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DETAINED

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

Linus CHICOZE-EZECHI;

Petitioner,

v.

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

Respondents.

Case No.: 2:26-cv-145

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 Petitioner Linus Chicoze-Ezechi, who last entered the United States on or around July 17, 2023. He expressed a fear of return to Nigeria

1 and was released by the Department of Homeland Security (DHS) on an order of supervision one
2 day after his entry.

3 2. Petitioner filed for asylum, received work authorization, and alleges he fulfilled the
4 conditions of his release as set by Immigration and Customs Enforcement (ICE). He does not have
5 criminal record in the United States.

6 3. Despite Petitioner's alleged compliance while released, including court attendance in
7 removal proceedings, he was abruptly and unlawfully re-detained by the Department of Homeland
8 Security (DHS) on December 31, 2025.

9 4. Prior to re-detaining Petitioner, Respondents did not provide any written notice explaining
10 the basis for the revocation of his release. Likewise, Respondents did not assess whether Petitioner
11 presented a flight risk or danger to the community prior to his re-arrest and re-detention. Nor did
12 Respondents provide a hearing before a neutral decisionmaker, where ICE was required to justify
13 the basis for re-detention or to explain why Petitioner is a flight risk or danger to the community.

14 5. This Court has recently held in multiple cases that due process demands a hearing *prior* to
15 the government's decision to terminate a person's liberty. *See E.A. T.-B. v. Wamsley*, --- F. Supp.
16 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v.*
17 *Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash.
18 Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV01404-JNW-GJL, 2025 WL
19 2841574, at *7-9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT,
20 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025). Many other courts have also held the same.

21 6. Even when an individual is re-arrested due to alleged violations of their order of
22 supervision, it is a due process violation for ICE to re-arrest and re-detain an individual without
23 providing notice of the violations or without providing an opportunity to be heard. *Petrov v.*

1 *Hermosillo*, C25-2647-KKE, 2026 U.S. Dist. LEXIS 7557, at *3 (W.D. Wash. Jan. 14, 2026).
2 And any factual disputes as to alleged violations of release conditions “must be adjudicated at a
3 pre-deprivation hearing and they do not extinguish the liberty interest the grew when
4 Respondents” permit an individual to develop life outside of custody. *Rodriguez Diaz v. Kaiser*,
5 No. 25-cv-05071-TLT, 2025 WL 3011852, at *10 (N.D. Cal. Sep. 16, 2025).

6 7. By failing to provide such any sort of pre-deprivation hearing, Respondents have violated
7 Petitioner’s constitutional right to due process.

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

13
14 **PARTIES**

15 9. Petitioner Linus Chicoze-Ezechi is presently detained at the Northwest ICE Processing
16 Center in Tacoma, Washington.

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

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

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 Acting 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 Petitioners are being detained. Mr. Scott has immediate physical custody of Petitioner.

JURISDICTION

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.

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VENUE

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 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 36-year-old citizen and national of Nigeria.

21. Petitioner last entered that United States on or around July 17, 2023.

22. He was detained by DHS and released on an order of supervision one day after entering the United States.

23. Upon information and belief, Petitioner complied with the conditions on his order of release from detention and attended every ICE check-in. However, he was re-detained by ICE on December 31, 2025, when ICE apprehended him while he was driving. After being transported to a location to be processed for re-detention, the ICE officers informed Petitioner that he had multiple violations under his order of supervision without providing any specific dates or instances. He was then transferred to the NWIPC in Tacoma, Washington.

24. Petitioner has no criminal record in the United States or any other country.

25. Prior to Petitioner's re-detention, he did not receive written notice of the reason for his re-detention.

26. Prior to Petitioner's re-detention, ICE did not assess whether he presented a flight risk or danger to the community.

1 27. Prior to Petitioner's re-detention, he never received a hearing before a neutral
2 decisionmaker to determine if his re-detention is justified.

3
4 **MEMORANDUM OF LAW**

5 **Due Process Principles**

6 28. Due process requires that if DHS seeks to re-arrest a person like Petitioner—who has lived
7 in the United States without incident after DHS first released him from custody, has submitted an
8 application for relief from removal and received work authorization, and otherwise complied with
9 the terms of his release—the government must afford a hearing before a neutral decisionmaker to
10 determine whether any re-detention is justified, and whether they are a flight risk or danger to the
11 community.

