DETAINED

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

RONIA MOHAMMADI, *Petitioner,* v. PAMELA BONDI, United States Attorney General; KRISTI NOEM, Secretary of U.S. Department of Homeland Security; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; LAURA HERMOSILLO, Field Office Director, ICE Seattle Field Office; BRUCE SCOTT, Warden, Northwest ICE Processing Center; *Respondents.*	Case No.: 2:26-cv-420 PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Ronia Mohammadi, is a non-citizen who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE).

2. Petitioner arrived in the United States on September 1, 2021, and received humanitarian parole that allowed her to remain in the Untied States for a period not to exceed August 31, 2025.

3. On July 25, 2025, Petitioner was detained by Immigration and Customs Enforcement (ICE) without receiving any written reasoning for the cancellation of her parole.

4. Petitioner was granted asylum on December 23, 2025. The Department of Homeland Security (DHS) appealed this decision on January 22, 2026. Petitioner remains detained because of this appeal.

5. Petitioner was unlawfully re-detained in July 2025 in violation of due process and the Administrative Procedure Act (APA). Despite the current posture of her case now, she was initially unlawfully detained and because of that, should be granted habeas and ordered immediately released.

PARTIES

6. Petitioner Ronia Mohammadi is a citizen of Afghanistan who is currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

7. Respondent Pamela Bondi is the Attorney General of the United States. She is sued in her official capacity.

8. Respondent Kristi Noem is the Secretary of the DHS. She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official capacity.

9. Respondent Todd Lyons is the Acting Director of ICE. He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity.

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10. Respondent Laura Hermosillo is the Field Office Director of the ICE Seattle Field Office and is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition. She is sued in her official capacity.

11. Respondent Bruce Scott is the Warden of the NWIPC, the privately-operated immigration detention center where the petitioner is being detained. He is the immediate physical custodian of the petitioner, and he is sued in his official capacity.

JURISDICTION & VENUE

12. 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).

13. 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).

14. No other petitions, appeals, or motions regarding habeas corpus have been filed with any other court.

15. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1) because the petitioner is detained in this judicial district.

16. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because a substantial part of the events or omissions giving rise to the claim occurred within this judicial district.

FACTUAL BACKGROUND

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17. Petitioner, Ronia Mohammadi, a native and citizen of Afghanistan, was paroled into the United States at the Philadelphia International Airport on September 1, 2021, through Operation Allies Refuge (OAR). She received authorization to remain in the United States for a temporary period not to exceed beyond August 31, 2025. *See* Exh. 1, Most Recent I-94.

18. Petitioner filed an application for asylum with United States Citizenship and Immigration Services (USCIS), seeking protection in the United States based on the harm and torture she suffered in Afghanistan.

19. On July 25, 2025, Petitioner was targeted by Customs and Border Protection based on allegations that she did not possess documentation that allowed her to live in the United States legally, despite having valid parole. Her Notice to Appear indicates that her parole was "affirmatively cancelled under 8 C.F.R. § 212.5(e)." Exh. 2, Notice to Appear. Petitioner received no further notice of this cancellation of her parole nor was she given any reason for why her parole was being revoked.

20. After being apprehended, Petitioner was arrested and detained. She has been detained at the NWIPC since July 25, 2025. She was not afforded a bond hearing because she was detained as an "arriving alien" and was subject to mandatory detention on that incorrect basis. *See* Exh. 2; *see also* 8 U.S.C. § 1225(b).

21. Petitioner re-filed her application for asylum with the Tacoma Immigration Court.

22. On December 2, 2025, Petitioner had an Individual Calendar Hearing before an Immigration Judge. On December 23, 2025, the Immigration Judge issued a written decision granting Petitioner's application for asylum. Exh. 3, Decision of the Immigration Judge.[1]

[1] Respondent is only including the first page of the judge's order to keep confidential the factual basis of her grant of asylum.

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23. However, instead of being released, Petitioner continued to be detained because the government reserved the right to appeal. On January 22, on the final day it could, the DHS filed its appeal with the Board of Immigration Appeals (Board). The Notice of Appeal was not sent to either Petitioner or Petitioner's counsel of record for her immigration case, as it was presumed to be served through EOIR Courts and Appeals System (ECAS). A clerk at the Board confirmed that an appeal does not appear in the ECAS until it is accepted into the record by the Board. Petitioner's appeal was not accepted into the record until Thursday, January 29, 2026. Exh. 4.

