

DETAINED

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION

RICARDO LOPEZ REYES,

Petitioner,

vs.

LAURA HERMOSILLA, Seattle Field Office
Director, U.S. Immigration and Customs
Enforcement and Removal Operations;
KRISTI NOEM, Secretary of Homeland

) Case No. 2:25-cv-2525
)
)
)
) PETITION FOR WRIT OF
) HABEAS CORPUS
) UNDER 28 U.S.C. § 2241
)
) Agency No. 
)

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

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CASE NO. 2:25-cv-2525

Security;)
PAMELA BONDI, Attorney General;)
TODD LYONS, Acting Director of Immigration)
And Customs Enforcement;)
Respondents.)

JURISDICTION AND VENUE

1. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

2. Venue is proper because petitioners are in Respondents' constructive custody in Tacoma, Washington and because a substantial part of the events giving rise to their claims occurred in this district. 28 U.S.C. § 1391(e).

PARTIES

3. Petitioner RICARDO LOPEZ REYES is a non-citizen who is currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

4. Respondent LAURA HERMOSILLA is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations ("ICE"). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest,

detention, and custody status of noncitizens. Ms. Hermosilla is the immediate legal custodian of petitioners and is sued in her official capacity.

5. Respondent KRISTI NOEM is the Secretary of Homeland Security. As such she is responsible for the actions of that department, its subagencies, and its officers and personnel. KRISTI NOEM is sued in her official capacity.

6. Respondent PAMELA BONDI is the Attorney General of the United States, and as such has responsibility for the conduct and operations of the Department of Justice and all of its officers and personnel, including the Executive Office for Immigration Review. PAMELA BONDI is sued in her official capacity.

7. Respondent TODD LYONS is the Acting Director of ICE, and as such is responsible for the means by which the immigration laws of the United States are enforced. TODD LYONS is sued in his official capacity.

HABEAS CORPUS REQUIREMENTS UNDER 28 U.S.C. § 2243

8. Pursuant to 28 U.S.C. § 2243, a court entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

9. The writ, or order to show cause shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good

77 cause additional time, not exceeding twenty days, is allowed. *Id.*

78 10. The person to whom the writ or order is directed shall make a return certifying the
79 true cause of the detention. When the writ or order is returned a day shall be set for hearing,
80 not more than five days after the return, unless for good cause additional time is allowed. *Id.*

81 11. Unless the application for the writ and the return present only issues of law
82 the person to whom the writ is directed shall be required to produce at the hearing the
83 body of the person detained. The applicant or the person detained may, under oath, deny
84 any of the facts set forth in the return or allege any other material facts. *Id.*

85 12. The return and all suggestions made against it may be amended by leave of
86 court, before or after being filed. The court shall summarily hear and determine the facts
87 and dispose of the matter as law and justice require. *Id.*

88 13. The person to whom the writ or order is directed shall make a return certifying the
89 true cause of the detention. When the writ or order is returned a day shall be set for hearing,
90 not more than five days after the return, unless for good cause additional time is allowed. *Id.*

91 14. Unless the application for the writ and the return present only issues of law,
92 the person to whom the writ is directed shall be required to produce at the hearing the
93 body of the person detained. *Id.*

94 15. The applicant or the person detained may, under oath, deny any of the facts set
95 forth in the return or allege any other material facts. *Id.*

LEGAL REQUIREMENTS FOR STOPS AND ARRESTS

16. Under 8 U.S.C. § 1226(a), on an administrative warrant (“ICE warrant”), a non-citizen may be arrested and detained pending a decision on whether the person is to be removed from the United States.

17. Except for persons described in section 1226(c), relating to certain criminal or terrorism grounds, ICE may release the person either on a bond of at least \$1,500 or on conditional parole.¹ 8 U.S.C. § 1226(a) (1) and (2). ICE may revoke a bond or parole authorized under subsection (a), and rearrest the person under the original warrant, and detain that person. U.S.C. §1226(b).

18. Under 8 U.S.C. § 1357(a)(2), without an ICE warrant, an ICE officer may make an arrest for civil immigration violations in only two circumstances².

