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5  
6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON

8 Mihail PETROV

9 Petitioner,

10 v.

11 Cammilla WAMSLEY, Seattle Field Office  
12 Director, Enforcement and Removal Operations,  
United States Immigration and Customs  
13 Enforcement (ICE); Bruce SCOTT, Warden,  
Northwest ICE Processing Center; Kristi  
14 NOEM, Secretary, United States Department of  
Homeland Security; Pamela BONDI, United  
15 States Attorney General; UNITED STATES  
DEPARTMENT OF HOMELAND  
16 SECURITY;

17 Respondents.

Case No. 2:25-cv-2647

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

AGENCY FILE NO:



1 INTRODUCTION

2 1. This case challenges the unlawful re-detention of Mr. Mikhail PETROV (Mr. Petrov)  
3 (Mr. Petrov), a 33 year-old native of Moldova who came to the United States to seek asylum with his  
4 family in November of 2023.

5 2. Mr. Petrov presented himself at a port of entry with his wife and two children. They  
6 were detained for about a day and released with ankle monitors.

7 3. After several weeks with the ankle monitor Mr. Petrov was placed on an Intensive  
8 Supervision Appearance Program (ISAP) which required regular check-ins and uploading a photo  
9 on the ISAP application. Mr. Petrov complied with all of these requirements. He was required to do  
10 in-person check-ins every two week.s

11 4. Mr. Petrov's wife Catalina gave birth to a third child here in the U.S. and she his  
12 currently pregnant with the couple's forth child.

13 5. Mr. Petrov was given a credible fear interview with USCIS, who found he was not  
14 likely to qualify for asylum. That decision was reviewed and *reversed* by Immigration Judge Brett  
15 Parchert on December 15, 2023. The Immigration Judge then sent the case back to DHS in order  
16 to initiate removal proceedings. DHS failed to schedule them for a subsequent removal hearing.

17 6. On December 18, 2025 Mr. Petrov was arrested at his regular ISAP check-in. He was  
18 not given a reason or explanation.

19 7. Before re-detaining him on December 18, Respondents did not provide Mr. Petrov  
20 with any written notice explaining the basis for detention, nor was a warrant or other evidence  
21 provided to counsel. The Respondents did not provide a hearing before a neutral decisionmaker  
22 where ICE was required to justify the basis for re-detention or explain why Mr. Petrov is a flight risk  
23 or danger to the community.

1 8. As this Court has recently held in multiple cases, due process demands a hearing *prior*  
2 to the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, --- F. Supp. 3d  
3 --- No. C25-1192-KKE, 2025 WL 2402130, at \*2–6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*  
4 *Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at \*2–4 (W.D. Wash.  
5 Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at \*7-  
6 –9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089,  
7 at \*2–4 (W.D. Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-  
8 cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13. Many other courts have recently held the  
9 same.

10 9. By failing to provide such a hearing, Respondents have violated Mr. Petrov's  
11 constitutional right to due process.

12 10. Accordingly, this Court should grant the instant petition for a writ of habeas corpus  
13 and order his immediate release. *See E.A. T.-B.* 2025 WL 2402130, at \*6 (ordering immediate release  
14 because “a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is  
15 after the fact and cannot prevent an erroneous deprivation of liberty”); *Ramirez Tesara*, at \*4 (similar);  
16 *Kumar*, 2025 WL 2677089, at \*3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at \*9 (similar).

## 17 JURISDICTION

18 11. This action arises under the Constitution of the United States and the Immigration  
19 and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

20 12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus),  
21 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution  
22 (Suspension Clause).  
23

1 13. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241  
2 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.  
3 § 1651.

#### 4 VENUE

5 14. Venue is proper because Mr. Petrov is in Respondents' custody at the NWIPC in  
6 Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–  
7 500 (1973), venue lies in the judicial district in which Mr. Petrov currently is in custody.

8 15. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
9 Respondents are employees, officers, and agencies of the United States, and because a substantial  
10 part of the events or omissions giving rise to the claims occurred in the Western District of  
11 Washington.

