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THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
SEATTLE, WASHINGTON

Suraj Suraj,

*Petitioner,*  
v.

PAMELA BONDI, United States Attorney  
General;  
KRISTI NOEM, Secretary of U.S. Department  
of Homeland Security;  
TODD LYONS, Acting Director, U.S.  
Immigration and Customs Enforcement;  
LAURA HERMOSILLA, Field Office Director,  
ICE Seattle Field Office;  
BRUCE SCOTT, Warden, Northwest ICE  
Processing Center;

Case No.:

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

Agency File Number:



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## INTRODUCTION

1. Petitioner Suraj Suraj is a 23-year-old Indian young man who moved to the U.S. after fleeing his country of birth in 2023 due to political persecution.

2. Petitioner Suraj Suraj was born and raised in Yamunanagar, India, where he resided until [REDACTED] Petitioner obtained a visa and legally entered Canada. While in Canada he was threatened again and told by [REDACTED] [REDACTED] Out of great fear of additional harm Petitioner entered the United States in early October 2023, through New York without inspection or being admitted.

3. Petitioner then submitted his asylum application with USCIS on or about November 29, 2023. Petitioner was then issued a work permit on May 28, 2024 and has been waiting for his interview with USCIS.

4. The present matter concerns the government's failure to provide due process and a legally sufficient justification for the continued detention of Petitioner.

5. Petitioner travelled to Oregon and was visiting a friend in Portland when he was detained.

6. On November 8, Petitioner was visiting a friend when Immigration and Customs Enforcement entered the friends house and requested to see everyone's immigration documents. Petitioner presented his work permit and stated that he had a pending asylum application with USCIS. Immigration and Customs Enforcement (ICE) agents then arrested him with no warrant claiming to other agents "arrest him because he asks too any questions."

7. On information and belief, Petitioner was arrested and detained by Respondents without notice or cause. Respondents did so based not on Petitioner's personal circumstances or

individualized facts, but because of Respondents' interpretation of President Trump's order that they "to do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History."<sup>1</sup> But Respondents' power to detain remains checked by law, as this country remains "a government of laws and not of men." *Cooper v. Aaron*, 358 U.S. 1, 23 (1958) (Frankfurter, J. Concurring).

8. While it appears that Respondents intend to continue holding Petitioner in detention, they have failed to articulate a clear or legally sufficient basis for his detention.

9. It is unlawful to detain Petitioner without providing him due process of law and an individualized determination as to his custody along with the opportunity to proceed on his asylum application with USCIS.

10. Moreover, warrantless arrest without probable cause violates both 8 U.S.C. § 1357, which requires reason to believe the person "is likely to escape" before a warrant could be obtained, and ICE's own nationwide policy, to which it is bound pursuant to a settlement agreement in *Castañon Nava et al. v. Dep't of Homeland Sec.*, No. 18-cv-3757 (N.D. Ill.), which requires consideration of specific factors to determine if someone is likely to escape and documentation of these "specific particularized facts" in the I-213.<sup>2</sup> Pursuant to the October 7, 2025, order of the U.S. District Court for the Northern District of Illinois, Respondent ICE

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<sup>1</sup> See: *Administration of Donald J. Trump, 2025, Statement on Immigration Enforcement Actions, June 15, 2025 last viewed at: <https://www.govinfo.gov/content/pkg/DCPD-202500695/html/DCPD-202500695.htm#:~:text=ICE%20officers%20are%20herewith%20ordered.mass%20deportation%20program%20in%20history>*

<sup>2</sup> Form I-213, known as a "Record of Deportable/Inadmissible [Noncitizen]" . . . is an 'official record' prepared by immigration officials when initially processing a person suspected of being in the United States without legal permission." *Punin v. Garland*, 108 F.4th 114, 119 (2d Cir. 2024) (cleaned up).

reissued its Broadcast of this policy (hereafter, “Nava Broadcast Policy”) to all ICE officers nationwide on October 22, 2025, with the instruction that the Nava Broadcast Policy shall remain in effect through February 2, 2026. See *id.* at Dkt. 224, 224-1 at ¶ 5.

