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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

P.T.,)
)
)
Petitioner,)
)
v.)
)
LAURA HERMOSILLO, 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-2249

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

1 COMES NOW Petitioner, P.T., by and through counsel, and pursuant to 28 U.S.C. § 2241
2 does hereby petition the Court for a Writ of habeas corpus.¹ In support of this petition, Petitioner
3 alleges as follows:

4 **Subject Matter Jurisdiction**

5
6 1. The Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 et seq., and Article I,
7 § 9, Clause 2 of the United States Constitution (“Suspension Clause”). *Demore v. Kim*, 123 S. Ct.
8 1708, 1714 (2003); *INS v. St. Cyr*, 121 S.Ct. 2271 (2001); *Magana-Pizano v. INS*, 200 F.3d 603,
9 610 (9th Cir. 1999).

10 2. P.T. is in custody for purposes of habeas corpus relief because he is currently in the custody
11 of Immigration and Customs Enforcement, acting under color of authority of the United States.

12 **Venue**

13
14 3. Venue lies in the Western District of Washington, the judicial district where Petitioner is
15 imprisoned and held in the custody of Immigration and Customs Enforcement, acting under color of
16 authority of the United States and at the direction of its Field Office Director, Ms. Laura
17 Hermosillo.

18 **Parties**

19 4. Petitioner, P.T., is a native and citizen of India, who entered the United States in January
20 2023. Petitioner was initially detained by Customs and Border Patrol near San Luis, Arizona on
21 approximately January 30, 2023. Petitioner was released from custody on an order of recognizance
22 and placed in removal proceedings pursuant to 8 USC § 1229a. Petitioner has applied for asylum
23
24
25

26 _____
27 ¹ Along with this Complaint, Petitioner will file a motion for leave to proceed under a pseudonym to
protect his identity from public disclosure.

1 and he has an asylum application pending with the Immigration Court in Portland, Oregon.

2 Petitioner's hearing on his application for asylum is scheduled for October 11, 2028.

3 5. Respondent, Ms. Laura Hermosillo, is the Seattle Field Office Director for the Enforcement
4 and Removal Office of Immigration and Customs Enforcement and she is being sued in her official
5 capacity. In this capacity, Ms. Hermosillo has authority over all detention matters in Oregon and
6 Washington, and it is her decision to detain P.T. -- in violation of the laws and Constitution of the
7 United States -- that is the subject of this petition.

9 6. Respondent, Bruce Scott, is the Warden of the Northwest ICE Processing Center in Tacoma,
10 Washington, the location where Petitioner is currently detained.

11 7. Respondents, Kristi Noem, Secretary, Department of Homeland Security, and Pamela
12 Bondi, United States Attorney General, are both responsible for the implementation and
13 enforcement of the immigration laws of the United States and it is their delegation of authority to
14 administer the immigration laws to Immigration and Customs Enforcement (ICE) officials that
15 permits ICE officials to act under color of authority of the United States.

17 **Facts**

18 8. On approximately January 30, 2023, Petitioner was detained at the United States southern
19 border near San Luis, Arizona. Petitioner was served with a notice to appear for removal
20 proceedings and was released from custody.

22 9. On February 14, 2023, Petitioner attended his scheduled appointment at the ICE office in
23 Portland, Oregon, and was placed on an order of release on recognizance. Petitioner subsequently
24 checked in with ICE as instructed.

25 10. On November 16, 2023, Petitioner filed an I-589 application for asylum. Petitioner's
26 biometrics were completed on December 8, 2023.

1 11. On October 15, 2024, Petitioner filed written pleadings with the Immigration Court in
2 Portland, Oregon, acknowledging that he is present in the United States without having been
3 admitted or paroled, and requesting a hearing on his application for asylum.

4 12. On October 17, 2024, the Immigration Judge scheduled Petitioner's asylum hearing for
5 October 11, 2028.

6 13. On November 8, 2025, for an unknown reason, Respondents detained Petitioner in Portland,
7 Oregon.

8
9 **Claims**

10 14. Petitioner is not subject to detention as he was released on his own recognizance, he is not a
11 flight risk or danger to the community, and Respondents have re-detained him without conducting a
12 pre-deprivation hearing to determine if changed circumstances exist sufficient to find that Petitioner
13 is now a flight risk or danger to the community. As such, Respondents violated Petitioner's right to
14 due process of law guaranteed by the Fifth Amendment to the United States Constitution.

15
16 **Exhaustion**

17 15. Neither the Immigration and Nationality Act nor 28 U.S.C. § 2241 "specifically require[s]
18 petitioners to exhaust direct appeals before filing petitions for habeas corpus." *Castro-Cortez v.*
19 *INS*, 239 F.3d 1037, 1047 (9th Cir. 2001). As a prudential matter, however, habeas petitioners must
20 exhaust available remedies before seeking relief under § 2241. *Id.*; *Laing v. Ashcroft*, 370 F.3d
21 994, 997 (9th Cir. 2004). There are no administrative remedies available to Petitioner to remedy the
22 ongoing deprivation of his liberty.

23
24 16. No judicial remedy is available for Petitioner to challenge his unlawful detention. Petitioner
25 has not been informed of the authority under which he is being detained.

Prayer for Relief

WHEREFORE, premises considered, Petitioner respectfully prays that this Court:

- (a) Assume jurisdiction over this matter;
- (b) Order Respondents to appear before this Court and show cause, if any there is, why Petitioner is being detained in violation of law;
- (c) Enjoin Respondents from depriving Petitioner of his liberty by incarcerating him during the pendency of this litigation given the serious legal questions raised in this Petition;
- (d) Enjoin Respondents from removing Petitioner from the jurisdiction of Washington while this petition is pending;
- (e) Issue a Writ of habeas corpus requiring Respondents to release Petitioner immediately;
- (f) Grant such further relief as the Court deems just and proper.

Dated: November 11, 2025.

Respectfully submitted,

s/ Matt Adams

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**Application for admission pro hac vice forthcoming*

Attorneys for Petitioner

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