

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Oucho SAELEE and Lai Chiem SAELEE,

Petitioners,

v.

Laura HERMOSILLO, Enforcement and
Removal Operations, Seattle Field Office
Director, U.S. Immigration and Customs
Enforcement; Kristi NOEM, Secretary, U.S.
Department of Homeland Security; U.S.
DEPARTMENT OF HOMELAND SECURITY;
Todd LYONS, Acting Director and Senior
Official Performing Duties of Director of ICE;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondents.

Civil Case No. 2:26-cv-735

COMPLAINT AND PETITION FOR
WRIT OF HABEAS CORPUS AND
INJUNCTIVE RELIEF

I. INTRODUCTION

1. Petitioners Oucho Saelee and Lai Chiem Saelee, both 64 years old, bring this petition to seek relief from this Court to prevent their imminent and unlawful detention by Immigration and Customs Enforcement (“ICE”) without adequate prior notice and a hearing. Each Petitioner is subject to an order of removal to Laos—a country that, until recently, has not accepted U.S. deportations—that the U.S. Government has not enforced for decades. Like all former

COMPLAINT AND PETITION FOR WRIT OF
HABEAS CORPUS AND INJUNCTIVE RELIEF – 1
(No. _____)

Perkins Coie LLP
1301 Second Avenue, Suite 4200
Seattle, Washington 98101-3804
Phone: +1.206.359.8000
Fax: +1.206.359.9000

1 refugees of Laos, they are stateless and face severe harm if the United States were to detain them
2 and deport them without the procedural safeguards required by the Constitution and federal law.

3 2. Recent weeks have marked a significant shift in ICE's deportation efforts. Due to
4 the extreme sanctions imposed on Laos for its prior refusal to accept U.S. deportations, culminating
5 in a full and complete travel ban as of December 2025, Laos has reportedly begun issuing "Laissez-
6 Passer" one-time entrance travel documents in significant numbers for individuals with removal
7 orders to Laos. In recent weeks, the local ICE office in Tukwila, Washington has begun
8 (a) detaining individuals with removal orders to Laos at their regularly scheduled check-ins and
9 (b) sending letters to individuals with future check-in dates requiring them to appear at the Tukwila
10 ICE office. And ICE officers, in unmarked vehicles, were recently observed surveilling the home
11 and neighborhood of Petitioner Oucho Saelee.

12 3. Petitioners are both subject to ICE Orders of Supervision ("OSUP") and have
13 consistently complied with every requirement for 25 years. Oucho has a scheduled check-in on
14 April 21, 2026, and Lai a scheduled check-in on June 30, 2026. Neither Petitioner presents a flight
15 risk, a danger to the community, or any other potential justification for detention. Both suffer from
16 significant medical conditions and cannot risk the irreparable harm posed by the threat of unlawful
17 detention.

18 4. Petitioners are stateless refugees of violence in Laos who have lived in Washington
19 State, their only home, for 45 years. They are integral parts of their families and communities.
20 Though Petitioners are no longer married, they are both the parents of four children and the
21 grandparents of five grandchildren; Lai also has a fifth child through a later marriage.

22 5. To ensure Petitioners receive the procedural due process protections afforded to
23 them by the Fifth Amendment to the U.S. Constitution, Petitioners respectfully request that this
24 Court enjoin the Respondents from detaining them without 1) advance notice of at least six months
25 and 2) a hearing before a neutral decisionmaker, where ICE must show that detention is necessary
26 to secure their removal.

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II. JURISDICTION AND VENUE

6. This case arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*, and the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 500–596, 701–706.

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 *et seq.* (habeas corpus), U.S. Const. art. I, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived sovereign immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

8. The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Court’s inherent equitable powers.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(e)(1) because Respondents are agencies or officers of agencies of the United States, Respondents and Petitioners reside in this District, Petitioners are likely to be detained in this District, and a substantial part of the events or omissions giving rise to Petitioners’ claims occurred in this District.

III. PARTIES

10. Petitioner Oucho Saelee is a stateless person who escaped Laos as a refugee. He has been issued a final order of removal to Laos, issued on April 27, 2000. Petitioner Oucho is not currently detained, but is subject to an OSUP and has a check-in with ICE scheduled for April 21, 2026. Petitioner Oucho was a co-defendant with Petitioner Lai Chiem in *U.S. v. Saelee*, 2:92-CR-00321-TSZ (W.D. Wash).

11. Petitioner Lai Chiem Saelee is a stateless person who escaped Laos as a refugee. She has been issued a final order of removal to Laos, issued on September 23, 1994. Petitioner Lai is currently not detained, but she is subject to an OSUP and has a check-in with Immigration and Customs Enforcement (“ICE”) scheduled for June 30, 2026.

12. Respondent Laura Hermosillo is the Acting Field Office Director for ICE Enforcement and Removal Operations (“ERO”) in Seattle, Washington. As the ERO Seattle Field Office Director, she is the person with the ability to authorize detention or release of individuals at the Northwest ICE Processing Center, where Petitioners are likely to be held if detained. Respondent Hermosillo is sued in her official capacity.

13. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (DHS). Respondent Noem is responsible for implementing and enforcing federal immigration laws in the United States. Respondent Noem is sued in her official capacity.

14. Respondent Department of Homeland Security (DHS) is a federal executive agency responsible for, among other things, enforcing federal immigration laws and overseeing lawful immigration to the United States.

15. Respondent Todd Lyons is Acting Director and Senior Official Performing the Duties of the Director of ICE. Respondent Lyons is responsible for ICE’s policies, practices, and procedures, including those relating to removal procedures and the detention of immigrants during their removal procedures. Respondent Lyons is sued in his official capacity.

16. Respondent ICE is the federal executive agency responsible for the enforcement of immigration laws, including the arrest, detention, and removal of noncitizens.

IV. STATEMENT OF FACTS

Laos, the Refugee Camp, and Early Resettlement

17. Petitioners Oucho and Lai were both born in Laos in 1961. Oucho was born in Sayaboury, Laos, and Lai was born in a small lu Mien village in northern Laos, where

18. [REDACTED]

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4 19. Oucho and Lai were both forced to take refuge with their families in the Bannanyo
5 refugee camp in Thailand. There, Oucho and Lai met each other and were married when they were
6 still teenagers.

7 20. The Saelees lawfully immigrated to the United States in 1980 as refugees, arriving
8 with Mr. Saelee's parents and three younger brothers. The family originally settled in Kansas, then
9 moved to Seattle in 1981. They became lawful permanent residents shortly after their arrival.

10 **Life in the United States and Opium Conviction**

11 21. In 1981, Oucho and Lai welcomed their first child, Nick. Nancy was born in 1983,
12 followed by Linda in 1984 and Danny in 1988. All four of their children, as well as Lai's fifth
13 child, are U.S. citizens.

