

**DETAINED**

OLIA CATALA, WSBA# 41306  
4050 148th Ave NE  
Redmond, WA 98052  
Phone: (425) 633-2343  
info@catalaimmigration.com  
DIYORA ISMAILOVA, WSBA# 60641  
330 SW 43rd Str, K432  
Renton, WA 98057  
Phone: (206) 552-9416  
diyora.lawoffice@gmail.com

Attorneys for Petitioner

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

W- T- M, an adult,

Petitioner,

v.

PAMELA BONDI, Attorney General;  
KRISTI NOEM, Secretary of Homeland  
Security;  
TODD LYONS, Acting Director, U.S.  
Immigration and Customs Enforcement;  
CAMILLA WAMSLEY, Field Office  
Director, ICE Seattle Field Office;  
BRUCE SCOTT, Warden, Northwest ICE  
Processing Center; Department of Homeland  
Security;

Respondents.

Case No.: 25-2428

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

Agency File Number:



Expedited Hearing Requested

**PETITION FOR WRIT OF HABEAS CORPUS**

**Introduction / Preliminary Statement**

**PETITION FOR WRIT OF HABEAS CORPUS  
(CASE NO. 25-2428)  
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OLIA CATALA, WSBA# 41306  
4050 148th Ave NE, Redmond, WA 98052  
(425) 633-2343 | info@catalaimmigration.com  
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330 SW 43rd Str, K432, Renton, WA 98057  
(206) 552-9416 | diyora.lawoffice@gmail.com

1           1.       Petitioner W- T- M- is the father of three young U.S. citizen children and the  
2 husband of a U.S. citizen spouse. He is presently detained at the Tacoma ICE Detention Center  
3 following an arrest by Department of Homeland Security (“DHS”) agents in Vancouver,  
4 Washington on November 14, 2025.

5           2.       Petitioner has not yet received any immigration hearings. His detention is  
6 unlawful because it stems from an arrest carried out through deception and excessive force,  
7 followed by a denial of timely and adequate medical care. The injuries and trauma sustained  
8 during this arrest, combined with the ongoing neglect of his medical needs in custody, have left  
9 Petitioner unable to meaningfully participate in proceedings or assist in his own defense.

10          3.       Immigration detention is civil in nature, and the Constitution prohibits punitive or  
11 inhumane treatment of civil detainees. In this case, the Petitioner’s arrest and confinement  
12 exemplify precisely the kind of unconstitutional practices that violate the Fourth Amendment’s  
13 protections against unreasonable seizures, as well as the Fifth Amendment’s guarantee of due  
14 process.

15          4.       Petitioner respectfully seeks a writ of habeas corpus from this Court to remedy  
16 these violations. He requests immediate release from custody or, in the alternative, release under  
17 reasonable conditions of supervision, such as electronic monitoring, to ensure compliance with  
18 immigration proceedings while safeguarding his health, dignity, and constitutional rights.

19          5.       Petitioner further requests that the Court issue an order preventing his transfer  
20 from the Tacoma detention facility, to ensure that his access to counsel, evidence, and his due  
21 process rights are not impaired.

6. W- T- M- brings this Petition pursuant to the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1254a, the Administrative Procedure Act, 5 U.S.C. § 706(2), and the Due Process Clause of the Fifth Amendment, and respectfully requests that this Court issue a writ of habeas corpus ordering Respondents to release him from custody.

### **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.

### **VENUE**

10. 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.

11. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

### **REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243**

12. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an

1 order to show cause is issued, the Respondents must file a return “within three days unless for  
2 good cause additional time, not exceeding twenty days, is allowed.” *Id.*

3 13. Courts have long recognized the significance of the habeas statute in protecting  
4 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most  
5 important writ known to the constitutional law of England, affording as it does a swift and  
6 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,  
7 400 (1963).

8 14. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested  
9 and detained by Respondents.

10 **PARTIES**

11 15. Petitioner W- T- M- is a citizen of Mexico who is presently detained at the  
12 Northwest ICE Processing Center in Tacoma, Washington.

