

The Honorable Lauren King

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

Annellycis De Jesus ALBORNOZ LIRA,

Petitioner,

v.

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;¹

Respondents.

Case No. 2:25-cv-02713-LK

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

Noted for Consideration:
February 5, 2026

¹ In her original Petition for Writ of Habeas Corpus, filed pro se, Petitioner Albornoza Lira listed “Tacoma Detention Center” as the Respondent. Dkt. 1. Petitioner hereby adds Respondents as parties pursuant to Federal Rules of Civil Procedure 15(a)(1) and 19(a), and in accordance with the Court’s January 9, 2025 Stipulated Order for Extension of Briefing Schedule, Dkt. 10.

1 **INTRODUCTION**

2 1. This case challenges Respondents’ unlawful re-detention of Petitioner Annellycis
3 De Jesus Albornoz Lira. Petitioner Albornoz is currently in the physical custody of Respondents
4 at the Northwest ICE Processing Center (NWIPC).

5 2. Petitioner entered the United States in March 2024 and was shortly thereafter
6 released from immigration custody for the purpose of pursuing relief in removal proceedings.
7 Following her release, Petitioner affirmatively checked in with immigration authorities, complied
8 appointments as requested, received employment authorization, submitted her application for
9 asylum, and built a life in the United States. She has no criminal records in the United States or
10 any other country.

11 3. Despite Petitioner’s compliance with her immigration process while released, she
12 was abruptly and unlawfully re-detained by the Department of Homeland Security (DHS) while
13 attending a check-in appointment on September 30, 2025.

14 4. Prior to re-detaining Petitioner Albornoz, Respondents did not provide any
15 written notice explaining the basis for the revocation of her releases. Likewise, Respondents did
16 not assess whether Petitioner presented a flight risk or danger to the community prior to her re-
17 arrest. Nor did Respondents provide a hearing before a neutral decisionmaker, where
18 Immigration and Customs Enforcement (ICE) was required to justify the basis for Petitioner’s re-
19 detention or to explain why she is now a flight risk or danger to the community.

20 5. As this Court has recently held in multiple cases, due process demands a hearing
21 *prior* to the government’s decision to terminate a person’s liberty. *See, e.g., E.A. T.-B. v.*
22 *Wamsley*, 795 F. Supp. 3d 1316, 1321–24 (W.D. Wash. 2025); *Ramirez Tesara v. Wamsley*, ---
23 F. Supp. 3d ---, 2025 WL 2637663, at *2–4 (W.D. Wash. Sept. 12, 2025); *Kumar v. Wamsley*,

1 No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4 (W.D. Wash. Sept. 17, 2025);
2 *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9
3 (W.D. Wash. Oct. 7, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-
4 01868-JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13; *Y.M.M. v. Wamsley*, No. 2:25-CV-
5 02075-TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025); *P.T. v. Hermosillo*, No. C25-
6 2249-KKE, 2025 WL 3294988, at *4 (W.D. Wash. Nov. 26, 2025); Order, *Francois v. Wamsley*,
7 No. 2:25-cv-02122-RSM-GJL (W.D. Wash. Dec. 5, 2025), Dkt. 22 at 8. Many other courts have
8 recently held the same.

9 6. By failing to provide such a hearing, Respondents have violated Petitioner’s
10 constitutional right to due process.

11 7. Accordingly, this Court should grant the instant petition for a writ of habeas
12 corpus and order Petitioner Albornoz’s immediate release. *See E.A. T.-B.*, 795 F. Supp. 3d at
13 1324 (ordering immediate release because “a post-deprivation hearing cannot serve as an
14 adequate procedural safeguard because it is after the fact and cannot prevent an erroneous
15 deprivation of liberty”); *Ramirez Tesara*, 2025 WL 2637663, at *4 (similar); *Kumar*, 2025 WL
16 2677089, at *3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (similar); *Y.M.M.*, 2025
17 WL 3101782, at *2–3 (similar); *P.T.*, 2025 WL 3294988, at *4 (similar).

18 JURISDICTION

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

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

1 10. 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 11. Venue is proper because Petitioner is in Respondents' custody at the NWIPC in
6 Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S.
7 484, 493–500 (1973), venue lies in the judicial district in which Petitioner is currently in custody.

8 12. 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
10 substantial part of the events or omissions giving rise to the claims occurred in the Western
11 District of Washington.

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

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

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

PARTIES

1
2 15. Petitioner Annellycis De Jesus Albornoz Lira is a citizen of Venezuela. She is
3 detained at the NWIPC.

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

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

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

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

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

FACTUAL BACKGROUND

1
2 21. Petitioner Annellycis De Jesus Albornoz Lira is a citizen of Venezuela who fled
3 her country to find safety in the United States. *See* Albornoz Decl. ¶¶ 1–2.

