

Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

HUMBERTO JIMENEZ-PEREZ,

Plaintiff,

v.

PAMELA BONDI, Attorney General of the
United States; KRISTI NOEM, Secretary,
United States Department of Homeland
Security; TODD LYONS, Acting Director for
the U.S. Immigration and Customs Enforcement
(ICE); LAURA HERMOSILLO, Seattle Field
Office Director, U.S. Immigration and Customs
Enforcement; BRUCE SCOTT, Warden of
Immigration Detention Facility; and the
UNITED STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT,

Respondents.

No. 2:25-cv-02631-JLR

AMENDED PETITION FOR WRIT OF
HABEAS CORPUS UNDER 28 USC § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF

I. INTRODUCTION

1. Petitioner Humberto Jimenez-Perez is a 62-year-old national of Cuba who was paroled into the United States in 1980, at 16-and-a-half years old. Mr. Jimenez-Perez is married to a U.S. citizen and has two adult children and a stepson, all of whom are U.S. citizens. Mr. Jimenez-Perez spent most of his life, from his teenage years to last year, in California. Immigration and Customs Enforcement ("ICE") is detaining him at the Northwest ICE Processing Center in Tacoma, Washington.

2. Following convictions for property crimes, an Immigration Judge ordered Mr. Jimenez-Perez removed from the United States to Cuba on February 19, 1998. The U.S.

AMENDED PETITION FOR WRIT OF HABEAS CORPUS UNDER
28 USC § 2241 AND REQUEST FOR INJUNCTIVE RELIEF - 1

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1 government was unable to effectuate his removal to Cuba and, after detaining him for six (6)
2 months, it released Mr. Jimenez-Perez under an Order of Supervision in August 1998. Mr. Jimenez-
3 Perez routinely reported as required under the Order to Supervision. He has lived under the
4 unexecuted removal order for 27 years.

5 3. From 1999 to 2025, Mr. Jimenez-Perez was incarcerated in California for a
6 terroristic threat conviction. On March 7, 2025, Mr. Jimenez-Perez appeared before the Parole
7 Board. The Parole Board granted his release if there were no issues or violations for the next 120
8 days. His projected release date was July 5, 2025.

9 4. On April 3, 2025, Mr. Jimenez-Perez's colon exploded while he was incarcerated
10 at the Correctional Training Facility (CTF) in Soledad, California. Mr. Jimenez-Perez had
11 emergency surgery to repair his colon and was in a coma for six (6) days. Mr. Jimenez-Perez spent
12 eight (8) days at the Natividad Medical Center and was discharged back to CTF with a colostomy
13 bag. Mr. Jimenez-Perez was scheduled for surgery on June 12, 2025 to have his colostomy bag
14 removed.

15 5. On June 10, 2025, ICE suddenly and without notice detained Mr. Jimenez-Perez at
16 CTF in Soledad, California two days before he was going to have a medical operation at Natividad
17 Medical Center to remove the colostomy bag. ICE immediately transported him to the Northwest
18 ICE Processing Center in Tacoma, Washington.

19 6. The Northwest ICE Processing Center booking staff placed Mr. Jimenez-Perez in a
20 cell covered with what appeared to be menstrual blood on the floor. The cell did not have a
21 mattress, so Mr. Jimenez-Perez was forced to sleep on the cement floor for two days.

22 7. After the two days spent on the cement floor of the booking cell, ICE staff moved
23 Mr. Jimenez-Perez to a segregation cell where he was subject to segregation hours. This cell also
24 had no mattress or blanket. Mr. Jimenez-Perez was forced to sleep on the concrete floor, again, for
25 at least seven (7) days.

26 8. Over seven (7) months later, ICE still has not provided Mr. Jimenez-Perez any legal
27 justification for his re-detention, nor is there any indication that they are making meaningful efforts

1 to remove him. Instead, ICE has detained him in unsanitary conditions, states away from his
2 children and supportive extended family and community.

3 9. Mr. Jimenez-Perez's removal to Cuba is not reasonably foreseeable. Upon
4 information and belief, ICE has not obtained a travel document from Cuba, and Cuba has not
5 agreed to accept Mr. Jimenez-Perez. Nor is it clear that any country other than Cuba has agreed
6 to accept him.

7 10. Mr. Jimenez-Perez has critical medical needs that are not being appropriately
8 addressed at the Northwest ICE Processing Center. Although Mr. Jimenez-Perez should have had
9 his colostomy bag removed in June of 2025, he still has it to this day. Since October of 2025, Mr.
10 Jimenez-Perez has been relegated to a wheelchair. He has lost 30-40 pounds since being in ICE
11 custody. He has a hernia in his colon that causes constant pain. He has gone to the Emergency
12 Department on two occasions to treat acute issues, but he does not have a treatment plan to monitor
13 or provide him with day-to-day care for his medical issues. He has become a Type I diabetic
14 requiring insulin injections, which he had never before needed in his life, and has since had vision
15 issues requiring corrective lenses attributed to diabetes. Medical staff at Northwest ICE Processing
16 Center have failed to renew his medications on multiple occasions, so Mr. Jimenez-Perez goes
17 without his prescription medications for days to weeks at a time.

18 11. There is no significant likelihood that Mr. Jimenez-Perez will be removed in the
19 reasonably foreseeable future. Petitioner's continued detention is therefore in violation of
20 *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner seeks (a) release; (b) an order preventing re-
21 detention unless the government establishes by clear and convincing evidence at a hearing before
22 a neutral decisionmaker that Petitioner is a flight risk or a danger to the community, based on
23 changed circumstances after his most recent release by ICE; (c) an order preventing removal to a
24 third country without notice and meaningful opportunity to respond in compliance with the statute
25 and due process in reopened removal proceedings; and (d) an order barring removal to any third
26 country pursuant to Respondents' punitive removal policy.

1 12. Mr. Jimenez-Perez also files this habeas petition to seek his release from custody
2 to stop the punitive punishment of failing to provide him with adequate medical care in violation
3 of the Eighth Amendment.

4 II. JURISDICTION AND VENUE

5 13. This case arises under the Constitution of the United States, the Immigration and
6 Nationality Act (“INA”), 8 U.S.C. § 1101, et seq., and the Administrative Procedures Act (“APA”),
7 5 U.S.C. §§ 500-596, 701-706.

8 14. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, et seq. (habeas
9 corpus), U.S. Const. art. I, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 1331 (federal question), 28
10 U.S.C. § 1346 (United States as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents
11 have waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

12 15. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, et
13 seq.; the Declaratory Judgment Act, 28 U.S.C. § 2201, et seq.; the All Writs Act, 28 U.S.C. § 1651;
14 and the Court’s inherent equitable powers.

15 16. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because
16 Respondents are agencies or officers of agencies of the United States, Respondents reside in this
17 District, Petitioner is detained in this District, and a substantial part of the events or omissions
18 giving rise to Petitioner’s claims occurred in this District.

