

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

A-K-

Petitioner

vs.

Laura HERMOSILLO, Seattle Field
Office Director, U.S. Immigration and
Customs Enforcement (ICE), Bruce SCOTT,
Warden, Northwest ICE Processing Center;
Kristi NOEM, Secretary
of Homeland Security, Pamela
BONDI, Attorney General, Todd
LYONS, Acting Director of
Immigration and Customs Enforcement,
U.S. DEPARTMENT OF HOMELAND
SECURITY, U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT,
U.S. DEPARTMENT OF JUSTICE,
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW

Respondents

) Case No. 3:26-cv-5039

) Agency No. 

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

) NOTE ON MOTION CALENDAR: January
15, 2026

) ORAL ARGUMENT REQUESTED

) Expedited hearing requested

In this action against respondents, Petitioner alleges as follows:

PETITION FOR HABEAS CORPUS-1
Case No.

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INTRODUCTION

1. This case challenges the unlawful re-detention of the petition, A-K-, who entered the United States on December 26, 2022, to seek asylum. On December 27, 2022, he was released on parole/conditional release and subsequently filed his asylum application based on his fear of persecution in Russia.
2. Petitioner's detention is particularly egregious because he is the provider and medical decision-maker for his 16-year-old son, who is currently battling Medulloblastoma (brain cancer) at Doernbecher Children's Hospital. His detention disrupts life-saving chemotherapy treatment.
3. Since his release on parole in 2022, Petitioner has faithfully complied with the check-in requirements imposed by Immigration & Customs Enforcement (ICE) as part of his release.
4. Despite this compliance, on December 27, 2025, ICE re-detained Petitioner. Petitioner was transferred to the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington, where he remains detained.
5. Before re-detaining him, Respondents did not provide Petitioner with any written notice explaining the basis for the revocation of his release. Nor did they provide a hearing before a neutral decisionmaker where ICE was required to justify the basis for re-detention or explain why Petitioner is a flight risk or danger to the community.
6. Due process demands such a hearing *prior* to the government's decision to terminate a person's liberty. *See E.A.T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025).
7. By failing to provide such a hearing, Respondents have violated Petitioner's

1 constitutional right to due process. Accordingly, this Court should grant the instant
2 petition for a writ of habeas corpus and order his immediate release. *See id.* at *6
3 (ordering immediate release because “a post-deprivation hearing cannot serve as an
4 adequate procedural safeguard because it is after the fact and cannot prevent an erroneous
5 deprivation of liberty”).

6 JURISDICTION

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

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

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

15 11. In addition, "a federal court always has jurisdiction to determine its own jurisdiction,"
16 including its own subject-matter jurisdiction. *Brownback v. King*, 592 U.S. 209, 218-19
17 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).

18 12. Unless the assertion of jurisdiction is frivolous, the court has the power to preserve
19 existing conditions while it determines its own authority to grant injunctive relief. *See*
20 *United States v. United Mine Workers of America*, 330 U.S. 258, 293 (1947). Such an
21 order is valid unless and until overturned, even when the issuing court lacks
22 subject-matter jurisdiction to determine the underlying action's merits. *Id.* at 293-94.

VENUE

13. Venue is proper because Petitioner 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 Petitioner is currently in Custody.

14. 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

15. 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.*

16. 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). “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.”).

17. Petitioner is “in custody” for the purpose of 28 U.S.C. § 2241 because he is in Respondents’ custody at NWIPC.

PETITIONER

18. Petitioner, A-K-, is an adult citizen of Russia. He is detained at the NWIPC.

RESPONDENTS

19. Respondent Laura Hermosillo is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations (“ICE”). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Consequently, Laura Hermosillo is a legal custodian of Petitioner and is sued in her official capacity.

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

21. Respondent Todd Lyons is the Acting Director of ICE, and as such is responsible for the means by which the immigration laws of the United States are enforced. Todd Lyons is sued in his official capacity.

22. Respondent Kristi Noem is the Secretary of Homeland Security. As such she is responsible for the actions of that department, its subagencies, and its officers and personnel. Kristi Noem is sued in her official capacity.

1 23. Respondent Pamela Bondi is the Attorney General of the United States, and as such has
2 responsibility for the conduct and operations of the Department of Justice and all of its
3 officers and personnel, including the Executive Office for Immigration Review. Pamela
4 Bondi is sued in her official capacity.

5 24. Respondent U.S. Department of Homeland Security is the federal agency that has
6 authority over the actions of ICE. It is under the direction of respondent Kristi NOEM.

7 25. Respondent U.S. Immigration and Customs Enforcement is an agency of Respondent,
8 U.S. Department of Homeland Security, and is under the direction of respondent Todd
9 LYONS.

10
11 **MOTION TO PROCEED ANONYMOUSLY**

12 26. Parties may proceed anonymously when special circumstances justify secrecy. *Does I*
13 *thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). In the Ninth
14 Circuit, parties may use pseudonyms “in the unusual case when nondisclosure of the
15 party's identity is necessary to protect a person from harassment, injury, ridicule or
16 personal embarrassment.” *Id.* at 1067-68 (citation, ellipsis and internal quotes omitted).
17 A party may preserve anonymity in “in special circumstances when the party's need for
18 anonymity outweighs prejudice to the opposing party and the public's interest in knowing
19 the party's identity.” *Id.* at 1068.

