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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Luz Edith CABEZAS Lopez

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-2161

**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 Ms. Luz Edith CABEZAS-Lopez,
3 who entered the United States in December 2023 from Colombia to seek asylum. She was
4 apprehended shortly after her entry but was released while she pursued her removal proceedings.

5 2. In the years since her release, Ms. Cabezas submitted an asylum application, worked,
6 and was preparing for her upcoming immigration court hearing in Seattle, Washington. She was
7 working on saving enough money to hire an attorney to help with the process.

8 3. Ms. Cabezas checked in regularly with the local ICE office. At a routine check in in
9 October officers told Ms. Cabezas that she had uploaded her photo “late” to the Intensive
10 Supervision Appearance Program (ISAP) cell phone app and that she was going to be detained as a
11 punishment for so doing.

12 4. Before re-detaining her in October, Respondents did not provide Ms. Cabezas with
13 any written notice explaining the basis for the revocation of her release. Nor did they provide a
14 hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention
15 or explain why Ms. Cabezas is a flight risk or danger to the community.

16 5. As this Court has recently held in multiple cases, due process demands a hearing *prior*
17 to the government’s decision to terminate a person’s liberty. *See E.A. T.-B. v. Wamsley*, --- F. Supp. 3d
18 --- No. C25-1192-KKE, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*
19 *Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *2–4 (W.D. Wash.
20 Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7-
21 -9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089,
22 at *2–4 (W.D. Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-
23 cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13. Many other courts have recently held the
same.

1 6. By failing to provide such a hearing, Respondents have violated Ms. Cabeza's
2 constitutional right to due process.

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

8 JURISDICTION

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

11 9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
12 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
13 (Suspension Clause).

14 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
15 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.
16 § 1651.

17 VENUE

18 11. Venue is proper because Ms. Cabezas is in Respondents' custody at the NWIPC in
19 Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–
20 500 (1973), venue lies in the judicial district in which Y.M.M. currently is in custody.

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

REQUIREMENTS OF 28 U.S.C. § 2243

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

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

PARTIES

15. Ms. Cabezas is an adult citizen of Colombia. She is detained at the NWIPC.

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

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

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

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

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

9 **FACTUAL BACKGROUND**

10 21. Ms. Cabezas is a citizen and national of Colombia.

11 22. Ms. Cabezas entered the United States in December 2023, to seek asylum. She was
12 subsequently apprehended by immigration officials.

13 23. After a few days in detention, DHS officials released Ms. Cabezas from immigration
14 custody on her own recognizance and issued her a Notice to Appear (NTA) in removal proceedings.

15 24. Following her release, Ms. Cabezas relocated to the Yakima, Washington area.

16 25. Ms. Cabezas filed an application for asylum with the immigration court.

17 26. Ms. Cabezas worked hard to support herself and try to save enough for legal
18 representation. She reported regularly with the Yakima ICE and ISAP offices. She was required to
19 upload a "selfie" every week at a certain time. Ms. Cabezas admits to having uploaded the photo late
20 on several occasions due to her work schedule.

21 27. Officers told Ms. Cabezas she was being arrested at her last check in as a
22 "punishment" for having uploaded her photograph late.

23 28. Prior to Ms. Cabezas' re-arrest, she did not receive written notice of the reason for
her re-detention.

1 29. Prior to her re-arrest, ICE did not assess whether Ms. Cabezas presented a flight risk
2 or danger to the community, or whether her re-arrest was justified for some other reason.

3 30. Prior to Ms. Cabezas' re-detention, she never received a hearing before a neutral
4 decisionmaker to determine if her re-detention is justified.

5 LEGAL FRAMEWORK

6 Due Process Principles

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

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

18 33. Consistent with this principle, individuals released on parole or other forms of
19 conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S.
20 471, 482 (1972).

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

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

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

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

16 38. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319
17 (1976), framework to hold that even in a case where the government asserted that mandatory
18 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court did
19 the same in *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL 2637663, at
20 *2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574, at *7–8.

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

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

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

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

21 42. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez* are
22 consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v.*
23 *Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate
release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-

1 05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-
2 00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-
3 CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

4 43. The same framework and principles apply here and compel Ms. Cabeza's immediate
5 release.

6 **CLAIM FOR RELIEF**
7 **Violation of Fifth Amendment Right to Due Process**
8 **Procedural Due Process**

9 44. Ms. Cabeza restates and realleges all the prior paragraphs as if fully set forth herein.

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

14 46. Respondents revoked Ms. Cabeza release and deprived her of liberty without
15 providing her written notice and a meaningful opportunity to be heard by a neutral decisionmaker
16 prior to her re-detention.

17 47. Accordingly, Ms. Cabeza re-detention violates the Due Process Clause of the Fifth
18 Amendment.

19 **PRAYER FOR RELIEF**


20 WHEREFORE, Ms. Cabeza respectfully requests that this Court:

- 21 (1) Assume jurisdiction over this matter;
- 22 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as
23 to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering
that they not transfer Ms. Cabeza out of this district during the pendency of the court's
adjudication of this petition;

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- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Ms. Cabeza from custody immediately and permanently enjoining her re-detention during the pendency of her removal proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that she is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Declare that Ms. Cabeza’s re-detention while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (5) Award Ms. Cabeza attorney’s fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Dated: October 31, 2025.



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