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

Sadam SHINWARI and Sairing Yuneixi
TOVAR FIGUEROA,

Petitioners,

v.

Laura HERMOSILLO, Acting 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; UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; and Pamela BONDI, United States
Attorney General,

Respondents.

Case No. 2:26-cv-00009

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

1 **INTRODUCTION**

2 1. This case challenges Respondents’ unlawful re-detention of Petitioners Sadam
3 Shinwari and Sairing Tovar Figueroa. Both Petitioners are currently in the physical custody of
4 Respondents at the Northwest ICE Processing Center (NWIPC).

5 2. Each Petitioner entered the United States by presenting at a port of entry. They
6 were then released by the Department of Homeland Security (DHS) and permitted to reside in
7 the country pending the resolution of their immigration proceedings. Since their release, each
8 Petitioner has fulfilled their conditions of release, submitted applications for relief, and applied
9 for work authorization.

10 3. Despite Petitioners’ compliance while released, each was abruptly and unlawfully
11 re-detained by DHS.

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

18 5. As this Court has recently held in multiple cases, due process demands a hearing
19 *prior* to the government’s decision to terminate a person’s liberty. *See, e.g., E.A. T.-B. v.*
20 *Wamsley*, 795 F. Supp. 3d 1316, 1321–24 (W.D. Wash. 2025); *Ramirez Tesara v. Wamsley*, ---
21 F. Supp. 3d ---, 2025 WL 2637663, at *2–4 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v.*
22 *Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7,
23 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4 (W.D.

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

7 6. By failing to provide such a hearing, Respondents have violated Petitioners'
8 constitutional rights to due process.

9 7. Accordingly, this Court should grant the instant petition for a writ of habeas
10 corpus and order Petitioners' immediate release.

11 JURISDICTION

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

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

17 10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
18 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.
19 § 1651.

20 VENUE

21 11. Venue is proper because all ten Petitioners are in Respondents' custody at the
22 NWIPC in Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*,

1 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Petitioners are
2 currently in custody.

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

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

8 13. The Court must grant the petition for writ of habeas corpus or issue an order to
9 show cause to the Respondents “forthwith,” unless Petitioners are not entitled to relief. 28 U.S.C.
10 § 2243.

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

19 **PARTIES**

20 15. Petitioner Sadam Shinwari is a citizen of Afghanistan. He is currently detained at
21 the NWIPC.

22 16. Petitioner Sairing Yuneixi Tovar Figueroa is a citizen of Venezuela. She is
23 currently detained at the NWIPC.

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

6 18. Respondent Bruce Scott is employed by the private corporation The GEO Group,
7 Inc., as Warden of the NWIPC, where Petitioners are detained. He has immediate physical
8 custody of Petitioners. He is sued in his official capacity.

9 19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
10 (DHS). She is responsible for the implementation and enforcement of the Immigration and
11 Nationality Act (INA), and oversees ICE, which is responsible for Petitioners' detention. Ms.
12 Noem has ultimate custodial authority over Petitioners and is sued in her official capacity.

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

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

18 **FACTUAL BACKGROUND**

19 **Petitioner Sadam Shinwari**

20 22. Petitioner Sadam Shinwari evacuated from Afghanistan in the fall of 2021. After
21 being held at a U.S. military base for several months, he was released on parole in January 2022.
22 Since then, he has been residing in Vancouver, Washington, with his younger brother. Lee Decl.
23 ¶¶ 3, 12.

1 23. Around January 2022, Mr. Shinwari timely submitted an application for asylum to
2 U.S. Citizenship and Immigration Services (USCIS). He attended an asylum interview with
3 USCIS on April 16, 2025, then was subsequently notified of a second interview, scheduled for
4 December 17, 2025. *Id.* ¶ 5.

5 24. On December 17, 2025, Mr. Shinwari attended the second asylum interview at the
6 USCIS office in Portland, Oregon, with his attorney. *Id.* ¶ 6.

7 25. Shortly after the interview commenced, the asylum officer instructed Mr.
8 Shinwari and his attorney to go to another room across the hallway. *Id.* ¶ 8.

9 26. Three other officers were present in the other room. *Id.* After Mr. Shinwari's
10 attorney entered the room, the officers called him by Mr. Shinwari's first name, "Sadam." *Id.* ¶ 9.
11 Then, a security guard ushered Mr. Shinwari into the office, and two of the officers handcuffed
12 him. *Id.* ¶ 10.

13 27. One of the three officers stated that Mr. Shinwari was being arrested "because his
14 parole expired and he didn't have TPS." *Id.* No other explanation was provided. *Id.*

15 28. DHS subsequently transported Mr. Shinwari to the NWIPC and placed him in
16 removal proceedings before the Tacoma Immigration Court. *Id.*

17 29. Mr. Shinwari has a pending criminal case in Vancouver, Washington, based on an
18 incident that occurred in July 2025. *Id.* ¶ 11. He has no criminal convictions in the United States
19 or any other country. *Id.*

20 30. Prior to Mr. Shinwari's re-arrest on December 17, 2025, he did not receive written
21 notice of the reason for his re-detention.

