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

11 IVAN MEDINA RONULO,

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-02543

Agency File No. 

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

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1 **INTRODUCTION**

2 1. Petitioner Ivan Medina Ronulo, alleges that his street arrest by ICE DHS and
3 continued detention without any meaningful individualized assessment of is his immigration
4 history, criminal history, danger to the community or flight risk constitutes a Fifth Amendment
5 APA violation as an abuse of discretion.

6 2. Petitioner seeks restriction on his transfer from the Northwest Detention Center in
7 Tacoma, Washington based on a known DHS practice of doing out-of-state detainee transfers to
8 remote detention centers with little or no notice. Petitioner alleges that such a transfer will
9 violate Petitioner’s Fifth Amendment right to counsel while his writ is pending.

10 3. The Court should expeditiously grant this petition.

11 **PARTIES**

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13 4. Petitioner is a citizen of Mexico who has been held in immigration detention since
14 December 5, 2025. After he was arrested by in Portland by DHS agents, the Immigration and
15 Customs Enforcement (“ICE”) Oregon Field Office did not set a bond for his release. Petitioner
16 has continuously resided in the United States since 2015 after entering legally on September 17,
17 2015, with a B-2 tourist visa.

18 5. Respondent, Ms. Kristi Noem, is the Secretary of the Department of Homeland
19 Security. She is responsible for the implementation and enforcement of the Immigration and
20 Nationality Act (“INA”) and oversees ICE, the agency responsible for Petitioner’s detention.
21 Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

1 7. Respondent, Ms. Laura Hermosilla, is the Director of the Seattle ICE Field Office.
2 As such, Ms. Hermosilla is Petitioner's immediate custodian. She is responsible for the
3 apprehension, detention, and removal of noncitizens located within her jurisdiction, and is named
4 in her official capacity.

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

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

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

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

18 **VENUE**
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20 12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
21 500 (1973), venue lies in the United States District Court for the Western District of Washington
22 as it is the judicial district where Petitioner currently is detained.


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

5
6 **REQUIREMENTS OF 28 U.S.C. §§ 2243, 2241**

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

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

1 **FACTUAL BACKGROUND**

2 24. Petitioner, Ivan Medina-Ronulo, a native and citizen of Mexico, entered the
3 United States lawfully with a valid B-2 visitor's visa on September 17, 2015. He made no
4 misrepresentations at his visa interview, and has resided in Beaverton, Oregon since 2015.
5 For the past six years, he has been employed at  restaurant in Beaverton.
6 Petitioner has been in a serious relationship with a U.S. Citizen Itzel Garcia for roughly six
7 months, and the couple became engaged to marry early this fall. Petitioner has had no criminal
8 arrests during his approximate decade in the United States.

9 25 Petitioner was detained by Immigration and Customs Enforcement ("ICE")
10 officers on while driving to work on December 5, 2025. He states that he was not presented with
11 an administrative warrant and has been held in custody at the Northwest Detention ICE
12 Processing Center in Tacoma, Washington since December 6.

13 26. Respondent intends to marry his U.S. citizen fiancée, which would cause him to
14 be eligible for adjustment of status to permanent residency under 8 U.S.C. §1255a. He is not
15 admissibility-barred under any applicable grounds from 8 U.S.C. § 1182.

16
17 **LEGAL FRAMEWORK**

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19 27. Noncitizens in immigration proceedings are entitled to Due Process under the
20 Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

21 28. The Immigration and Nationality Act (INA) establishes various procedures
22 through which individuals may be detained pending a decision on whether the noncitizen is to be
23 removed. *See* 8 U.S.C. § 1226(a).

1 29. Removal proceedings described in section 240 of the INA are used to determine
2 whether individuals, such as Petitioner, should be removed from the United States. *See* 8 U.S.C.
3 § 1229a.

4 30. Immigration detention is a form of civil confinement that “constitutes a
5 significant deprivation of liberty that requires due process protection.” *Addington v. Texas*,
6 441 U.S. 418, 4253 (1979).

7 31. Custody determinations for individuals in 1229a removal proceedings are
8 governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not
9 present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678,
10 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

11 32. Custody determinations under § 1226(a) are individualized and based on the facts
12 presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for
13 detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the
14 facts and circumstances.

15
16 **CLAIMS FOR RELIEF**

17 **COUNT ONE**

18 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A) – Abuse of Discretion**

19 **Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)**

20 33. Petitioner restates and realleges all paragraphs as if fully set forth here.

21 34. Under the APA, a court shall “hold unlawful and set aside agency action” that is
22 an abuse of discretion. 5 U.S.C. § 706(2)(A).

1 35. An action is an abuse of discretion if the agency “entirely failed to consider an
2 important aspect of the problem, offered an explanation for its decision that runs counter to the
3 evidence before the agency, or is so implausible that it could not be ascribed to a difference in
4 view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551
5 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut.*
6 *Auto.Ins. Co.*, 463 U.S. 29, 43 (1983)).

7 36. To survive an APA challenge, the agency must articulate “a satisfactory
8 explanation” for its action, “including a rational connection between the facts found and the
9 choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

10 37. By categorically revoking Petitioner’s freedom and bringing him into federal
11 custody, without consideration of his individualized facts and circumstances, Respondents have
12 violated the APA. They did not appear to have given even a cursory evaluation as to his danger
13 to the community nor the possibility of flight risk. Had they, they might have realized the
14 Petitioner has no criminal history, entered the United States legally on a visa, is engaged to a
15 U.S. citizen, and has been residing in Beaverton for many years, where he’s worked at the same
16 restaurant for six years.

17
18 **COUNT TWO**

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 to
22 move Respondent to a remote facility in the American South. Counsel can attest that many other
23 noncitizens held in Tacoma have been moved in this manner, due to issues with capacity at the

1 Northwest ICE Processing Center. This action would make communication and representation
2 with counsel extremely difficult. Counsel has an established relationship with current counsel as
3 it relates to competent representation in front of the Tacoma immigration court and the Western
4 District. Moving Respondent to another state with nearly no advanced notice and expecting
5 Petitioner, while detained, to locate counsel with familiarity in the District Court and
6 Immigration Court locally is unreasonable to the point of violating the Fifth Amendment Right to
7 Counsel.

8 37. Petitioner is in the process of marrying his U.S. Citizen fiancée while held in
9 detention, and his movement would likely render him eligible for potential adjustment of status
10 to permanent residency. Further, to be married while in immigration custody requires meticulous
11 assistance from local counsel.

12 37. The constitutional right to counsel includes the ability to communicate effectively
13 with one's attorney and to prepare a defense. 8 U.S.C. § 1362; *Usubakunov v. Gonzales*, 16 F.4th
14 1299, 1304-1305 (9th Cir. 2021); *Gomez-Velazco v. Sessions*, 879 F.3d 989,993 (9th Cir. 2018).

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

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

22 PRAYER FOR RELIEF

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

24 a. Assume jurisdiction over this matter;

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VERIFICATION OF PETITIONER

On behalf of Ivan Medina Ronulo, 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. Medina Ronulo has not verified the petition himself as he is currently held in ICE custody.

Dated: December 12, 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

Dated: December 12, 2025

s/ Benjamin Cornell
Benjamin Cornell, WSB #49533