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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 Lazaro Felipe Navarro-Maury,

9 Petitioner,

Case No. 2:26-cv-00333-TMC

10 v.

AMENDED PETITION FOR WRIT OF
HABEAS CORPUS

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

Expedited Hearing Requested

15 Respondents.

16 INTRODUCTION

17 1. Petitioner Lazaro Felipe Navarro-Maury, through undersigned counsel, respectfully files
18 this Amended Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and the
19 Court's Order at Dkt. 16 granting leave to amend. Petitioner challenges his continued
20 detention at the Northwest ICE Processing Center ("NWIPC") in Tacoma, Washington, as
21 unlawful under *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Due Process Clause of the
22 Fifth Amendment, and on the ground that the government attempted to remove Petitioner
23 to a third country without adequate process.
24

- 1 2. Petitioner has been subject to a final order of removal to Cuba since January 3, 2006—over
2 twenty years ago. ICE released Petitioner in March 2006 under an Order of Supervision
3 (“OSUP”) because removal to Cuba could not be accomplished. In October 2025, ICE
4 revoked Petitioner’s OSUP based on a 2020 arrest in which all charges were dismissed, re-
5 detained him, and then attempted to remove him to Mexico—a country not designated in
6 his removal order—without adequate notice or process. But for this Court’s Temporary
7 Restraining Order, Petitioner would have been deported to Mexico on January 29, 2026.
- 8 3. Petitioner’s continued detention violates the Constitution because there is no significant
9 likelihood of removal to Cuba in the reasonably foreseeable future, because ICE revoked
10 his OSUP without due process, and because the government attempted third-country
11 removal without the process required by law.

12 JURISDICTION AND VENUE

- 13
- 14 4. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) (habeas corpus), 28 U.S.C. § 1331
15 (federal question), and Article I, Section 9, Clause 2 of the United States Constitution
16 (Suspension Clause).
- 17 5. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act,
18 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.
- 19 6. Venue is proper in this Court pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*,
20 410 U.S. 484, 493–500 (1973), because Petitioner is detained in the Western District of
21 Washington. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are
22 officers, employees, and agencies of the United States and a substantial part of the events
23 giving rise to these claims occurred in this district.
- 24

PARTIES

7. Petitioner Lazaro Felipe Navarro-Maury is a native and citizen of Cuba. He was paroled into the United States on or about November 20, 1995. He has been subject to a final order of removal since January 3, 2006. He is currently detained at the NWIPC in Tacoma, Washington.
8. Respondent Julio Hernandez is the Seattle Acting Field Office Director of ICE's Enforcement and Removal Operations division. He is Petitioner's immediate legal custodian and is named in his official capacity. He is substituted for former Acting Field Office Director Laura Hermosillo pursuant to Fed. R. Civ. P. 25(d).
9. Respondent U.S. Department of Homeland Security ("DHS") is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act, including the detention and removal of noncitizens.
10. Respondent Executive Office for Immigration Review ("EOIR") is the federal agency responsible for adjudicating immigration cases, including custody redeterminations.
11. Respondent Bruce Scott is employed by The GEO Group, Inc., as Warden of the NWIPC. He has immediate physical custody of Petitioner and is sued in his official capacity.

STATEMENT OF FACTS

A. Background and Removal Order

12. Petitioner is a native and citizen of Cuba who was paroled into the United States on or about November 20, 1995, pursuant to Section 212(d)(5) of the INA. Dkt. 10 (Reed Decl.),

¶ 4.

1 13. On or about January 28, 1998, INS approved Petitioner's application for advance parole to
2 travel to Mexico to visit family. Reed Decl. ¶ 5.

3 14. On or about October 29, 1998, Petitioner was convicted in Multnomah County Circuit
4 Court, Oregon, of three counts of attempted murder and sentenced to ninety months'
5 imprisonment for each count, to run concurrently. Reed Decl. ¶ 6.

6 15. Petitioner's parole was revoked on November 25, 1998. Reed Decl. ¶ 7.

7 16. On December 23, 2005, following completion of his criminal sentence, Petitioner was
8 transferred to ICE custody and served with a Notice to Appear. Reed Decl. ¶ 9.

9 17. On January 3, 2006, an Immigration Judge in Seattle, Washington, ordered Petitioner
10 removed to Cuba. All parties waived appeal, rendering the order administratively final.
11 Reed Decl. ¶ 10; Dkt. 11-1, 11-2.