13 16. Respondent Pamela Bondi is sued in her official capacity as the Attorney General  
14 of the United States. She has responsibility over the Executive Office for Immigration Review,  
15 which decides removal cases and applications for relief from removal.

16 17. Respondent Kristi Noem is sued in her official capacity as the Secretary of the  
17 DHS. She is the cabinet-level secretary responsible for all immigration enforcement in the  
18 United States. Ms. Noem has ultimate custodial authority over Petitioner.

19 18. Respondent Department of Homeland Security (DHS) is the federal agency  
20 responsible for implementing and enforcing the INA, including the detention and removal of  
21 noncitizens.

1 19. Respondent Todd Lyons is sued in his official capacity as the Acting Director of  
2 U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency  
3 responsible for all immigration enforcement in the United States.

4 20. Respondent Camilla Wamsley is sued in her official capacity as the Field Office  
5 Director of the ICE Seattle Field Office. She is responsible for overseeing ICE operations  
6 pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and  
7 removal operations. She is the immediate legal custodian of the petitioner for purposes of a  
8 federal habeas petition.

9 21. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the  
10 Northwest ICE Processing Center, the privately-operated immigration detention center where the  
11 petitioner is being detained. He has immediate physical custody of Petitioner.

12 22. This action is commenced against all Respondents in their official capacities.

13 **FACTUAL ALLEGATIONS**

14 23. Petitioner W- T- M- is a father of three U.S. citizen children and the husband of a  
15 U.S. citizen spouse.

16 24. On November 14, 2025, in Vancouver, Washington, agents of DHS, not in  
17 uniform, approached Petitioner’s residence under false pretenses.

18 25. One DHS agent disguised himself as a construction/city worker and falsely  
19 claimed that Petitioner’s vehicle had been struck, luring Petitioner outside.

20 26. Upon Petitioner’s exit from his home, another DHS agent in plain clothes released  
21 a dog on W- T- M- without warning, provocation, or prior identification.

1           27.     W- T- M- posed no threat, was not attempting to flee, and was unarmed at the  
2 time of the attack.

3           28.     Petitioner's two young children (2 and 3 years of age) and his U.S. citizen wife  
4 were inside the home during the incident. The children witnessed their father being mauled by a  
5 dog through the window. His wife ran outside to record video footage of the latter portion of the  
6 attack.

7           29.     Prior to using force, the DHS agents made no attempt to identify themselves to  
8 the Petitioner or provide any explanation for their actions. Without warning, they commanded  
9 their dog to attack the Petitioner, an entirely unprovoked assault. Only while placing him into  
10 their vehicle, approximately 22 seconds into the video, did the agents identify themselves as  
11 federal agents from Homeland Security. At roughly 37 seconds, an agent can be heard stating,  
12 "Are you W-?" At about 39 seconds, they ask, "What is your last name?"—well after excessive  
13 force had already been applied. Agents initiated a violent use of force without confirming the  
14 Petitioner's identity. The video recording, captured by the Petitioner's spouse after she ran  
15 outside and toward the end of the assault, clearly shows that no identification or justification  
16 preceded the attack. *Given the urgent nature of this filing, the physical copy of the video has*  
17 *not yet been submitted, but will be provided promptly.*

18           30.     Per W- T- M-, he sustained multiple dog bites and lacerations. *See Exhibit A.* He  
19 also confirmed he experienced dizziness, shaking, and difficulty breathing.

20           31.     Despite repeated requests for medical assistance, Petitioner's treatment was  
21 delayed for nearly two hours.

1 32. At the hospital, W- T- M- received stitches and was prescribed antibiotics while  
2 being guarded by more dogs outside his room.

3 33. Following his return to ICE custody at the Tacoma Detention Center, Petitioner's  
4 medical care has been minimal. Per W- T- M-, he continues to suffer from night fevers,  
5 dizziness, shortness of breath, blurry vision, persistent shakes, pressure in his ribs, and severe  
6 emotional trauma. For these symptoms, he has so far received only a minimal dose of over-the-  
7 counter pain medication.

