

Hilary Smith
GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104-1003
(206) 929-3880
hilary.smith@ghp-law.net

DETAINED

Attorney for Petitioners

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

Adolfo CORTEZ TRINIDAD,
Jose CORTEZ TRINIDAD;

Case No.: 2:25-cv-2246

Petitioners,

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

v.

Kristi NOEM, Secretary of U.S. Department
of Homeland Security;
Palmela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcements;
Laura HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This case challenges the unlawful re-detention of Petitioners Mr. Adolfo Cortez Trinidad and Mr. Jose Cortez Trinidad, who entered the United States on or about June 3, 2024. They were apprehended in 2024, placed in removal proceedings, and released by the Department of

1 Homeland Security (DHS) on an order of recognizance after expressing a desire to apply for
2 asylum.

3 2. Both Petitioners timely filed for asylum and fulfilled the conditions of their release as set
4 by Immigration and Customs Enforcement (ICE). Neither have a criminal record in the United
5 States.

6 3. Petitioners were both subsequently re-detained in 2025 after appearing for their ICE check-
7 ins on the same day. Before re-detaining them, Respondents did not provide Petitioners with any
8 written notice explaining the basis for the revocation of their release. Nor did they provide them
9 with a hearing before a neutral decisionmaker where DHS was required to justify the basis for re-
10 detention or explain why Petitioners are a flight risk or a danger to the community.

11 4. This Court has recently held in multiple cases that due process demands a hearing *prior* to
12 the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, --- F. Supp.
13 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*
14 *Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash.
15 Sept. 12, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D.
16 Wash. Sept. 17, 2025). Many other courts have recently held the same.

17 5. By failing to provide such a hearing, Respondents have violated Petitioners' constitutional
18 right to due process.

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

PARTIES

7. Petitioner Adolfo Cortez Trinidad is a citizen of Mexico who is presently detained at the Northwest ICE Processing Center in Tacoma, Washington.

8. Petitioner Jose Cortez Trinidad is a citizen of Mexico who is presently detained at the Northwest ICE Processing Center in Tacoma, Washington.

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

10. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. She is the cabinet-level secretary responsible for all immigration enforcement in the United States and has ultimate custodial authority over Petitioners.

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

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

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

JURISDICTION

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

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

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

VENUE

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

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

REQUIREMENTS OF 28 U.S.C. § 2243

19. 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.

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

3 20. Habeas corpus is “perhaps the most important writ known to the constitutional law . . .
4 affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.”
5 *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and
6 displaces the calendar of the judge or justice who entertains it and receives prompt action from
7 him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
8 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
10 insure expeditious hearing and determination.”).

11
12 **FACTUAL BACKGROUND**

13 **Petitioner Adolfo Cortez Trinidad**

14 21. Mr. Adolfo Cortez Trinidad is a 22-year-old citizen and national of Mexico.

15 22. Mr. Adolfo Cortez Trinidad entered that United States on or about June 3, 2024, with his
16 pregnant wife and brother, who is the other petitioner named in this action.

17 23. He was detained by ICE for a few days in Phoenix, Arizona and somewhere in Texas, and
18 was then released on his own recognizance by ICE. He was issued a Notice to Appear on June 3,
19 2024, “AT A PLACE TO BE SET.” His first court date was subsequently set to the Seattle
20 Immigration Court.

21 24. Mr. Adolfo Cortez Trinidad filed his application for asylum with the Seattle Immigration
22 Court on October 28, 2024, ahead of the one-year deadline from the date of his entry.

1 25. Mr. Adolfo Cortez Trinidad complied with the conditions on his order of release from
2 detention and attended every ICE check-in. However, at his check-in on September 23, 2025, he
3 was detained by ICE and transported to the NWIPC.

4 26. Mr. Adolfo Cortez Trinidad has no criminal record in the United States or any other
5 country.

6 27. Further, Mr. Adolfo Cortez Trinidad's wife gave birth to their U.S. citizen son on 

7 
8 28. Prior to Mr. Adolfo Cortez Trinidad's re-detention, he did not receive written notice of the
9 reason for his re-detention.

10 29. Prior to Mr. Adolfo Cortez Trinidad's re-detention, ICE did not assess whether he
11 presented a flight risk or danger to the community, or was justified for some other reason.

12 30. Prior to Mr. Adolfo Cortez Trinidad's re-detention, he never received a hearing before a
13 neutral decisionmaker to determine if his re-detention is justified.

14 31. Mr. Adolfo Cortez Trinidad has been detained for nearly two months.
15

16 **Petitioner Jose Cortez Trinidad**

17 32. Mr. Jose Cortez Trinidad is a 19-year-old citizen and national of Mexico.

18 33. Mr. Jose Cortez Trinidad entered that United States on or about June 3, 2024, with his
19 brother, who is the other petitioner named in this action, and his brother's pregnant wife.

20 34. He was detained by ICE for a few days in Phoenix, Arizona and somewhere in Texas, and
21 was then released on his own recognizance by ICE. He was issued a Notice to Appear on June 3,
22 2024, "AT A PLACE TO BE SET." His first court date was subsequently set to the Seattle
23 Immigration Court, where it is still pending at this time despite his detention.

