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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

S.S., Q.F., I.R.,

Petitioners,

v.

Laura HERMOSILLO, Seattle Acting Field Office
Director, Enforcement and Removal Operations,
U.S. Immigration and Customs Enforcement
(ICE); Bruce SCOTT, Warden, Northwest ICE
Processing Center; Kristi NOEM, Secretary of
Homeland Security; Pamela BONDI, United States
Attorney General; Todd LYONS, Acting Director
of Immigration and Customs Enforcement;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,

Respondents.

Case No. 3:25-cv-6154

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

INTRODUCTION

1. Petitioners in this case, S.S., Q.F., and I.R.,¹ are three brothers from Afghanistan who fled Afghanistan together in 2023 to seek asylum in the United States. In December 2023, they each crossed the border at the San Ysidro port of entry and requested asylum. They were detained and held for several days before being issued Notices to Appear in immigration court and released. They were instructed to report to ICE once they got to their destination in Oregon.

2. Petitioners went to live with another brother in Gresham, OR. They have an uncle who lives nearby as well. [REDACTED]

[REDACTED]

[REDACTED]

3. After arriving in Oregon, Petitioners promptly checked in with ICE and have been complying with the terms of their release ever since. To their knowledge, they have not missed a single check-in. They each timely filed for asylum and obtained work permits.

4. On Sunday morning, December 14, 2025, ICE agents came to their home. Their brother who is an LPR opened the door to ask them what they wanted and the agents burst in, yelling for I.R. I.R. tried to show them his phone, to show that he was in compliance, but they took his phone handcuffed him and took him outside. The agents then proceeded to arrest S.S.

¹ Petitioners seek leave to proceed anonymously because their public identification creates a risk of retaliatory physical harm because of their status as asylum seekers in the United States and because the nature of their claim is sensitive and highly personal. *See Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). The Ninth Circuit has identified several different situations in which parties have been permitted to proceed under a fictitious name, including “(1) when identification creates a risk of retaliatory physical or mental harm, . . . ; (2) when anonymity is necessary ‘to preserve privacy in a matter of sensitive and highly personal nature,’ . . . ; and (3) when the anonymous party is ‘compelled to admit [his or her] intention to engage in illegal conduct, thereby risking criminal prosecution.’” *Id.* (collecting cases; internal citations omitted). *Does I thru XXIII*, above, is consistent with Local Rule 5.2(c) recognizing the “sensitive information” in immigration detention cases. *See also* LCR 5(g). The Petitioner will provide their identity to the Respondents and the Court separately.

and Q.F.

5. At no time were any of the brothers shown a warrant or provided a written notice explaining the basis for the revocation of their release. Respondents did not assess whether Petitioners presented a flight risk or danger to the community prior to their being re-arrested, nor did they provide Petitioners a hearing before a neutral decisionmaker, where ICE was required to justify the basis for re-detention or explain why each Petitioner is now suddenly a flight risk or danger to the community.

6. As this Court has recently held in multiple cases, due process demands a hearing prior to the government's decision to terminate a person's liberty. *See, e.g., E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at *2--6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *2--4 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7--9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2--4 (W.D. Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13; *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025). Many other courts have recently held the same.

7. By failing to provide such a hearing, Respondents have violated Petitioners' constitutional rights to due process.

8. Accordingly, this Court should grant the instant petition for a writ of habeas corpus and order Petitioners' immediate release. *See E.A. T.-B.*, 2025 WL 2402130, at *6 (ordering immediate release because "a post-deprivation hearing cannot serve as an adequate

procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty"); *Ramirez Tesara*, 2025 WL 2637663, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3-4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (similar); *Y.M.M.*, 2025 WL 3101782, at *2--3 (similar).

JURISDICTION

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

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

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

VENUE

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

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

Washington per Local Rule (3)(e)(1) because a substantial part of the events or omissions that give rise to the claim occurred in Pierce County, Washington, where Respondents are presently depriving Petitioners of their liberty.

