

DETAINED

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

SANTOS OROZCO VALLE,

Petitioner,

v.

BRUCE SCOTT, Warden, Northwest ICE
Processing Center; CAMMILLA WAMSLEY,
Director of Enforcement and Removal
Operations, Seattle Field Office, Immigration
and Customs Enforcement; KRISTI NOEM,
Secretary of U.S. Department of Homeland
Security; PAMELA BONDI, United States
Attorney General,

Respondents.

Case No.: 25-2429

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

Agency File Number:



PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Santos Orozco Valle, is a 40-year-old non-citizen who is in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC). This action challenges the unlawful re-detention of Mr. Orozco Valle and his continued unlawful detention for multiple violations of Mr. Orozco Valle's due process rights.

1 2. Petitioner is a citizen of Mexico who entered the United States in November 2018
2 to seek asylum. After passing a credible fear interview, he was placed in removal proceedings
3 and granted humanitarian parole.

4 3. In the years after his release on parole, Mr. Orozco Valle filed his application for
5 asylum, worked to support his children pursuant to a valid employment authorization based on
6 his asylum application, and patiently awaited his final hearing.

7 4. Without any notice or hearing, Mr. Orozco Valle was aggressively apprehended
8 by U.S. Immigration and Customs Enforcement officers on May 1, 2025, and taken to the
9 NWIPC. His removal proceedings were transferred to the Tacoma Immigration Court, and he has
10 remained detained ever since.

11 5. Before re-detaining him, Respondents did not provide Mr. Orozco Valle with any
12 written notice explaining the basis for the revocation of his release. Nor did they provide a
13 hearing before a neutral decisionmaker where Respondents were required to justify the basis for
14 re-detention or explain why Mr. Orozco Valle is a flight risk or danger to the community.

15 6. By failing to provide such a hearing, Respondents have violated Mr. Orozco
16 Valle's constitutional right to due process. Accordingly, this Court should grant the instant
17 petition for a writ of habeas corpus and order his immediate release.

18 7. On November 18, 2025, an Immigration Judge order Mr. Orozco Valle removed,
19 but granted Mr. Orozco Valle's application for withholding of removal under the Convention
20 Against Torture. *See* 8 C.F.R. § 1208.16. A grant of withholding of removal under the
21 Convention Against Torture means that Mr. Orozco Valle established, and the Immigration
22 Judge found, that it is more likely than not that he would be tortured if returned to Mexico, and
23 that this torture would occur with the consent or acquiescence of the Mexican Government. *Id.* at
§ 1208.16(c).

1 8. Despite the Immigration Judge’s order granting Mr. Orozco Valle protection
2 under the Convention Against Torture, Mr. Orozco Valle remains detained at the NWIPC. Mr.
3 Orozco Valle has now been detained over six months since his re-detention in May 2025. Mr.
4 Orozco Valle seeks release from detention now that his removal proceedings are complete and he
5 has been granted relief in the form of withholding of removal under the Convention Against
6 Torture.

7 9. Additionally, despite Immigration Judge’s grant of withholding of removal under
8 the Convention Against Torture, Mr. Orozco Valle now faces removal to an unknown third
9 country. Respondents seek to remove him to a third country without any opportunity to apply for
10 humanitarian-based protection from removal to that country, even though the immigration laws
11 and due process require otherwise.

12 10. While Respondents may not remove Mr. Orozco Valle to Mexico, they may seek
13 to remove him to another country. 8 U.S.C. § 1231(b). This authority, however, is not boundless.
14 The Immigration and Nationality Act (INA) provides a hierarchal list of countries to which a
15 person may be removed. In most cases, the INA commands that a person be removed to the place
16 they choose, or some other country to which they have a close connection. *See id.* 8 U.S.C. §
17 1231(b)(2). Only if removal to one of these countries is “impracticable, inadvisable, or
18 impossible” may the Department of Homeland Security (DHS) remove a person to some other,
19 third country—a country that is not designated in the removal order. *Id.* at 8 U.S.C. §
20 1231(b)(2)(E)(vii).

21 11. Respondents seek to remove Mr. Orozco Valle to an unknown third country
22 without any procedural safeguards. On November 19, 2025, an Immigration and Customs
23 Enforcement officer hand delivered to Mr. Orozco Valle the Immigration Judge’s decision. After

1 handing over the decision, the officer told Mr. Orozco Valle that he would find another country
2 to deport him to.

