

Honorable Chief Judge David G. Estudillo

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

**C.W.M.,**

**Petitioner,**

**vs**

**LAURA HERMOSILLO**, Seattle Acting Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement (ICE); **BRUCE SCOTT**, Warden, Northwest ICE Processing Center; **KRISTI NOEM**, Secretary, United States Department of Homeland Security; **UNITED STATES DEPARTMENT OF HOMELAND SECURITY; PAMELA BONDI**, U.S. Attorney General;

**Respondents.**

Case No.: 2:25-cv-02688-DGE

Agency No.: AXXXXXXXXX

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

**INTRODUCTION**

1. This case challenges Respondents' unlawful re-detention of Petitioner CWM. Petitioner is currently in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC).

2. Petitioner was apprehended on January 15, 2024, upon her secondary deferred inspection at the Boeing Field Seattle, WA, Port of Entry presenting her valid B-2 visa after a cruise that went to the Bahamas, having been primarily inspected at the Miami, FL, Port of Entry and released into the U.S. on November 15, 2023, though she never disembarked the U.S. flagged

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1 ship (Bahamian flagged while in Bahamian waters) having boarded the ship from the United  
2 States. She was “immediately” released on “parole status” into the U.S. (physically) from  
3 immigration custody for the purpose of pursuing asylum relief in credible fear and removal  
4 hearing proceedings. She previously entered the U.S. on December 04, 2022, and was given B-  
5 2 visitor status until May 22, 2023. She filed her I-589 asylum application on May 15, 2023,  
6 received asylum pending employment authorization on November 13, 2023, until November 12,  
7 2028, and built a life in the United States. She has no criminal record in the United States or any  
8 country. Exhibit A, Immigration History.  
9

10 3. Since their release, Petitioner has fulfilled their conditions of release. Despite Petitioner’s  
11 perfect compliance with ICE and ISAP reporting, she was abruptly and unlawfully re-detained  
12 by the Department of Homeland Security (DHS) on Thursday, December 18, 2025, at a 10:00 am  
13 appointment to receive her Notice to Appear (NTA) from the ICE non-detained office at 12900  
14 Tukwila International Blvd 4<sup>th</sup> Floor, Tukwila, WA 98168. At that appointment, she presented a  
15 detailed 12/16/2026 ICE Reporting Compliance Confirmation letter. Exhibit B, Petitioner’s  
16 Declaration.  
17

18 4. Prior to re-detaining Petitioner, Respondents did not provide any written notice explaining  
19 the basis for the revocation of their release, though in receipt of the 12/16/2026 letter  
20 documenting perfect compliance. Likewise, Respondents did not assess whether Petitioner  
21 presented a flight risk or danger to the community prior to their re-detention or to explain why  
22 Petitioner is now a flight risk or danger to the community.  
23

24 5. As this Court has recently held in multiple cases, due process demands a hearing *prior* to  
25 the government's decision to terminate a person's liberty. *See, e.g., E.A. T.-B. v. Wamsley*, 795  
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1 F. Supp. 3d 1316, 1321-24 (W.D. Wash. 2025); *Ramirez Tesara v. Wamsley* --- F. Supp 3d -  
2 --, 2025 WL 2637663, at \*2-4 (W.D. Wash. Sept. 12.2025); *Ledesma Gonzalez v. Bostock*,  
3 No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at \*7-9 (W.D. Wash. Oct. 7, 2025);  
4 *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at \*2-4 (W.D. Wash.  
5 Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-  
6 JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13; *YMM v. Wamsley*, No. 2:25-CV- 02075-  
7 TMC, 2025 WL 3101782, at \*2 (W.D. Wash. Nov. 6, 2025); *P.T. v. Hermosillo*, No. C25-  
8 2249-KKE, 2025 WL 3294988, at \*4 (W.D. Wash. Nov. 26, 2025); Order, *Francois v.*  
9 *Wamsley*, No. 2:25-cv-02122-RSM-GJL (W.D. Wash. Dec. 5, 2025), Dkt. 22 at 8. Many other  
10 courts have recently held the same.  
11