22 31. Prior to Mr. Shinwari's re-arrest, ICE did not assess whether he presented a flight
23 risk or danger to the community.

1 32. Prior to Mr. Shinwari's re-arrest, he was not afforded a hearing before a neutral
2 decisionmaker to determine whether his re-detention was justified.

3 **Petitioner Sairing Yuneixi Tovar Figueroa**

4 33. Petitioner Sairing Yuneixi Tovar Figueroa is an asylum seeker who fears return to
5 her country of citizenship, Venezuela. Tovar Figueroa Decl. ¶¶ 1–2.

6 34. Accompanied by her three children and partner, Ms. Tovar Figueroa entered the
7 United States in June 2023 through Nogales, Arizona. The family attended an appointment
8 scheduled through the CBP One mobile application. Following a brief detention and interview by
9 Border Patrol, Ms. Tovar Figueroa was informed that she would be permitted to enter the United
10 States and required to attend an immigration court hearing in October 2027. *Id.* ¶ 3.

11 35. At the time of her release, Ms. Tovar Figueroa was not required to check in with
12 ICE or enroll in any other supervision program. *Id.* ¶ 4.

13 36. Mr. Tovar Figueroa, her children, and her partner eventually began residing in
14 Portland, Oregon. *Id.* ¶ 5.

15 37. Ms. Tovar Figueroa timely submitted her asylum application April 2024 and later
16 obtained employment authorization. *Id.*

17 38. On December 2, 2025, DHS re-detained Ms. Tovar Figueroa outside her home
18 and transferred her to the NWIPC. *Id.* ¶ 6.

19 39. Ms. Tovar Figueroa has no criminal history. *Id.* ¶ 9.

20 40. Prior to Ms. Tovar Figueroa's re-arrest on December 2, 2025, she did not receive
21 written notice of the reason for her re-detention.

22 41. Prior to Ms. Tovar Figueroa's re-arrest, ICE did not assess whether she presented
23 a flight risk or danger to the community.

1 42. Prior to Ms. Tovar Figueroa’s re-arrest, she was not afforded a hearing before a
2 neutral decisionmaker to determine whether her re-detention was justified.

3 **LEGAL FRAMEWORK**

4 **Due Process Principles**

5 43. Due process requires that if DHS seeks to re-arrest persons like Mr. Shinwari and
6 Ms. Tovar Figueroa—individuals who were released and permitted to pursue relief outside of
7 removal proceedings or given upcoming court dates, and have otherwise complied with the terms
8 of their release—the government must afford a hearing before a neutral decisionmaker to
9 determine whether any re-detention is justified because the person is a flight risk or danger to the
10 community.

11 44. “Freedom from imprisonment—from government custody, detention, or other
12 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
13 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is “the most
14 elemental of liberty interests.” *E.A. T.-B.*, 795 F. Supp. 3d at 1321 (quoting *Hamdi v. Rumsfeld*,
15 542 U.S. 507, 529 (2004)); *see also Ramirez Tesara*, 2025 WL 2637663, at *3 (stating that the
16 petitioner had “an exceptionally strong interest in freedom from physical confinement”).

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

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

1 47. To protect against arbitrary re-detention and to ensure the right to liberty, due
2 process requires “adequate procedural protections” that test whether the government’s asserted
3 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
4 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

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

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

16 50. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
17 319 (1976), framework to hold that even in a case where the government asserted that mandatory
18 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court
19 did the same in *Ramirez Tesara, Kumar, and Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL
20 2637663, at *2–3; *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574,
21 at *7–8.

22 51. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
23 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” which, as noted,

1 “is the most elemental of liberty interests[.]” 795 F. Supp. 3d at 1321 (citation modified). The
2 Court further explained that even if detention was mandatory, the risk of erroneous deprivation
3 of liberty without a hearing was high because a hearing serves to ensure that the purposes of
4 detention—the prevention of danger and flight risk—are properly served. *Id.* at 1322–23. Finally,
5 the Court explained that:

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

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

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

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

PRAYER FOR RELIEF

WHEREFORE, Petitioners respectfully request 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 Petitioners 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 Petitioners out of this district during the pendency of the court's adjudication of this petition, or, alternatively, orders Respondents to notify Petitioners and their habeas counsel in advance of any transfer or removal, *see* W.D. Wash. Gen. Order No. 10-25 & App. A;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioners from custody immediately and permanently enjoining their re-detention during the pendency of their removal proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that each Petitioner is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (5) Order that upon Petitioners' release, Respondents must return to Petitioners any personal property, including any personal identification document or employment authorization document;
- (6) Declare that the re-detention of Petitioners while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;

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

2 and on any other basis justified under law; and

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

4 Respectfully submitted this 2nd day of January, 2026.

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