14 22. Oucho worked in hospitality, housekeeping, and the food service industry. He also
15 took welding classes and received an electronic soldering assembly job. Lai learned English and
16 became an interpreter in Mien, Lao, and Thai at [REDACTED] often working seven days
17 a week to support her family. These jobs were low-paying, and Oucho and Lai struggled to support
18 their growing family on their income.

19 23. Around this time, and because they were desperate to support their family, Oucho
20 and Lai participated in the importation of opium after a member of their community convinced
21 them to join a scheme. They were both arrested in 1992, and on January 27, 1993, they were
22 convicted of several opium-related offenses in the U.S. District Court for the Western District of
23 Washington. This conviction is Oucho and Lai's one and only offense. Oucho and Lai both contest
24 the circumstances and validity of their conviction, and they are currently pursuing post-conviction
25 relief.

26 **Prison Sentence and Immigration Proceedings**

1 24. Oucho and Lai both were sentenced to the mandatory minimum of ten years in
2 prison. Oucho served his time first in Oregon, and later in California and Arizona. Lai served her
3 time in Kentucky and California.

4 25. Their federal convictions made both Oucho and Lai deportable. A judge ordered
5 removal for Oucho on April 27, 2000. A different judge ordered removal for Lai on September 23,
6 1994.

7 26. After their prison sentences were over, both Oucho and Lai were held in an
8 immigration detention center. However, because there was no repatriation agreement in place
9 between Laos and the United States, neither could be removed, and they were both released from
10 custody under OSUPs.¹

11 27. The OSUPs placed certain conditions on Oucho and Lai's actions and freedom of
12 movement. They were required to appear before the legacy Immigration and Naturalization
13 Service ("INS") at certain times; they were prohibited from traveling outside of Washington State
14 without notifying the INS; and they were required to keep the INS updated as to any changes of
15 residence or employment. The OSUPs put other restrictions in place, such as requiring them to
16 abide by all laws and to notify the INS of any arrest.

17 28. After a decade-long separation, and once they were released from custody, Oucho
18 and Lai divorced in 2001.

19 **Decades of Flawless Compliance**

20 29. Since 2001, Oucho and Lai have done everything the Government asked and
21 followed every condition of their Orders of Supervision.

22 30. At first, Lai was required to accept a call from a government contractor every
23 Saturday at 7 p.m. She never missed a call. She began checking in with immigration authorities
24 every three months; later, the check-in period was extended to six months, then annually. Oucho
25 adhered to similar requirements.

26 ¹ OSUPs are legally authorized by INA § 241(a)(3); 8 U.S.C. § 1231(a)(3).

1 31. For twenty-five years, Oucho and Lai have never missed a single check-in with
2 immigration authorities and have complied with every requirement.

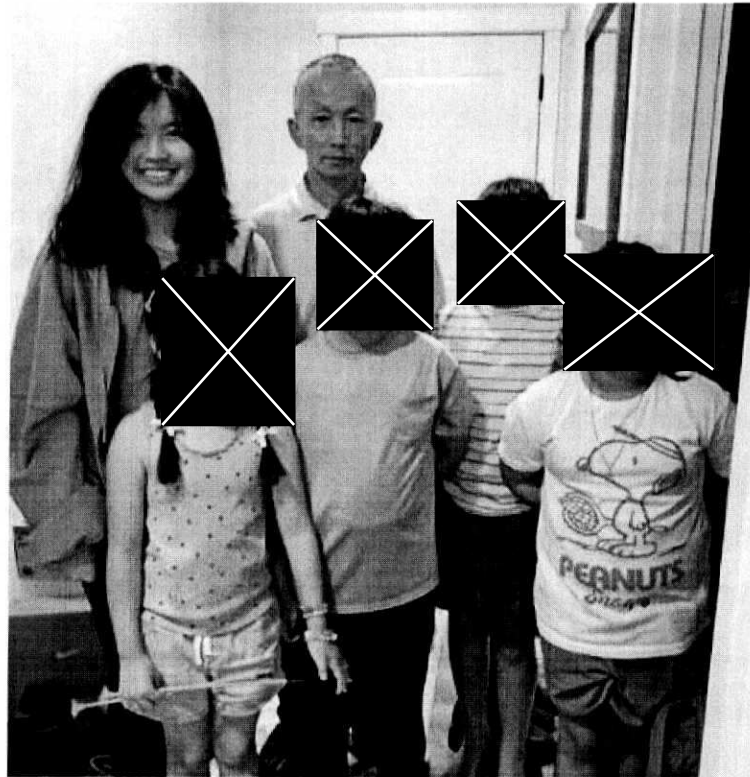
3 **Community Work, Family Ties, and Health Concerns**

4 32. In the twenty-five years since being released from immigration detention, Oucho
5 and Lai re-established close family and community ties in Washington.



18 *Recent picture of Oucho with his children.*

33. In 2001, Oucho began making glass for windows and worked at that company until 2007. Since 2007, he has worked building construction equipment such as boom lifts. He sees his children and grandchildren almost every day and speaks with them daily. After missing many years of his children's childhood due to his incarceration, he is making up for lost time by spending as much time as possible with his and Lai's five grandchildren.



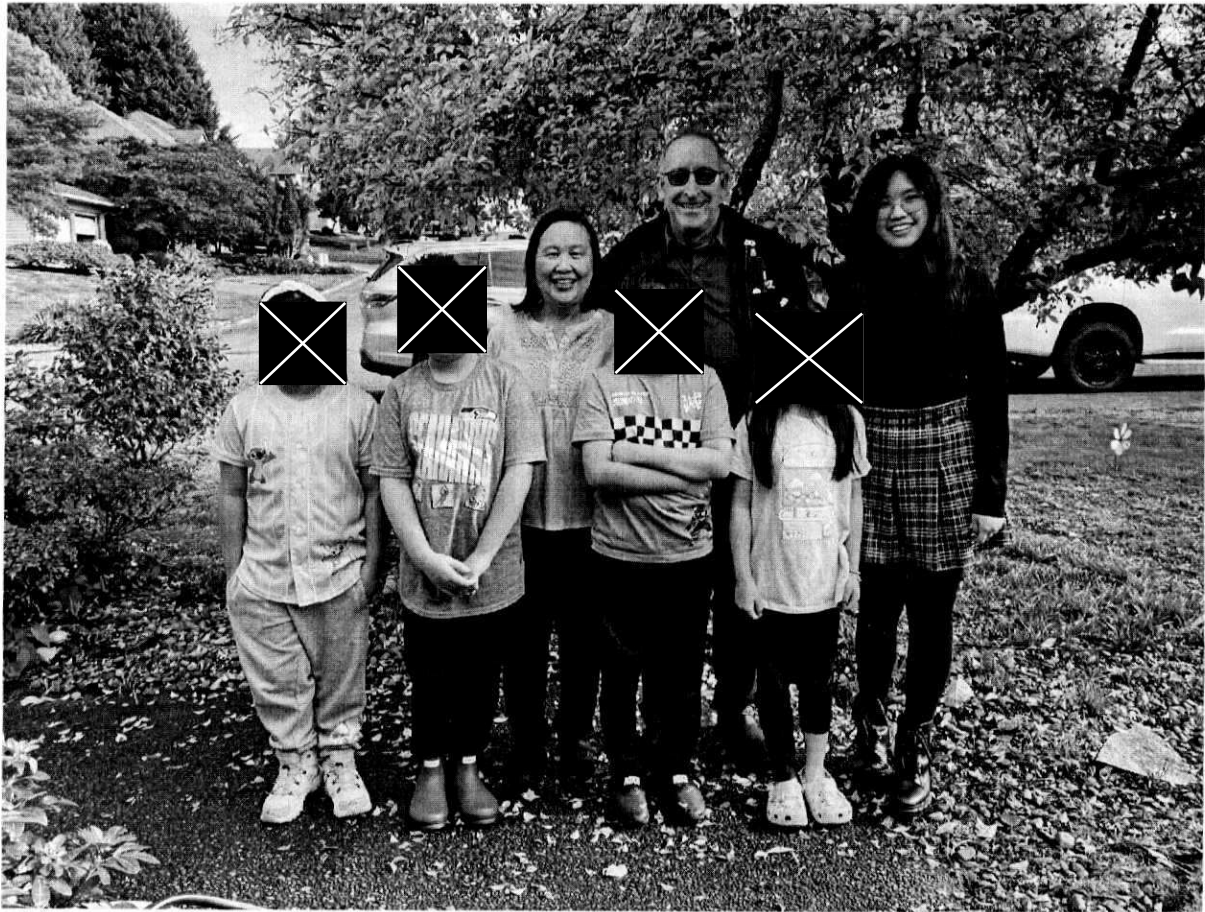
Oucho with his grandchildren.

34. Lai re-married following her divorce from Oucho and gave birth to her fifth child, Rita, in 2003. Lai has been in a relationship with her current husband, Donald Thom, a U.S. citizen, for over fourteen years.

35. Lai is an integral member of her community. From 2001 to 2023, she worked full-time as a Mien-language interpreter at [REDACTED]. As an interpreter, she helped members of her community access life-saving medical care. She also assisted with language

1 translation in other parts of her community, helping lu Mien neighbors secure housing and medical
2 care and translating so that families could navigate unfamiliar systems.

3 36. Lai also contributes to cultural preservation efforts through the lu [REDACTED]
4 [REDACTED], where she teaches traditional dance and shares lu Mien heritage through storytelling
5 to help safeguard a language and culture at risk. Lai is a cornerstone of her community, frequently
6 performing the unglamorous work that makes community possible: cooking for fundraisers,
7 arranging transportation to rehearsals, assisting with providing traditional clothing to youth in her
8 community, and more.



24 *Lai (center) with her husband, Don, and her grandchildren.*

25 37. Unfortunately, as they age, both Oucho and Lai have faced serious health issues
26 that would make detention and/or deportation life-threatening.

1 38. In 2024, Oucho was injured at work when a boom fell and hit him on the head,
2 resulting in a traumatic brain injury. Oucho is currently on medical leave from his employment
3 and suffers from headaches, dizziness, and nausea; he also experiences post-traumatic stress
4 disorder. Oucho continues to see an Occupational Medicine Doctor and Neurologist for this injury.

5 39. In 2018, Lai was diagnosed with aggressive breast cancer, underwent surgery,
6 chemotherapy, and radiation, and now requires ongoing monitoring. Her health worsened
7 following her cancer diagnosis, and she now struggles with post-cancer treatment neuropathy,
8 balance issues, and worsening migraines, affecting her ability to work outside the home. Her entire
9 medical care team and support system are here in Seattle.

10 40. In short, the Petitioners have built an entire life and home rooted in Seattle over the
11 last 45 years. They have met all obligations put on them by the government, are contributing
12 members of society, and pillars of the community. Renewed immigration detention without the
13 opportunity to be heard not only violates the law but also risks serious and irreparable harm to
14 their health and well-being. It would deprive them of the social and medical support they require
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1 in their older years and could worsen their medical conditions and prevent them from receiving
2 necessary care. It would also be devastating to their families.



Oucho and Lai with their children and grandchildren, Thanksgiving 2025.

Changed U.S. Immigration Practice and Threat of Re-Detention

41. After living freely for twenty-five years, Oucho and Lai both face a sudden threat of immediate immigration detention, despite their scrupulous compliance with their OSUPs. This new threat arises both from changing circumstances in how Laos responds to requests from ICE to accept individuals with final removal orders to Laos, and from changes in ICE policies and practices with regards to individuals subject to OSUPs.

42. Until this year, Laos accepted very few people for repatriation from the United States. According to ICE's Fiscal Year Annual Reports, there were zero deportees to Laos in FY

2024, one in FY 2023, five in FY 2022, zero in FY 2021, eleven in FY 2020, and five in FY 2019.² In FY 2013, ten Lao individuals were deported, and in 2012, fourteen were deported.³ As a result, a significant number of Laotian individuals are living in the United States on OSUPs; in 2025, approximately 4,800 nationals of Laos in the United States living with final removal orders had not yet been removed.⁴

43. In 2018, the United States issued visa sanctions on Laos “due to lack of cooperation in accepting their citizens who have been ordered removed.”⁵ The federal government explained that Laos had not “established repeatable processes for issuing travel documents to their nationals ordered removed from the United States.”⁶

44. In June of 2025, President Trump reiterated, “Laos has historically failed to accept back its removable nationals.”⁷ As a result, he included Laos as one of 19 countries in his travel ban, banning all Lao immigrants, tourists, students, and exchange visitors from entering the United States. In response, the Lao government issued travel documents to a few dozen nationals of Laos with final removal orders.⁸

² U.S. Immigration and Customs Enforcement, U.S. Dep’t of Homeland Sec., *Annual Report Fiscal Year 2024* (2024), <https://www.ice.gov/doclib/eoy/iceAnnualReportFY2024.pdf>.

³ Trafficking in America Rep. Task Force, *Reports* (2024), <https://tracreports.org/immigration/reports/350/>.

⁴ Asian Law Caucus, *Status of Ice Deportations to Southeast Asian Countries: Laos* (Oct. 9, 2025), <https://www.asianlawcaucus.org/news-resources/guides-reports/resources-southeast-asian-refugees-facing-deportation>.

⁵ *DHS Announces Implementation of Visa Sanctions*, HOMELAND SECURITY (July 8, 2018), <https://www.dhs.gov/archive/news/2018/07/10/dhs-announces-implementation-visa-sanctions>.

