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7 *Attorney for Petitioner*

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

11 MARIA LOYA-MEDINA,

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-00125

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

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1 INTRODUCTION

2 1. Petitioner, Ms. Maria Loya-Medina, submits a petition for writ of habeas corpus  
3 to seek enforcement of her rights as a member of the Bond Denial Class certified in *Bautista*  
4 *Maldonado v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 2670875  
5 (C.D. Cal. Nov. 25, 2025) and that in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, --  
6 - F. Supp. 3d ---, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). She is in the physical custody  
7 of federal Respondents, is detained the Northwest ICE Processing Center, and faces unlawful  
8 detention as the Department of Homeland Security (“DHS”) and the Executive Office for  
9 Immigration Review (“EOIR”) have refused to abide by the declaratory judgments issued on  
10 behalf of the certified classes in both *Maldonado Bautista* and *Rodriguez Vazquez*.

11 2. On May 2, 2025, this Court certified the Bond Denial Class in *Rodriguez*  
12 *Vazquez*. See 349 F.R.D. 333, 365 (W.D. Wash. May 2, 2025) (certifying Plaintiffs-Petitioners’  
13 proposed Bond Denial Class, identical to that in *Maldonado Bautista* but limited to detainees  
14 held at the Northwest ICE Processing Center). The Court later granted partial summary  
15 judgment to the *Rodriguez Vazquez* plaintiffs, uniformly finding bond jurisdiction under 8 U.S.C.  
16 § 1226(a) for persons detained at the Northwest ICE Processing Center who (1) have entered or  
17 will enter the United States without inspection, (2) are not apprehended upon arrival, (3) are not  
18 or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time  
19 the noncitizen is scheduled for or requests a bond hearing. *Rodriguez Vazquez*, 2025 WL  
20 2782499, at \*86-87 (W.D. Wash. Sept. 30, 2025).

21 3. Similarly, on November 20, 2025, the U.S. District Court for the Central District  
22 of California granted partial summary judgment on behalf of individual plaintiffs. On November  
23 25, 2025, it certified a nationwide class and extended declaratory judgment to the certified class.

1 *Maldonado Bautista v. Santacruz*, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order  
2 granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*  
3 *Santacruz*, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-  
4 Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory  
5 judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

6 4. Both declaratory judgments hold that Bond Denial Class members are detained  
7 under 8 U.S.C. § 1226(a) and may not be denied consideration for release on bond under §  
8 1225(b)(2)(A).

9 5. Although *Rodriguez Vasquez* and *Maldonado Bautista* are now being considered  
10 on appeal, a District Court decision remains in full force and effect until a stay is issued by the  
11 Ninth Circuit. *Nat'l Grange of the Order of Patrons and Husbandry v. Cal. State Grange*, 182 F.  
12 Supp. 3d 1065, 1074 (E.D. Cal. 2016); *in re Crystal Palace Gambling Hall, Inc.*, 817 F.2d 1361,  
13 1364 (9th Cir. 1987) ("Absent a stay, all orders and judgments of courts must be complied with  
14 promptly"). The *Rodriguez Vasquez* order of September 30, 2025 is thus enforceable and should  
15 apply to any qualifying Bond Denial Class Member; nonetheless, the Immigration Courts and  
16 DHS have refused to abide by the declaratory relief ordered and have unlawfully held that those  
17 in Petitioner's position should be denied the opportunity for a release on bond.

18 6. Petitioner is a member of the Bond Eligible Classes, as she:

- 19 a. Does not have lawful status in the United States and is currently held in  
20 administrative detention at the Northwest ICE Processing Center.
- 21 b. Last entered the United States without inspection about twenty-one years ago and  
22 was not apprehended upon arrival, *cf. id.*; and
- 23 c. Is not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

1 7. After apprehending Petitioner on January 10, 2026, the DHS served a Notice to  
2 Appear placing her into removal proceedings pursuant to 8 U.S.C. § 1229a. The Department has  
3 charged her as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered  
4 the United States without inspection and an unknown date and time.

5 8. Respondents are bound by the judgments in *Maldonado Bonafina and Rodriguez*  
6 *Vazquez*, as they have the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).  
7 Despite this, they continue to defy the judgments and subject Petitioner to unlawful detention,  
8 despite her clear entitlement to consideration for release as a Bond Eligible Class member.