4 22. On or around March 18, 2024, Ms. Albornoz entered the United States near El
5 Paso. *Id.* ¶ 2. Following a CBP One appointment with immigration authorities, she was paroled
6 and released into the interior with a Form I-94 and a future date to attend immigration court in
7 Orlando, Florida. *Id.*; Ex. A.²

8 23. By releasing Ms. Albornoz on parole under 8 U.S.C. § 1182(d)(5), DHS
9 determined that she “present[s] neither a security risk nor a risk of absconding.” 8 C.F.R.
10 § 212.5(b).

11 24. After a few weeks in Florida, Ms. Albornoz moved to Othello, Washington
12 around April 2024. Albornoz Decl. ¶ 2. Although Ms. Albornoz did not have any check-in
13 requirements, she affirmatively went to the Intensive Supervision Appearance Program (ISAP)
14 office in Richland, Washington because “she wanted to do everything right.” *Id.* ¶ 3. After
15 speaking to an ISAP representative, she voluntarily enrolled in ISAP. *Id.* At her first check-in,
16 Ms. Albornoz received instructions to download a mobile application, submit a photo following
17 a weekly notification, and attend an in-person appointment about every three months. *Id.* ¶ 4.

18 25. Ms. Albornoz subsequently complied with these requirements to the best of her
19 ability. *Id.* ¶ 5. She submitted her photos “on time without issue.” *Id.* Although she recalls one
20 month when the mobile application was faulty and prevented her from completing a video call,
21
22

23 ² All exhibits are authenticated by and attached to the Declaration of Amanda Ng filed
concurrently with this amended petition.

1 she called the ISAP office directly and was able to complete her check-in telephonically instead.

2 *Id.* Ms. Albornoz was assured that her check-in was considered successful. *See id.*

3 26. Ms. Albornoz also submitted her application for asylum around August 2025. *Id.*
4 ¶ 7. Her first immigration court hearing was scheduled for 2028. *See Ex. B.* In the meantime, she
5 built a supportive community, began working with employment authorization, and went to
6 church. Albornoz Decl. ¶ 8.

7 27. In addition, Ms. Albornoz attended her in-person appointments at the ISAP office
8 as instructed. *Id.* ¶ 6. She recalls having two such check-ins. *Id.* At the most recent one, around
9 September 24, 2025, the ISAP representative informed her that all her check-ins had been
10 completed and she “was in compliance with all [her] requirements.” *Id.*

11 28. In late September 2025, Ms. Albornoz received a message from ISAP requesting
12 that she report to the Richland ICE Office on September 30, 2025. *Id.* ¶ 9. Confused at this
13 request only a few days after her successful check-in at the ISAP office, Ms. Albornoz called
14 ISAP to ask for details. *Id.* She was informed only that ICE had scheduled the appointment. *Id.*

15 29. On September 30, 2025, Ms. Albornoz reported to the Richland ICE office as
16 directed. *Id.* ¶ 10. On that date, an ICE officer informed her that she had to be fingerprinted. *Id.*
17 The officer also told Ms. Albornoz that she would be taken to Yakima so that ICE could take a
18 look at her case, and that she would be brought to Tacoma so that her case “could be processed
19 faster.” *Id.* No one at the ICE office in either Richland or Yakima told Ms. Albornoz that she had
20 violated her release conditions or any other reason why she was being re-detained. *See id.*

21 30. Ms. Albornoz was eventually taken to the NWIPC in Tacoma, Washington, where
22 she remains detained. *See id.* ¶ 13.

23

1 31. Since being re-detained in September 2025, Ms. Albornoz has suffered mentally
2 and physically. *Id.* ¶ 15. She has been unable to sleep well as a result of her anxiety while in
3 detention. *Id.* In addition, she has eaten very little of the food due to its poor quality and
4 experienced unhygienic conditions, including the provision of used underwear by guards at the
5 facility. *Id.*

6 32. Following Ms. Albornoz's transfer to the NWIPC, her case was scheduled with
7 the Tacoma Immigration Court and set for a final hearing only a few weeks later. *See id.* ¶ 13.
8 Ms. Albornoz was unable to adequately prepare her case on this timeline and without external
9 assistance to gather evidence. *See id.* On November 14, 2025, an Immigration Judge denied Ms.
10 Albornoz's asylum application. *Id.* She timely filed an appeal on December 11, 2025, which is
11 now pending before the Board of Immigration Appeals. *Id.* ¶ 14.

12 33. Ms. Albornoz still does not understand why ICE re-detained her, as she has been
13 provided no explanation or hearing. *Id.* ¶ 12. She has no criminal history anywhere in the world.
14 *Id.*

15 34. Prior to Ms. Albornoz's re-arrest on September 30, 2025, she did not receive
16 written notice of the reason for her re-detention.

17 35. Prior to Ms. Albornoz's re-arrest, ICE did not assess whether she presented a
18 flight risk or danger to the community.

19 36. Prior to Ms. Albornoz's re-arrest, she was not afforded a hearing before a neutral
20 decisionmaker to determine whether her re-detention was justified.

