

DETAINED

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

PAOLO LAZA MBUNGA,

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 Enforcements;
LAURA HERMOSILLO, Seattle Field Office
Director, Immigration and Customs
Enforcement;
BRUCE SCOTT, Warden, Northwest ICE
Processing Center;

Respondents.

Case No.: 2:26-CV-00113

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

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This case challenges the unlawful re-detention of Mr. Paolo Laza Mbunga.¹ He is currently detained at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington, after

¹ Petitioner also has gone by the name "Perci Hygor Laza Mbunga" and may appear on some of the documents in his A-file.

1 Immigrations and Customs Enforcement (ICE) re-detained him at an ICE check-in on December
2 29, 2025.

3 2. Petitioner was released from ICE custody under an Order of Supervision on January 8,
4 2025. Petitioner had re-entered the United States after being ordered removed in absentia.
5 Petitioner filed a motion to reopen his removal proceedings, which was ultimately denied.

6 3. Due to errors in timely issuing the decision denying his motion to reopen—which will be
7 explained further below—ICE officers claimed that Petitioner had not properly appealed his case
8 and cited this as the reason for his re-detention, which is not sufficient under the regulations or
9 due process.²

10 4. The ICE officers did not claim that removal would be effectuated in the reasonably
11 foreseeable future. In fact, Petitioner's counsel called the Boards' emergency stay line on
12 December 30, 2025, in an attempt to convert Petitioner's motion for a stay of removal to an
13 emergency motion for stay of removal. See *Immigr. Ct. Prac. Manual* 8.3(c)(2)(A) ("An alien may
14 supplement a non-emergency stay request with an emergency stay request if qualifying
15 circumstances . . . arise."). On January 2, 2026, after waiting a few days to confirm with ICE, the
16 clerk at the Board told Petitioner's counsel that ICE informed the Board that there were no plans
17 to remove Petitioner and that a removal date had not been set.

18 5. This is clear evidence that there is no significant likelihood of removal in the reasonably
19 foreseeable future.

20 6. This Court has consistently ordered the immediate release of other petitioners in similar
21 circumstances, finding their re-detention unlawful. See *Jimenez v. Bondi*, 2025 U.S. Dist. LEXIS

22
23 ² Petitioner timely appealed the decision and submitted a motion to stay removal with the Board of Immigration Appeals (Board), as a stay is not automatic under these circumstances. See *Immigr. Ct. Prac. Manual* 8.2(d)(1).

1 253558, at * (W.D. Wash. Dec. 3, 2025) (ordering petitioner's immediate release after finding his
2 re-detention violated due process and the regulations); *Vu Tranh Tran v. Bondi*, No. C23-01897-
3 JLR, 2025 U.S. Dist. LEXIS 221487, at *7 (W.D. Wash. Nov. 10, 2025) (finding petitioner's re-
4 detention unlawful because it did not comply with either *Zadvydas* or the regulatory
5 requirements); *Ghasedi v. Wamsley*, No. 2025 U.S. Dist. LEXIS 263086, at *20 (W.D. Wash.
6 Dec. 1, 2025) (ordering immediate release of petitioner because removal was not significantly
7 likely in the reasonably foreseeable future); *Phetsadakone v. Scott*, No. 2:25-cv-01678-JNW,
8 2025 U.S. Dist. LEXIS 173785, at *8 (W.D. Wash. Sept. 5, 2025) (ordering the immediate release
9 of a petitioner through a temporary restraining order because the regulations appeared to require
10 "an individualized determination about the likelihood of removal based on changed
11 circumstances, followed by notice and an opportunity to respond.").

12 7. Other courts across the country have also found ICE's recent wave of revocations of orders
13 of supervision violated its own regulations and therefore violated due process. *See, e.g., Herrera*
14 *v. Tate*, 4:25-cv-03364, U.S. Dist. LEXIS 189999 (S.D. TX Sep. 26, 2025), Dkt. 14; *Yang v.*
15 *Kaiser*, 2025 U.S. Dist. LEXIS 196161, 2025 WL 2791778 (E.D. Cal. Aug. 20, 2025); *Sun v.*
16 *Santacruz*, No. 5:25-CV-02198-JLS-JC, 2025 U.S. Dist. LEXIS 165913 (C.D. Cal. Aug. 26,
17 2025).