24. Because of this, Petitioner's family went to the NWIPC to secure her release on Friday, January 23, 2026, only to have their hopes dashed by an appeal that had not been served on either Petitioner or her counsel properly.

25. Despite a grant of asylum, Petitioner remains detained.

26. This Petition has been verified.

MEMORANDUM OF LAW

27. Humanitarian parole under § 1182(d)(5)(A) is a distinct procedure that necessarily requires a determination that a noncitizen poses neither "a security risk nor a risk of absconding." 8 C.F.R. § 212.5(b); *see also Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1176 (N.D. Cal. 2017) ("Release [therefore] reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk."), *aff'd sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018).

28. Humanitarian parole can be revoked in two ways. First, it can be automatic:

> (1) Automatic. Parole shall be automatically terminated without written notice (i) upon the departure from the United States of the alien, or, (ii) if not departed, at the expiration of the time for which parole was authorized, and in the latter case

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> the alien shall be processed in accordance with paragraph (e)(2) of this section except that no written notice shall be required.

8 C.F.R § 212.5(e)(1). Or, parole may be revoked with notice:

> (2)(i) On notice. In cases not covered by paragraph (e)(1) of this section, upon accomplishment of the purpose for which parole was authorized or when in the opinion of one of the officials listed in paragraph (a) of this section, neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States, parole shall be terminated upon written notice to the alien and he or she shall be restored to the status that he or she had at the time of parole. When a charging document is served on the alien, the charging document will constitute written notice of termination of parole, unless otherwise specified. Any further inspection or hearing shall be conducted under section 235 or 240 of the Act and this chapter, or any order of exclusion, deportation, or removal previously entered shall be executed. If the exclusion, deportation, or removal order cannot be executed within a reasonable time, the alien shall again be released on parole unless in the opinion of the official listed in paragraph (a) of this section the public interest requires that the alien be continued in custody.

Id. § 212.5(e)(2)(i).

29. Courts have held that "revocation of parole . . . requires an individual determination" and the government must provide "at minimum some reasoning explaining why the Petitioner would now be considered a flight risk or danger to the community." *Noori v. Larose*, No. 25-cv-1824-GPC-MSB, 2025 U.S. Dist. LEXIS 194953, at *9-10, 14 (N.D. Cal. Oct. 1, 2025) (enjoining re-detention of the petitioner during the pendency of his removal proceedings without leave of the court, when the petitioner was previously released on humanitarian parole pursuant to § 1182(d)(5)(A)); *see also Y-Z-L-H v. Bostock*, No. 3:25-CV-965-SI, 2025 U.S. Dist. LEXIS 130216, 2025 WL 1898025, at *13-14 (D. Or. July 9, 2025) (finding parolee must receive written notice of impending revocation with reasons for revocation); *Padilla v. U.S. Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023) ("The Supreme Court has consistently held that non-punitive detention violates the Constitution unless it is strictly limited, and, typically, accompanied by a prompt individualized hearing before a neutral decisionmaker to ensure that the

imprisonment serves the government's legitimate goals."); *Castellon v. Kaiser*, No. 1:25-CV-00968 JLT EPG, 2025 U.S. Dist. LEXIS 157841, 2025 WL 2373425, at *6 (E.D. Cal. Aug. 14, 2025) (finding a case-by-case analysis is needed to revoke parole); *Barrera v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 U.S. Dist. LEXIS 162825, 2025 WL 2420068, at *12 (E.D. Cal. Aug. 21, 2025).

30. Courts have also found that even if written notice is given in the form of a charging document, the government must provide some further explanation as to the reasons for revocation explaining why ". . . neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States." *Noori v. LaRose*, 2025 U.S. Dist. LEXIS 232843, at *10 (S.D. Cal. Nov. 26, 2025) (quoting 8 C.F.R. § 212.5(e)(2)(i). Failing to comply with regulations in revoking parole can constitute a violation of the APA. *See id.*