19 III. PARTIES

20 17. Petitioner Humberto Jimenez-Perez is a citizen of Cuba. He has a final order of
21 removal, with Cuba as the country designated for removal. Petitioner is detained in the control and
22 custody of Respondents at the Northwest ICE Processing Center (“NWIPC”) in Tacoma,
23 Washington. He is a resident of Los Angeles County, California but has been detained at NWIPC
24 since June 10, 2025.

25 18. Respondent Pamela Bondi is the Attorney General of the United States. In this
26 capacity, Respondent Bondi is the legal custodian of Petitioner. Respondent Bondi is sued in her
27 official capacity.

1 19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
2 ("DHS"). In this capacity, Respondent Noem is the legal custodian of Petitioner. Respondent
3 Noem is sued in her official capacity.

4 20. Respondent Department of Homeland Security (DHS) is a federal executive agency
5 responsible for, among other things, enforcing federal immigration laws and overseeing lawful
6 immigration to the United States. Respondent DHS is a legal custodian of Petitioner.

7 21. Respondent Todd Lyons is Acting Director and Senior Official Performing the
8 Duties of the Director of ICE. Respondent Lyons is responsible for ICE's policies, practices, and
9 procedures, including those relating to removal procedures and the detention of immigrants during
10 their removal procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons
11 is sued in his official capacity.

12 22. Respondent ICE is the federal executive agency responsible for the enforcement of
13 immigration laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is
14 a legal custodian of Petitioner.

15 23. Respondent Laura Hermosillo is the Field Office Director for ICE Enforcement and
16 Removal Operations ("ERO") in Seattle, Washington. As the ERO Seattle Field Office Director,
17 she is Petitioner's immediate custodian, responsible for his detention at NWIPC, and the person
18 with the authority to authorize detention or release. Respondent Hermosillo is sued in her official
19 capacity.

20 24. Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
21 functioning of the NWIPC, and has immediate physical custody of Petitioner, pursuant to a
22 contract with ICE to detain noncitizens. Mr. Scott is sued in his official capacity as the Warden of
23 a federal detention facility. *See Juarez v. Asher*, No. C20-700, 2021 WL 1946222, at *3-5 (W.D.
24 Wash. May 14, 2021).

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IV. STATEMENT OF FACTS

A. Petitioner's Facts

1. Biographical Information

25. Petitioner Humberto Jimenez-Perez is a 62-year-old native and citizen of Cuba who was paroled into the United States in 1980.

26. An Immigration Judge ordered Mr. Jimenez-Perez removed from the United States to Cuba on February 19, 1998, in Oakdale, Louisiana.

27. Six (6) months later, in August 1998, Mr. Jimenez-Perez was released from federal custody under an Order of Supervision because the government had been unable to effectuate his removal to Cuba.

28. On June 10, 2025, Immigration and Customs Enforcement ("ICE") re-detained Mr. Jimenez-Perez, weeks before he was to be released from state custody, and two days before a scheduled surgery at Natividad Medical Center in Salinas, California. ICE is currently detaining him at the Northwest ICE Processing Center in Tacoma, Washington.

29. Mr. Jimenez-Perez is married to a U.S. citizen and has two adult children and a stepson who are all U.S. citizens. Since 1980, Mr. Jimenez-Perez spent most of his life, from his teenage years to last year, in California.

30. Mr. Jimenez-Perez's two adult children live in Toledo, Ohio and Albuquerque, New Mexico. His stepson lives in Los Angeles, California.

31. Mr. Jimenez-Perez has a brother in North Carolina, and nephews and nieces in Texas, Florida, and California.

32. Prior to Mr. Jimenez-Perez's incarceration and ICE detention, he worked at Cuban Fish in San Fernando, California. Cuban Fish was a delivery store, selling meat and produce to restaurants in Pasadena. Mr. Jimenez-Perez also painted houses in Glendale, California, and around Los Angeles, California.

1 **2. Mr. Jimenez-Perez's Rehabilitation**

2 33. Mr. Jimenez-Perez served time in prison for crimes committed in Los Angeles,
3 California, in the years 1982, 1992, and 1999. Mr. Jimenez-Perez engaged in stealing from the
4 homes of known drug dealers, and he was convicted of terroristic threats.

5 34. Mr. Jimenez-Perez recognizes the errors of his past behavior and takes full
6 responsibility and accountability for his actions. He acknowledges the harm he caused and regrets
7 some of the life choices he made. Mr. Jimenez-Perez has been committed to pursuing his
8 education, and he has a goal of educating youth groups on how to avoid a life of incarceration with
9 a focus on education.

10 35. Mr. Jimenez-Perez began his prison sentence in 1999 at Wasco California State
11 Prison in Wasco, California. After approximately four (4) weeks, he was transferred to Salinas
12 Valley State Prison.

13 36. Mr. Jimenez-Perez stayed at Salinas Valley State Prison in Soledad, California, for
14 approximately 4 (four) years. He began taking school classes for the AB-1 program to work
15 towards his GED.

16 37. In 2003, Mr. Jimenez-Perez was transferred to Richard J. Donovan Correction
17 Facility in San Diego, California. Mr. Jimenez-Perez continued to attend school and pursue the
18 AB-1 program, and he also began working in janitorial services.

19 38. Beginning in 2006, Mr. Jimenez-Perez served his sentence at Folsom State Prison.
20 While incarcerated there, he completed the janitorial vocation training program in 2007. He
21 continued to take classes towards obtaining a GED. He focused his school classes on English. He
22 worked as a janitor at Folsom State Prison for six (6) months before his transfer to High Desert
23 State Prison in Indian Springs, Nevada.

24 39. Mr. Jimenez-Perez remained at High Desert State Prison for three (3) years. He
25 continued to attend school to complete his AB-1 program. He also continued to work in the
26 janitorial services.

1 40. Since 2013 through 2025, Mr. Jimenez-Perez served his sentence at the
2 Correctional Training Facility (CTF) in Soledad, California. During his incarceration, he worked
3 in the dry-cleaning department. Mr. Jimenez-Perez completed eight (8) programs as he worked
4 towards his personal rehabilitation goals of learning how to make better decisions, end his previous
5 criminal behavior, take accountability, and help people:

- 6 a. Impact to the Victim
- 7 b. Cognitive Behavioral Intervention ("CBI")
- 8 c. Reality Check
- 9 d. Alcoholics Anonymous
- 10 e. Narcotics Anonymous
- 11 f. Domestic Violence
- 12 g. Life Cycle
- 13 h. Criminal Taking (acknowledging criminal background and working towards future
14 goals of rehabilitation and building a new life)

15 41. Since 2014, while at CTF, Mr. Jimenez-Perez had no infractions, write ups, or other
16 corrective actions for over 12 (twelve) years.