3 12. The INA, the Foreign Affairs Reform Restructuring Act of 1998 (FARRA), and
4 their implementing regulations ensure that prior to any removal, Respondents must provide Mr.
5 Orozco Valle an opportunity to present a claim of fear of torture or persecution as to the third
6 country. Specifically, pursuant to 8 U.S.C. § 1231(b)(3), Respondents may not remove persons
7 who are more likely than not to face persecution if removed. And pursuant to the Convention
8 Against Torture (CAT), which is codified as a statutory note to § 1231, Respondents may not
9 remove persons to a country where they are likely to face torture.

10 13. The Due Process Clause of the Fifth Amendment also requires that, prior to a
11 third country removal, Mr. Orozco Valle receives meaningful notice and opportunity to access
12 these mandatory statutory protections. As the Supreme Court recently held in *A.A.R.P. v. Trump*,
13 this means a person “must receive notice” that “they are subject to removal” (here, to a third
14 country), and such notice must be provided “within a reasonable time and in such a manner as
15 will allow the[] [noncitizen] to actually seek . . . relief.” 605 U.S. 91, 95 (2025) (per curiam)
16 (quoting *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025)).

17 14. Thus far, Respondents have not provided any meaningful notice of a third country
18 removal. While Respondents have the right to explore the option of a third country removal, Mr.
19 Orozco Valle seeks an order requiring his release him from continued detention now that he has
20 been granted relief in the form of withholding of removal and an order that requires Respondents
21 (1) to inform him and counsel in writing of any planned removal to any other country at least ten
22 days prior to removal, (2) to provide a reasonable fear interview (RFI) given Mr. Orozco Valle’s
23 expressed fear of removal, and (3) if the RFI is denied, to provide fifteen days to file a motion to
reopen with the immigration court to fully consider his claim of relief.

JURISDICTION

15. Mr. Orozco Valle is in the physical custody of Respondents. Mr. Orozco Valle is detained at the NWIPC in Tacoma, Washington.

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

17. 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).

18. Nothing in 8 U.S.C. § 1252 deprives this Court of jurisdiction. Specifically, § 1252(a)(5) and (b)(9) do not apply here. Mr. Orozco Valle does not seek “judicial review of an order of removal entered or issued,” 8 U.S.C. § 1252(a)(5), because Mr. Orozco Valle’s final removal order here designates a only Mexico, not an unknown country to which Respondents now seek to remove him. The challenged action and planned removal here arise after removal proceedings were complete.

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

20. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., the All Writs Act, 28 U.S.C. § 1651, the Suspension Clause, and the Court’s inherent equitable powers.

VENUE

21. 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.

22. 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

1 gave rise to this petition took place in Tacoma, Washington, which falls within this judicial
2 district.

3 **PARTIES**

4 23. Petitioner Santos Orozco Valle is a non-citizen who is currently detained at the
5 Northwest ICE Processing Center in Tacoma, Washington.

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

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

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

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

19 **FACTUAL BACKGROUND**

20 28. Santos Orozco Valle is a 40-year-old non-citizen who is currently detained at the
21 Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement
22 (ICE). NWIPC is a privately owned and operated immigration detention facility run by the GEO
23 Group on behalf of ICE.

29. Mr. Orozco Valle was born in 1985 in Mexico. Mr. Orozco Valle applied for admission to the United States at the San Ysidro Port of Entry on November 25, 2018. He was designated an arriving alien and was detained pending a credible fear interview. On December 20, 2018, an Asylum Officer conducted a credible fear interview and determined Mr. Orozco Valle established a credible fear of persecution. Respondent, the Department of Homeland Security (“DHS”) initiated removal proceedings by filing a Notice to Appear (“NTA”) with the Conroe Immigration Court. Mr. Orozco Valle appeared without counsel to an initial master calendar hearing before the Conroe Immigration Court on February 14, 2019. The case was continued to March 13, 2019.

30. Prior to Mr. Orozco Valle’s next hearing, the DHS released Mr. Orozco Valle from custody on humanitarian parole. *See* 8 USC § 1182(d)(5)(A). Mr. Orozco Valle timely filed his I-589 Application for Asylum and Withholding of Removal with the Conroe Immigration Court. After Mr. Orozco Valle relocated to Washington, venue was transferred to the Seattle Immigration Court. At a master calendar hearing on February 6, 2020, before the Seattle Immigration Court, the Court scheduled Mr. Orozco Valle for an individual hearing on February 8, 2023. That hearing was later cancelled and rescheduled for October 25, 2025. Based on his pending asylum application, Mr. Orozco Valle was granted employment authorization.