12 **B. Release Under Order of Supervision and Subsequent Events**

13 18. On or about March 27, 2006, DHS released Petitioner from custody under an Order of
14 Supervision ("OSUP") pursuant to 8 U.S.C. § 1231(a)(3) because there was no procedure
15 in place to secure travel documents from the Cuban government. Reed Decl. ¶ 11. ICE
16 thereby acknowledged that removal to Cuba was not foreseeable at that time.

17 19. Under the OSUP, Petitioner was required to comply with various conditions, including
18 reporting requirements. Reed Decl. ¶ 11.

19 20. Petitioner lived in the community under supervision for approximately nineteen years.
20 During this period, on June 1, 2015, Petitioner was convicted in Washington County
21 Circuit Court, Oregon, of misdemeanor Harassing Communication and sentenced to two
22 years' probation. Reed Decl. ¶ 12.

1 21. On November 26, 2020, Petitioner was arrested by the Portland Police Bureau on charges
2 of felony domestic abuse—strangulation, harassing communication, and two counts of
3 assault in the fourth degree. Reed Decl. ¶ 13. The strangulation and assault charges were
4 dismissed, and no complaint was filed on the harassing communication charge. Id.

5 **C. OSUP Revocation and Re-Detention**

6 22. On October 28, 2025—nearly five years after the 2020 arrest and after all charges from
7 that arrest had been dismissed—DHS revoked Petitioner’s OSUP and detained him at the
8 NWIPC. Reed Decl. ¶ 14. The stated basis for revocation was the November 26, 2020,
9 arrest. Id.

10 23. Petitioner was provided an informal interview on October 28, 2025, to respond to the
11 reasons for revocation. Reed Decl. ¶ 15. On information and belief, Petitioner was not
12 provided written notice of the revocation in advance of the interview, was not afforded the
13 opportunity to present evidence or witnesses in his defense, and was not provided a written
14 decision explaining the basis for the determination.

15 **D. Attempted Third-Country Removal to Mexico**

16 24. On October 31, 2025, during a routine visit, Petitioner voluntarily stated to a deportation
17 officer that he would like to be removed to Mexico. Reed Decl. ¶ 16.

18 25. On December 23, 2025, DHS served Petitioner with a Notice of Intent to Remove to
19 Mexico. Petitioner refused to sign the notice. Reed Decl. ¶ 17.

20 26. On January 9, 2026, DHS re-served Petitioner with a Notice of Intent to Remove to Mexico.

21 Petitioner refused to sign and expressed fear of being kidnapped in Mexico. Reed Decl. ¶

22 18. DHS requested a credible fear determination interview from USCIS that same day.

23 Reed Decl. ¶ 19.
24

1 27. On January 28, 2026, USCIS determined that Petitioner did not have a credible fear of
2 removal to Mexico. Reed Decl. ¶ 20. That same day, ICE placed Petitioner on a flight
3 manifest and scheduled his removal to Mexico via ICE Air. Reed Decl. ¶ 21.

4 28. On January 28, 2026, Petitioner's family contacted undersigned counsel at approximately
5 5:00 p.m. Counsel filed the original habeas petition and emergency TRO motion by 6:17
6 p.m. This Court granted the TRO on January 29, 2026, prohibiting Respondents from
7 removing Petitioner from this jurisdiction. Dkt. 4.

8 29. As of February 10, 2026, DHS was "still awaiting a response from the Cuban government"
9 regarding whether Cuba would accept Petitioner. Reed Decl. ¶ 22. On information and
10 belief, Cuba has not accepted Petitioner for removal as of the date of this filing.

11 30. Petitioner's removal order designates Cuba as the country of removal. Dkt. 11-2. Mexico
12 is not the designated country of removal. ICE's attempt to remove Petitioner to Mexico
13 constitutes a third-country removal requiring additional procedural safeguards.

14 **E. Immigration Court Bond Hearing**

15 31. On February 2, 2026, an Immigration Judge conducted a bond hearing. The Immigration
16 Judge denied bond, finding Petitioner subject to mandatory detention under 8 U.S.C. §
17 1226(c). Dkt. 11-3. As both parties and this Court have recognized, this determination was
18 erroneous because Petitioner is detained under 8 U.S.C. § 1231, not § 1226(c). Dkt. 9 at 16
19 n.7; Dkt. 13 at 3-4.