18 8. Accordingly, based on recent decisions and ICE's own statement about the lack of
19 likelihood of removal in Petitioner's case, this Court should grant the instant petition for a writ of
20 habeas corpus and order Petitioner's immediate release. *See Phetsadakone*, 2025 WL 2402130,
21 at *14 (ordering immediate release to restore the status quo ante litem to prevent irreparable harm
22 while allowing full adjudication of petitioner's claims.)

PARTIES

9. Petitioner Paulo Laza Mbunga is a citizen of Angola who is presently detained at the Northwest ICE Processing Center in Tacoma, Washington.

10. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as her designees.

11. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. She is the cabinet-level secretary responsible for all immigration enforcement in the United States and has ultimate custodial authority over Petitioner.

12. Respondent Todd Lyons is sued in his official capacity as 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.

13. Respondent Laura Hermosillo is sued in her official capacity as Field Office Director for the Seattle office of Immigration and Customs Enforcement, an agency of the Department of Homeland Security. She is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition.

14. Respondent Bruce Scott, is sued in his official capacity as the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention center where the Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.

JURISDICTION & VENUE

15. 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).

16. 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).

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

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

19. 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

20. Petitioner is a 20-year-old native and citizen of Angola.

21. Petitioner first entered the United States on or around July 21, 2019. *See* Decl. of Hilary Smith. Two weeks after entering the United States, Petitioner departed the United States with his family to seek asylum in Canada. *See id.* While Petitioner may have personally been served a Notice to Appear (NTA), the NTA was not docketed with the immigration court until February 6, 2020. *See id.*

1 22. The New York Federal Plaza Immigration Court assumed jurisdiction over Petitioner's
2 removal case despite the delay in docketing the NTA and order him removed in absentia on March
3 2, 2020. *See id.*

4 23. Petitioner and his family re-entered the United States on September 13, 2024. *Id.* Only
5 Petitioner was detained by ICE. *Id.* He filed a motion to reopen his removal proceedings on or
6 around December 13, 2024. *Id.* ICE released Petitioner from detention on January 8, 2025, under
7 an order of supervision. *Id.*

8 24. Petitioner's motion was denied on August 18, 2025. *Id.* There were multiple errors with
9 issuing this decision. The New York Federal Plaza Immigration Court did not postmark the
10 decision until September 16, 2025, one day before a notice of appeal would have been due. *Id.*
11 The Immigration Judge also indicated Petitioner was representing himself pro se, when in fact, he
12 was represented by counsel. *Id.* Counsel of record at the time never received this decision. *Id.*
13 Petitioner did not receive the Immigration Judge's decision until about September 26, 2025, at the
14 earliest—nine days after a notice of appeal would have been due. *Id.*

15 25. Due to this error, the New York Federal Plaza Immigration Court re-issued the decision
16 with a new appeal deadline. *Id.* Petitioner then timely filed an appeal with the Board. *Id.*

17 26. At an ICE check-in, Petitioner and his family were informed by ICE that their appeal was
18 not appearing in the "EOIR system." *Id.* Petitioner's counsel for removal proceedings prepared a
19 letter and evidence outlining the reasons why the appeal was likely not showing up in EOIR's
20 system, explaining that it was a paper record of proceeding and that a re-issued decision was sent
21 to Petitioner and his family and likely, not properly updated in EOIR's electronic system. *See id.*

22 27. Despite this evidence, ICE re-detained Petitioner at an ICE check-in on December 29,
23 2025. *Id.* The reasons the officers gave Petitioner was only that the appeal still was not appearing

1 in the "system." *Id.* The ICE officers did not call Petitioner's counsel, despite Petitioner presenting
2 a signed G-28 at the check-in.

3 28. ICE confirmed with the Board on or before January 2, 2026, that there were no plans to
4 remove Petitioner from the United States and that no removal date had been set. *Id.*

5 29. Up until his most recent detention, Petitioner was fully compliant under his order of
6 supervision.