31. While waiting for his final individual hearing, Mr. Orozco Valle was lawfully working to support his long-term U.S. citizen partner and U.S. citizen son. Additionally, Mr. Orozco Valle financially supports his four children in Mexico rely on him for assistance to pay their basic necessities and educational tuition costs.

32. On May 1, 2025, Mr. Orozco Valle was stopped and aggressively arrested by DHS while driving on the highway. He was transported to the NWIPC. Prior to Mr. Mr. Orozco

1 Valle's re-arrest, Mr. Orozco Valle did not receive written notice of the reason for his re-
2 detention. He has been in detention ever since.

3 33. Prior to Mr. Orozco Valle's re-arrest, Respondents did not assess whether Mr.
4 Orozco Valle presented a flight risk or danger to the community, or whether his re-arrest was
5 justified for some other reason.

6 34. Prior to Mr. Orozco Valle's re-arrest, Mr. Orozco Valle was not afforded a
7 hearing before a neutral decisionmaker to determine if his re-detention is justified.

8 35. Mr. Orozco Valle's immigration case was transferred to the Tacoma Immigration
9 Court, located within the NWIPC.

10 36. He appeared for another master calendar hearing on June 11, 2025. The
11 Immigration Judge scheduled his final merits hearing for August 22, 2025. On August 11, 2025,
12 the Immigration Court rescheduled his hearing for September 22, 2025.

13 37. On September 22, 2025, Mr. Orozco Valle testified for hours on the harm that he
14 suffered in Mexico and his fear of return. The Immigration Judge reserved for a written decision.
15 That written decision was finally issued on November 19, 2025. In a written decision, the
16 Immigration Judge found that Mr. Orozco Valle established that it was more likely than not that
17 he would be tortured in Mexico with the consent and acquiescence of the Mexican Government
18 and therefore, granted withholding of removal under the Convention Against Torture.

19 38. On November 19, 2025, an Immigration and Customs Enforcement officer hand
20 delivered the Immigration Judge's decision to Mr. Orozco Valle. Following delivery, the officer
21 told Mr. Orozco Valle that he would find another country to deport him to.

22 39. Despite the Immigration Judge's grant of withholding of removal under the
23 Convention Against Torture, Mr. Orozco Valle remains detained.

40. Since November 19, 2025, Respondents have not provided Mr. Orozco Valle with any additional information about a possible third country removal.

LEGAL ARGUMENT

41. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless Mr. Orozco Valle is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

42. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added) (citation omitted).

Mr. Orozco Valle's Due Process Rights were violated when he was re-detained without notice or a hearing before a neutral decision-maker.

43. Due process requires that when Respondents re-arrested Mr. Orozco Valle, who has lived in the United States for several years after DHS first paroled him and had timely submitted an application for protection from removal, was entitled to a hearing before a neutral decisionmaker to determine whether any re-detention was justified, and whether he was a flight risk or danger to the community. “It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This fundamental due process protection applies to all noncitizens, including both removable and inadmissible noncitizens. *See id.* at 721 (Kennedy, J., dissenting) (“[B]oth removable and inadmissible [noncitizens] are entitled to be free from detention that is arbitrary or capricious.”).

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

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

8 46. Due process thus guarantees notice and an individualized hearing before a neutral
9 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
10 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
11 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation
12 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to
13 determine whether there is probable cause or reasonable ground to believe that the arrested
14 parolee has committed . . . a violation of parole conditions” and that such determination be made
15 “by someone not directly involved in the case” (citation modified)). Respondents denied Mr.
16 Orozco Valle of his due process rights when they re-detained him without providing him with
17 notice or a pre-detention hearing.

