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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON**

John Doe,

Petitioner,

v.

DREW BOSTOCK, Field Office Director of
Enforcement and Removal Operations,
SEATTLE Field Office, Immigration and
Customs Enforcement; Kristi NOEM,
Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
FOR IMMIGRATION REVIEW; BRUCE
SCOTT, Warden, Northwest Immigration and
Customs Enforcement Processing Center,

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

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Petitioner John Doe (“Petitioner” or “Mr. Doe”) respectfully petitions this Honorable Court for a writ of habeas corpus to remedy his unlawful prolonged detention by Respondents (the “government”), as follows:

INTRODUCTION

1. On or around September 13, 2023, ICE arrested and civilly detained Petitioner Doe, an asylum seeker from Uzbekistan, after Mr. Doe had presented himself at the US border port of entry at Calexico California, through a CBP One application appointment. Mr. Doe was initially detained in the Imperial Regional Detention Facility.
2. ICE moved Petitioner from the Imperial Regional Detention Facility to the Northwest Immigrant Processing Center (NWIPC) in Tacoma Washington on August 8, 2024, after refusing food due to [REDACTED]. The lack of nutrition led to various health problems, including indications of decreased kidney and liver function. At the NWIPC, Petitioner was kept medically isolated and under supervision of nurses in the facility. On September 19, 2024, NWIPC petitioned this court to be allowed to force feed Mr. Doe and use restraints if necessary. Although these measures were motivated by providing medical care, they none-the-less added to the aggregate the mental and emotional distress of Petitioner’s prolonged time in civil immigration detention.
3. Meanwhile, Respondents failed to provide adequate care for the underlying mental health problems that caused Mr. Doe to refuse food, despite knowledge of potential mental health issues, contributing to the refusal of food.

- 1 4. Since that time, Mr. Doe continued to suffer from disturbed sleep and emotional disturbance
2 including suicidal ideation. It is not clear whether these additional symptoms of emotional
3 distress were known or addressed by the Respondent's, but are part of the aggregate, chronic
4 stress that was experienced by Petitioner in detention.
- 5 5. As of March 2, 2026, Legal Counsel was informed that Mr. Doe was to be immediately
6 deported and discovered that he was no longer listed in the online detainee locator. However, as
7 of March 3, 2026, he was again listed as detained at the facility and remains so as of the date of
8 this filing. Upon attempting to visit Mr. Doe, legal counsel received vague and confusing
9 information that Mr. Doe had been hospitalized. Respondents have not verified Petitioner's
10 whereabouts, but upon information and belief, Mr. Doe is now being treated at Tacoma General
11 following a suicide attempt.
- 12 6. Respondents' failure to provide civil detainees with "food, clothing, shelter, medical care, and
13 reasonable safety" amounts to impermissible punishment in violation of the Due Process Clause
14 of the Fifth Amendment. *Sarr v. Scott*, 765 F. Supp. 3d 1091, 1105 (W.D. Wash. 2025).
- 15 7. To seek a remedy for the ongoing violations of his Fifth Amendment due process rights, Mr.
16 Doe brings this petition for a writ of habeas corpus. Because his ongoing 29-month civil
17 detention without proper medical treatment has become unconstitutionally punitive following a
18 foreseeable suicide attempt resulting in his hospitalization, Mr. Doe requests that this court
19 order his immediate release from custody.
- 20 8. Without the Court's intervention, the Petitioner's now 29-month civil detention will continue.
21 The government has demonstrated they are unable to keep Petitioner safe in detention, and his
22 continued civil detention is cruel and putative in the manner they have pursued.

23 **JURISDICTION**

- 24 9. This action arises under the Constitution of the United States.
25

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10. Jurisdiction is proper pursuant to Article 1 § 9, clause 2 of the United States Constitution (the Suspension Clause); the Due Process Clause of the Fifth Amendment to the Constitution; 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1331 (federal question); and Article III of the Constitution.

11. This 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.*, and the All Writs Act, 28 U.S.C. § 1651. The government has waived its sovereign immunity and permitted judicial review of agency action under 5 U.S.C. § 702. Moreover, sovereign immunity does not bar claims against federal officials seeking solely to prevent future violations of federal law. The federal habeas statute empowers this Court to decide the legality of Petitioner’s detention and directs courts to “hear and determine the facts” of a habeas petition and to “dispose of the matter as law and justice require.” 28 U.S.C. § 2243; see also *I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001) (“[A]t its historical core, the writ of habeas corpus has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.”). Because Petitioner is seeking relief related only to his custody status, which is not inconsistent with an order of removal, exhaustion of administrative remedies, if any, is not required.