11. Accordingly, to vindicate Petitioner’s rights, this Court should grant the instant petition for a writ of habeas corpus. Petitioner asks this Court to find that Respondent’s detention and removal without judicial process violate his rights.

### **PARTIES**

1. Petitioner Suraj Suraj is a non-citizen who is currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

2. Respondent Pamela Bondi is the Attorney General of the United States. She is sued in her official capacity.

3. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official capacity.

4. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity.

5. Respondent LAURA HERMOSILLA is the Field Office Director of the Immigration and Customs Enforcement (“ICE”) Seattle Field Office and is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition. She is sued in her official capacity.

6. Respondent Bruce Scott is the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention center where the petitioner is being detained. He is the immediate physical custodian of the petitioner, and he is sued in his official capacity.

### **JURISDICTION**

7. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal question jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).

8. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9, cl. 2, of the U.S. Constitution. *See INS v. St. Cyr*, 533 U.S. 289 (2001).

9. No other Petitions, appeals, or motions regarding habeas corpus have been filed with any other court.

12. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1) because the petitioner is detained in this judicial district.

13. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the Respondents live, work, and/or operate within this judicial district and because the actions which gave rise to this petition took place in Tacoma, Washington, which falls within this judicial district.

### **FACTUAL BACKGROUND**

14. Petitioner is a 23 year-old non-citizen who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE).

15. Petitioner is a native and citizen of India with no close immediate family in the U.S. He was born in Yamunanagar, India, in 2002. His first language is Hindi.

16. Petitioner immigrated to the U.S. alone out of fear of harm based on his political opinion and political activity when he was 21 years old.

17. Petitioner filed for Asylum with USCIS in November 2023, after entering the U.S. without inspection in October 2023.

18. Petitioner was issued a work permit based on his pending asylum application on in May of 2024 and began working and remained in the U.S. until his detention by ICE.

19. Petitioner has no criminal record in the U.S. or India.

20. On November 8, 2025, Petitioner was detained by Immigration and Customs Enforcement agents (ICE) who arrived at his friend's house while he was sleeping.

21. Respondents entered the home of Petitioner's friend and went into the room where Petitioner was sleeping. Respondents woke petitioner up and asked him if he had immigration status in the United States. Petitioner told them that he had filed an asylum application and had work authorization. He showed them his ID, EAD, and SSN. They scanned his EAD. Petitioner asked why they were arresting him as he had done nothing wrong. Petitioner repeatedly asked why they were arresting him and if they had a warrant. One officer told the other officers, "arrest him because he asks too many questions." Petitioner continued to ask why he was being arrested. Respondents informed him that they could not tell him why they were arresting him and that they would tell him later. Respondents at no time informed him why he was being arrested. Petitioner had a valid pending asylum application at the time of his arrest.

22. The Agents then handcuffed Petitioner. On information and belief, they did not show a warrant to Petitioner or identify themselves.

23. Petitioner was taken into ICE custody in Portland and transferred to NWIPC.

24. Petitioner is not in possession of his Indian passport.

25. On information and belief, at no point during the stop did any agent ask any Petitioner any questions about his family, employment, or community ties.

26. On information and belief, at no time during the stop did any officer conduct an individualized assessment of whether Petitioner was a flight risk or a danger to the community.

27. On information and belief, at no time during the stop did the officers conduct an individualized assessment of whether Petitioner was a danger to the community.

28. On information and belief, at the time of their warrantless arrests, Respondents' officers had determined based solely on Petitioners' apparent race and ethnicity that Petitioner was in the United States without status.