17 42. In March of 2025, Mr. Jimenez-Perez had served 26 years of his sentence that was
18 25 years to life. On March 7, 2025, Mr. Jimenez-Perez appeared before the Parole Board. He
19 submitted multiple letters of recommendation for release, including five (5) letters from
20 corrections officers, Francisco Homes (a re-entry support and transitional housing service), and
21 Immigrant House (a program supporting immigrants in Riverside, California). Mr. Jimenez-Perez
22 committed to change his life and apologized for the harm he caused. He committed himself to give
23 back to the community and to continue to pursue his education. The Parole Board granted his
24 release request. Provided Mr. Jimenez-Perez had no violations or other issues for the next 120
25 days, he would be released on July 5, 2025.

1 43. Mr. Jimenez-Perez planned to live at Francisco Homes in Los Angeles, California,
2 a transitional housing facility that would also provide employment opportunities. Mr. Jimenez-
3 Perez hoped to eventually live in North Carolina with his brother and drive a truck for work.

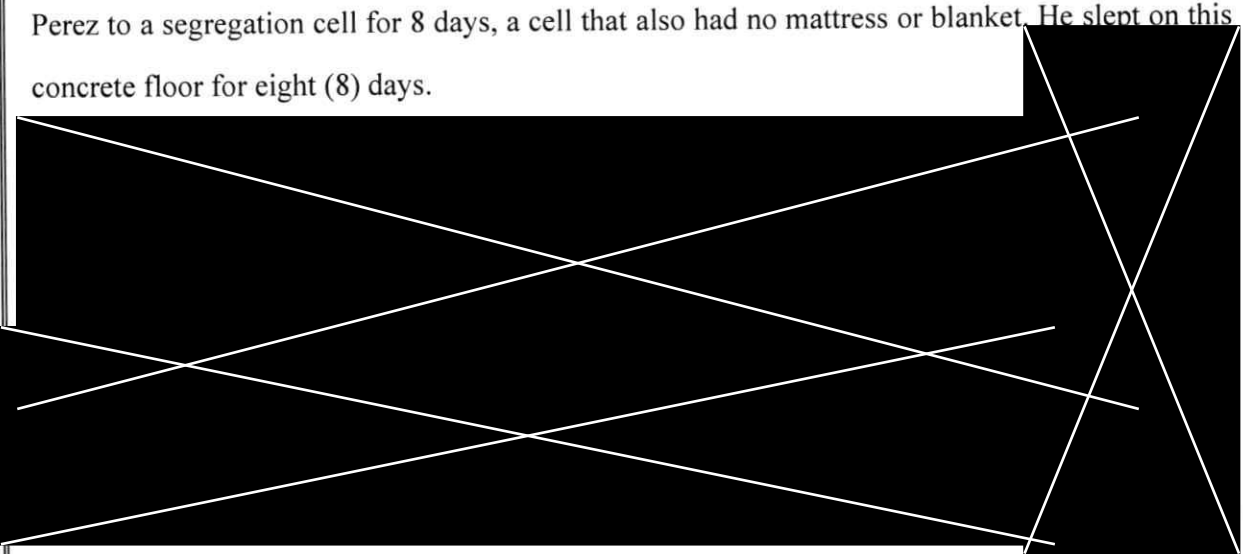
4 44. On April 3, 2025, Mr. Jimenez-Perez's colon exploded while he was incarcerated
5 at CTF.

6 45. Mr. Jimenez-Perez had emergency surgery at Natividad Medical Center to repair
7 his colon. He was in a coma for six (6) days. Mr. Jimenez-Perez spent eight (8) days in the hospital
8 and was discharged back to CTF with a colostomy bag. Mr. Jimenez-Perez was scheduled for
9 surgery on June 12, 2025 to have his colostomy bag removed.

10 46. On June 10, 2025, ICE suddenly and without notice detained Mr. Jimenez-Perez at
11 CTF in Soledad, California two (2) days before he was going to have a medical operation at
12 Natividad Medical Center to remove the colostomy bag, and three (3) weeks before his expected
13 released date from prison. ICE officers assured him that he would get this surgery within the
14 month. At present date, over seven (7) months later, Mr. Jimenez-Perez still has his colostomy bag.

15 **3. Medical Care Issues at the Northwest ICE Processing Center**

16 47. The Northwest ICE Processing Center booking staff placed Mr. Jimenez-Perez in a
17 cell covered with what appears to be menstrual blood on the floor. The cell did not have a mattress,
18 so Mr. Jimenez-Perez was forced to sleep on the floor for days. ICE staff moved Mr. Jimenez-
19 Perez to a segregation cell for 8 days, a cell that also had no mattress or blanket. He slept on this
20 concrete floor for eight (8) days.



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3 49. Since being incarcerated at the Northwest ICE Processing Center, Mr. Jimenez-
4 Perez had significant physical changes. He lost 30-40 pounds. His vision began to blur. He required
5 corrective lenses for the first time in his life. He was urinating with urgency and frequency,
6 sometimes 30-40 times a day. He was diagnosed with a painful hernia in October 2025 or
7 November 2025 after weeks of pain. He was also diagnosed with kidney stones.

8 50. On October 13, 2025, Mr. Jimenez-Perez had a blood sugar of 800 and was admitted
9 to the emergency room. Mr. Jimenez-Perez has never been diabetic. He learned this his weight
10 loss, vision issues, and urination issues were attributed to Type I diabetes. After this emergency
11 medical appointment, Mr. Jimenez-Perez has needed insulin injections every day. He does not
12 have access to a diabetic diet at the Northwest ICE Processing Center.

13 51. Since October 2025, Mr. Jimenez-Perez has been relegated to a wheelchair.

14 52. On December 19, 2025, Mr. Jimenez-Perez had an appointment related to a kidney
15 stone, but he was not evaluated or otherwise treated for his colostomy bag removal, Type I diabetes,
16 or hernia. During transport, a detention center officer chained Mr. Jimenez-Perez around his
17 stomach and handcuffed him. This caused significant pain. Mr. Jimenez-Perez asked for
18 accommodations. Detention staff stated that this method of chaining was "policy" to prevent
19 escape, even though Mr. Jimenez-Perez is 62 years old and in a wheelchair. They denied his
20 accommodation request. For days after, Mr. Jimenez-Perez had significant amounts of blood in his
21 colostomy bag.

22 53. Mr. Jimenez-Perez has gone to the Emergency Department on two occasions to
23 treat acute issues, but he does not have a treatment plan to monitor or ensure he receives day-to-
24 day care for his serious medical needs.

25 54. Mr. Jimenez-Perez currently has 8 (eight) different medications he takes daily
26 (cholesterol, heart, prostate, stomach, digestion, blood pressure, depression, and pain medications).
27 Medical staff at Northwest ICE Processing Center have failed to renew his medications on multiple

1 occasions, so Mr. Jimenez-Perez has gone without his depression and sleep medications for days
2 to weeks at a time.

