

DETAINED

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

ERALDO SIBO AGUILAR,

Petitioner,

v.

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

Respondents.

Case No. 2:25-cv-02231

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

Agency File



PETITION FOR WRIT OF HABEAS CORPUS

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(CASE NO. 2:25-cv-02231)
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INTRODUCTION

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2 1. This case challenges Respondents' unlawful re-detention of Petitioner, Mr. Eraldo
3 Sibó Aguilar (Mr. Sibó Aguilar). The Petitioner is currently in the physical custody of
4 Respondents at the Northwest Immigration and Customs Enforcement (ICE) Processing Center
5 (NWIPC).

6 2. The Petitioner was originally apprehended shortly after entering the United States
7 in June 2022 and thereafter released for the purpose of seeking humanitarian relief. In the
8 subsequent years since his release, the Petitioner had timely filed for asylum, fulfilled the
9 conditions of release as set by Immigration and Customs Enforcement (ICE), and received
10 employment authorization. The Petitioner has no criminal record in the United States or any
11 other country.

12 3. Despite Petitioner's compliance while released, including attendance at regularly
13 scheduled ICE appointments, the Petitioner was abruptly and unlawfully re-detained by the
14 Department of Homeland Security (DHS) on September 17, 2025.

15 4. Prior to re-detaining the Petitioner, Respondents did not provide any written
16 notice explaining the basis for the revocation of their releases. Likewise, Respondents did not
17 assess whether Petitioners present a flight risk or danger to the community prior to the
18 Petitioner's re-arrest. Nor did Respondents provide a hearing before a neutral decision-maker,
19 where ICE was required to justify the basis for re-detention or to explain why Mr. Sibó Aguilar
20 is a flight risk or danger to the community.

21 5. As this Court has recently held in multiple cases, due process demands a hearing
22 prior to the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, --

1 F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at *2-6 (W.D. Wash. Aug. 19, 2025);
2 *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL
3 2637663, at *2-4 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-
4 01404-JNW-GJL, 2025 WL 2841574, at *7-9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*,
5 No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2-4 (W.D. Wash. Sept. 17, 2025); Report
6 & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct.
7 15, 2025), Dkt. 13. Many other courts have recently held the same.

8 6. By failing to provide such a hearing, Respondents have violated Petitioners'
9 constitutional rights to due process.

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

16 **PARTIES**

17 8. Petitioner Eraldo Sibo Aguilar is an adult citizen of Colombia who is presently
18 detained at the Northwest ICE Processing Center in Tacoma, Washington.

19 9. Respondent Pamela Bondi is sued in her official capacity as the Attorney General
20 of the United States. She has responsibility over the Executive Office for Immigration Review,
21 which decides removal cases and applications for relief from removal.

1 10. Respondent Kristi Noem is sued in her official capacity as the Secretary of the
2 Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all
3 immigration enforcement in the United States.

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

7 12. Respondent Laura Hermosillo is sued in her official capacity as the Field Office
8 Director of the ICE Seattle Field Office. She is responsible for overseeing ICE operations
9 pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and
10 removal operations. She is the immediate legal custodian of the petitioner for purposes of a
11 federal habeas petition.

12 13. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the
13 Northwest ICE Processing Center, the privately-operated immigration detention center where the
14 petitioner is being detained. Mr. Scott has direct custody of the petitioner.

15 **JURISDICTION**

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

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

20 16. No other petitions, appeals, or motions regarding habeas corpus have been filed
21 with any other court.

22 **VENUE**

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

3 18. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the
4 Respondents live, work, and/or operate within this judicial district and because the actions which
5 gave rise to this Petition took place in Tacoma, Washington, which falls within this judicial
6 district.

7 **FACTUAL BACKGROUND**

8 19. Mr. Eraldo Sibó Aguilar entered the United States on or around June 14, 2022,
9 and was apprehended by U.S. Customs and Border Patrol (CBP). On June 30, 2022, he was
10 granted parole and released from detention. *See* Parole Notice, Ex. A.

11 20. Concurrently, Mr. Sibó Aguilar was informed that his parole from custody was
12 conditioned on his compliance with ICE reporting requirements. Mr. Sibó Aguilar was required
13 to attend regular in-person appointments with the local ICE office every six months. Mr. Sibó
14 Aguilar attended all of his appointments and maintained full compliance with all reporting
15 requirements to the best of his knowledge.

16 21. Mr. Sibó Aguilar was not placed into removal proceedings after his release from
17 detention.

18 22. On June 12, 2023, Mr. Sibó Aguilar timely filed an application for asylum with
19 the U.S. Citizenship and Immigration Service (USCIS). *See* USCIS I-589 Receipt Notice, Ex. B.