REQUIREMENTS OF 28 U.S.C. § 2243

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

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

PARTIES

16. Petitioner S.S. is a 26-year old asylum-seeker from Afghanistan. He is detained at the NWIPC.

17. Petitioner Q.F. is a 32-year old asylum-seeker from Afghanistan. He is detained at the NWIPC.

18. Petitioner I.R. is a 29-year old asylum-seeker from Afghanistan. He is detained in

the NWIPC.

19. Respondent Laura Hermosillo is the Acting 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 Hermosillo is a legal custodian of Petitioners 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 Petitioners are detained. He has immediate physical custody of Petitioners. 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 Petitioners' detention. Ms. Noem has ultimate custodial authority over Petitioners 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. Petitioners S.S. and I.R. entered the United States together on or around December 8, 2023. They requested asylum. They were detained for some days before being issued a Notice to Appear and released.

25. Petitioner Q.F. entered the U.S. on or around December 11, 2023 and requested

asylum. He was also held for some days before being issued a Notice to Appear and released.

26. All three Petitioners timely submitted applications for asylum. [REDACTED]

[REDACTED]

[REDACTED]

27. Petitioners have been living in Oregon with their older brother, who is a Lawful Permanent Resident. They have complied with the requirements of their release, including regular check-ins with ICE. None of the petitioners have any arrests or criminal history in the U.S. or anywhere in the world.

28. On Sunday morning, December 14, masked ICE agents came to their home and arrested all three Petitioners. At no point did they show a search or arrest warrant or offer any explanation for their presence. The brothers still do not know why they were re-arrested.

29. Prior to their re-arrest they did not receive written notice of the reason for their re-detention.

30. Prior to their re-arrest, ICE did not assess whether they presented a flight risk or danger to the community.

31. Prior to their re-arrest, they never received a hearing before a neutral decisionmaker to determine if their re-detention is justified.

LEGAL FRAMEWORK

Due Process Principles

32. Due process requires that if DHS seeks to re-arrest individuals like the petitioners—individuals who were released and given upcoming court dates, have lived in the United States without incident since their release, and have otherwise complied with the terms of their release

—the government must afford a hearing before a neutral decisionmaker to determine whether re-detention is justified because the person is a flight risk or danger to the community.

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

34. Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

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

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

37. Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk before the revocation of an individual’s release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is

the opportunity to be heard at a meaningful time in a meaningful manner.” (citation modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed a violation of parole conditions” and that such determination be made “by someone not directly involved in the case” (citation modified)).

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

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

40. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner had “undoubtedly [been] deprive[d] of an established interest in his liberty,” 2025 WL 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The Court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the Court explained that “the Government's interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources

(money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the petitioner's immediate release. *Id.* at *6.

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

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

43. This Court's decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez* are consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, ___ F. Supp. 3d ___, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar);

Maklad v. Murray, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

44. The same framework and principles apply here and compel all three Petitioners' immediate release.

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

45. Petitioners restate and reallege all the prior paragraphs as if fully set forth herein.

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

47. Respondents revoked Petitioners' releases and deprived them of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to their re-detention.

48. Accordingly, Petitioners' re-detention violates the Due Process Clause of the Fifth Amendment.

REQUEST FOR RELIEF

WHEREFORE, Petitioners respectfully request that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an order permitting Petitioners to proceed in this matter pseudoanonymously

using only their initials and directing that Respondents protect Petitioners' anonymity by referring to them only by their initials in all public filings;

- (3) Issue an Order to Show Cause ordering Respondents to show cause within seven days as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and ordering that they not transfer Petitioners out of this district during the pendency of the court's adjudication of this petition, or, alternatively, provide Petitioners and their habeas counsel with advance notice of any transfer or removal;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioners from custody immediately and permanently enjoining their re-detention during the pendency of their removal proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that each Petitioner is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (5) Declare that the re-detention of Petitioners while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (6) Award Petitioners attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted this 23rd day of December, 2025.

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