12 6. By failing to provide such a hearing, Respondents have violated Petitioner's  
13 constitutional rights to due process.  
14

15 7. Accordingly, this Court should grant the instant petition for a writ of Habeas Corpus and  
16 order Petitioner's immediate release. See *E.A. T.-B.*, 795 F. Supp. 3d at 1324(ordering immediate  
17 release because "a post-deprivation hearing cannot serve as an adequate procedural safeguard  
18 because it is after the fact and cannot prevent an erroneous deprivation of liberty"); *Ramirez*  
19 *Tesara*, 2025 WL 2637663, at \*4 (similar); *Kumar*, 2025 WL 2677089, at \*3-4 (similar);  
20 *Ledesma Gonzalez*, 2025 WL 2841574, at \*9 (similar); *YMM*, 2025 WL 3101782, at \*2-3  
21 (similar); *P.T.*, 2025 WL 3294988, at \*4 (similar).  
22

## 23 JURISDICTION

24 8. This action arises under the Constitution of the United States and the Immigration nd  
25

1 Nationality Act (INA), 8 U.S.C. § 1101 et seq.

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

5 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241  
6 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.  
7 § 1651.

### 8 VENUE

9  
10 11. Venue is proper because Petitioner is in Respondents' custody at the NWIPC in Tacoma,  
11 Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
12 500 (1973), venue lies in the judicial district in which Petitioner is currently in custody.

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

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

17  
18 13. The Court must grant the petition for writ of habeas corpus or issue an order to show  
19 cause to the Respondents "forthwith," unless Petitioner is not entitled to relief. 28 U.S.C. § 2243.

20 14. Habeas corpus is "perhaps the most important writ known to the constitutional law ...  
21 affording as it does a swift and imperative remedy in all cases of illegal restraint or  
22 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). "The application for the writ usurps the  
23 attention and displaces the calendar of the judge or justice who entertains it and receives prompt  
24 action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120

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1 (9th Cir. 2000) (citation omitted); see also *Van Buskirk v. Wilkinson*, 216 F.2d 735, 737-38 (9<sup>th</sup>  
2 Cir. 1954) (habeas corpus is "a speedy remedy, entitled by statute to special, preferential  
3 consideration to insure expeditious hearing and determination").

4 **PARTIES**

5 15. Petitioner CWM is a citizen of Kenya. She is detained at the NWIPC in Pierce County,  
6 WA. Her residence address is in Kent, King County, WA.

7 16. Respondent Laura Hermosillo is the Acting Seattle Field Office Director for ICE  
8 Enforcement and Removal Operations (ERO). The Seattle Field Office is responsible for local  
9 custody decisions relating to noncitizens charged with being removable from the United States.  
10 The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington.  
11 Respondent Hermosillo is a legal custodian of Petitioner and is sued in her official capacity.

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

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

19 19. Respondent U.S. Department of Homeland Security (DHS) is the federal agency  
20 responsible for implementing and enforcing the INA, including the detention and removal of  
21 noncitizens.

22 20. Respondent Pamela Bondi is the Attorney General of the United States, and as

1 such has authority over the Department of Justice. She is sued in her official capacity.

2 21. Petitioner CWM is a citizen of Kenya who fled threats and torture based on account of her  
3 dealings with the Kenyan government. Exhibit A Petitioner’s Immigration History, heavily  
4 redacted asylum statement, pg. 15.