VENUE

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

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

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

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1 14. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to
2 the Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If
3 an order to show cause is issued, the Court must require Respondents to file a return “within
4 three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

5 15. Courts have long recognized the significance of the habeas statute in protecting individuals from
6 unlawful detention. The Great Writ has been referred to as “perhaps the most important writ
7 known to the constitutional law of England, affording as it does a swift and imperative remedy
8 in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963).

9 16. Petitioner is “in custody” for the purpose of § 2241 because Petitioner is arrested and detained
10 by Respondents.
11

12 **PARTIES**

13 17. Petitioner Doe is a 30-year-old citizen of Uzbekistan that arrived in the United States on or
14 about September 13, 2023, as an asylum seeker. He has been detained since the date of his
15 arrival to the United States in Immigration and Customs Enforcement (“ICE”) custody and is
16 present in the state of Washington as of the time of the filing of this petition.
17

18 18. Respondent Drew Bostock is the Director of the Seattle Field Office of ICE’s Enforcement and
19 Removal Operations division. As such, Drew Bostock is Petitioner’s immediate custodian and is
20 responsible for Petitioner’s detention and removal. He is named in his official capacity.
21

22 19. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is
23 responsible for the implementation and enforcement of the Immigration and Nationality Act
24 (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms. Noem has ultimate
25 custodial authority over Petitioner and is sued in her official capacity.

- 1 20. Respondent Department of Homeland Security (DHS) is the federal agency responsible for
2 implementing and enforcing the INA, including the detention and removal of noncitizens.
- 3 21. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for
4 the Department of Justice, of which the Executive Office for Immigration Review and the
5 immigration court system it operates is a component agency. She is sued in her official capacity.
6
- 7 22. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible
8 for implementing and enforcing the INA in removal proceedings, including for custody
9 redeterminations in bond hearings.
- 10 23. Respondent Bruce Scott is employed by GEO Group as Warden of the NWIDC where
11 Petitioner is detained. He has immediate physical custody of Petitioner pursuant to a contract
12 with ICE to detain noncitizens. He is sued in his official capacity.
13

14 **STATEMENT OF FACTS**

- 15 24. Petitioner came to the United States to seek asylum from Uzbekistan by scheduling a CBP
16 appointment on the CBP One app. Immediately following his CBP One appointment, he was
17 placed in Respondent's custody on September 13, 2023, and was detained in the Imperial
18 Regional Detention Facility in Calexico, California. Respondents transferred him to NWIPC on
19 August 8, 2024. Though he is temporarily hospitalized, he remains in Respondents' custody and
20 control.
21
- 22 25. In July 2024, Petitioner received distressing news about his family in Uzbekistan and became so
23 upset he was unable to eat. [REDACTED]
24 [REDACTED] Petitioner began to refuse meals. After several days
25 without food, he was informed by the facility that he was being placed on hunger strike
26

1 protocol. On July 27, 2024, and then again on July 29, 2024, he was hospitalized due to low
2 blood sugar and low blood pressure. He was returned to the Imperial Regional Detention
3 Facility after treatment at the hospital and remained there until August 8, 2024.

4 26. When Petitioner was moved from Imperial Regional Detention Facility to the NWIPC in
5 Tacoma, WA on August 8, 2024, he was immediately placed in medical isolation room by
6 himself and monitored by medical personnel.
7

8 27. On September 19, 2024, Respondent's moved to force feed the Petitioner, including the use of
9 nasal gastric tubes, IV, and the use of restraints if necessary. This court granted Respondent's
10 request, however required status reports of Petitioner's progress before allowing some of the
11 more extreme measures as lifesaving actions. Around that time, Petitioner received information
12 that [REDACTED]

13 [REDACTED]
14 [REDACTED] and he began to take meals at that time.

