

Mag. Judge Michelle L. Peterson

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

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. 2:25-cv-02684-MLP

**TRAVERSE AND RESPONSE TO
RESPONDENTS' RETURN TO
PETITION FOR HABEAS CORPUS**

INTRODUCTION

Respondents do not dispute that they detained Petitioners without notice, process or the opportunity to be heard. Dkt. 8 at 2-3. As Respondents put it, Petitioners were “encountered” (Dkt. 8 at 2-3) in Gresham, OR, on December 14, 2025, when at least a half dozen armed, masked, agents appeared at Petitioners’ apartment early on a Sunday morning pounding on the door and demanding entry. Ex. A.¹ Upon entry, although they only mentioned Petitioner I.R., agents arrested all three brothers. *Id.* There was no warrant shown, no explanation given for the arrests. *Id.* No individualized determination was made; nor notice or hearing provided. The three young men were whisked off into detention in Tacoma, WA, over 150 miles away from home and community, where they remain.

Respondents seem to suggest that this is acceptable because a) Petitioners are subject to mandatory detention; b) release can be revoked at any time in the unbounded discretion of any officer; c) each Petitioner had some Alternative to Detention (“ATD”) violations; and d) noncitizens have fewer rights than citizens. Dkt. 8. These arguments are irrelevant, contrary to this and other courts’ recent rulings, and otherwise unavailing. Respondents acknowledge that “courts have recently found that the revocation of OREC requires a pre-deprivation hearing to determine if a noncitizen is a flight risk or danger to the community.” Dkt. 8 at 6-7 (citing *E.A. T.-B. v. Wamsley*, 2025 WL 2402130, at *5 (W.D. Wash. Aug 19, 2025)). And Respondents offer no new legal theory that would compel any other outcome.

Due Process demands that Respondents afford noncitizens previously released

¹ All citations to Exhibits are to those included with the declaration of Stacy Taeuber.
PETR’S TRAVERSE & RESP TO RESP’TS’ RETURN
TO PET. FOR WRIT OF HABEAS CORPUS
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1 from custody meaningful process *prior* to re-detention. That indisputably did not happen
2 here, and this Court should grant the habeas and order Petitioners' immediate release.

3 ARGUMENT

4 Petitioners' claim is rooted in the due process requirement that, once released,
5 they cannot be re-detained without being afforded notice and a hearing before a neutral
6 adjudicator at which the government must demonstrate by clear and convincing evidence
7 that they now pose a risk of flight or danger such that detention is required. *See* Dkt. 1. In
8 recent weeks and months, this Court and courts around the country have repeatedly and
9 resoundingly held that the Fifth Amendment's guarantee of due process requires exactly
10 this protection. *See, e.g., E.A. T.-B.*, 2025 WL 2402130 (granting habeas petition,
11 ordering immediate release due to lack of pre-deprivation hearing, and requiring adequate
12 notice and an immigration court hearing prior to any future re-detention); *Ledesma*
13 *Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *9 (W.D.
14 Wash. Oct. 7, 2025) (same); *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJPTLF,
15 2025 WL 2637663, at *4 (W.D. Wash. Sept. 12, 2025) (granting temporary protective
16 order and ordering immediate release due to lack of pre-deprivation hearing); *Hernandez*
17 *v. Wofford*, No. 1:25-CV-00986-KES-CDB (HC), 2025 WL 2420390, at *8 (E.D. Cal.
18 Aug. 21, 2025) (same); *Garro Pinchi v. Noem*, No. 5:25-CV-05632-PCP, --- F. Supp. 3d --
19 --, 2025 WL 2084921, at *7 (N.D. Cal. July 24, 2025) (granting preliminary injunction
20 and ordering that petitioner not be re-detained without a pre-deprivation hearing before a
21 neutral immigration judge where the government must demonstrate by clear and
22 convincing evidence that she is a flight risk or danger to the community); *Duong v.*
23 *Kaiser*, No. 25-CV-07598-JST, --- F. Supp. 3d ---, 2025 WL 2689266, at *7 (N.D. Cal.