#### 12 REQUIREMENTS OF 28 U.S.C. § 2243

13 16. The Court must grant the petition for writ of habeas corpus or issue an order to  
14 show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief.  
15 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within  
16 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

17 17. Habeas corpus is “perhaps the most important writ known to the constitutional  
18 law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or  
19 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the  
20 attention and displaces the calendar of the judge or justice who entertains it and receives prompt  
21 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th  
22 Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954)  
23 (habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to insure  
expeditious hearing and determination”).

**PARTIES**

18. Mr. Petrov is a 33-year-old native of Moldova. He is detained at the NWIPC.

19. Respondent Cammilla Wamsley is the Field Office Director for ICE’s Seattle Field Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens charged with being removable from the United States. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Wamsley is a legal custodian of Petitioner and is sued in her official capacity.

20. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

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

22. Respondent Pamela Bondi is the Attorney General of the United States, and as such has authority over the Department of Justice. She is sued in her official capacity.

23. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE.

**FACTUAL BACKGROUND**

24. Mr. Petrov is a 33-year-old native of Moldova.

25. He came to the United States in November of 2023 to seek asylum with his wife and children. They were briefly detained at the border and released.

26. Mr. Petrov and his family have fully complied with all hearings, filing deadlines, and other requirements imposed by the respondents.

1 27. Mr. Petrov and his family were initially detained by immigration officials in  
2 November of 2023 when they requested asylum. They were released into the United States to seek  
3 asylum and later ordered by an immigration judge to be placed in removal proceedings.

4 28. Mr. Petrov was detained at a routine ISAP check-in on December 18. .

5 29. Prior to Mr. Petrov's re-arrest, he did not receive written notice of the reason for his  
6 re-detention.

7 30. Prior to Mr. Petrov's re-arrest, ICE did not assess whether Mr. Petrov presented a  
8 flight risk or danger to the community, or whether her re-arrest was justified for some other reason.

9 31. Prior to Mr. Petrov's re-detention, he never received a hearing before a neutral  
10 decisionmaker to determine if her re-detention is justified.

## 11 LEGAL FRAMEWORK

### 12 Due Process Principles

13 32. Due process requires that if DHS seeks to re-arrest a person like Mr. Petrov--who  
14 has lived in the United States without incident since his release from immigration custody in  
15 November of 2023, the government must afford a hearing before a neutral decisionmaker to  
16 determine whether any re-detention is justified, and whether the person is a flight risk or danger to  
17 the community.

18 33. "Freedom from imprisonment—from government custody, detention, or other  
19 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause."  
20 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the "the most  
21 elemental of liberty interests." *E.A. T.-B.*, 2025 WL 2402130, at \*3 (citation modified); *see also*  
22 *Ramirez Tesara*, 2025 WL 2637663, at \*3 (stating that the petitioner had "an exceptionally strong  
23 interest in freedom from physical confinement").

1 34. 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 U.S.  
3 471, 482 (1972).

4 35. Such liberty is protected by the Fifth Amendment because, “although indeterminate,  
5 [it] includes many of the core values of unqualified liberty,” such as the ability to be gainfully  
6 employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released  
7 individual] and often on others.” *Id.*

8 36. To protect against arbitrary re-detention and to ensure the right to liberty, due  
9 process requires “adequate procedural protections” that test whether the government’s asserted  
10 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally  
11 protected interest in avoiding physical restraint.” *Zadydas*, 533 U.S. at 690 (citation modified).

12 37. Due process thus guarantees notice and an individualized hearing before a neutral  
13 decisionmaker to assess danger or flight risk before the revocation of an individual’s release. *Goldberg*  
14 *v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is the  
15 opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation modified)); *see*  
16 *also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether there is  
17 probable cause or reasonable ground to believe that the arrested parolee has committed . . . a  
18 violation of parole conditions” and that such determination be made “by someone not directly  
19 involved in the case” (citation modified)).

20 38. Several courts, including this one, have recognized that these principles apply with  
21 respect to the re-detention of the many noncitizens that DHS has arbitrarily begun taking back into  
22 custody, often after such persons have been released for months and years.

