

DETAINED

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**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE SUB OFFICE**

Carlos Velasco Gomez,

Petitioner,

v.

Bruce Scott, Warden, Northwest ICE
Processing Center; Nathalie Asher,
Seattle Field Office Director,
Immigration and Customs Enforcement
(ICE); Kristi Noem, Secretary of the
Department of Homeland Security; and
Pamela Bondi, United States Attorney
General,

Respondents.

Case No.: 2:25-cv-522

Agency File No. 

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

I. INTRODUCTION

PETITION FOR WRIT OF HABEAS CORPUS - 1

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2 1. Carlos Velasco Gomez ("Mr. Velasco Gomez" or "Petitioner") is a 53-year-old
3 Mexican native and citizen who is currently being held in detention at the Northwest ICE
4 Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE).

5 2. Mr. Velasco Gomez is the beneficiary of deferred action and an employment
6 authorization document granted in November 2024, pursuant to a determination by USCIS in
7 May 2023, that his pending I-918 petition for U nonimmigrant status is bona fide, while he
8 awaits the availability of a U visa under the statutory cap.

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10 3. As the beneficiary of deferred action, Mr. Velasco Gomez is lawfully present in
11 the U.S. and his deportation to Mexico has been stayed. Defendant DHS has not revoked his
12 grant of deferred action and Defendants have provided no lawful justification for his detention.

13 4. Prior to the grant of deferred action, in October 2024, Mr. Velasco Gomez's
14 deportation order from 1991 had been reinstated and he was placed on an Order of Supervised
15 Release by CBP when he accidentally drove to the Canadian border after missing his exit on his
16 way to pick up his grandchildren from daycare. He had last entered the U.S. without inspection
17 in late 2011.

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19 5. Mr. Velasco Gomez's continuing detention violates both the Immigration and
20 Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

21 II. CUSTODY

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23 6. Petitioner is in physical custody of the Field Office Director for Enforcement and
24 Removal Operations (ERO), U.S. Immigration and Customs Enforcement (ICE), the Department
25 of Homeland Security (DHS), at the Northwest ICE Processing Center in Tacoma, Washington.

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III. JURISDICTION

7. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

IV. VENUE

8. Venue lies in the United States District Court for the Federal District Court, Western District of Washington, the judicial district in which the Petitioner is being held at in Tacoma, WA. 28 U.S.C. § 1391(e).

V. PARTIES

9. Plaintiff Carlos Velasco Gomez is a citizen of Mexico. He currently resides in Ferndale, Washington. Plaintiff last entered the United States without inspection in late 2011. Plaintiff filed an I-918 Petition for U Nonimmigrant Status on October 3, 2018. He received a *bona fide* determination for his I-918 Petition by USCIS on May 25, 2023, and a grant of deferred action, along with an Employment Authorization document, on November 14, 2024, while he awaits the availability of a U visa under the statutory cap.

10. Respondent Bruce Scott is Warden of the Northwest ICE Processing Center. He is sued in his official capacity.

11. Respondent Nathalie Asher is the Field Office Director for Immigration and Customs Enforcement, which oversees NWIPC. She is sued in his official capacity.

12. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS), which is the government agency that oversees ICE. She is sued in her official capacity.

13. Respondent Pamela Bondi, United States Attorney General, is the executive officer who has been given authority to manage and control the Executive Office of Immigration Review ("EOIR"), including the Immigration Judges and the Board of Immigration Appeals ("BIA"). In addition, the U.S. Attorney General has authority to establish legal and policy guidelines concerning which noncitizens are to be detained for immigration purposes.

FACTUAL BACKGROUND

14. Petitioner Carlos Velasco Gomez is 53 years old, and a native and citizen of Mexico.

15. Mr. Velasco Gomez first entered the United States as an unaccompanied minor, without inspection, in or around the spring of 1986 or 1987, and he remained only a few months before returning to Mexico. He re-entered the U.S. without inspection for the second time in about 1988 or 1989.

16. In about late 1989 or early 1990, Mr. Velasco Gomez was stopped for a routine traffic violation and was issued a ticket for driving without a license in Washington State. As a result, legacy INS issued an Order to Show Cause dated November 4, 1990, initiating deportation proceedings against him. *See* Exh 1. (Order to Show Cause dated Nov. 4, 1990).

