

JS 44 (Rev. 06/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained therein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. **(SEE INSTRUCTIONS ON REVERSE PAGE OF THIS FORM.)**

I. (a) PLAINTIFFS

Marco Antonio Barraza Enriquez

(b) County of Residence of First Listed Plaintiff: PHOENIX
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Give Name, Address, and Telephone Number)

Brian Conry, Law Office of Brian Patrick Conry, 1300 SW
6th AVE Ste 310, Portland, Oregon 97201, 503-274-4430

DEFENDANTS

Krist Mann; U.S. Department of Homeland Security (DHS); Todd Lyons;
Carmella Wansley; U.S. Immigration and Customs Enforcement (ICE); Pete
Flower; and U.S. Customs and Border Protection (CBP)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONFORMATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTV	DEF		PTV	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Mover	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions](#)

CONTRACTS	PERSONAL INJURY	PERSONAL INJURY	PROPERTY DAMAGE	LABOR/EMPLOYMENT	CONSUMER PROTECTION	OTHER
<input type="checkbox"/> 130 Insurance	<input type="checkbox"/> 360 Assault	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 700 Other Personal	<input type="checkbox"/> 720 Fair Labor Standards Act	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 135 Motor Vehicle	<input type="checkbox"/> 365 Assault Product Liability	<input type="checkbox"/> 367 Health Care/Pharmaceutical Product Liability	<input type="checkbox"/> 720 Fair Labor Standards Act	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 368 Aircraft, Land & Structure	<input type="checkbox"/> 368 Other Personal Injury Product Liability	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 750 Family and Medical Leave Act	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 369 Federal Employer's Liability	<input type="checkbox"/> 370 Other Personal Injury Product Liability	<input type="checkbox"/> 750 Family and Medical Leave Act	<input type="checkbox"/> 760 Unemployment Compensation Act	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 369 Motor Vehicle	<input type="checkbox"/> 371 Trade in Lending	<input type="checkbox"/> 760 Unemployment Compensation Act	<input type="checkbox"/> 770 Other Labor Litigation	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 152 Recovery of Outdated Student Loans (Includes Veterans)	<input type="checkbox"/> 370 Motor Vehicle	<input type="checkbox"/> 372 Other Personal Injury	<input type="checkbox"/> 770 Other Labor Litigation	<input type="checkbox"/> 780 Employee Retirement Income Security Act	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits	<input type="checkbox"/> 371 Motor Vehicle	<input type="checkbox"/> 373 Personal Injury - Medical Malpractice	<input type="checkbox"/> 780 Employee Retirement Income Security Act	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 372 Motor Vehicle	<input type="checkbox"/> 374 Other Personal Injury - Medical Malpractice	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 160 Other Consumer	<input type="checkbox"/> 373 Motor Vehicle	<input type="checkbox"/> 375 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 163 Contract Product Liability	<input type="checkbox"/> 374 Motor Vehicle	<input type="checkbox"/> 376 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 164 Products	<input type="checkbox"/> 375 Motor Vehicle	<input type="checkbox"/> 377 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 170 Land Condemnation	<input type="checkbox"/> 376 Motor Vehicle	<input type="checkbox"/> 378 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 200 Personal Injury	<input type="checkbox"/> 377 Motor Vehicle	<input type="checkbox"/> 379 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 230 Real Estate & Mortgages	<input type="checkbox"/> 378 Motor Vehicle	<input type="checkbox"/> 380 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 379 Motor Vehicle	<input type="checkbox"/> 381 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 380 Motor Vehicle	<input type="checkbox"/> 382 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 381 Motor Vehicle	<input type="checkbox"/> 383 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 400 Other Civil Rights	<input type="checkbox"/> 382 Motor Vehicle	<input type="checkbox"/> 384 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 401 Voting	<input type="checkbox"/> 383 Motor Vehicle	<input type="checkbox"/> 385 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 402 Employment	<input type="checkbox"/> 384 Motor Vehicle	<input type="checkbox"/> 386 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 403 Housing/Accommodations	<input type="checkbox"/> 385 Motor Vehicle	<input type="checkbox"/> 387 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 404 Amer. w/Disabilities Employment	<input type="checkbox"/> 386 Motor Vehicle	<input type="checkbox"/> 388 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
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<input type="checkbox"/> 404 Education	<input type="checkbox"/> 388 Motor Vehicle	<input type="checkbox"/> 390 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