⁶ *Id.*

⁷ See Presidential Proclamation, Restricting the Entry of Foreign Nationals to Protect the United States from Foreign Terrorists and Other National Security and Public Safety Threats, Sec. 3(c)(i) (June 4, 2025), <https://www.whitehouse.gov/presidential-actions/2025/06/restricting-the-entry-of-foreign-nationals-to-protect-the-united-states-from-foreign-terrorists-and-other-national-security-and-public-safety-threats/>.

⁸ *Id.*; see also American Immigration Council, *Trump’s 2025 Travel Ban* (Aug. 6, 2025), <https://www.americanimmigrationcouncil.org/report/trump-2025-travel-ban/>.

1 45. On December 16, 2025, President Trump upgraded the partial travel ban he had
2 already imposed on Laos to a full travel ban because of Laos's "fail[ure] to accept back its
3 removable nationals."⁹

4 46. Upon information and belief, the combination of sanctions, tariffs, and punitive
5 third country removals of individuals of Laotian origin have forced Laos to begin accepting
6 individuals for whom ICE seeks to deport to Laos. Typically, Laos will not accept a person for
7 repatriation from the United States without first processing a request from ICE and issuing a travel
8 document. However, recent reports from other Laotian immigrants indicate that Laos is currently
9 issuing those travel documents at an unprecedented rate.

10 47. Laos is not verifying the identity of the individuals ordered removed to Laos, nor
11 is it verifying whether the individuals have any remaining ties or connections to Laos. Laos appears
12 to be issuing travel documents even when the individual in question has not completed the travel
13 document questionnaire that Laos previously required.

14 48. Laos is not issuing passports to those it accepts; rather, it issues Laissez-Passer
15 documents, valid for 90 days, that state they will allow the person to enter the country "for a single
16 journey only." Declaration of Thao Ha ("Ha Decl.") (attached as Exhibit A) ¶ 14. Deportees to
17 Laos from the United States are treated as stateless upon arrival and are subject to indefinite
18 detention in a military facility unless they can find a sponsor who is a Lao national. Declaration of
19 Chanida Phaengdara Potter ("Potter Decl.") (attached as Exhibit B) ¶¶ 4-6.

20 49. Concurrent with these changes in Laotian policy, and upon information and belief,
21 recent weeks have seen a surge of ICE re-detentions of individuals with final orders of removal to
22 Laos. ICE in Tukwila has begun arresting most people with removal orders to Laos at their
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24 ⁹ Fact Sheet: President Donald J. Trump Further Restricts and Limits the Entry of Foreign Nationals to Protect
25 the Security of the United States, The White House, Dec. 16, 2025, <https://www.whitehouse.gov/fact-sheets/2025/12/fact-sheet-president-donald-j-trump-further-restricts-and-limits-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/>; President Donald J. Trump, Proclamation: Restricting and Limiting the
26 Entry of Foreign Nationals to Protect the Security of the United States, Dec. 16, 2025, <https://www.whitehouse.gov/presidential-actions/2025/12/restricting-and-limiting-the-entry-of-foreign-nationals-to-protect-the-security-of-the-united-states/>.

1 scheduled check-ins, even if they have not completed the required paperwork to effect their
 2 deportation. Declaration of Gail Brashear (“Brashear Decl.”) (attached as Exhibit C) ¶ 6. ICE is
 3 sending other individuals “call in” letters requiring that they appear at the ICE office in Tukwila
 4 at a particular date and time. *Id.* The letters say that the purpose is to “discuss their immigration
 5 case” but the true purpose is to detain them. *Id.*

6 50. ICE is re-detaining Laotian individuals with old removal orders to Laos even when
 7 they are compliant with their OSUPs and even when there is no guarantee they will be deported in
 8 the near future. *Id.* There are far too many individuals with removal orders to Laos to be removed
 9 in the reasonably foreseeable future given the limitations on the numbers that can be removed per
 10 month. Ha Decl. ¶¶ 9-12. Since October, there has been about one deportation flight that stops in
 11 Laos per month, carrying approximately 40-60 people. *Id.* ¶ 9. It is believed that Laos has restricted
 12 the number of people that it will receive on a monthly basis given its own efforts to manage and
 13 house the deportees confined on the military base. *Id.* ¶ 11. Deportees who are subject to further
 14 detention in Laos have limited access to healthcare and frequently lack permanent identification,
 15 passports, or travel documents for any country. Potter Decl. ¶¶ 9, 11.

16 51. ICE has also shown a habit and practice of suddenly re-detaining individuals
 17 subject to OSUPs without notice or a hearing, despite the rulings from this District as well as courts
 18 throughout the Ninth Circuit that this practice is unlawful. Brashear Decl. ¶¶ 6-7. DHS and
 19 President Trump have taken to calling individuals with criminal convictions “the worst of the
 20 worst,”¹⁰ making no exception for people like Oucho and Lai, who were convicted of a non-violent
 21 crime more than 30 years ago, served their prison sentences, and have spent the decades since their
 22 convictions living law-abiding, peaceful lives.

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 25 ¹⁰ U.S. Department of Homeland Security, *DHS Recaps the Worst of the Worst Criminal Illegal Aliens ICE*
 26 *took Enforcement Action on During President Trump's First Year in Office* (Jan. 20, 2026),
<https://www.dhs.gov/news/2026/01/20/dhs-recaps-worst-worst-criminal-illegal-aliens-ice-took-enforcement-action-during>.

52. At their previous check-ins with ICE, both Oucho and Lai were required to fill out travel paperwork for potential deportation to Laos. Their upcoming check-ins—for April 21 and June 30, respectively—are now the presumptive dates of their re-detention. But re-detention may come even sooner, as ICE agents have been seen scouting Oucho's home and neighborhood. Both Oucho and Lai fear that they will be targeted for detention without warning or notice.

53. Sudden, unanticipated re-detention is Oucho and Lai's greatest fear. After forty-five years in the United States, and twenty-five years living freely, their family support system, medical care, and security are all found in Washington State. Re-detention would leave them isolated and without the ongoing medical treatment they require. Despite the fact that Oucho and Lai have complied with the terms of their supervised release, they now live in constant fear of being separated from their families at a stage in life when they, like most people, depend on their immediate families for physical, social, and medical care and support.

V. LEGAL FRAMEWORK AND ANALYSIS

54. The vast weight of legal authority shows it is illegal for Respondents to re-detain individuals on OSUPs without first providing them notice and a hearing. Petitioners face an actual and imminent threat of unannounced re-detention by ICE at their upcoming check-ins or through other means. Because of the high risk posed to Petitioners due to their age and health conditions, a pre-deprivation habeas order is justified to ensure the Petitioners are not denied their due process rights in a manner that could prove life-threatening and deny them the opportunity to pursue claims for relief against removal, if Laos issues travel documents making them subject to removal for the first time.

55. This Court should enjoin Respondents from detaining Petitioners without 1) a notice period of at least six months prior to detention and 2) a hearing before a neutral decisionmaker, where Respondents must show that detention is necessary to secure their removal.

