

DETAINED

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

Mussie TEWELDEMEDHIN;

Petitioner,

v.

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

Respondents.

Case No.: 2:25-cv-2363

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241**

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This case challenges the unlawful re-detention of Petitioner Mussie Teweldemedhin, who first entered the United States on or about January 24, 2019. He was ordered removed from the United States in 2019, after an immigration judge denied his applications for relief. When the

1 Department of Homeland Security (DHS) was unable to effectuate his removal to Eritrea, he was
2 placed on an order of supervision in 2020. Petitioner was re-detained on July 15, 2025, after
3 reporting for a check-in with Immigration and Customs Enforcement (ICE). Most recently,
4 Petitioner has had his removal proceedings reopened.

5 2. Petitioner fulfilled all conditions of his release on supervision set by ICE prior to being re-
6 detained. He does not have a criminal record in the United States.

7 3. Before re-detaining him, Respondents did not provide Petitioner with any written notice
8 explaining the basis for the revocation of his release. Nor did they provide him with a hearing
9 before a neutral decisionmaker where DHS was required to justify the basis for re-detention or
10 explain why Petitioner is a flight risk or a danger to the community. And there is no evidence that
11 ICE followed its own regulations when deciding to re-detain Petitioner.

12 4. This Court recently ordered the immediate release of a petitioner in a similar circumstance
13 finding that the regulations certainly appear to require "an individualized determination about the
14 likelihood of removal based on changed circumstances, followed by notice and an opportunity to
15 respond." *Phetsadakone v. Scott*, No. 2:25-cv-01678-JNW, 2025 U.S. Dist. LEXIS 173785, at *8
16 (W.D. Wash. Sept. 5, 2025).

17 5. Other courts in this circuit have agreed that when ICE fails to follow its own regulations,
18 detention is unlawful and in violation of Due Process. *Minh Nhat Phan v. Noem*, No.: 3:25-cv-
19 02422-RBM-MSB, 2025 WL 2898977, at *9. (S.D. Cal. Oct. 10, 2025) (granting a habeas petition
20 after finding that that the petitioner's detention was unlawful because ICE failed to comply with
21 the regulations); *Phaksoth v. Noem*, No.: 3:25-cv-02817-RBM-SBC, 2025 U.S. Dist. LEXIS
22 220365, at 12 (S.D. Cal Nov. 7, 2025) (granting the petitioner's temporary restraining order after
23 finding that "ICE's conclusory explanations for revoking Petitioner's release 'did not offer him

1 adequate notice of the basis for the revocation decision such that he could meaningfully respond
2 at the post-detention informal interview.”)

3 6. This Court has also recently held in multiple cases that due process demands a hearing
4 prior to the government’s decision to terminate a person’s liberty. *See E.A. T.-B. v. Wamsley*, —
5 F. Supp. 3d — No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez*
6 *Tesara v. Wamsley*, — F. Supp. 3d —, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D.
7 Wash. Sept. 12, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089
8 (W.D. Wash. Sept. 17, 2025). Many other courts have recently held the same.

9 7. By failing to provide such a hearing and by failing to follow the regulations, Respondents
10 have violated Petitioner’s constitutional right to due process.

11 8. Accordingly, this court should grant the instant petition for a writ of habeas corpus and
12 order Petitioner’s immediate release. *See E.A. T.-B.* 2025 WL 2402130, at *6 (ordering immediate
13 release because “a post-deprivation hearing cannot serve as an adequate procedural safeguard
14 because it is after the fact and cannot prevent an erroneous deprivation of liberty”); *Ramirez*
15 *Tesara*, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3-4 (similar).

16
17 **PARTIES**

18 9. Petitioner Mussie Teweldemehin is a citizen of Eritrea who is presently detained at the
19 Northwest ICE Processing Center in Tacoma, Washington.

20 10. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the
21 United States. The Immigration Judges who decide removal cases and applications for relief from
22 removal do so as her designees.

1 11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S.
2 Department of Homeland Security. She is the cabinet-level secretary responsible for all
3 immigration enforcement in the United States and has ultimate custodial authority over Petitioner.

