

Alicia Vial Beesley
Vida Legal Services
6445 SW Fallbrook Pl #110
Beaverton, OR 97008
(503) 523-0486
alicia@vidalegalservices.com
Pro Hac Vice application pending
Attorney for Petitioner

DETAINED

SHARA SVENDSEN, WSB: 38151
LAW OFFICE OF SHARA SVENDSEN PLLC
shara@svenlaw.com
16300 Mill Creek Blvd. Ste. 206
Mill Creek, WA 98012
Ofc. 425-361-1511
Cell 425-931-1178
Local Counsel
Attorney for Petitioner

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


N.Y.F.S.,

Petitioner,
v.

PAMELA BONDI, United States Attorney
General;
KRISTI NOEM, Secretary of U.S. Department
of Homeland Security;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
LAURA HERMOSILLO, Field Office Director,
ICE Seattle Field Office;
BRUCE SCOTT, Warden, Northwest ICE
Processing Center;

Case No.: 2:25-cv-2556

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

Agency File Number: 

PETITION FOR WRIT OF HABEAS CORPUS

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(503) 523-0486

(CASE NO. 2:25-cv-2556)

MOTION TO PROCEED ANONYMOUSLY

1. Parties may proceed anonymously when special circumstances justify secrecy. *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). In the Ninth Circuit, parties may use pseudonyms “in the unusual case when nondisclosure of the party's identity is necessary to protect a person from harassment, injury, ridicule or personal embarrassment.” *Id.* at 1067-68 (citation, ellipsis and internal quotes omitted). A party may preserve anonymity in “in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity.” *Id.* at 1068.

2. Petitioner has spent years seeking safety from the father of her children, Petitioner seeks to remain anonymous, as to protect herself and her youngest child from him.

INTRODUCTION

1. Petitioner is a 40-year-old woman from Honduras who is a single mother to her four year old U.S. Citizen son. Petitioner is a victim of trafficking and domestic violence.

2. Petitioner has no criminal record.

3. On November 26, 2025, Petitioner was stopped in her car by men who had vests which said “Police”. When stopped Petitioner offered her ID to the officers who refused to look at it. They pulled her from the car and put her in an unmarked car. Once in the unmarked car the men took off the police signs from their vest and told her they were ICE and she was being taken to an ICE facility. They refused to tell her why she was being detained.

4. On information and belief, Petitioner was arrested and detained by Respondents without notice or cause. Respondents did so based not on Petitioner's personal circumstances or individualized facts, but because of Respondents' interpretation of President Trump's order that they "to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History."¹ But Respondents' power to detain remains checked by law, as this country remains "a government of laws and not of men." *Cooper v. Aaron*, 358 U.S. 1, 23 (1958) (Frankfurter, J. Concurring) (cleaned up).

5. Respondents now seek to deport Petitioner without any judicial proceeding. Respondents pursue Petitioner's removal despite the fact that both ICE and Petitioner were unaware of her outstanding removal order until after she was detained. A removal order which was issued to Petitioner in absentia after failing to provide her property notice of a hearing. Now that Petitioner is aware of her removal order she is pursuing the proper remedy to move to reopen and set aside the in absentia removal order.

6. It is unlawful to detain and deport Petitioner without providing her due process of law and an individualized determination as to her custody along with the opportunity to remedy the removal order she only just became aware of.

7. It is also unlawful for Respondents to transfer and deport Petitioner pursuant to the outstanding removal order, evidence of which it obtained through unreasonable seizure. Respondents violated Petitioner's fourth amendment right against such treatment when they

¹ See, "Statement on Immigration Enforcement Actions," June 15, 2025, Administration of Donald J. Trum, 2025, *DCPD Number* DCPD202500695, found at <https://www.govinfo.gov/content/pkg/DCPD-202500695/html/DCPD-202500695.htm#:~:text=ICE%20officers%20are%20herewith%20ordered,mass%20deportation%20program%20in%20history.>

detained her under the guise of Police without a proper warrant and without notice to Petitioner as the reasons she was being detained.

8. Moreover, warrantless arrest without probable cause violates both 8 U.S.C. § 1357, which requires reason to believe the person “is likely to escape” before a warrant could be obtained, and ICE’s own nationwide policy, to which it is bound pursuant to a settlement agreement in *Castañon Nava et al. v. Dep’t of Homeland Sec.*, No. 18-cv-3757 (N.D. Ill.), which requires consideration of specific factors to determine if someone is likely to escape and documentation of these “specific particularized facts” in the I-213.² Pursuant to the October 7, 2025, order of the U.S. District Court for the Northern District of Illinois, Respondent ICE reissued its Broadcast of this policy (hereafter, “Nava Broadcast Policy”) to all ICE officers nationwide on October 22, 2025, with the instruction that the Nava Broadcast Policy shall remain in effect through February 2, 2026. See *id.* at Dkt. 224, 224-1 at ¶ 5.

9. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondents’ detention and removal without judicial process violate her rights.

PARTIES

1. Petitioner N.Y.F.S. is a non-citizen who is currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

² Form I-213, known as a “Record of Deportable/Inadmissible [Noncitizen]” . . . is an ‘official record’ prepared by immigration officials when initially processing a person suspected of being in the United States without legal permission.” *Punin v. Garland*, 108 F.4th 114, 119 (2d Cir. 2024) (cleaned up).

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

3. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official capacity.

4. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity.

5. Respondent Laura Hermosillo is the Field Office Director of the Immigration and Customs Enforcement (“ICE”) Seattle Field Office and is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition. She is sued in her official capacity.

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

JURISDICTION

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

8. 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).

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

10. 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.

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

FACTUAL BACKGROUND

12. Petitioner is a 40 year-old non-citizen who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE).

13. Petitioner is a citizen and national of Honduras whose residence in the U.S. resulted from her attempted escape from the father of her children.

14. Petitioner arrived in Utah and attended a hearing with an Immigration Judge.

15. Petitioner was then forced to flee Utah as the father of her children had discovered where she had fled to.

16. Petitioner has no recollection of a second hearing with a judge and did not have time to obtain counsel as she was fleeing the father of her children. She was ordered removed in absentia and had no notice of this removal order.

17. After suffering years of abuse Petitioner is now raising her four year old son and caring for her young adult nephew on her own.

18. Petitioner works for a cleaning company and rents a little apartment for her son and nephew.

19. On November 26, 2025, Petitioner was detained on her way home from work by Immigration and Customs Enforcement agents (ICE) who stated they were Police. Petitioner attempted to give the police her Identification, but they refused to take it or look at it before dragging her out of the car.

20. The men with Police on their vest then placed her in an unmarked car. Once in the unmarked car, the men who wore Police on their vests took off the Police signs and told her they were with ICE and she was being detained. No one ever asked her name or told her why she was being detained.

21. On information and belief, they did not show a warrant to Petitioner, identify her or identify themselves.

22. Petitioner was taken into ICE custody and once at the Portland ICE facility they ran her fingerprints. The fingerprints showed she had a deportation order. Once ICE discovered the deportation order, they stated that she was being detained because she had a deportation order. They then transferred her to NWIPC.

23. Immediately upon learning of her outstanding removal order, Petitioner has sought to obtain counsel to pursue a motion to reopen her removal proceedings, rescind her removal order, and pursue relief from deportation including through filing an asylum application and application for T-Visa.

24. Petitioner has not been provided any written explanation of her detention, and sees detainees dragged out of their cells and told they are being transferred on a daily basis. She

has stated that the officers do not allow someone to explain or refuse transfers. She fears for the safety of her son without her there to care of him.

25. Petitioner has been away from her son for over two weeks now. Her nephew who is twenty years old, is doing his best to care for him, but has been unable to console him as he cries for his mother. Her nephew is not sure how he will pay for rent or daycare for the child and is doing his best to keep his job while also caring for the child without any support.

26. On information and belief, at no point during the stop did any agent ask any Petitioner any questions about her family, employment, or community ties.