1 **A. Pre-Deprivation Habeas Orders Are Appropriate when Petitioners Are Imminently**
 2 **Threatened with Re-Detention**

3 56. The federal habeas corpus statute, 28 U.S.C. § 2241, states that writs of habeas
 4 corpus may only extend to any prisoner “in custody under or by color of the authority of the United
 5 States[.]” “Custody” under this statute includes not only actual physical restraint but also other
 6 restrictions on liberty. The Supreme Court has held that there is “no doubt that, besides physical
 7 imprisonment, there are other restraints on a man’s liberty, restraints not shared by the public
 8 generally, which have been thought sufficient [...] to support the issuance of habeas corpus.” *Jones*
 9 *v. Cunningham*, 371 U.S. 236, 240 (1963). Thus, in *Jones*, a man who was placed on parole,
 10 required to check in with his parole officer on a monthly basis, told he must receive permission
 11 before leaving the community or changing residence, and informed that he “could be arrested or
 12 returned to prison for cause” at any time was considered “in custody” and could sustain a habeas
 13 corpus petition challenging the conditions of his detention. *Id.* at 237–41. As the Supreme Court
 14 held, the habeas corpus writ “is not now and never has been a static, narrow, formalistic remedy;
 15 its scope has grown to achieve its grand purpose—the protection of individuals against erosion of
 16 their right to be free from wrongful restraints upon their liberty.” *Id.* at 243.

17 57. Many district courts have held that an immigrant subject to a final order of removal
 18 may seek habeas relief *before* they are re-detained—in other words, such immigrants are entitled
 19 to seek pre-deprivation habeas relief. Petitioners seek such pre-detention relief here. Although they
 20 are not currently detained, they are “in custody” of the United States under the conditions of their
 21 OSUPs. Thus, their habeas claim is ripe for review.

22 58. Like the parolee in *Jones*, Petitioners currently are “in custody” of the United States
 23 because of the restrictive conditions of their OSUPs. Petitioners are confined to a particular state,
 24 must periodically report to immigration authorities, and must provide any information whenever
 25 it is requested by ICE. As in *Jones*, Petitioners must also “live in constant fear that a single
 26 deviation, however slight, might be enough to result in [their] being returned” to detention. *Id.* at

1 242. In short, Petitioners' Order of Supervision clearly "imposes conditions which significantly
 2 confine and restrain [their] freedom," which places them "in custody" of the United States. *Id.* at
 3 243; *Sun v. Santacruz*, 2025 WL 2730235, at *3 (non-detained immigrant on OSUP was "subject
 4 to restraints not shared by the public" and was thus in custody within the meaning of Section 2241).

5 59. Further, the Supreme Court has recognized that "habeas corpus relief is not limited
 6 to immediate relief from illegal custody, but that the writ is available as well to attack future
 7 confinement and obtain future releases." *Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973); *see also*
 8 *Rose v. Morris*, 619 F.2d 42 (9th Cir. 1980). The federal habeas corpus statute "does not deny the
 9 federal courts power to fashion appropriate relief other than immediate relief." *Id.* (internal
 10 quotations omitted).

11 60. For years, and especially recently, when ICE pick-ups at scheduled check-ins
 12 became more common, courts in this circuit have held that habeas relief may extend to individuals
 13 on supervised release from immigration detention who seek to prevent their re-detention without
 14 appropriate process. Pre-deprivation habeas petitions have been granted in these cases. *See Ortega*
 15 *v. Bonnar*, 415 F. Supp. 3d 963, 969 (N.D. Cal. 2019) (granting a petitioner on supervised release
 16 from immigration detention a writ of habeas corpus and permanently enjoining ICE from re-
 17 arresting him without a hearing with adequate notice); *Vargas v. Jennings*, No. 20-CV-5785-PJH,
 18 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020) (granting a TRO enjoining ICE from re-
 19 detaining petitioner released on bond "unless and until he is afforded a pre-deprivation
 20 administrative hearing on the question of whether his re-detention would ultimately be lawful");
 21 *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *4 (N.D. Cal. Mar. 1, 2021)
 22 (granting a TRO enjoining ICE from re-detaining a petitioner released on bond without notice and
 23 a hearing); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1036 (N.D. Cal. 2025) (granting a preliminary
 24 injunction on a habeas claim when a non-detained petitioner "face[d] the risk of immediate re-
 25 detention by ICE, likely in violation of her constitutional rights and with potentially devastating
 26 consequences for her economic livelihood, her family, and her health"); *Sun v. Santacruz*, No.

5:25-CV-02198-JLS-JC, 2025 WL 2730235 at *3 (C.D. Cal. Aug. 26, 2025) (petitioner released from immigration detention was granted TRO on habeas challenge to “attack [her] future confinement by ICE”) (internal quotations omitted); *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854, at *3 (N.D. Cal. June 14, 2025) (granting a TRO on a habeas complaint where “[w]ithout the requested injunctive relief, Petitioner-Plaintiff might be abruptly taken into ICE custody, subjecting both him and his family to significant hardship”); *Garcia v. Bondi*, No. 3:25-CV-05070, 2025 WL 1676855 (N.D. Cal. June 14, 2025) (granting a TRO on a habeas complaint for a petitioner released on bond under an order of supervision “seeking to enjoin Respondents-Defendants from re-detaining him at his upcoming in-person check-in with immigration authorities”); *Zakzouk v. Becerra*, No. 25-cv-06254-KAW, 2025 WL 2899220 at *5–*8 (N. D. Cal. Oct. 10, 2025) (enjoining and restraining ICE from detaining petitioner without notice and a hearing before an immigration judge).

61. Pre-deprivation habeas requests are also especially likely to be granted where the government has “given no assurance that [Petitioner] will not face immediate re-detention in the absence of an injunction.” *Pinchi*, 792 F. Supp. 3d at 1037; *Sun*, 2025 WL 2730235, at *2; *Diaz*, 2025 WL 1676854, at *1.

62. In *Sun*, 2025 WL 2730235, at *2, the Central District of California granted a pre-deprivation habeas petition where it was clear that “recent cases, wherein individuals in the same or similar circumstances as [Petitioner] have been detained at immigration check-in appointments absent notice and a hearing, further substantiate [Petitioner’s] claim that there is a tangible risk that ICE will re-arrest and re-incarcerate her” at an upcoming check-in. As that court explained, a petitioner does not need to seek immediate release of custody for habeas relief to be available, but may also “attack [their] future confinement” by ICE. *Id.* (citing *Preiser*, 411 U.S. at 487).