4 12. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
5 Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible
6 for all immigration enforcement in the United States.

7 13. Respondent Laura Hermosillo is sued in her official capacity as Acting Field Office
8 Director for the Seattle office of Immigration and Customs Enforcement, an agency of the
9 Department of Homeland Security. She is responsible for overseeing ICE operations pertaining
10 to noncitizens within its territorial jurisdiction, such as Petitioner, including detentions,
11 enforcement, and removal operations. She is the immediate legal custodian of Petitioner for
12 purposes of a federal habeas petition.

13 14. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest
14 ICE Processing Center, the privately-operated immigration detention center where the Petitioner
15 is being detained. Mr. Scott has immediate physical custody of Petitioner.

16
17 **JURISDICTION**

18 15. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal question
19 jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).

20 16. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9, cl. 2, of
21 the U.S. Constitution. See *INS v. St. Cyr*, 533 U.S. 289 (2001).

22 17. No other petitions, appeals, or motions regarding habeas corpus have been filed with any
23 other court.

1
2 **VENUE**

3 18. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1)
4 because the Petitioner is currently detained in this judicial district.

5 19. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the Respondents live,
6 work, and/or operate within this judicial district and because the actions which gave rise to this
7 Petition took place in Tacoma, Washington, which falls within this judicial district.

8
9 **REQUIREMENTS OF 28 U.S.C. § 2243**

10 20. The Court must grant the petition for writ of habeas corpus or issue an order to show cause
11 (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243.
12 If an OSC is issued, the Court must require Respondents to file a return “within three days unless
13 for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

14 21. Habeas corpus is “perhaps the most important writ known to the constitutional law . . .
15 affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.”
16 *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and
17 displaces the calendar of the judge or justice who entertains it and receives prompt action from
18 him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir.
19 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954)
20 (Habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to
21 insure expeditious hearing and determination.”).

FACTUAL BACKGROUND

Petitioner MUSALE TEWELDEGANBIR

22. Petitioner is a 41-year-old citizen and national of Eritrea.

23. He entered that United States on or about January 24, 2019, to seek asylum after being persecuted in Eritrea. He applied for asylum while in detention in Otay Mesa, California. An immigration judge ultimately denied his applications for relief on August 7, 2019.

24. Petitioner was released on an order of supervision after DHS was unable to effectuate his removal to Eritrea.

25. Petitioner complied with the conditions on his order of supervision and attended every ICE check-in. However, at his check-in on July 15, 2025, he was detained by ICE and transported to the NWIPC.

26. Petitioner recently file a motion to reopen his removal proceedings due to changed country conditions in Eritrea and changed personal circumstances given his increased and visible political involvement advocating against the authoritarian government in Eritrea. His motion was granted on October 10, 2025. He is scheduled for a master calendar hearing in Tacoma on December 3, 2025.

27. Petitioner has no criminal record in the United States or any other country.

28. Prior to Petitioner's re-detention, he did not receive written notice of the reason for his re-detention or an opportunity to respond to the revocation.

29. Prior to Petitioner's re-detention, ICE did not assess whether he presented a flight risk or danger to the community, or was justified for some other reason.

30. Prior to Petitioner's re-detention, he never received a hearing before a neutral decisionmaker to determine if his re-detention is justified.

1 31. Petitioner has been detained for over four months.

2
3 **MEMORANDUM OF LAW**

4 **Due Process Principles**

5 32. Due process requires that if DHS seeks to re-arrest and re-detain people like Petitioner—
6 who have lived in the United States without incident after DHS first released them from custody,
7 have submitted applications for relief from removal, and otherwise complied with the terms of
8 their release—the government must afford a hearing before a neutral decisionmaker to determine
9 whether any re-detention is justified, and whether they are a flight risk or danger to the
10 community.

11 33. “Freedom from imprisonment—from government custody, detention, or other forms of
12 physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas*
13 *v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the most
14 elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *see also*
15 *Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally strong
16 interest in freedom from physical confinement”).

17 34. Consistent with this principle, individuals released on parole or other forms of conditional
18 release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482
19 (1972).

