

1 Robert Pauw, WSBA No. 13613
GIBBS HOUSTON PAUW
2 1000 Second Avenue, Suite 1600
Seattle, WA 98104-1003
3 Phone: (206)682-1080
Fax: (206)689-2270
4 Email: rpauw@ghp-law.net

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6
7 UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE
9

10 Miguel Garcia-Vasquez,

Petitioner

11 vs.

Case No. 26-120

12 Laura HERMOSILLO, Seattle Field Office Acting
Director, Enforcement and Removal Operations, U.S.
Immigration and Customs Enforcement;
13 Bruce SCOTT, Warden, Northwest ICE Processing Center;
Kristi NOEM, Secretary of Department of Homeland
14 Security;
Pamela BONDI, United States Attorney General,
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PETITION FOR WRIT OF
HABEAS CORPUS

16 Respondents
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PETITION FOR WRIT OF HABEAS CORPUS - 1

Gibbs Houston Pauw
1000 Second Avenue, Suite 1600
Seattle, WA 98104
Ph. (206) 682-1080
Fax. (206) 689-2270

INTRODUCTION

1. Petitioner, Miguel Garcia Vasquez, is a being held in immigration detention without bond at the Northwest ICE Processing Center (NWIPC) in violation of this Court's order in *Rodriguez Vazquez v. Bostock*, Case No. 3:25-cv-5240-TMC, 2025 U.S. Dist. LEXIS 193611 (W.D. Wash. 2025). He seeks an order requiring the Respondents to provide a bond hearing within seven (7) days, so that a reasonable bond amount can be established and he can be released from detention.

JURISDICTION

2. This court has jurisdiction pursuant to 28 U.S.C. §2241 (habeas corpus jurisdiction); 28 U.S.C. §1331 (federal question jurisdiction); 28 U.S.C. §2201 (jurisdiction to render declaratory judgments); and 28 U.S.C. §1361 (jurisdiction over actions for mandamus).

3. Venue in the Western District of Washington is appropriate because Mr. Garcia Vasquez is currently in custody at the Northwest ICE Processing Center in Tacoma. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973). In addition, venue is also properly in this district pursuant to 28 U.S.C. §1391(e) because Respondents are employees, officers, and agencies of the United States, and a substantial part of the events or omissions giving rise to the claims in this lawsuit have occurred in this district.

PARTIES

4. Miguel Garcia Vasquez entered the United States in or about 1999 and has lived in the United States since that time. He does not have lawful immigration status. On or about December 3, 2025, he was arrested by Immigration and Customs Enforcement (ICE) officers.

1 He is currently being held in detention at the Northwest ICE Processing Center in Tacoma,
2 Washington.

3 5. Respondent Laura Henmosillo is the Seattle Field Office Acting Director, Enforcement
4 and Removal Operations, U.S. Immigration and Customs Enforcement. She is sued in her
5 official capacity.

6 6. Respondent Bruce Scott is Warden of the Northwest ICE Processing Center in
7 Tacoma, Washington. He is sued in his official capacity.

8 7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
9 (DHS). DHS is the agency responsible for implementing the Immigration and Nationality Act
10 and Kristi Noem, as Secretary of DHS, is the person ultimately responsible for custody
11 determinations regarding Petitioner. Respondent Noem is sued in her official capacity.

12 8. Respondent Pamela Bondi, United States Attorney General, is the executive officer
13 who has been given authority to manage and control the Executive Office of Immigration
14 Review (EOIR), including Immigration Judges and the Board of Immigration Appeals (BIA). In
15 addition, the U.S. Attorney General has authority to establish legal and policy guidelines
16 concerning which non-citizens are to be detained for immigration purposes. Respondent Bondi
17 is sued in her official capacity.

18 FACTUAL BACKGROUND

19 9. The Petitioner, Miguel Garcia-Vasquez, is a native and citizen of Mexico. He has
20 been living in the United States since 1999.

1 10. Mr. Garcia-Vasquez seeks a writ of habeas corpus to enforce his rights as a class
2 member of the Bond Denial Class certified in *Rodriguez Vasquez v. Bostock*, Case No. 3:25-cv-
3 5240-TMC, 2025 WL 2782499, 2025 U.S. Dist. LEXIS 193611, *18 (W.D. Wash. 2025).