63. As described in more detail below, *see infra* Section B, pre-deprivation habeas cases rely on precisely the same reasons underlying dozens of habeas cases in this District and hundreds of habeas cases in this Circuit: individuals put on supervised release from immigration

1 detention have a protected liberty interest and are entitled to procedural safeguards before being
 2 re-detained, including notice and a pre-deprivation hearing. *See, e.g., E.A. T.-B. v. Wamsley*, 795
 3 F. Supp. 3d 1316, 1321 (W.D. Wash. 2025) (re-detention is a protected liberty interest); *Truong*
 4 *Vo v. Scott*, No. 2:26-CV-00135-JNW, 2026 WL 445046 (W.D. Wash. Feb. 17, 2026) (holding
 5 same); *Duong v. Kaiser*, 800 F. Supp. 3d 1030, 1044 (N.D. Cal. 2025) (same).

6 64. Thus, although Petitioners are not currently being held in immigration detention,
 7 their habeas claims are ripe for adjudication. Petitioners are “in custody” of the United States due
 8 to their status as “parolees” on Orders of Supervision. Both Supreme Court precedent and many
 9 cases in this Circuit support the Petitioners’ request for procedural protections before an unlawful
 10 re-detention occurs. As described below, re-detention would violate Petitioners’ procedural due
 11 process rights. Further, Petitioners allege that those in similar positions to them are being
 12 consistently detained at their regular OSUP check-ins without the appropriate due process, making
 13 it much more likely that Petitioners will also be re-detained at their upcoming check-ins. Brashear
 14 Decl. ¶ 6; Ha Decl. ¶ 10. Respondents also have not provided assurances that they will not detain
 15 Petitioners; to the contrary, they have required Petitioners to fill out travel documents, evincing a
 16 clear intent to detain Petitioners in the near future. *See Pinchi*, 792 F. Supp. 3d at 1037; *Sun*, 2025
 17 WL 2730235 at *2. For these reasons, the Court should enjoin the Respondents from re-detaining
 18 Petitioners in violation of their Constitutional rights. In this case, Respondents must provide
 19 Petitioners with notice and a hearing before their re-detention.

20 **B. The Government’s Re-Detention of Petitioners Without Adequate Notice and a**
 21 **Hearing Would Violate Their Procedural Due Process Rights**

22 65. The government cannot deprive any person of “life, liberty, or property, without
 23 due process of law[.]” U.S. Const. Amend. V. Due process extends to “all ‘persons’ within the
 24 United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary,
 25 or permanent.” *Zadvydas*, 533 U.S. 678, 693 (2001). “Freedom from imprisonment—from
 26 government custody, detention, or other forms of physical restraint—lies at the heart of the liberty

1 that [the Due Process] Clause protects.” *Id.* at 690. Here, release from immigration detention on
 2 an Order of Supervision is a protected liberty interest that may not be revoked without due
 3 process—namely, prior notice and a hearing.

4 66. When the government releases an individual previously detained, even if that
 5 release is conditional or discretionary, that individual has a liberty interest in their continued
 6 freedom that is protected by the Fifth Amendment. *Morrissey v. Brewer*, 408 U.S. 471, 481–82
 7 (1972); *see also Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (holding same in context of
 8 revocation of probation); *Young v. Harper*, 117 S.Ct. 1148, 1154 (1997) (same in context of
 9 revocation of preparole). As the Supreme Court explained, a parolee relies “on at least an implicit
 10 promise that parole will be revoked only if he fails to live up to the parole conditions.” *Morrissey*,
 11 408 U.S. at 482. As a result, parolees are entitled to notice and a hearing to demonstrate whether
 12 there is probable cause to believe they have committed a parole violation. *Id.* at 486–87.

13 67. The protected liberty interest created by conditional parole also applies in the
 14 immigration detention context. “While the temporary detention of non-citizens may sometimes be
 15 justified by concerns about public safety or flight risk, the government’s discretion to incarcerate
 16 non-citizens is always constrained by the requirements of due process[.]” *Hernandez v. Sessions*,
 17 872 F.3d 976, 981 (9th Cir. 2017). In *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th
 18 Cir. 2022), the Ninth Circuit assumed without deciding that the three-part due process test in
 19 *Mathews v. Eldridge* applies in “the immigration detention context.” District courts in the Ninth
 20 Circuit have applied the *Mathews* test in that context. *See, e.g., Pinchi*, 792 F. Supp. 3d at 1033;
 21 *E.A. T.-B.*, 795 F. Supp. 3d at 1320. “Just as people on preparole, parole, and probation status have
 22 a liberty interest, so too does [a noncitizen released from immigration detention] have a liberty
 23 interest in remaining out of custody on bond.” *Ortega*, 415 F. Supp. 3d at 969.

24 68. Since individuals released from immigration detention have a protected liberty
 25 interest in remaining out of detention, the Fifth Amendment requires them to be afforded due
 26

process prior to re-detention. Determining what procedures are due generally requires examining the factors set forth in *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976):

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Here, each Mathews factor weighs heavily in favor of providing Petitioners with significant due process prior to detention.

1. Petitioners' Liberty Interest is High.

69. Petitioners' liberty interest is clearly protected by the Due Process Clause. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas*, 533 U.S. at 690. Under *Morrissey*, 408 U.S. at 482, individuals released on parole have a protected liberty interest in remaining on parole. And this interest also applies to individuals released from immigration detention. See *Hernandez*, 872 F.3d at 981; *Pinchi*, 792 F. Supp. 3d at 1033. In short, petitioners' interest in not being detained is "the most elemental of liberty interests[.]" *E.A.T-B*, 795 F.Supp.3d at 1321 (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)); see also, e.g., *Ledesma Gonzalez v. Bostock*, No. CV25-1404-JNW-GJL, 2025 WL 2841574, at *8 (W.D. Wash. Oct. 7, 2025) (finding detainee has liberty interest).

70. Further, the longer an individual has been released, the more his liberty interest grows. *Morrissey*, 408 U.S. at 482; see also *Zakzouk*, 2025 WL 2899220, at *5 (habeas petitioner's "interest in remaining out of detention is heightened by the seventeen years he has spent out of custody") (citing *Pinchi*, 792 F. Supp. 23d at 1034). "[Noncitizens] who have resided for more than a decade in this country. . . have a strong liberty interest in remaining in their homes." *AADC v. Reno*, 70 F.3d 1045, 1068–69 (9th Cir. 1995).

71. Here, Petitioner's private interests are substantial. Since 2001, the Petitioners have been continuously free from custody while on supervision. During that time, they have built and sustained a productive and law-abiding life. They have raised children and grandchildren, invested in their community, built careers, paid taxes, purchased property, and created a strong system of support for their later years. They have each dutifully adhered to ICE's conditions of supervision. Petitioners were not supposed to act like they were living on borrowed time during the many years that the United States did not execute their removal orders. Rather, "[t]hat Petitioners invested in and became productive members of United States communities notwithstanding their removal orders is to be commended. Because they did so, instead of wallowing in limbo while waiting to be removed, they made our country better—and deepened their interest in remaining here." *Chhoeun v. Marin*, 442 F.Supp.3d 1233, 1246 (C.D. Cal. 2020). In sum, they have built an established life on the "implicit promise" that it would not be taken away unless they failed to "live up" to the conditions of their ICE supervision. *Morrissey*, 408 U.S. at 482; *see also Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025) (quoting *Morrissey*, 408 U.S. at 482 and applying it in immigration re-detention case). At no point have the Petitioners failed to "live up" to the conditions of their ICE supervision.

