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6 Attorney for Petitioner

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON

9 Sergio GOMEZ Romero

10 Petitioner,

11 v.

12 Cammilla WAMSLEY, Seattle Field Office
13 Director, Enforcement and Removal Operations,
14 United States Immigration and Customs
15 Enforcement (ICE); Bruce SCOTT, Warden,
16 Northwest ICE Processing Center; Kristi
17 NOEM, Secretary, United States Department of
18 Homeland Security; Pamela BONDI, United
19 States Attorney General; UNITED STATES
20 DEPARTMENT OF HOMELAND
21 SECURITY;

22 Respondents.
23

Case No. 2:25-cv-02207

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

INTRODUCTION

1
2 1. This case challenges the unlawful re-detention of Sergio GOMEZ-Romero, who
3 entered the United States when he was an infant in around 1990. He has lived in the United States
4 ever since. He was initially placed in removal proceedings in 2011. He was detained and sent to the
5 Northwest Detention Center in Tacoma, Washington where he paid a \$5000 dollar bond. Following
6 his release, the Department of Homeland Security agreed to “administratively close” his removal
7 proceedings.

8 On November 4, 2025 Mr. Gomez Romero was filling his car with gas when two trucks
9 approached and blocked his car in. A group of masked Immigration and Customs Enforcement
10 officers surrounded Mr. Gomez and within seconds of their encounter wrestled him to the ground.¹
11 Mr. Gomez was kicked and sustained injuries that were later treated at the local hospital. The
12 Yakima ICE office refused a request to set bond or release Mr. Gomez and instead sent him to
13 Tacoma to be detained at the Northwest Immigrant Processing Center.

14 2. Mr. Gomez has a single arrest that predated his initial detention in 2011 for
15 Possession of Marijuana and Paraphernalia. The Paraphernalia charge was dismissed, and the
16 Marijuana possession was vacated on Constitutional grounds in April of 2024. He has no other
17 criminal history. He was arrested for assault as a juvenile but records show that the result was a “no
18 charge.”

19 3. Mr. Gomez’s case remains docketed at the Seattle Immigration Court and the
20 Department of Homeland Security has not filed a motion to recalendar those proceedings.² It will
21 take weeks for the case to be transferred to the Tacoma Immigration Court, and once docketed

22
23 ¹ The summary of these facts are based on conversations with Mr. Gomez and a review of the security camera footage from the gas station.

² The current administration has filed many motions to recalendar cases that were previously closed as a matter of discretion. Counsel is unaware of another case where the respondent was detained prior to filing the motion with the Immigration Court.

1 there the Immigration Judges are refusing to set bond on jurisdictional grounds, despite having set a
2 \$5000 dollar bond for the same respondent in 2011.

3 4. Before re-detaining him on November 4, Respondents did not provide Mr. Gomez
4 with any written notice explaining the basis for detention, nor was a warrant or other evidence
5 provided to counsel when requested the same day of the arrest. The Respondents did not provide a
6 hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention
7 or explain why Mr. Gomez is a flight risk or danger to the community.

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

17 6. By failing to provide such a hearing, Respondents have violated Mr. Gomez's
18 constitutional right to due process.

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

1 8. In the alternative, this Court should order that a bond hearing be scheduled as soon
2 as possible and that Mr. Gomez be allowed to secure his release for the same bond he paid in 2011,
3 that is \$5000.

4 JURISDICTION

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

7 10. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),
8 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution
9 (Suspension Clause).

10 11. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
11 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.
12 § 1651.

13 VENUE

14 12. Venue is proper because Mr. Gomez is in Respondents' custody at the NWIPC in
15 Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–
16 500 (1973), venue lies in the judicial district in which Mr. Gomez currently is in custody.

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

21 REQUIREMENTS OF 28 U.S.C. § 2243

22 14. The Court must grant the petition for writ of habeas corpus or issue an order to
23 show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief.

1 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within
2 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

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

11 PARTIES

12 16. Mr. Gomez is an adult citizen of Mexico. He is detained at the NWIPC.

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

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

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

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

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

5 **FACTUAL BACKGROUND**

6 22. Mr. Gomez is a 36-year-old native of Mexico.

7 23. Mr. Gomez was brought to the United States as a child when he was about one year
8 old. He has lived here ever since.

9 24. Mr. Gomez's mother is a permanent resident and his father a naturalized citizen. Mr.
10 Gomez helps care for both his parents. He has sole custody of his son, , a U.S. citizen.

