

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

Francisco Hilario FRANCISCO FRANCISCO,

Petitioner,

v.

Laura HERMOSILLO, Seattle 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; Pamela
BONDI, United States Attorney General,

Respondents.

Case No.

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

PETITION FOR WRIT OF HABEAS CORPUS
Case No.

DOBRIN & HAN, PC
2912 E. Cherry Street
Seattle, Washington 98122
(206) 448-3440

COMES NOW Petitioner, Francisco Hilario Francisco Francisco, by and through counsel, and pursuant to 28 U.S.C. § 2241 does hereby petition the Court for a Writ of habeas corpus. In support of this petition, Petitioner alleges as follows:

Subject Matter Jurisdiction

1. The Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241 et seq., and Article I, § 9, Clause 2 of the United States Constitution ("Suspension Clause"). *Demore v. Kim*, 123 S. Ct. 1708, 1714 (2003); *INS v. St. Cyr*, 121 S.Ct. 2271 (2001); *Magana-Pizano v. INS*, 200 F.3d 603, 610 (9th Cir. 1999).

2. Mr. Francisco Francisco is in custody for purposes of habeas corpus relief because he is currently in the custody of Immigration and Customs Enforcement, acting under color of authority of the United States.

Venue

3. Venue lies in the Western District of Washington, the judicial district where Petitioner is imprisoned and held in the custody of Immigration and Customs Enforcement, acting under color of authority of the United States and at the direction of its Field Office Director, Ms. Laura Hermosillo.

Parties

4. Petitioner, Francisco Hilario Francisco Francisco, is  native and citizen of Guatemala, who arrived in the United States in May 2023. Petitioner was initially detained by Customs and Border Patrol near Fort Hancock, Texas on approximately May 3, 2023. Petitioner was released from custody on an order of recognizance and he has an asylum application pending

1 with the Immigration Court in Portland, Oregon. Petitioner's hearing on his application for asylum
2 is scheduled for October 8, 2027.

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4 5. Respondent, Ms. Laura Hermosillo, is the Seattle Field Office Director for the Enforcement
5 and Removal Office of Immigration and Customs Enforcement and she is being sued in her official
6 capacity. In this capacity, Ms. Hermosillo has authority over all detention matters in Oregon and
7 Washington, and it is her decision to detain Mr. Francisco Francisco -- in violation of the laws and
8 Constitution of the United States -- that is the subject of this petition.
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11 6. Respondent, Bruce Scott, is the Warden of the Northwest ICE Processing Center in Tacoma,
12 Washington, the location where Petitioner is currently detained.
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15 7. Respondents, Kristi Noem, Secretary, Department of Homeland Security, and Pamela
16 Bondi, United States Attorney General, are both responsible for the implementation and
17 enforcement of the immigration laws of the United States and it is their delegation of authority to
18 administer the immigration laws to Immigration and Customs Enforcement (ICE) officials that
19 permits ICE officials to act under color of authority of the United States.
20

21 **Facts**

22 8. On approximately May 3, 2023, Petitioner was detained at the United States southern border
23 near Fort Hancock, Texas. Petitioner was served with a notice to appear for removal proceedings
24 and was released from custody. For a reason not known to Petitioner, his removal hearings were
25 initially scheduled for Chicago, Illinois.
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1 9. After his release, Petitioner went to stay with cousins in Tuscaloosa, Alabama. On June 15,
2 2023, approximately one month after his initial release, Petitioner went to the ICE office in
3 Birmingham, Alabama, and checked in with ICE and provided his address.

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5 10. In July 2023, Petitioner moved to his current address in Salem, Oregon. After Petitioner
6 found someone who could speak his Akateko language, Petitioner updated his address with USCIS,
7 ICE, and the immigration court in September 2023.

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10 11. On October 5, 2023, Petitioner was ordered removed in absentia by the immigration court in
11 Chicago. One week later, on October 12, 2023, Petitioner filed a defensive I-589 application for
12 asylum, and his biometrics were completed on October 30, 2023.

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15 12. In May 2024, with the assistance of counsel, Petitioner requested reopening of removal
16 proceedings. Removal proceedings were reopened, and venue was changed from Chicago to
17 Portland, Oregon on June 20, 2024.

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19 13. On July 15, 2024, the Portland immigration court scheduled Petitioner's asylum hearing for
20 October 8, 2027. Petitioner has received employment authorization, and he is waiting for his
21 asylum hearing.

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24 14. Petitioner continues to live at the same address in Salem, Oregon, that he provided to
25 USCIS, ICE, and the immigration court in September 2023.

1 15. Petitioner has no criminal arrests or convictions.

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3 16. At approximately 5:30 AM, on December 26, 2025, for an unknown reason, Respondents
4 detained Petitioner while he was on his way to work and immediately transferred him from Oregon
5 to the ICE detention center in Tacoma, Washington.
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8 **Claims**

9 17. Petitioner is not subject to detention as he was released on his own recognizance, he is not a
10 flight risk or danger to the community, and Respondents have re-detained him without conducting a
11 pre-deprivation hearing to determine if changed circumstances exist sufficient to find that Petitioner
12 is now a flight risk or danger to the community. As such, Respondents violated and are continuing
13 to violate Petitioner's right to due process of law guaranteed by the Fifth Amendment to the United
14 States Constitution.
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17 **Exhaustion**

18 18. Neither the Immigration and Nationality Act nor 28 U.S.C. § 2241 "specifically require[s]
19 petitioners to exhaust direct appeals before filing petitions for habeas corpus." *Castro-Cortez v.*
20 *INS*, 239 F.3d 1037, 1047 (9th Cir. 2001). As a prudential matter, however, habeas petitioners
21 generally should exhaust available remedies before seeking relief under § 2241. *Id.*; *Laing v.*
22 *Ashcroft*, 370 F.3d 994, 997 (9th Cir. 2004). There is no administrative process available to
23 Petitioner to remedy the ongoing deprivation of his liberty.
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19. No judicial remedy is available for Petitioner to challenge his unlawful detention other than habeas corpus proceedings. Petitioner has not been informed of the authority under which he is being detained.

Prayer for Relief

WHEREFORE, premises considered, Petitioner respectfully prays that this Court:

- (a) Assume jurisdiction over this matter;
- (b) Order Respondents to appear before this Court and show cause, if any there is, why Petitioner is being detained in violation of law;
- (c) Enjoin Respondents from depriving Petitioner of his liberty by incarcerating him during the pendency of this litigation given the serious legal questions raised in this Petition;
- (d) Enjoin Respondents from removing Petitioner from the jurisdiction of Washington while this petition is pending;
- (e) Issue a Writ of habeas corpus requiring Respondents to release Petitioner immediately;
- (f) Grant such further relief as the Court deems just and proper.

Dated: December 30, 2025.

Respectfully submitted,

s/Hilary Han
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