72. The protected liberty interest is even more substantial when balancing the nonpunitive purpose of immigration detention against the "irreparable harms imposed on anyone subject to immigration detention," including "subpar medical and psychiatric care in ICE detention facilities, the economic burdens imposed on detainees and their families as a result of detention, and the collateral harms to children of detainees whose parents are detained." *Hernandez*, 872 F.3d at 995. For aging individuals with significant health risks, Petitioners could not have a higher interest in protecting their life and liberty by remaining out of detention.

2. The Risk of Erroneous Deprivation is High.

73. The second factor also weighs in Petitioner's favor. Where the petitioner "has not received any bond or custody . . . hearing, the risk of an erroneous deprivation [of liberty] is high

1 because neither the government nor [Petitioner] has had an opportunity to determine whether there
 2 is any valid basis for [his] detention.” *Pinchi*, 792 F. Supp. 3d at 1035 (citation omitted). A pre-
 3 detention hearing significantly decreases that risk because the government must prove to a neutral
 4 adjudicator by clear and convincing evidence that circumstances have materially changed to justify
 5 re-detention. *See Duong*, 800 F. Supp. 3d at 1044 (holding that any re-detention first required a
 6 hearing “whether a material change of circumstances justifies [petitioner’s] re-detention”). Absent
 7 a hearing, ICE would be permitted unilateral authority to determine when and whether to revoke
 8 a post-order person’s release and re-detain the person without any neutral check. In such
 9 circumstances, the risk of error is considerable, as evidenced in this case and hundreds of others
 10 brought before district courts in recent months. *See Guillermo M.R. v. Kaiser*, 791 F. Supp. 3d
 11 1021, 1034 (N.D. Cal. 2025) (finding an “undeniably stark” risk of erroneous deprivation where
 12 ICE claimed the authority to make unilateral re-detention decisions that had no other mechanism
 13 for review by a neutral arbiter); *see also Chalkboard, Inc. v. Brandt*, 902 F.2d 1375, 1381 (9th Cir.
 14 1989) (when “delicate judgments depending on credibility of witnesses and assessment of
 15 conditions not subject to measurement” are at issue, the “risk of error is considerable when just
 16 determinations are made after hearing only one side”).

17 74. Critically, in a pre-detention hearing, the government would bear the burden of
 18 demonstrating that the detention would not be impermissibly punitive. As immigration detention
 19 is civil and only permitted to prevent flight and protect against danger to the community, *Zadvydas*,
 20 533 U.S. at 697, the government must prove by clear and convincing evidence that the individual
 21 is a flight risk or a danger. *See Sanchez-Rivera v. Matuszewski*, No. CV22-1357-MMA-JLB, 2023
 22 WL 139801, at *7 n.9 (S.D. Cal. Jan. 9, 2023) (noting that “an overwhelming majority of courts”
 23 have so held); *Singh v. Andrews*, 803 F. Supp. 3d 1035, 1048 (E.D. Cal. 2025) (noting high risk of
 24 erroneous deprivation where no evidence of flight risk or danger justifying re-detention).

1 **3. The Government's Interest and Burden is Low.**

2 75. The final factor, the government's interest in detaining a petitioner without
3 providing a pre-deprivation hearing, also weighs sharply in Petitioners' favor. It has been over two
4 decades since the Petitioners were released from immigration custody. Since then, the government
5 has taken no action to remove them. The government has no legitimate claim that it is burdened
6 by a slight delay in detaining Petitioners to attempt to remove them. *Chhoeun*, 442 F. Supp. 3d at
7 1249 (holding the government claim that it could not wait 14 additional days to execute removal
8 orders of Cambodian nationals "is laughable" when it "waited years or decades to execute these
9 removal orders, allowing Petitioners to develop deep ties to this country by raising families and
10 working").

11 76. Even if the government "ultimately demonstrates to a neutral decisionmaker by
12 clear and convincing evidence that [Petitioners'] detention is necessary to prevent danger to the
13 community or flight," then "the only potential injury the government faces is a short delay in
14 detaining" Petitioners. *Pinchi*, 792 F. Supp. 3d at 1037–38. The human suffering inherent to
15 unlawful imprisonment facing Petitioners vastly outweighs the short delay to the government. *Id.*
16 at 1038 ("Faced with . . . a conflict between minimally costly procedures and preventable human
17 suffering, [the Court has] little difficulty concluding that the balance of hardships tips decidedly
18 in plaintiff[']s favor.") (cleaned up); *see also E.A. T.-B.*, 795 F. Supp. 3d at 1324 ("[A]lthough it
19 would have required the expenditure of finite resources (money and time) to provide Petitioner
20 notice and hearing on ATD violations before arresting and re-detaining him, those costs are far
21 outweighed by the risk of erroneous deprivation of the liberty interest at issue."); *Chaudhry v.*
22 *Bondi*, 2025 WL 3706534, at *6 (W.D. Wash. Dec. 22, 2025).

23 77. Under the *Mathews* analysis, "courts in this district and elsewhere have repeatedly
24 found that the Government must provide due process to noncitizens before revoking supervised
25 release and re-detaining them, and that due process requires adequate notice and a pre-deprivation
26 hearing[.]" *Truong Vo*, 2026 WL 445046 at *4 (citing *Aslan v. Wamsley et al.*, Case No. 2:25-cv-

02698-JNW, 2026 WL 238675 at *3 (W. D. Wash. Jan. 29, 2026); *see also, e.g., E.A. T.-B. v. Wamsley*, 795 F. 3d at 1324; *Tessema v. Bondi*, No. C25-2330-JNW-MLP, 2025 WL 4033288 at *1 (W.D. Wash. Dec. 11, 2025), *report and recommendation adopted*, No. C25-2330-JNW-MLP, 2026 WL 84922 (W.D. Wash. Jan. 12, 2026); *Pineda v. Chestnut*, No. 1:25-cv-01970-DC-JDP (HC), 2026 WL 25510, at *5 (E.D. Cal. Jan. 5, 2026); *Tesara v. Wamsley*, Case No. C25-1723-KKE-TLF, 2025 WL 3288295 at *1, *6 (W.D. Wash. Nov. 25, 2025); *Yildirim v. Hermosillo*, No. C25-2696-KKE, 2026 WL 111358 (W. D. Wash. Jan. 19, 2026).

