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**DETAINED**

4 **THE UNITED STATES DISTRICT COURT**  
5 **FOR THE WESTERN DISTRICT OF WASHINGTON**  
6 **SEATTLE, WASHINGTON**

6 DAVID LAHAMENDU,

7 Petitioner,

8 vs.

9 PAMELA BONDI, United States Attorney  
General;  
10 KRISTI NOEM, Secretary of U.S.  
Department of Homeland Security;  
11 TODD LYONS, Acting Director, U.S.  
Immigration and Customs Enforcements;  
12 CAMMILLA WAMSLEY, Seattle Field  
Office Director, Immigration and Customs  
13 Enforcement;  
14 BRUCE SCOTT, Warden, Northwest ICE  
Processing Center;

15 Respondents.

Case No.: 2:25-cv-2155

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

16 **PETITION FOR WRIT OF HABEAS CORPUS**

17 **PARTIES**

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19 1. Petitioner, Mr. David Lahamendu, is a citizen of Indonesia who is presently  
20 detained at the Northwest ICE Processing Center in Tacoma, Washington.

21 2. Respondent Kristi Noem is sued in her official capacity as the Secretary of the  
22 U.S. Department of Homeland Security. She is the cabinet-level secretary responsible for all  
23

1 immigration enforcement in the United States and has ultimate custodial authority over  
2 Petitioner.

3 3. Respondent Pamela Bondi is sued in her official capacity as the Attorney General  
4 of the United States. The Immigration Judges who decide removal cases and applications for  
5 relief from removal do so as her designees.

6 4. Respondent Todd Lyons is sued in his official capacity as the Acting Director of  
7 U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency  
8 responsible for all immigration enforcement in the United States.

9 5. Respondent Camilla Wamsley is sued in her official capacity as Field Office  
10 Director for the Seattle office of Immigration and Customs Enforcement, an agency of the  
11 Department of Homeland Security. She is responsible for overseeing ICE operations pertaining  
12 to noncitizens within its territorial jurisdiction, such as Petitioner, including detentions,  
13 enforcement, and removal operations. She is the immediate legal custodian of the petitioner for  
14 purposes of a federal habeas petition.

15 6. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the  
16 Northwest ICE Processing Center, the privately-operated immigration detention center where the  
17 Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.

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19 **JURISDICTION**

20 7. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal  
21 question jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).

22 8. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9,  
23 cl. 2, of the U.S. Constitution. *See INS v. St. Cyr*, 533 U.S. 289 (2001).

**PETITION FOR WRIT OF HABEAS CORPUS**

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Case No: 2:25-cv-2155

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1 9. No other petitions, appeals, or motions have been filed with any other court.

2 10. Venue in the Western District of Washington is appropriate under 28 U.S.C.  
3 § 1391(e)(1) because the Petitioner is detained in this judicial district.

4 11. Venue is further appropriate because the Respondents live, work, and/or operate  
5 within this judicial district and because the actions which gave rise to this Petition took place in  
6 Tacoma, Washington, which falls within this judicial district.

7 **FACTUAL BACKGROUND**

8 12. Petitioner, Mr. David Lahamendu, a native and citizen of Indonesia, entered the  
9 United States on or around November 28, 1993.

10 13. Petitioner was re-detained by ICE on January 26, 2025. He has been detained  
11 since that date.

12 14. He is currently being held in Tacoma, Washington, at the Northwest ICE  
13 Processing Center—formerly the Northwest Detention Center—a privately owned and operated  
14 immigration detention facility run by the GEO Group on behalf of U.S. Immigration and  
15 Customs Enforcement. He has been neither removed nor released, and his departure from the  
16 United States is neither imminent nor foreseeable.

17 15. Petitioner has been detained for 277 days so far.

18  
19 **MEMORANDUM OF LAW**

20 16. Because he has been detained for more than six months post the issuance of a  
21 final order of removal and there is no likelihood of removal in the reasonably foreseeable future,  
22 Petitioner seeks habeas corpus relief and immediate release from detention.

1           17.     After a final order of removal has been issued, the government must remove the  
2 noncitizen within 90 days from the date that the order becomes final (“removal period”). 8  
3 U.S.C. § 1231(a)(1)(A). It can detain the person longer under certain circumstances or release  
4 them under supervision. 8 U.S.C. § 1231(a)(6). Generally, Immigration and Customs  
5 Enforcement will conduct a 90 day custody review when an order of removal becomes final.  
6 There is no indication that ICE reviewed any of Petitioner’s request for release pending his  
7 removal. He has family members inside the United States that are willing to support him and  
8 make sure that he complies with all ICE orders.