5 **FACTUAL BACKGROUND**

6 22. Petitioner was apprehended on January 15, 2024, upon her secondary deferred inspection  
7 at the Boeing Field Seattle, WA, Port of Entry presenting her valid B-2 visa after a cruise that  
8 went to the Bahamas having been primarily inspected at the Miami, FL, Port of Entry and  
9 released into the U.S. on November 15, 2023, though she never disembarked the U.S. flagged  
10 ship (Bahamian flagged while in Bahamian waters) having boarded the ship from the United  
11 States. She was “immediately” released on “parole status” into the U.S. (physically) from  
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1 detailed 12/16/2026 ICE Reporting Compliance Confirmation letter. Exhibit B, Petitioner's  
2 Declaration. At that appointment, she was served with a document, presumably the NTA, but  
3 when she refused to sign, ICE refused to give her a copy. To date, they have yet to give a copy,  
4 and such is significant in that she has been served removal documents (which would allow an  
5 immigration judge bond hearing) and arriving alien documents (prevented from such an  
6 immigration judge bond hearing, until a credible fear interview has been held, and credible fear  
7 determined). She has made numerous Credible Fear Interview Requests since USCIS dismissed  
8 the I-589 Application; at 11/15/25 & 12/18/25 ICE appointments, and 3 times while detained.  
9

10 24. Prior to re-detaining Petitioner, Respondents did not provide any written notice  
11 explaining the basis for the revocation of her release, though in receipt of the 12/16/2026 letter  
12 documenting perfect compliance. Likewise, Respondents did not assess whether Petitioner  
13 presented a flight risk or danger to the community prior to their re-detention or to explain why  
14 Petitioner is now a flight risk or danger to the community.  
15

## 16 LEGAL FRAMEWORK

### 17 Due Process Principles

18 25. Due process requires that if DHS seeks to re-arrest a person like CWM who was released  
19 twice, once from primary inspection in Miami and then again at secondary inspection in Seattle,  
20 and have lived in the United States without incident after her initial release, and have otherwise  
21 complied with the terms of her release-the government must afford a hearing before a neutral  
22 decision-maker, to determine whether any re-detention is justified because the person is a flight  
23 risk or danger to the community.  
24

25 26. "Freedom from imprisonment-from government custody, detention, or other

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1 forms of physical restraint-lies at the heart of the liberty protected by the Due Process Clause."

2 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is "the most  
3 elemental of liberty interests." *E.A. T.-B.*, 795 F. Supp. 3d at 1321 (quoting *Hamdi v. Rumsfeld*,  
4 542 U.S. 507, 529 (2004)); see also *Ramirez Tesara*, 2025 WL 2637663, at \*3 (stating that the  
5 petitioner had "an exceptionally strong interest in freedom from physical confinement").

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

9 28. Such liberty is protected by the Fifth Amendment because, "although  
10 indeterminate, [it] includes many of the core values of unqualified liberty," such as the ability to  
11 be gainfully employed and live with family, "and its termination inflicts a 'grievous loss' on the  
12 [released individual] and often on others." *Id.*

13 29. To protect against arbitrary re-detention and to ensure the right to liberty, due  
14 process requires "adequate procedural protections" that test whether the government's asserted  
15

16 30. Due process thus guarantees notice and an individualized hearing before a neutral  
17 decisionmaker to assess danger or flight risk before the revocation of an individual's release.  
18 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law  
19 is the opportunity to be heard at a meaningful time in a meaningful manner." (citation  
20 modified)); see also, e.g., *Morrissey*, 408 U.S. at 485 (requiring "preliminary hearing to  
21 determine whether there is probable cause or reasonable ground to believe that the arrested  
22 parolee has committed ... a violation of parole conditions" and that such determination be made  
23  
24

1 "by someone not directly involved in the case[.]" (citation modified)).

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

5 32. For example, in *E.A.T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.  
6 319 (1976), framework to hold that even in a case where the government asserted that mandatory  
7 detention initially applied, a person's re-detention could not occur absent a hearing. The Court  
8 did the same in *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez*. See *Ramirez Tesara*, 2025 WL  
9 2637663, at \*2-3; *Kumar*, 2025 WL 2677089, at \*2-3; *Ledesma Gonzalez*, 2025 WL 2841574,  
10 at \*7-8.