78. In sum, both Petitioners are under an immediate threat of unlawful detention and deportation. ICE has made no representation that this detention will not occur, and ICE has made a habit and practice of detaining Laotian individuals at their scheduled check-ins and at other random and disruptive times. Because of the high likelihood that Respondents will re-detain Petitioners at their upcoming check-ins in violation of their Constitutional rights, this Court should enjoin Respondents from detaining Petitioners at any future check-in without being provided notice and a hearing in advance.

C. Significant Notice and a Hearing is Required to Protect Petitioners' Due Process Rights

79. Due to the Petitioners' high liberty interest in remaining out of detention, including their interest in their families and their health, and the high likelihood of ICE re-detaining them in the near future, significant notice and a hearing should be required to protect Petitioners' due process rights.

80. In *Chhoeun*, 442 F. Supp. 3d at 1236, a group of Cambodian refugees living in the United States who lived for many years on OSUPs protested a series of sudden ICE raids on their communities, resulting in re-detention of many individuals on old removal orders. The Central District of California found that re-detention violated Petitioners' due process rights, and that the Constitution required notice to comport with due process. According to that court:

The extraordinary circumstances of this case—including the long-dormant removal orders, changes in the law and in Petitioners'

lives, the sudden and unexpected threat of removal, and the barriers to accessing attorneys and documents while in detention—have undermined Petitioners’ ability to avail themselves of the administrative procedures in place to protect them from erroneous removals. Petitioners must be given notice so that they may have adequate time and opportunity to contact attorneys and access the system that has been constructed to prevent erroneous removals—a system that includes the thorough exhaustion of an administrative process and judicial review by the appropriate court of appeals. The added safeguard of notice also provides the additional value of allowing Petitioners to say goodbye to their families, and wrap up their affairs, including ensuring adequate care for their loved ones and notifying their employers.

Id. at 1251. The court therefore ordered the government to provide written notice before re-detaining any class member.

81. While there is no bright-line rule that determines how much notice must be provided before re-detention, the Supreme Court has recognized that immigrant detainees subject to deportation must receive notice “within a reasonable time and in such a manner as will allow them to actually seek habeas relief” before removal. *Trump v. J. G. G.*, 604 U.S. 670, 673 (2025). This means “a detainee must have sufficient time and information to reasonably be able to contact counsel, file a petition, and pursue appropriate relief.” *A.A.R.P. v. Trump*, 605 U.S. 91, 95 (2025).

82. Applying this authority to the circumstances presented here, Petitioners are entitled to significant notice before a pre-deprivation hearing is held. Petitioners must—at a minimum—be granted the ability to contact attorneys, file necessary petitions, and pursue legal relief connected to their detention. *Id.*

83. For Petitioners Oucho and Lai Chiem Saelee, adequate notice must also afford them sufficient time to pursue post-conviction relief, which could ultimately alter the underlying order of removal.

84. And finally, like the petitioners in *Chhoeun*, Petitioners must be given substantial advance notice for other reasons—to say goodbye to their families, notify their employers, coordinate necessary medical care, and avoid further disruption to their lives and the lives of their children and grandchildren.

85. The amount of advance notice also must also reflect the amount of time Petitioners have lived in the United States—that is, the amount of time that due process demands will necessarily be different from a person who only recently arrived in the United States.

86. For all these reasons, it is appropriate for this Court to require ICE to provide significant notice to the Petitioners before attempting to re-detain them. Notice of approximately six months to one year will allow Petitioners to pursue post-conviction legal relief, wrap up their affairs with their families, and prepare for potential re-detention. This extended notice period reflects the strong liberty interest of the Petitioners that has only grown during the two decades they have remained out of detention. *AADC v. Reno*, 70 F.3d at 1068-69.

CLAIMS FOR RELIEF

COUNT ONE

Unlawful Re-Detention: Procedural Due Process

Violation of the Fifth Amendment Due Process Clause

87. The allegations in the above paragraphs are realleged and incorporated herein.

88. Respondents are required to provide Petitioners pre-deprivation notice and a hearing before re-detaining them, given that they have remained fully compliant with their OSUPs and release conditions. 8 C.F.R. § 241.13(i)(1)-(3). Re-detaining Petitioners without providing adequate notice and a hearing would violate their rights under the Due Process Clause.

89. Petitioners have a liberty interest in not being re-detained. Applying the three-factor *Mathews* test, that interest is high. The risk of any erroneous deprivation is also high, because ICE's previous release of the Petitioners necessarily reflected a conclusion that they were not a flight risk or a danger to the community. Finally, the cost to the government of providing notice and a hearing is low and significantly outweighed by the other factors. Petitioners have lived for twenty-five years on their OSUPs, and the cost to the government in a slight delay prior to re-detention is minimal compared to their liberty interest.

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VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this action;

b. Enjoin Respondents from detaining Petitioners at their upcoming check-ins of April 21, 2026 for Oucho Saelee and June 30, 2026 for Lai Chiem Saelee;

d. Enjoin Respondents from detaining Petitioners at any other time without advance notice of at least six months to one year, a hearing before a neutral decisionmaker, and a showing that detention is necessary to secure their removal;

e. Award costs and reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412; and

f. Order all other relief that the Court deems just and proper.

Dated: March 3, 2026

By: s/ Erin K. Earl

Erin K. Earl, Bar No. 49341

/s/ Hannah Parman

Hannah Parman, Bar No. 58897

Rebecca Human, Bar No. 61875 (*admission forthcoming*)

Perkins Coie LLP

1301 Second Avenue, Suite 4200

Seattle, Washington 98101-3804

Telephone: +1.206.359.8000

Facsimile: +1.206.359.9000

EEarl@perkinscoie.com

HParman@perkinscoie.com

RHuman@perkinscoie.com

Rodney Swartz, Bar No. 246864 (*phv forthcoming*)

Perkins Coie LLP

1120 N.W. Couch Street, Tenth Floor

Portland, Oregon 97209-4128

Telephone: +1.503.727.2000

Facsimile: +1.503.727.2222

RSwartz@perkinscoie.com

1 /s/ Jennifer Pasquarella

2 Jennifer Pasquarella, Bar No. 62205

3 **Seattle Clemency Project**

4 20415 72nd Ave S, Suite 415

5 Kent, WA 98032

6 Telephone: +1.917.690.2038

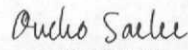
7 jennie@seattleclemencyproject.org

8 *Attorneys for Petitioner Lai Chiem Saelee and*
9 *Oucho Saelee*

VERIFICATION

Pursuant to Local Court Rule 100(e), I, Oucho Saelee, verify that the facts set forth therein are true and correct to the best of my knowledge.

DATED: March 2, 2026

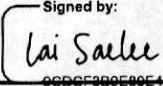
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Oucho Saelee

VERIFICATION

Pursuant to Local Court Rule 100(e), I, Lai Chiem Saelee, verify that the facts set forth therein are true and correct to the best of my knowledge.

DATED: March 2, 2026

Signed by:

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Lai Chiem Saelee