1 Sept. 19, 2025) (same); *Mata Velasquez v. Kurzdorfer*, No. 25-CV-493-LJV, --- F.Supp.3d
 2 ----, 2025 WL 1953796, at *16–18 (W.D.N.Y. July 16, 2025) (granting preliminary
 3 injunction, ordering release due to lack of pre-deprivation process, and ordering
 4 noncitizen not be re-detained without a “meaningful opportunity to be heard”); *Garcia v.*
 5 *Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068, at *9–10, 11–13 (E.D. Cal.
 6 Aug. 21, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL
 7 2299376, at *10 (E.D. Cal. Aug. 8, 2025) (similar); *Valdez v. Joyce*, No. 25 CIV. 4627
 8 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (granting habeas petition and
 9 ordering immediate release due to lack of pre-deprivation hearing).

10 The courts analyzing this question have employed the three-factor test established
 11 in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), which includes 1) the private interest
 12 that will be affected by the official action, 2) the risk of erroneous deprivation of that
 13 interest, and 3) the government’s interest. Petitioners address each *Mathews* factor below.

14 **I. Petitioners have a weighty private interest**

15 Petitioners have an exceptionally strong interest in freedom from physical con-
 16 finement and in a hearing prior to any revocation of their liberty. Indeed, their “interest in
 17 not being detained is ‘the most elemental of liberty interests[.]’” *E.A. T.-B.*, 2025 WL
 18 2402130, at *3 (alteration in original) (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529
 19 (2004)); *see also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the petitioner
 20 “has an exceptionally strong interest in freedom from physical confinement”); *Kumar v.*
 21 *Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 at *3 (W.D. Wash. Sept.
 22 17, 2025) (“Petitioner has a very strong interest in not being detained.”). “Freedom from
 23 imprisonment . . . lies at the heart of the liberty that [the Due Process] Clause protects.”

1 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Thus, “[d]etention, including that of a non-
 2 citizen, violates due process if there are not ‘adequate procedural protections’ or ‘special
 3 justification[s]’ sufficient to outweigh one’s ‘constitutionally protected interest in avoid-
 4 ing physical restraint.’” *Perera v. Jennings*, 598 F. Supp. 3d 736, 742 (N.D. Cal. 2022)
 5 (second alteration in original) (quoting *Zadvydas*, 533 U.S. at 690). Similarly, the Ninth
 6 Circuit has held that “[i]n the context of immigration detention, it is well-settled that ‘due
 7 process requires adequate procedural protections to ensure that the government’s asserted
 8 justification for physical confinement outweighs the individual’s constitutionally pro-
 9 tected interest in avoiding physical restraint.’” *Hernandez v. Sessions*, 872 F.3d 976, 990
 10 (9th Cir. 2017) (quoting *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir. 2011)). The Su-
 11 preme Court has long underscored this point. *See, e.g., Foucha v. Louisiana*, 504 U.S. 71,
 12 80 (1992) (“It is clear that commitment for any purpose constitutes a significant depriva-
 13 tion of liberty that requires due process protection.” (citation omitted)).

14 This principle applies with significant force given Petitioners’ initial release from
 15 detention on their own recognizance. Even in the criminal parole and supervised release
 16 context, courts have held that parolees cannot be re-arrested without a due process hear-
 17 ing affording them the opportunity to contest the legality of their re-incarceration. *See,*
 18 *e.g., Hurd v. D.C., Gov’t*, 864 F.3d 671, 684 (D.C. Cir. 2017). Critically, in recent months
 19 and years, courts—including this one—have repeatedly applied these principles to hold
 20 that noncitizens have a strong liberty interest in cases involving re-detention. As Judge
 21 Evanson explained in *E.A. T.-B.*, a person re-detained after a prior release from ICE cus-
 22 tody is “undoubtedly deprive[d] . . . of an established interest in his liberty.” 2025 WL
 23 2402130, at *3. Other courts have reached the same conclusion. *See, e.g., Ramirez*

1 *Tesara*, 2025 WL 2637663, at *3 (“When he was released from his initial detention on
2 parole, Petitioner took with him a liberty interest which is entitled to the full protections
3 of the due process clause.”); *Garcia*, 2025 WL 2420068, at *10 (“[P]arole allowed [the
4 petitioner] to build a life outside detention, albeit under the terms of that parole. [Peti-
5 tioner] has a substantial private interest in being out of custody, which would allow him
6 to continue in these life activities, including supporting his family.”); *Pinchi*, 2025 WL
7 2084921, at *4 (“[Petitioner] has a substantial private interest in remaining out of cus-
8 tody. She has an interest in remaining in her home, continuing her employment, provid-
9 ing for her family, obtaining necessary medical care, maintaining her relationships in the
10 community, and continuing to attend her church.”); *Maklad*, 2025 WL 2299376, at *8
11 (similar).

