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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Luis RAMOS Nevarez

Petitioner,

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

Respondents.

Case No. 2:25-cv- 25-2064

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

1 INTRODUCTION

2 1. This case challenges the unlawful re-detention of Mr. Luis Ramos Nevarez. (A )
3 , who entered the United States in May of 2021 and was paroled to seek asylum. Mr. Ramos
4 was detained on October, 14 2025 by Immigration and Customs Enforcement (ICE) officers who
5 were looking for someone else.

6 2. In the years since his parole, Mr. Ramos submitted an asylum application, worked,
7 and was preparing for his upcoming immigration court hearing. He was living with his fiancé in
8 Portland who is due to give birth to their first child in November.

9 3. On October 14, 2025 at around 6:00 in the morning Mr. Ramos went outside to
10 warm up his vehicle prior to leaving for work. On his way back inside ICE officers ran after Mr.
11 Ramos and tackled him as he reentered the home. When they took Mr. Ramos to the local ICE
12 office the officers told him they were looking for the prior occupant of the apartment. He was
13 initially told he would be released, but ultimately he was sent to the Northwest Immigrant
14 Processing Center in Tacoma, Washington instead.

15 4. Before re-detaining him in October, 2025, Respondents did not provide Mr. Ramos.
16 with any written notice explaining the basis for the revocation of his release. Nor did they provide a
17 hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention
18 or explain why Mr. Ramos is a flight risk or danger to the community.

19 5. As this Court has recently held in multiple cases, due process demands a hearing *prior*
20 to the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, --- F. Supp. 3d
21 --- No. C25-1192-KKE, 2025 WL 2402130, at *2-6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*
22 *Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *2-4 (W.D. Wash.
23 Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7-
-9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089,

1 at *2–4 (W.D. Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-
2 cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13. Many other courts have recently held the
3 same.

4 6. By failing to provide such a hearing, Respondents have violated Mr. Ramos’s
5 constitutional right to due process.

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

11 JURISDICTION

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

14 9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
15 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
16 (Suspension Clause).

17 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
18 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.
19 § 1651.

20 VENUE

21 11. Venue is proper because Mr. Ramos is in Respondents’ custody at the NWIPC in
22 Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–
23 500 (1973), venue lies in the judicial district in which Mr. Ramos currently is in custody.

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

5 **REQUIREMENTS OF 28 U.S.C. § 2243**

6 13. The Court must grant the petition for writ of habeas corpus or issue an order to
7 show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief.
8 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within
9 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

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

18 **PARTIES**

19 15. Mr. Ramos is an adult man from Mexico. He is detained at the NWIPC.

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

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

4 18. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
5 (DHS). She is responsible for the implementation and enforcement of the Immigration and
6 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem
7 has ultimate custodial authority over Petitioner and is sued in her official capacity.

8 19. Respondent Pamela Bondi is the Attorney General of the United States, and as such
9 has authority over the Department of Justice. She is sued in her official capacity.

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

12 **FACTUAL BACKGROUND**

13 21. Mr. Ramos is a 24 year old native and citizen of Mexico.

14 22. Mr. Ramos entered the United States in May of 2021 with his tourist visa. He was
15 questioned by Border Patrol and he expressed a fear of returning to his native Mexico. He was
16 paroled and placed in removal proceedings by the issuing of a Notice to Appear (NTA) before the
17 Portland Immigration Court.

18 23. Mr. Ramos has lived in the Portland area since he came to the U.S. in 2021.

19 24. With the help of prior counsel Mr. Ramos filed his asylum application before the
20 Portland Immigration Court.

21 25. Prior to being detained on October 14, 2025 Mr. Ramos was working as a project
22 manager for a painting company. He has a valid employment authorization card. Mr. Ramos was
23 living with his fiancé, Desserey Soto, a U.S. Citizen, who is pregnant with the couple's child and due
to give birth on November 24, 2025.

1 26. Mr. Ramos was arrested by ICE on October 14, 2025. The officers admitted they
2 were looking for the prior occupant of his apartment.