3 55. At present date, Mr. Jimenez-Perez still has a colostomy bag. He has not seen a
4 medical provider for his colostomy bag since his ICE detention.

5 56. At present date, Mr. Jimenez-Perez receives nightly insulin injections for his
6 diabetes, which he never had before in his life.

7 57. Throughout more than seven (7) months of detention, the Northwest ICE
8 Processing Center has failed to appropriately address Mr. Jimenez-Perez's serious and ongoing
9 medical needs.

10 **4. Petitioner's Removal to Cuba is Not Reasonably Foreseeable**

11 58. At no time since Mr. Jimenez-Perez's re-detention on June 10, 2025, has any ICE
12 officer conducted an initial interview to explain to him the reasons why he was precluded from his
13 anticipated release from California Department of Corrections and Rehabilitation. ICE has not
14 provided him an opportunity to explain why his removal to Cuba is not likely or foreseeable. ICE
15 has not conducted a revocation custody review.

16 59. Upon information and belief, ICE did not have a travel document for Petitioner at
17 the time of his re-detention.

18 60. Upon information and belief, ICE has never asked Petitioner to complete the
19 mandatory D'Viajeros electronic form (a Self-Declaration Form) for Cuba that is required for Cuba
20 to process a request by the United States for a travel document.

21 61. Petitioner had a Cuban passport when he came to the United States in 1980. That
22 same year, he discarded it. Petitioner does not currently possess a birth certificate nor any other
23 identity document from Cuba.

24 62. Petitioner's removal to Cuba is not reasonably foreseeable.

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1 **B. Repatriation to Cuba: History**

2 63. Mr. Jimenez-Perez has been physically present in the United States since 1980
3 when he was 16 and a half years old. Following his removal order in February 1998, the U.S.
4 government was unable to return him to Cuba.

5 64. At the time, Cubans with final removal orders generally could not be removed to
6 Cuba because the Cuban government refused to issue travel documents to would-be deportees due
7 to a decades-long breakdown in diplomatic relations. See Lindsay Daniels, *The End of Special*
8 *Treatment for Cubans in the U.S. Immigration System: Consequences and Solutions for Cubans*
9 *with Final Orders of Removal*, 122 DICK. L. R. 2, 707 (2018),
10 <https://insight.dickinsonlaw.psu.edu/dlr/vol122/iss2/8/> (“Daniels”) at 718.

11 65. Historically, Cuba has been extremely reluctant to accept deportees from the U.S.
12 with criminal records. See Lizette Alvarez & Kristin Hussey, *Cubans Convicted in the U.S. Face*
13 *New Fears of Deportation*, N.Y. Times (Jan. 18, 2015)
14 [https://www.nytimes.com/2015/01/19/us/cubans-convicted-in-the-us-face-new-fears-of-](https://www.nytimes.com/2015/01/19/us/cubans-convicted-in-the-us-face-new-fears-of-deportation.html)
15 [deportation.html \[https://perma.cc/6ANE-23KJ\]](https://perma.cc/6ANE-23KJ) (“Other countries also make it difficult for the
16 United States to deport convicted criminals, but Cuba is one of ‘very few’ that block most
17 deportation orders Among the nations listed in 2011 as ‘recalcitrant,’ as immigration officials
18 call them, are Cambodia, China, India, Iran and Vietnam, and several in the Caribbean.”).

19 66. While political developments in recent years have increased the number of Cubans
20 deported, the number of removals effected continues to remain miniscule compared to the number
21 of outstanding removal orders. See Daniels, *The End of Special Treatment for Cubans in the U.S.*
22 *Immigration System: Consequences and Solutions for Cubans with Final Orders of Removal*, at
23 707 (“There are at least 34,000 Cubans with final orders of removal in the United States, due in
24 large part to criminal convictions.”).

25 67. In fiscal year 2025, ICE reported the arrest of 419 Cuban citizens. U.S. Immigration
26 and Customs Enforcement Administrative Arrest Statistics, <http://www.ice.gov/statistics>
27 [<https://perma.cc/X2AV-89FD>] (accessed January 16, 2026). Within the same fiscal year, only

1 138 Cubans were removed. Of these, only 32 Cubans were listed as having criminal convictions.
2 *Id.*

3 68. Removals have increased in the 2025 calendar year but still are nowhere near the
4 pace required to reasonably process the backlog of individuals with pending removal orders. In
5 calendar year 2025, at least 643 Cuban citizens were removed to Cuba. Deportation Data Project,
6 Data Explorer, <https://deportationdata-ice-removals.share.connect.posit.cloud/>
7 [<https://perma.cc/3UM6-3WVR>] (Dataset last updated in October 2025. Deportation Data Project,
8 <https://deportationdata.org/data/ice.html> [<https://perma.cc/8TLF-TGFR>] (“The most recent
9 release of data covers ICE enforcement actions through mid October 2025.”)

10 69. In addition to these, at least 501 Cuban citizens were removed to third countries,
11 primarily to Mexico. *Id.*; Claire Healy and Syrah Ortiz-Blanes, *Cubans with Criminal Records in*
12 *the U.S. are being Quietly Deported to Mexico*, Miami Herald (Oct. 21, 2025),
13 <https://www.miamiherald.com/news/local/immigration/article312432237.html>
14 [<https://perma.cc/55VV-TMQG>] (“It is unclear how many immigrants from third countries have
15 been deported to Mexico from the interior of the U.S. this year. One shelter in Mexico has
16 registered nearly 350 Cubans, the vast majority long-time U.S. residents, since the beginning of
17 the year.”).

18 70. There is no indication that the Cuban government’s policy of refusing to accept
19 detainees with criminal records has materially changed even as the United States government has
20 begun re-arresting detainees who were previously released under orders of supervision.

21 71. Removal to Cuba is not reasonably foreseeable. ICE has not obtained a travel
22 document from Cuba for Mr. Jimenez-Perez, nor has Cuba agreed to accept Mr. Jimenez-Perez.

23 C. Punitive Banishment to Third Countries

24 72. Since January 2025, Respondents have developed and implemented a policy and
25 practice of removing individuals to third countries, without first following the procedures in the
26 INA for designation and removal to a third country and without providing fair notice and an
27 opportunity to contest the removal in immigration court.

1 73. Respondents reportedly have negotiated with at least 58 countries to accept
2 deportees from other nations. On June 25, 2025, the New York Times reported that seven
3 countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and Rwanda—had
4 agreed to accept deportees who are not their own citizens. Since then, ICE has carried out highly
5 publicized third country deportations to South Sudan, Eswatini, Rwanda, Uganda, and Ghana.