1 17. On February 26, 1991, Mr. Velasco Gomez appeared for his show cause hearing
2 and was granted voluntary departure until June 26, 1991; however, he did not depart the U.S.
3 while the grant of voluntary departure was in effect, and it converted to an order of deportation.
4 See 8 U.S.C. § 1254(e)(1); INA § 244(e)(1) (1991); see also 8 C.F.R. §§ 242.17(b) and 244.1
5 (1991). *See* Exh. 2 (IJ Order dated Feb. 26, 1991, granting Voluntary Departure).
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7 18. On September 11, 1991, Mr. Velasco Gomez is deported to Mexico by INS.

8 19. In about late 1991 or early 1992, Mr. Velasco Gomez re-entered the U.S. without
9 inspection for the third time. He then remained in the U.S. until 2001, except for a brief
10 departure of about two weeks in about 1994 to visit relatives in Mexico.

11 20. In November 1995, Mr. Velasco Gomez marries his current wife, Lilia, who is
12 now a naturalized U.S. Citizen. They have two U.S. citizen children, born in 1996 and 1998, and
13 a number of U.S. citizen grandchildren.
14

15 21. In about 2001, Mr. Velasco Gomez returned to Mexico for a number of weeks to
16 visit his ailing father. He re-entered the U.S without inspection later that same year for the fifth
17 time.

18 22. On May 13, 2005, Mr. Velasco Gomez was convicted of negligent driving in the
19 Skagit County District Court in Mt. Vernon, Washington. He has no other criminal convictions.
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21 23. On March 19, 2008, Mr. Velasco Gomez is placed in removal proceedings
22 pursuant to INA § 240 after a workplace raid. *See* 8 U.S.C. § 1229(a) (2008).

23 24. On May 27, 2009, Mr. Velasco Gomez's § 240 removal proceedings were
24 terminated by an Immigration Judge (IJ) in the Seattle Immigration Court so that DHS could
25 reinstate his 1991 deportation order under INA § 241(a)(5) (2008). *See* 8 U.S.C. § 1231(a)(5);
26

1 *see also* 8 C.F.R. § 1241.8 (2008). The IJ's decision was timely appealed to the Board of
2 Immigration Appeals (BIA), and he also moved to reopen his 1991 deportation proceedings.

3 25. On January 26, 2010, the BIA upheld the IJ's termination decision and denied Mr.
4 Velasco Gomez's motion to reopen. Thereafter, DHS reinstated his 1991 deportation order.

5 26. In April 2011, Mr. Velasco Gomez was removed to Mexico. He subsequently
6 attempted to re-enter the U.S. without inspection a few times in mid-2011, and on May 13, 2011,
7 he was apprehended by immigration officials. His 1991 deportation order was reinstated, he was
8 processed for expedited removal and removed to Mexico. *See* Exhs. 5-6 (Oct. 10, 2024, Form I-
9 871 and OSUP).
10

11 27. Mr. Velasco Gomez successfully re-entered the U.S. without inspection for the
12 sixth and final time in late 2011. Other than accidentally driving to the Canadian border in
13 October 2024 (an incident described in more detail below at ¶ 33), he has not left the U.S. since
14 his most recent entry in 2011, more than 13 years ago.
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16 28. On October 3, 2018, Mr. Velasco Gomez filed an I-918 Petition for U
17 Nonimmigrant Status with the USCIS Vermont Service Center (VSC), along with a
18 simultaneously-filed I-192 Waiver of Inadmissibility for the following grounds: INA §
19 212(a)(6)(A)(i) (present without admission or parole); INA § 212(a)(6)(C)(i)-(ii) (fraud or willful
20 misrepresentation of material fact; false claim to U.S. Citizenship); INA § 212(a)(9)(A)(i)-(ii)
21 (aliens previously removed seeking admission within 10 years, 20 years of second/subsequent
22 removal); INA § 212(a)(9)(B)(i)(I)-(II) (accruing unlawful presence, less than or more than one
23 year, and seeking admission within three or ten years, respectively); INA § 212(a)(9)(C)(i)(I)-(II)
24 (attempting to re-enter the U.S. after removal or with more than one year accrued unlawful
25 presence).
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1 presence); and INA § 240B(d) (failing to depart after grant of voluntary departure). *See* Exh. 3
2 (I-918 and I-192 Receipts, collectively); *see also* 8 U.S.C. § 1182(a) (2025); 8 C.F.R. § 212.17.

