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8 UNITED STATES DISTRICT COURT FOR THE  
9 WESTERN DISTRICT OF WASHINGTON  
10 SEATTLE DIVISION

11 HECTOR VARGAS MEDINA,

12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary for the Department  
15 of Homeland Security; TODD LYONS, Acting  
16 Director, Immigration and Customs  
17 Enforcement; LAURA HERMOSILLA, Field  
18 Office Director, Immigration and Customs  
19 Enforcement Seattle Field Office; BRUCE  
20 SCOTT, Warden, Northwest ICE Processing  
21 Center,

22 Respondents.

Case No. 2:25-cv-02503

Agency File No. 

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

1 INTRODUCTION

2 1. Petitioner, Mr. Hector Vargas-Medina, submits a petition for a writ of habeas  
3 corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in  
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the  
5 physical custody of Respondents at the Northwest ICE Processing Center, and now faces  
6 unlawful detention as the Department of Homeland Security (“DHS”) and the Executive Office  
7 for Immigration Review (“EOIR”) have refused to abide by the declaratory judgment issued on  
8 behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the U.S. District Court for the Central District of  
10 California granted partial summary judgment on behalf of individual plaintiffs, and on  
11 November 25, 2025, certified a nationwide class and extended declaratory judgment to that  
12 certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp.  
13 3d ---, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary  
14 judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-  
15 01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order  
16 certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible Class, incorporating and  
17 extending declaratory judgment from Order Granting Petitioners’ Motion for Partial Summary  
18 Judgment).

19 3. This declaratory judgment held that Bond Denial Class members are detained  
20 under 8 U.S.C. § 1226(a) and therefore may not be denied consideration for release on bond  
21 under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

1 4. Nonetheless, the Executive Office for Immigration Review (and its subagency,  
2 the Immigration Court) and the Department of Homeland Security (“DHS”) have refused to  
3 abide by the declaratory relief and have unlawfully ordered that those in Petitioner’s position be  
4 denied the opportunity for a release on bond.

5 5. Petitioner is a member of the Bond Eligible Class, as he:

- 6 a. Does not have lawful status in the United States and is currently held in  
7 administrative detention at the Northwest ICE Processing Center.  
8 b. Last entered the United States without inspection over nineteen years ago, and  
9 was not apprehended upon arrival, *cf. id.*; and  
c. Is not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10 6. After apprehending Petitioner on December 4, 2025, the DHS placed him in  
11 removal proceedings pursuant to 8 U.S.C. § 1229a. The Department has charged him as being  
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States  
13 without inspection.

14 7. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
15 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, they continue to defy  
16 the judgment in that case and subject Petitioner to unlawful detention, despite his clear  
17 entitlement to consideration for release on bond as a Bond Eligible Class member.

18 8. Immigration judges have recently informed such class members in bond hearings  
19 that they have been instructed by “leadership” that the declaratory judgment in *Maldonado*  
20 *Bautista* is not controlling, even with respect to said class members, and that EOIR remains  
21 bound to follow the Department of Justice’s decision in *Matter of Yajure Hurtado*, 29 I. & N.  
22 Dec. 216 (BIA 2025).

1 9. Because Respondents are detaining Petitioner in violation of the declaratory  
2 judgment issued in *Maldonado Bautista*, this Court should accordingly order that, within one  
3 day, the DHS must release Petitioner.

4 10. Alternatively, the Court should order Petitioner's release unless Respondents  
5 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

6 11. The Court should expeditiously grant this petition.

7  
8 **PARTIES**

9 12. Petitioner is a citizen of Mexico who has been held in immigration detention since  
10 December 4, 2025. After he was arrested by in Portland by DHS agents, the Immigration and  
11 Customs Enforcement ("ICE") Oregon Field Office did not set a bond for his release. Petitioner  
12 has continuously resided in the United States since June of 2006.