9 9. Immigration judges have recently informed class members in bond proceedings  
10 that they have been instructed by “leadership” that district court orders are not controlling, even  
11 with respect to said class members, and that EOIR remains bound to follow the Department of  
12 Justice’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025); see also Exh.  
13 “A” (DHS Memorandum, 7/8/2025, directing the same).

14 10. Because Respondents are detaining Petitioner in violation of these declaratory  
15 judgments, this Court should accordingly order that the DHS must release Petitioner.

16 11. Alternatively, the Court should order Petitioner’s release unless Respondents  
17 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

18 12. The Court should expeditiously grant this petition.

19  
20 **PARTIES**

21 13. Petitioner is a citizen of Mexico who has been held in immigration detention since  
22 January 10, 2025. After she was arrested by DHS agents in Albany, Oregon, in the parking lot of  
23 a Big 5 sporting goods store, the Immigration and Customs Enforcement (“ICE”) Portland Field

1 Office did not set a bond for her release. Petitioner has continuously resided in the United States  
2 since around January of 2005. She has no criminal history.

3 14. Respondent, Ms. Kristi Noem, is the Secretary of the Department of Homeland  
4 Security. She is responsible for the implementation and enforcement of the Immigration and  
5 Nationality Act (“INA”) and oversees ICE, the agency responsible for Petitioner’s detention.  
6 Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

7 15. Respondent, Mr. Todd Lyons, is sued in his official capacity as the Acting  
8 Director of ICE, which is responsible for all immigration enforcement in the United States.

9 16. Respondent, Ms. Laura Hermosilla, is the Director of the Seattle ICE Field Office.  
10 As such, Ms. Hermosilla is Petitioner’s immediate custodian. She is responsible for the  
11 apprehension, detention, and removal of noncitizens located within her jurisdiction, and is named  
12 in her official capacity.

13 17. Respondent, Mr. Bruce Scott, is sued in his official capacity as warden of the  
14 Northwest ICE Processing Center, the privately-operated immigration detention facility where  
15 Petitioner is being held in custody. He exercises direct custody over Petitioner.

## 16 JURISDICTION

17  
18 18. This action arises under the Constitution of the United States and the Immigration  
19 and Nationality Act. 8 U.S.C. § 1101 et. seq.; *see also Reno v. Flores*, 507 U.S. 292, 306 (1993)  
20 (affording immigrants Due Process under the Fifth Amendment to the federal constitution).

21 19. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas  
22 corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United  
23 States Constitution (the Suspension Clause).

1 20. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
2 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

3  
4 **VENUE**

5 21. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
6 500 (1973), venue lies in the United States District Court for the Western District of Washington  
7 as it is the judicial district where Petitioner currently is detained.

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

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

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

14 24. The Court should grant the petition for writ of habeas corpus “forthwith,” as the  
15 legal issues at hand have already been resolved for class members through *Maldonado Bautista*  
16 and *Rodriguez Vasquez*. *See also* 28 U.S.C. § 2243.

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

1 26. Petitioner is “in custody” for purposes of § 2241 because she is currently  
2 detained at the Northwest ICE Processing Center. “[T]he Supreme Court has repeatedly held that  
3 the in-custody requirement [of 28 U.S.C. § 2241] is met where the Government restricts a  
4 petitioner’s freedom of action or movement,” including through an immigration order of  
5 supervision. See *Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), citing *Jones v.*  
6 *Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); see also, e.g.,  
7 *Deviri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*,  
8 454 F. App’x 769, 772-72 (11th Cir. 2011) (same).

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10 **CLAIMS FOR RELIEF**

11 **COUNT ONE**

12 **Violation of 8 U.S.C. § 1226(a)**

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

15 28. As a member of both the Bond Eligible Class in *Maldonado Benister* and the  
16 Bond Denial Class in *Rodriguez Vasquez*, Petitioner is entitled to consideration for release on  
17 bond under 8 U.S.C. § 1226(a).

18 29. The order granting partial summary judgment in *Maldonado Benister* holds that  
19 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
20 members such as Petitioner. Yet, the Tacoma Immigration Court has continued to deny bond  
21 jurisdiction to all illegal entrants into the United States, now citing reliance upon the Board of  
22 Immigration Appeal’s (“BIA’s”) decision in *Matter of Yajure Hurtado*, *supra*.