20 23. Mr. Sibó Aguilar then obtained work authorization based on his pending
21 application for asylum. He found employment as a cleaner for Taylor Farms in Kent,
22 Washington and continued to fully comply with all of his reporting requirements.

1 24. On June 10, 2025, USCIS dismissed Mr. Sibó Aguilar's asylum application,
2 alleging that his application could not be considered because he had previously been issued Form
3 I-860, Notice and Order of Expedited Removal. *See* USCIS Dismissal Notice, Ex. C. The notice
4 did not provide any specific instructions to Mr. Sibó Aguilar, nor did it notify him that he would
5 be detained. Instead, it indicated that he would receive an appointment notice for a credible fear
6 interview at a later date. *Id.*

7 25. Mr. Sibó Aguilar is not aware of any prior removal order and was never served
8 with Form I-860 to the best of his knowledge.

9 26. On September 17, 2025, Mr. Sibó Aguilar attended an in-person appointment at
10 the local ICE office in Tukwila, Washington. Here, Mr. Sibó Aguilar was informed by officers
11 that he was being detained.

12 27. Mr. Sibó Aguilar informed the officers that he had no criminal record and had
13 fully complied with his reporting requirements. The officers agreed. When asked why he was
14 being detained, the officers apologized to him and simply told him that he would be detained
15 until he received a credible fear interview.

16 28. Mr. Sibó Aguilar was subsequently taken into custody and transferred to the
17 NWIPC, where he remains today. Since his detention, Mr. Sibó Aguilar has been placed into
18 regular removal proceedings and has an upcoming hearing with Immigration Judge John Odell
19 on November 18, 2025.

20 29. Mr. Sibó Aguilar has no criminal history in the United States or any other
21 country. The only infraction Mr. Sibó Aguilar is aware of is a traffic infraction that he received
22 in the mail, subjecting him to a small fine which was timely paid.

1 30. Moreover, since arriving in the United States, Mr. Sibó Aguilar has built a strong
2 network of support in Washington State. Mr. Sibó Aguilar's spouse also resides in Washington
3 State. The couple regularly attends religious services at the St. Philomena Catholic Church in
4 Des Moines, Washington. Through his involvement in church, Mr. Sibó Aguilar has become a
5 valued member of his community.

6 31. Prior to Mr. Sibó Aguilar's re-arrest, he did not receive written notice of the
7 reason for his re-detention.

8 32. Prior to Mr. Sibó Aguilar's re-arrest, ICE did not assess whether Mr. Francois
9 presented a flight risk or danger to the community, nor whether his re-arrest was justified for
10 some other reason.

11 33. Prior to Mr. Sibó Aguilar's re-arrest, he was not afforded a hearing before a
12 neutral decision-maker to determine if his re-detention is justified.

13 34. This Petition has been verified by Petitioner. *See* Verification of Petitioner.

14 **LEGAL FRAMEWORK**

15 **Requirements of 28 U.S.C. § 2243**

16 35. This case is a habeas petition challenging executive detention under 28 U.S.C. §
17 2241.

18 36. Congress's intent to provide an expeditious remedy in this context is reflected in
19 28 U.S. § 2243. Under that statute, the Court must grant the petition for writ of habeas corpus or
20 issue an order to show cause (OSC) to the Respondents "forthwith," unless Petitioner is not
21 entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to
22

1 file a return “within three days unless for good cause additional time, not exceeding twenty days,
2 is allowed.” *Id.*

3 37. 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 thee 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
8 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737-38 (9th
9 Cir. 1954) (habeas corpus is a “speedy remedy, entitled by statute to special, preferential
10 consideration to insure expeditious hearing and determination”).

11 **Due Process Principles**

12 38. Due process requires that if DHS seeks to re-arrest a person like Mr. Sibio Aguilar
13 – who has resided in the United States without incident for multiple years after DHS first
14 released them, submitted an application for humanitarian protection, and who fully complied
15 with the terms of his release – the government must afford a hearing before a neutral decision-
16 maker to determine whether any re-detention is justified, and whether the person is a flight risk
17 or danger to the community.

18 39. “Freedom from imprisonment – from government custody, detention, or other
19 forms of physical restraint – lies at the heart of the liberty protected by the Due Process Clause.”
20 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is “the most
21 elemental of liberty interests.” *E.A. T.-B. v. Wamsley*, 2025 WL 2402130, at *3 (citation
22

1 modified); *see also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the petitioner has “an
2 exceptionally strong interest in freedom from physical confinement”).

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

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

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

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

1 44. Several courts, including this one, have recognized that these principles apply to
2 the re-detention of the many noncitizens that DHS has arbitrarily begun taking back into custody,
3 often after such persons have been released for months and years.

