

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAMUEL RAMIREZ VILLAGOMEZ,

Petitioner,

vs

LAURA HERMOSILLO, Seattle Acting 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; **UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY; PAMELA BONDI**, U.S.
Attorney General;

Respondents.

Case No.: 26-cv-188

Agency No.: 

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

**INDIVIDUAL ENFORCEMENT OF
RODRIGUEZ VAZQUEZ BOND DENIAL
CLASS JUDGMENT**

I. INTRODUCTION

1. Petitioner Samuel Ramirez Villagomez brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. filed Mar. 20, 2025). Even where an Immigration Judge bond hearing has not yet occurred, federal courts retain authority under 28 U.S.C. § 2241 to remedy unconstitutional immigration detention. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Ex parte Endo*, 323 U.S. 283 (1944).

2. On September 30, 2025, this Court issued a final judgment "declar[ing] that Bond Denial Pet. For Writ of Habeas Corpus

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Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. §. 1225(b)(2)." *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025). The Court further declared "that the Tacoma Immigration Court's practice of denying bond to Bond Denial Class members on the basis of § 1225(b)(2) violates the Immigration and Nationality Act." *Id.* That *Matter of Yagure Hurtado*, 29 I&N Dec. 216 (BIA 2025), policy continues, defiantly so, even with such cases' reasoning vacated with the December 18, 2025, final order in the Bond Denial Class nationally certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). See Exhibit A, Respondents' subsequent order that immigration judges must continue follow *Matter of Yagure Hurtado*.

3. Petitioner is a member of the *Rodriguez Vazquez* Bond Denial Class, as he:

(a) does not have lawful status in the United States and is currently detained at NWIPC after being apprehended by DHS on Friday, January 09, 2026,

(b) last entered the United States without inspection on August 18, 2003, in Pima County, Arizona, and was not apprehended upon Arrival, and

(c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

II. JURISDICTION

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

5. This Court has 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

1 (Suspension Clause).

2 6. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241
3 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C.
4 § 1651.

5 **III. VENUE**

6 7. Venue is proper because Petitioner is in Respondents' custody at the NWIPC in Tacoma,
7 Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
8 500 (1973), venue lies in the judicial district in which Petitioner is currently in custody.

9 **IV. PARTIES**

10
11 4. Petitioner Samuel Ramirez Villagomez is a civil immigration detainee currently housed at
12 the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington, within the
13 jurisdiction of this Court.

14 5. Respondent Laura Hermosillo is the Acting Seattle Field Office Director for ICE
15 Enforcement and Removal Operations (ERO). The Seattle Field Office is responsible for local
16 custody decisions relating to noncitizens charged with being removable from the United States.
17 The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington.
18 Respondent Hermosillo is a legal custodian of Petitioner and is sued in her official capacity.

19
20 6. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as
21 Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of
22 Petitioner. He is sued in his official capacity.

23
24 7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security
25 (DHS). She is responsible for the implementation and enforcement of the Immigration and

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1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.

2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

3 8. Respondent U.S. Department of Homeland Security (DHS) is the federal agency
4 responsible for implementing and enforcing the INA, including the detention and removal of
5 noncitizens.

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

8 **V. STATEMENT OF FACTS**

9 10. Petitioner is a member of the "Bond Denial Class" certified in *Rodriguez Vazquez v.*
10 *Bostock*, No. 3:25-cv-05240-TMC.

11 11. Petitioner entered without inspection ("EWI") on August 18, 2003, in Pima County,
12 Arizona, as a six-year-old child, and was not apprehended upon Arrival and then was
13 apprehended and placed in custody by the Immigration and Customs Enforcement on January 09,
14 2026. He was granted DACA "status" on October 1, 2015, due to his youthful entry and
15 continuous stay in the United States, and applied for such DACA renewal on December 12,
16 2025. On January 7, 2026, he completed his ASC biometrics at the USCIS Field Office
17 Building. Exhibit B Petitioner's Immigration History.