13 13. Respondent, Ms. Kristi Noem, is the Secretary of the Department of Homeland  
14 Security. She is responsible for the implementation and enforcement of the Immigration and  
15 Nationality Act ("INA") and oversees ICE, the agency responsible for Petitioner's detention.  
16 Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

17 14. Respondent, Mr. Todd Lyons, is sued in his official capacity as the Acting  
18 Director of ICE, which is responsible for all immigration enforcement in the United States.

19 15. Respondent, Ms. Laura Hermosilla, is the Director of the Seattle ICE Field Office.  
20 As such, Ms. Hermosilla is Petitioner's immediate custodian. She is responsible for the  
21 apprehension, detention, and removal of noncitizens located within her jurisdiction, and is named  
22 in her official capacity.

1 16. Respondent, Mr. Bruce Scott, is sued in his official capacity as warden of the  
2 Northwest ICE Processing Center, the privately-operated immigration detention facility where  
3 Petitioner is being held in custody. He additionally exercises direct custody over Petitioner.

4  
5 **JURISDICTION**

6 17. This action arises under the Constitution of the United States and the Immigration  
7 and Nationality Act. 8 U.S.C. § 1101 et. seq.; *see also Reno v. Flores*, 507 U.S. 292, 306 (1993)  
8 (affording immigrants Due Process under the Fifth Amendment to the federal constitution).

9 18. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas  
10 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United  
11 States Constitution (the Suspension Clause).

12 19. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
13 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

14  
15 **VENUE**

16 20. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
17 500 (1973), venue lies in the United States District Court for the Western District of Washington  
18 as it is the judicial district where Petitioner currently is detained.

19 21. Venue is also properly with this Court pursuant to 28 U.S.C. § 1391(e) because  
20 Respondents are employees, officers, and agencies of the United States, and a substantial part of  
21 the events or omissions giving rise to this petition have occurred in the Western District of  
22 Washington.

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

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22. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues at hand have already been resolved for class members through *Maldonado Bautista*. See also 28 U.S.C. § 2243.

23. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . as it [affords] a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it, and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

24. Petitioner is “in custody” for the purpose of § 2241 because he is currently detained at the Northwest ICE Processing Center. “[T]he Supreme Court has repeatedly held that the in-custody requirement [of 28 U.S.C. § 2241] is met where the Government restricts a petitioner’s freedom of action or movement,” including through an immigration order of supervision. See *Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), citing *Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); see also, e.g., *Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*, 454 F. App’x 769, 772-72 (11th Cir. 2011) (same).

**CLAIMS FOR RELIEF**

**COUNT ONE**

**Violation of 8 U.S.C. § 1226(a)**

1           25.     Petitioner repeats, re-alleges, and incorporates by reference each allegation in the  
2 preceding paragraphs as if fully set forth herein.

3           26.     As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
4 release on bond under 8 U.S.C. § 1226(a).

5           27.     The order granting partial summary judgment in *Maldonado Bautista* holds that  
6 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
7 members such as Petitioner. Yet, the Tacoma Immigration Court has continued to deny bond  
8 jurisdiction to all illegal entrants into the United States, now citing reliance upon the Board of  
Immigration Appeal's ("BIA's") decision in *Matter of Yajure Hurtado, supra*.

9           28.     The Tacoma Immigration Court in fact began denying bond jurisdiction to all  
10 illegal entrants around 2022, years before the BIA fashioned precedent to support its position on  
11 this matter. Despite the decision in *Maldonado Bautista*, and this Court's similar rulings in  
12 *Rodriguez Vasquez v. Bostock*, 349 F.R.D. 333, 365 (W.D. Wash. May 2, 2025) (certifying  
13 Plaintiffs-Petitioners' proposed Bond Denial Class, identical to that in *Maldonado Bautista* but  
14 limited to detainees held at the Northwest ICE Processing Center) and No. 3:25-CV-05240-  
15 TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at \*86-87 (W.D. Wash. Sept. 30, 2025) (granting  
16 summary judgment to Bond Denial Class), the Tacoma Immigration Court continues to deny  
bond jurisdiction for members of the Bond Eligible Class.

17           29.     The order granting class certification in *Maldonado Bautista* further states that  
18 "[w]hen considering this determination with the MSJ Order, the Court extends the same  
19 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."