12 As in these cases, Petitioners have a strong interest in their liberty. Prior to their
13 re-detention, Petitioners had lived in this country for around two years, working, going to
14 school, and developing ties to it. Ex. A. They timely applied for asylum, obtained work
15 authorization, developed community here, and complied with the conditions imposed on
16 them. Exs. A, B. Petitioners’ liberty interest is augmented by the fact that they have ex-
17 ceptionally strong asylum claims given their and their extended family’s support of and
18 work for the U.S. and Afghan military effort against the Taliban in Afghanistan. *See* Exs.
19 A, C, D. The ability to successfully petition for asylum is vastly more difficult for those
20 in detention. Finding a lawyer is more difficult, as is gathering evidence and preparing for
21 hearings. According to data from Transaction Records Access Clearinghouse (TRAC), in
22 2022 the asylum grant rate was 15% for those detained and 54% for those not detained.
23 *See* <https://tracreports.org/reports/703/>

1 The facts here demonstrate that Petitioners had a significant due process interest
2 in not being re-detained without notice and a hearing, and that they are in fact entitled to
3 freedom from confinement.

4 **II. The risk of erroneous deprivation is high absent additional safeguards.**

5 “The risk of erroneous deprivation of [Petitioners’] liberty interest in the absence
6 of a pre-detention hearing is high.” *E.A. T.-B.*, 2025 WL 2402130, at *4. “That the Gov-
7 ernment may believe it has a valid reason to detain Petitioner does not eliminate its obli-
8 gation to effectuate the detention in a manner that comports with due process.” *Id.* Re-de-
9 tention must still “bear[] [a] reasonable relation” to a valid government purpose—here,
10 preventing flight or protecting the community against dangerous individuals. *Zadvydas*,
11 533 U.S. at 690 (second alteration in the original) (quoting *Jackson v. Indiana*, 406 U.S.
12 715, 738 (1972)). Only a hearing before a neutral decisionmaker—where ICE must prove
13 that re-detention is justified and that Petitioners poses a flight risk or danger—can ensure
14 that this “reasonable relation” to a valid government purpose exists. But to date, only the
15 “government enforcement agent” has made any decision about the propriety of detention,
16 *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971), a far cry from the hearing before
17 a neutral decisionmaker that due process requires, *see, e.g., Shadwick v. City of Tampa*,
18 407 U.S. 345, 350 (1972) (“Whatever else neutrality and detachment might entail, it is
19 clear that they require severance and disengagement from activities of law enforce-
20 ment.”); *see also Gerstein v. Pugh*, 420 U.S. 103, 112 (1975) (similar).

21 Notably, Petitioners did not receive (and have not received) notice of the basis for
22 their re-detention, much less an opportunity to respond to allegations purporting to justify

1 their re-detention or a hearing before a neutral decisionmaker. In fact, Respondents' re-
2 turn seems to suggest various theories for their re-detention (statutory, regulatory, viola-
3 tions of ATD (though they submitted no evidence of what the conditions of the brothers'
4 release were)), suggesting they themselves have no clear basis for re-detention aside from
5 their assertion that they need no reason (unfettered discretion) and no process is due.

6 As this Court explained in *Ramirez Tesara*, “[o]nce established, Petitioner’s inter-
7 est in liberty is a constitutional right which may only be revoked through methods that
8 comport with due process, such as a hearing in front of a neutral party to determine
9 whether Petitioner’s redetainment is warranted.” 2025 WL 2637663, at *3 (citing *Padilla*
10 *v. U.S. Immigr. & Customs Enf’t*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023)). Apart
11 from their core interest in being free from imprisonment, Petitioners’ ties to this country
12 have deepened over the two years they have lived here. “These facts show that a[] pre-
13 deprivation] hearing provide[s] additional safeguards under these circumstances.” *Id.*; see
14 also, e.g., *Jorge M.F.*, 534 F. Supp. 3d at 1055 (“In any pre-detention hearing, the IJ
15 would be required to consider any additional evidence from the eight-plus months since
16 Petitioner was released.”); *Garcia*, 2025 WL 2420068, at *10 (“[P]arole allowed [Peti-
17 tioner] to build a life outside detention.”).