6 74. Punishment and deterrence appear to be the point of the Administration's third
7 country removal scheme. The Administration has reportedly negotiated with countries to have
8 deportees imprisoned in prisons, camps, or other facilities. The government paid El Salvador about
9 \$5 million to arbitrarily and indefinitely imprison more than 200 deported Venezuelans in a
10 maximum-security prison notorious for gross human rights abuses, known as CECOT. In
11 February, Panama and Costa Rica took in hundreds of deportees from countries in Africa and
12 Central Asia and imprisoned them in hotels, a jungle camp, and a detention center. On July 4,
13 2025, ICE deported eight men, including one Vietnamese man, to South Sudan. The men have
14 been detained incommunicado ever since. On July 15, ICE deported five men to the African nation
15 of Eswatini, including one man from Vietnam, where they are reportedly being held in solitary
16 confinement.

17 75. The Administration has hand selected countries known for human rights abuses
18 and instability for these third country deportation agreements to frighten people in the United
19 States into self-deporting or to accept removal to their home countries. Indeed, conditions in
20 South Sudan are so extreme that the U.S. State Department website warns Americans not to
21 travel there, and if they do, to prepare their will, make funeral arrangements, and appoint a
22 hostage-taker negotiator first.

23 76. On July 9, 2025, ICE issued a new memo to staff instructing that when seeking to
24 remove an individual to a country not designated on that person's removal order, that ICE may
25 deport that person without any procedures for notice or an opportunity to be heard if the State
26 Department confirms that it has received diplomatic assurances that individuals will not be
27 persecuted or tortured. If no diplomatic assurances are received, the ICE memo instructs officers

1 to serve on the individual a Notice of Removal that includes the intended country of removal. It
2 instructs officers not to ask whether the individual is afraid of removal to that country. It states
3 that officers should “generally wait at least 24 hours following service of the Notice of Removal
4 before effectuating removal,” but that “[i]n exigent circumstances, [ICE] may execute a removal
5 order six (6) or more hours after service of the Notice of Removal as long as the [noncitizen] is
6 provided reasonable means and opportunity to speak with an attorney prior to removal.”

7 77. The memo further instructs that if the noncitizen “does not affirmatively state a fear
8 of persecution or torture if removed to the country of removal listed on the Notice of Removal
9 within 24 hours, [ICE] may proceed with removal to the country identified on the notice.” If the
10 noncitizen “does affirmatively state a fear if removed to the country of removal” then ICE will
11 refer the case to U.S. Citizenship and Immigration Services (“USCIS”) for a screening for
12 eligibility for withholding of removal and protection under the Convention Against Torture
13 (“CAT”). “USCIS will generally screen within 24 hours.” If USCIS determines that the noncitizen
14 does not meet the standard, the individual will be removed. If USCIS determines that the
15 noncitizen has met the standard, then the policy directs ICE to either move to reopen removal
16 proceedings “for the sole purpose of determining eligibility for [withholding of removal
17 protection] and CAT” or designate another country for removal.

18 78. The government has now carried out numerous third country removals without
19 notice or opportunity to contact family or counsel or make any meaningful fear-based claim. The
20 eight men who were ultimately deported to South Sudan all claimed fear of removal to South
21 Sudan. None of those men were provided a fear screening by a USCIS officer or otherwise, even
22 though they were held by ICE for six weeks on a U.S. military base in Djibouti before their final
23 removal to South Sudan. In a recent third country removal to Ghana, individuals were rounded up
24 by ICE officials in the middle of the night on September 5, 2025, shackled, straightjacketed and
25 put on a U.S. military cargo plane without any notice. They were reportedly not informed where
26 they were being taken until the plane was already in flight.

V. LEGAL FRAMEWORK

A. Post-Removal Order Detention and Re-Detention

79. The INA provides that after a removal order becomes final, the government “shall remove the alien from the United States within a period of 90 days.” 8 U.S.C. § 1231(a)(1)(A). This 90-day period is often referred to as the “initial removal period,” and during it, the government “shall detain the alien.” *Id.* § 1231(a)(2). In some circumstances, federal immigration authorities can continue to detain an alien beyond the initial removal period. Specifically, section 1231(a)(6) allows the government to detain certain enumerated classes of immigrants—including those ordered removed due to criminal convictions—for more than 90 days. *Id.* § 1231(a)(6). In *Zadvydas*, 533 U.S. 678, the Court addressed the question of how long the government can detain an immigrant pursuant to section 1231(a)(6).

80. The *Zadvydas* Court began by rejecting the government’s position that section 1231(a)(6) permitted indefinite detention following the initial removal period. *See id.* It held that “[a] statute [that] permit[ed] indefinite detention of an alien would raise a serious constitutional problem,” *id.* at 690, and instead determined that section 1231(a)(6) “implicitly limits an alien’s detention to a period reasonably necessary to bring about that alien’s removal,” *id.* at 679. Thus, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by [section 1231(a)(6)].” *Id.* at 699.

81. The Court went on to institute a framework that would govern future challenges to section 1231(a)(6) detention. “[F]or the sake of uniform administration in the federal courts,” the Court found that post-removal detention was “presumptively reasonable” for the first six months. *Id.* at 700-01. When that “presumptively reasonable” six-month period ends, aliens seeking release from custody bear the initial burden of providing “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701. Once that initial showing is made, the burden shifts to the government to respond with evidence sufficient to rebut it. *See id.*

82. Upon release from custody, a noncitizen subject to a final order of removal must comply with certain conditions of release. 8 U.S.C. § 1231(a)(3), (6). The revocation of that release

1 is governed by 8 C.F.R. § 241.13(i), which authorizes ICE to revoke a noncitizen's release for
2 purposes of removal.

3 83. ICE may revoke a noncitizen's release and return them to ICE custody due to failure
4 to comply with any of the conditions of release, 8 C.F.R. § 241.13(i)(1), or if, "on account of
5 changed circumstances, the Service determines that there is a significant likelihood that the
6 [noncitizen] may be removed in the reasonably foreseeable future." *Id.* § 241.13(i)(2).

7 84. Upon such a determination by ICE to re-detain, "the alien will be notified of the
8 reasons for revocation of his or her release. [ICE] will conduct an initial informal interview
9 promptly after his or her return to [ICE] custody to afford the alien an opportunity to respond to
10 the reasons for revocation stated in the notification. The [noncitizen] may submit any evidence or
11 information that he or she believes shows there is no significant likelihood he or she be removed
12 in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The
13 revocation custody review will include an evaluation of any contested facts relevant to the
14 revocation and a determination whether the facts as determined warrant revocation and further
15 denial of release." *Id.* § 241.13(i)(3).