20 35. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it]
21 includes many of the core values of unqualified liberty,” such as the ability to be gainfully
22 employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released
23 individual] and often on others.” *Id.*

1 36. To protect against arbitrary re-detention and to ensure the right to liberty, due process
2 requires “adequate procedural protections” that test whether the government’s asserted
3 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
4 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

5 37. Due process protects against deprivation of liberty without proper process, and this
6 protection extends to deportation proceedings. U.S. Const. amend. V. (“No person shall be . . .
7 deprived of life, liberty, or property, without due process of law[.]”); *Trump v. J.G.G.*, 145 S. Ct.
8 1003, 1006, 221 L. Ed. 2d 529 (2025) (“It is well established that the Fifth Amendment entitles
9 aliens to due process of law’ in the context of removal proceedings.” (quoting *Reno v. Flores*, 507
10 U.S. 292, 306, (1993))).

11 38. Several courts, including this one, have recognized that these principles apply with respect
12 to the detention of the many noncitizens that DHS has recently begun taking back into custody,
13 often after such persons have been released for months or years.

14 39. For example, in *Phetsadakone*, this Court ordered the petitioner released from detention to
15 restore the status quo of liberty prior to alleged unlawful re-detention when the petitioner had
16 previously been released on supervision, which he maintained without incident for decades. 2025
17 U.S. Dist. LEXIS 173785, at *14.

18 40. The *Phetsadakone* court recognized that “[w]hen ICE revokes supervised release,
19 regulations appear to require an individual determination about the likelihood of removal based
20 on changed circumstances, followed by a notice and opportunity to respond.” *Id.* at *8 (citing 8
21 C.F.R. § 241.13(f), (i)). Without clear evidence that ICE made an individual determination
22 regarding the likelihood of Petitioner’s removal and provided him with notice and opportunity to
23

1 respond, it is very likely ICE violated its own regulations and violated Petitioner's right to Due
2 Process.

3 41. Courts across the country have consistently demanded governmental compliance with
4 administrative regulations designed to safeguard individual liberty interests. *United States ex rel.*
5 *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *see Alcaraz v. I.N.S.*, 384 F.3d 1150, 1162
6 (9th Cir. 2004); *see also Martinez-Camargo v. I.N.S.*, 282 F.3d 487, 491 (7th Cir. 2002); *K.E.O.*
7 *v. Woosley*, No. 4:25-CV-74-RGJ, 2025 U.S. Dist. LEXIS 172361, , at *6-7 (W.D. Ky. Sept. 4,
8 2025).

9 42. Further, due process thus guarantees notice and an individualized hearing before a neutral
10 decisionmaker to assess danger or flight risk before the revocation of an individual's release.
11 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law
12 is the opportunity to be heard . . . at a meaningful time in a meaningful manner." (citation
13 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring "preliminary hearing to determine
14 whether there is probable cause or reasonable ground to believe that the arrested parolee has
15 committed . . . a violation of parole conditions" and that such determination be made "by someone
16 not directly involved in the case" (citation modified)).

17 43. Similarly, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976),
18 framework to hold that even in a case where the government asserted that mandatory detention
19 applied, a person's re-detention could not occur absent a hearing. The Court did the same in
20 *Ramirez Tesara* and *Kumar*. *See Ramirez Tesara*, 2025 WL 2637663, at *2-3; *Kumar*, 2025 WL
21 2677089, at *2-3.

22 44. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner had
23 "undoubtedly [been] deprive[d] . . . of an established interest in his liberty," 2025 WL 2402130,

1 at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The
2 Court further explained that even if detention was mandatory, the risk of erroneous deprivation of
3 liberty without a hearing was high because a hearing serves to ensure that the purposes of
4 detention—the prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the
5 Court explained that “the Government’s interest in re-detaining non-citizens previously released
6 without a hearing is low: although it would have required the expenditure of finite resources
7 (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting
8 and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the
9 liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the petitioner’s immediate
10 release. *Id.* at *6.