19. First, the officer may arrest someone, who, in the view or presence of the officer, is entering or attempting the United States illegally. *Id.*

20. Second, the officer may arrest someone whom the officer has “reason to believe”³ is in the United States in violation of any immigration law or regulation and

¹ Here the term “conditional parole” means “release on recognizance.” *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, ____ (9th Cir. 2007).

² Separate provisions permit warrantless arrests in certain circumstances on charges of criminal law violations. 8 U.S.C. § 1357(a)(4)-(5). If that is done, DHS regulations require that the person arrested be advised of their legal rights in a language the person understands and brought without unreasonable delay before a U.S. magistrate. 8 C.F.R. § 287.8(c)(2)(iv) and (v).

³ An officer “has reason to believe” when they have the equivalent of “the constitutional requirement of PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

111 who is likely to escape before a warrant can be obtained for arrest. *Id.*⁴

112 21. The Fourth Amendment protects “[t]he right of the people to be secure in their
113 persons . . . against unreasonable searches and seizures.” U.S. Const. amend. IV.

114 22. Immigration detention is a form of civil confinement that “constitutes a
115 significant deprivation of liberty that requires due process protection.” *Addington v.*
116 *Texas*, 441 U.S. 418, 425 (1979).

117 23. “Except at the border and its functional equivalents,” immigration agents may
118 stop individuals in public only after identifying “specific articulable facts, together with
119 rational inferences from those facts, that reasonably warrant suspicion” of a violation of
120 immigration law. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975).

121 24. Reasonable suspicion for an immigration stop cannot be based “on broad
122 profiles which cast suspicion on entire categories of people without any individualized
123 suspicion of the particular person to be stopped.” *United States v. Rodriguez Sanchez*, 23
124 F.3d 1488, 1492 (9th Cir. 1994). Rather, reasonable suspicion must be “particularized
125 and objective,” *United States v. Arvizu*, 534 U.S. 266, 273 (2002), meaning the officer
126 has reasonable suspicion as to “the particular person being stopped.” *United States v.*

probable cause.” *Tejeda-Mata v. INS*, 626 F.2d 721, 725 (9th Cir. 1980).

⁴ See 8 C.F.R. 287.8(c)(2)(ii) (“A warrant of arrest shall be obtained except when the designated immigration officer has reason to believe that the person is likely to escape before a warrant can be obtained.”)

127 *Montero-Camargo*, 208 F.3d 1122, 1129 (9th Cir. 2000) (en banc).

128 25. The Fifth Amendment right to remain silent may be properly invoked during a
129 civil immigration arrest. See *Kastigar v. United States*, 406 U.S. 441, 444-45 (1972)
130 (The privilege against self-incrimination “can be asserted in any proceeding, civil or
131 criminal, administrative or judicial, investigatory, or adjudicatory . . . This Court has
132 been zealous to safeguard the values which underlie the privilege.”).

133 26. An immigration officer may not establish probable cause on the basis of a
134 noncitizen’s silence pursuant to his Fifth Amendment rights. See *Hurd v. Terhune*, 619
135 F.3d 1080, 1088 (9th Cir. 2010) (affirming “the fundamental principle that a suspect’s
136 silence in the face of questioning cannot be used as evidence against him at trial”).

137 27. If an immigration officer makes a warrantless arrest, at the time of an arrest and
138 “as soon as it is practical and safe to do so,” immigration officers must identify themselves
139 as immigration officers authorized to make arrests, inform the person arrested that they are
140 under arrest, and state the reason for the arrest. 8 C.F.R. § 287.8(c)(2)(iii).

141 28. The noncitizen must then “be taken without unnecessary delay for
142 examination before an officer of the Service having authority to examine [noncitizens]
143 as to their right to enter or remain in the United States.” 8 U.S.C. § 1357(a)(2).

144 29. Within 48 hours of an immigration arrest (or within a reasonable time in the
145 case of emergency or extraordinary circumstances), an immigration official must make

an initial custody determination to decide whether the noncitizen should remain in custody or be released. 8 U.S.C. § 1226(a); 8 C.F.R. § 287.3(d).

FACTUAL ALLEGATIONS

30. On January 20, 2025, the president of the United States issued several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (EO) setting out a series of interior immigration enforcement actions. The present administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation.

