

DETAINED

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

SMBAT KHECHUMYAN, an individual, Case No.: 3:25-cv-5959

Petitioner,

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


v.

Agency file no.: 

CAMMILLA WAMSLEY, Director of
Seattle Field Office, U.S. Immigration
and Customs Enforcement; TODD M.
LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
KRISTI NOEM, Secretary, U.S.
Department of Homeland Security;
PAMELA BONDI, U.S. Attorney
General; and BRUCE SCOTT, Warden of
Northwest ICE Processing Center,

Respondents.

1 **TO THE HONORABLE COURT AND TO THE PARTIES AND THEIR**
2 **COUNSEL OF RECORD:**

3 **PLEASE TAKE NOTICE** that Petitioner SMBAT KHECHUMYAN
4 (“Petitioner”), A-Number  by and through his attorneys, hereby
5 petitions the Court for a Writ of Habeas Corpus, pursuant to Art. I, § 9, cl. 2 of the
6 United States Constitution; 28 U.S.C. § 2241; 28 U.S.C. § 1331; and 28 U.S.C. §
7 1651; and 28 U.S.C. §§2201, 2202, and for a directive to Respondents to immediately
8 release Mr. Khechumyan from his prolonged detention and permit him to live and
9 receive treatment at home while he awaits further adjudication or determination of
10 his immigration status or, alternatively, immediately provide a bond hearing within
11 ten (10) days of issuance of the Court’s writ.
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15 **INTRODUCTION**

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17 1. Petitioner Smbat Khechumyan has been housed at Northwest ICE
18 Processing Center (herein “NIPC”), at 1623 E. J Street, Tacoma, Washington 98421,
19 since on or around October 11, 2024 – that is, for over twelve months.

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21 2. Mr. Khechumyan seeks immediate release from custody at the
22 Northwest ICE Processing Center in Tacoma, Washington, on the basis that his
23 continued detention violates the Due Process Clause of the Fifth Amendment and the
24 Immigration and Nationality Act (INA).
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1 provide an Armenian interpreter for medical visits, denying that Mr. Khechumyan
2 suffered seizures, and inaccurately recording the date of Mr. Khechumyan's last
3 seizure – reflect, at best, a negligence and incompetence that has already likely
4 resulted in harm to Mr. Khechumyan's health or, at worst, a deliberate attempt to
5 inaccurately conceal the seriousness of Mr. Khechumyan's medical condition and
6 the failures of facility staff in reasonably attending to his needs.
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8
9 6. As shown herein, the conduct of ICE personnel and their agents indicate
10 that that agency is simply *unable* to manage Mr. Khechumyan's life threatening
11 medical condition in a reasonable manner, putting Mr. Khechumyan at risk of
12 imminent serious bodily harm or death while he remains confined. Thus, no remedy
13 other than immediate release can address the serious danger to Mr. Khechumyan's
14 life were he to stay confined in what is already a prolonged detention.
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17 7. Therefore, and pursuant to 28 U.S.C. §§ 2241, 2255, 18 U.S.C. § 3626,
18 *Scott v. LaMarque*, 27 F.App'x 858, 859 (9th Cir. 2001) and *Preiser v. Rodriguez*,
19 411 U.S. 475, 489 (1973), Petitioner Smbat Khechumyan respectfully petitions this
20 Court for a Writ of Habeas Corpus and directive to the U.S. Department of Homeland
21 Security and U.S. Immigration and Customs Enforcement to immediately release Mr.
22 Khechumyan from his prolonged detention and permit him to live and receive
23 treatment at home while he awaits further adjudication or determination of his
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1 immigration status or, alternatively, immediately provide a bond hearing within ten
2 (10) days of issuance of the Court's writ.

3 **CUSTODY**

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5 8. Petitioner is in the physical custody of Respondents. Petitioner is
6 imprisoned at Northwest ICE Processing Center, an immigration detention facility
7 owned and/or operated by Respondents in Tacoma, Washington state. Petitioner is
8 under the direct control of Respondents and their agents.
9

10 **JURISDICTION**

11 9. This Court has jurisdiction to entertain this petition under 28 U.S.C. §§
12 1331, 2241, 2242, and 2255; the Due Process Clause of the Fifth Amendment, U.S.
13 Const. amend. V; and the Suspension Clause, U.S. Const. art I, § 9.
14

15 **VENUE**

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17 10. Venue is proper in this District under 28 U.S.C. §§ 1391 and 2242
18 because at least one Respondent is in this District, Petitioner is detained in this
19 District, Petitioner's immediate physical custodian is located in this District, and a
20 substantial part of the events giving rise to the claims in this action took place in this
21 District. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004).
22

23 **PARTIES**

24
25 11. Petitioner Smbat Khechumyan is a noncitizen currently detained by
26

1 Respondents at Northwest ICE Processing Center in Tacoma, Washington. He has
2 been in ICE custody since around October 11, 2024.

