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

MALDONADO, Juan

Petitioner,

v.

BRUCE SCOTT, Warden of the Northwest ICE
Processing Center;
ALEJANDRO MAYORKAS, Secretary of the
U.S. Department of Homeland Security

Respondents.

CIVIL ACTION NO. 2:26-cv-00014

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

I. INTRODUCTION

Petitioner brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. filed Mar. 20, 2025). Even where an Immigration Judge bond hearing has not yet occurred, federal courts retain authority under 28 U.S.C. § 2241 to remedy unconstitutional immigration detention. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Ex parte Endo*, 323 U.S. 283 (1944). District courts in this Circuit, including this Court, have recognized that release is an available habeas remedy where the detention framework fails to provide a

1 meaningful avenue for custody review. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC
2 (W.D. Wash.); *Calderon-Rodriguez v. Wilcox*, 374 F. Supp. 3d 1024 (W.D. Wash. 2019).

3 Petitioner also requests that DHS/ICE not transfer **him** out of this jurisdiction without 48-hour
4 notice to Petitioner and counsel. *Ex parte Endo*, 323 U.S. 283, 304 (1944), *Rumsfeld v. Padilla*,
5 542 U.S. 426, 441–42 (2004).
6

7 On September 30, 2025, this Court issued a final judgment “declar[ing] that Bond Denial
8 Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention
9 under 8 U.S.C. § 1225(b)(2).” *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F.
10 Supp. 3d ----, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025).
11

12 The Court further declared “that the Tacoma Immigration Court’s practice of denying bond to
13 Bond Denial Class members on the basis of § 1225(b)(2) violates the Immigration and
14 Nationality Act.” *Id.*

15 Petitioner is a member of the Bond Denial Class, as he:

16 (a) does not have lawful status in the United States and is currently detained at NWIPC
17 after being apprehended by DHS on or around December 2025.
18

19 (b) last entered the United States without inspection and was not apprehended upon
20 arrival.
21

22 (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

23 II. JURISDICTION & VENUE

24 This Court has jurisdiction under 28 U.S.C. § 2241. **Petitioner** is currently detained at the
25 Northwest ICE Processing Center in Tacoma, Washington.

26 This Court has jurisdiction pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the Due
27 Process Clause of the Fifth Amendment to the United States Constitution.

28 PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 - 2

Venue is proper in the Western District of Washington, Seattle Division, because Petitioner is physically detained within this District and his immediate custodian, the Warden of the Northwest ICE Processing Center, resides here.

III. PARTIES

Petitioner is a civil immigration detainee currently housed at the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington, within the jurisdiction of this Court. Respondent Bruce Scott is the Warden of the Northwest ICE Processing Center and Petitioner's immediate physical custodian. As the official with day-to-day authority over Petitioner's detention, Warden Scott is the primary and required Respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

Respondent Alejandro Mayorkas is the Secretary of the U.S. Department of Homeland Security, the federal agency responsible for overseeing immigration enforcement, detention, and removal operations nationwide. Secretary Mayorkas is a proper Respondent because DHS exercises legal authority over Petitioner's detention and has the power to direct or prevent Petitioner's transfer. The United States Attorney's Office for the Western District of Washington represents Secretary Mayorkas in this action.

IV. STATEMENT OF FACTS

Petitioner is a member of the "Bond Denial Class" certified in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC.

Petitioner was issued an NTA on or around December 2025. He arrived in the United States when he was eight or nine years old and was a derivative under his parent's asylum case. Petitioner has lived here for approximately 23 years, the majority of his life and the totality of his adult life.

1 Petitioner is in immediate danger of being transferred out of the NWIPC.

2 Petitioner will be filing a motion for custody redetermination with the immigration court
3 which will allow him to have a hearing and possibly be granted a bond or alternative bond,
4 which will be supplemented to this case when available.
5

6 V. CAUSE OF ACTION

7 Petitioner's detention under § 1225(b)(2)(A) is unlawful. As held in *Rodriguez Vazquez*,
8 noncitizens apprehended in the interior United States are subject to the discretionary detention
9 scheme of § 1226(a), not the mandatory detention of § 1225(b)(2)(A).
10

11 When Petitioner has his bond hearing, the IJ will most likely conclude an alternative
12 finding of non-danger and non-flight-risk, and continued detention despite that violates the
13 Immigration and Nationality Act and the Due Process Clause.

14 VI. CLAIMS FOR RELIEF

15 Violation of the INA: Request for Relief Pursuant to *Rodriguez Vazquez*

16 Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in
17 the preceding paragraphs as if fully set forth herein.
18

19 As a member of the Bond Denial Class, Petitioner is entitled to consideration for release
20 on bond under 8 U.S.C. § 1226(a).

21 The judgment in *Rodriguez Vazquez* makes clear that Respondents violate the INA in
22 applying the mandatory detention statute at § 1225(b)(2) to class members.
23

24 Respondents are parties to *Rodriguez Vazquez* and bound by the Court's declaratory
25 judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).
26
27
28

1 By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to
2 mandatory detention under § 1225(b)(2), Respondents violate Petitioner's rights under the INA
3 and this Court's judgment in *Rodriguez Vazquez*.
4

5 **VII. PRAYER FOR RELIEF**

6 WHEREFORE, Petitioner prays that this Court grant the following relief:

7 Petitioner respectfully requests that this Court grant the Petition for Writ of Habeas
8 Corpus and enter an order:

- 9 1. assuming and retaining jurisdiction over this matter;
- 10 2. enjoining Respondents from transferring Petitioner outside the Western District of
11 Washington or removing Petitioner from the United States without a 48-hour notice while
12 his immigration proceedings are pending and until the relief ordered herein is effectuated;
- 13 3. issuing a writ of habeas corpus requiring Respondents to release Petitioner from custody
14 within one (1) business day of the Court's order;
- 15 4. prohibiting Respondents from re-detaining Petitioner based on the same statutory
16 interpretation declared unlawful in *Rodriguez Vazquez v. Bostock*, including the
17 interpretation that noncitizens apprehended in the interior are subject to mandatory
18 detention under 8 U.S.C. § 1225(b)(2)(A);
- 19 5. ordering Respondents, upon Petitioner's release, to promptly return all personal property,
20 including personal identification documents (other than a passport) and employment
21 authorization documents;
- 22 6. awarding Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to
23 Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
- 24 7. granting such other and further relief as the Court deems just and proper.

VIII. SIGNATURE AND CERTIFICATION

The undersigned counsel certifies that she represents Petitioner and that this Petition is filed on Petitioner's behalf pursuant to 28 U.S.C. § 2241.

Respectfully submitted this 4th day of January 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 4th day of January 2026, I served true and correct copy of the **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

ALEJANDRO MAYORKAS

Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Required Service on the United States

Michelle R. Lambert

Assistant United States Attorney
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101
(via CM/ECF and email)

Attorney General of the United States

U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 4th day of January 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner