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8 UNITED STATES DISTRICT COURT FOR THE
9 WESTERN DISTRICT OF WASHINGTON
10 SEATTLE DIVISION

11 JOSE ZAMBRANO-VAZQUEZ,

12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary for the Department
15 of Homeland Security; TODD LYONS, Acting
16 Director, Immigration and Customs
17 Enforcement; LAURA HERMOSILLA, Field
18 Office Director, Immigration and Customs
19 Enforcement Seattle Field Office; BRUCE
20 SCOTT, Warden, Northwest ICE Processing
21 Center,

22 Respondents.

Case No. 2:26-cv-00122

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

3. Respondent, Kristi Noem, is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security ("DHS"). Ms. Noem is the cabinet-level secretary responsible for all immigration enforcement in the United States. She implements enforcement of the Immigration and Nationality Act ("INA") and oversees the operations of Immigration and Customs Enforcement ("ICE").

6. Respondent, Mr. Todd Lyons, is sued in his capacity as the Acting Director of ICE, which is tasked with executing all immigration law enforcement in the United States.

7. Respondent, Ms. Laura Hermosilla, is sued in her capacity as the Field Office Director of Seattle's ICE Field Office. Ms. Hermosilla bears responsibility for the apprehension, detention, and removal of noncitizens within her Field Office's jurisdiction, which includes Vancouver, Washington, the site of Petitioner's arrest, as well as Tacoma, Washington, where he is now detained. She is the immediate legal custodian of the Petitioner, for purposes of a federal habeas petition.

8. Respondent, Mr. Bruce Scott, is sued as the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention facility where Petitioner is being held in custody. He exercises direct custody over the Petitioner.

FACTUAL ALLEGATIONS

9. Petitioner was first placed into removal proceedings on May 4, 2011, after an arrest for malicious mischief in the third degree. *See* Exh. "A" (Form I-213, 12/26/2012), p. 5. On July 18, 2011, he pled guilty to breaking park curfew, a misdemeanor under a local ordinance. *Id.* at p. 6; *see also* RCW 35, 36; Clark County Code, Chapter 9.05.020. Petitioner was twenty-one years old at this time.

10. Then, on October 31, 2012, Petitioner was arrested for possessing less than 40 grams of marijuana. From the same incident, he was also charged with simple possession of methamphetamine. RCW 69.50.4013(1); Exh. "A" at p. 6. Petitioner's car had been searched in connection to a burglary, which he was quickly cleared of involvement in. *Id.* at p. 14. He states that he had recently bought a used vehicle that had crushed white capsules (which he was unaware of) concealed near the stick shift; however, he conceded during the arrest that a small amount of marijuana in the glove compartment was his. *Id.*

11. On November 29, 2012, while being held in the Clark County Jail, Petitioner's removal proceedings were administratively closed. *Id.* at p. 5. On or about November 9, the state agreed to dismiss the methamphetamine charge. Petitioner pled guilty to possessing less than 40 grams of marijuana on December 20, 2012, and was sentenced to 50 days in jail (time served). *Id.* at p. 5, 10.

12. On December 26, 2012, Petitioner was taken into immigration custody, and his removal proceedings were recalendared. *Id.* at p. 4. For unknown reasons, the Form I-213 dated 12/26/2012 reads that he was arrested for possessing heroin, which there is simply no support for. *Id.* at p. 5.

13. Since October 31, 2012, Petitioner has had no further arrests.

14. Throughout much of 2013, Petitioner was considered "mandatory detention" pursuant to 8 U.S.C. § 1226(c). Exh. "B" (Order Denying Request for Custody Redetermination, 7/22/2013). However, on October 8, 2013, he was granted an \$8,000 bond for his release under *Rodriguez v. Robbins*, 715 F.3d 1127 (9th Cir. 2013) (*rev'd by Jennings v. Rodriguez*, 138 S.Ct. 830 (2018)). See Exh. "C" (Order Granting Request for Custody Redetermination, 10/8/2013). He was then released after posting the bond.

1 15. On June 26, 2014, Petitioner and the Department of Homeland Security (“DHS”)
2 jointly agreed to administratively close his removal proceedings, for the second time. The
3 Portland Immigration Court granted this motion. Exh. “D” (Order Granting Administrative
4 Closure, 6/26/2014).

5 16. On April 9, 2021, the Clark County District Attorney and Office of the Public
6 Defender jointly moved to vacate Petitioner’s conviction for marijuana possession, following the
7 Washington Supreme Court’s decision in *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021).
8 Exh. “E” (Order Vacating Judgment, 9/24/2021) at p. 3. The Clark County Superior Court
9 granted this motion on September 24, 2021, leaving the Petitioner with a single criminal
10 conviction: a misdemeanor park curfew violation, which occurred on May 2, 2011. *Id.* at p. 4.