4 11. On September 30, 2025, this Court issued a final judgment declaring that Bond
5 Denial Class members are detained under 8 U.S.C. §1226(a) and are not subject to mandatory
6 detention under 8 U.S.C. §1225(b)(2). The Bond Denial Class is comprised of all noncitizens
7 without lawful status detained at the NWIPC who (1) have entered or will enter the United States
8 without inspection, (2) are not apprehended upon arrival, and (3) are not or will not be subject to
9 detention under 8 U.S.C. §1226(c), §1225(b)(1), or §1231 at the time the noncitizen is scheduled
10 for or requests a bond hearing. *Rodriguez Vasquez v. Bostock*, 2025 WL 2782499, 2025 U.S.
11 Dist. LEXIS 193611, (W.D. Wash. Sept. 30, 2025). The Court declared that “the Tacoma
12 Immigration Court’s practice of denying bond to Bond Denial Class members on the basis of
13 §1225(b)(2) violates the Immigration and Nationality Act.” *Id.* at *87.

14 12. Mr. Garcia Vasquez entered the United States without inspection in 1999. He has
15 lived in the United States since that time. He has four children, three of whom have Deferred
16 Action for Childhood Arrivals (DACA) status, and the youngest of whom is a U.S. citizen. Mr.
17 Garcia Vasquez has not been convicted of any criminal offense.

18 13. On December 3, 2025, he was arrested by ICE as he was driving to work.

19 14. On January 6, 2026, Mr. Garcia Vasquez appeared before an immigration judge at
20 the NWIPC immigration court for a master calendar hearing. A second master calendar hearing
21 has been scheduled for January 30, 2026.

1 15. Mr. Garcia Vasquez is a member of the Bond Denial Class in the *Rodriguez Vasquez*
2 lawsuit in that: (1) he does not have lawful status in the United States and is currently detained at
3 NWIPC after being apprehended by ICE on December 3, 2026; (2) he entered the United States
4 without inspection over twenty-five years ago and was not apprehended upon arrival; and (3) he
5 is not detained under 8 U.S.C. §1226(c), §1225(b)(1), or §1231.

6 16. The Respondents refuse to establish a bond amount and maintain that Petitioner is
7 being held under 8 U.S.C. §1225(b)(2) and is not eligible for bond.

8 17. Mr. Garcia Vasquez is not a danger to the community and he is not a flight risk.

9 EXHAUSTION OF ADMINISTRATIVE REMEDIES

10 18. Petitioner has no available administrative remedies that can provide the relief he
11 seeks. *Acevedo-Carranza v. Ashcroft*, 371 F.3d 539, 541–42 (9th Cir. 2004) (“Exhaustion of
12 remedies is not required when resort to such remedies would be futile.”).

13 CLAIMS

14 FIRST CLAIM

15 19. Petitioner repeats and re-alleges the allegations contained in the preceding
16 paragraphs of this Petition as if fully set forth herein.

17 20. As a member of the Bond Denial Class in *Rodriguez Vasquez*, Mr. Garcia
18 Vasquez is entitled to have a bond amount established under 8 U.S.C. §1226(a). Under
19 this Court’s decision in *Rodriguez Vasquez*, the Respondents are in violation of the
20 Immigration and Nationality Act because they have applied the mandatory detention
21 provision in §1225(b)(2) to Mr. Garcia Vasquez.

SECOND CLAIM

21. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

22. By refusing to establish a bond amount for Mr. Garcia Vasquez, the Respondents are in violation of this Court's judgment in *Rodriguez Vasquez*.

THIRD CLAIM

23. Petitioner repeats and re-alleges the allegations contained in the preceding paragraphs of this Petition as if fully set forth herein.

24. The Respondents' decision to detain Mr. Garcia Vasquez without bond and without a hearing to determine whether he is a danger to the community or a flight risk constitutes a violation of the Due Process clause of the United States Constitution.

REQUEST FOR RELIEF

The Petitioner hereby respectfully requests the following relief:

(1) Assume jurisdiction over this matter.

(2) Issue an order that the Respondents may not transfer the Respondent out of this district while this petition remains pending;

(3) Issue an order requiring that within seven days Respondents must provide a bond hearing under 8 U.S.C. §1226(a) for Petitioner;

(4) Award Petitioner attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. §2142, *et seq.*, or any other basis allowed under law;

(5) Grant such other relief as may be just and appropriate.

Dated this 13th day of December, 2026.

/s/ Robert Pauw
Robert Pauw
GIBBS HOUSTON PAUW
1000 Second Ave., Suite 1600
Seattle, WA 98104
(206) 682-1080
rpauw@ghp-law.net

Attorney for Miguel Garcia Vasquez

VERIFICATION

Robert Pauw, being duly sworn upon oath, hereby states: I represent the Petitioner in these habeas corpus proceedings. I have discussed with the Petitioner's daughter and his prior counsel the matters alleged in the foregoing Petition. I verify that the information contained in the foregoing Petition is true and correct to the best of my knowledge and belief.

Dated: January 13, 2026

/s/ Robert Pauw