8 34. Petitioner has been scheduled to start receiving antidepressants and anxiety  
9 medication, but his physical injuries remain inadequately treated.

10 35. W- T- M- has not yet had any immigration hearings.

11 36. Petitioner has no violent criminal convictions.  
12

### 13 MEMORANDUM OF LAW

#### 14 **The Fifth Amendment Due Process Clause Protects Against Arbitrary Detention**

15 37. The Due Process Clause of the Fifth Amendment guarantees that civil detention  
16 must be non-punitive and reasonably related to legitimate government purposes such as ensuring  
17 appearance at proceedings or protecting the community. See *Zadvydas v. Davis*, 533 U.S. 678,  
18 690 (2001). Civil detainees cannot be subjected to punitive treatment akin to criminal  
19 incarceration.  
20

21 38. W- T- M- is currently held in prison-like conditions at the Tacoma ICE Detention  
22 Center, where he suffers untreated physical injuries, fevers, dizziness, and psychological trauma.  
23

1 These conditions mirror punishment rather than civil confinement, violating constitutional limits.  
2 In W- T- M-'s case, detention is not serving these purposes. Instead, it is punitive, arising from  
3 an arrest carried out through deception and excessive force, and continuing under conditions of  
4 medical neglect and recklessness. His confinement is therefore arbitrary and unconstitutional.  
5

### 6 **Procedural Due Process Requires Meaningful Participation in Defense**

7 39. Procedural due process requires that detainees be able to understand and  
8 participate in their proceedings. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

9 40. W- T- M- has not yet had any immigration hearings. His untreated injuries and  
10 psychological trauma prevent him from assisting counsel or preparing a defense. Detention that  
11 impairs a detainee's ability to participate in proceedings violates procedural due process and  
12 renders continued confinement unlawful.

### 13 **Body-Worn Camera Policy**

14 41. Federal courts recognize that agencies must follow their own rules and  
15 procedures, particularly when those rules are designed to protect fairness and transparency. See  
16 *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

17 42. On November 14, 2025, DHS agents conducted an enforcement encounter outside  
18 Petitioner's home in Vancouver, Washington. When questioned, officers told Petitioner that they  
19 "don't need to wear cameras." This statement directly contradicts ICE's directive requiring  
20 body-worn cameras during enforcement actions. ICE's Body-Worn Camera Directive (Directive  
21 19010.3, Feb. 2025) requires activation of body-worn cameras during enforcement encounters in  
22 Areas of Responsibility ("AORs") where cameras have been implemented. ICE has not made  
23

1 public which AORs were covered at which dates. Petitioner cannot confirm whether cameras had  
2 been issued in the Seattle AOR by November 14, 2025. Because DHS controls this information,  
3 the burden rests with the government to establish that cameras were not implemented in this  
4 AOR. Absent such proof, the Court is respectfully requested to treat the directive as applicable  
5 and recognize that the agents' refusal to activate cameras deprived Petitioner of the procedural  
6 safeguard intended to ensure fairness and transparency.

7 43. The November 14, 2025 encounter was not an "undercover activity" that refers to  
8 covert investigative operations involving concealment of identity or confidential informants.  
9 Here, DHS agents came to Petitioner's home, where Petitioner was attacked by a dog during the  
10 encounter. There was no known investigation conducted. The officers' sole purpose was to take  
11 Petitioner into custody, which is plainly an enforcement action. Moreover, body-worn cameras  
12 were not activated even after Petitioner was informed of the officers' identities. No known  
13 confidential informants were present, no known covert investigation was in progress, and the  
14 circumstances unmistakably constituted a straightforward enforcement action.