11 45. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned that the
12 petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of the
13 due process clause.” 2025 WL 2637663, at *3. When examining the value of additional
14 safeguards, the Court also noted that despite the government’s allegations of ISAP violations, “the
15 fact that the Government may believe it has a valid reason to detain Petitioner does not eliminate
16 its obligation to effectuate the detention in a manner that comports with due process.” *Id.* at *4
17 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). Finally, the Court reasoned that any government
18 interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court
19 ordered the petitioner’s immediate release. *Id.* at *5.

20 46. The *Kumar* court reached the same decision, again holding that all three factors weighed
21 in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at *3–4.

22 47. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, and *Kumar* are consistent with many
23 other district court decisions addressing similar situations. See, e.g., *Valdez v. Joyce*, No. 25 CIV.

1 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to
2 lack of pre-deprivation hearing); *Pinchi v. Noem*, — F. Supp. 3d —, No. 5:25-CV-05632-PCP,
3 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946
4 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-
5 CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

6 48. The same framework and principles apply here and compel Petitioner's immediate release.

7 49. This Petition has been verified by Petitioner. See Verification of Petitioner.

8
9 **CLAIM FOR RELIEF**
10 **Violation of Fifth Amendment Right to Due Process**
11 **Procedural Due Process**

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

13 51. Due process does not permit the government to strip Petitioner of his liberty without written
14 notice and a hearing before a neutral decisionmaker to determine whether re-detention is
15 warranted based on danger or flight risk. See *Morrisey*, 408 U.S. at 487–88. Such written notice
16 and a hearing must occur *prior* to any re-detention.

17 52. Respondents revoked Petitioner's order of supervision and deprived him of liberty without
18 affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker
19 prior to re-detention.

20 53. Further, Respondents violated multiple regulations in place designed to protect Petitioner's
21 right to due process. See 8 C.F.R. §§ 241.4(l); 241.13(f), (l).

22 54. In relevant part, release may be revoked under 8 C.F.R. § 241.4 when the Executive
23 Associate Commissioner or a district director believes revocation "is appropriate to enforce a
removal order or to commence removal proceedings against [a noncitizen]." 8 C.F.R. §

1 241.4(1)(2)(iii). "Upon revocation," the noncitizen "will be notified of the reasons for revocation
2 of his or her release or parole" and "will be afforded an initial informal interview promptly after
3 his or her return to be given "an opportunity to respond to the reasons for revocation stated in the
4 notification." *Id.* § 241.4(1)(1).

5 55. Respondents violated § 241.4(1)(1) because Petitioner was not informed of the revocation
6 of his release when he was re-detained on July 15, 2025. Petitioner received no meaningful
7 interview or opportunity to respond.

8 56. Respondents revoked Petitioner's order of supervision and deprived him of liberty without
9 affording him individual determination and a notice and opportunity to respond, thereby making
10 his current detention unlawful. *See Minh Nhat Phan*, 2025 WL 2898977, at *9-10.

11 57. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth
12 Amendment.

13
14 **IRREPARABLE INJURY**

15 58. Petitioner has suffered irreparable injury as a result of detention. He has been in custody
16 for over four months, despite having never violated the conditions of his release on supervision.
17 Their physical liberty continues to be restrained, and no just cause for doing so can be specified.
18 "It is well established that the deprivation of constitutional rights' unquestionably constitutes
19 irreparable injury." *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v.*
20 *Burns*, 427 U.S. 347, 373 (1976)).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering that they not transfer Petitioner out of this district during the pendency of the court's adjudication of this petition;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody and permanently enjoin their re-detention during the pendency of his removal proceedings absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that Petitioner is a flight risk or a danger to the community and that no alternatives to detention would mitigate those risks;
- (4) Enjoin Respondents from placing a GPS ankle monitor on Petitioner upon his release, absent clear and convincing evidence that Petitioner is a flight risk or a danger to the community and that no other alternatives would mitigate those risks;
- (5) Declare that Petitioner's re-detention while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (6) Issue an order providing for an award of attorney's fees and costs; and
- (7) Grant such other relief as may be just and reasonable.

1 Respectfully submitted this 24th day of November, 2025,

2 /s/ Hillary Smith

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