20 **F. Procedural History of This Action**

21 32. On January 28, 2026, Petitioner filed the original habeas petition challenging his detention.
22 Dkt. 1. The original petition asserted claims based on pre-order detention authority under
23
24

1 the Maldonado Bautista class action. The Court granted a TRO on January 29, 2026. Dkt.
2 4.

3 33. On February 12, 2026, Respondents filed their Return, disclosing for the first time that
4 Petitioner is detained under 8 U.S.C. § 1231 (post-order detention). Dkt. 9.

5 34. On February 17, 2026, Petitioner filed a traverse addressing the correct legal framework.
6 Dkt. 12. The Court construed the traverse as a motion for leave to amend. Dkt. 13.

7 35. On March 10, 2026, the Court denied the TRO without prejudice and ordered briefing on
8 leave to amend. Dkt. 13. Respondents filed their opposition on March 24, 2026. Dkt. 14.
9 Petitioner filed his reply on March 31, 2026. Dkt. 15.

10 36. On April 1, 2026, the Court granted leave to amend, finding no undue delay, no futility,
11 and that abuse-of-the-writ principles do not apply to amendment of an existing petition.
12 Dkt. 16. The Court ordered the amended petition to be filed no later than April 15, 2026.
13 Id.

14 **CLAIMS FOR RELIEF**

15 **FIRST CLAIM FOR RELIEF**

16 ***Unlawful Prolonged Detention in Violation of Zadvydas v. Davis and the Due Process Clause***
17 ***of the Fifth Amendment***

18 37. Petitioner re-alleges and incorporates by reference each and every allegation in the
19 preceding paragraphs.

20 38. The Due Process Clause of the Fifth Amendment prohibits the government from depriving
21 any person of liberty without due process of law. U.S. Const. amend. V. Due process
22 protects “all ‘persons’ within the United States, including aliens, whether their presence
23 here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

1 39. Under *Zadvydas*, 533 U.S. at 689, 701, a noncitizen subject to a final order of removal may
2 be detained under 8 U.S.C. § 1231(a)(6) only “for a period reasonably necessary to bring
3 about that alien’s removal from the United States.” Six months is the presumptively
4 reasonable period. After six months, if the noncitizen provides good reason to believe that
5 there is no significant likelihood of removal in the reasonably foreseeable future, the
6 government must respond with evidence sufficient to rebut that showing.

7 40. Petitioner has been subject to a final order of removal since January 3, 2006—over twenty
8 years. The removal order designates Cuba as the country of removal. ICE released
9 Petitioner in March 2006 specifically because removal to Cuba could not be accomplished.
10 Reed Decl. ¶ 11.

11 41. Petitioner’s total post-order period far exceeds the six-month presumptive period
12 recognized in *Zadvydas*. Even counting only the current period of detention, which began
13 on October 28, 2025, Petitioner has now been detained for approximately five and a half
14 months.

15 42. There is good reason to believe there is no significant likelihood of removal to Cuba in the
16 reasonably foreseeable future. Cuba has historically refused to accept repatriation of its
17 nationals, and ICE’s own records confirm that as of February 2026, DHS was “still
18 awaiting a response from the Cuban government.” Reed Decl. ¶ 22. The fact that ICE
19 released Petitioner in 2006 for the same reason—inability to effectuate removal to Cuba—
20 underscores that removal remains not significantly likely.

21 43. In *Abubaka v. Bondi*, No. C25-1889RSL (W.D. Wash. Nov. 17, 2025), this Court granted
22 habeas relief on virtually identical facts: a longstanding removal order, multiple OSUP
23 cycles, re-detention based on criminal history, detention at the NWIPC, and the
24

1 government's inability to show removal was foreseeable. See also *Acosta-Ginori v. Bondi*,
2 2026 WL 221509 (W.D. Wash. Jan. 28, 2026).

3 44. That ICE placed Petitioner on a flight to Mexico does not demonstrate that removal to
4 Cuba—the designated country of removal—is significantly likely in the reasonably
5 foreseeable future. Removal to a third country is not the same as removal to the designated
6 country, and does not satisfy the government's burden under *Zadvydas* absent a showing
7 that the third country has agreed to accept the noncitizen and that adequate procedural
8 safeguards have been satisfied.

9 45. Petitioner's continued detention without a significant likelihood of removal in the
10 reasonably foreseeable future violates the Due Process Clause of the Fifth Amendment as
11 interpreted by the Supreme Court in *Zadvydas*.

12 SECOND CLAIM FOR RELIEF

13 *Unlawful Revocation of Order of Supervision Without Due Process*

14 46. Petitioner re-alleges and incorporates by reference each and every allegation in the
15 preceding paragraphs.

