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DETAINED

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

Adolfo CORTEZ TRINIDAD,
Jose CORTEZ TRINIDAD;

Petitioners,

v.

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

Respondents.

Case No.: 2:25-cv-2246

**EX PARTE MOTION FOR ORDER TO
SHOW CAUSE AND ISSUE EXPEDITED
BRIEFING SCHEDULE**

Note on Motion Calendar:
November 10, 2025

MOTION FOR ORDER TO SHOW CAUSE

1. Pursuant to 28 U.S.C. § 2243, Petitioners respectfully requests that this Court “forthwith” issue an order directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioners pursuant to 28 U.S.C. § 2241 should not be granted.

**PET’R’S EX PARTE MOT. FOR OSC &
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2. Petitioners, Mr. Adolfo Cortez Trinidad and Mr. Jose Cortez Trinidad, challenge their detention on the ground that they were not provided with any written notice explaining the basis for the revocation of their release on orders of recognizance nor were they provided with a hearing before a neutral decisionmaker where the Department of Homeland Security was required to justify the basis for re-detention or explain why Petitioners are flight risks or a dangers to the community. By failing to provide such a hearing, Respondents have violated Petitioners' constitutional right to due process. *See* Petitioner for Writ of Habeas Corpus, Dkt. No. 1.

3. The law makes clear that Petitioners should not be detained. Individuals released on parole or other forms of conditional release have a "continued liberty" interest. *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). As this Court has repeatedly held, due process requires that for people like Petitioners—individuals who have lived in the United States without incident after DHS first released them, submitted applications for protection from removal, and otherwise complied with the terms of their release—prior to redetention, Respondents must afford a hearing before a neutral decisionmaker where ICE is required to justify the revocation of release and show that Petitioners now constitute a flight risk or danger to the community. *See E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *2–4 (W.D. Wash. Sept. 12, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13. No such process was provided here, and thus Petitioners' immediate release is warranted.

1 4. The federal habeas corpus statute provides that “[a] court, justice or judge entering a writ
2 of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show
3 cause why the writ should not be granted.” 28 U.S.C. § 2243.

4 5. Section 2243 further provides that the writ or order to show cause “shall be returned within
5 three days unless for good cause additional time, not exceeding twenty days, is allowed.”

6 6. Section 2243 also provides that the court shall hold a hearing on the writ or order to show
7 cause “not more than five days after the return unless for good cause additional time is allowed.”

8 7. In addition, Section 2243 states that the court “shall summarily hear and determine the
9 facts, and dispose of the matter as law and justice require.”

10 8. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to
11 Show Cause directing Respondents to file a return within seven days of the Court’s order, showing
12 cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an
13 opportunity to file a reply within four days after Respondents file the return.

14 9. An expedited briefing schedule is appropriate in this case because Petitioner faces
15 irreparable harm due to his deprivation of his physical liberty. “It is well established that the
16 deprivation of constitutional rights’ unquestionably constitutes irreparable injury.” *Melendres v.*
17 *Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976).

18 10. Petitioners recognize that the Court retains the discretion to determine when an answer or
19 response to a § 2241 habeas petition is due. *See, e.g., Clutchette v. Rushen*, 770 F.2d 1469, 1474–
20 75(9th Cir. 1985) (pursuant to Habeas Corpus Rule 4, the federal court has discretion to fix a time
21 to file an answer beyond the time periods set forth in 28 U.S.C. § 2243). Notably, this Court has
22 issued similar orders to show cause in recent weeks. *See, e.g., Order, Lopez Reyes*, No. 2:25-cv-
23 01868-JLR-MLP (W.D. Wash. Oct. 1, 2025), Dkt. 5 (requiring return to petition within six days);

Order, *Scott v. Wamsley*, No. 2:25-cv-01819-TMC-BAT (W.D. Wash. Sept. 22, 2025), Dkt. 9 (requiring return to petition within ten days); Order, *Guzman Alfaro v. Bostock*, No. 2:25-cv-01706 (W.D. Wash. Sept. 16, 2025) (requiring return to petition within seven days); Order, *Toktosunov v. Wamsley*, No. 2:25-cv-01724 (W.D. Wash. Sept. 9, 2025), Dkt. 6 (requiring return to petition within ten days). It should do the same here.

WHEREFORE, Petitioners respectfully request that this court issue an order to show cause directing which orders a return from Respondents and sets the following briefing schedule:

- (1) Respondents return, including any arguments from dismissal: due **seven days** from issuance of the order to show cause;
- (2) Petitioners' traverse and response: due **four days** from the filing of the return;
- (3) Petitioners also request that the Court order Respondents not to transfer either of them from this district while it considers this petition, so as not to impede their access to counsel while pursuing their claims;
- (4) Grant such other relief as may be just and reasonable.

Respectfully submitted this 10th day of November, 2025,

/s/ Hilary Smith

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