11 33. In applying the three *Mathews* factors, the E.A. T.-B. court held that the petitioner  
12 had "undoubtedly [been] deprive[d] ... of an established interest in his liberty," which, as  
13 noted, "is the most elemental of liberty interests[.]" 795 F. Supp. 3d at 1321 (citation modified).  
14 The Court further explained that even if detention was mandatory, the risk of erroneous  
15 deprivation of liberty without a hearing was high because a hearing serves to ensure that the  
16 purposes of detention-the prevention of danger and flight risk-are properly served. *Id.* at  
17 1322-23. Finally, the Court explained that:

18 [T]he Government's interest in re-detaining non-citizens previously released  
19 without a hearing is low: although it would have required the expenditure of finite  
20 resources (money and time) to provide Petitioner notice and hearing on [ISAP]  
21 violations before arresting and re-detaining him, those costs are far outweighed by  
22 the risk of erroneous deprivation of the liberty interest at issue.

23 *Id.* at 1324. As a result, this Court ordered the petitioner's immediate release. *Id.*

24 34. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned that the

1 petitioner had a "weighty" interest in his liberty and was entitled to the "full protections of the due  
2 process clause." 2025 WL 2637663, at \*3. When examining the value of additional safeguards, the  
3 Court also noted that despite the government's allegations of ISAP violations, "the fact 'that the  
4 Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation  
5 to effectuate the detention in a manner that comports with due process.'" *Id.* at \*4 (quoting *E.A. T-*  
6 *B*, 795 F. Supp. 3d at 1322). Finally, the Court reasoned that any government interest in re-  
7 detention without a hearing was "minimal." *Id.* Accordingly, there too, the Court ordered the  
8 petitioner's immediate release. *Id.* at \*5.

10 35. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again holding that all  
11 three factors weighed in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at \*3-  
12 4; 2025 WL 2841574, at \*7-9; *see also* Report & Recommendation, *Lopez Reyes*, No. 2:25-cv-  
13 01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13 (same).

14 36. This Court's decisions in *E.A. T-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez* are  
15 consistent with many other district court decisions addressing similar situations. *See, e.g., Valdez v.*  
16 *Joyce*, --- F. Supp. 3d ---, 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate  
17 release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, 792 F.Supp.3d 1025 (N.D.  
18 Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL  
19 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB,  
20 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

21 37. The same framework and principles apply here and compel the immediate release  
22 of Petitioner.

**CLAIM FOR RELIEF**

**Violation of Fifth Amendment Right To Due Process Procedural  
Due Process**

38. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

39. Due process does not permit the government to re-detain Petitioner and strip her of her 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.

40. Respondents revoked Petitioner's release and deprived her of liberty without providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to her re-detention.

41. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Require Respondents to show cause within fourteen days of this Petition's filing as to why this Petition should not be granted as required by 28 U.S.C. § 2243, and permitting Petitioner to file a traverse within five days of Respondents' return, *see* W.D. Wash. Gen. Order No. 10-25 & App. A;
- (3) Issue an Order that prohibits Respondents from transferring Petitioner out of this district during the pendency of the court's adjudication of this petition, or,

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1 alternatively, orders Respondents to notify Petitioner and her habeas counsel in

2 advance of any transfer or removal, see W.D. Wash. Gen. Order No. 10-25 & App. A;

3 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody

4 immediately and permanently enjoining her re-detention during the pendency of her removal

5 proceeding absent written notice and a hearing prior to re-detention where Respondents must

6 prove by clear and convincing evidence that Petitioner is a flight risk or danger to the

7 community and that no alternatives to detention would mitigate those risks;

8 (5) Order that upon Petitioner's release, Respondents must return to Petitioner any

9 personal property, including personal identification documents (other than a passport)

10 and employment authorization documents;

11 (6) Declare that the re-detention of Petitioner while removal proceedings are ongoing

12 without first providing an individualized determination before a neutral

13 decision-maker violates the Due Process Clause of the Fifth Amendment;

14 (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act,

15 and on any other basis justified under law; and

16 (8) Grant any further relief this Court deems just and proper.

17 DATED: January 11, 2025.

18 Respectfully submitted,  
19 LAW OFFICES OF BART KLEIN

20 /s/ Bart Klein

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