15 44. The ICE's own directive remains a relevant indicator of accepted best practices  
16 within the agency itself. It demonstrates that ICE has already determined that video  
17 documentation enhances transparency, accuracy, and accountability in precisely the types of  
18 encounters relevant to this case. When an agency adopts a policy because it acknowledges the  
19 evidentiary value of a particular tool, the court may reasonably view the existence of comparable  
20 evidence, here, Petitioner's recording, as carrying significant persuasive weight. *Given the*  
21 *urgent nature of this filing, the physical copy of the video has not yet been submitted, but will*  
22 *be provided promptly.*

**The Fourth Amendment Prohibits Unreasonable Seizures**

45. The Fourth Amendment protects all persons, including noncitizens, against unreasonable seizures. See *INS v. Lopez-Mendoza*, 468 U.S. 1032 (1984). Use of excessive force during a seizure is unlawful. See *Graham v. Connor*, 490 U.S. 386 (1989) (force must be objectively reasonable).

46. Government conduct that “shocks the conscience” violates substantive due process. See *County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998). The use of a dog to maul non-resistant W- T- M-, in front of his wife and two young children, is conscience-shocking. It inflicted serious injuries, caused lasting trauma, and was wholly disproportionate in the civil immigration context. Such excessive force is unconstitutional.

47. DHS agents, not in uniform, induced W-T-M- to leave his home under false pretenses and, without identifying themselves, immediately released a dog without provocation to attack him before confirming his identity. This combination of deception and unprovoked, excessive force transformed the encounter into a coercive and unlawful seizure. By initiating violence without warning, failing to identify themselves, and acting before verifying W-T-M-’s identity, the agents deprived him of his liberty through intimidation and force, rendering the resulting detention unlawful from its inception and in clear violation of the Fourth Amendment’s prohibition on unreasonable seizures.

**Denial of Adequate Medical Care Constitutes Deliberate Indifference**

48. Civil detainees are entitled to adequate medical care under the Due Process Clause. See *Youngberg v. Romeo*, 457 U.S. 307 (1982) (holding that individuals held in civil detention are protected by the Due Process Clause, which requires the State to provide for their

1 basic needs, including “reasonable safety” and necessary medical care); *Jones v. Blanas*, 393  
2 F.3d 918, 931 (9th Cir. 2004) (recognizing that civil detainees are entitled to “more considerate  
3 treatment” than criminal detainees, including constitutionally adequate medical care, under the  
4 Due Process Clause).

5 49. W- T- M- sustained multiple dog bites and lacerations, experienced dizziness and  
6 difficulty breathing, and continues to suffer fevers and blurred vision. Despite repeated requests,  
7 medical care was delayed for hours and remains inadequate. ICE’s deliberate indifference to his  
8 serious medical needs violates constitutional protections.

9 **Humanitarian Equities Weigh Against Continued Detention**

10 50. W- T- M- is the father of three U.S. citizen children and the spouse of a U.S.  
11 citizen. His family witnessed the violent arrest, causing severe emotional harm.

12 51. He has no violent criminal convictions, and his charges in Oregon are being  
13 addressed by his other counsel at present time. These humanitarian equities strongly favor  
14 release, particularly given the disproportionate harm detention is causing to him and his family.

15  
16 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

17 52. Although habeas petitioners are generally expected to exhaust administrative  
18 remedies before seeking relief in federal court, exhaustion is not a jurisdictional requirement  
19 under 28 U.S.C. § 2241. See *Castro-Cortez v. INS*, 239 F.3d 1037, 1045–46 (9th Cir. 2001)  
20 (recognizing exhaustion as a prudential requirement); *Singh v. Napolitano*, 649 F.3d 899, 898–99  
21 (9th Cir. 2011). Courts retain discretion to waive exhaustion where remedies are inadequate,

1 futile, or where irreparable harm would result from delay. *Castro-Cortez*, 239 F.3d at 1045–46;  
2 *Singh*, 649 F.3d at 905–06.

3 53. Petitioner W- T- M- has not exhausted administrative remedies because he has not  
4 yet had an immigration hearing and therefore has no meaningful opportunity to challenge his  
5 detention through the immigration courts.