9           18.     Even when a non-citizen is subject to a final order of removal, the government  
10 cannot detain the person indefinitely. *Zadvydas v. Davis*, 533 U.S. 678 (2001). In *Zadvydas*, the  
11 Supreme Court held that 8 U.S.C. § 1231(a)(6) does not allow the government to detain a  
12 noncitizen indefinitely while attempting to carry out removal. *Zadvydas*, 533 U.S. at 689.  
13 Because indefinite detention poses a “serious constitutional problem” under the Fifth  
14 Amendment’s Due Process clause, the Court read the statute to limit a noncitizen’s detention to  
15 “a period reasonably necessary to bring about that alien’s removal from the United States.”  
16 *Zadvydas*, 533 U.S. at 689-90.

17           19.     *Zadvydas* recognized 90 days as a “presumptively reasonable period” of detention  
18 after a removal order. *Zadvydas*, 533 U.S. at 701. After 90 days, if the noncitizen provides “good  
19 reason to believe that there is no significant likelihood of removal in the reasonably foreseeable  
20 future,” the burden shifts to the government to rebut that showing. *Id.* Moreover, “as the period  
21 of prior post-removal confinement grows, what counts as the ‘reasonably foreseeable future’  
22 conversely would have to shrink.” *Id.*

1           20. Government detention violates the Suspension Clause, U.S. Const., art. I, § 9, cl.  
2 2, unless it is ordered in a criminal proceeding with adequate procedural safeguards or a special  
3 justification outweighs the individual's liberty interest. The government may continue to detain  
4 the person, but it must make a showing that the person poses a risk to the community or is  
5 unlikely to comply with the order of removal. *Zadvydas*, 533 U.S. at 688-89. And even then, the  
6 continued detention is not a grant of unlimited discretion. *Id.*

7           21. Here, Petitioner was granted voluntary departure in November 2004. He appealed  
8 that decision which was dismissed by the Board of Immigration Appeals on December 20, 2004.  
9 He was placed on an Order of Supervision on March 21, 2019. Despite that supervision, he was  
10 detained on January 26, 2025. He has been held in custody for more than six months.

11           22. This violates Petitioner's constitutional rights under the Fourth Amendment,  
12 because it is an unreasonable seizure; the Fifth Amendment, because it is a deprivation of his  
13 liberty in violation of Due Process; and the Eighth Amendment, because it is cruel and unusual  
14 punishment. Petitioner seeks habeas corpus relief to challenge his prolonged detention, and  
15 denial of that relief would violate the Suspension Clause, U.S. Const., art. I, § 9, cl. 2.

16           23. Upon the filing of a Petition for Writ of Habeas Corpus, the court "shall forthwith  
17 award the writ or issue an order directing the respondent to show cause why the writ should not  
18 be granted...." 28 U.S.C. § 2243.

19           24. The Respondents are currently holding the Petitioner in actual detention and  
20 custody at the Northwest ICE Processing Center located at 1623 East J Street, Tacoma, WA  
21 98421. Petitioner is not facing imminent removal or deportation from the United States. The  
22 Respondents have no reason that justifies their continued detention of Petitioner.

1 25. Petitioner asks to be immediately released. In the alternative, he moves this Court  
2 to release him on a reasonable bond, until such time as the government removes him.

3 26. This Petition has been verified by Petitioner.  
4

5 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

6 27. Petitioner has exhausted all administrative remedies. There are no administrative  
7 appeals of the final order of removal and no other relief is otherwise available.  
8

9 **IRREPARABLE INJURY**

10 28. Petitioner has suffered irreparable injury as a result of his detention. His physical  
11 liberty continues to be restrained, and no just cause for doing so can be specified.  
12

13 **PRAAYER FOR RELIEF**

14 WHEREFORE, Petitioner respectfully prays that:

15 (1) this Court issue a Show Cause Order directing the Respondents to show cause  
16 why the Writ of Habeas Corpus should not be granted and issued, and directing the Respondents  
17 to explain why the Petitioner should not be released from custody;

18 (2) this Court issue an order setting a hearing at a time and date to be specified;

19 (3) this Court issue an order requiring the immediate release of Petitioner;

20 (5) this Court issue an order providing for an award of attorney's fees and costs; and

21 (6) this Court issue an order providing for such other relief as may be just and

22 reasonable.

23 Dated: October 31, 2025.

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/s/ Hilary Smith  
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