31. The “Protecting the American People Against Invasion” EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures including through the use of mass detention.

32. In late May 2025, respondent KRISTI NOEM and White House Deputy Chief of Staff Stephen Miller met with ICE leadership and set an arrest quota of 3,000 per day and threatened job consequences if officials failed to meet arrest quotas.⁵

⁵Julia Ainsley, et al., A sweeping new ICE operation shows how Trump’s focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), <https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494> (last visited Nov 26, 2025); Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at <https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller> (last visited Nov. 26. 2025).

161 33. On May 28, 2025 Deputy Chief of Staff Miller confirmed that “[u]nder
 162 President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests
 163 for ICE every day, and President Trump is going to keep pushing to get that number up
 164 higher each and every single day.”⁶

165 34. Following the directive from Noem and Miller, ICE agents were instructed in
 166 an email to “turn the creativity knob up to 11” and aggressively “push the envelope” in
 167 arrests, including by pursuing “collaterals.” One email is reported to have said: “If it
 168 involves handcuffs on wrists, it’s probably worth pursuing.”⁷

169 170 CIRCUMSTANCES OF PETITIONER'S CASE

171 35. Petitioner was driving on S. Roosevelt Drive in Seaside, OR at 8:30 am on
 172 November 8, 2025, when he was detained by ICE officers. He was on his way to work at
 173 Mo’s Seafood & Chowder in Seaside, OR. He was alone in the car. He noticed two
 174 unmarked cars pull behind him very closely and then he saw one of the car’s flashing
 175 lights. He immediately pulled over and rolled down his window as several men

⁶Hannity, Sean, “Stephen Miller says the admin wants to create the strongest immigration system in US History”, FOX NEWS (May 28, 2025), <https://www.foxnews.com/video/6373591405112> (last visited Nov. 26, 2025).

⁷Olivares, José , “US immigration officers ordered to arrest more people even without warrants,” The Guardian (Jun 4, 2025) <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>

176 approached his car. One of the men asked the Petitioner who the car belonged to. The
177 Petitioner replied it was his and asked why he was pulled over. He was not given a reason
178 for being pulled over. The man asked him for his driver's license and the Petitioner handed
179 it to him. Next, the man asked the Petitioner to step outside the car. The Petitioner was
180 nervous to do this since he had not been given an answer as to why he was pulled over,
181 but he complied for fear the men would break the window of his car. He was immediately
182 handcuffed roughly and driven in one of the unmarked cars to Seaside Elementary School.
183 At the school, there was an unmarked van and Petitioner was told to wait in the van still
184 handcuffed. The men waited another two hours in the van, then were told they were being
185 taken to an ICE facility. In total, there were 8 immigrants taken in the van that day from
186 Seaside Elementary School to the Portland ICE facility on Macadam.

187 The Petitioner was shocked because he had no idea why he was pulled over, was not
188 given any information, nor was he allowed to call a family member or an attorney for
189 another few hours. He was then driven to Northwest Detention Center in Tacoma, WA.
190 The Petitioner does not have a removal order, nor any criminal history or convictions. At
191 the time, he had no applications for immigration benefits pending. He had never
192 encountered ICE at the border or anywhere else in the U.S. The officers were wearing
193 camouflage and had cloth masks covering most of their face. They did not have a uniform
194 identifying whether they were "Police", "ICE", "DEA", "FBI", etc. The Petitioner asked

195 why he was stopped but the men did not reply. He was not shown a warrant for his arrest,
196 so he was unable to determine if he was being wrongly accused of a crime. He asked
197 again why he was stopped but was not given any response. At no point did any agent
198 advise Mr. Lopez-Reyes that they were immigration officials authorized to make
199 immigration arrests during the stop. At no point did any agent ask Mr. Lopez Reyes any
200 questions about his family, community ties, possible criminal convictions or offer to let
201 him call an attorney. Then he was taken to the ICE facility in Portland, where ICE
202 processes immigrants and fingerprints them before transporting them over state lines to
203 Tacoma, Washington.