11 25. Mr. Gomez was initially arrested and detained by immigration officials in 2011. He
12 paid a \$5000 dollar bond to be released from their custody. His case was "closed" as a matter of
13 discretion in 2014. Mr. Gomez has lived and worked in the U.S. since that time without incident.

14 26. Rather than filing a motion to recalendar his case as they would normally do to signal
15 the end of Mr. Gomez's "prosecutorial discretion" agents arrested Mr. Gomez while he was filling
16 his car with gas in the early morning hours of November 4, 2025.

17 27. The Tacoma Immigration Court continues to deny bond on jurisdictional grounds
18 for individuals like Mr. Gomez who entered the United States without inspection despite orders
19 from this Court to suspend that practice. For this reason Mr. Gomez has not requested a bond
20 hearing from the Tacoma Immigration Court. Furthermore, his case remains docketed at the Seattle
21 Immigration Court and it will likely take weeks for the case to be recalendared in Tacoma.

22 28. On November 4, hours after the arrest, the undersigned requested copies of the I-
23 200 warrant for arrest and I-213 arrest record from local Immigration and Customs Enforcement.
Counsel received no response. On November 5 counsel requested these records again in person at

1 the Yakima Field Office and was told those records were unavailable as they had been sent with the
2 file to Tacoma.

3 29. Prior to Mr. Gomez's re-arrest, he did not receive written notice of the reason for his
4 re-detention or a motion to recalendar his proceedings.

5 30. Prior to Mr. Gomez's re-arrest, ICE did not assess whether Mr. Gomez presented a
6 flight risk or danger to the community, or whether her re-arrest was justified for some other reason.

7 31. Prior to Mr. Gomez's re-detention, she never received a hearing before a neutral
8 decisionmaker to determine if her re-detention is justified.

9 **LEGAL FRAMEWORK**

10 **Due Process Principles**

11 32. Due process requires that if DHS seeks to re-arrest a person like Mr. Gomez--who
12 has lived in the United States without incident since his release from immigration custody in 2011,
13 the government must afford a hearing before a neutral decisionmaker to determine whether any re-
14 detention is justified, and whether the person is a flight risk or danger to the community.

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

21 34. Consistent with this principle, individuals released on parole or other forms of
22 conditional release have a liberty interest in their "continued liberty." *Morrissey v. Brewer*, 408 U.S.
23 471, 482 (1972).

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

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

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

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

20 39. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319
21 (1976), framework to hold that even in a case where the government asserted that mandatory
22 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court did
23 the same in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL 2637663, at
*2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574, at *7–8.

1 40. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
2 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL 2402130,
3 at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The Court
4 further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty
5 without a hearing was high because a hearing serves to ensure that the purposes of detention—the
6 prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the Court explained
7 that “the Government’s interest in re-detaining non-citizens previously released without a hearing is
8 low: although it would have required the expenditure of finite resources (money and time) to
9 provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him,
10 those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.”
11 *Id.* at *5. As a result, this Court ordered the petitioner’s immediate release. *Id.* at *6.

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

21 42. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again holding that
22 all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at
23 *3–4; 2025 WL 2841574, at *7–9; *see also* Report & Recommendation, *Lopez Reyes*, No. 2:25-cv-
01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13 (same).

43. This Court's decisions in *E.A. T.-B., Ramirez Tesara, Kumar, and Ledesma Gonzalez* are consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v. 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-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

44. The same framework and principles apply here and compel Mr. Gomez's immediate release.

CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

45. Mr. Gomez restates and realleges all the prior paragraphs as if fully set forth herein.

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

47. Respondents revoked Mr. Gomez's release and deprived him of liberty without providing her written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to her re-detention.

48. Accordingly, Mr. Gomez's re-detention violates the Due Process Clause of the Fifth Amendment.

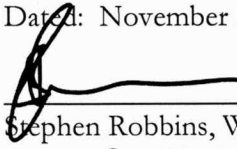
PRAYER FOR RELIEF

WHEREFORE, Mr. Gomez respectfully requests that this Court:

(1) Assume jurisdiction over this matter;

- 1 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as
2 to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering
3 that they not transfer Mr. Gomez out of this district during the pendency of the court's
4 adjudication of this petition;
- 5 (3) Issue a Writ of Habeas Corpus ordering Respondents to release Mr. Gomez from
6 custody immediately and permanently enjoining his re-detention during the pendency of
7 his 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 Mr. Gomez's re-detention while removal proceedings are ongoing without
12 first providing an individualized determination before a neutral decisionmaker violates
13 the Due Process Clause of the Fifth Amendment;
- 14 (5) Award Mr. Gomez 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: November 5, 2025.

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