20 27. Petitioner seeks leave to proceed anonymously because public identification creates a risk
21 of retaliatory physical harm due to Petitioner's immigration status in the United States,
22 and the nature of Petitioner's claim is sensitive and highly personal. He alleges
23 wrongdoing on the part of the Department of Homeland Security and fears that these

1 allegations could lead to retaliation against the Petitioner and his family.

2
3 **FACTUAL BACKGROUND**

4 28. Petitioner is a 44-year-old citizen and national of Russia.

5 29. Petitioner fled Russia to seek asylum and related protections from persecution and torture
6 in the United States. He fled Russia with his spouse and two children, with whom
7 Petitioner resided in Vancouver, WA and for whom Petitioner provided prior to his
8 detention.

9 30. In April of 2025, Petitioner's 16-year-old son was diagnosed with a childhood brain
10 cancer called Medulloblastoma. He is currently being treated at Doernbecher Children's
11 Hospital in Portland, Oregon.

12 31. On or about December 26, 2022, Petitioner and his family entered the United States near
13 San Luis, AZ to seek asylum. That same day, Respondents arrested and detained
14 Petitioner and his family.

15 32. Less than 24 hours after detaining them, on December 27, 2022, Respondent DHS
16 paroled Petitioner from its custody into the United States under 8 U.S.C. § 1182(d)(5). As
17 a condition of Petitioner's release, he was required to report to Respondent DHS and
18 comply with monitoring requirements.

19 33. Petitioner and his family reported to Respondent DHS and, to the best of their
20 knowledge, complied with all monitoring and check-in requirements.

21 34. On December 26, 2023, Petitioner timely filed his application for asylum, withholding of
22 removal, and Convention Against Torture Protection with the Portland Immigration
23 Court.

1
2 35. While waiting for his hearing before the Portland Immigration Court, to the best of his
3 knowledge, Petitioner complied with all DHS requirements. These requirements included
4 phone and video check-ins through the ISAP mobile phone application (ISAP app) as
5 well as in-person check ins at the ICE DHS office in Portland, Oregon.

6 36. On December 27, 2025, ICE officers came to Petitioner's domicile and knocked on the
7 door. Petitioner opened the door and several ICE officers entered his dwelling and
8 arrested Petitioner. ICE told Petitioner's spouse that he would be released within two
9 hours after being fitted for a monitoring bracelet.

10 37. During his arrest, Petitioner's spouse informed ICE officers that Petitioner's son is
11 currently very ill and undergoing treatment for brain cancer, pleading with ICE officers
12 for his release. ICE officers requested medical documentation, which Petitioner's spouse
13 provided. ICE officers reiterated that Petitioner would be released shortly with a
14 monitoring device.

15 38. Petitioner was not released. Respondents transported Petitioner to the Northwest ICE
16 Processing Center in Tacoma, Washington, where he remains detained.

17 39. Prior to his re-detention, Petitioner did not receive written notice of the reason for his
18 re-detention.

19 40. Prior to Petitioner's re-detention, ICE did not provide notice of the revocation of his
20 parole, as required by 8 C.F.R. § 212.5(e)(2).

21 41. Prior to Petitioner's re-detention, he did not receive a hearing before a neutral
22 decisionmaker to determine if his re-detention is justified.

LEGAL FRAMEWORK

42. Under current caselaw that governs the immigration court system, the mandatory detention scheme under 8 U.S.C. § 1225(b)(1) applies to individuals who are placed in expedited removal proceedings, pass a CFI, and are subsequently placed in removal proceedings. *See Matter of M-S-*, 27 I. & N. Dec. 509 (A.G. 2019). Such individuals are subject to detention without any bond hearing until the conclusion of their proceedings unless DHS releases them on parole. *See id.* at 510, 518–19.

43. However, once released, due process requires that a person like Petitioner receive a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community.

44. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is “the most elemental of liberty interests.” *E.A.T.-B.*, 2025 WL 2402130, at *3 (citation modified).

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

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

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

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

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

18 50. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319
19 (1976), framework to hold that even in a case where the government argued mandatory
20 detention applied, a person’s re-detention required a hearing.

21 51. In applying the three *Mathews* factors, this Court held that the Petitioner had
22 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A. T.-B.*,
23 2025 WL2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.*

(citation modified). The Court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the 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 [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.

52. This Court’s decision in *E.A. T.-B.* is 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); *Pinchi v. Noem*, --- 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. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

53. The same framework and principles apply here and compel Petitioner’s immediate release.

CLAIM FOR RELIEF

Violation of Fifth Amendment Right to Due Process

Procedural Due Process

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

55. 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.

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

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

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause within three days as to why this Petition should not be granted as required by 28 U.S.C. § 2243;
- (3) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately and permanently enjoining his re-detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that he is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;

- 1 (4) Declare that Petitioner's detention without an individualized determination before a
2 neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
3 (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on
4 any other basis justified under law; and
5 (6) Grant any further relief this Court deems just and proper.

6 DATED: January 15, 2026

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Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner because I am one of Petitioner's attorneys. I have discussed the Petitioner's immigration history with the Petitioner and Petitioner's family members, who spoke to him after his detention regarding the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Cole Enabnit

Date: January 15, 2026