12 29. "Procedural due process imposes constraints on governmental decisions which deprive
13 individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the
14 Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The
15 fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and
16 in a meaningful manner.'" *Id.* at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

17 30. The Ninth Circuit assumed without deciding that *Mathews'* three-part test applies in "the
18 immigration detention context." *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206-07 (9th Cir.
19 2022). Under that test, a court must consider:

20 First, the private interest that will be affected by the official action; second, the risk
21 of an erroneous deprivation of such interest through the procedures used, and the
22 probable value, if any, of additional or substitute procedural safeguards; and finally,
23 the Government's interest, including the function involved and the fiscal and
administrative burdens that the additional or substitute procedural requirement
would entail.

1 *Mathews*, 424 U.S. at 335.

2 31. District courts, including this Court, have applied the *Mathews* test in similar circumstances
3 to Petitioner's case—cases in which DHS has taken an individual back into custody, often after
4 such persons have been released for months or years. *See e.g., Petrov*, 2026 U.S. Dist. LEXIS
5 7557, at *5; *E.A. T.-B.*, 2025 WL 2402130, at *3-6; *Ramirez Tesara*, 2025 WL 2637663, at *2–
6 3; *Kumar*, 2025 WL 2677089, at *2–3; *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1033 (N.D. Cal.
7 2025).

8 32. Based on a review of the *Mathews* factors, courts have consistently found that individuals'
9 "liberty interest in [continued] release from custody is entitled to constitutional protections of due
10 process" and that when individuals receive no process related to re-detention, constitutional rights
11 are violated. *Petrov*, 2026 U.S. Dist. LEXIS 7557, at *9; *see also E.A. T.-B.*, 2025 WL 2402130,
12 at *6 (ordering petitioner's immediate release after weighing the *Mathews* factors); *Ramirez*
13 *Tesara*, 2025 WL 2637663, at *2–3 (noting that despite the government's allegations of ISAP
14 violations, "the fact 'that the Government may believe it has a valid reason to detain Petitioner
15 does not eliminate its obligation to effectuate the detention in a manner that comports with due
16 process.'"); *Kumar*, 2025 WL 2677089, at *3–4 (holding that all three *Mathews* factors weighed
17 in favor of affording the petitioner a hearing).

18 33. The same framework and principles apply here and compels Petitioner's immediate
19 release. His has a protected liberty interest, the risk of erroneous deprivation of that liberty interest
20 is high absent a pre-deprivation hearing, and government's interest in re-detention without a
21 hearing is minimal because any administrative or financial burdens in providing Petitioner with a
22 hearing are far outweighed by the risk of erroneous deprivation.

23 34. This Petition has been verified by Petitioner. *See* Verification of Petitioner.

CLAIM FOR RELIEF
Violation of Fifth Amendment Right to Due Process
Procedural Due Process

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

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

37. Respondents revoked Petitioner’s release and deprived him of his liberty without affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to re-detention.

38. Accordingly, Petitioner’s re-detention violates the Due Process Clause of the Fifth Amendment.

IRREPARABLE INJURY

39. Petitioner has suffered irreparable injury as a result of detention. He was unconstitutionally re-detained, despite being released on his own recognizance from ICE/DHS detention upon entry into the country. His physical liberty continues to be restrained, and no just cause for doing so can be specified. “It is well established that the deprivation of constitutional rights’ unquestionably constitutes irreparable injury.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody and permanently enjoin his re-detention during the pendency of his removal proceedings absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that Petitioner is a flight risk or a danger to the community and that no alternatives to detention would mitigate those risks;
- (3) Enjoin Respondents from placing GPS ankle monitors on Petitioner upon his release, absent clear and convincing evidence that Petitioner is a flight risk or danger a danger to the community and that no other alternatives would mitigate those risks;
- (4) Declare that Petitioner's re-detention while removal proceedings are ongoing without first proving an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (5) Issue an order providing for an award of attorney's fees and costs; and
- (6) Grant such other relief as may be just and reasonable.

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1 Respectfully submitted this 15th day of January 2026,

2 /s/ Hilary Smith

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