

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Glendy Yaneth ARREAGA MORALES DE
PUTUL,

Petitioner,

v.

Laura HERMOSILLO, Seattle Field Office
Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement (ICE); Bruce SCOTT,
Warden, Northwest ICE Processing Center;
Kristi NOEM, Secretary, United States
Department of Homeland Security; Pamela
BONDI, U.S. Attorney General;

Respondents.

Case No. 2:25-cv-00129

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

INTRODUCTION

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2 1. This case challenges the unlawful re-detention of Glendy Yaneth Arreaga Morales
3 de Putul ("Ms. Arreaga"), who entered the United States on September 22, 2023 without
4 inspection to seek asylum. The Department of Homeland Security ("DHS") arrested Ms. Arreaga
5 soon after she crossed the border into the U.S. After briefly detaining Ms. Arreaga, DHS released
6 her on an order of release on recognizance into the country.

7 2. In the two years since her release, Ms. Arreaga has complied with requirements
8 imposed by Immigration and Customs Enforcement (ICE) as part of her release. Ms. Arreaga
9 timely filed her Form I-589 Application for Asylum, Withholding of Removal, and Convention
10 Against Torture protection, presented herself at appointments with Portland ICE—Enforcement
11 and Removal Operations, and complied with requirements of the Intensive Supervision
12 Appearance Program ("ISAP").

13 3. Nevertheless, on December 19, 2025, the day after she had presented herself in-
14 person at an ISAP appointment and told that she was in compliance, ICE re-detained Ms.
15 Arreaga at her residence. Ms. Arreaga was transferred to the Northwest ICE Processing Center
16 (NWIPC) in Tacoma, Washington, where she remains detained today.

17 4. Before re-detaining her, Respondents did not provide Ms. Arreaga with any
18 written notice explaining the basis for the revocation of her release, nor did they provide a
19 hearing before a neutral decisionmaker where ICE was required to justify the basis for re-
20 detention or explain why Ms. Arreaga is a flight risk or danger to the community.

21 5. As this Court has recently held in multiple cases, due process demands a hearing
22 *prior* to the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, ---
23 F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130, at *2-6 (W.D. Wash. Aug. 19, 2025);

1 *Ramirez Tesara v. Wamsley*, — F. Supp. 3d —, No. 2:25-CV-01723-MJP-TLF, 2025 WL
2 2637663, at *2–4 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-
3 CV01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025); *Kumar v.*
4 *Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4 (W.D. Wash. Sept. 17,
5 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-JLR-MLP
6 (W.D. Wash. Oct. 15, 2025), Dkt. 13. Many other courts have recently held the same.

7 6. By failing to provide such a hearing, Respondents have violated Ms. Arreaga's
8 constitutional right to due process.

9 7. Accordingly, this Court should grant the instant petition for a writ of habeas
10 corpus and order her immediate release. See *E.A. T.-B.* 2025 WL 2402130, at *6 (ordering
11 immediate release because “a post-deprivation hearing cannot serve as an adequate procedural
12 safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty”);
13 *Ramirez Tesara*, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar); *Ledesma*
14 *Gonzalez*, 2025 WL 2841574, at *9 (similar).

15 JURISDICTION

16 8. This action arises under the Constitution of the United States and the Immigration
17 and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

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

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

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VENUE

11. Venue is proper because Ms. Arreaga is in Respondents' custody at the NWIPC in Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Ms. Arreaga currently is in custody.

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

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does 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); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination.”).

1 15. Ms. Arreaga is "in custody" for the purpose of 28 U.S.C. § 2241 because
2 Respondents have arrested and continue to detain her.

3 **PARTIES**

4 16. Glendy Yaneeth Arreaga Morales de Putul is an adult citizen of Guatemala. She is
5 detained at NWIPC.

6 17. Respondent Laura Hermosillo is the Field Office Director for ICE's Seattle Field
7 Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens
8 charged with being removable from the United States. The Seattle Field Office's area of
9 responsibility includes Alaska, Oregon, and Washington. Respondent Hermosillo is a legal
10 custodian of Ms. Arreaga and is sued in her official capacity.

11 18. Respondent Bruce Scott is employed by the private corporation The GEO Group,
12 Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody
13 of Petitioner. He is sued in his official capacity.

14 19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
15 (DHS). She is responsible for the implementation and enforcement of the Immigration and
16 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
17 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

18 20. Respondent Pamela Bondi is the Attorney General of the United States, and as
19 such has authority over the Department of Justice. She is sued in her official capacity.

20 **FACTUAL BACKGROUND**

21 21. Ms. Arreaga is a 35-year-old citizen and national of Guatemala. Arreaga Decl. ¶
22 1. Ms. Arreaga fled Guatemala to the United States in 2023 to seek asylum and related
23

1 protections from persecution and torture. *Id.* She left Guatemala with her husband, Edgar Jovany
2 Putul Jiatz, and her two minor children, who are currently ages 15 and 6. *Id.*

3 22. Ms. Arreaga entered the United States on or around September 22, 2023, crossing
4 the border near Tucson, Arizona to seek asylum. She was apprehended by Border Patrol
5 immediately after her entry. Valladares Decl., Ex. A.

6 23. DHS detained Ms. Arreaga for one or two days and issued her a Notice to Appear
7 on or around September 23, 2023, charging her with being an alien present in the United States
8 who had not been admitted or paroled. *Id.*

9 24. Ms. Arreaga was then ordered released on her own recognizance on September
10 23, 2023 and given guidelines to report to Immigration and Customs Enforcement and attend
11 hearings at Portland Immigration Court. Valladares Decl., Ex. B.

12 25. Following her release on recognizance, Ms. Arreaga relocated to Oregon. *Id.*

13 26. Ms. Arreaga was enrolled in the Alternatives to Detention program, which
14 included using the ISAP phone application for monitor and weekly photo check-ins. *Id.*

15 27. As required by her release conditions and immigration court procedures, Ms.
16 Arreaga attended a Portland Immigration Court hearing in September 2025. Arreaga Decl., ¶ 4.

17 28. In September 2024, Ms. Arreaga timely filed her application for asylum,
18 withholding of removal, and Convention Against Torture Protection with the Portland
19 Immigration Court. Valladares Decl., Ex. C. In addition to attending a hearing in September
20 2025, a subsequent hearing was scheduled for November 2026. Valladares Decl., Ex. F. Ms.
21 Arreaga also applied for and received an employment authorization document and a Social
22 Security number. Valladares Decl., Exs. D-E.
23

1 29. To the best of her knowledge, Ms. Arreaga complied with all ISAP requirements
2 during the two years following her release. Arreaga Decl., ¶¶ 3-6. These requirements included
3 submitting a photo through the app once a week on Thursdays upon receiving a notification to
4 upload the photo from the app. *Id.*, ¶ 3.

5 30. Ms. Arreaga was complying with ISAP, but then in October 2025 she was told
6 she missed a notification to submit a photo on her ISAP application. Arreaga Decl., ¶ 6. Ms.
7 Arreaga never received this notification, even though she was attentive to her phone and ready to
8 submit the photo as needed, as she had done on many previous Thursdays. *Id.*

9 31. Because of this supposed violation, Ms. Arreaga was told to go to the ISAP office
10 for an in-person appointment. *Id.* At this appointment, the agents deleted, and then re-
11 downloaded the application to her phone to check that it was working and reconfigured the app.
12 *Id.* Officers also put an ankle monitor on Ms. Arreaga and imposed more in-person appointments
13 and check-ins through the app. *Id.* Officers communicated to her that if she complied for three
14 months, they would be able to remove the ankle monitor and pull back the more stringent
15 requirements. *Id.*

16 32. On approximately December 18, 2025, Ms. Arreaga presented herself in-person at
17 an ISAP check in appointment, because the app instructed her that she had an in-person
18 appointment. *Id.* at ¶ 7. There, officers told her that the appointment was, in fact, by phone. *Id.*
19 So, she received a check-in phone call later in the day, where officers told her that she was in
20 compliance and that she was on track to have her ankle monitor and other requirements removed.
21 *Id.*

22 33. The next day, December 19, 2025, immigration agents came to Ms. Arreaga's
23 residence. *Id.* at ¶ 8. They called her and told her to leave her home because ankle monitor was

1 not working and they wanted to fix it. *Id.* Ms. Arreaga did not understand how the ankle monitor
2 wouldn't be working when it did not display signs of malfunction and when she had just the day
3 before presented herself in person at ISAP and also received their call, where they told her that
4 she was complying with their terms. *Id.* Immigration agents arrested Ms. Arreaga that day and
5 detained her at the NWIPC. *Id.*

6 34. To the best of her knowledge, Ms. Arreaga complied with all DHS and EOIR
7 requirements for her case, including participating in ISAP, presenting herself at ICE-ERO
8 appointments when requested and attending immigration court hearings. *See id. generally.*

9 35. Before being placed back into DHS custody, Ms. Arreaga lived a full life in the
10 United States, including raising her 15-year old and 6-year-old, both of whom attend school. *Id.*
11 ¶ 5. Ms. Arreaga and her spouse both worked at restaurants. *Id.* The family attended Catholic
12 Church services when they had free time. *Id.*

13 36. Prior to Ms. Arreaga's re-detention, she did not receive written notice of the
14 reason for her re-detention.