3 12. Respondent Cammilla Wamsley is the Field Office Director responsible
4 for the Seattle, Washington Field Office of ICE with administrative jurisdiction over
5 Petitioner's immigration case. She is a legal custodian of Petitioner and is named in
6 her official capacity.
7

8 13. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration
9 and Customs Enforcement (ICE). He is a legal custodian of Petitioner and is named
10 in his official capacity.
11

12 14. Respondent Kristi Noem is the Secretary of the United States
13 Department of Homeland Security (DHS). She is a legal custodian of Petitioner and
14 is named in her official capacity.
15

16 15. Respondent Pamela Jo Bondi is the Attorney General of the United
17 States Department of Justice. She is a legal custodian of Petitioner and is named in
18 her official capacity.
19

20 16. Respondent Bruce Scott is the Warden of Northwest ICE Processing
21 Center in Tacoma, Washington, where Petitioner is currently detained. He is a legal
22 and physical custodian of Petitioner and is named in his official capacity.
23
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25 **STATEMENT OF FACTS**

26 - 6 -

27 PETITION FOR WRIT OF
28 HABEAS CORPUS

Case No.: 3:25-cv-5959

Law Office of Judith L. Wood
201 S Santa Fe Ave, Ste 101
Los Angeles, CA 90012
(213) 680-7801

Pertinent Immigration Procedural History

17. Smbat Khechumyan was born in Armenia on 

18. Mr. Khechumyan was paroled into the United States on or around March 25, 2025.

19. Mr. Khechumyan timely filed a Form I-589 Application for Asylum and Withholding of Removal.

20. On September 30, 2020, an Immigration Judge (“IJ”) denied Mr. Khechumyan’s application and ordered removal.

21. On October 26, 2020, Mr. Khechumyan filed a timely appeal to the Board of Immigration Appeals (“BIA”). Mr. Khechumyan timely submitted his appellate brief on April 22, 2022. The briefing deadline for DHS expired and DHS failed to file an opposing brief. Mr. Khechumyan’s BIA appeal remains *pending* as of the filing of this petition.

22. On or around October 11, 2024, Respondents detained Mr. Khechumyan at Northwest ICE Processing Center (herein “NIPC”), at 1623 E. J Street, Tacoma, Washington 98421, where he has remained since that time.

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Irreparable Injury

23. Mr. Khechumyan suffers from epileptic seizures. During the time of his

1 detention at NWIDC, Respondents have failed to provide timely medical attention
2 for his seizure condition and failed to provide his medications in a timely manner.

3 *See* Letter to Judge, **Ex. 4**.

4
5 24. Records obtained from ICE and ICE Health Service Corps show the
6 following:

7 a. A 10/11/2024 progress note for what appears to be an initial
8 intake and physical examination. The provider took note that Mr. Khechumyan
9 reporter suffering for and taking medication for seizures. He notified providers that
10 he had suffered a “*sudden*” onset of seizures “*years ago*,” that he was taking seizure
11 medication, and that his last seizure “*was a month ago*” – which would be in or
12 around September of 2024. An order was made to start Mr. Khechumyan on
13 Levetiracetam tablets for his seizures. It was also noted in this initial examination
14 that Mr. Khechumyan’s language was “*Armenian*.” *See* ICE Medical Records, **Ex.**
15 **1**, pp. 29, 32, 34, and 38 of 73.

16
17 b. Subsequent progress notes from ICE providers would
18 inaccurately downplay the state of Mr. Khechumyan’s seizure-related condition,
19 claiming that his last seizure had been in “01/2024.” *See* **Ex. 1**, progress notes for
20 10/17/2024, 01/14/2025, pp. 5 and 22 of 73.

21
22 c. A 10/17/2024 progress note claims – contrary to the information
23

1 provided by Mr. Khechumyan to medical staff – that Mr. Khechumyan speaks
2 “*English*” (no mention at all of Armenian) and yet also makes note that “*No*
3 *interpreter [was] available during visit.*” See **Ex. 1**, p. 22 of 73.