3 29. On May 25, 2023, USCIS/Vermont Service Center issued a determination that
4 Mr. Velasco Gomez's I-918 Petition was *bona fide*. *See* Exh. 4 (USCIS Correspondence dated
5 May 25, 2023, stating that "the evidence demonstrates that your petition for U nonimmigrant
6 status is bona fide... your period of deferred action will begin on the date your employment
7 authorization begins"). He thereafter submitted an application for an employment authorization
8 document.
9

10 30. On October 10, 2024, Mr. Velasco Gomez took a wrong turn while on his way to
11 pick up his grandchildren from daycare and accidentally drove to the U.S.-Canadian border. In
12 his panic, he briefly exited the U.S. while attempting to turn his vehicle around, and was
13 questioned by U.S. Customs and Border Protection (CBP) as he re-entered the U.S. He initially
14 claimed to be a U.S. Citizen but timely retracted the claim. CBP issued a Form I-871, Notice of
15 Intent/Decision to Reinstate Prior Order, for Mr. Velasco Gomez, pursuant to his May 13, 2011,
16 deportation to Mexico (Exh. 5) and placed him on an Order of Supervision (OSUP) order (Exh.
17 6), requiring him to appear for regular ICE check-ins. He appeared for his first ICE check-in on
18 October 23, 2024.
19

20 31. On November 14, 2024, DHS issued a Bona Fide Employment Authorization
21 Document ("BFD EAD") to Mr. Velasco Gomez, thereby granting deferred action, and deferring
22 his deportation to Mexico, while he awaits a U visa to become available under the statutory cap.
23 *See* Exh. 7 (BFD EAD approval notice dated Nov. 14, 2024, and copy of BFD EAD card,
24 collectively); *see also* Exh. 4.
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32. Based on the current processing times published by USCIS, a U visa will be available, and Mr. Velasco Gomez's Petition for U Nonimmigrant Status will be adjudicated during the fiscal year beginning October 1, 2026.¹

33. On January 21, 2025, Mr. Velasco Gomez attended his second regularly scheduled ICE check-in as required by OSUP without incident and was scheduled to return for his next check-in on June 18, 2025. *See* Exh. 8 (I-220B OSUP, Personal Report Record², signed on January 21, 2025, at 4).

34. On January 26, 2025, immigration officials arrested Mr. Velasco Gomez, and he is currently detained at NWIPC.

35. On January 31, 2025, Mr. Velasco Gomez filed an I-246 Request for Stay of Removal and Request to End OSUP with the Tacoma Office of ICE. On March 11, 2025, ICE denied the I-246 and request to end OSUP because Mr. Velasco Gomez *has been granted deferred action*, and had claimed fear of return while in detention, and therefore his removal is not imminent. *See* Exh. 9 (ICE Denial of I-246 dated Mar. 11, 2025) (emphasis added).

36. At no time was Mr. Velasco Gomez notified that his grant of deferred action or that his BFD EAD had been revoked.

¹ "As of July 22, 2024, we met the fiscal year 2024 statutory cap of 10,000 aliens who can be issued U-1 nonimmigrant visas or granted U-1 nonimmigrant status per fiscal year. We adjudicated petitions to meet the statutory cap based on filing date, with the oldest petitions receiving highest priority. We have met this cap every year since fiscal year 2010. When the new fiscal year began on Oct. 1, 2024, we resumed approving principal petitions for U-1 nonimmigrant status starting with petitions filed on or before Nov. 30, 2016, prioritizing the oldest petitions." USCIS Alert, avail at: <https://www.uscis.gov/I-918>, last accessed Mar. 24, 2025.

² The ICE officer who signed the Personal Report Record on January 21, 2025, accidentally wrote January 21, 2024, instead of 2025.

LEGAL BASIS FOR PETITION

Overview of DHS/USCIS Bona Fide Determination Process and Deferred Action for U Nonimmigrant Petitioners.