1 35. Mr. Jose Cortez Trinidad filed his application for asylum with the Seattle Immigration
2 Court on October 28, 2024, ahead of the one-year deadline from the date of his entry.

3 36. Mr. Jose Cortez Trinidad complied with the conditions on his order of release from
4 detention and attended every ICE check-in. However, at his check-in on September 23, 2025, he
5 was detained by ICE and transported to the NWIPC.

6 37. Mr. Jose Cortez Trinidad has no criminal record in the United States or any other country.

7 38. Prior to Mr. Jose Cortez Trinidad's re-detention, he did not receive written notice of the
8 reason for his re-detention.

9 39. Prior to Mr. Jose Cortez Trinidad's re-detention, ICE did not assess whether he presented
10 a flight risk or danger to the community, or was justified for some other reason.

11 40. Prior to Mr. Jose Cortez Trinidad's re-detention, he never received a hearing before a
12 neutral decisionmaker to determine if his re-detention is justified.

13 41. Mr. Cortez Trinidad has been detained for nearly two months.
14

15 MEMORANDUM OF LAW

16 **Due Process Principles**

17 42. Due process requires that if DHS seeks to re-arrest a people like Petitioners—who have
18 lived in the United States without incident after DHS first released them from custody, have
19 submitted applications for relief from removal, and otherwise complied with the terms of their
20 release—the government must afford a hearing before a neutral decisionmaker to determine
21 whether any re-detention is justified, and whether they are a flight risk or danger to the
22 community.
23

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

7 44. Consistent with this principle, individuals released on parole or other forms of conditional
8 release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482
9 (1972).

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

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

18 47. Due process thus guarantees notice and an individualized hearing before a neutral
19 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
20 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
21 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation
22 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine
23 whether there is probable cause or reasonable ground to believe that the arrested parolee has

1 committed . . . a violation of parole conditions” and that such determination be made “by someone
2 not directly involved in the case” (citation modified)).

3 48. Several courts, including this one, have recognized that these principles apply with respect
4 to the re-detention of the many noncitizens that DHS has recently begun taking back into custody,
5 often after such persons have been released for months or years.

6 49. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319
7 (1976), framework to hold that even in a case where the government asserted that mandatory
8 detention applied, a person’s re-detention could not occur absent a hearing. The Court did the
9 same in *Ramirez Tesara* and *Kumar*. See *Ramirez Tesara*, 2025 WL 2637663, at *2–3; *Kumar*,
10 2025 WL 2677089, at *2–3.

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

51. 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.

52. The *Kumar* court reached the same decision, again holding that all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at *3–4.

53. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, and *Kumar* 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); *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).

54. The same framework and principles apply here and compel both Petitioners’ immediate release.

55. This Petition has been verified by Petitioners. *See* Verification of Petitioner Adolfo; Verification of Petitioner Jose.

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

56. Petitioners restate and reallege all paragraphs as if fully set forth here.

57. Due process does not permit the government to strip Petitioners of their liberty without written notice and a 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.

58. Respondents revoked Petitioners' release and deprived them of liberty without affording them any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to re-detention.

59. Accordingly, Petitioners' re-detention violates the Due Process Clause of the Fifth Amendment.

IRREPARABLE INJURY

60. Petitioners have suffered irreparable injury as a result of detention. They have been in custody for nearly two months, despite being released on their own recognizance from ICE/DHS detention upon entry into the country. Their physical liberty continues to be restrained, and no just cause for doing so can be specified. "It is well established that the deprivation of constitutional rights' unquestionably constitutes irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

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Gibbs Houston Pauw
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 929-3880

- 1 (1) Assume jurisdiction over this matter;
- 2 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days
3 as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and
4 ordering that they not transfer Petitioners out of this district during the pendency of the
5 court's adjudication of this petition;
- 6 (3) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioners
7 from custody and permanently enjoin their re-detention during the pendency of his
8 removal proceedings absent written notice and a hearing prior to re-detention where
9 Respondents must prove by clear and convincing evidence that Petitioners are a flight
10 risk or a danger to the community and that no alternatives to detention would mitigate
11 those risks;
- 12 (4) Enjoin Respondents from placing GPS ankle monitors on Petitioners upon their release,
13 absent clear and convincing evidence that Petitioners are a flight risk or danger a danger
14 to the community and that no other alternatives would mitigate those risks;
- 15 (5) Declare that Petitioners re-detention while removal proceedings are ongoing without
16 first proving an individualized determination before a neutral decisionmaker violates
17 the Due Process Clause of the Fifth Amendment;
- 18 (6) Issue an order providing for an award of attorney's fees and costs; and
- 19 (7) Grant such other relief as may be just and reasonable.
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21
22
23

1 Respectfully submitted this 10th day of November, 2025,

2 /s/ Hilary Smith

3 HILARY SMITH, WSBA #60474

4 Attorney for Petitioners

5 Gibbs Houston Pauw

6 1000 Second Avenue, Suite 1600

7 Seattle, WA 98102

8 (206) 929-3880

9 hilary.smith@ghp-law.net

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Gibbs Houston Pauw

1000 Second Avenue, Suite 1600

Seattle, WA 98104

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