18 47. Several courts, including this one, have recognized that these principles apply
19 with respect to the re-detention of the many noncitizens that DHS has arbitrarily begun taking
20 back into custody, often after such persons have been released for months and years. *See*
21 *Ramirez Tesara v. Wamsley*, 2025 WL 2637663, at *2–3 (W.D. Wa. Sept. 12, 2025), *Kumar v.*
22 *Wamsley*, 2025 WL 2677089, at *2–3 (W.D. Wa. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*,
23 2025 WL 2841574, at *7–8 (W.D. Wa. Oct. 7, 2025). The court in each of these cases held that a
person’s re-detention could not occur absent a hearing because of the liberty interest at stake, risk

1 of erroneous deprivation of liberty, and the cost to the Government to afford adequate procedural
 2 protections was low. *See id.* Accordingly, this Court should order Mr. Orozco Valle's immediate
 3 release due to a lack of notice and a pre-detention hearing.

4 **Removal of Mr. Orozco Valle to an unknown third country without proper procedural**
 5 **safeguards is unlawful and his continued detention for this purpose is illegal.**

6 48. The INA, FARRA, and the Due Process Clause require that Mr. Orozco Valle
 7 receive notice of any planned removal to a country other than Mexico with sufficient time to
 8 meaningfully avail himself of the INA's and FARRA's statutory protections against removal to a
 9 country where he could face persecution and torture.

10 49. Under current guidance from DHS, Respondents do not need to provide any
 11 notice or process to a noncitizen prior to his or her removal to a third country if the United States
 12 has received "diplomatic assurances [from the country of removal] that the [noncitizen] removed
 13 from the United States will not be persecuted or tortured." *See* DHS Memorandum, "Guidance
 14 Regarding Third Country Removals" (March 30, 2025). Only if the United States has not
 15 received such "assurances" must Respondents actually inform the noncitizen of the country of
 16 removal, and then, only if noncitizen thereafter states a fear of removal to that country, must
 17 Respondents conduct a screening. *Id.* at 2. During this screening, the noncitizen must prove that
 18 it is "more likely than not" they will be persecuted or tortured upon removal. *Id.* at 2. It then
 19 states that it will refer the individual for an evidentiary hearing only if an affirmative
 20 determination is made at the screening, contrary to the regulations which permit review of the
 21 initial decision by an immigration judge. *Id.*

22 50. This streamlined process is substantially inferior to the reasonable fear interview
 23 process, where USCIS assesses only if there is a "reasonable possibility" the noncitizen could
 establish they are likely to face persecution or torture if provided the opportunity to present their
 full case to an immigration judge. *See* 8 C.F.R. § 208.31(c) (outlining reasonable fear interview
 procedure for other persons with final removal orders, like those with reinstatement orders or
 administrative removal orders. A "reasonable possibility" is a lower standard of proof than the

1 “more likely than not” standard required to win a grant of withholding of removal or CAT
2 protection. *Dominguez Ojeda v. Garland*, 112 F.4th 1241, 1245 n.1 (9th Cir. 2024).

3 51. Most alarmingly, Respondent’s policy includes a glaring loophole. If a noncitizen
4 is successful in demonstrating a clear probability of future persecution or torture to the proposed
5 third country, Respondents can simply designate another country for removal, ensuring that this
6 process continues indefinitely and the noncitizen remains detained indefinitely.

7 52. Following the Supreme Court’s stay of the district court’s preliminary injunction
8 in the *D.V.D. v. DHS*, No. 1:25-cv-10676-BEM (D. Mass.) litigation and in accordance with
9 prevailing guidance from Respondents, Mr. Orozco Valle will not receive any notice of removal
10 to a third country and be subjected to a procedurally inadequate means of challenging that
11 removal through this streamlined process. *See DHS v. D.V.D.*, 145 S. Ct. 2153 (2025).

12 53. The Due Process Clause demands that Mr. Orozco Valle receive notice of any
13 planned removal to a country other than Mexico and be given a meaningful opportunity to seek
14 relief from that country. *A.A.R.P. v. Trump*, 605 U.S. 91, 95 (2025) (per curiam) (“no person
15 shall be removed from the United States without opportunity, at some time, to be heard.”). Any
16 attempt by Respondents to remove Mr. Orozco Valle to an unknown third country without
17 affording him with adequate notice and an opportunity to be heard violates the Due Process
18 Clause.