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<input type="checkbox"/> 406 Miscellaneous & Other	<input type="checkbox"/> 390 Motor Vehicle	<input type="checkbox"/> 392 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 407 Child Rights	<input type="checkbox"/> 391 Motor Vehicle	<input type="checkbox"/> 393 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 408 Petition Conditions	<input type="checkbox"/> 392 Motor Vehicle	<input type="checkbox"/> 394 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 409 Child Divorce - Custody of Child/Parent	<input type="checkbox"/> 393 Motor Vehicle	<input type="checkbox"/> 395 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 409 Bankruptcy	<input type="checkbox"/> 394 Motor Vehicle	<input type="checkbox"/> 396 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 410 Bankruptcy	<input type="checkbox"/> 395 Motor Vehicle	<input type="checkbox"/> 397 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 411 Bankruptcy	<input type="checkbox"/> 396 Motor Vehicle	<input type="checkbox"/> 398 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 412 Bankruptcy	<input type="checkbox"/> 397 Motor Vehicle	<input type="checkbox"/> 399 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 413 Bankruptcy	<input type="checkbox"/> 398 Motor Vehicle	<input type="checkbox"/> 400 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 414 Bankruptcy	<input type="checkbox"/> 399 Motor Vehicle	<input type="checkbox"/> 401 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 415 Bankruptcy	<input type="checkbox"/> 400 Motor Vehicle	<input type="checkbox"/> 402 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 416 Bankruptcy	<input type="checkbox"/> 401 Motor Vehicle	<input type="checkbox"/> 403 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 417 Bankruptcy	<input type="checkbox"/> 402 Motor Vehicle	<input type="checkbox"/> 404 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 418 Bankruptcy	<input type="checkbox"/> 403 Motor Vehicle	<input type="checkbox"/> 405 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 419 Bankruptcy	<input type="checkbox"/> 404 Motor Vehicle	<input type="checkbox"/> 406 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 420 Bankruptcy	<input type="checkbox"/> 405 Motor Vehicle	<input type="checkbox"/> 407 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 421 Bankruptcy	<input type="checkbox"/> 406 Motor Vehicle	<input type="checkbox"/> 408 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 422 Bankruptcy	<input type="checkbox"/> 407 Motor Vehicle	<input type="checkbox"/> 409 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 423 Bankruptcy	<input type="checkbox"/> 408 Motor Vehicle	<input type="checkbox"/> 410 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 424 Bankruptcy	<input type="checkbox"/> 409 Motor Vehicle	<input type="checkbox"/> 411 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 425 Bankruptcy	<input type="checkbox"/> 410 Motor Vehicle	<input type="checkbox"/> 412 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 426 Bankruptcy	<input type="checkbox"/> 411 Motor Vehicle	<input type="checkbox"/> 413 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 427 Bankruptcy	<input type="checkbox"/> 412 Motor Vehicle	<input type="checkbox"/> 414 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 428 Bankruptcy	<input type="checkbox"/> 413 Motor Vehicle	<input type="checkbox"/> 415 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 429 Bankruptcy	<input type="checkbox"/> 414 Motor Vehicle	<input type="checkbox"/> 416 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 430 Bankruptcy	<input type="checkbox"/> 415 Motor Vehicle	<input type="checkbox"/> 417 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 431 Bankruptcy	<input type="checkbox"/> 416 Motor Vehicle	<input type="checkbox"/> 418 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 432 Bankruptcy	<input type="checkbox"/> 417 Motor Vehicle	<input type="checkbox"/> 419 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 433 Bankruptcy	<input type="checkbox"/> 418 Motor Vehicle	<input type="checkbox"/> 420 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 434 Bankruptcy	<input type="checkbox"/> 419 Motor Vehicle	<input type="checkbox"/> 421 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 435 Bankruptcy	<input type="checkbox"/> 420 Motor Vehicle	<input type="checkbox"/> 422 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 436 Bankruptcy	<input type="checkbox"/> 421 Motor Vehicle	<input type="checkbox"/> 423 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 437 Bankruptcy	<input type="checkbox"/> 422 Motor Vehicle	<input type="checkbox"/> 424 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 438 Bankruptcy	<input type="checkbox"/> 423 Motor Vehicle	<input type="checkbox"/> 425 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 439 Bankruptcy	<input type="checkbox"/> 424 Motor Vehicle	<input type="checkbox"/> 426 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 440 Bankruptcy	<input type="checkbox"/> 425 Motor Vehicle	<input type="checkbox"/> 427 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 441 Bankruptcy	<input type="checkbox"/> 426 Motor Vehicle	<input type="checkbox"/> 428 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 442 Bankruptcy	<input type="checkbox"/> 427 Motor Vehicle	<input type="checkbox"/> 429 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 443 Bankruptcy	<input type="checkbox"/> 428 Motor Vehicle	<input type="checkbox"/> 430 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 444 Bankruptcy	<input type="checkbox"/> 429 Motor Vehicle	<input type="checkbox"/> 431 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 445 Bankruptcy	<input type="checkbox"/> 430 Motor Vehicle	<input type="checkbox"/> 432 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 446 Bankruptcy	<input type="checkbox"/> 431 Motor Vehicle	<input type="checkbox"/> 433 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 447 Bankruptcy	<input type="checkbox"/> 432 Motor Vehicle	<input type="checkbox"/> 434 Personal Injury - Medical Malpractice	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 800 Defect Toxic Substance Act of 2014	<input type="checkbox"/> 900 Other
<input type="checkbox"/> 448 Bankruptcy	<input type="checkbox"/> 433 Motor Vehicle	<input type="checkbox"/> 4				

