

DETAINED

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6 THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON
8 SEATTLE, WASHINGTON

9 WILLIAM A. BACHES ROCA,

10 *Petitioner,*

11 v.

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

16 *Respondents.*

Case No.: 2:25-cv-02551

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

Agency File Number: 

17 **PETITION FOR WRIT OF HABEAS CORPUS**

18 **INTRODUCTION**

19 1. Petitioner, William Addalberto Baches Roca, is a 40-year-old non-citizen who is
20 in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC). This
21 action challenges the unlawful re-detention of Mr. Baches Roca and his continued unlawful
22 detention for violating Mr. Baches Roca's due process rights.

1 2. Petitioner is a citizen of Guatemala who last entered the United States without
2 inspection or admission in May 2019 with his minor son Julio. Julio was eleven years old at the
3 time. Because Mr. Baches Roca had been removed in 2006 on an *in absentia* removal order from
4 September 2003 when he was a minor, Immigration reinstated his prior order of removal but
5 placed him on an order of supervision in accordance with 8 U.S.C. § 1231(a)(3).

6 3. In the years after his release on an order of supervision, Mr. Baches Roca
7 consistently complied with his order of supervision by presenting himself in person at all
8 scheduled check-in appointments and never violating the terms of his order of supervision. In
9 fact, Mr. Baches Roca has never been arrested or convicted of a crime anywhere in the world.

10 4. Also, while on his order of supervision, Mr. Baches Roca filed an I-360 self-
11 petition under the Violence Against Women Act based on the extreme cruelty he suffered by his
12 U.S. citizen wife. USCIS approved the I-360 self-petition in April 2023 and granted deferred
13 action. USCIS also approved an employment authorization document based on the approved I-
14 360 through March 30, 2025. Mr. Baches Roca filed a renewal of his work permit based his
15 approved I-360, which remains pending.

16 5. Without any notice, cause, or explanation, Mr. Baches Roca was detained by U.S.
17 Immigration and Customs Enforcement officers on July 21, 2025, when he appeared at his
18 scheduled check in. He was later taken to the NWIPC. He has remained detained ever since.

19 6. Before re-detaining him, Respondents did not provide Mr. Baches Roca with any
20 written notice explaining the basis for the revocation of his order of supervision. Nor did they
21 provide a hearing before a neutral decisionmaker where Respondents were required to justify the
22 basis for re-detention or explain why Mr. Baches Roca is a flight risk or danger to the
23 community.

1 7. By revoking the order of supervision without a pre-detention hearing or notice,
2 Respondents violated Mr. Baches Roca's rights under the Immigration and Nationality Act
3 (INA), its implementing regulations, and the Due Process Clause of the Fifth Amendment. Their
4 continuing detention of Mr. Baches Roca is illegal, and Mr. Baches Roca seeks immediate
5 release.

6 JURISDICTION

7 8. Mr. Baches Roca is in the physical custody of Respondents at the NWIPC in
8 Tacoma, Washington.

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

11 10. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9,
12 cl. 2, of the U.S. Constitution. *See INS v. St. Cyr*, 533 U.S. 289 (2001).

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

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

18 VENUE

19 13. Venue in the Western District of Washington is appropriate under 28 U.S.C.
20 § 1391(e)(1) because the petitioner is detained in this judicial district.

21 14. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the
22 Respondents live, work, and/or operate within this judicial district and because the actions which
23 gave rise to this petition took place in Tacoma, Washington, which falls within this judicial
district.

FACTUAL BACKGROUND

1
2 15. William Baches Roca is a 40-year-old non-citizen who is currently detained at the
3 Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement
4 (ICE). NWIPC is a privately owned and operated immigration detention facility run by the GEO
5 Group on behalf of ICE.

6 16. Mr. Baches Roca was born in 1985 in Guatemala. He first entered the United
7 States without being admitted or paroled on March 26, 2003, when he was just seventeen years.
8 He was transferred to a shelter by the Office of Refugee Resettlement. The Department of
9 Homeland Security initiated removal proceedings by filing a Notice to Appear (“NTA”) with the
10 Harlingen Immigration Court. On April 1, 2003, Mr. Baches Roca was released to his older brother
11 Julio who lived in New Jersey. Venue was transferred to the Newark Immigration Court, and a
12 master calendar hearing was scheduled for September 4th, 2003. Unfortunately, dependent on his
13 older brother, Mr. Baches Roca did not appear at his hearing, and the Immigration Judge ordered
14 him removed *in absentia*. Mr. Baches Roca remained in the United States until October 2006,
15 when he was arrested by immigration officers and removed to Guatemala on the outstanding
16 order of removal.

17 17. Mr. Baches Roca resided in Guatemala for over 13 years. He and a previous
18 partner had three children in Guatemala. In May 2019, Mr. Baches Roca fled Guatemala with his
19 oldest son, Julio. They reentered the United States without inspection on May 14, 2019. They
20 were apprehended by Immigration officials. As an alternative to detention, Immigration placed
21 Mr. Baches Roca on an order of supervision in order to care for his minor son.

22 18. Mr. Baches Roca has been consistently checking in with ICE every few months
23 for six years. He has not had any violations.