16 85. In addition to the regulatory framework, procedural due process does not permit
17 ICE to re-detain an individual it has released on an order of supervision without providing a pre-
18 deprivation hearing on the reasons for re-detention. Individuals released on orders of supervision
19 have a protected liberty interest in remaining in the community on supervision that cannot be taken
20 away without notice and a pre-deprivation hearing. *See, e.g., Zakzouk v. Becerra*, No. 25-cv-
21 06254, 2025 WL 2097470, at *3 (N.D. Cal. July 26, 2025) ("Courts have previously found that
22 individuals released from immigration custody. . . have a protectable liberty interest in remaining
23 out of custody.") (citing cases); *Romero v. Kaiser*, No. 22-cv-02508-TSH, 2022 WL 1443250, at
24 *2 (N.D. Cal. May 6, 2022). Individuals who were previously released from ICE custody on an
25 order of supervision, and then incarcerated in state custody, likewise have a protectable liberty
26 interest in remaining out of ICE custody once their criminal sentence is served.
27

1 86. “[C]ivil immigration detention is permissible only to prevent flight or protect
2 against danger to the community.” *Zadvydas*, 533 U.S. at 690. Once a person has been ordered
3 released and is complying with the conditions of supervision, ICE has no legitimate interest in re-
4 detaining the individual. In the event a travel document is obtained, ICE can notify the individual
5 and facilitate their orderly departure without detention, consistent with ICE’s standard notice of
6 release and order of supervision. The language of ICE’s standard “Release Notification” reads
7 “Once a travel document is obtained, you will be required to surrender to the ICE for removal.
8 You will, at that time, be given an opportunity to prepare for an orderly departure.”

9 **B. Third Country Removals**

10 87. The immigration laws delineate the proper procedures by which a country may be
11 designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in incremental steps.

12 88. First, an individual with a removal order may designate the country to which they
13 want to be removed, and the government *shall* remove the alien to that country. *Id.* §
14 1231(b)(2)(A). The government may disregard that designation if (1) the individual fails to
15 designate a country promptly; (2) the government of that country does not inform the U.S.
16 government finally, within 30 days after the date the U.S. government first inquires, whether the
17 government will accept the individual into that country; (3) the government of the country is not
18 willing to accept the alien into the country; or (4) the government decides that removing the
19 individual to that country is prejudicial to the United States. *Id.* § 1231(b)(2)(C).

20 89. Second, if the individual is not removed to the country they designated under
21 section 1231(b)(2)(A), the government shall remove the individual to the country of which the
22 individual is a “subject, national, or citizen” unless the government of that country does not inform
23 the U.S. government or the individual within 30 days after first inquiry or within another
24 reasonable period of time whether the government will accept the individual into the country or
25 the country is not willing to accept the individual into the country. *Id.* § 1231(b)(2)(D).

26 90. Third, if the individual is not removed to either the country of their designation or
27 the country of which they are a subject, national, or citizen then the government shall remove them

1 to any of the following options: (1) the country from which the individual was admitted to the
2 United States; (2) the country in which is located the foreign port from which the individual left
3 for the United States or for a foreign territory contiguous to the United States; (3) the country in
4 which the individual resided before the individual entered the United States and from which the
5 individual entered the United States; (4) the country in which the individual was born; or (5) the
6 country in which the individual's birthplace is located when the individual was ordered removed.
7 *Id.* § 1231(b)(2)(E). Only "[i]f impracticable, inadvisable, or impossible" to remove the individual
8 to any of these countries may the government remove the individual to "another country whose
9 government will accept [them] into that country." *Id.* § 1231(b)(2)(E)(vii).

10 91. Notwithstanding any of these procedures, the statute prohibits removal to a third
11 country where a person may be persecuted or tortured, a form of protection known as withholding
12 of removal. *See id.* § 1231(b)(3)(A). The government "may not remove [a noncitizen] to a country
13 if the Attorney General decides that the [noncitizen's] life or freedom would be threatened in that
14 country because of the [noncitizen's] race, religion, nationality, membership in a particular social
15 group, or political opinion." *Id.*; *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is
16 a mandatory protection.

17 92. Similarly, Congress codified protections enshrined in the Convention Against
18 Torture (CAT) prohibiting the government from removing a person to a country where they would
19 be tortured. *See* FARRA 2681-822 (codified as 8 U.S.C. § 1231 note) ("It shall be the policy of
20 the United States not to expel, extradite, or otherwise effect the involuntary return of any person
21 to a country in which there are substantial grounds for believing the person would be in danger of
22 being subjected to torture, regardless of whether the person is physically present in the United
23 States."); 28 C.F.R. § 200.1; *id.* §§ 208.16-208.18, 1208.16-1208.18. CAT protection is also
24 mandatory.

25 93. To comport with the requirements of due process, the government must provide
26 notice of the third country removal and an opportunity to respond. Due process requires "written
27 notice of the country being designated" and "the statutory basis for the designation, i.e., the

1 applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1019 (W.D. Wash.
 2 2019); *see also D.V.D. v. U.S. Dep’t of Homeland Sec.*, No. 25-cv-10676-BEM, 2025 WL
 3 1453640, at *1 (D. Mass. May 21, 2025) (“All removals to third countries, i.e., removal to a
 4 country other than the country or countries designated during immigration proceedings as the
 5 country of removal on the non-citizen’s order of removal, must be preceded by written notice to
 6 both the non-citizen and the non-citizen’s counsel in a language the non-citizen can understand.”
 7 (citation omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process requires
 8 notice to the noncitizen of the right to apply for asylum and withholding to the country where they
 9 will be removed). The government must be able to show evidence that the third country will accept
 10 the individual into that country. *See Himri v. Ashcroft*, 378 F.3d 932, 939 (9th Cir. 2004) (when
 11 “at the time the government proposes a country of removal pursuant to § 1231(b)(2)(E)(vii), the
 12 government must be able to show that the proposed country will accept the [individual]”).

13 94. Due process also demands that the government “ask the noncitizen whether he or
 14 she fears persecution or harm upon removal to the designated country and memorialize in writing
 15 the noncitizen’s response. This requirement ensures DHS will obtain the necessary information
 16 from the noncitizen to comply with section 1231(b)(3) and avoids [a dispute about what the officer
 17 and noncitizen said].” *Aden*, 409 F. Supp. 3d at 1019; *cf. D.V.D.*, 2025 WL 1453640, at *1
 18 (“Following notice, the individual must be given a meaningful opportunity, and a minimum of ten
 19 days, to raise a fear-based claim for CAT protection prior to removal.” (emphasis omitted)).

20 95. If the noncitizen claims fear, measures must be taken to ensure that the noncitizen
 21 can seek asylum, withholding, and relief under CAT before an immigration judge in reopened
 22 removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring the government to move to
 23 reopen the noncitizen’s immigration proceedings if the individual demonstrates “reasonable fear”
 24 and to provide “a meaningful opportunity, and a minimum of fifteen days, for the non-citizen to
 25 seek reopening of their immigration proceedings” if the noncitizen is found to not have
 26 demonstrated “reasonable fear”); *Aden*, 409 F. Supp. 3d at 1019 (requiring notice and time for a
 27 respondent to file a motion to reopen and seek relief).