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UNITED STATES DISTRICT COURT
DISTRICT OF WESTERN WASHINGTON
SEATTLE DIVISION

Marco Antonio Barraza Enriquez,
Plaintiff

v.

Kristi Noem, Secretary of the Department of
Homeland Security; US Department of
Homeland Security (DHS); Todd Lyons,
Acting Director of Immigration Customs
Enforcement; Camilla Wamsley, Seattle
Field Office Director, Immigration and
Customs Enforcement and Removal
Operations; U.S. Immigration and Customs
Enforcement (ICE); Pete Flores, Acting
Commissioner of Customs and Border
Protection; and U.S. Customs and Border
Protection (CBP)
Defendants

Case No. 25-2352

**COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

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1. Plaintiff's current detention serves no removal purpose and deprives him of liberty without due process of law. Moreover, his continued detention is unconstitutional detention at this point because it is indefinite, unnecessary and oppressive.
2. His continued detention is equivalent to being incarcerated on a civil matter and/or being punished for simply coming to the U.S. seeking protection from severe harm or death by a foreign government or by third parties that the government is either complicit with or is unable to control. His continued detention offends due process.
3. Accordingly, Plaintiff seeks immediate release from detention.

JURISDICTION AND VENUE

4. This Court has federal question jurisdiction under 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2241 (federal habeas statute); 8 U.S.C. § 1252(e), and the Suspension Clause of the United States Constitution, U.S. Const. art. I, § 9. I.
5. Venue is proper under 28 U.S.C. § 1391(e)(1) because Defendants are agencies of the United States and federal officers of the United States acting in their official capacities, and because the plaintiff is present in this district, having been present at the Northwest Immigration Processing Center, formally known more accurately as the Northwest Detention Center.
6. For these same reasons, divisional venue is proper under Local Rule 4.

1 7. This Court has the authority to grant the relief requested by Plaintiffs under the
2 Administrative Procedure Act, 5 U.S.C. § 701, et seq.; Rules 57 and 65 of the
3 Federal Rules of Civil Procedure; the Declaratory Judgment Act, 28 U.S.C. §§
4 2201–02; the All Writs Act, 28 U.S.C. § 1651; and the Court’s inherent equitable
5 authority.
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7

8 PARTIES

9 8. Plaintiff Marco Antonio Barraza Enriquez. He is currently being held at the
10 NWIPC at 1623 E J Street Suite 5, Tacoma, WA 98421. He has been detained at the
11 NWIPC since January 28, 2025. He was granted Withholding of Removal under
12 the Convention Against Torture on August 12, 2025. The Withholding of Removal
13 grant under the CAT was appealed by DHS/ICE and his Withholding of Removal
14 denial under the Immigration and Nationality Act was appealed by Plaintiff. An
15 Opening Brief has been filed by both DHS/ICE and Plaintiff as well as a Reply
16 Brief by Plaintiff, as well.
17

18 9. Defendant Kristi Noem is sued in her official capacity as the Secretary of the
19 U.S. Department of Homeland Security. Secretary Noem is responsible for the
20 administration of U.S. immigration laws. She directs each of DHS’s components,
21 including the components responsible for the apprehension, detention, and removal
22 of noncitizens. Secretary Noem is responsible for ensuring that DHS and its
23 component agencies are not subjecting detainees to indefinite detention, nor to the
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1 equivalent of criminal prosecution/incarceration for a civil offense, and not
2 subjecting detainees to third country removal without due process.

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4 10. Defendant U.S. Department of Homeland Security (“DHS”) is a federal
5 cabinet-level department of the U.S. government. DHS is an “agency” within the
6 meaning of the APA. 5 U.S.C. § 551(1). It is the largest federal law enforcement
7 agency, and it is responsible for administering U.S. immigration laws under the
8 Immigration and Nationality Act (“INA”) and federal regulations, including those
9 relating to the apprehension, detention, and removal of noncitizens. Its components
10 include U.S. Immigration and Customs Enforcement (“ICE”) and U.S. Customs
11 and Border Protection (“CBP”). DHS is responsible for ensuring detainees are not
12 subject to indefinite detention, nor to the equivalent of criminal
13 prosecution/incarceration for a civil offense, and not subjecting detainees to third
14 country removal without due process.

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19 11. Defendant Todd Lyons is sued in his official capacity as the Acting Director of
20 Immigration and Customs Enforcement. Acting Director Lyons oversees all ICE
21 personnel and is a supervisory official responsible for overseeing immigration
22 enforcement, including apprehension, detention, and removal of noncitizens both
23 near the border and in the interior of the United States. Acting Director Lyons is
24 responsible for ensuring that ICE and its detention facilities are not used to subject
25 detainees to indefinite detention, nor to the equivalent of criminal
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1 prosecution/incarceration for a civil offense, and not subjecting detainees to third
2 country removal without due process.

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4 12. Defendant Camilla Wamsley is the Field Office Director for the Seattle Field
5 Office, Immigration and Customs Enforcement and Removal Operations. The
6 Seattle Field Office is responsible for local custody decisions relating to non
7 citizens charged with being removable from the United States, including the arrest,
8 detention, and custody status of noncitizens. The Seattle Field Office's area of
9 responsibility includes Alaska, Oregon, and Washington, encompassing sites
10 including the Portland and Eugene Field Offices at issue in this complaint. Director
11 Wamsley is responsible for ensuring that the Seattle Field Office and its detention
12 facilities are not used to subject detainees to indefinite detention, nor to the
13 equivalent of criminal prosecution/incarceration for a civil offense, and not
14 subjecting detainees to third country removal without due process.

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19 13. Defendant U.S. Immigration and Customs Enforcement ("ICE") is a sub
20 agency of DHS and an "agency" within the meaning of the APA. 5 U.S.C. §
21 551(1). It is responsible for the apprehension, detention, and removal of
22 noncitizens both near the border and in the interior of the United States. ICE is also
23 responsible for ensuring its officers and facilities are not used in a manner to
24 subject detainees to indefinite detention, nor to the equivalent of criminal
25 prosecution/incarceration for a civil offense, and not subjecting detainees to third
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1 country removal without due process, including at its Field Office sites at issue in
2 this complaint.

3
4 14. Defendant Pete R. Flores is sued in his official capacity as the Acting
5 Commissioner of Customs and Border Protection. Mr. Flores oversees all CBP
6 personnel and is responsible for overseeing the apprehension, detention, and
7 removal of noncitizens within 100 air miles of external boundaries of the United
8 States. Acting Commissioner Flores is responsible for ensuring that CBP are not
9 subjecting detainees to indefinite detention, nor to the equivalent of criminal
10 prosecution/incarceration for a civil offense, and not subjecting detainees to third
11 country removal without due process.

