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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

Y.M.M.,

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-2075

**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 Y.M.M., who entered the  
3 United States in December 2023 from Venezuela to seek asylum. She was apprehended shortly  
4 after her entry but was released while she pursued her removal proceedings.<sup>1</sup>

5 2. In the years since her release, Y.M.M. submitted an asylum application, worked,  
6 and was preparing for her upcoming immigration court hearing, which was set for May 2026 in  
7 Seattle, Washington. She had saved enough money to move out of the small room she rented into  
8 an apartment of her own when she was abruptly re-detained by the Department of Homeland  
9 Security (DHS).

10 3. On August 8, 2025, Y.M.M. met a friend at his apartment in Renton, Washington,  
11 so he could give her a ride to look at a studio apartment. As they were leaving the apartment  
12 building, a group of armed men with masks approached them. They took Y.M.M.'s friend.  
13 Y.M.M. understood the men to be immigration officials. After questioning Y.M.M., who showed  
14 them her identification and her immigration court hearing date on her phone, one of the masked  
15 officers said she could go, but another one disagreed and arrested her. Y.M.M. was eventually  
16 taken to the Northwest Immigration and Customs Enforcement (ICE) Processing Center  
17 (NWIPC), where she remains to this day.

18 4. Immigration records show that at the time of their arrest, immigration officers  
19 were aware that Y.M.M. was a Venezuelan national in active removal proceedings.

20 5. Before re-detaining her on August 8, 2025, Respondents did not provide Y.M.M.  
21 with any written notice explaining the basis for the revocation of her release. Nor did they  
22

23 <sup>1</sup> Along with this Complaint, Petitioner will file a motion for leave to proceed under a  
pseudonym to protect her identity from public disclosure due to the retaliation she fears both in  
Venezuela and the United States.

1 provide a hearing before a neutral decisionmaker where ICE was required to justify the basis for  
2 re-detention or explain why Y.M.M. is a flight risk or danger to the community.

3 6. As this Court has recently held in multiple cases, due process demands a hearing  
4 prior to the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, ---  
5 F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at \*2–6 (W.D. Wash. Aug. 19, 2025);  
6 *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL  
7 2637663, at \*2–4 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-  
8 01404-JNW-GJL, 2025 WL 2841574, at \*7–9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*,  
9 No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at \*2–4 (W.D. Wash. Sept. 17, 2025);  
10 Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP (W.D.  
11 Wash. Oct. 15, 2025), Dkt. 13. Many other courts have recently held the same.

12 7. By failing to provide such a hearing, Respondents have violated Y.M.M.'s  
13 constitutional right to due process.

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

## 20 JURISDICTION

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

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

4 11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241  
5 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.  
6 § 1651.

7 **VENUE**

8 12. Venue is proper because Y.M.M. is in Respondents' custody at the NWIPC in  
9 Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.  
10 484, 493–500 (1973), venue lies in the judicial district in which Y.M.M. currently is in custody.

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

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

16 14. The Court must grant the petition for writ of habeas corpus or issue an order to  
17 show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief.  
18 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return  
19 “within three days unless for good cause additional time, not exceeding twenty days, is allowed.”  
20 *Id.*

21 15. Habeas corpus is “perhaps the most important writ known to the constitutional  
22 law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or  
23 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the

1 attention and displaces the calendar of the judge or justice who entertains it and receives prompt  
2 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120  
3 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th  
4 Cir. 1954) (habeas corpus is “a speedy remedy, entitled by statute to special, preferential  
5 consideration to insure expeditious hearing and determination”).

#### 6 PARTIES

7 16. Y. M.M. is an adult citizen of Venezuela. She is detained at the NWIPC.

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

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

16 19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security  
17 (DHS). She is responsible for the implementation and enforcement of the INA, and oversees  
18 ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate custodial authority  
19 over Petitioner and is sued in her official capacity.

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

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

**FACTUAL BACKGROUND**

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22. Y.M.M. is a 27-year-old citizen and national of Venezuela.

23. Y.M.M. entered the United States in December 2023, to seek asylum. She was subsequently apprehended by immigration officials.

24. After a few days in detention, DHS officials released Y.M.M. from immigration custody on her own recognizance and issued her a Notice to Appear (NTA) in removal proceedings.

25. Following her release, Y.M.M. relocated to western Washington State. She lived in Chicago, Illinois, for a time, but moved back to Washington in order to find work.

26. At the time, she had her first master calendar hearing in immigration court scheduled for May 2026, in Seattle, Washington.

27. With the help of a friend, she filed an asylum application in April 2025.

28. On August 8, 2025, Y.M.M. met a friend to go see a studio apartment in Kent, Washington. She had been renting a room and had saved enough money to rent an apartment of her own.