23 39. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319  
(1976), framework to hold that even in a case where the government asserted that mandatory

1 detention initially applied, a person's re-detention could not occur absent a hearing. The Court did  
2 the same in *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez*. See *Ramirez Tesara*, 2025 WL 2637663, at  
3 \*2–3; *Kumar*, 2025 WL 2677089, at \*2–3; *Ledesma Gonzalez*, 2025 WL 2841574, at \*7–8.

4 40. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner  
5 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL 2402130,  
6 at \*3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The Court  
7 further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty  
8 without a hearing was high because a hearing serves to ensure that the purposes of detention—the  
9 prevention of danger and flight risk—are properly served. *Id.* at \*4–5. Finally, the Court explained  
10 that “the Government’s interest in re-detaining non-citizens previously released without a hearing is  
11 low: although it would have required the expenditure of finite resources (money and time) to  
12 provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him,  
13 those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.”  
14 *Id.* at \*5. As a result, this Court ordered the petitioner’s immediate release. *Id.* at \*6.

15 41. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned  
16 that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of  
17 the due process clause.” 2025 WL 2637663, at \*3. When examining the value of additional  
18 safeguards, the Court also noted that despite the government’s allegations of ISAP violations, “the  
19 fact that the Government may believe it has a valid reason to detain Petitioner does not eliminate its  
20 obligation to effectuate the detention in a manner that comports with due process.” *Id.* at \*4  
21 (quoting *E.A. T.-B.*, 2025 WL 2402130, at \*4). Finally, the Court reasoned that any government  
22 interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court  
23 ordered the petitioner’s immediate release. *Id.* at \*5.

1 42. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again holding that  
2 all three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at  
3 \*3–4; 2025 WL 2841574, at \*7–9; *see also* Report & Recommendation, *Lopez Reyes*, No. 2:25-cv-  
4 01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13 (same).

5 43. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez* are  
6 consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v.*  
7 *Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate  
8 release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-  
9 05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-  
10 00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-  
11 CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

12 44. The same framework and principles apply here and compel Mr. Petrov’s immediate  
13 release.

14 **CLAIM FOR RELIEF**  
15 **Violation of Fifth Amendment Right to Due Process**  
16 **Procedural Due Process**

17 45. Mr. Petrov restates and realleges all the prior paragraphs as if fully set forth herein.

18 46. Due process does not permit the government to re-detain Mr. Petrov and strip him  
19 of his liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to  
20 determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at  
21 487–88. Such written notice and a hearing must occur *prior* to any re-detention.

22 47. Respondents revoked Mr. Petrov’s release and deprived him of liberty without  
23 providing him written notice and a meaningful opportunity to be heard by a neutral decisionmaker  
prior to his re-detention.

1 48. Accordingly, Mr. Petrov's re-detention violates the Due Process Clause of the Fifth  
2 Amendment.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Mr. Petrov respectfully requests that this Court:

- 5 (1) Assume jurisdiction over this matter;
- 6 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as  
7 to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering  
8 that they not transfer Mr. Petrov out of this district during the pendency of the court's  
9 adjudication of this petition;
- 10 (3) Issue a Writ of Habeas Corpus ordering Respondents to Mr. Petrov from custody  
11 immediately and permanently enjoining his re-detention during the pendency of his  
12 removal proceeding absent written notice and a hearing prior to re-detention where  
13 Respondents must prove by clear and convincing evidence that she is a flight risk or  
14 danger to the community and that no alternatives to detention would mitigate those  
15 risks;
- 16 (4) Declare that Mr. Petrov's re-detention while removal proceedings are ongoing without  
17 first providing an individualized determination before a neutral decisionmaker violates  
18 the Due Process Clause of the Fifth Amendment;
- 19 (5) Award Mr. Petrov's attorney's fees and costs under the Equal Access to Justice Act, and  
20 on any other basis justified under law; and
- 21 (6) Grant any further relief this Court deems just and proper.

22 Dated: Monday, December 22, 2025

23 s/ Stephen C. Robbins  
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PET. FOR WRIT OF HABEAS CORPUS - 9  
Case No. 2:25-cv-2647

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