23 30. The Tacoma Immigration Court in fact began denying bond jurisdiction to all  
24 illegal entrants around 2022, years before the BIA fashioned precedent to support its position on

1 this matter. Despite the decision in *Maldonado Bautista*, and this Court’s similar ruling in  
2 *Rodriguez Vasquez*, the Tacoma Immigration Court continues to deny bond jurisdiction for  
3 members of the Bond Eligible Class.

4 31. The order granting class certification in *Maldonado Bautista* further states that  
5 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
6 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

7 32. Respondents are parties to both *Maldonado Bautista* and *Rodriguez Vasquez*, and  
8 are bound by the Court’s declaratory judgments, which have the full “force and effect of a final  
9 judgment.” 28 U.S.C. § 2201(a).

10 33. By denying Petitioner a bond hearing under 8 U.S.C. § 1226(a) and asserting that  
11 she is subject to mandatory detention under § 1225(b)(2), the Respondents will not only violate  
12 her statutory rights under the INA, but also the District Court’s judgments in *Maldonado*  
13 *Bautista* and *Rodriguez Vasquez*.

## 14 **COUNT TWO**

### 15 **Violation of the Fifth Amendment to the U.S. Constitution**

#### 16 **(Right to Procedural Due Process)**

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

18 35. The Due Process Clause of the Fifth Amendment prohibits the federal  
19 government from depriving any person of “life, liberty, or property, without due process of  
20 law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States,  
21 including [non-citizens], whether their presence here is lawful, unlawful, temporary, or  
22 permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2011).

23 36. Due process requires that government action be rational and non-arbitrary. *See*  
24 *U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).

1 37. By flagrantly defying the U.S. District Court's orders – as it has been directed to,  
2 pursuant to a DHS memorandum dated July 8, 2025<sup>1</sup> – Respondents will violate Petitioner's  
3 right to procedural due process.

4 **COUNT THREE**

5 **Violation of the Fifth Amendment to the U.S. Constitution**

6 **(Right to Counsel)**

7 38. Upon information and belief, the Department of Homeland Security may intend  
8 to move Respondent to a remote facility hundreds of miles away from Tacoma, Washington.  
9 Counsel can attest that many other noncitizens held in Tacoma have been moved in this manner,  
10 due to issues with overcrowding at the Northwest ICE Processing Center. This action would  
11 make communication with, and representation by, local and trusted counsel extremely difficult.

12 39. The constitutional right to counsel includes the ability to communicate effectively  
13 with one's attorney and to prepare a defense. 8 U.S.C. § 1362; *Usubakunov v. Gonzales*, 16 F.4th  
14 1299, 1304-1305 (9th Cir. 2021); *Gomez-Velazco v. Sessions*, 879 F.3d 989,993 (9th Cir. 2018).

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

19 41. Transferring Petitioner outside of this judicial district, while she is pursuing a  
20 petition for writ of habeas corpus, would constitute a violation of the Fifth Amendment Right to  
21 Counsel.

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23 <sup>1</sup> See Exh. "A," attached.

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**PRAYER FOR RELIEF**

WHEREFORE, Petitioner requests that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that Respondents release Petitioner;
- c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;
- e. Issue an Order prohibiting Respondents from transferring Petitioner outside the Northwest ICE Processing Center, without first providing the Court, Petitioner, and Petitioner's counsel notice of the transfer within 48 hours' notice; and
- f. Grant any other and further relief that this Court deems just and proper.

Respectfully submitted,

Dated: January 14<sup>th</sup>, 2026

*s/ Benjamin Cornell*  
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*Attorney for Petitioner*

1 **VERIFICATION OF PETITIONER**

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3 On behalf of Maria Loya-Medina, the party in custody, I verify the facts contained in the  
4 Petition for Writ of Habeas Corpus, upon information and belief and having reviewed the  
5 relevant records and pleadings. Ms. Loya-Medina has not verified the petition herself as she is  
6 currently held in ICE custody.

7 Dated: January 14<sup>th</sup>, 2026

*s/ Benjamin Cornell*  
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11 *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: [uszwsw.habeas@usdoj.gov](mailto:uszwsw.habeas@usdoj.gov)

Dated: January 14<sup>th</sup>, 2026

*s/ Benjamin Cornell*  
Benjamin Cornell, WSB #49533