

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Lazaro Felipe Navarro-Maury,

Petitioner,

v.

Laura HERMOSILLO, Seattle Acting Field
Office Director, Enforcement and Removal
Operations, U.S. Immigration and Customs
Enforcement (ICE); U.S. DEPARTMENT OF
HOMELAND SECURITY; EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW;
Bruce SCOTT, Warden, Northwest ICE
Processing Center,

Respondents.

Case No.

Agency No:

**PETITION FOR WRIT OF
HABEAS CORPUS**

Expedited Hearing Requested

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INTRODUCTION

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2 1. Petitioner Lazaro Felipe Navarro-Maury brings this petition for a writ of habeas
3 corpus to seek enforcement of their rights as members of the Bond Denial Class certified in
4 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the
5 physical custody of Respondents at the Northwest ICE Processing Center in Tacoma, WA. He
6 now faces unlawful detention because the Department of Homeland Security (DHS) and the
7 Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory
8 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

9 2. On November 20, 2025, the district court granted partial summary judgment on
10 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
11 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
12 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
13 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*
14 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
15 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible
16 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'
17 Motion for Partial Summary Judgment).

18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21 4. Nonetheless, the Executive Office for Immigration Review and its subagency the
22 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to
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1 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the
2 opportunity to be released on bond.

3 5. Petitioner Navarro-Maury is a member of the Bond Eligible Class, as he:

- 4 a. does not have lawful status in the United States and is currently detained at the
5 Northwest ICE Processing Center (NWIPC). He was apprehended by immigration
6 authorities on October 20, 2025.
7 b. entered the United States over 30 years ago and was not apprehended upon
8 arrival, *cf. id.*; and
9 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

8 6. After apprehending Petitioner on October 20, 2025, the DHS placed him in
9 removal proceedings pursuant to 8 U.S.C. § 1229a.

10 7. The Court should expeditiously grant this petition.

11 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
12 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
13 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
14 detention despite his clear entitlement to consideration for release on bond as a Bond Eligible
15 Class member.

16 9. Immigration judges have informed class members in bond hearings that they have
17 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
18 controlling, even with respect to class members, and that instead IJs remain bound to follow the
19 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

20 10. Because Respondents are detaining Petitioner in violation of the declaratory
21 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
22 Respondent DHS must release Petitioner.

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

3 **JURISDICTION**

4 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
5 NWIPC in Tacoma, Washington.

6 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
7 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
8 Constitution (the Suspension Clause).

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

11 **VENUE**

12 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
13 500 (1973), venue lies in the United States District Court for the Western District of Washington
14 at Seattle, the judicial district in which Petitioner currently is detained.

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

19 **REQUIREMENTS OF 28 U.S.C. § 2243**

20 17. The Court should grant the petition for writ of habeas corpus "forthwith," as the
21 legal issues have already been resolved for class members in *Maldonado Bautista*.

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

5 **PARTIES**

6 19. Petitioner Lazaro Felipe Navarro-Maury is a citizen of Cuba who has been in
7 immigration detention since October 20, 2025. After Petitioner was arrested in Portland, OR
8 from his residence, ICE did not set bond, and Petitioner requested review of his custody by an IJ.
9 The Bond hearing is scheduled for February 2, 2026, before the Tacoma Immigration Court.

10 20. Respondent Laura Hermosillo is the Seattle Acting Field Office Director of ICE’s
11 Enforcement and Removal Operation division. As Petitioners’ immediate custodian, she is
12 responsible for Petitioners’ detention and removal. She is named in her official capacity.

13 21. Respondent U.S. Department of Homeland Security (DHS) is the federal agency
14 responsible for implementing and enforcing the Immigration and Nationality Act (INA),
15 including the detention and removal of noncitizens.

16 22. Respondent Executive Office for Immigration Review (EOIR) is the federal
17 agency responsible for implementing and enforcing the INA in removal proceedings, including
18 for custody redeterminations in bond hearings.

19 23. Respondent Bruce Scott is employed by The Geo Group, Inc., as Warden of the
20 NWIPC, where Petitioners are detained. He has immediate physical custody of Petitioners. He is
21 sued in his official capacity.

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CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

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

26. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

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

28. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

29. By asserting that Petitioner is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that within one day, 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;

- 1 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and
4 e. Grant any other and further relief that this Court deems just and proper.

5 DATED this 28th of January 2026.
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