18 Respondents’ claim that no process is due Petitioners and that is what they af-
19 forced Petitioners in this case. Respondents detained Petitioners without notice and with-
20 out a hearing before a neutral adjudicator where Respondents would have to prove that
21 Petitioners re-detention is justified. By contrast, the additional safeguards that due pro-
22 cess would require Respondents to provide would ensure that their detention remains
23 tethered to some lawful purpose, such as whether they are a flight risk or danger to the

1 community. *See, e.g., Kumar*, 2025 WL 2677089, at *3 (explaining that this factor fa-
2 vored the petitioner where it was “undisputed that Petitioner’s arrest was not preceded by
3 a finding that Petitioner was a flight risk nor a danger to the community”). Under the
4 facts of this case, the record certainly “does not paint the picture of a flight risk,” as Peti-
5 tioners have diligently complied with their ICE check-ins, have submitted their applica-
6 tions for asylum, and have maintained a stable residence. Exs. A, B. *Ramirez Tesara*,
7 2025 WL 2637663, at *4. Accordingly, this factor also overwhelmingly favors Petition-
8 ers.

9 **III. The government’s interest is minimal.**

10 Finally, “the government’s interest in detaining [Petitioners] or re-detaining
11 [them] without a hearing is slight.” *Maklad*, 2025 WL 2299376, at *8; *Ortega*, 415 F.
12 Supp. 3d at 970 (“If the government wishes to re-arrest Ortega at any point, it has the
13 power to take steps toward doing so; but its interest in doing so without a hearing is
14 low.”). “[A]lthough [a pre-deprivation hearing] would have required the expenditure of
15 finite resources (money and time) to provide Petitioner notice and hearing . . . before ar-
16 resting and re-detaining him, those costs are far outweighed by the risk of erroneous dep-
17 rivation of the liberty interest at issue.” *E.A. T.-B.*, 2025 WL 2402130, at *5. Notably,
18 since their release in 2023, Petitioners have demonstrated that they pose neither a flight
19 risk nor a danger to the community, as they have no criminal history, have timely filed
20 for asylum, have obtained work permits, and have faithfully complied with their condi-
21 tions of release. Ex. A. And as noted, they have strong claims to asylum that incentivize
22 them to comply with the conditions of their release and to appear for their hearings. Exs.
23 C, D.

1 As explained to Congress by dozens of flag officers of the United States armed
2 forces, not supporting Afghan allies is counter to the government's interest. In the context
3 of an immigration bill before Congress in 2022, the officers assured Congress "that in
4 any [future] conflict, potential allies will remember what happens now with our Afghan
5 allies. If we claim to support [our U.S.] troops and want to enable their success in war-
6 time, we must keep our commitments today." Letter from General Joseph F. Dunford,
7 U.S. Marine Corps (Ret.) *et. al.* to Majority Leader Schumer, *et.al.*, United States Con-
8 gress, (Dec. 17, 2022) (regarding passage of the Afghan Adjustment Act) (available at af-
9 ghanevac.org/flag-letter).

10 Two of the three petitioners served directly in security forces in Afghanistan and
11 allied with U.S. and N.A.T.O. forces. Petitioners' uncle worked directly with U.S. Ma-
12 rines in combat. Their fourth brother, who they live with, was granted a Special Immi-
13 grant Visa for his support of the U.S. mission in Afghanistan. By locking up the petition-
14 ers, the government harms its own interests and those of its own troops in future con-
15 flicts, by showing the world what happens when you trust and partner with the United
16 States—you go to jail.