19 **Mr. Orozco Valle is entitled to a bond hearing because he was granted withholding**
20 **of removal under the Convention Against Torture and his removal is not reasonably**
21 **foreseeable.**

22 54. The Due Process Clause also protects noncitizens who have been ordered
23 removed from the United States and who face continuing detention. *Id.* at 690. Furthermore, 8
U.S.C. § 1231(a)(1)-(2) authorizes detention of noncitizens during “the removal period,” which
is defined as the 90-day period beginning on “the latest” of either “[t]he date the order of
removal becomes administratively final”; “[i]f the removal order is judicially reviewed and if a
court orders a stay of the removal of the [noncitizen], the date of the court’s final order”; or “[i]f

1 the [noncitizen] is detained or confined (except under an immigration process), the date the
2 [noncitizen] is released from detention or confinement.”

3 55. The statute further provides that if the alien does not leave or the Government
4 does not remove the alien within the 90-day removal period, “the alien, pending removal, shall
5 be subject to supervision under regulations prescribed by the Attorney General.” 8 U.S.C. §
6 1231(a)(3).

7 56. Although 8 U.S.C. § 1231(a)(6) permits detention “beyond the removal period” of
8 noncitizens who have been ordered removed and are deemed to be a risk of flight or danger, the
9 Supreme Court has recognized limits to such continued detention. In *Zadvydas*, the Supreme
10 Court held that “the statute, read in light of the Constitution’s demands, limits [a noncitizen’s]
11 post-removal-period detention to a period reasonably necessary to bring about that [noncitizen’s]
12 removal from the United States.” 533 U.S. at 689. “[O]nce removal is no longer reasonably
13 foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.

14 57. In determining the reasonableness of detention, the Supreme Court recognized
15 that, if a person has been detained for longer than six months following the initiation of their
16 removal period, their detention is presumptively unreasonable unless deportation is reasonably
17 foreseeable; otherwise, it violates that noncitizen’s due process right to liberty. 533 U.S. at 701.
18 In this circumstance, if the noncitizen “provides good reason to believe that there is no
19 significant likelihood of removal in the reasonably foreseeable future, the Government must
20 respond with evidence sufficient to rebut that showing.” *Id.*

21 58. The Court’s ruling in *Zadvydas* is rooted in due process’s requirement that there
22 be “adequate procedural protections” to ensure that the government’s asserted justification for a
23 noncitizen’s physical confinement “outweighs the ‘individual’s constitutionally protected interest
in avoiding physical restraint.’” *Id.* at 690 (quoting *Kansas v. Hendricks*, 521 U.S. 346, 356

1 (1997)). In the immigration context, the Supreme Court only recognizes two purposes for civil
2 detention: preventing flight and mitigating the risks of danger to the community. *Zadvydas*, 533
3 U.S. at 690; *Demore*, 538 U.S. at 528. The government may not detain a noncitizen based on any
4 other justification.

5 59. The first justification of preventing flight, however, is “by definition . . . weak or
6 nonexistent where removal seems a remote possibility.” *Zadvydas*, 533 U.S. at 690. Thus, where
7 removal is not reasonably foreseeable and the flight prevention justification for detention
8 accordingly is “no longer practically attainable, detention no longer ‘bears [a] reasonable relation
9 to the purpose for which the individual [was] committed.’” *Id.* (quoting *Jackson v. Indiana*, 406
10 U.S. 715, 738 (1972)). As for the second justification of protecting the community, “preventive
11 detention based on dangerousness” is permitted “only when limited to specially dangerous
12 individuals and subject to strong procedural protections.” *Zadvydas*, 533 U.S. at 690–91.

13 60. Thus, under *Zadvydas*, detention is unconstitutional and not authorized by statute
14 when it exceeds six months and deportation is not reasonably foreseeable. *See Zadvydas*, 533
15 U.S. at 701 (stating that “Congress previously doubted the constitutionality of detention for more
16 than six months” and, therefore, requiring the opportunity for release when deportation is not
17 reasonably foreseeable and detention exceeds six months); *see also Clark v. Martinez*, 543 U.S.
18 371, 386 (2005).

19 61. Mr. Orozco Valle is entitled to a bond hearing because he has been detained for
20 over six months and his removal is not reasonably foreseeable because he has been granted
21 withholding of removal from Mexico.

22 EXHAUSTION OF ADMINISTRATIVE REMEDIES

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

IRREPARABLE INJURY

63. Mr. Orozco Valle has suffered irreparable injury as a result of his prolonged detention. His physical liberty continues to be restrained, and no just cause for doing so can be specified. In addition, he has been irreparably injured because he has been unavailable to financially support his four children in Mexico and his U.S. citizen partner and child here in the United States.