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15 15. Defendant U.S. Customs and Border Protection ("CBP") is a sub-agency of
16 DHS and an "agency" within the meaning of the APA. 5 U.S.C. § 551(1). It is
17 responsible for the apprehension, detention, and removal of noncitizens within a
18 "reasonable distance" of any external boundary of the United States, typically
19 defined as 100 air miles. CBP is responsible for ensuring that its officers are not
20 subjecting detainees to indefinite detention, nor to the equivalent of criminal
21 prosecution/incarceration for a civil offense, and not subjecting detainees to third
22 country removal without due process.

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LEGAL BACKGROUND

16. Zadvydas v. Davis et al., 533 U.S. 678, 121 S.Ct. 2491, 150 L.Ed.2d 653, 689-
90 (2001) states in pertinent part:

1 “[T]he INS District Director will initially review the alien’s records to decide
 2 whether further detention or release under supervision is warranted after the
 3 90-day removal period expires. 8 CFR §§ 241.4(c)(1), (h), (k)(1)(i) (2001).
 4 If the decision is to detain, then an INS panel will review the matter further,
 5 at the expiration of a 3-month period or soon thereafter. § 241.4(k)(2)(ii).
 6 And the panel will decide, on the basis of records and a possible personal
 7 interview, between still further detention or release under supervision. §
 8 241.4(i). In making this decision, the panel will consider, for example, the
 9 alien’s disciplinary record, criminal record, mental health reports, evidence
 10 of rehabilitation, history of flight, prior immigration history, and favorable
 11 factors such as family ties. § 241.4(f). To authorize release, the panel must
 12 find that the alien is not likely to be violent, to pose a threat to the
 13 community, to flee if released, or to violate the conditions of release. §
 14 241.4(e). And the alien must demonstrate “to the satisfaction of the Attorney
 15 General” that he will pose no danger or risk of flight. § 241.4(d)(1)[¹]. If the
 16 panel decides against release, it must review the matter again within a year,
 17 and can review it earlier if conditions change. §§ 241.4(k)(2)(iii), (v).”

18 17. Zadvydas, at 689-90, states:

19 “[T]he statute, read in light of the Constitution’s demands, limits an alien’s
 20 post-removal-period detention to a period reasonably necessary to bring
 21 about that alien’s removal from the United States. It does not permit
 22 indefinite detention.

23 A

24 A statute permitting indefinite detention of an alien would raise a serious
 25 constitutional problem. The Fifth Amendment’s Due Process Clause forbids
 26 the Government to “depriv[e]” any “person . . . of . . . liberty . . . without due
 process of law.” Freedom from imprisonment—from government custody,
 detention, or other forms of physical restraint—lies at the heart of the liberty
 that Clause protects. See *Foucha v. Louisiana*, 504 U. S. 71, 80 (1992). And
 this Court has said that government detention violates that Clause unless the
 detention is ordered in a *criminal* proceeding with adequate procedural
 protections, see *United States v. Salerno*, 481 U. S. 739, 746 (1987), or, in
 certain special and “narrow” nonpunitive “circumstances,” *Foucha, supra*, at
 80, where a special justification, such as harm-threatening mental illness,
 outweighs the “individual’s constitutionally protected interest in avoiding
 physical restraint.” *Kansas v. Hendricks*, 521 U. S. 346, 356 (1997).

¹ The lack of dangerousness burden of proof on the detainee section of former 8
 C.F.R. § 241 was rejected by Zadvydas.

1 The proceedings at issue here are civil, not criminal, and we assume that
2 they are nonpunitive in purpose and effect. There is no sufficiently strong
3 special justification here for indefinite civil detention—at least as
4 administered under this statute. The statute, says the Government, has two
5 regulatory goals: "ensuring the appearance of aliens at future immigration
6 proceedings" and "[p]reventing danger to the community." Brief for
7 Respondents in No. 99-7791, p. 24. But by definition the first justification—
8 preventing flight—is weak or nonexistent where removal seems a remote
9 possibility at best. As this Court said in Jackson v. Indiana, 406 U. S. 715
(1972), where detention's goal is no longer practically attainable, detention
no longer "bear[s] [a] reasonable relation to the purpose for which the
individual [was] committed." *Id.*, at 738."

10 18. As to detention based on dangerousness, the Court rejected the portion of 8
11 C.F.R. § 241 that provided at that time that the alien would bear "the burden of
12 proving he is not dangerous." "The Constitution demands greater procedural
13 protection even for property." *Zadvydas* at 692. Further, the "flight risk
14 justification evaporates" once an individual hearing is held.

15 "And, once the flight risk justification evaporates, the only special
16 circumstance present is the alien's removable status itself, which bears no
17 relation to a detainee's dangerousness." *Zadvydas* at 691-92

18 19. The Court further noted at 693:

19 "[O]nce an alien enters the country, the legal circumstance changes, for the
20 Due Process Clause applies to all "persons" within the United States,
21 including aliens, whether their presence here is lawful, unlawful, temporary,
22 or permanent. See Plyler v. Doe, 457 U. S. 202, 210
23 (1982); Mathews v. Diaz, 426 U. S. 67, 77 (1976); Kwong Hai
24 Chew v. Colding, 344 U. S. 590, 596-598, and n. 5 (1953); Yick
25 Wo v. Hopkins, 118 U. S. 356, 369 (1886); cf. Mezei, *supra*, at 212
26 ("[A]liens who have once passed through our gates, even illegally, may be
expelled only after proceedings conforming to traditional standards of
fairness encompassed in due process of law"). Indeed, this Court has held
that the Due Process Clause protects an alien subject to a final order of
deportation."