17 Respondents briefly claim that they have an interest in enforcing immigration law
18 and detaining persons during proceedings. Dkt. 8 at 8. But the government's interest in
19 immigration enforcement "is not at stake here; instead, it is the much lower interest in de-
20 taining [Petitioners] pending removal without a bond hearing." *Perera*, 598 F. Supp. 3d
21 at 746. Many other courts have observed the same. *See, e.g., Zagal-Alcaraz v. ICE Field*
22 *Office*, No. 3:19-CV-01358-SB, 2020 WL 1862254, at *7 (D. Or. Mar. 25, 2020) ("The

1 government interest at stake here is not the continued detention of Petitioner, but the gov-
2 ernment's ability to detain him without a bond hearing."), report and recommendation
3 adopted, 2020 WL 1855189 (D. Or. Apr. 13, 2020). What is more, Petitioners have com-
4 plied with the immigration laws: they timely filed for asylum, as the Immigration and Na-
5 tionality Act (INA) expressly permits. 8 U.S.C. § 1158. They were each thereafter
6 granted employment authorization. Any claimed "enforcement" amounts to punishing
7 and deterring people like Petitioners from asserting the statutory rights that the INA ex-
8 pressly provides, rather than enforcing those laws.

9 In addition, the government's interest is not limited to enforcement of the law; in-
10 stead, it also encompasses the interest of the "public," including the administrative or fi-
11 nancial burdens additional process requires. *Mathews*, 424 U.S. at 348. Here, any cost in
12 holding a hearing prior to re-detention, should the government choose to do so, is mini-
13 mal. Moreover, any financial burden is outweighed by the costs of detaining Petitioners
14 during such proceedings. In addition, "[s]ociety's interest lies on the side of affording fair
15 procedures to all persons, even though the expenditure of governmental funds is re-
16 quired." *Lopez v. Heckler*, 713 F.2d 1432, 1437 (9th Cir. 1983); *see also Morrissey*, 408
17 U.S. at 484 ("Society . . . has an interest in not having parole revoked because of errone-
18 ous information or because of an erroneous evaluation of the need to revoke parole, given
19 the breach of parole conditions."). This consideration also "cuts strongly in favor" of Pe-
20 titioners because when "[w]hen the Government incarcerates individuals it cannot show
21 to be a poor bail risk for prolonged periods of time, as in this case, it separates families
22 and removes from the community breadwinners, caregivers, parents, siblings and em-
23 ployees." *Velasco Lopez v. Decker*, 978 F.3d 842, 855 (2d Cir. 2020).

1 In sum, Petitioners have demonstrated that they “ha[ve] a protected liberty interest
2 in [their] continuing release from custody, and that due process requires that [they must]
3 receive a hearing before an immigration judge before [they] can be re-detained.” *E.A. T.-*
4 *B.*, 2025 WL 2402130, at *5.

5 **IV. Respondents’ Remaining Arguments**

6 Respondents assert that Petitioners are subject to mandatory detention under 8
7 U.S.C. § 1225(b) and seem to suggest that that should end the inquiry. They then spend
8 some time arguing about the detention and release authority described in the regulations
9 at 8 C.F.R. § 1236.1(c)(8) and (9), suggesting that the revocation authority under (9) does
10 not require any process or justification prior to revocation of release. And finally, Re-
11 spondents assert that each Petitioner had “several” ATD violations and hence were taken
12 into custody.

13 **A. Detention Authority**

14 Respondents assert that Petitioners are subject to mandatory detention under 8
15 U.S.C. 1225(b). Apparently if detention is mandatory, there is no requirement that
16 arresting officers follow any rules or abide by the requirements of due process. Aside
17 from being factually wrong as to the statute of detention, the relevant question is one of
18 process.

19 The Respondents’ focus on 8 C.F.R. § 1231.1(c)(8) and (c)(9) is odd as those
20 regulations accompany 8 U.S.C. §1226 of the Act, which governs ‘normal’ discretionary
21 detention and release (including in immigration court). Respondents thus apparently
22 concede that 1226 is the statute of detention, given that those are the regulations under
23 which Petitioners were released. But at the same time Respondents insist § 1225(b) is the

1 statute of detention. Or perhaps it's that the statute of detention changed post hoc, at some
 2 arbitrary point in time, at the whim of the executive, such that 1225(b) applies where it
 3 didn't before, but again, if the assertion is that it's 1225, why discuss § 1231.1 at all?

