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DETAINED

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

EDDY RODRIGO GREGORIO ORDOÑEZ, *Petitioner,* v. PAMELA BONDI, United States Attorney General; KRISTI NOEM, Secretary of U.S. Department of Homeland Security; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; CAMMILLA WAMSLEY, Field Office Director, ICE Seattle Field Office; BRUCE SCOTT, Warden, Northwest ICE Processing Center;	Case No.: 2:25-cv-2356 PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 Agency File Number: [redacted]

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner is an 18-year-old indigenous Guatemalan young man who moved to the U.S. with his father around age 10 and spent his entire adolescence in the Pacific Northwest. He lost his father, his only parent in the U.S., in an accident in 2021.

2. A Juvenile court in the State of Oregon declared Petitioner a ward of the state because he had no living family caregiver in the area following the death of his father. The same court recently determined that due to his having been abused, abandoned, and/or neglected by his parents, it is not in Petitioner's best interest to be returned to Guatemala, rather he should remain a ward of the state. This order establishes Petitioner's eligibility for Special Immigrant Juvenile Status (SIJS). Petitioner must remain under the state's jurisdiction during the pendency of his SIJS petition to remain eligible.

3. Petitioner did not speak English or Spanish when he arrived in the U.S. with his father. Petitioner has recently learned that he and his father were placed in removal proceedings upon their entry in 2018. On information and belief, Petitioner's father failed to appear with Petitioner at a scheduled hearing before an Immigration Judge with the Immigration Court of Seattle, following which the pair were ordered deported *in absentia*. Petitioner had no knowledge of this order until this week when he was detained.

4. On November 18, Petitioner was detained outside his residence after Immigration and Customs Enforcement (ICE) agents knocked him to the sidewalk, loosening his teeth. Agents then squeezed Petitioner's neck and asked him multiple times if he wanted to "fight them."

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5. On information and belief, Petitioner was arrested and detained by Respondents without notice or cause. Respondents did so based not on Petitioner's personal circumstances or individualized facts, but because of Respondents' interpretation of President Trump's order that they "to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History."[1] But Respondents' power to detain remains checked by law, as this country remains "a government of laws and not of men." *Cooper v. Aaron,* 358 U.S. 1, 23 (1958) (Frankfurter, J. Concurring) (cleaned up).

6. Respondents now seek to deport Petitioner without any judicial proceeding. Respondents pursue Petitioner's removal despite the fact that Petitioner was unaware of his outstanding removal order which was issued when he was 12 years old and did not speak English, and despite the fact that he is in the process of pursuing relief from deportation through SIJS and a motion to reopen proceedings in immigration court and rescind the removal order.

7. It is unlawful to detain and deport Petitioner without providing him due process of law and an individualized determination as to his custody along with the opportunity to remedy the removal order he only just became aware of.

8. It is also unlawful for Respondents to transfer and deport Petitioner pursuant to the outstanding removal order, evidence of which it obtained through unreasonable seizure. Respondents violated Petitioner's fourth amendment right against such treatment when they threw him to the ground without provocation, injuring his teeth.

9. Moreover, warrantless arrest without probable cause violates both 8 U.S.C. § 1357, which requires reason to believe the person "is likely to escape" before a warrant could be obtained, and ICE's own nationwide policy, to which it is bound pursuant to a settlement agreement in *Castañon Nava et al. v. Dep't of Homeland* Sec., No. 18-cv-3757 (N.D. Ill.), which

requires consideration of specific factors to determine if someone is likely to escape and documentation of these "specific particularized facts" in the I-213.[1] Pursuant to the October 7, 2025, order of the U.S. District Court for the Northern District of Illinois, Respondent ICE reissued its Broadcast of this policy (hereafter, "Nava Broadcast Policy") to all ICE officers nationwide on October 22, 2025, with the instruction that the Nava Broadcast Policy shall remain in effect through February 2, 2026. See id. at Dkt. 224, 224-1 at ¶ 5.

10. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondents' detention and removal without judicial process violate his rights.

PARTIES

1. Petitioner Eddy Rodrigo Gregorio Ordoñez is a non-citizen who is currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

2. Respondent Pamela Bondi is the Attorney General of the United States. She is sued in her official capacity.

3. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official capacity.

