

District Judge Tana Lin
Magistrate Judge Michelle L. Peterson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Petrona TOMAS MANUEL et al.,

Petitioners,

v.

Laura HERMOSILLO et al.,

Respondents.

Case No. 2:25-cv-2353-TL-MLP

**PETITIONERS' TRAVERSE AND
RESPONSE TO RESPONDENTS'
RETURN MEMORANDUM**

Note on Motion Calendar:
December 6, 2025

INTRODUCTION

Respondents' return and accompanying evidence pertaining to each Petitioner demonstrate that "the main facts in this case are undisputed." Dkt. 14 at 2. Each Petitioner was re-arrested without Respondents first providing notice and a hearing before a neutral decisionmaker where ICE demonstrated by clear and convincing evidence that Petitioners were re-detained because they are now a flight risk or danger to the community. Compare Dkt. 14 at 1-2, 6-7, with Dkt. 1 ¶¶ 4, 30-32, 38-40, 51-53, 69-71, 78-80. Further, Respondents' legal arguments are in turn irrelevant, contrary to this Court's recent rulings, or otherwise unavailing.

1 Because due process demands that Respondents afford Petitioners meaningful process
2 before re-detention, this Court should grant this habeas petition and order immediate release.

3 RELEVANT FACTUAL DEVELOPMENTS

4 Since the filing of this petition, Petitioner Martha Choclo Ramos has accepted voluntary
5 departure to end her detention. See Ng Decl., Ex. A; Dkt. 6 ¶ 12 (Ms. Choclo's declaration
6 detailing her deteriorating "mental, physical and emotional health" in the face of
7 "overwhelming" detention conditions and lack of "any meaningful care" from staff at the
8 facility). Accordingly, Ms. Choclo now withdraws her claim and does not seek relief.

9 ARGUMENT

10 As an initial matter, Respondents' assertion that there was not "sufficient time" to
11 "provide individual factual analyses for each Petitioner," Dkt. 14 at 2, is belied by Respondents'
12 own submission, which includes documents that establish the critical facts all Petitioners have in
13 common. See Dkt. 15 at 4–15 (Petitioner Tomas); *id.* at 16–25 (Petitioner Martinez); *id.* at 26–38
14 (Petitioner Escorcias); *id.* at 50–60 (Petitioner Navarrete); see also *id.* at 39–49 (Ms. Choclo).
15 The Court should thus reject any suggestion that Respondents are prejudiced by the expedited
16 briefing schedule order by this Court.¹

17 Respondents fail to meaningfully contest Petitioners' entitlement to relief. First,
18 Respondents' focus on ICE's statutory detention authority, Dkt. 14 at 5, is irrelevant to the issue
19

20 ¹ This is particularly so considering the nature of Petitioners' claim that due process
21 requires a pre-deprivation hearing *before* their re-detention. See, e.g., Order Granting Petition for
22 Writ of Habeas Corpus, *Ramirez Tesora v. Wamsley*, No. 2:25-cv-01723-KKE-TLF, 2025 WL
23 3288295 at *5 (W.D. Wash. Nov. 25, 2025) (stating that "factual disputes" as to any alleged
violations of initial release conditions "should be resolved at a pre-deprivation hearing, rather
than resolved after the fact by this Court"); *P.T. v. Hermostillo*, No. 2:25-cv-02249-KKE, 2025
WL 3294988, at *3 (W.D. Wash. Nov. 26, 2025) ("[A]ny factual dispute about the validity of the
[alleged] violations should have been resolved at a pre-deprivation hearing.").

1 before this Court. In fact, in granting a similar re-detention habeas petition, the Court recently
2 emphasized this exact point:

3 To the extent that the Government's briefing suggests that Section 1225(b) should
4 be the beginning and end of the Court's inquiry, this position is emphatically
5 rejected. In determining the lawfulness of Petitioner's detention, the Court will
focus not on the Government's claimed authority to detain, but the process by
which Petitioner was detained.

6 *P.T.*, 2025 WL 3294988, at *2 n.1;² *see also, e.g., Francois v. Wamsely*, No. C25-2122-RSM-
7 GJL, 2025 WL 3063251, at *3 (W.D. Wash. Nov. 3, 2025) ("Any argument that ICE acted
8 within its authority has no affect [sic] on a claim contending that detention violates
9 Constitutional Due Process." (citation omitted)).

10 Second, Respondents' assertion that "[t]here is no statutory or regulatory requirement for
11 a hearing before an individual in removal proceedings is redetained," Dkt. 14 at 6, is similarly
12 unavailing. As Respondents "acknowledge," Dkt. 14 at 7, this Court and others around the
13 country have repeatedly held such a pre-deprivation hearing is required by the U.S. Constitution.
14 *E.g., P.T.*, 2025 WL 3294988, at *4 (granting habeas petition, ruling that "absent notice and an
15 opportunity to be heard, "[p]etitioner's re-detention does not comport with due process," and
16 granting immediate release); *Ramirez Tesara*, 2025 WL 3288295 (same); *Y.M.M. v. Wamsley*,
17 No. 2:25-CV-02075, 2025 WL 3101782-TMC (W.D. Wash. Nov. 6, 2025) (same); *Ledesma*
18 *Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *9 (W.D. Wash.