4
5 d. On 11/12/2024, Mr. Khechumyan submitted a signed and dated
6 grievance form to ICE wherein he states that he had a seizure after lunch. Mr.
7 Khechumyan was discovered by a friend and fellow detainee who called for
8 emergency medical treatment. Despite the emergency request, staff failed to respond
9 for 30 minutes. Furthermore, facility staff forced Mr. Khechumyan to then wait for
10 another 20 minutes before he was seen by any medical staff. Even during the
11 medical visit, the provider was, “ignoring what I was telling them about my seizure.”
12 See Detainee Grievance, **Ex. 2**.

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15 e. Indicating further disregard for detainee health and medical
16 needs, staff failed to bring Mr. Khechumyan a wheelchair to transport him to medical
17 (after they finally arrived). Rather, staff took the wheelchair that belonged to Mr.
18 Khechumyan’s bunk mate – who cannot walk without it. This prevented Mr.
19 Khechumyan’s bunk mate from using the restroom while Mr. Khechumyan was
20 away. *Id.*

21
22
23 f. On November 15, 2024, a supervisor (name illegible on the form)
24 responded to Mr. Khechumyan’s grievance by stating that, “this is not a grievance,”
25

1 and that, “there is no record of an IRS activation or a medical emergency declared
2 for you on the date in question,” and then apparently issuing a thinly veiled taunt
3 regarding Mr. Khechumyan’s prior complaints about mistrusting facility medical
4 staff. *Id.*

5
6 g. Mr. Khechumyan also submitted to ICE a note denying that he
7 was refusing medication and making mention again of ICE’s failure to respond in a
8 reasonable manner to his seizure. *See* Detainee Note, **Ex. 3**.

9
10 h. On 11/12/2024, despite the fact that ICE responded to Mr.
11 Khechumyan’s grievance by denying the November 12, 2024 seizure non-response
12 incident ever took place, records indicate ICE also provided Mr. Khechumyan with
13 a medical visit regarding what ICE claims was merely a “c/o dizziness which
14 occurred less than 30 minutes ago.” *See* **Ex. 1**, p. 19 of 73.

15
16
17 i. What is immediately unusual regarding this progress note is that
18 the provider in question – who signed as “Enrique Vega NP” – was careful to claim
19 that the incident in question occurred “less than 30 minutes ago,” whereas Mr.
20 Khechumyan’s same-day grievance clearly states that staff failed to respond to the
21 seizure for “about 30 minutes” and that after that he was not seen by anyone “for
22 another 20 minutes.” *See* Detainee Grievance, **Ex. 2**.

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25 j. The note also claims Mr. Khechumyan supposedly indicated he

1 was fluent in Spanish (which appears nowhere else in these records), enabling the
2 provider to state that he conducted the visit without an interpreter because he was
3 “*fluent in patient’s native language.*” See **Ex. 1**, p. 19 of 73.

4
5 k. 11/13/2024. Despite the fact that ICE responded to Mr.
6 Khechumyan’s grievance by denying the November 12, 2024 seizure non-response
7 incident ever took place, records indicate ICE also provided Mr. Khechumyan with
8 a medical visit the next day, November 13, 2024, ostensibly for “Medication
9 refusals.” The provider – who signed the note as “John B. Robinson, PA” – failed to
10 make *any* mention of his complaint regarding the seizure incident. The record
11 indicates the provider failed to make an epilepsy assessment. See **Ex. 1**, pp. 15-16 of
12 73.

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15 l. A 12/01/2024 progress note indicates Mr. Khechumyan’s
16 language is indeed Armenian, and an Armenian language translator was provided for
17 the visit. The note also indicates that Mr. Khechumyan had been started on a course
18 of Levetiracetam tablets on October 11, 2024 to be stopped April 9, 2025. That
19 course had been cancelled and replaced by a course of the same medication to start
20 December 1, 2024, and to end May 30, 2025. See **Ex. 1**, pp. 11-12 of 73.

21
22 m. A 01/14/2025 progress note claims Mr. Khechumyan’s language
23 is English and that he “speaks English fluently.” Furthermore, the note claims Mr.
24

1 Khechumyan’s last seizure was in January of 2024, that he had had “*no seizure*” for
2 the past 3 months, and described the degree of his seizure control as “*Good – No*
3 *seizure activity since last chronic care visit.*” See **Ex. 1**, p. 5 of 73.