1
2 20. 8 C.F.R. § 241.4(d) allows detention past the six month limit only when there
3 are narrow “special circumstances”. DHS/ICE must show by clear and convincing
4 evidence that the noncitizen is especially dangerous. This is an impossible showing
5 for the government to make regarding the Plaintiff in this matter.
6

7 21. There is no reasonable/significant likelihood that Plaintiff will be removed in
8 the foreseeable future. The removal period begins the “date the order of removal
9 becomes administratively final”, 8 U.S.C. § 1231(a)(1)(B)(i). Detention under 8
10 U.S.C. § 1231(a)(1) is civil not criminal. Its purpose is not punitive in effect. The
11 bare fact that the government may be able to secure Plaintiff’s removal at some
12 point in time is insufficient without more to upset a showing that there is no
13 significant likelihood of removal in the reasonably foreseeable future.
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16 22. ICE/DHS’ procedures are insufficient to safeguard Plaintiff’s procedural due
17 process right to be released. He is neither a danger, nor a flight risk, and his
18 deportation is not reasonably foreseeable. We know this because we know if DHS
19 procedures were sufficient, Plaintiff would have been released to his new home in
20 Oregon at an earlier date.
21

22 23. 8 U.S.C. § 1231(a)(6) provides:
23
24

25 “(a) Detention, Release, and Removal of Aliens Ordered Removed...

26 (6) Inadmissible or criminal aliens

An alien ordered removed who is inadmissible under section 1182 of this title, removable under section 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been determined by the Attorney General to be a risk to the community or unlikely to comply with the

1 order of removal, may be detained beyond the removal period and, if
2 released, shall be subject to the terms of supervision in paragraph (3).”

3 24. To the extent, 8 U.S.C. § 1231(a)(6) appears to authorize the indefinite
4 detention of an inadmissible alien, it is unconstitutional under *Zadvydas*. *Zadvydas*
5 puts a constitutional limit of 180 days on such detention if the purported
6 deportation is not reasonably foreseeable.
7

8
9 25. 8 U.S.C. § 1231(a)(3) provides:

10 “(a) Detention, Release, and Removal of Aliens Ordered Removed...

11 (3)Supervision after 90-day period

12 If the alien does not leave or is not removed within the removal
13 period, the alien, pending removal, shall be subject to supervision
14 under regulations prescribed by the Attorney General. The regulations
15 shall include provisions requiring the alien—

16 (A) to appear before an immigration officer periodically for
17 identification;

18 (B) to submit, if necessary, to a medical and psychiatric
19 examination at the expense of the United States Government;

20 (C) to give information under oath about the alien's nationality,
21 circumstances, habits, associations, and activities, and other
22 information the Attorney General considers appropriate; and

23 (D) to obey reasonable written restrictions on the alien's
24 conduct or activities that the Attorney General prescribes for
25 the alien.”

26 26. Plaintiff seeks immediate release from detention pursuant to 8 U.S.C. §
1231(a)(3).

27. In *Quezada-Martinez v. Moniz*, 722 F.Supp.3d 7, 11 (2024), the Massachusetts
Federal District Court states in pertinent part:

“The Supreme Court has held that “[a] statute permitting indefinite detention
of an alien would raise a serious constitutional problem.” *Zadvydas v.*
Davis, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

1 In *Zadvydas*, the Supreme Court considered the reasonableness of a non-
2 citizen's custody under § 1231(a)(6)—the very statute under which Mr.
3 Quezada-Martinez is now detained. Interpreting the relevant provisions, the
4 Court held that the presumptive limit of reasonable detention of a non-
5 citizen is six months, after which, "once an alien provides good reason to
6 believe that there is no significant likelihood of removal in the
7 reasonably foreseeable future, the Government must respond with
8 evidence sufficient to rebut that showing." *Id.* at 701, 121 S.Ct. 2491. As
9 the Court stated, "the statute [8 U.S.C. § 1231(a)(6)], read in light of the
10 Constitution's demands, limits an alien's post-removal period detention
11 to a period reasonably necessary to bring about that alien's removal
12 from the United States." *Id.* at 689, 121 S.Ct. 2491...
13 (detention under § 1231(a)(6) is "civil, not criminal" and is assumed to
14 be "nonpunitive in purpose and effect")" (emphasis added)

15 28. The Court further stated in *Quezada-Martinez* at 11 in pertinent part:

16 "Here, Mr. Quezada-Martinez's detention has been detained since April 2,
17 2023, a little over eleven months. His detention has already surpassed the
18 six-month period set forth in *Zadvydas*. Therefore, the reasonableness of
19 continuing Mr. Quezada-Martinez's custody turns on whether he has made a
20 showing that there is no significant likelihood of removal in the reasonably
21 foreseeable future."

22 29. Johnson v. Guzman-Chavez, 594 US 523, 141 S.Ct. 2271, 210 L.Ed.2d 656

23 (2021) stated that in a 8 U.S.C. § 1231(a)(1) proceeding, such as the proceeding
24 that Plaintiff is in, where the person faces reinstatement of a prior order of removal
25 under 1231(a)(5), that the alien "shall be removed under the prior order at any time
26 after reentry." The removal period under 1231 begins on the "date the order of
removal becomes administratively final," Johnson at 2278. Reinstated removal
orders are "administratively final". These administratively final orders remain such
even where a detainee files for Withholding of Removal.