4. Respondent Todd Lyons is 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. He is sued in his official capacity.

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[1] Form I-213, known as a "Record of Deportable/Inadmissible [Noncitizen]" . . . is an 'official record' prepared by immigration officials when initially processing a person suspected of being in the United States without legal permission." *Punin v. Garland,* 108 F.4th 114, 119 (2d Cir. 2024) (cleaned up).

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5. Respondent Cammilla Wamsley is the Field Office Director of the Immigration and Customs Enforcement ("ICE") Seattle Field Office and is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition. She is sued in her official capacity.

6. Respondent Bruce Scott is the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention center where the petitioner is being detained. He is the immediate physical custodian of the petitioner, and he is sued in his official capacity.

JURISDICTION

7. 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).

8. 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).

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

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

12. 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.

FACTUAL BACKGROUND

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13. Petitioner is an 18 year-old non-citizen who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE).

14. Petitioner is an indigenous Guatemalan with no living parents in the U.S. He was born in Huehuetenango, Guatemala, in 2007. His first language is Mam, a Mayan language.

15. Petitioner immigrated to the U.S. with his father in 2018, when he was 10 or 11.

16. Petitioner only spoke Mam when he and his father immigrated. He did not speak, understand, or read either Spanish or English until several years later.

17. Petitioner and his father were detained by Customs and Border Patrol upon entry and briefly separated. Petitioner remembers spending one night in a cell without his father but with other older, likely adult detainees.

18. On information and belief, Petitioner and his father were then placed in removal proceedings and released from custody to complete those proceedings.

19. As Petitioner has only just learned, he was ordered removed in February, 2020 by an Immigration Judge in Seattle, Washington. At that time he was 12 years old.

20. On information and belief, Petitioner's father failed to appear with Petitioner at a joint hearing in their removal proceedings; as a result both were ordered removed *in absentia.*

21. Petitioner does not remember his father ever bringing him before a judge.

22. Petitioner does not remember ever seeing or receiving a hearing notice or judge's order.

23. Petitioner did not speak or read English when he was 12 years old. He has no memory relating to removal proceedings before Immigration Court.

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24. Petitioner began studying and remained in the U.S. with his father until his father died in 2021.

25. As he had no living parent or family caregiver in the U.S., Petitioner was found within the jurisdiction of the Linn County Juvenile Court of the State of Oregon and made a ward of the court on April 18, 2025. When he was detained, Petitioner was residing with a foster family who intended to house him permanently.

26. On November 18, 2025, Petitioner was detained by Immigration and Customs Enforcement agents (ICE) who arrived in a truck outside of his residence while he was taking out the trash.

27. Petitioner approached the truck and was struck in the face by agents. He fell to the sidewalk, causing three of his teeth to be loosened by hitting the ground. His teeth remain injured.

28. The Agents then handcuffed Petitioner. On information and belief, they did not show a warrant to Petitioner, identify him, or identify themselves.

29. The Agents asked Petitioner if he wanted to fight them. After Petitioner declined to answer, the Agents squeezed Petitioner's neck and asked again if he wanted to fight. Petitioner declined to answer Respondent's questions.

30. Petitioner was taken into ICE custody and transferred to NWIPC.

31. Petitioner is not in possession of a Guatemalan passport.

32. On November 20, 2025, the same Juvenile Court issued findings regarding Petitioner's eligibility for Special Immigrant Juvenile Classification. Among other facts, the court found that he had been abused, abandoned, and/or neglected by his parents and that it is not

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in Petitioner's best interest to be returned to Guatemala, rather he should remain a ward of the state.

33. Immediately upon learning of his outstanding removal order, Petitioner obtained counsel to pursue a motion to reopen his removal proceedings, rescind his removal order, and pursue relief from deportation including through Special Immigrant Juvenile Status.

34. On November 21, 2025, Respondents informed Petitioner of their intention to transfer him to detention in Louisiana around 2:00 a.m. tomorrow, November 22, 2025, away from his current counsel. On information and belief, Respondents intend to then deport Petitioner from Louisiana.

35. On information and belief, at no point during the stop did any agent ask any Petitioner any questions about his family, employment, or community ties.