3 27. Prior to Mr. Ramos's re-arrest, he did not receive written notice of the reason for his
4 re-detention.

5 28. Prior to Mr. Ramos's re-arrest, ICE did not assess whether Mr. Ramos presented a
6 flight risk or danger to the community, or whether his re-arrest was justified for some other reason.

7 29. Prior to Mr. Ramos's re-detention, he never received a hearing before a neutral
8 decisionmaker to determine if his re-detention is justified.

9 LEGAL FRAMEWORK

10 Due Process Principles

11 30. Due process requires that if DHS seeks to re-arrest a person like Mr. Ramos—who
12 has lived in the United States without incident after DHS first released him and has submitted an
13 application for protection from removal and generally complied with the terms of his release—the
14 government must afford a hearing before a neutral decisionmaker to determine whether any re-
15 detention is justified, and whether the person is a flight risk or danger to the community.

16 31. “Freedom from imprisonment—from government custody, detention, or other
17 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
18 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the most
19 elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *see also*
20 *Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally strong
21 interest in freedom from physical confinement”).

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

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

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

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

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

20 37. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319
21 (1976), framework to hold that even in a case where the government asserted that mandatory
22 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court did
23 the same in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL 2637663, at
*2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574, at *7–8.

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

12 39. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned
13 that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of
14 the due process clause.” 2025 WL 2637663, at *3. When examining the value of additional
15 safeguards, the Court also noted that despite the government’s allegations of ISAP violations, “the
16 fact ‘that the Government may believe it has a valid reason to detain Petitioner does not eliminate its
17 obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at *4
18 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). Finally, the Court reasoned that any government
19 interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court
20 ordered the petitioner’s immediate release. *Id.* at *5.

21 40. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again holding that
22 all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at
23 *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).

1 41. This Court's decisions in *E.A. T.-B., Ramirez Tesara, Kumar, and Ledesma Gonzalez* are
2 consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v.*
3 *Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate
4 release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-
5 05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-
6 00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-
7 CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

8 42. The same framework and principles apply here and compel Mr. Ramos's immediate
9 release.

10 **CLAIM FOR RELIEF**
11 **Violation of Fifth Amendment Right to Due Process**
12 **Procedural Due Process**

13 43. Mr. Ramos restates and realleges all the prior paragraphs as if fully set forth herein.

14 44. Due process does not permit the government to re-detain Mr. Ramos and strip him
15 of his liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to
16 determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at
17 487–88. Such written notice and a hearing must occur *prior* to any re-detention.

18 45. Respondents revoked Mr. Ramos release and deprived him of liberty without
19 providing him written notice and a meaningful opportunity to be heard by a neutral decisionmaker
20 prior to his re-detention.

21 46. Accordingly, Mr. Ramos's re-detention violates the Due Process Clause of the Fifth
22 Amendment.

23 **PRAYER FOR RELIEF**

WHEREFORE, Mr. Ramos respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

- 1 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as
2 to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering
3 that they not transfer Mr. Ramos out of this district during the pendency of the court's
4 adjudication of this petition;
- 5 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Mr. Ramos from
6 custody immediately and permanently enjoining his re-detention during the pendency of
7 his removal proceeding absent written notice and a hearing prior to re-detention where
8 Respondents must prove by clear and convincing evidence that he is a flight risk or
9 danger to the community and that no alternatives to detention would mitigate those
10 risks;
- 11 (4) Declare that Mr. Ramos's re-detention while removal proceedings are ongoing without
12 first providing an individualized determination before a neutral decisionmaker violates
13 the Due Process Clause of the Fifth Amendment;
- 14 (5) Award Mr. Ramos attorney's fees and costs under the Equal Access to Justice Act, and
15 on any other basis justified under law; and
- 16 (6) Grant any further relief this Court deems just and proper.

17 Dated: October 22, 2025.

18 s/ Stephen C. Robbins

19 Stephen Robbins, WSBA No. 53398
20 stephen@robbinsimmigration.com
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