30. Johnson states at 2278:

1 “If an immigration judge grants an application for withholding of removal,
2 DHS is prohibited from removing the alien *to* that particular country,
3 not *from* the United States. The removal order remains in full force, and
4 DHS retains the authority to remove the alien to any other authorized
5 country. This Court and the BIA have long understood the nature of
6 withholding-only relief this way. See, e.g., INS v. Aguirre-Aguirre, 526 U.S.
7 415, 419, 119 S.Ct. 1439, 143 L.Ed.2d 590, Pp. 2285-2287.”

8 31. The Supreme Court of the United States rejected, in Johnson, Maria Guzman
9 Chavez’s argument that the removal order did not become administratively final
10 until the Withholding only proceedings concluded. That is, reinstated removal
11 orders are final even before the Withholding Only proceedings even begin. See
12 Plaintiff Exhibit 2, showing removal order was administratively final on October 1,
13 2024.

14 32. Johnson at 2287 states:

15 “The finality of the order of removal does not depend in any way on the
16 outcome of the withholding proceeding.”

17 33. Zadvydas states in pertinent part at 690:

18 “Freedom from imprisonment—from government custody, detention or
19 other forms of physical restraint—lies at the heart of the liberty [the Due
20 Process Clause] protects.”

21 34. Here, Plaintiff has dueling appeals pending. His case is already past the six
22 month (180 day) period set forth in Zadvydas. There is no significant likelihood of
23 removal in the reasonably foreseeable future. Plaintiff must be released forthwith
24 as a matter of law.
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A Possible Attempted Third Country Removal of Plaintiff Without Prior Notice

and an Opportunity to be Heard Would Violate Due Process

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35. There has been no notice to Plaintiff of concrete plans of a potential third country removal as of the time that Plaintiff filed this habeas petition. Plaintiff provides third country removal legal standards because the government may claim Plaintiff is in custody while it seeks a third country removal country for him. Plaintiff's counsel, on information and belief, states that as of 11/20/2025, Plaintiff has received no notice of any concrete attempts (i.e., actual designation of a third country that would accept Plaintiff) by DHS to deport Plaintiff to any third country. An alien in removal proceedings may designate the country of removal. 8 U.S.C. § 1231(b)(2)(A)(i). In general, the Attorney General is required to remove the alien to the country designated by the alien. 8 U.S.C. § 1231(b)(2)(A)(ii).

36. If DHS is unable to remove the individual to either the country of their designation or the country of which they are a subject, national, or citizen, then the government is required to remove them to any of the following options: (1) "[t]he country from which the [noncitizen] was admitted to the United States;" (2) "[t]he country in which is located the foreign port from which the [noncitizen] left for the United States or for a foreign territory contiguous to the United States;" (3) "[a] country in which the [noncitizen] resided before [they] entered the country from which [they] entered the United States;" (4) "[t]he country in which the [noncitizen] was born;" (5) "[t]he country that had sovereignty over the [noncitizen's] birthplace when the [noncitizen] was born;" or (6) "the country in

1 which the [noncitizen's] birthplace is located when the [noncitizen] is ordered
2 removed." Id. § 1231(b)(2)(E).
3

4 37. Only where it is "impracticable, inadvisable, or impossible to remove the
5 [noncitizen] to each country described" above, may DHS seek removal to "another
6 country whose government will accept the alien into that country." 8 U.S.C. §
7 1231(b)(2)(E).
8

9 38. Regardless of whether an alien can be found to be removable to any country
10 under 8 U.S.C. § 1231(b)(2), the Attorney General may not remove an alien to a
11 country if the Attorney General decides that the alien's life or freedom would be
12 threatened in that country because of the alien's race, religion, nationality,
13 membership in a particular social group, or political opinion." 8 U.S.C. §
14 1231(b)(3)(A).
15
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18 39. The INA, the Foreign Affairs Reform Restructuring Act of 1998 (FARRA), and
19 their implementing regulations ensure that prior to any removal, Defendants must
20 provide Plaintiff an opportunity to present a claim of fear of torture or persecution
21 as to the third country. Specifically, pursuant to 8 U.S.C. § 1231(b)(3), Defendants
22 may not remove persons who are more likely than not to face persecution if
23 removed. And pursuant to the Convention Against Torture (CAT), which is
24 codified as a statutory note to § 1231, Defendants may not remove persons to a
25 country where they are likely to face torture.
26

1 40. The Due Process Clause of the Fifth Amendment also requires that, prior to a
2 third country removal, Plaintiff receive meaningful notice and opportunity to
3 access these mandatory statutory protections. As the Supreme Court recently held
4 in *A.A.R.P. v. Trump*, this means a person “must receive notice” that “they are
5 subject to removal” (here, to a third country), and such notice must be provided
6 “within a reasonable time and in such a manner as will allow the[] [noncitizen] to
7 actually seek . . . relief.” 605 U.S. 91, 95 (2025) (per curiam) (quoting *Trump v.*
8 *J.G.G.*, 604 U.S. 670, 673 (2025)).

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12 41. On January 20, 2025, the president signed an Executive Order, entitled *Securing*
13 *our Borders*, which instructed the Secretary of State, Attorney General, and DHS
14 Secretary to “take all appropriate action to facilitate additional international
15 cooperation and agreements, . . . , including [safe third country agreements] or any
16 other applicable provision of law.” Exec. Order No. 14165, 90 Fed. Reg. 8467, 8468
17 (Jan. 20, 2025).