204 **FIRST CLAIM FOR RELIEF**

205 **Seizure with no probable cause**

206 35. The petitioner re-alleges and incorporates by reference the allegations set
207 forth in each of the preceding paragraphs of this Petition.

208 36. Except at the border and its functional equivalents, the Fourth Amendment
209 prohibits respondents from stopping a person without reasonable suspicion to question
210 as to whether he or she is unlawfully in the United States. The Fourth Amendment bars
211 respondents from making an arrest without probable cause to believe that a person is a
212 noncitizen unlawfully in the United States.

213 37. “A person’s mere propinquity to others independently suspected of [unlawful]

activity does not, without more, give rise to probable cause to search [or seize] that person.” *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019) (quotation omitted). “‘Reasonable suspicion’ is no different.” *Id.*

38. Respondents’ stop of Petitioner without reasonable suspicion, and arrest of without probable cause, violates the Fourth Amendment to the U.S. Constitution.

SECOND CLAIM FOR RELIEF

Seizure based solely on race

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

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

41. Respondents had no basis to detain Petitioner and inquire about his immigration status other than his race and apparent ethnicity. Likewise, Respondents had no basis to arrest Petitioner other than his race and apparent ethnicity. This was a violation of the Fourth Amendment.

THIRD CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

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

43. The Due Process Clause of the Fifth Amendment prohibits the government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

44. Due process requires that government action be rational and non-arbitrary. See *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). Due process also requires notice and “the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

45. Here, Petitioner has been stopped, arrested, and detained in an arbitrary manner, without any notice of the basis for his arrest and continued detention, and not based on a rational and individualized determination of whether he should be detained based on individual facts and circumstances pertaining to whether he was a flight risk or danger to the community. Mr. Lopez-Reyes was entitled to a meaningful opportunity to be heard prior to his detention by statute and regulation. Following a warrantless arrest,

8 U.S.C. § 1357(a)(2) requires that the individual arrested “shall be taken without unnecessary delay” for further consideration of “their right to enter or remain in the United States.” Under 8 U.S.C. § 1226(a), immigration officers may chose to either extend detention or release an individual from custody; this decision is based on an individualized determination of their danger and flight risk. *See* 8 U.S.C. § 1226 (a), *Zadvydas v. David*, 553 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

46. Unless there is an emergency (there is none in this scenario), the regulations require an individualized opportunity to be heard on whether detention is warranted. The regulation at 8 C.F.R. § 287.3(d) requires that, within 48 hours of a warrantless immigration arrest, an immigration officer make an individualized custody determination as to whether a noncitizen should continue to be detailed or be released. Additionally, the regulations at 8 C.F.R. § 236.1(c)(8) requires an opportunity for the noncitizen to hear the government’s evidence demonstrating he is a flight risk or dangerous to the community.

47. The original stop on South Roosevelt Drive in Seaside, OR, the ensuring arrest, and continued detention of petitioner by ICE officers are all violations of his due process rights under the Fifth Amendment to the U.S. Constitution.

PRAYER FOR RELIEF

48. Wherefore petitioner prays for relief as follows in that this court:

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- 271 a) Assume jurisdiction in this matter;
- 272 b) Issue an immediate order barring the respondents from removing petitioner
- 273 from the state of Washington, or, if petitioner is in the state of Oregon, from
- 274 the state of Oregon, without 72 hrs. notice to the court and the petitioner and
- 275 approval by the court;
- 276 c) Issue an order to show cause why this petition should not be granted within
- 277 three (3) days;
- 278 d) Declare that the Petitioner's stop and arrest without reasonable suspicion, and
- 279 Petitioner's continued detention, violates applicable regulations, the INA,
- 280 and the Fourth and Fifth Amendments to the Constitution of the United
- 281 States;
- 282 e) Issue a writ of habeas corpus ordering respondents to release petitioner from
- 283 custody without paying a bond or wearing an ankle monitor;
- 284 f) Award the Petitioner reasonable attorneys fees and costs under the Equal
- 285 Access to Justice Act and any other statute applicable to this matter;
- 286 g) Grant any further relief as the court may deem just and proper.

287 Dated this 10th day of December, 2025

288
289 /s/ Katherine M. Sinkins

290 Katherine M. Sinkins, VA #82649*

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