7 30. Prior to Petitioner's detention, he did not receive written notice of the reason for his
8 detention and revocation of his order of supervision. *Id.*

9 31. Prior to Petitioner's detention, ICE did not provide him with a notice and opportunity to
10 respond to the revocation. *See id.*

11
12 **MEMORANDUM OF LAW**

13 **Due Process Principles**

14 32. Due process and DHS' own regulations require that if DHS/ICE seeks to revoke an order
15 of supervision for someone like Petitioner—who has previously been given an order of
16 supervision that he has not violated—the government must conduct an individualized
17 determination about the likelihood of removal based on changed circumstances, followed by a
18 notice and opportunity to respond. *See* 8 C.F.R. §§ 241.13(f), (i); 241.4(f). Additionally, ICE must
19 conduct an informal interview prior revoking release under an order of supervision. *Id.* §
20 241.13(i)(3).

21 33. "Freedom from imprisonment—from government custody, detention, or other forms of
22 physical restraint—lies at the heart of the liberty protected by the Due Process Clause." *Zachrydas*

1 v. *Davis*, 533 U.S. 678, 690 (2001). An individual's interest in not being detained is "the most
2 elemental of liberty interests[.]" *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004).

3 34. Consistent with this principle, individuals released on parole or other forms of conditional
4 release have a liberty interest in their "continued liberty." *Morrissey v. Brewer*, 408 U.S. 471, 482
5 (1972). And release of an individual from custody creates an "'implicit promise' that the
6 individual's liberty will be revoked only if they fail to abide by the conditions of their release."
7 *See e.g., Calderon v. Kaiser*, No. 25-cv-06695-AMO, 2025 U.S. Dist. LEXIS 163975, at *5 (N.D.
8 Cal. Aug. 22, 2025) (quoting *Morrissey*, 408 U.S. at 482).

9 35. Such liberty is protected by the Fifth Amendment because, "although indeterminate, [it]
10 includes many of the core values of unqualified liberty," such as the ability to be gainfully
11 employed and live with family, "and its termination inflicts a 'grievous loss' on the [released
12 individual] and often on others." *Morrissey*, 408 U.S. at 482

13 36. To protect against arbitrary re-detention and to ensure the right to liberty, due process
14 requires "adequate procedural protections" that test whether the government's asserted
15 justification for a noncitizen's physical confinement "outweighs the individual's constitutionally
16 protected interest in avoiding physical restraint." *Zadvydas*, 533 U.S. at 690 (citation modified).

17 37. Due process protects against deprivation of liberty without proper process, and this
18 protection extends to deportation proceedings. U.S. Const. amend. V. ("No person shall be . . .
19 deprived of life, liberty, or property, without due process of law[.]"); *Trump v. J.G.G.*, 145 S. Ct.
20 1003, 1006, 221 L. Ed. 2d 529 (2025) ("It is well established that the Fifth Amendment entitles
21 aliens to due process of law' in the context of removal proceedings." (quoting *Reno v. Flores*, 507
22 U.S. 292, 306, (1993)).

38. Several courts, including this one, have recognized that these principles apply with respect to the detention of the many noncitizens that DHS has recently begun taking back into custody, often after such persons have been released for months or years.

39. For example, in *Phetsadakone*, this Court ordered the petitioner released from detention to restore the status quo of liberty prior to alleged unlawful re-detention when the petitioner had previously been released on supervision, which he maintained without incident for decades. 2025 U.S. Dist. LEXIS 173785, at *14.

40. The *Phetsadakone* court recognized that “[w]hen ICE revokes supervised release, regulations appear to require an individual determination about the likelihood of removal based on changed circumstances, followed by a notice and opportunity to respond.” *Id.* at *8 (citing 8 C.F.R. § 241.13(f), (i)). Without clear evidence that ICE made an individual determination regarding the likelihood of Petitioner’s removal and provided him with notice and opportunity to respond, it is very likely ICE violated its own regulations and violated Petitioner’s right to Due Process.