1 **LEGAL FRAMEWORK**

2 **Due Process Principles**

3 37. Due process requires that if DHS seeks to re-arrest a person like Ms. Albornoz—
4 an individual who was released and given an upcoming court date, has lived in the United States
5 without incident after her initial release, and has otherwise complied with the steps of her
6 immigration process—the government must afford a hearing before a neutral decisionmaker to
7 determine whether any re-detention is justified because the person is a flight risk or danger to the
8 community.

9 38. “Freedom from imprisonment—from government custody, detention, or other
10 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
11 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is “the most
12 elemental of liberty interests.” *E.A. T.-B.*, 795 F. Supp. 3d at 1321 (quoting *Hamdi v. Rumsfeld*,
13 542 U.S. 507, 529 (2004)); *see also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the
14 petitioner had “an exceptionally strong interest in freedom from physical confinement”).

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

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

22 41. To protect against arbitrary re-detention and to ensure the right to liberty, due
23 process requires “adequate procedural protections” that test whether the government’s asserted

1 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
2 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

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

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

14 44. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
15 319 (1976), framework to hold that even in a case where the government asserted that mandatory
16 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court
17 did the same in *Ramirez Tesara, Kumar*, and *Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL
18 2637663, at *2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574,
19 at *7–8.

20 45. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
21 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” which, as
22 noted, “is the most elemental of liberty interests[.]” 795 F. Supp. 3d at 1321 (citation modified).
23 The Court further explained that even if detention was mandatory, the risk of erroneous

1 deprivation of liberty without a hearing was high because a hearing serves to ensure that the
2 purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at
3 1322–23. Finally, the Court explained that:

4 [T]he Government’s interest in re-detaining non-citizens previously released
5 without a hearing is low: although it would have required the expenditure of finite
6 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.

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

8 46. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court
9 reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full
10 protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of
11 additional safeguards, the Court also noted that despite the government’s allegations of ISAP
12 violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner
13 does not eliminate its obligation to effectuate the detention in a manner that comports with due
14 process.’” *Id.* at *4 (quoting *E.A. T.-B.*, 795 F. Supp. 3d at 1322). Finally, the Court reasoned that
15 any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there
16 too, the Court ordered the petitioner’s immediate release. *Id.* at *5.

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

21 48. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma*
22 *Gonzalez* are consistent with many other district court decisions addressing similar situations.
23 *See, e.g., Valdez v. Joyce*, --- F. Supp. 3d ---, 2025 WL 1707737 (S.D.N.Y. June 18, 2025)

1 (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, 792
2 F.Supp.3d 1025 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT
3 SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-
4 01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

5 49. The same framework and principles apply here and compel the immediate release
6 of Petitioner Albornoz from the NWIPC.

7 **CLAIM FOR RELIEF**

8 **Violation of Fifth Amendment Right to Due Process**
9 **Procedural Due Process**

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

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

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

18 53. Accordingly, Petitioner’s ongoing re-detention violates the Due Process Clause of
19 the Fifth Amendment.

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Petitioner respectfully requests that this Court:

22 (1) Assume jurisdiction over this matter;

- 1 (2) Require Respondents to show cause within fourteen days of this Petition's filing as to
2 why this Petition should not be granted as required by 28 U.S.C. § 2243, and
3 permitting Petitioner to file a traverse within five days of Respondents' return, *see*
4 W.D. Wash. Gen. Order No. 10-25 & App. A;
- 5 (3) Issue an Order that prohibits Respondents from transferring Petitioner out of this
6 district during the pendency of the court's adjudication of this petition, or,
7 alternatively, orders Respondents to notify Petitioner and her habeas counsel in
8 advance of any transfer or removal, *see* W.D. Wash. Gen. Order No. 10-25 & App. A;
- 9 (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from
10 custody immediately and permanently enjoining her re-detention during the pendency
11 of her removal proceedings absent written notice and a hearing prior to re-detention
12 where Respondents must prove by clear and convincing evidence that Petitioner is a
13 flight risk or danger to the community and that no alternatives to detention would
14 mitigate those risks;
- 15 (5) Order that upon Petitioner's release, Respondents must return to Petitioner any
16 personal property, including personal identification documents (other than a passport)
17 and employment authorization documents;
- 18 (6) Declare that the re-detention of Petitioner while removal proceedings are ongoing
19 without first providing an individualized determination before a neutral
20 decisionmaker violates the Due Process Clause of the Fifth Amendment;
- 21 (7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and
22 on any other basis justified under law; and
- 23 (8) Grant any further relief this Court deems just and proper.

1 Respectfully submitted this 14th day of January, 2025.

2 s/ Amanda Ng
Amanda Ng, WSBA No. 57181
3 amanda@nwirp.org

4 s/ Leila Kang
Leila Kang, WSBA No. 48048
5 leila@nwirp.org

6 NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Suite 400
7 Seattle, WA 98104
(206) 957-8611

8
9 *Counsel for Petitioner*

10
11
12
13
14
15
16
17
18
19
20
21
22
23