4
5 n. In fact, Mr. Khechumyan’s primary language is Armenian and he
6 had complained to ICE Health Service Corps regarding their non-response to a
7 seizure he suffered on November 12, 2024.

8
9 o. A 03/19/2025 progress note indicates Mr. Khechumyan’s
10 language is indeed Armenian, and an Armenian language translator was provided for
11 the visit. See **Ex. 1**, p. 2 of 73.

12
13 **Exhaustion of Legal Remedies**

14 25. Petitioner is in civil detention and not subject to a final order of removal
15 and so he is ineligible for relief under 8 U.S.C. § 1252. Accordingly, he has no other
16 avenue to challenge the legality or conditions of his continued confinement apart
17 from a petition for habeas corpus challenging the “fact, duration, or conditions” of
18 immigration detention. *Singh v. Holder*, 638 F.3d 1196, 1211–12 (9th Cir. 2011).

19
20
21 26. Mr. Khechumyan has submitted numerous internal grievances at the
22 Northwest ICE Processing Center to alert officials of his deteriorating medical
23 condition, the lack of proper care, and the need for external treatment. These
24 grievances, attached as **Exhibits 1 and 2**, were either ignored or denied. The

1 exhaustion of these internal mechanisms satisfies the requirement under *Singh*, that
2 the petitioner first pursue and be denied facility-level administrative relief.

3 27. Regardless of the above, Petitioner suffers from a serious medical
4 condition and the government's continued failure to provide appropriate medical
5 treatment and its own acknowledgment that the facility is unequipped to manage his
6 condition create an imminent risk of death. These circumstances constitute
7 independent grounds for excusing further administrative exhaustion. *Franco-*
8 *Gonzalez*, 767 F. Supp. 2d at 1057; *Hernandez v. Sessions*, 872 F.3d 976, 990–91
9 (9th Cir. 2017).

12 LEGAL FRAMEWORK

13 28. District courts retain jurisdiction under 28 U.S.C. § 2241 to consider
14 habeas challenges to immigration detention that are sufficiently independent of the
15 merits of the removal order. *See Singh v. Holder*, 638 F.3d 1196, 1211-1212 (9th Cir.
16 2011); *cf. Jennings v. Rodriguez*, 583 U.S. 281 (2018). Furthermore, a writ of habeas
17 corpus is the proper avenue for prisoners to challenge the fact or duration of their
18 confinement. *See Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973) (a writ of habeas
19 corpus is the sole available federal remedy when a prisoner challenges “the fact or
20 duration of his confinement”).

21 29. To succeed on a habeas petition, a petitioner must generally show that
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1 he is “in custody in violation of the Constitution or laws or treaties of the United
2 States” 28 U.S.C. § 2241(c)(3).

3 30. Whenever the government detains or incarcerates someone, it has an
4 affirmative duty to provide conditions of reasonable health and safety. As the
5 Supreme Court has explained, “when the State takes a person into its custody and
6 holds him there against his will, the Constitution imposes upon it a corresponding
7 duty to assume some responsibility for his safety and general well-being.” *DeShaney*
8 *v. Winnebago County Dept. of Soc. Servs.*, 489 U.S. 189, 199-200 (1989). As a result,
9 the government must provide those in its custody with “food, clothing, shelter,
10 medical care, and reasonable safety.” *Id.* at 200.

11 31. Conditions that pose an unreasonable risk of future harm violate the
12 Eighth Amendment’s prohibition against cruel and unusual punishment, even if that
13 harm has not yet come to pass. The Eighth Amendment requires that “inmates be
14 furnished with the basic human needs, one of which is ‘reasonable safety.’” *Helling*
15 *v. McKinney*, 509 U.S. 25, 33 (1993) (quoting *DeShaney*, 489 U.S. at 200).
16 Accordingly, “[i]t would be odd to deny an injunction to inmates who plainly proved
17 an unsafe, life-threatening condition in their prison on the ground that nothing yet
18 had happened to them.” *Id.*