4 45. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
5 319 (1976), framework to hold that even in a case where the government asserted that mandatory
6 detention initially applied, a person's re-detention could not occur absent a hearing. The Court
7 did the same in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. See *Ramirez Tesara*, 2025 WL
8 2637663, at *2-3; *Kumar*, 2025 WL 2677089, at *2-3; *Ledesma Gonzalez*, 2025 W 2841574, at
9 *7-8.

10 46. In applying the three *Mathews* factors, the E.A. T.-B. court held that the petitioner
11 had "undoubtedly [been] deprive[d] ... of an established interest in his liberty," 2025 WL
12 2402130, at *3, which, as noted, "is the most elemental of liberty interests," *Id.* (citation
13 modified). The Court further explained that even if detention was mandatory, the risk of
14 erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure
15 that the purposes of detention – the prevention of danger and flight risk – are properly served. *Id.*
16 at *4-5. Finally, the Court explained that "the Government's interest in re-detaining non-citizens
17 previously released without a hearing is low: although it would have required the expenditure of
18 finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations
19 before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous
20 deprivation of the liberty interest at issue." *Id.* at *5. As a result, this Court ordered the
21 petitioner's immediate release. *Id.* at *6.

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

48. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again holding that all three factors weighed in favor of affording the petition a bond hearing. 2025 WL 2677089, at *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, 202250, Dkt. 13 (same).

49. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez* are consistent with many other district court decisions across the country 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).

1 50. The same framework, principles, and analysis apply here and compel the
2 Petitioner's immediate release.

3 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

4 51. The Petitioner has exhausted all administrative remedies that can provide the
5 relief he seeks.

6 52. Though the Petitioner may request a bond hearing before an Immigration Judge,
7 this remedy is insufficient for two reasons. First, such a hearing presumes the legality of the
8 Petitioner's detention and places the burden of proof on him to demonstrate that he is not a
9 danger to the community or a flight risk. *See* 8 CFR §§ 236.1(c)(8), 1236.1(c)(8). Second, such
10 an effort would be fruitless, as Immigration Judges are bound by the Board of Immigration
11 Appeals' recent decision in *Yajure Hurtado*, which deprives IJ's of jurisdiction to issue bond
12 decision for individuals like the Petitioner who initially entered the country without inspection.
13 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). As a result, individuals detained at the
14 NWIPC subject to this decision may only pursue their release through habeas actions, even after
15 they have demonstrated to the IJ that they are not a danger to the community or a flight risk. *See*,
16 e.g., *Ortiz Martinez et al v. Wamsley*, 2:25-cv-01822-TMC, (W.D. Wash. Oct. 10, 2025); *Garcia*
17 *v. Wamsley*, No. 2:25-cv-01980 (W.D. Wash. Oct. 21, 2025); *Del Valle Castillo v. Wamsley*, No.
18 2:25-cv-2054 (W.D. Wash. Oct. 21, 2025).

19 **IRREPARABLE INJURY**

20 53. The wrongful and illegal re-detention of the Petitioner as described above
21 constitutes irreparable harm. Immigration detention constitutes irreparable harm, even when the
22 effects of detention are "the same type of harm any person who is detained may suffer..."

1 *Marroquin Ambriz v. Barr*, 420 F. Supp. 953, 962 (N.D. Cal. 2019) (quoting *Lopez Reyes v.*
2 *Bonnar*, No. 18-CV-07429-SK, 2018 WL 7474861, at *7 (N.D. Cal. Dec. 24, 2018).

3 **CLAIM FOR RELIEF**

4 **Violation of Fifth Amendment Right to Due Process**

5 **Procedural Due Process**

6 54. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

7 55. Due process does not permit the government to re-detain Petitioner and strip him
8 of his liberty without written notice and a pre-deprivation hearing before a neutral decision-
9 maker to determine whether re-detention is warranted based on danger or flight risk. *See*
10 *Morrissey*, 408 U.S. at 487-88. Such written notice and a hearing must occur prior to any re-
11 detention.

12 56. Respondents revoked Petitioner's release and deprived him of liberty without
13 providing written notice and a meaningful opportunity to be heard by a neutral decision-maker
14 prior to his re-detention.

15 57. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth
16 Amendment.

17 **PRAAYER FOR RELIEF**

18 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 19 (1) Assume jurisdiction over this matter;
- 20 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days
21 as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and
22

ordering that they not transfer the Petitioner out of this district during the pendency of the Court's adjudication of this petition;

- (3) Issue a Writ of Habeas Corpus ordering Respondents to release the Petitioner from custody immediately and permanently enjoining Mr. Sibio Aguilar's re-detention during the pendency of their removal proceedings absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that the Petitioner is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Declare that the re-detention of the Petitioner without first providing an individualized determination before a neutral decision-maker violates the Due Process Clause of the Fifth Amendment;
- (5) Issue an order providing for an award of attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant such other relief as may be just and reasonable.

Dated: 11/10/2025

/s/ Aaron Vasey

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