37. Under 8 U.S.C. § 1184(p)(2), the total number of noncitizens who may be issued a U-1 nonimmigrant visa or granted U-1 nonimmigrant status may not exceed 10,000 in any fiscal year (“statutory cap”). 8 C.F.R. § 214.14(d)(2); *see also* 3 USCIS-PM C.6. When the 10,000 visas under the statutory cap have been allocated in a given fiscal year, DHS/USCIS must place the remaining petitioners eligible for U nonimmigrant status on the waiting list. *Id.* Under 8 U.S.C. § 1184(p)(6), DHS/USCIS has discretion to provide employment authorization to noncitizens with pending bona fide U nonimmigrant status petitions. *See also* 3 USCIS-PM C.5. Thus, petitioners on the waiting list are eligible for employment authorization and to receive a grant of deferred action. *Id.*

38. To further its “primary goal” of adequate evaluation and efficient adjudication of petitions, DHS/USCIS developed a “bona fide determination (BFD) process.” 3 USCIS-PM C.5. Consistent with the William Wilberforce Trafficking Victims Reauthorization Act of 2008 (TVPRA 2008), the BFD process provides an opportunity for petitioners on the waiting list to receive a Bona Fide Determination Employment Authorization Document (“BFD EAD”) and deferred action while their petitions are pending. *Id.*; *See* Pub. L. 110-457 (PDF) (December 23, 2008).

39. DHS/USCIS determines a principal petition is bona fide if the principal petitioner has properly filed a completed Form I-918 Petition for U Nonimmigrant Status, including all required initial evidence, except for the Form I-192 Application for Advance Permission to Enter

1 as a Nonimmigrant, and DHS/USCIS has received the result of the principal petitioner's
2 background and security checks based upon biometrics. *Id.*; *see also* 8 C.F.R. § 214.14(c)(2).

3 40. Once DHS/USCIS has determined a petition is bona fide, USCIS next determines
4 whether the petitioner poses a risk to national security or public safety by reviewing the results of
5 background checks and considering other relevant discretionary factors, and whether to exercise
6 its discretion by issuing a Bona Fide Determination Employment Authorization Document
7 ("BFD EAD") and grant deferred action to a petitioner. 3 USCIS-PM C.5(C)(1); *see also* 8
8 U.S.C. § 1182(a)(3).
9

10 41. If DHS/USCIS grants the U petitioner a BFD EAD, DHS/USCIS has then also
11 exercised its discretion to grant him deferred action and for his removal (deportation) to be
12 stayed for the period of the BFD EAD. 3 USCIS-PM C.5. The next adjudicative step for these
13 petitioners is final adjudication of the I-918 Petition when space is available under the statutory
14 cap. *Id.*
15

16 **Benefits of Deferred Action for U Petitioners, Revocation of Deferred Action Under the**
17 **Applicable Regulations, and Effect of Grant of U Petition on Prior Orders of**
18 **Removal/Deportation.**

19 42. Under DHS regulations and policy, "deferred action" is "an act of administrative
20 convenience to the government which gives some cases lower priority," and serves as a form of
21 prosecutorial and enforcement discretion to defer removal (deportation) against a noncitizen for a
22 certain period of time. *See* 8 C.F.R. § 274a.12(c)(14); *see also* 1 USCIS-PM H.2(A)(4); AFM
23 40.9.2(b)(3)(J) (PDF, 1017.74 KB); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S.
24 471, 483–84 (1999).
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1 43. During the time a petitioner for U nonimmigrant status who was granted deferred
2 action or parole is on the waiting list, no accrual of unlawful presence under section 212(a)(9)(B)
3 of the INA, 8 U.S.C. § 1182(a)(9)(B), will result. 8 C.F.R. § 214.14(d)(3); *see also, e.g.*, 8 C.F.R.
4 § 1.3(a)(4)(vi) (noncitizens currently in deferred action status are lawfully present aliens for
5 purposes of applying for Social Security benefits); 45 C.F.R. § 155.20 (for purposes of public
6 benefits, noncitizens “granted deferred action” are “lawfully present,” “including but not limited
7 to individuals granted deferred action under 8 C.F.R. § 236.22). *But see* 6 C.F.R. § 37.3 (6
8 C.F.R. governs DHS with respect to Domestic Security: Lawful status,” defined, “a person...
9 who has approved deferred action status.”)