41. “Procedural due process imposes constraints on governmental decisions which deprive individuals of ‘liberty’ or ‘property’ interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment.” *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). To comply with procedural due process, an individual must have “the opportunity to be heard ‘at a meaningful time and in a meaningful manner.’” *Id.* at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

42. This Court has found that the *Mathews* test favors individuals like Petitioner—petitioners have a considerable private interest in freedom from detention, the risk of erroneous deprivation is high, and that the government’s interest in the individuals’ re-detention is minimal. *See e.g.*,

1 *Tzafir v. Bondi*, No. 25-cv-02067-JHC-SKV, 2026 U.S. Dist. LEXIS 4428 (W.D. Wash. Jan. 9,
2 2026); *Tzafir v. Bondi*, No. 25-cv-2070-JHC-GJL, 2025 U.S. Dist. LEXIS 265785 (W.D. Wash.
3 Dec. 24, 2025); *Jimenez*, 2025 U.S. Dist. LEXIS 253558.

4 43. The same and similar framework and principles apply here and compel Petitioner's
5 immediate release.

6 44. This Petition has been verified by Petitioner. See Verification of Petitioner.
7
8

9 **FIRST CLAIM FOR RELIEF**

10 **Violation of Fifth Amendment Right to Due Process**
11 **Procedural Due Process**

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

13 46. Due process does not permit the government to strip Petitioner of his liberty without
14 providing him a meaningful opportunity to be heard. *Mathews*, 424 U.S. at 333.

15 47. Respondents revoked Petitioner's order of supervision and deprived him of liberty without
16 affording him individual determination and a notice and opportunity to respond.

17 48. Due process also does not allow the government to strip Petitioner of his liberty without
18 following its own regulations by conducting an individual determination about the likelihood of
19 removal based on changed circumstances, followed by a notice and opportunity to respond if it
20 seeks to revoke an order of supervision. See 8 C.F.R. § 241.13(f), (i).

21 49. Accordingly, Petitioner's detention violates the Due Process Clause of the Fifth
22 Amendment.
23

SECOND CLAIM FOR RELIEF
Violation of the Code of Federal Regulations
8 C.F.R. §§ 241.4(l); 241.13(i)

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

51. The continued detention of Petitioner violates 8 C.F.R. §§ 241.4(l)(1) and 241.13(i)(3), because he was not adequately notified of the reasons for the revocation, being told only that he was being detained because an appeal was not appearing in the EOIR system, despite providing evidence to the contrary. He also was not provided a prompt informal interview. 8 C.F.R. § 241.4(i)(3).

52. The continued detention also violates 8 C.F.R. § 241.4(l)(2) because there exist here none of the circumstances that permit revocation of supervision, such as failure to comply with supervision.

53. There also has not been a showing there is a significant likelihood of Petitioner's removal in the foreseeable future, given that ICE itself admitted that there was no removal date scheduled for Petitioner and that removal was not imminent. See 8 C.F.R. § 241.13(i)(2).

54. Accordingly, Petitioner's detention violates the Code of Federal Regulations.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

55. Petitioner has exhausted all available administrative remedies that can provide the relief he seeks.

IRREPARABLE INJURY

56. Petitioner has suffered irreparable injury as a result of his detention. His physical liberty continues to be restrained, and no just cause for doing so can be specified. "It is well established

1 that the deprivation of constitutional rights' unquestionably constitutes irreparable injury."
2 *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347,
3 373 (1976)). Petitioner is only 20-years-old and for the second time, has been detained and
4 separated from his family and support system, despite fully complying with all the requirements
5 under his order of supervision.

6
7 **PRAYER FOR RELIEF**

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

- 9 (1) Assume jurisdiction over this matter;
- 10 (2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release
11 Petitioner from custody;
- 12 (3) Issue an order preventing Respondents from re-detaining Petitioner without providing
13 adequate notice of the reasons for his re-detention and a meaningful opportunity to
14 respond;
- 15 (4) Issue an order providing for an award of attorney's fees and costs; and
- 16 (5) Grant such other relief as may be just and reasonable.

17
18 Dated: January 13, 2026.

19 /s/ Hilary Smith
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