1 96. Finally, notice of the country to which the noncitizen will be removed must not be
2 “last minute” because that would deprive an individual of a meaningful opportunity to apply for
3 fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They must have time to prepare
4 and present relevant arguments and evidence and to seek reopening of their removal case.

5 **C. Punitive Removal Practices**

6 97. It is bedrock law that the U.S. government may not impose or inflict an infamous
7 punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court ruled that
8 while deportation itself was not a punishment, the government could not attach punitive conditions
9 to deportation—in that case, imprisonment at hard labor—absent a criminal charge, trial in a court
10 of law, and the protections of the Fifth, Sixth, and Eighth Amendments. *Wong Wing v. United*
11 *States*, 163 U.S. 228, 237 (1896).

12 98. Importantly, the Court drew a distinction between deportation, which the Court
13 reasoned is “not a ‘banishment,’ in the sense in which that word is often applied to the expulsion
14 of a citizen from [her] country by way of punishment,” and government actions aimed at
15 punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236. The Court
16 explained that deportation “is but a method of enforcing the return to [her] own country of an
17 alien who has not complied with the conditions upon the performance of which the government
18 of the nation, acting within its constitutional authority and through the proper departments, has
19 determined that [her] continuing to reside here shall depend.” *Id.* (quoting *Fong Yue Ting v.*
20 *United States*, 149 U.S. 730 (1893)). But the Court admonished that the government may not
21 “declare unlawful residence within the country to be an infamous crime, punishable by
22 deprivation of liberty and property . . . unless provision were made that the fact of guilt should
23 first be established by a judicial trial.” *Id.* at 237.

24 99. Deportation of individuals to third countries to be imprisoned or harmed is
25 unquestionably punishment.
26
27

VI. CLAIMS FOR RELIEF

COUNT ONE

Unlawful and Unconstitutionally Prolonged Re-Detention (*Zadvydas v. Davis*, 533 U.S. 678 (2001))

Violation of the Fifth Amendment Due Process Clause and 8 U.S.C. § 1231(a)

100. The allegations in the above paragraphs are realleged and incorporated herein.

101. The government's detention of Petitioner is unconstitutionally punitive because the law does not allow the government to detain (or re-detain) a person in immigration custody who is not a flight risk or danger to society. Petitioner is categorically neither. For 26 years, Petitioner has never fled from ICE; rather, he reported as required under his order of supervision until entering state custody. While incarcerated in California, he sought out education, programming, and had no infractions, write ups, or other corrective actions as of 2014.

102. Because Petitioner's removal order became final on February 19, 1998, the removal period has long since expired, and detention is no longer required under 8 U.S.C. § 1231. In addition, the presumptively reasonable period of six months has passed.

103. The government's detention of Petitioner is unconstitutionally indefinite.

104. There is "good reason to believe that there is no significant likelihood of removal [to Cuba] in the reasonably foreseeable future[.]" *Zadvydas*, 533 U.S. at 701. Petitioner has already spent cumulatively over 13 (thirteen) months in immigration custody during which time the government has been unable to remove him. As the reasonably presumptive period of six months for post-order detention has elapsed—including over seven (7) months since Petitioner's re-detention—ICE has no authority under the detention statute or the Constitution to continue detaining Mr. Jimenez-Perez. Moreover, civil immigration detention is only authorized if a person is a flight risk or a danger to the community. Mr. Jimenez-Perez is neither.

105. Upon information and belief, Respondents do not have agreement from Cuba to repatriate Petitioner and have not secured travel documents for him. There is no evidence that Cuba will issue a travel document.

106. As the removal period and *Zadvydas* grace period long ago expired, *Tran*, 2025 WL 3140462, at *3, the burden is on the government to show that Petitioner can be removed in the reasonably foreseeable future. The government cannot meet that burden under the facts of this case. *See Nguyen v. Scott*, No. CV25-1398, 2025 WL 2419288, at *28–29 (W.D. Wash. Aug. 21, 2025) (granting preliminary injunction requiring release under *Zadvydas*); *Tang*, 2025 WL 2637750, at *6 (same).

107. For all these reasons, the Court should order Mr. Jimenez-Perez's immediate release.

COUNT TWO

Unlawful Re-Detention: Failure to Comply with Regulations

Violation of 8 C.F.R. § 241.13(i)(3) and the Administrative Procedures Act

108. The allegations in the above paragraphs are realleged and incorporated herein.

109. Respondents' re-detention of Petitioner Humberto Jimenez-Perez violates his rights guaranteed by 8 C.F.R. § 241.13(i)(3); and the APA.

110. Respondents violated governing regulations for revoking Petitioner's conditions of release. Respondents are required to follow their own regulations. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954).

111. Respondents have not complied with their obligations under 8 C.F.R. § 241.13(i)(3) and therefore Petitioner is entitled to release. Respondents did not conduct the required initial informal interview, and Respondents did not afford Petitioner an opportunity to respond. His re-detention was therefore contrary to Respondents' regulations and unlawful.

112. For all these reasons, the Court should order Mr. Jimenez-Perez's immediate release.

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COUNT THREE

Third Country Removal

**Violation of the Fifth Amendment, 8 U.S.C. § 1231, Convention Against Torture,
Implementing Regulations, and the APA**

113. The allegations in the above paragraphs are realleged and incorporated herein.

114. The Fifth Amendment, the INA, the CAT, and implementing regulations mandate meaningful notice and opportunity to respond to any attempt to remove Petitioner to a third country in reopened removal proceedings. They also require an opportunity for Petitioner to make a fear-based claim against removal to a third country in reopened removal proceedings. Respondents' policy for third country removals violates all of these laws because it directs ICE agents to remove individuals to third countries without any notice or process at all where diplomatic assurances are received and, where no diplomatic assurances are received, to provide flagrantly insufficient notice (6-24 hours) and opportunity to respond, in violation of the statute, regulations, and Fifth Amendment.

115. Prior to any third country removal, Petitioner must be provided with constitutionally and statutorily compliant notice and an opportunity to respond and contest that removal if she has a fear of persecution or torture in that country in reopened removal proceedings.

COUNT FOUR

Punitive Third Country Banishment

Violation of Fifth and Eighth Amendments

116. The allegations in the above paragraphs are realleged and incorporated herein.

117. Under the Fifth Amendment of the U.S. Constitution, no person shall "be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury;" "be subject for the same offence to be twice put in jeopardy of life or limb;" or "be deprived of life, liberty, or property, without due process of law."