6 54. Exhaustion should be excused here because immigration judges lack authority to  
7 address the constitutional violations at issue. The unlawful arrest, excessive force, and denial of  
8 medical care fall outside the scope of immigration proceedings, making administrative remedies  
9 futile.

10 55. Requiring exhaustion would subject Petitioner to irreparable harm. He continues  
11 to suffer untreated injuries, fevers, dizziness, and psychological trauma. Delay in federal court  
12 review would prolong unconstitutional detention and exacerbate his medical condition.

13 56. Even if a bond hearing is scheduled soon, that process cannot remedy the  
14 constitutional defects in the manner of arrest, the excessive force used, or the ongoing denial of  
15 medical care. Bond hearings are limited to assessing flight risk and danger to the community, not  
16 to adjudicating constitutional claims.

17 57. Accordingly, Petitioner's failure to exhaust administrative remedies does not bar  
18 this Court's review. Habeas relief is appropriate to prevent ongoing constitutional violations and  
19 irreparable harm.

20 **IRREPARABLE INJURY**

21 58. Petitioner continues to suffer untreated injuries, fevers, dizziness, and  
22 psychological trauma resulting from ICE's excessive force and ongoing medical neglect.

59. These harms are immediate and irreparable. No later hearing or administrative process can undo the physical damage caused by delayed medical care or the psychological trauma inflicted on Petitioner and his family.

60. Moreover, Petitioner's inability to assist in his defense due to his medical condition means that each day of detention further undermines his constitutional right to due process.

61. Because these injuries cannot be remedied by monetary damages or future proceedings, immediate habeas relief is necessary to prevent ongoing constitutional violations.

## PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully 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 why this Petition should not be granted within three days.
- (3) Issue a writ of habeas corpus and order his immediate release from ICE custody at the Northwest Detention Center in Tacoma, Washington.
- (4) Issue an order preventing the transfer of the petitioner from the Tacoma detention facility, to ensure that petitioner's access to counsel, evidence, and due process rights are not impaired.
- (5) Declare that Petitioner's arrest, seizure, and continued detention are unconstitutional because they are arbitrary, punitive, effected through unreasonable force, deception, excessive force, and constitutionally deficient

procedures and carried out in deliberate indifference to his serious medical needs.

(6) In the alternative, Petitioner requests release under reasonable conditions of supervision, including but not limited to electronic monitoring or participation in ICE's Alternatives to Detention program, to ensure compliance with immigration proceedings while safeguarding his health and constitutional rights.

(7) In the alternative, Petitioner requests that this Court order Respondents to provide timely and appropriate medical care by qualified professionals to address his injuries and ongoing symptoms, including the effects of the dog-bite wounds, persistent fevers, dizziness, visual disturbances, and psychological trauma, in a manner consistent with the standards governing civil detention and necessary to ensure his meaningful participation in his immigration defense.

(8) Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and

(9) Grant any other and further relief that this Court deems just and proper.

Dated: 12/01/2025

s/ Olia Catala

OLIA CATALA, WSBA# 41306  
CATALA IMMIGRATION PLLC  
4050 148th Ave NE  
Redmond, WA 98052

Phone: (425) 633-2343  
[info@catalaimmigration.com](mailto:info@catalaimmigration.com)

s/ Diyora Ismailova

DIYORA ISMAILOVA, WSBA# 60641  
DIYORA LAW OFFICE PLLC  
330 SW 43rd Str, K432  
Renton, WA 98057  
Phone: (206) 552-9416  
[diyora.lawoffice@gmail.com](mailto:diyora.lawoffice@gmail.com)

*Counsels for Petitioner*

**VERIFICATION OF PETITIONER**

On behalf of Wilmer Toledo-Martinez, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and pleadings. Wilmer Toledo-Martinez has not verified the petition himself because he is detained in another county from my office.

12/1/2025

Date

s/ Olia Catala

OLIA CATALA, WSBA# 41306  
4050 148th Ave NE, Redmond, WA 98052  
(425) 633-2343 | info@catalaimmigration.com

12/1/2025

Date

s/ Diyora Ismailova

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