10
11 44. A petitioner for U nonimmigrant status may be removed from the waiting list and
12 a prior grant of deferred action terminated at the discretion of DHS/USCIS; however,
13 DHS/USCIS is bound by the regulations governing the revocation of employment authorization
14 because they are inextricably linked, deferred action commences upon the grant of a BFD EAD
15 and ends upon its revocation (or expiration). *See* 3 USCIS-PM C.6(B); *see also* 8 C.F.R. §
16 274a.14(b)(1) (The “Employment authorization granted under § 274a.12(c) may be revoked by
17 the District Director ... [p]rior to the expiration date, when it appears that any condition upon
18 which it was granted has not been met or no longer exists, or for good cause shown; or [u]pon a
19 showing that the information contained in the application is not true and correct.”) The
20 noncitizen must be provided with written notification of the intent to revoke the employment
21 authorization and of the reasons revocation is warranted. and given 15 days to respond. 8 C.F.R.
22 § 274a.14(b)(2).

1 45. The Agency will not initiate, and has the authority to terminate any pending,
2 removal proceedings, for noncitizens who have been granted deferred action. *See* 8 C.F.R. §
3 214.14(c)(1); 8 C.F.R. § 1003.1(m)(1)(ii) (2025) (authority of Board of Immigration Appeals);
4 *see also* 1003.18(d)(1)(ii)(C) (2025) (authority of immigration judge); *see also Zepeda-Alvarado*
5 *et al.*, No. AXXX XXX 282, 2017 WL 1951521, at *1 (BIA Apr. 11, 2017) (Non-precedent
6 decision holding that “[d]eferred action is a discretionary determination to defer removal action
7 of an individual as an act of prosecutorial discretion...Individuals who receive deferred action
8 will not be placed into removal proceedings or removed from the United States for a specified
9 period of time.”)

11 46. If approved, an outstanding administrative order of removal, deportation or
12 exclusion (by DHS), “will be deemed canceled by operation of law as of the date of USCIS’s
13 approval.” *See* 8 C.F.R. § 214.14(c)(5)(i). A petitioner in U nonimmigrant status who is subject
14 to an order of exclusion, deportation, or removal issued by an immigration judge or the Board
15 may seek cancellation of such order by filing, with the immigration judge or the Board, a motion
16 to reopen and terminate removal proceedings. *Id.* This provision extends to reinstated orders
17 under 8 U.S.C. § 1231(a)(5). *See Matter of A-L-* (AAO, VSC Jan. 12, 2017) (nonprecedent
18 decision reversing revocation of U because of reinstated prior order). Grounds of inadmissibility
19 based on re-entry after execution of prior orders under 8 U.S.C. § 1182(a)(9)(A)(i)-(ii), (C)(i)(I)-
20 (II) also waivable. 8 C.F.R. § 212.17.

23 **DHS has decided to grant Petitioner deferred action and to defer his removal, and he is**
24 **therefore unlawfully detained.**

1 47. The arrest and detention of noncitizens pending a decision whether they are to be
2 removed from the U.S. is generally authorized under 8 U.S.C. §1226(a).

3 48. In some cases, however, the detention of a noncitizen is mandatory, such as when
4 8 U.S.C. §1226(c)(1) applies (e.g. when certain criminal offenses have been committed), or
5 when the noncitizen is in reinstatement proceedings under 8 U.S.C. §1231(a), pending the
6 decision whether to remove them. *See also* 8 C.F.R. § 1241.8. Thus, the noncitizen is ineligible
7 to be released on bond granted by the Immigration Court, unless his detention has become
8 prolonged as a matter of law and thus violates his rights under the Due Process Clause of the
9 Fifth Amendment. As the Supreme Court has explained, “[f]reedom from imprisonment—from
10 government custody, detention, or other forms of physical restraint—lies at the heart of the
11 liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
12

13 49. Here, Mr. Velasco Gomez is purportedly being held in detention by Defendants
14 pursuant to 8 U.S.C. §1231(a) because CBP reinstated his 1991 deportation order based on his
15 May 13, 2011, removal to Mexico, and ICE now seeks to remove him to Mexico based on that
16 reinstated order. *See Padilla-Ramirez v. Bible*, 882 F.3d 826, 830-34 (9th Cir. 2018).
17