11 17. On August 3, 2020, Petitioner became the father to a newborn son. Before his
12 current period of detention, he was residing in Vancouver with his son and his son’s mother.

13 18. Over eleven years after his removal proceedings were administratively closed by
14 joint motion, Petitioner was encountered by an Immigration and Customs Enforcement (“ICE”)
15 officer on November 12, 2025, while at a gas station in Vancouver. There is no indication on the
16 Form I-213 from this date that ICE possessed a warrant for his arrest. Petitioner’s license plate
17 number was investigated by the ICE officer, identifying him as a noncitizen in removal
18 proceedings, and he was remanded back into custody; once more, the 2025 Form I-213 falsely
19 alleges that he has a “prior arrest for possession of heroin.” Exh. “F” (Form I-213, 11/12/2025) at
20 p. 5. Nine days after this arrest, the Portland Immigration Court recalendared removal
21 proceedings by DHS motion. *See* Exh. “G” (Order Recalendaring Proceedings, 11/21/2025).

19. On December 17, 2025, Petitioner was denied a bond for release from custody by the Tacoma Immigration Court, by the same Immigration Judge ("IJ") who granted his \$8,000 bond in October of 2013. This time, the IJ found that Petitioner had a "long history with drugs" and was both a danger to the community and a flight risk (alternatively, it ordered that it lacked jurisdiction pursuant to *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025)). She was not receptive to the arguments that she herself had previously granted Petitioner a bond, that no new criminal activity had occurred since October 2012, or that the Department of Homeland Security had moved to administratively close Petitioner's removal proceedings on July 7, 2014.

20. Under 8 C.F.R. § 1003.19(e), a subsequent motion for custody redetermination cannot be considered absent a showing of "materially changed circumstances." This is a fact-specific inquiry, and the presiding IJ is fully aware of the facts as they currently stand. As such, Petitioner is effectively barred at this point from seeking a release from custody through the Tacoma Immigration Court.

JURISDICTION

21. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"). 8 U.S.C. § 1101 et. seq.; see also *Reno v. Flores*, 507 U.S. 292, 306 (1993) (affording immigrants due process under the Fifth Amendment).

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

23. The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

24. Venue is appropriate in this Court because the Petitioner is detained in this judicial district. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973).

25. Venue is also properly with the Court under 28 U.S.C. § 1391(e) because the Respondents are employees, officers, and agencies of the United States, and a substantial part of the events or omissions giving rise to this petition have occurred in the Western District of Washington.

26. For the same reasons, divisional venue is proper under Local Rule 3-2.

REQUIREMENTS OF 28 U.S.C. §§ 2243, 2241

27. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . as it [affords] a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it, and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

28. Petitioner is “in custody” for the purpose of 8 U.S.C. § 2241 because he is currently held at the Northwest ICE Processing Center. “[T]he Supreme Court has repeatedly held that the in-custody requirement is met where the Government restricts a petitioner’s

1 freedom of action or movement.” *Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), citing
2 *Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); *see*
3 *also, e.g., Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez*
4 *v. Holder*, 454 F. App’x 769, 772-72 (11th Cir. 2011) (same).

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LEGAL FRAMEWORK

29. Due process requires that if the DHS seeks to re-arrest a person like Petitioner —
i.e., someone who was previously released from custody, appeared in immigration court, has
lived in the United States without incident, and has otherwise materially complied with the terms
of their supervision —the government must provide a hearing before a neutral decisionmaker to
determine whether any re-detention is justified. Typically, re-detention is only justifiable when
that person may be considered a flight risk or danger to the community.

30. Noncitizens in immigration proceedings are entitled to due process under the Fifth
Amendment of the U.S. Constitution. “Freedom from imprisonment—from government custody,
detention, or other forms of physical restraint—lies at the heart of the liberty protected by the
Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, it is the
“the most elemental of liberty interests.” *E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-
1192-KKE, 2025 WL 2402130, at *3 (citation modified); *see also Ramirez Tesara*, --- F. Supp.
3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *3 (stating that the petitioner had
“an exceptionally strong interest in freedom from physical confinement”).

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

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

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

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

17 35. Many courts, including this one, have recognized that such principles apply with
18 respect to the re-detention of noncitizens – especially those the DHS has arbitrarily begun taking
19 back into custody, often after they have been released for months or even years. *See, e.g., E.A.*
20 *T.-B. v. Wamsley*, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*
21 *Wamsley*, 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.

Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-ML (W.D. Wash. Oct. 15, 2025), Dkt. 13; *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025). Many other U.S. District Courts have made similar holdings.

36. For example, in *E.A. T.-B.*, this Court applied the *Mathews* framework to hold that, even in a case where the government asserted that mandatory detention initially applied, a person's re-detention could not occur absent a hearing on their custody. *E.A. T.-B.*, 2025 WL 2402130, at *6 (ordering immediate release because "a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty"); *see also Mathews v. Eldridge*, 422 U.S. at 322-23. The Court reached similar conclusions in *Ramirez Tesara, Kumar, and Ledesma Gonzalez. Ramirez Tesara*, 2025 WL 2637663, at *2-3; *Kumar*, 2025 WL 2677089, at *2-3; *Ledesma Gonzalez*, 2025 WL 2841574, at *7-8.

37. In applying the *Mathews* factors, the *E.A. T.-B.* Court held that the petitioner had "undoubtedly [been] deprive[d] of an established interest in his liberty." *E.A. T.-B.*, 2025 WL 2402130, at *3. The Court explained that, even when detention was mandatory, the risk of an erroneous deprivation of liberty without a hearing was high because the hearing serves to ensure that the very purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at *4-5.

38. Moreover, the *E.A. T.-B.* Court explained that "the Government's interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on Intensive Supervision Appearance Program ("ISAP") violations before arresting and

re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the petitioner’s immediate release. *Id.* at *6.

39. This Court applied a similar analysis in *Ramirez Tesara*. There, it reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of additional safeguards, the Court noted that, despite the government’s allegations of ISAP violations, a belief that it has “a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.” *Id.* at *4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). The Court concluded that any government interest in re-detention without a hearing was “minimal,” and Court ordered the petitioner’s immediate release. *Id.* at *4-5.

40. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, holding that all three factors weighed in favor of affording the petitioner a proper hearing on his or her re-detention. 2025 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). The decisions in *E.A. T.-B.*, *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez* are consistent with many other district court decisions addressing similar situations. See, e.g., *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Makhlouf v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)

Abuse of Discretion

Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

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

42. Under the APA, a court shall “hold unlawful and set aside agency action” that is an abuse of discretion. 5 U.S.C. § 706(2)(A).

43. An action is an abuse of discretion if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (citing *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

44. To survive an APA challenge, the agency must articulate “a satisfactory explanation” for its action, “including a rational connection between the facts found and the choice made.” *Dep’t of Com. v. New York*, 139 S. Ct. 2551, 2569 (2019) (citation omitted).

45. By categorically revoking Petitioner’s freedom and bringing him into federal custody, without written notification outlining the reasons for the revocation nor making a consideration of the individualized facts and circumstances, Respondents have violated the APA.

46. By continuing to detain Petitioner, Respondents have further abused their discretion as there were no changes to the facts or circumstances since the agency made its initial custody determination which support his current period of administrative custody.

47. Respondents previously considered Petitioner's facts and circumstances and determined that he was neither a flight risk nor a danger to the community; this was firmly indicated by the two prior administrative closures of his removal proceedings, *after* his 2012 arrest for possessing drugs. The agency was correct in this assessment: Petitioner committed no additional crimes in the United States, fulfilled all requirements set by ICE, and did not violate the terms of his bond agreement. There have simply been no changes to the circumstances that justify the sudden revocation of Petitioner's freedom, causing his recent re-detention to be both arbitrary and an abuse of discretion.

COUNT TWO

Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(B)-(D) Not in Accordance with Law and in Excess of Statutory Authority Violation of 8 U.S.C. § 1226(b), 8 C.F.R. § 1236.1(c)(9)

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

49. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “contrary to constitutional right,” “in excess of statutory jurisdiction, authority, or limitations,” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

50. 8 U.S.C. § 1226(b) authorizes that “[t]he Attorney General at any time may revoke . . . parole authorized under [8 U.S.C. § 1226(a)]” and rearrest a noncitizen under the initial warrant. In implementing this statutory provision, 8 C.F.R. § 1236.1(c)(9) clarifies that such revocations of release from custody may only be carried out in the “discretion of the district

1 director, acting district director, deputy district director, assistant district director for
2 investigations, assistant district director for detention and deportation, or officer in charge
3 (except foreign).”

4 51. It is a well-established administrative principle that “agency action taken without
5 lawful authority is at least voidable, if not void *ab initio*.” *L.M.-M. v. Caccinelli*, 442 F. Supp.
6 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); see
7 also *Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating
8 agency action because it was taken by unauthorized official).