29. On information and belief, the agents who stopped and detained Petitioners had no reasonable suspicion that Petitioner was either a flight risk or unlawfully present in the United States.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

30. There are no administrative remedies that can provide the relief the petitioner seeks.

### **IRREPARABLE INJURY**

31. Petitioner has suffered irreparable injury as a result of his detention. He has been removed from the resources and care of his friends and extended family whom support him in the United States. His physical liberty continues to be restrained, in jail-like conditions, and no just cause for doing so can be specified.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF**

#### **Violation of the Fourth Amendment of the United States Constitution**

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### Unreasonable Seizures

32. Petitioner realleges and incorporates by reference each allegation contained in the preceding paragraphs as if set forth fully herein.

33. Except at the border and its functional equivalents, the Fourth Amendment to the U.S. Constitution prohibits Respondents from conducting a detentive stop to question a person without reasonable suspicion that a person is a noncitizen unlawfully in the United States.

34. Likewise, the Fourth Amendment prohibits Respondents from making an arrest without probable cause to believe that a person is a noncitizen unlawfully in the United States. “A person’s mere propinquity to others independently suspected of [unlawful] activity does not, without more, give rise to probable cause to search [or seize] that person.” *Perez Cruz v. Barr*, 926 F.3d 1128, 1138 (9th Cir. 2019) (quotation omitted). “‘Reasonable suspicion’ is no different.” *Id.*

35. Race or apparent ethnicity, standing alone, cannot form the basis for reasonable suspicion. *United States v. Brignoni-Ponce*, 422 U.S. 873, 886-87 (1975). Because probable cause is a more demanding standard than reasonable suspicion, race or apparent ethnicity, standing alone, is also necessarily insufficient to form the basis for probable cause.

36. Respondents had no basis to detain the Petitioner and inquire about his immigration status other than his race and apparent ethnicity. Likewise, Respondents had no basis to arrest Petitioner other than his race and apparent ethnicity. No other salient factors existed to suggest that Petitioner might not be a citizen of the United States. Because Respondents only detained Petitioner because of his race, they did not have reasonable suspicion, and the detention violated the Fourth Amendment.

37. Petitioner was detained by Respondents for questioning despite officers’ lack of

any reasonable suspicion that Petitioner was unlawfully in the United States. Petitioner was also ultimately arrested despite officers' lack of probable cause to believe that Petitioner was either a flight risk or present unlawfully in the United States.

38. Respondents' stop of Petitioner without reasonable suspicion and arrest of Petitioner without probable cause violate the Fourth Amendment to the U.S. Constitution.

### **SECOND CLAIM FOR RELIEF**

#### **Violation of Fifth Amendment Right to Due Process Procedural Due Process**

39. Petitioner restates and realleges all paragraphs as if fully set forth here.

40. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. Amend. V. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *accord Reno v. Flores*, 507 U.S. 292, 306 (1993).

41. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

42. Petitioner's arbitrary detention not based on a rational and individualized determination of whether he is a safety or flight risk nor considering the merits of his circumstances and his eligibility for relief from deportation, would be a violation of due process.

43. Immigration detention must further the twin goals of ensuring a noncitizen's appearance during removal proceedings and preventing danger to the community.

44. In light of these goals, Suraj Suraj's detention is wholly unjustified. Indeed, it bears no reasonable relation to any legitimate government purpose.

45. Suraj Suraj is not a flight risk. He has legitimate fears of persecution in India-so much so that he has applied for asylum in the United States.

46. Suraj Suraj is not a danger to the community. He is a hard-working individual who had a job at the time he was detained by CBP. He has no criminal history in the United States.

47. Because Suraj Surja's detention bears no reasonable relation to a legitimate government purpose, it is punitive.

48. The justification of "preventing flight ... is weak or nonexistent where removal seems a remote possibility at best." *Zadvydas v. Davis*, 533 U.S. 678,690 (2001).

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

49. Assume jurisdiction over this matter;

50. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;

51. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

52. Grant any further relief this Court deems just and proper.

Dated: 12/26/2025



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