19 32. These principles also apply in the context of immigration detention.
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1 Immigrant detainees, even those with prior criminal convictions, are civil detainees
2 held pursuant to civil immigration laws. *Zadvydas v. Davis*, 533 U.S. 678, 690
3 (2001). Because detained immigrants are civil detainees, their constitutional
4 protections while in custody are derived from the Fifth Amendment, which provides
5 protections even greater than the Eighth Amendment. The Eighth Amendment,
6 which applies to persons convicted of criminal offenses, allows punishment as long
7 as it is not cruel and unusual. But the Fifth Amendment’s due process protections do
8 not allow punishment at all. *Bell v. Wolfish*, 441 U.S. 520, 535 n.16 (1979) (“Due
9 process requires that a pretrial detainee not be punished.”)
10
11

12
13 33. The Ninth Circuit has applied this principle to make clear that civil
14 detainees, like the Petitioner here, are entitled to conditions of confinement that are
15 superior to those of convicted prisoners and to those of criminal pretrial detainees.
16 *Jones v. Blanas*, 393 F.3d 918, 933-34 (9th Cir. 2004), cert. denied, 546 U.S. 820
17 (2005).
18

19
20 34. The instant petition does not merely challenge the conditions of
21 Petitioner’s confinement, but takes the position that no remedy other than immediate
22 release is sufficient to address the life-threatening harm that Petitioner continues to
23 suffer.
24

25 35. The Fifth Amendment of the Constitution guarantees that civil
26

1 detainees, including all immigrant detainees, may not be subjected to punishment.
2 The federal government violates this substantive due process right when it subjects
3 civil detainees to cruel treatment that amounts to punishment or that does not ensure
4 those detainees' safety and health.
5

6 36. Respondents conduct here toward Petitioner demonstrates an inability
7 and staid unwillingness to provide reasonable medical attention and treatment to the
8 Petitioner. As a result, Petitioner, due to his particular vulnerabilities and risks as an
9 individual suffering from epileptic seizures, risks serious bodily injury and death if
10 he remains within Respondents' direct physical custody.
11

12 37. Additionally, Petitioner has been detained by Respondents for more
13 than twelve months without review. And Respondents' conduct here toward
14 Petitioner demonstrates an inability and staid unwillingness to provide reasonable
15 medical attention and treatment to the Petitioner. As a result, Petitioner, due to his
16 particular vulnerabilities and risks as an individual suffering from epileptic seizures,
17 risks serious bodily injury and death if he remains within Respondents' direct
18 physical custody.
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22 38. For these reasons, Respondents' ongoing detention of Petitioner violates
23 the Due Process Claus and may only be remedied by immediate release or, in the
24 alternative, by an immediate bond hearing.
25

PRAYER FOR RELIEF

1
2 WHEREFORE, Petitioner Smbat Khechumyan respectfully requests that the Court
3 grant the following relief:

4
5 1. Issue a Writ of Habeas Corpus and directive to Respondents to
6 immediately release Mr. Khechumyan from his prolonged detention and permit him
7 to live and receive treatment at home while he awaits further adjudication or
8 determination of his immigration status; or

9
10 2. In the alternative, direct Respondents to provide Mr. Khechumyan with
11 a bond hearing within ten (10) days of the date of issuance of the Court's Writ.

12
13 3. Award Petitioner his costs and reasonable attorneys' fees in this action
14 under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28
15 U.S.C. § 2412, and on any other legal and just grounds; and

16
17 4. Grant any other further relief as the Court may deem just and
18 appropriate.

19
20
21 Respectfully submitted,

1 Dated this 27th day of October, 2025.
2

3 /s/ [Steven K. Ridgill]
4 Steven Ridgill, CalBar #338535
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10 *Attorney for Petitioner*
11 **Pro Hac Vice application forthcoming*

12 /s/ [A. Fiona McKinnon].
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19 *Attorney for Petitioner*
20 *Local Counsel*

EXHIBITS

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Document

Exhibit No.

ICE Medical Records from 10/11/2024 to 03/19/2025.....	1
Detainee Grievance, dated 11/12/2024.....	2
Detainee Note, dated 11/13/2024.....	3
Petitioner’s Letter to Judge	4

CERTIFICATION

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This petition cannot be verified by SMBAT KHECHUMYAN because he is in DHS custody. Consequently, the undersigned counsel for Petitioner hereby verifies that the information in this petition is true and correct to the best of my knowledge and belief based on information provided by the Petitioner.

SWORN under penalty of perjury this date of October 27, 2025, at Los Angeles, California.

/s/ [Steven K. Ridgill]

Steven K. Ridgill
Declarant