18 12. He was apprehended illegally as an "incidental" in the apprehension of his relative at the
19 O'Reilly Auto Parts store in SeaTac, WA, while replacing a brake light. Respondent's ICE
20 agents tried to force him to sign the "voluntary departure" form, though he had been in the
21 United States for 22 years since childhood. Exhibit C, Petitioner's Declaration.

22 **VI. CLAIMS FOR RELIEF**

23 **Violation of the INA: Request for Relief Pursuant to Rodriguez Vazquez**

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

3 14. As a member of the Bond Denial Class, Petitioner is entitled to consideration for release
4 on bond under 8 U.S.C. § 1226(a).

5 15. The judgment in *Rodriguez Vazquez* makes clear that Respondents violate the INA in
6 applying the mandatory detention statute at § 1225(b)(2) to class members.

7 16. Respondents are parties to *Rodriguez Vazquez* and bound by the Court's declaratory
8 judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

9 17. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to
10 mandatory detention under 1225(b)(2), Respondents violate Petitioner's rights under the INA
11 and this Court's judgment in *Rodriguez Vazquez*.

12 VII. PRAYER FOR RELIEF

13 WHEREFORE, Petitioner prays that this Court grant the following relief:

14 a. Assume jurisdiction over this matter;

15 b. Issue a writ of habeas corpus requiring Respondents to release Petitioner from custody
16 within one (1) day of the Court's order;

17 c. Prohibit Respondents from re-detaining Petitioner based on the same statutory
18 interpretation declared unlawful in *Rodriguez Vazquez v. Bostock*, including the
19 interpretation that noncitizens apprehended in the interior are subject to mandatory
20 detention under 8 U.S.C. § 1225(b)(2)(A);

21 d. Order Respondents, upon Petitioner's release, to promptly return all personal property,
22 including personal identification documents (other than a passport) and employment

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1 authorization documents;

2 e. Award Petitioner reasonable attorney's fees and costs pursuant to the Equal Access to
3 Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and

4 f. Grant any other and further relief as the Court deems just and proper.

5 Dated this 17th day of January, 2026.

6 Respectfully submitted,

7 LAW OFFICES OF BART KLEIN

8 s/ Bart Klein

9 Bart Klein, Attorney for Petitioner, WSBA #10909

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13 **VERIFICATION**

14 On behalf of Mr. Samuel Ramirez Villagomez, the party in custody, I verify the facts contained
15 in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the
16 relevant records and pleadings. Mr. Ramirez Villagomez has not verified the petition himself
because he is currently detained at the Northwest Immigrant ICE Processing Center.

17 s/ Bart Klein, 01/17/2026

Bart Klein, WSBA#10909

18 Attorney for Petitioner

19 **CERTIFICATE OF SERVICE**

20 I, Bart Klein, certify that on January 17, 2026, I filed the foregoing filing (with the Court's
21 File Number but #A number marked XXXXX) with the Clerk of Court using the CM/ECF
22 system. With such filing, I further certify that pursuant to GO 10-25, an automatic email
USAWAW.ImmigrationHabeasService@usdoj.gov is issued to serve the following parties:

23 Civil Chief and the Habeas Coordinator

United States Attorney's Office

24 700 Stewart Street, Suite 5220

Seattle, WA 98101-1271

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1 ICE Office of the Principal Legal Advisor (OCC – Seattle/Tacoma)
2 DHS/ICE Enforcement and Removal Operations (ERO)

3 DOJ Office of Immigration Litigation (OIL-District Court Section)
4 Internal DOJ/Habeas Response Personnel

5 and which by operation of law serves also:

6 Bruce Scott, Warden
7 Northwest ICE Processing Center
8 1623 East J Street, Suite 1
Tacoma, WA 98421

9 I further certify that immediately after filing, copy of the documents will be emailed from
10 counsel's office (with the Court Case Number **and full #A listed**) to this same
USAWAW.ImmigrationHabeasService@usdoj.gov

11 January 17, 2025

12 s/ Bart Klein,
13 Bart Klein, WSBA#10909
14 Attorney for Petitioner
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