19
20 ² Although not necessary to decide the merits of this petition, it is worth noting that the
21 court also rejected the application of 8 U.S.C. § 1225(b) to a petitioner who was similarly
22 apprehended after entering without inspection, released on his own recognizance to continue his
23 removal proceedings, and subsequently re-detained. *See P.T.*, 2025 WL 3294988, at *2 n.1
("Although the Government asserts that Petitioner falls within the mandatory detention scheme
under 8 U.S.C. § 1225(b) simply because he has not been 'admitted' to the United States, this
Court joins others in rejecting an expansion of the scope of this scheme to include Petitioner."
(citation modified). The same logic holds here.

1 Oct. 7, 2025) (*same*); *E.A. T.-B. v. Wamsley*, No. C25-1192-KKE, 2025 WL 2402130 (W.D.
2 Wash. Aug. 19, 2025) (*same*); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL
3 2677089, at *3 (W.D. Wash. Sept. 17, 2025) (granting TRO and ordering immediate release due
4 to lack of pre-deprivation hearing); *Francois*, 2025 WL 3063251 (*same*); *Hernandez v. Wofford*,
5 No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *8 (E.D. Cal. Aug. 21, 2025)
6 (*same*); *Duong v. Kaiser*, No. 25-CV-07598-JST, 2025 WL 2689266, at *7 (N.D. Cal. Sept. 19,
7 2025) (granting preliminary injunction and ordering that petitioner not be re-detained without a
8 pre-deprivation hearing before a neutral immigration judge where the government must
9 demonstrate by clear and convincing evidence that she is a flight risk or danger); *Garro Pitrchl v.*
10 *Noon*, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (*same*).

11 Respondents offer no valid basis for “disagree[ing] with these decisions.” Dkt. 14 at 7.

12 Lastly, Respondents do not contest that the *Mathews* test is appropriate here and simply
13 assert that noncitizens’ liberty interests are less than those of U.S. citizens. *See id.* (recognizing
14 Petitioners’ “weighty liberty interests” (citation omitted)). However, this comparison “does not
15 negate Petitioner[s]’ liberty interest” in avoiding arbitrary re-detention. *Kumar*, 2025 WL
16 2677089, at *3. It is undisputed that Respondents previously released Petitioners from
17 immigration custody, that Petitioners participated in their immigration proceedings as instructed,
18 and that thereafter Respondents took Petitioners into immigration custody without notice and a
19 hearing prior to their re-detention. Accordingly, the three *Mathews* factors weigh in favor of
20 affording Petitioners notice and a hearing prior to any re-detention. *See* Dkt. 1 ¶¶ 81–93. Because
21 Respondents’ manner of re-detaining Petitioners did not comport with procedural due process,
22 Petitioners have been unlawfully detained since their re-detentions in October and November
23 2025. They accordingly request that the Court grant this petition.

CONCLUSION

Respondents' return and supporting documents do not contest the material facts nor pose new legal arguments that undermine this Court's recent rulings in similar habeas cases. As each of the *Mathews* factors favor Petitioners, the Court should grant their habeas petition for immediate release, and order that Respondents not re-detain Petitioners "until after an immigration court hearing is held (with adequate notice) to determine whether detention is appropriate." *E.A. T.-B.*, 2025 WL 2402130, at *6.

Respectfully submitted this 3rd day of December, 2025.

s/ Matt Adams
Matt Adams, WSBA No. 28287
matt@nwirp.org

s/ Leila Kang
Leila Kang, WSBA No. 48048
leila@nwirp.org

s/ Glenda M. Aldana Madrid
Glenda M. Aldana Madrid,
WSBA No. 46987
glenda@nwirp.org

s/ Aaron Korthuis
Aaron Korthuis, WSBA No. 53974
aaron@nwirp.org

s/ Amanda Ng
Amanda Ng, WSBA No. 57181
amanda@nwirp.org

NORTHWEST IMMIGRANT RIGHTS
PROJECT
615 Second Ave., Suite 400
Seattle, WA 98104
(206) 957-8611

Counsel for Petitioners

WORD COUNT CERTIFICATION

I, Amanda Ng, certify that this traverse contains 1,159 words, in compliance with the Local Civil Rules.

s/ Amanda Ng
Amanda Ng, WSBA No. 57181
Northwest Immigrant Rights Project
615 Second Ave., Ste 400
Seattle, WA 98104
(206) 816-3897
amanda@nwirp.org