118. The Eighth Amendment provides that no "cruel and unusual punishments" may be inflicted.

1 119. The U.S. Supreme Court long ago held that the government may not inflict upon
2 individuals an “infamous punishment” in addition to deportation, as a penalty for an immigration
3 violation, absent criminal charges, a judicial trial, and attendant constitutional protections. *Wong*
4 *Wing*, 163 U.S. at 236-38.

5 120. Petitioner was convicted and was weeks away from completing his sentence. His
6 conviction made him removable from the United States, but his convictions do not authorize the
7 government to inflict, as a matter of executive policy and discretion, additional punishment on
8 him. Respondents’ third country removal program is punitive in nature and execution. The
9 government has arranged for third countries to receive deportees and imprison them on arrival,
10 possibly indefinitely and often in abhorrent conditions. It has selected countries notorious for
11 human rights abuses and instability for third country removal arrangements. It has targeted
12 individuals with criminal convictions for third country removals where they will be imprisoned
13 and harmed and publicly broadcast those removals to demonize and dehumanize the individuals
14 subjected to these practices and strike fear in the immigrant community to send a message of
15 retribution and deterrence. Respondents’ third country removal program is more than a publicity
16 stunt. The hundreds of individuals who have already been subjected to it have been banished in
17 foreign prisons upon arrival without charge and often without communication with the outside
18 world, including their families and lawyers.

19 121. Respondents may not subject Petitioner to its third country removal program
20 designed to impose a severe punishment on its subjects. *See id.* Such conduct “shocks the
21 conscience” under Fifth Amendment substantive due process, is cruel and unusual punishment,
22 and may not be imposed without charge and a judicial trial.

23 122. Respondents may not seek to remove Petitioner to a third country under their
24 punitive banishment policy and practices.

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COUNT FIVE

Denial of Adequate Medical Care and Impermissibly Punitive Immigration Detention

Conditions

Violation of the Eighth Amendment and Fifth Amendment

123. The allegations in the above paragraphs are realleged and incorporated herein.

124. The Eighth Amendment states, “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

125. Immigration detention is limited to the narrow nonpunitive purpose of effectuating a removal order and cannot be punitive. The U.S. Supreme Court long ago held that the government may not inflict upon individuals an “infamous punishment” in addition to deportation, as a penalty for an immigration violation, absent criminal charges, a judicial trial, and attendant constitutional protections. *Wong Wing*, 163 U.S. at 236-38.

126. Petitioner was convicted and was on the verge of completing his sentence. His conviction made him removable from the United States, but his conviction does not authorize the government to inflict, as a matter of executive policy and discretion, additional punishment on him. By holding Petitioner indefinitely in custody, and by denying Petitioner adequate medical care for his serious medical needs, Respondents have engaged in cruel and unusual punishment and have violated Petitioner’s substantive due process rights.

127. ICE transferred Petitioner to the Northwest ICE Processing Center two days before a scheduled surgery to remove his colostomy bag. Although Mr. Jimenez-Perez should have had his colostomy bag removed in June of 2025, he still has it to this day. Given the denial of adequate medical care, since October of 2025, Mr. Jimenez-Perez has been relegated to a wheelchair. He has lost 30-40 pounds. Petitioner has a hernia in his colon that causes constant pain. Mr. Jimenez-Perez receives treatment only for emergency or acute issues, but he does not have a treatment plan to monitor or provide him with day-to-day care for his serious medical issues. He has become a Type I diabetic requiring insulin injections, which he had never before needed in his life, and has since had vision issues requiring corrective lenses attributed to the diabetes. Medical staff at

1 Northwest ICE Processing Center have failed to renew his medications on multiple occasions, so
2 Mr. Jimenez-Perez goes without his prescription medications for days to weeks at a time.

3 128. By failing to provide time and appropriate medical care to Petitioner, and because
4 Petitioner remains indefinitely in custody, Respondents have engaged in cruel and unusual
5 punishment and a violation of substantive due process in violation of the Eighth Amendment and
6 Fifth Amendment.

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Petitioner respectfully requests that this Honorable Court:

9 A. Assume jurisdiction over this action;

10 B. Order Respondents to immediately release Petitioner from custody;

11 C. Enjoin Respondents from re-detaining Petitioner unless Petitioner violates the
12 conditions of his Order of Supervision or Respondents obtain a travel document from Cuba,
13 provide Petitioner (and his counsel) the travel document, and give him two months to leave on his
14 own and he does not leave;

15 D. Enjoin Respondents from removing or seeking to remove Petitioner to a third
16 country without notice and meaningful opportunity to respond in compliance with the statute and
17 due process in reopened removal proceedings;

18 E. Enjoin Respondents from removing Petitioner to any third country because
19 Respondents' third-country removal program seeks to impose unconstitutional punishment on its
20 subjects, including imprisonment and other forms of harm;

21 F. Award costs and reasonable attorney fees under the Equal Access to Justice Act, 28
22 U.S.C. § 2412; and

23 G. Order all other relief that the Court deems just and proper.

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AMENDED PETITION FOR WRIT OF HABEAS CORPUS UNDER
28 USC § 2241 AND REQUEST FOR INJUNCTIVE RELIEF - 27

No. 2:25-cv-02631-JLR

MACDONALD HOAGUE & BAYLESS
705 Second Avenue, Suite 1500
Seattle, Washington 98104
Tel 206.622.1604 Fax 206.343.3961

Respectfully submitted,

DATED this 23rd day of January, 2026.

MacDONALD HOAGUE & BAYLESS

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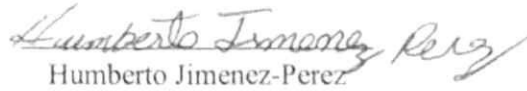
Attorney for Plaintiff

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VERIFICATION

Pursuant to Local Court Rule 100(c), I, Humberto Jimenez-Perez, verify that the facts set forth therein are true and correct to the best of my knowledge.

DATED: January 22, 2026.


Humberto Jimenez-Perez

CERTIFICATE OF SERVICE

I, Andrew Drake, declare under penalty of perjury under the laws of the United States of America that I caused to be served in the manner noted below a copy of the document entitled Petition for Writ of Habeas Corpus Under 28 USC § 2241 and Request for Injunctive Relief on the following participant(s):

CHARLES NEIL FLOYD United States Attorney Katherine G. Collins, CA # 315903 Assistant United States Attorney United States Attorney's Office Western District of Washington 700 Stewart Street, Suite 5220 Seattle, WA 98101-1271 Phone: (206) 553-7970 Fax: (206) 553-4067 Katherine.Collins@usdoj.gov <i>Attorney(s) for Respondent(s)</i>	☐ via facsimile ☐ via overnight mail ☐ via first-class U.S. mail ☐ via hand delivery ☒ via Court ECF system ☐ via email: <i>pursuant to the stipulation of electronic service</i>
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DATED this 23rd day of January, 2026, at Seattle, Washington.

/s/Andrew Drake
 Andrew Drake, Legal Assistant