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21 42. On or about February 18, 2025, ICE directed officers to review cases for third
22 country deportations and take back into custody persons previously released,
23 including people granted withholding of removal or CAT protection.¹

24
25 On March 5, 2025, the *New York Times* reported: “[ICE leadership] are
26 considering deporting people who have been found to have a legitimate fear of

¹Nick Mirroff and Maria Sacchetti, *Trump Seeks to Fast-Track Deportations of Hundreds of Thousands*, *The Washington Post* (Feb. 28, 2025). For text of directive, see Ted Hesson and Kristina Cooks, *Trump Weighs Revoking Legal Status of Ukrainians as US Steps Up Deportations*, *Bastard* (Mar. 6, 2025).

1 torture in their home countries to third nations[.]”¹

2 43. To comport with due process, notice of removal to a third country must be
3 given sufficiently in advance of the deportation, in a language the person
4 understands, and provide a stay of removal for enough time to permit the filing of a
5 motion to reopen removal proceedings to allow a meaningful opportunity to
6 present a fear-based claim related to that country. *Andriastan*, 180 F.3d at 1041;
7 *Aden*, 409 F. Supp. 3d at 1009.

8 44. Defendants have not provided meaningful notice and opportunity to contest a
9 third country removal. Consequently, Plaintiff’s detention, if based on a claim that
10 the government is seeking a third country deportation, is unlawful, and a writ of
11 habeas corpus must issue.

12 FACTUAL BACKGROUND

13 45. Plaintiff was first detained by ICE/DHS on January 28, 2025. He has been
14 detained for nearly 10 months and over 180 days in custody since he was detained
15 due to a prior removal order was reinstated on April 1, 2025, Plaintiff Exhibit 2. On
16 April 1, 2025, the deportation order against Plaintiff was administratively final and
17 the Withholding Only proceedings began, Plaintiff Exhibit 2.

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¹Hamed Ajeeriz and Zolan Kanno-Youngs, Frustration Grows Inside the White House Over Pace of Deportations, N.Y. Times (Mar. 5, 2025).

1 46. Plaintiff was granted Withholding of Removal under the Convention Against
2 Torture on August 12, 2025. He was granted a Withholding Only hearing after he
3 was found to have a credible fear of return to Mexico on April 1, 2025.
4

5 47. Upon any release from the detention center, Mr. Barraza would live with his
6 wife Karla Belen Leyva Sanchez, [REDACTED] who has her asylum application
7 timely filed with the Portland EOIR Court. He would also live with his three
8 children, [REDACTED]
9 [REDACTED]
10 [REDACTED], and [REDACTED].
11

12 48. On June 24, 2025, Ms. Leyva Sanchez was granted a Change of Venue to the
13 Portland Oregon Immigration Court. She is scheduled for her next Master Calendar
14 hearing before the Portland EOIR Court on November 16, 2027.
15

16 49. On November 13, 2025, Ms. Leyva Sanchez reported to ICE in Portland,
17 Oregon and has no need to re-report there until November 2026.
18

19 50. Ms. Leyva Sanchez is currently employed.
20

21 51. Gilberto Acuna Garcia, Plaintiff's cousin, had lived with Plaintiff when they
22 were growing up in Mexico. He, along with his wife, Claudia Acuna Hernandez, a
23 U.S. citizen, have opened their home up to the Plaintiff's wife and children and
24 open their home to Marco Antonio when he is released from detention. They have
25 lived at [REDACTED] Oregon 97367. They have adequate
26 income to support the home and the families living there. Karla Leyva Sanchez has
additional income. It's also anticipated that the Plaintiff could readily obtain

1 employment if he was to be released. He has opportunity to file for an Employment
2 Authorization Document due to his withholding of removal under the CAT grant.

3
4 52. Plaintiff is neither a danger, nor a flight risk. He has a family to care for. He is a
5 good father and a loving husband. He has no drug or alcohol abuse history. He has
6 no criminal record. He's 36 years of age and has a steady employment history for 9
7 years as a miner in Sinaloa and Durango, Mexico. He is an able bodied and capable
8 young man. For the last approximately three to three and a half years of his mining
9 work, Plaintiff was a gambusino. That is, he was an independent operator, miner,
10 who would work in abandoned mines securing gold after he learned his trade at
11 First Majestic company in Tayoltita, Durango, Mexico, where he was employed for
12 approximately five years. Mining is an extremely physically demanding and
13 dangerous occupation. Plaintiff would not be shy of any work which may come
14 open to him on the coast of Oregon and would be a very capable employee.


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20 53. On November 4, 2025, Plaintiff's counsel emailed and mailed a letter, with
21 attachments establishing that Plaintiff is neither a flight risk nor a danger if
22 released from detention, to the ICE Seattle Field Office Director (hereafter FOD)
23 requesting the release of Plaintiff. As of November 20, 2025, there's been no
24 response from the FOD office/FOD director. FOD reasonably, based on Zadvydas,
25 should have released the Plaintiff from custody as he's neither a flight risk, nor a
26 danger. Plaintiff is being denied procedural due process through this lack of
attention to his release by the FOD and/or other government personnel. A copy of


1 this letter to the FOD with its attachments establishing his lack of dangerousness
2 and lack of flight risk is attached as Plaintiff Exhibit 1.

3
4 54. At this time, Plaintiff is neither a flight risk nor a danger to society. He has no
5 criminal record. His continued time in detention pending appeals, if that is the
6 reason for his continued detention, is equivalent to indefinite detention and
7 unconstitutional.

8
9 55. The plaintiff has had no contact from the FOD or anybody with DHS regarding
10 his request for release. Plaintiff is amenable to release with a reporting requirement
11 of continued supervision by DHS/ICE if deemed appropriate.