4 Habeas Corpus statute 28 U.S.C. § 2243 demands that the government's return
 5 must have "certif[ied]" the "true cause of detention." Here, Respondents' evolving ration-
 6 ales for Petitioners' arrest and detention confirms the absence of a genuine, contempora-
 7 neous basis for Petitioners' arrest and detention. The inescapable conclusion here is that
 8 the arrest was executed to satisfy a quota or fill bedspace, and that the various reasons
 9 given are simply post-hoc rationalizations.² Regardless of these post hoc rationalizations,
 10 what lies at the heart of this case is that Due Process requires meaningful process – notice
 11 and the opportunity to be heard –*prior* to re-detention and that did not happen here. As
 12 this Court recently emphasized:

13 To the extent that the Government's briefing suggests that Section
 14 1225(b) should be the beginning and end of the Court's inquiry, this
 15 position is emphatically rejected. In determining the lawfulness of
 16 Petitioner's detention, the Court will focus not on the Government's
 17 claimed authority to detain, but the process by which Petitioner was
 18 detained.

19
 20 *P.T.*, 2025 WL 3294988, at *2 n.1; 2 see also, e.g., *Francois v. Wamsely*, No. C25-2122-
 21 RSMGJL, 2025 WL 3063251, at *3 (W.D. Wash. Nov. 3, 2025) ("Any argument that ICE
 22 acted within its authority has no affect [sic] on a claim contending that detention violates
 23 Constitutional Due Process." (citation omitted)).

24 **B. Alleged Violations of ATD**

² See Ted Hesson and Kristina Cooke, *ICE's tactics draw criticism as it triples daily arrest targets*, Reuters (June 10, 2025), available at www.reuters.com/world/us/ices-tactics-draw-criticism-it-triples-daily-arrest-targets-2025-06-10/ ("Tactics changed to achieve new daily arrest quota of 3,000, up from 1,000, sources say")

1 Similarly, Respondents assert that each Petitioner has “several ATD violations.”
2 Dkt. 8 at 2-3. As an initial matter, Respondents have not submitted any evidence to
3 indicate what the conditions of Petitioners’ release actually were and how they were
4 notified of those conditions. And Respondents submit no actual evidence of the alleged
5 violations, which Petitioners adamantly dispute. The declaration by Officer Ruby is
6 inadmissible hearsay; he has no actual knowledge of the alleged violations, provides no
7 documentary evidence of said violations, nor any basis for verifying their existence or
8 what actually occurred. In fact, there is no evidence indicating what their conditions of
9 release *even were*, let alone how they were violated.

10 Due process requires that government action be rational and nonarbitrary. *See U.S.*
11 *v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). No evidence has been offered as to why
12 these apparently mundane allegations of missed appointments mean that Petitioners
13 suddenly pose a risk of flight or danger. Petitioners have extremely strong claims to
14 asylum that remain pending and that they have every reason to appear for.

15 Most relevant here, Petitioners were provided no information and no process
16 whatsoever prior to their abrupt re-detention. Again, as this Court and others have noted:
17 “whether [] alleged missed check-ins constitute a sufficiently changed circumstance such
18 that detention is warranted is a matter for a pre-deprivation hearing.” *A.C.J. v.*
19 *Hermosillo*, No. 2:25-CV-02486-DGE, 2026 WL 73857, at *5 (W.D. Wash. Jan. 9, 2026)
20 (citing *Monteiro de Souza v. Robbins*, 2025 WL 3523058, at *1 (E.D. Cal. Dec. 9, 2025)).

21 CONCLUSION

22 Respondents’ failure to provide any process at all prior to re-detaining the
23 Petitioners is a clear violation of Petitioners’ due process rights, as judges in this district

1 have recognized, and as courts around the country have held. See, e.g., *A.C.J.*, 2026 WL
2 73857; *E.A. T-B*, 2025 WL 2402130; *Ramirez Tesara*, 2025 WL 2637663 (W.D. Wash.
3 Sept. 12, 2025); *Kumar*, 2025 WL 2677089. As a result, and as the cases above explain,
4 Petitioners' immediate release is warranted.

5 Respectfully submitted this 12th day of January, 2026.

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30 WORD COUNT CERTIFICATION

31
32 I, Stacy Taeuber, certify that this traverse and response contains 4,001
33 words, in compliance with the Local Civil Rules.

34 s/ Stacy Taeuber

35 Stacy Taeuber, WI SBN 1031036
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