29. As she and her friend were heading towards her friend's car, a group of armed men, their faces covered, approached them and took her friend. The men, whom Y.M.M. understood to be immigration officials, approached her. Y.M.M. showed them her identification as well as notice of her upcoming May 2026 court date in immigration court.

30. One of the officers said it was okay to let Y.M.M. go, but another officer disagreed and arrested her. He handcuffed and restrained her, despite the fact that she was cooperating.

1 31. The officers drove Y.M.M. and her friend to Tukwila, Washington, and Y.M.M.  
2 explained she had a pending asylum application and again mentioned that she had an upcoming  
3 court hearing. The officers responded she would be transferred to the NWIPC, where she could  
4 continue her immigration proceedings.

5 32. Y.M.M. has pursued her asylum application before the immigration court in  
6 Tacoma, Washington. She has her final merits hearing on her claim for asylum before the court  
7 today, October 23.

8 33. Y.M.M.'s arrest record (Form I-213) provides no basis for her arrest: it notes she  
9 has no lawful status in the United States but is already in removal proceedings before the  
10 immigration court.

11 34. Prior to Y.M.M.'s re-arrest, she did not receive written notice of the reason for her  
12 re-detention.

13 35. Prior to Y.M.M.'s re-arrest, ICE did not assess whether Y.M.M. presented a flight  
14 risk or danger to the community, or whether her re-arrest was justified for some other reason.

15 36. In fact, the arrest record provides no basis for Y.M.M.'s re-arrest and states that  
16 she has no criminal history. It instead notes ICE was looking for someone else, and it appears  
17 Y.M.M. was arrested simply because she happened to be there, even though the arresting officers  
18 realized that she had previously been released and had pending immigration proceedings.

19 37. Prior to Y.M.M.'s re-detention, she never received a hearing before a neutral  
20 decisionmaker to determine if her re-detention is justified.

1 **LEGAL FRAMEWORK**

2 **Due Process Principles**

3 38. Due process requires that if DHS seeks to re-arrest a person like Y.M.M.—who  
4 has lived in the United States without incident after DHS first released her, and has submitted an  
5 application for protection from removal and generally complied with the terms of her release—  
6 the government must afford a hearing before a neutral decisionmaker to determine whether any  
7 re-detention is justified, and whether the person is a flight risk or danger to the community.

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

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

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

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

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

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

14 45. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.  
15 319 (1976), framework to hold that even in a case where the government asserted that mandatory  
16 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court  
17 did the same in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL  
18 2637663, at \*2–3; *Kumar*, 2025 WL 2677089, at \*2–3; *Ledesma Gonzalez*, 2025 WL 2841574,  
19 at \*7–8.

20 46. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner  
21 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL  
22 2402130, at \*3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation  
23 modified). The Court further explained that even if detention was mandatory, the risk of

1 erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure  
2 that the purposes of detention—the prevention of danger and flight—are properly served. *Id.* at  
3 \*4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens  
4 previously released without a hearing is low: although it would have required the expenditure of  
5 finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations  
6 before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous  
7 deprivation of the liberty interest at issue.” *Id.* at \*5. As a result, this Court ordered the  
8 petitioner’s immediate release. *Id.* at \*6.

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

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

22 49. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma*  
23 *Gonzalez* are consistent with many other district court decisions addressing similar situations.

1 *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18,  
2 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v.*  
3 *Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24,  
4 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal.  
5 Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068  
6 (E.D. Cal. Aug. 21, 2025) (similar).

7 50. The same framework and principles apply here and compel Y.M.M.'s immediate  
8 release.

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

11 51. Y.M.M. restates and realleges all the prior paragraphs as if fully set forth herein.

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

16 53. Respondents revoked Y.M.M.'s release and deprived her of liberty without  
17 providing her written notice and a meaningful opportunity to be heard by a neutral  
18 decisionmaker prior to her re-detention.

19 54. Accordingly, Y.M.M.'s re-detention violates the Due Process Clause of the Fifth  
20 Amendment.

21 **PRAYER FOR RELIEF**

22 WHEREFORE, Y.M.M. respectfully requests that this Court:

23 (1) Assume jurisdiction over this matter;

1 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days  
2 as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and  
3 ordering that they not transfer Y.M.M. out of this district during the pendency of the  
4 court's adjudication of this petition;

5 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Y.M.M. from custody  
6 immediately and permanently enjoining her re-detention during the pendency of her  
7 removal proceeding absent written notice and a hearing prior to re-detention where  
8 Respondents must prove by clear and convincing evidence that she 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 Y.M.M.'s re-detention while removal proceedings are ongoing without  
12 first providing an individualized determination before a neutral decisionmaker  
13 violates the Due Process Clause of the Fifth Amendment;

14 (5) Award Y.M.M. 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 23, 2025.

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