15 37. Prior to Ms. Arreaga's re-detention, ICE did not provide notice of the revocation
16 of her order of release on recognizance, nor did ICE provide her an opportunity to contest such
17 revocation.

18 38. Prior to Ms. Arreaga's re-detention, Ms. Arreaga was not afforded a hearing
19 before a neutral decisionmaker to determine if her re-detention is justified.

20 LEGAL FRAMEWORK

21 39. Due process requires that in the case of a person like Ms. Arreaga—an individual
22 who has lived in the United States without incident after DHS first released her, submitted
23 applications for protection from removal, obtained employment authorization, and otherwise

1 complied with the terms of her release—the government must afford a hearing before a neutral
2 decisionmaker to determine whether any re-detention is justified, and whether the person is a
3 flight risk or danger to the community.

4 40. “Freedom from imprisonment—from government custody, detention, or other
5 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
6 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the
7 most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); see
8 also *Ramirez Tesoro*, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally
9 strong interest in freedom from physical confinement”).

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

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

17 43. To protect against arbitrary re-detention and to guarantee the right to liberty, due
18 process requires “adequate procedural protections” that ensure the government’s asserted
19 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
20 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotation
21 marks omitted).

22 44. Due process thus guarantees notice and an individualized hearing before a neutral
23 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.

1 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
2 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation
3 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to
4 determine whether there is probable cause or reasonable ground to believe that the arrested
5 parolee has committed . . . a violation of parole conditions” and that such determination be made
6 “by someone not directly involved in the case” (citation modified)).

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

10 46. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
11 319(1976), framework to hold that even in a case where the government argued mandatory
12 detention applied, a person’s re-detention required a hearing. The Court did the same in *Ramirez*
13 *Tesara, Kumar, and Ledesma Gonzalez*. *See Ramirez Tesara*, 2025 WL 2637663, at *2–3;
14 *Kumar*, 2025 WL 2677089, at *2–3; *Ledesma Gonzalez*, 2025 WL 2841574, at *7–8.

15 47. In applying the three *Mathews* factors, this Court held that the petitioner had
16 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A. T.-B.*, 2025 WL
17 2402130, at *3, which, as noted, is the most elemental of liberty interests,” *id.* (citation
18 modified). The Court further explained that even if detention was mandatory, the risk of
19 erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure
20 that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.*
21 at *4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens
22 previously released without a hearing is low: although it would have required the expenditure of
23 finite resources (money and time) to provide Petitioner notice and hearing on [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.

48. This Court applied a similar analysis in *Ramirez Texera*, where the petitioner also faced allegations of ISAP violations. There, the Court 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 also noted that despite the possible ISAP violations, “the fact that the Government may believe 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). Finally, the Court reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court ordered the petitioner’s immediate release. *Id.* at *5.

49. The *Kumar* and *Ledesma Gonzalez* courts reached the same decision, again holding that all three factors weighed in favor of affording the petitioner a bond hearing. 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).

50. This Court’s decisions in *E.A. T.-B.*, *Ramirez Texera*, *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. Nuem*, — F. Supp. 3d —, No. 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal.

1 Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068
2 (E.D. Cal. Aug. 21, 2025) (similar).

3 51. The same framework and principles apply here and compel Ms. Arreaga's
4 immediate release.

5 **CLAIM FOR RELIEF**
6 **Violation of Fifth Amendment Right to Due Process**
7 **Procedural Due Process**

8 52. Ms. Arreaga restates and realleges all paragraphs as if fully set forth here.

9 53. Due process does not permit the government to re-detain and strip Ms. Arreaga of
10 her liberty without written notice and a hearing before a neutral decisionmaker to determine
11 whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–
12 88. Such written notice and a hearing must occur *prior* to any re-detention.

13 54. Respondents revoked Ms. Arreaga's release and deprived her of liberty without
14 affording her any written notice or meaningful opportunity to be heard by a neutral
15 decisionmaker prior to her re-detention.

16 55. Accordingly, Ms. Arreaga's re-detention violates the Due Process Clause of the
17 Fifth Amendment.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Ms. Arreaga respectfully requests that this Court:

20 (1) Assume jurisdiction over this matter;

21 (2) Issue an Order to Show Cause ordering Respondents to show cause within three days
22 as to why this Petition should not be granted and ordering that they not transfer
23 Petitioner out of this district during the pendency of the court's adjudication of this
petition;

(3) Issue a Writ of Habeas Corpus ordering Respondents to release Ms. Arreaga from custody immediately and permanently enjoining her re-detention during the pendency of her removal proceedings absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that she is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;

(4) Declare that Ms. Arreaga's detention while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;

(5) Award Ms. Arreaga's attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(6) Grant any further relief this Court deems just and proper.

Dated: January 14, 2026

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1 *Application for admission pro hac vice forthcoming
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