12
13 56. At this time, Plaintiff's continued detention is equivalent to criminal
14 punishment of a civil detainee. This is an unconstitutional deprivation of his right
15 to live freely in the United States. Plaintiff is currently being deprived of liberty
16 without due process of law, a Fifth Amendment due process violation. And, at this
17 point, he's being subjected to indefinite detention, also a violation of due process.

18
19 57. Historically, Plaintiff last entered the United States on September 30, 2024
20 fleeing Mexico to save his life and that of his family from the 

21
22 , who had tortured him seeking to require him to become a miner for them
23 and/or potentially to become one of them harming other individuals. His wife was
24 also severely harmed. He was granted Convention Against Torture relief because
25 it's more likely than not that if he's deported to Mexico he would be severely
26 injured or killed. Plaintiff had previously been deported on May 19, 2012. Thus, he

1 was subject to a withholding only proceeding after he passed a Reasonable Fear
2 interview on April 1, 2025. While held in Tacoma, his case was heard via video by
3 visiting Immigration Judges from Concord, California in the Tacoma, Washington
4 Immigration Court. His first hearing date was on May 23, 2025. Then, there was a
5 second hearing on August 8, 2025. Subsequent to the grant of Convention Against
6 Torture relief, the government has appealed that grant. Plaintiff had also sought
7 relief through Withholding of Removal under the Immigration and Nationality Act
8 (hereafter INA). This request was denied by the Immigration Judge. Plaintiff has
9 appealed from that denial to the Board of Immigration Appeals (hereafter BIA).
10 58. Plaintiff filed his Notice of Appeal on September 3, 2025. He filed his Reply
11 Brief to DHS' brief on November 6, 2025. Plaintiff filed his Brief on November 7,
12 2025. The filings were all timely. Processing time for appeals to the BIA on
13 detained cases is approximately 4-5 months but varies. If appeal to the Ninth
14 Circuit was needed, this appeal time would take approximately 1-2 years after the
15 BIA issues its decision(s).
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23 CLAIMS FOR RELIEF

24 COUNT I

25 Violation of the Fifth Amendment to the U.S. Constitution
26 Due Process
(On Behalf of Plaintiff Against All Defendants)

1 59. Plaintiff realleges and incorporates by reference each allegation contained in
2 the preceding paragraphs as if set forth fully herein.

3
4 60. Plaintiff is being subjected to the equivalent of a criminal punishment for a
5 civil offense. This is a clear deprivation of liberty accomplished without due
6 process of law in violation of the Fifth Amendment of the U.S. Constitution.
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COUNT II

Violation of the Fifth Amendment to the U.S. Constitution
Due Process

61. Plaintiff realleges and incorporates by reference each allegation contained in
the preceding paragraphs as if set forth fully herein.

62. Plaintiff is being subjected to indefinite detention, although he is neither a
flight risk nor a danger to society and there is no reasonable, nor a significant
likelihood that Plaintiff will be removed in the foreseeable future. This is also a due
process violation under *Zadvydas*.

COUNT III

Possible Violation of the Fifth Amendment to the U.S. Constitution
Due Process—Possibly Flawed Third Country Removal Plans

63. Plaintiff realleges and incorporates by reference each allegation contained in
the preceding paragraphs as if set forth fully herein.

64. Plaintiff requests that DHS/ICE be required to respect the Plaintiff's due
process rights if there is a current attempt to deport him to a third country by
providing Plaintiff and his attorney adequate time (two weeks) to respond to any

1 possible attempt to deport him to a third country. Plaintiff requests DHS/ICE be
2 required to provide him with a reasonable fear hearing followed by an individual
3 hearing where he can prove up his more likely than not persecution/torture in this
4 alternate third country of removal location, if appropriate.
5
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9
10 PRAYER FOR RELIEF

11 Plaintiffs pray that this Court grant the following relief:

12 (1) Assume jurisdiction over this matter;

13
14 (2) Declare that Defendants' continued detention of Plaintiff violates the Due
15 Process clause of the Fifth Amendment to the United States Constitution;

16
17 (3) Release of Plaintiff from his detention at the Northwest Detention Center as his
18 U.S. Constitutional right to due process is being violated by his continuing
19 detention.
20

21 (4) If Defendants are attempting to deport this Plaintiff to a third country, prior to
22 his hoped for release from custody based on Zadvydas, the Plaintiff requests notice
23 and an opportunity to be heard prior to any removal, that he be provided with a
24 reasonable fear hearing where he and his counsel would be present approximately
25 14 days from the time any such notice is received by Plaintiff. Plaintiff requests an
26

¹ **Emphasis added**

1 order that if a reasonable fear is established, that then that he be provided with an
2 individual hearing date where he and his counsel would have the opportunity to
3 prove at a hearing that it is more likely than not that he would be seriously harmed
4 or tortured by the third country government or by third parties in that third country
5 with which the government are complicit or unable to control, if he was deported
6 to this third country.
7

8
9 If Plaintiff is not subjected to a potential third country deportation at this time,
10 number (4) is moot
11

12 (5) Award Plaintiffs costs of suit and reasonable attorneys' fees and expenses
13 pursuant to any applicable statute or regulation; and
14

15 (6) Grant such further relief as the Court deems just, equitable, and proper.
16

17
18 Dated this 21st day of November, 2025
19

20 Respectfully Submitted,

21 /s/Brian Patrick Conry
22 Brian Patrick Conry
23 Attorney for Plaintiff
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