36. On information and belief, at no time during the stop did any officer conduct an individualized assessment of whether Petitioner was a flight risk or a danger to the community.

37. On information and belief, at no time during the stop did the officers conduct an individualized assessment of whether Petitioner was a danger to the community.

38. On information and belief, at the time of their warrantless arrests, Respondents' officers had determined based solely on Petitioners' apparent race and ethnicity that Petitioner was in the United States without status.

39. On information and belief, the agents who stopped and detained Petitioners had no reasonable suspicion that any Petitioner was either a flight risk or unlawfully present in the United States.

40. On information and belief, Respondents detained and are seeking to transfer and deport Petitioner regardless of the individual facts and circumstances of Petitioner's case.

41. On information and belief, because Petitioner has no passport he may not be deported to Guatemala. Respondents may thus seek to detain him for a prolonged period or deport him to a third country.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

42. There are no administrative remedies that can provide the relief the petitioner seeks.

IRREPARABLE INJURY

43. Petitioner has suffered irreparable injury as a result of his detention. He has been removed from the resources and care of state welfare agencies and his foster family. His physical liberty continues to be restrained, in jail-like conditions, and no just cause for doing so can be specified.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the Fourth Amendment of the United States Constitution
Unreasonable Seizures

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

45. Except at the border and its functional equivalents, the Fourth Amendment to the U.S. Constitution prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States.

46. Likewise, the Fourth Amendment prohibits Respondents from making an arrest without probable cause to believe that a person is a noncitizen unlawfully in the United States. "A person's mere propinquity to others independently suspected of [unlawful] activity does not,

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without more, give rise to probable cause to search [or seize] that person." *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019) (quotation omitted). "'Reasonable suspicion' is no different." *Id.*

47. Race or apparent ethnicity, standing alone, cannot form the basis for reasonable suspicion. *United States v. Brignoni-Ponce, 422 U.S. 873, 886-87 (1975).* Because probable cause is a more demanding standard than reasonable suspicion, race or apparent ethnicity, standing alone, is also necessarily insufficient to form the basis for probable cause.

48. Respondents had no basis to detain the Petitioner and inquire about his immigration status other than his race and apparent ethnicity. Likewise, Respondents had no basis to arrest Petitioner other than his race and apparent ethnicity. No other salient factors existed to suggest that Petitionera might not be a citizen of the United States. Because Respondents only detained Petitioner because of his race, they did not have reasonable suspicion, and the detention violated the Fourth Amendment.

49. Petitioner was detained by Respondents for questioning despite officers' lack of any reasonable suspicion that Petitioner was unlawfully in the United States. Petitioner was also ultimately arrested despite officers' lack of probable cause to believe that Petitioner was either a flight risk or present unlawfully in the United States.

50. Respondents' stop of Petitioner without reasonable suspicion and arrest of Petitioner without probable cause violate the Fourth Amendment to the U.S. Constitution.

SECOND CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process Procedural Due Process

51. Petitioner restates and realleges all paragraphs as if fully set forth here.

52. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without

due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *accord Reno v. Flores,* 507 U.S. 292, 306 (1993).

53. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

54. Petitioner's arbitrary detention not based on a rational and individualized determination of whether he is a safety or flight risk nor considering the merits of his circumstances and his eligibility for relief from deportation, would be a violation of due process.

55. Moreover, because Petitioner lacks a valid passport, Respondents are likely to deport Petitioner to a third country.

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

56. Petitioner restates and realleges all paragraphs as if fully set forth here.

57. Respondent's stated intent to arbitrarily transfer Petitioner out of the Northwest where he lives unlawfully interferes with Petitioner's right to Due Process by interfering with Petitioner's access to his retained counsel and his established eligibility to pursue Special Immigrant Juvenile Status (SIJS). Combined with the likelihood of prolonged detention due to his lack of passport, arbitrary transfer and continued detention risks terminating the state of Oregon's jurisdiction over Petitioner, which is required during the pendency of a SIJS petition.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

58. Assume jurisdiction over this matter;

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59. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;

60. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

61. Grant any further relief this Court deems just and proper.

Dated: November 21, 2025

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