CLAIMS FOR RELIEF
FIRST CLAIM FOR RELIEF

Writ of Habeas Corpus - Violation of Due Process Clause

64. Petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

65. Due process does not permit the government to re-detain Petitioner and strip him of his liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger to the community or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur prior to any re-detention.

66. Respondents violated Petitioner's due process rights when they revoked Petitioner's humanitarian parole and deprived him of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to any re-detention.

67. Accordingly, Petitioner's re-detention without a hearing violates the Due Process Clause of the Fifth Amendment.

68. Second, due process requires Respondents provide Mr. Orozco Valle meaningful notice and a meaningful opportunity to be heard regarding the statutory protections to which Mr. Orozco Valle is entitled.

1 69. Respondents seek to remove Mr. Orozco Valle to an unknown third country
2 without providing meaningful notice or a meaningful opportunity to seek protection under the
3 mandatory provisions of 8 U.S.C. § 1231(b)(3) and FARRA's provisions with respect to CAT.

4 70. Accordingly, Mr. Orozco Valle's planned third country removal is unlawful.

5 71. Third, Petitioner's continued detention violates Petitioner's right to Due Process
6 under the Fifth Amendment because removal is not reasonably foreseeable and it is not
7 reasonably related to a legitimate government purpose. *Zadvydas*, 533 U.S. at 690. This
8 detention has no purpose at all.

9
10
11 **SECOND CLAIM FOR RELIEF**
12 **Writ of Habeas Corpus – Violation of the INA**

13 73. The petitioner re-alleges and incorporates by reference the allegations set forth in
14 each of the preceding paragraphs of this Petition.

15 74. 8 U.S.C. § 1231(b)(3) prevents removal to a country where a noncitizen is more
16 likely than not to face persecution. Notwithstanding this statutory mandate, Respondents seek to
17 remove Mr. Orozco Valle to a third country without providing him the opportunity to access the
18 protections required pursuant to 8 U.S.C. § 1231(b)(3) and its implementing regulations.

19 75. Accordingly, Mr. Orozco Valle's planned third country removal is unlawful.

20 **THIRD CLAIM FOR RELIEF**
21 **Writ of Habeas Corpus – Violation of FARRA**

22 76. The petitioner re-alleges and incorporates by reference the allegations set forth in
23 each of the preceding paragraphs of this Petition.

 77. The FARRA prevents removal to a country where a noncitizen is more likely than
not to face torture.

1 78. Notwithstanding this statutory mandate, Respondents seek to remove Mr. Orozco
2 Valle to a third country without providing him the opportunity to access the protections required
3 pursuant to FARRA and CAT.

4 79. Accordingly, Mr. Orozco Valle's planned third country removal is unlawful.

5 **PRAYER FOR RELIEF**

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

- 7 a. Assume jurisdiction over this matter;
- 8 b. Issue a writ of habeas corpus ordering Respondents to immediately release Mr.
9 Orozco Valle from their custody;
- 10 c. Enjoin Mr. Orozco Valle's removal until Respondents provide him access to his
11 statutory rights to protection and due process of law:
- 12 i. With respect to any removal to any third country (other than Mexico),
13 Respondents must provide Mr. Orozco Valle with a reasonable fear
14 interview and provide him at least ten days' notice of such interview to
15 allow him to prepare for it, and notice must be provided in Mr. Orozco
16 Valle's native language;
- 17 ii. If, after inquiring whether Mr. Orozco Valle has a fear of removal to that
18 third country, Mr. Orozco Valle express such a fear, then Respondents
19 must provide a reasonable fear interview to screen for Mr. Orozco Valle's
20 fear of persecution and torture, consistent with § 208.31
- 21 iii. If Mr. Orozco Valle is found to have a reasonable fear of removal, then
22 Respondents must move to reopen Mr. Orozco Valle's removal
23

proceedings to allow Mr. Orozco Valle to present a full claim for relief under § 1231(b)(3) and FARRA;

iv. If Mr. Orozco Valle is not found to have such a fear, then Respondents must allow a further fifteen days for Mr. Orozco Valle to file a motion to reopen with the immigration court or Board of Immigration Appeals, as appropriate;

d. Award Mr. Orozco Valle attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant such other relief as may be just and reasonable.

Dated: December 2, 2025.

/s/ Julia C. Hunter
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