27. On information and belief, at no time during the stop did any officer conduct an individualized assessment of whether Petitioner was a flight risk or a danger to the community.

28. On information and belief, at no time during the stop did the officers conduct an individualized assessment of whether Petitioner was a danger to the community.

29. On information and belief, at the time of their warrantless arrests, Respondents' officers had determined based solely on Petitioners' apparent race and ethnicity that Petitioner was in the United States without status.

30. On information and belief, the agents who stopped and detained Petitioners had no reasonable suspicion that any Petitioner was either a flight risk or unlawfully present in the United States.

31. On information and belief, Respondents detained and will transfer and deport Petitioner regardless of the individual facts and circumstances of Petitioner's case.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

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

IRREPARABLE INJURY

33. Petitioner has suffered irreparable injury as a result of her detention. She has been removed from her ability to provide for her four year old son and her nephew who she cares for. Her physical liberty continues to be restrained, in jail-like conditions, and no just cause for doing so can be specified.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Violation of the Fourth Amendment of the United States Constitution Unreasonable Seizures

34. Petitioner realleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

35. Except at the border and its functional equivalents, the Fourth Amendment to the U.S. Constitution prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States.

36. Likewise, the Fourth Amendment prohibits Respondents from making an arrest without probable cause to believe that a person is a noncitizen unlawfully in the United States. “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.*

37. 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 more demanding standard than reasonable suspicion, race or apparent ethnicity, standing alone, is also necessarily insufficient to form the basis for probable cause.

38. Respondents had no basis to detain the Petitioner nor transport her to the ICE facility and force her to give her fingerprints other than her race and apparent ethnicity. Likewise, Respondents had no basis to arrest Petitioner other than her race and apparent ethnicity. No other salient factors existed to suggest that Petitioner might not be a citizen of the United States. Because Respondents only detained Petitioner because of her race, they did not have reasonable suspicion, and the detention violated the Fourth Amendment.

39. Petitioner was detained by Respondents for questioning despite officers' lack of any reasonable suspicion that Petitioner was unlawfully in the United States. Petitioner was also ultimately arrested despite officers' lack of probable cause to believe that Petitioner was either a flight risk or present unlawfully in the United States.

40. Respondents' stop of Petitioner without reasonable suspicion and arrest of Petitioner without probable cause violate the Fourth Amendment to the U.S. Constitution.

SECOND CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process Procedural Due Process

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

42. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal 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.” permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *accord Reno v. Flores*, 507 U.S. 292, 306 (1993).

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

44. Petitioner’s arbitrary detention not based on a rational and individualized determination of whether he is a safety or flight risk nor considering the merits of his circumstances and his eligibility for relief from deportation, would be a violation of due process.

45. Moreover, Petitioner will be in grave danger if deported to her country as the father of her children will have full access to harm her there without the protection of the law she was able to obtain here in the U.S.

THIRD CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process Procedural Due Process

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

47. Respondent’s stated intent to arbitrarily transfer Petitioner out of the Northwest where she lives and where her four year old son is waiting for her, unlawfully interferes with Petitioner’s right to Due Process by interfering with Petitioner’s access to her retained counsel and her established eligibility to pursue a Trafficking Visa and move to reopen and set aside the inabstentia removal order.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

48. Assume jurisdiction over this matter;

49. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;

50. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

51. Grant any further relief this Court deems just and proper.

Dated: December 12, 2025

/s/ AVB

Alicia Vial Beesley
Vida Legal Services
6445 SW Fallbrook Pl #110
Beaverton, OR 97008
(503) 523-0486
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Attorney for Petitioner

/s/ Shara Svendsen

SHARA SVENDSEN, WSB: 38151
LAW OFFICE OF SHARA SVENDSEN PLLC
shara@svenlaw.com
16300 Mill Creek Blvd. Ste. 206
Mill Creek, WA 98012
Ofc. 425-361-1511
Local Counsel
Attorney for Petitioner

I certify that this petition contains 2744 words, in compliance with the Local Civil Rules.