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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION**

L.A.E.,

Docket No.:

Petitioner,

Agency Case No.: A 

v.

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

CAMMILLA WAMSLEY, Seattle Field Office Director,  
Immigration and Customs Enforcement and  
Removal Operations (“ICE/ERO”); TODD LYONS,  
Acting Director U.S. Immigration Customs  
Enforcement (“ICE”); U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT; KRISTI  
NOEM, Secretary of U.S. Department of Homeland  
Security (“DHS”); U.S. DEPARTMENT OF  
HOMELAND  
SECURITY;

ORAL ARGUMENT REQUESTED

Respondents.

Expedited Hearing Requested

COMES NOW Petitioner, L.A.E., by and through counsel, and pursuant to 28 U.S.C. § 2241 does hereby petition the Court for a Writ of habeas corpus. In support of this petition, Petitioner alleges as follows:

**Subject Matter Jurisdiction**

1. The Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 et seq., and Article I, § 9, Clause 2 of the United States Constitution (“Suspension Clause”). Demore v. Kim, 123 S. Ct. 1708, 1714 (2003); INS v. St. Cyr, 121 S.Ct. 2271 (2001); Magana-Pizano v. INS, 200 F.3d 603, 610 (9<sup>th</sup> Cir. 1999).
  
2. L.A.E. is in custody for purposes of habeas corpus relief because he is currently in the custody of Immigration and Customs Enforcement, acting under color of authority of the United States.

**Venue**

3. Venue lies in the District of Oregon, the judicial district where Petitioner is imprisoned and held in the custody of the Immigration and Customs Enforcement, acting under color of authority of the United States and at the direction of its Field Office Director, Ms. Cammilla Wamsley.

**Parties**

4. Petitioner, L.A.E., is an indigenous Purepecha citizen of Mexico and the father of three United States citizen children. Petitioner’s immigration case was stayed and administratively

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closed by the Ninth Circuit Court of Appeals. There is currently a government filed motion to reopen the petition for review with the Ninth Circuit.

5. Respondent, Ms. Cammilla Wamsley, is the Field Office Director for the Detention and Removal Office of Immigration and Customs Enforcement and she is being sued in her official capacity. In this capacity, Ms. Wamsley has authority over all detention matters in Oregon, and it is her decision to detain L.A.E. -- in violation of the laws and Constitution of the United States -- that is the subject of this petition.

6. Respondents, Mr. Todd Lyons, Acting Director of Immigration and Customs Enforcement, and Ms. Kristi Noem, Secretary, Department of Homeland Security, are both responsible for the implementation and enforcement of the immigration laws and it is their delegation of authority to administer the immigration laws to Immigration and Customs Enforcement (ICE) that permits ICE officials to act under color of authority of the United States.

### **Facts**

7. On May 1, 2013, Petitioner posted bond in Tacoma, Washington and was released from ICE custody. Petitioner's immigration case was transferred to Portland, Oregon.

8. As the father of three United States citizen children who had (has) been in the United States since 1999, Petitioner applied for cancellation of removal for a nonpermanent resident (EOIR-42B). Petitioner's application was denied by the immigration judge on September 13, 2018. On October 11, 2018, Petitioner filed an appeal of the immigration judge's decision to the

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BIA. On August 5, 2021, the BIA denied petitioner's appeal and on August 3, 2021, petitioner filed a petition for review and motion for stay of removal with the Ninth Circuit Court of Appeals.

9. On December 6, 2021, the Ninth Circuit granted a stay of removal until March 7, 2022. On March 1, 2022, the Attorney General filed an unopposed motion to administratively close proceedings with the Ninth Circuit, which was granted on March 3, 2022. While Petitioner's case is still closed with the Ninth Circuit, the Attorney General has filed a motion to reopen, which is pending.

10. On October 24, 2025, for an unknown reason, Respondents detained Petitioner in Portland, Oregon.

### **Claims**

11. Petitioner is not subject to detention because his case remains pending with the Ninth Circuit Court of Appeals, petitioner previously posted bond and has done nothing to cause that bond to be revoked, and Respondents have failed to make a pre-detention finding of changed circumstances sufficient to show flight risk or danger to the community.

### **Exhaustion**

11. Neither the Immigration and Nationality Act nor 28 U.S.C. § 2241 "specifically require[s] petitioners to exhaust direct appeals before filing petitions for habeas corpus." Castro-Cortez v. INS, 239 F.3d 1037, 1047 (9<sup>th</sup> Cir. 2001). As a prudential matter, however, habeas

petitioners must exhaust available judicial remedies before seeking relief under § 2241. Id.; Laing v. Ashcroft, 370 F.3d 994, 997 (9<sup>th</sup> Cir. 2004).

12. No judicial remedy is available for Petitioner to challenge his unlawful detention.

Petitioner has not been informed of the authority under which he is being detained.

#### **Prayer for Relief**

WHEREFORE, premises considered, Petitioner respectfully prays that this Court:

- (a) Assume jurisdiction over this matter;
- (b) Order Respondents to appear before this Court and show cause, if any there is, why Petitioner is being detained in violation of law;
- (c) Enjoin Respondents from depriving Petitioner of his liberty by incarcerating him during the pendency of this litigation given the serious legal questions raised in this Petition;
- (d) Enjoin Respondents from removing Petitioner from the jurisdiction of Oregon while this petition is pending;
- (e) Issue a Writ of habeas corpus requiring Respondents to release Petitioner immediately on reasonable conditions;
- (f) Grant such further relief as the Court deems just and proper.

Respectfully submitted this 24th day of October 2025.

s/Philip Smith  
Philip Smith, OSB No. 981032

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**DECLARATION OF PHILIP SMITH**

I, Philip Smith, do solemnly declare as follows:

1. I am an attorney duly licensed to practice in the State of Oregon and I am admitted to practice before the United States District Court for the District of Oregon.
2. I am the attorney for Petitioner in this cause.
3. I have prepared the foregoing petition for writ of habeas corpus and all facts and allegations contained therein are true and accurate to the best of my knowledge and belief.
4. I declare under penalty of perjury that the foregoing declaration is true and accurate to the best of my knowledge and belief.

Signed this 24th day of October 2025 at Portland, Oregon.

s/Philip Smith  
Philip Smith for  
L.A.E.