20           30.     Respondents are parties to *Maldonado Bautista* and bound by the Court's  
21 declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C.  
22 § 2201(a).

1 31. By denying Petitioner a bond hearing under 8 U.S.C. § 1226(a) and asserting that  
2 he is subject to mandatory detention under § 1225(b)(2), the Respondents will not only violate  
3 his statutory rights under the INA, but also the District Court’s judgment in *Maldonado Bautista*.

4 **COUNT TWO**

5 **Violation of the Fifth Amendment to the U.S. Constitution**

6 **(Right to Procedural Due Process)**

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

8 33. The Due Process Clause of the Fifth Amendment prohibits the federal  
9 government from depriving any person of “life, liberty, or property, without due process of  
10 law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States,  
11 including [non-citizens], whether their presence here is lawful, unlawful, temporary, or  
12 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2011).

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

15 35. By flagrantly defying the U.S. District Court’s order *Maldonado Bautista* – as it  
16 has been directed to, pursuant to a DHS memorandum dated July 8, 2025<sup>1</sup> – Respondents will  
17 violate Petitioner’s right to procedural due process.

18 **COUNT THREE**

19 **Violation of the Fifth Amendment to the U.S. Constitution**

20 **(Right to Counsel)**

21 36. Upon information and belief, the Department of Homeland Security may intend  
22 to move Respondent to a remote facility in the American South. Counsel can attest that

23 <sup>1</sup> See Exh. “A,” attached.

1 many other noncitizens held in Tacoma have been moved in this manner, due to issues with  
2 capacity at the Northwest ICE Processing Center. This action would make communication with  
3 counsel extremely difficult.

4 37. The constitutional right to counsel includes the ability to communicate effectively  
5 with one's attorney and to prepare a defense. 8 U.S.C. § 1362; *Usubakunov v. Gonzales*, 16 F.4th  
6 1299, 1304-1305 (9th Cir. 2021); *Gomez-Velazco v. Sessions*, 879 F.3d 989,993 (9th Cir. 2018).

7 38. The Ninth Circuit has found that transferring detainees to remote locations  
8 without notifying their attorney or providing access to legal representation is a violation of the  
9 right to counsel. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 565-66 (9th Cir. 1990); *see*  
10 *also Innovation Law Lab v. Nielsen*, 342 F.Supp.3d 1067, 1080 (D. Or. 2018).

11 39. Transferring Petitioner outside of this judicial district, while he is pursuing a  
12 petition for writ of habeas corpus, would constitute a violation of the Fifth Amendment Right to  
13 Counsel.

#### 14 PRAYER FOR RELIEF

15 WHEREFORE, Petitioner requests that this Court grant the following relief:

- 16 a. Assume jurisdiction over this matter;
- 17 b. Issue a writ of habeas corpus requiring that within one day, Respondents release  
18 Petitioner;
- 19 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
20 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within  
21 seven days;
- 22 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
23 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
24 law;

- 1 e. Issue an Order prohibiting Respondents from transferring Petitioner outside of  
2 the Northwest ICE Processing Center, without first providing the Court,  
3 Petitioner, and Petitioner's counsel notice of the transfer within 48 hours' notice;  
4 and  
5 f. Grant any other and further relief that this Court deems just and proper.

6 Respectfully submitted,

7  
8  
9 Dated: December 9<sup>th</sup>, 2025

*s/ Benjamin Cornell*  
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*Attorney for Petitioner*

**VERIFICATION OF PETITIONER**

On behalf of Hector Vargas-Medina, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief and having reviewed the relevant records and pleadings. Mr. Vargas-Medina has not verified the petition himself as he is currently held in ICE custody.

Dated: December 9<sup>th</sup>, 2025

*s/ Benjamin Cornell*  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

US Attorneys  
Email: [usawaw.habeas@usdoj.gov](mailto:usawaw.habeas@usdoj.gov)

Dated: December 9<sup>th</sup>, 2025

*s/ Benjamin Cornell*  
Benjamin Cornell, WSB #49533