1 19. It was also during this time that Mr. Baches Roca met his met his ex- wife,
2 Brandy Lou Coffman, a U.S. citizen. Their friendship became romantic, and after seven months
3 of dating, they married and moved in together. Unfortunately, their relationship became toxic as
4 Brandy was emotionally and psychologically abusive towards Mr. Baches Roca. She controlled
5 his finances, prevented him from socializing with others, humiliated him in public, and forced
6 him to have nonconsensual sexual relations. With the help of a prior attorney, Mr. Baches Roca
7 filed an I-360 self-petition under the Violence Against Women Act in June 2020. USCIS
8 approved the I-360 self-petition in April 2023 and granted deferred action. USCIS also approved
9 an employment authorization document based on the approved I-360 through March 30, 2025. In
10 April 2025, Mr. Baches Roca filed a renewal of his work permit based his approved I-360, which
11 remains pending.

12 20. On July 21, 2025, Mr. Baches checked in as usual with ICE. Unexpectedly, ICE
13 detained Mr. Baches Roca. Nothing happened to precipitate the revocation of his order of
14 supervision. Again, ICE acted without any notice or cause.

15 21. Before re-detaining him, Respondents did not provide Mr. Baches Roca with any
16 written notice explaining the basis for the revocation of his order of supervision. ICE transferred
17 Mr. Baches Roca to the Northwest ICE Processing Center in Tacoma later on the day of his
18 arrest. He has been in detention ever since.

19 22. Prior to his arrest, Mr. Baches Roca's U.S. citizen girlfriend, Julia Manzo, had
20 moved into his house. He owned and operated his own construction company. With his earnings,
21 Mr. Baches Roca provided necessary economic support to his three minor children, two in
22 Guatemala and one in the United States. Mr. Baches Roca and Ms. Manzo had just barely started
23 to live their lives together when Mr. Baches Roca was re-arrested. In his absence, Ms. Manzo has
struggled financially to pay the bills, mortgage, and support herself. She has depleted their

1 savings and is requesting the mortgage company lower her monthly payments so she does not
2 default while Mr. Baches Roca is detained.

3 **LEGAL ARGUMENT**

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

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

11 **Mr. Baches Roca’s Due Process Rights were violated when he was re-detained without
12 notice or a hearing before a neutral decision-maker.**

13 25. Due process requires that when Respondents re-arrested Mr. Baches Roca, who
14 has lived in the United States for several years after DHS released him on an order of
15 supervision, was entitled to notice of re-detention and a hearing before a neutral decisionmaker
16 to determine whether any re-detention was justified, and whether he was a flight risk or danger to
17 the community. “It is well established that the Fifth Amendment entitles [noncitizens] to due
18 process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting
19 *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “Freedom from imprisonment—from government
20 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the
21 Due Process] Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This fundamental
22 due process protection applies to all noncitizens, including both removable and inadmissible
23 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 26. 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 27. 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 28. 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 Baches Roca of his due process rights when they re-detained him without providing him with
17 notice or a pre-detention hearing.

18 29. 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. Baches Roca's immediate
3 release due to a lack of notice and a pre-detention hearing.

4 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

5 30. There are no administrative remedies that can provide the relief the petitioner
6 seeks.

7 **IRREPARABLE INJURY**

8 31. Mr. Baches Roca has suffered irreparable injury as a result of his prolonged
9 detention. His physical liberty continues to be restrained, and no just cause for doing so can be
10 specified. In addition, he has been irreparably injured because he has been unavailable to
11 financially support his U.S. citizen partner and his children in the United States and Guatemala.

12 **CLAIMS FOR RELIEF**

13 **FIRST CLAIM FOR RELIEF**

Violation of 8 C.F.R. 241.4(l) and 8 C.F.R. 241.13(i)(3)

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

16 33. The continued detention violates 8 C.F.R. 241.4(l)(1) and 8 C.F.R. 241.13(i)(3),
17 because Mr. Baches Roca not adequately notified of the reasons for the revocation.

18 34. The continued detention violates 8 C.F.R. 241.4(l)(2) because there exist here
19 none of the circumstances permitting revocation of supervision, such as failure to comply with
20 supervision.

21 **SECOND CLAIM FOR RELIEF**

Violation of Due Process

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

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

6 37. Respondents violated Petitioner’s due process rights when they revoked
7 Petitioner’s order of supervision and deprived him of liberty without providing written notice
8 and a meaningful opportunity to be heard by a neutral decisionmaker prior to any re-detention.

9 38. The continued detention violates the petitioner’s right to Due Process under the
10 Fifth Amendment because Respondents violated their own regulations in revoking the order of
11 supervision. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

12 39. Accordingly, Petitioner’s re-detention without notice or a hearing violates the Due
13 Process Clause of the Fifth Amendment.

14 40. Lastly, Petitioner’s continued detention violates Petitioner’s right to Due Process
15 under the Fifth Amendment because removal is not reasonably foreseeable and it is not
16 reasonably related to a legitimate government purpose. *Zadvydas*, 533 U.S. at 690. This
17 detention has no purpose at all.

18 **PRAYER FOR RELIEF**

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

- 20 a. Assume jurisdiction over this matter;
- 21 b. Issue a writ of habeas corpus ordering Respondents to immediately release Mr. Baches
22 Roca from their custody;
- 23

- 1 c. Issue an order preventing Respondents from once again taking Mr. Baches Roca into
2 custody unless they provide him with a notice and a meaningful hearing before detaining
3 him;
- 4 d. Issue an order providing for an award of attorney's fees and costs; and
- 5 e. Grant such other relief as may be just and reasonable.

6 Dated: December 12, 2025.

/s/ Julia C. Hunter

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