 U.S.C. § 1229a.

1 26. On February 7, 2024, Respondent DHS paroled Mr. Ramirez from its custody into
2 the United States under 8 U.S.C. § 1182(d)(5). As a condition of Mr. Ramirez's release, he was
3 required to enroll in the Intensive Supervision Appearance Program (ISAP), a program operated
4 by a private contractor that ICE uses to monitor released noncitizens.

5 27. Following his release, on October 4, 2024, Mr. Ramirez timely filed his
6 application for asylum, withholding of removal, and Convention Against Torture Protection with
7 the Portland Immigration Court. The Portland Immigration Court scheduled him for a hearing in
8 his case on July 19, 2027.

9 28. In December 2024, Mr. Ramirez and his partner welcomed a baby daughter into
10 their family.

11 29. Mr. Ramirez serves as the primary breadwinner in the family, working to provide
12 for his partner, his stepchildren, and U.S. citizen baby daughter.

13 30. To the best of his knowledge, Mr. Ramirez complied with all ISAP requirements
14 during the year and a half following his release. These requirements included phone and video
15 check-ins through the ISAP mobile phone application (ISAP app). Mr. Ramirez submitted a
16 photo via the app once a week on Wednesdays and attended videocalls scheduled by ISAP
17 approximately once a month. He and his partner both checked the ISAP app every day to ensure
18 that he complied with all requirements.

19 31. On August 14, 2025, at 2:48 PM, Mr. Ramirez received a message through the
20 ISAP app stating that he had missed an August 11, 2025, virtual visit. To the best of his
21 knowledge, as well as that of his partner, Mr. Ramirez never received a call or other
22 communication on August 11, 2025. Mr. Ramirez was expecting the ISAP virtual check-in that
23 day, and he remained home and connected to the internet for precisely this reason. His phone

1 was connected to the internet throughout the day and therefore should have received any calls or
2 messages that occurred. However, he did not receive any messages or calls from ISAP that day.

3 32. After the initial message, Mr. Ramirez also received a second message, also at
4 2:48 PM, on August 14 in the ISAP app directing him to appear at 2:00 PM that same day,
5 August 14, 2025, at the ISAP office at 2828 S Kelly Ave, Portland, OR 97201. The message
6 requested his appearance at 2:00 PM, even though 2:00 PM had already passed by the time Mr.
7 Ramirez received the message

8 33. Mr. Ramirez responded to this message quickly. He then received a message
9 instructing him to present himself at the ISAP office the next day, August 15, 2025, at 10:00
10 AM.

11 34. Mr. Ramirez presented himself at the ISAP office the morning of August 15,
12 2025, accompanied by his partner, his U.S. citizen baby, and, and their friend Natalie Lerner. At
13 this appointment, an ISAP office employee warned Mr. Ramirez not to miss another virtual
14 appointment and provided no further instructions.

15 35. While Natalie Lerner was driving the family home, Mr. Ramirez received a call
16 from ISAP informing him that he needed to present himself at the ICE Enforcement and
17 Removal Operations (ERO) Field Office in Portland on Monday, August 18, 2025, at 9:00 AM.

18 36. Mr. Ramirez appeared at ICE-ERO in Portland before 9:00 AM on Monday
19 August 18, 2025. In advance of this appointment, Mr. Ramirez signed Form G-28, Notice of
20 Entry of Appearance as Attorney, designating Josephine Moberg as his counsel of record before
21 ICE.

1 37. ICE arrested and detained Mr. Ramirez at this appointment. Ms. Moberg arrived
2 at the ICE office shortly after Mr. Ramirez was detained. She repeatedly requested to speak with
3 him, but was denied access to her client.

4 38. In the re-detention process, ICE tightly shackled Mr. Ramirez using ankle
5 restraints. The tight shackles caused Mr. Ramirez pain and discomfort. He had undergone
6 orthopedic surgery in 2023 after being run over by a car in an incident that was part of the
7 political violence that he suffered in Venezuela. This surgery entailed a partial reconstruction of
8 his left leg and left him with hardware in this limb and ankle, including a bar and multiple
9 screws. Mr. Ramirez believes that the tight shackles caused this hardware to become
10 maladjusted, and he continues to suffer extreme pain.

11 39. Prior to Mr. Ramirez's re-detention, he did not receive written notice of the
12 reason for his re-detention.

13 40. Prior to Mr. Ramirez's re-detention, ICE did not provide notice of the revocation
14 of his parole, as required by 8 C.F.R. § 212.5(e)(2).

15 41. Prior to Mr. Ramirez's re-detention, he never received a hearing before a neutral
16 decisionmaker to determine if his re-detention is justified.

17 **LEGAL FRAMEWORK**

18 42. Under current caselaw that governs the immigration court system, the mandatory
19 detention scheme under 8 U.S.C. § 1225(b)(1) applies to individuals who are placed in expedited
20 removal proceedings, pass a CFI, and are subsequently placed in removal proceedings. *See*
21 *Matter of M-S-*, 27 I. & N. Dec. 509 (A.G. 2019). Such individuals are subject to detention
22 without any bond hearing until the conclusion of their proceedings unless DHS releases them on
23 parole. *See id.* at 510, 518–19.

1 43. However, once released, due process requires that a person like Mr. Ramirez
2 receive a hearing before a neutral decisionmaker to determine whether any re-detention is
3 justified, and whether the person is a flight risk or danger to the community.

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

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

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

15 47. To guarantee against arbitrary re-detention and to guarantee the right to liberty,
16 due process requires “adequate procedural protections” that ensure the government’s asserted
17 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
18 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

19 48. Due process thus guarantees notice and an individualized hearing before a neutral
20 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
21 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
22 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation
23 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to

1 determine whether there is probable cause or reasonable ground to believe that the arrested
2 parolee has committed . . . a violation of parole conditions” and that such determination be made
3 “by someone not directly involved in the case” (citation modified)).

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

7 50. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
8 319 (1976), framework to hold that even in a case where the government argued mandatory
9 detention applied, a person’s re-detention required a hearing.

10 51. In applying the three *Mathews* factors, this Court held that the petitioner had
11 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A. T.-B.*, 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 52. This Court’s decision in *E.A. T.-B.* is consistent with many other district court
23 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); *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).

53. The same framework and principles apply here and compel Mr. Ramirez's immediate release.

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

54. Mr. Ramirez restates and realleges all paragraphs as if fully set forth here.

55. Due process does not permit the government to strip Mr. Ramirez of his liberty without written notice and a hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur *prior* to any re-detention.

56. Respondents revoked Mr. Ramirez's release and deprived him of liberty without affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

57. Accordingly, Mr. Ramirez's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Mr. Ramirez respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Mr. Ramirez from custody immediately and permanently enjoining his re-detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Declare that Mr. Ramirez's detention without an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (5) Award Mr. Ramirez 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: September 8, 2025

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3 *Application for admission pro hac vice
4 forthcoming

5 *Counsel for Petitioner*
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