EXHAUSTION OF ADMINISTRATIVE REMEDIES

31. There are no administrative remedies that can provide the relief that Petitioner seeks.

IRREPARABLE INJURY

32. Petitioner has suffered irreparable injury as a result of the detention. Her physical liberty continues to be restrained. The conditions of detention are penal-like, restricting her movements, her privacy, her access to health care, food, recreation, and grooming, and governing virtually all aspects of her daily life. *Rahman v. Garland,* No. 24-02132, 2025 U.S. Dist. LEXIS 133500, at *10-11 (W.D. Wash. June 26, 2025); *Katlong v. Barr,* No. C20-0846, 2020 U.S. Dist. LEXIS 224820, 2020 WL 7048530, at *4 (W.D. Wash. Oct. 30, 2020).[2] And she has no way to know

[2] Details are taken from pages 14 and 18-27 of the Detainee Handbook, available on the ICE website at https://www.ice.gov/doclib/detention/ndHandbook/ndhEnglish.pdf.

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exactly how long the detention will last, other than it will be a long time and is outside her control. This only increases the psychological pressure on her.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF
Violation of Due Process

33. Petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

34. The relevant inquiry is what led to Petitioner's detention initially, regardless of the current posture of her case.

35. Petitioner's detention violates her right to Due Process under the Fifth Amendment because she did not receive notice of the reasons for the revocation of her parole prior to its expiration. Under *Mathews*, she has a protected liberty interest, the risk of erroneous deprivation is high, and the government's interest is substantially outweighed by that risk. *See Mathews v. Eldridge*, 424 U.S. 319, 334-35 (1976); *Noori*, 2025 U.S. Dist. LEXIS 232843, at *8-10.

36. Because Petitioner had a protected liberty interest once she was released into the United States on humanitarian parole, the Due Process Clause requires procedural protections before she can be deprived of that interest—procedural protections she was not afforded.

SECOND CLAIM FOR RELIEF
Violation of the Administrative Procedure Act

37. Petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

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38. "Under the APA, an agency action may be set aside if it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law." 5 U.S.C. § 706(2)(A).

39. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

40. As stated, the government's own regulations state that humanitarian parole may only be terminated "upon accomplishment of the purpose for which parole was authorized," or when ". . . neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States." 8 C.F.R. § 212.5(e)(2)(i). This termination also requires written notice to the noncitizen. *Id.*

41. Petitioner was given humanitarian parole to allow her to seek asylum based on [redacted] There was never any written explanation as to why her humanitarian parole was revoked or cancelled upon her arrest and detention.

42. Respondents violated APA when they categorically revoked Petitioner's parole and detained her without consideration of her individualized facts. *Noori*, 2025 U.S. Dist. LEXIS 232843, at *10-11.

43. Therefore, the revocation of Petitioner's humanitarian parole prior to its expiration was arbitrary, capricious, an abuse of discretion, and not in accordance with the law. Because she was detained in violation of federal law and in violation of the APA, her immediate release is warranted.

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THIRD CLAIM FOR RELIEF
Violation of Due Process

44. Petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

45. In the alternative to immediate release, Petitioner alleges that her detention is now prolonged and she should be afforded a bond hearing to determine whether she poses a danger or a flight risk.

46. Because Petitioner has now been detained for over six months, due process requires, at a minimum, an individualized determination before an Immigration Judge to assess her dangerousness or flight risk. *Casas-Castrillon v. Dep't of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008).

47. While her NTA charges her an "arriving alien," that is not accurate. Because Petitioner was granted parole in 2021 and had been in the United States for nearly four years when she was detained, she can no longer be considered an "arriving alien." *Marina V.N. v. Robbins*, No. 1:25-cv-01845-KES-SKO (HC), 2025 U.S. Dist. LEXIS 263387, at *6 (E.D. Cal. Dec. 21, 2025) ("Section 1225(b)(1) applies to "an alien . . .who is arriving in the United States or . . . [a]n alien . . . who has not been admitted or paroled into the United States, and who has not affirmatively shown, to the satisfaction of an immigration officer, that the alien has been physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility . . . .").

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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 ordering Petitioner's immediate release;

c. In the alternative, order Respondents to provide Respondent with a bond hearing within 7 days;

d. If the government does not establish dangerousness or flight risk, order that the petitioner be immediately released without bond, ankle monitor, or other conditions;

e. Issue an order providing for an award of attorney's fees and costs; and

f. Grant such other relief as may be just and reasonable.

Dated: February 5, 2026.

/s/ Hilary Smith

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