18 50. However, subsequent to the October 2024 reinstatement by CBP, DHS made a
19 decision to grant Mr. Velasco Gomez deferred action and issue him a BFD EAD, pursuant to its
20 bona fide determination process for U nonimmigrant petitioners, thereby deferring his removal.
21 The grant of deferred action and BFD EAD have not been revoked or terminated in accordance
22 with the applicable regulations, nor did Mr. Velasco Gomez fail to appear for his ICE check-ins
23 as agreed. *See* 8 C.F.R. § 274a.14(b)(1)-(2); *see also* Exhs. 4-9.
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1 51. As DHS has already agreed to defer Mr. Velasco Gomez's deportation, the
2 government can provide no lawful justification for his arrest and detention. Exhs. 4, 7-9.
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4 **IRREPARABLE INJURY**

5 52. The detention of Mr. Velasco Gomez, despite his unrevoked grant of deferred
6 action, which defers his removal indefinitely unless revoked, violates the governing statute,
7 regulations, and the Due Process Clause.

8 53. Mr. Velasco Gomez is suffering and will continue to suffer irreparable injury
9 because of the Respondents' failure to release him. Every day that he is held in custody causes
10 further injury, which is irreparable.
11

12 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

13 54. Petitioner has exhausted all available administrative remedies that can provide the
14 relief he seeks. The government has alleged that he is detained pursuant to 8 U.S.C. §1231(a) and
15 thus has no right to a bond hearing. *See also* 8 C.F.R. § 1241.8.
16

17 **CLAIMS FOR RELIEF**

18 **Count I**

19 **Right to Release Pursuant to the Due Process Clause**

20 55. Mr. Velasco Gomez alleges and incorporates by reference the paragraphs above.
21 The Due Process Clause of the Fifth Amendment forbids the government from depriving any
22 "person" of liberty "without due process of law." U.S. Const. amend. V. "Habeas is at its core a
23 remedy for unlawful executive detention." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S.
24 103, 119, 140 S. Ct. 1959, 1970-71 (2020) (*quoting Munaf v. Geren*, 553 U. S. 674, 693, 697
25 (2008); *see also Preiser v. Rodriguez*, 411 U. S. 475, 484 (1973) ("It is clear . . . from the
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1 common-law history of the writ . . . that the essence of habeas corpus is an attack by a person in
2 custody upon the legality of that custody, and that the traditional function of the writ is to secure
3 release from illegal custody”); *Wilkinson v. Dotson*, 544 U. S. 74, 79 (2005) (similar).

4 56. Mr. Velasco Gomez has been granted “deferred action,” which serves as an
5 administrative stay of removal, deferring his removal until it is revoked under the procedures set
6 forth in the applicable regulations. 3 USCIS-PM C.5; *see also* 8 U.S.C. § 1182(a)(3); 8 C.F.R. §
7 214.14(c)(2); 8 C.F.R. § 274a.14(b)(1)-(2). Mr. Velasco Gomez does not challenge his 1991
8 deportation order or its 2024 reinstatement, rather his detention by Defendants and their attempt
9 to execute that reinstatement in light of Defendant DHS’s unrevoked grant of deferred action and
10 agreement to defer his removal.
11

12 57. Mr. Velasco Gomez’s deferred action and BFD EAD have not been revoked or
13 terminated. Thus, his detention is not reasonably related to a legitimate government purpose.
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15 58. For these reasons, Mr. Velasco Gomez’s ongoing detention violates the Due
16 Process Clause of the Fifth Amendment.
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19 **PRAYER FOR RELIEF**

20 WHEREFORE, Petitioner prays that this Court grant the following relief:

21 (1) Declare that the continued detention, physically in NWIPC, of Petitioner Carlos

22 Velasco Gomez violates the Immigration and Nationality Act;

23 (2) Declare that the continued detention, legally under OSUP, of Petitioner Carlos

24 Velasco Gomez violates the Immigration and Nationality Act;
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1 (3) Declare that the continued detention, physically in NWIPC, of Petitioner Carlos
2 Velasco Gomez violates the Due Process Clause of the Fifth Amendment to the
3 United States Constitution;

4 (4) Declare that the continued detention, legally under OSUP, of Petitioner Carlos
5 Velasco Gomez violates the Due Process Clause of the Fifth Amendment to the
6 United States Constitution;

7 (5) Issue a Writ of Habeas Corpus and order Mr. Velasco Gomez's immediate release;
8 and
9

10 (4) Grant such other relief as may be just and appropriate, including costs, expenses and
11 reasonable attorney fees.
12

13 Dated this 24 day of March, 2025.
14

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