9 52. Respondents have revoked Petitioner’s ability to live freely in the United States
10 because of a categorical policy prepared by and implemented by government officials in
11 Washington D.C., not by the individual exercise of discretion required by law or by the
12 individuals enumerated by regulation to do so.

13 53. Respondents’ detention of Petitioner is not in accordance with law and exceeds
14 their statutory authority.

15 COUNT THREE

16 Violation of the Fifth Amendment Right to Procedural Due Process

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

18 55. The Due Process Clause of the Fifth Amendment to the U.S. Constitution
19 prohibits the federal government from depriving any person of “life, liberty, or property, without
20 due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the
21 United States, including [non-citizens], whether their presence here is lawful, unlawful,
22 temporary, or permanent.” *Zandvulax*, 533 U.S. at 693.

56. Due process requires that government action be rational and non-arbitrary. See *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). While the government has discretion to detain individuals under 8 U.S.C. § 1226(a) and to revoke custodial decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. *Zachrydas* at 694.

57. Although the initial decision to detain or release an individual may be at government’s discretion, “the government’s decision to release an individual from custody creates ‘an implicit promise,’ upon which that individual may rely, that their liberty ‘will be revoked only if [they] fail to live up to the ... conditions [of release].’” *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (quoting *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972)). Thus, even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that person is released from custody, they have a protected liberty interest in remaining out of custody. *Id.* (citing *Romero v. Kaiser*, No. 22-cv-20508, 2022 WL 1443250 (N.D. Cal. May 6, 2022)) (emphasis added).

58. The Due Process Clause generally “requires some kind of a hearing before the State deprives a person of liberty or property.” *Zimmerman v. Burch*, 494 U.S. 113, 127 (1990). For cases involving re-detention, the guiding authority on the process stems from *Mathews*, *supra*. Under *Mathews*, a reviewing court must consider “(1) the private interest that will be affected by the official action, (2) the risk of an erroneous deprivation of that interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards, and (3) the Government’s interest, including the function involved and the fiscal and administrative burdens that an additional or substitute procedural requirement would entail.” *Mathews*, 424 U.S. at 325.

59. Given the facts and arguments outlined above, we predict that all *Mathews* factors in this case will weigh heavily in Petitioner's favor (e.g., he has serious private interest in his liberty, there was a severe lack of individualized review by the DHS, and no changes in material circumstances occurred since his initial release). There is simply no reason for his continued detention.

60. The revocation of Petitioner's ability to live freely in the United States was done in an arbitrary and incoherent manner and was not based on a rational and individualized determination of whether he is a safety or flight risk. This constitutes a violation of due process.

COUNT FOUR

Violation of the Fifth Amendment Right to Counsel

61. Upon information and belief, the Department of Homeland Security may intend to move Petitioner to a remote facility far from Tacoma. Counsel can attest that many other detainees have been moved in this manner, which makes communication with counsel extremely difficult.

62. The constitutional right to counsel includes the ability to communicate effectively with one's attorney and to prepare a defense. 8 U.S.C. § 1362; *Usubakumar v. Gonzales*, 16 F.4th 1299, 1304-1305 (9th Cir. 2021); *Gomez-Velazco v. Sessions*, 879 F.3d 989, 993 (9th Cir. 2018).

63. The Ninth Circuit has found that transferring detainees to remote locations without notifying their attorney or providing access to legal representation is a violation of the right to counsel. *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 565-66 (9th Cir. 1990); see also *Immigration Law Lab v. Nielsen*, 342 F.Supp.3d 1067, 1080 (D. Or. 2018).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to:

- 1) Assume jurisdiction over this matter;
- 2) Issue an Order to Show Cause ordering Respondents to demonstrate why this Petition should not be granted within three days;
- 3) Declare that Petitioner's detention without an individualized determination violates the Due Process Clause of the Fifth Amendment;
- 4) Declare that Petitioner's re-detention was made in violation of statute and regulation;
- 5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody;
- 6) Issue an Order prohibiting the Respondents from transferring Petitioner outside the district without 48 hours' advance notice to the undersigned and the Court;
- 7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- 8) Grant any further relief this Court deems just and proper.

Respectfully submitted,

Dated: January 14th, 2025

s/ Benjamin Cornell
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VERIFICATION OF PETITIONER

On behalf of Jose Zambrano-Vazquez, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief and having reviewed the relevant records and pleadings. Mr. Zambrano-Vazquez has not verified the petition himself as he is currently held in ICE custody.

Dated: January 14th, 2026

s/ Benjamin Cornell
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Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

US Attorneys
Email: usawaw.habeas@usdoj.gov

Dated: January 14th, 2026

s/ Benjamin Cornell
Benjamin Cornell, WSB #49533