16 47. Due process requires, at a minimum, notice and "the opportunity to be heard 'at a
17 meaningful time and in a meaningful manner.'" *Mathews v. Eldridge*, 424 U.S. 319, 333
18 (1976).

19 48. In *Jimenez v. Bondi*, 2025 WL 3466925 (W.D. Wash. Dec. 3, 2025), this Court held that
20 due process requires notice before OSUP revocation and that ICE must provide procedural
21 safeguards before revoking supervised release and re-detaining a noncitizen.

22 49. ICE revoked Petitioner's OSUP on October 28, 2025, based solely on a November 26,
23 2020 arrest—nearly five years earlier—in which all charges were ultimately dismissed.
24

1 Reed Decl. ¶¶ 13–14. ICE waited approximately five years after the arrest to take any action,
2 despite Petitioner’s continuous compliance with reporting requirements during that period.

3 50. ICE provided only an “informal interview” on the same day as revocation and re-detention.

4 Reed Decl. ¶ 15. On information and belief, Petitioner was not provided: (a) advance
5 written notice of the proposed revocation; (b) a meaningful opportunity to present evidence
6 or witnesses; (c) a neutral decision-maker; or (d) a written decision explaining the grounds
7 for revocation.

8 51. The revocation of Petitioner’s OSUP based on dismissed charges, after a five-year delay,
9 and without adequate procedural safeguards, violates the Due Process Clause of the Fifth
10 Amendment.

11 **THIRD CLAIM FOR RELIEF**

12 *Unlawful Third-Country Removal Without Adequate Process*

13 52. Petitioner re-alleges and incorporates by reference each and every allegation in the
14 preceding paragraphs.

15 53. Petitioner’s removal order designates Cuba as the country of removal. The government’s
16 attempt to remove Petitioner to Mexico constitutes a third-country removal under 8 U.S.C.
17 § 1231(b)(2)(E).

18 54. In *Nguyen v. Scott*, 796 F. Supp. 3d 703 (W.D. Wash. 2025), this Court required that the
19 government provide notice and reopen proceedings before effectuating third-country
20 removal. Due process requires meaningful procedural protections before the government
21 removes a noncitizen to a country other than the one designated in the removal order.

22 55. Although DHS served Petitioner with a Notice of Intent to Remove to Mexico and referred
23 him for a credible fear interview, these procedures were inadequate. The credible fear
24

1 standard screens only for persecution and torture; it does not provide an opportunity for the
2 noncitizen to challenge the legal basis for third-country removal, to present evidence
3 regarding conditions in the proposed country, or to seek relief from removal to that country
4 through the Immigration Court.

5 56. Petitioner expressed fear of being kidnapped in Mexico. Reed Decl. ¶ 18. The USCIS
6 credible fear determination on January 28, 2026, addressed only whether Petitioner met the
7 credible fear threshold—not whether the third-country removal procedures complied with
8 due process or statutory requirements.

9 57. ICE's attempt to remove Petitioner to Mexico—a country not designated in his removal
10 order—without adequate procedural safeguards, including notice, a meaningful hearing
11 before an Immigration Judge, and the opportunity to seek relief from removal to that
12 country, violates the Due Process Clause of the Fifth Amendment and the procedural
13 requirements of the INA.

14
15 **PRAYER FOR RELIEF**

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

- 17 a. Assume jurisdiction over this matter;
- 18 b. Issue a writ of habeas corpus ordering Petitioner's release from detention, subject to
19 conditions of supervision as the Court deems appropriate, on the ground that his
20 continued detention violates *Zadvydas v. Davis* and the Due Process Clause;
- 21 c. In the alternative, order Respondents to show cause why Petitioner should not be
22 released from custody;
- 23 d. Declare that Petitioner's OSUP revocation without adequate procedural safeguards
24 violates the Due Process Clause of the Fifth Amendment;

- 1 e. Declare that Respondents' attempted removal of Petitioner to Mexico without
2 adequate process violates the Due Process Clause and the INA;
3 f. Enjoin Respondents from removing Petitioner from the United States without further
4 order of this Court;
5 g. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28
6 U.S.C. § 2412, and on any other basis justified under law;
7 h. Grant any other and further relief that this Court deems just and proper.

8 DATED this 7th day of April 2026.
9

10 Respectfully Submitted,

11 /s/ Fekadu Shibeshi

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