15 28. In December 2024, Mr. Doe was moved to a nonmedical unit but was still monitored by medical
16 personnel due to kidney and stomach damage caused by his prolonged fast. Though it is unclear
17 for how long, he was prescribed an anti-depressant in NWIPC. Respondents failed to provide
18 any other mental health treatment to Mr. Doe during the duration of his detention. Though his
19 nutrition improved, he continued to suffer from stomach trouble and an inability to eat certain
20 foods.
21

22 29. In January 2025, Petitioner sought release on bond but was not offered a hearing as he was
23 considered an arriving alien and considered mandatory detention and had no right to be released
24 on bond.
25

1 30. November 2025, he again sought a bond hearing from the immigration judge, but the IJ found
2 no change in circumstances, and denied a hearing on bond eligibility. The prolonged detention
3 and repeated bond denials all additionally contributed to Mr. Doe's feelings of desperation and
4 hopelessness.

5 31. Meanwhile, Petitioner appealed an Immigration Judge's June 2023 deportation order at the
6 Board of Immigration Appeals and then the 9th Circuit. On February 25, 2026, the 9th Circuit
7 denied a re-hearing on the appeal and lifted the stay of removal which had prevented his
8 deportation.

9 32. As of March 2, 2026, Legal Counsel was alerted Petitioner would be immediately deported but
10 was unable to confirm if he was still physically located at the NWIPC. When legal counsel
11 attempted an attorney visit on the morning of March 3, 2026, they were told he was present in
12 the facility and was listed on the on-line detainee locator as being in NWIPC.

13 33. While waiting to meet with the Petitioner, a GEO employee at NWIDC informed legal counsel
14 Mr. Doe had been "booked out" of the facility and taken to the hospital. At about that time, legal
15 counsel was also informed by another detainee that Petitioner had made a self-harm, suicide
16 attempt the prior night and was taken out of the facility for emergency medical treatment.

17 34. Respondents have not been responsive to verify the whereabouts of the Petitioner. Upon
18 information and belief, Mr. Doe is now being treated for this suicide attempt at Tacoma General
19 Hospital in Tacoma, Washington.

20 LEGAL FRAMEWORK

21 35. Whenever the government detains or incarcerates someone, it has an affirmative duty to
22 provide conditions of reasonable health and safety. As the Supreme Court has explained, "when

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1 the State takes a person into its custody and holds him there against his will, the Constitution
 2 imposes upon it a corresponding duty to assume some responsibility for his safety and general
 3 well-being.” *DeShaney v. Winnebago Cty. Dep’t of Soc. Servs.*, 489 U.S. 189, 199-200 (1989).
 4 As a result, the government must provide those in its custody with “food, clothing, shelter,
 5 medical care, and reasonable safety.” *Id.* at 200. The affirmative duty to protect arises not from
 6 the State’s knowledge of the individual’s predicament or from its expressions of intent to help
 7 him, but from the limitation which it has imposed on his freedom to act on his own behalf. *Id.*
 8 (citing *Estelle v. Gamble*, 429 U.S. 97, 103 (1976)) (“An inmate must rely on prison authorities
 9 to treat his medical needs; if the authorities fail to do so, those needs will not be met.”).

10
 11 36. Civil immigration detainees are entitled to more considerate treatment and conditions of
 12 confinement than convicted prisoners because their detention is civil and not punitive.
 13 *Youngberg v. Romeo*, 457 U.S. 307, 321–22 (1982). The Ninth Circuit has repeatedly reaffirmed
 14 this principle. In *Jones v. Blanas*, 393 F.3d 918, 931–32 (9th Cir. 2004), the court held that civil
 15 detainees must receive conditions of confinement that are “not punitive” and are superior to
 16 those imposed on criminal detainees, establishing a presumption of punitive conditions where
 17 civil detainees are subjected to restrictions similar to or more restrictive than those faced by
 18 pretrial detainees. Similarly, in *King v. County of Los Angeles*, 885 F.3d 548, 557 (9th Cir.
 19 2018), the court reiterated that civil detainees’ claims arise under the Due Process Clause and
 20 are governed by a more protective standard than the Eighth Amendment standard applicable to
 21 convicted prisoners. And in *Gordon v. County of Orange*, 888 F.3d 1118, 1124–25 (9th Cir.
 22 2018), the Ninth Circuit clarified that pretrial detainees’ medical-care claims arise under the
 23 Fourteenth Amendment and require only objective unreasonableness — not subjective
 24

1 deliberate indifference — underscoring that civil detainees receive at least as much, and in some
2 respects greater, constitutional protection than convicted prisoners. Because immigration
3 detention is civil in nature, these Due Process protections apply fully, and detainees may not be
4 subjected to conditions that amount to punishment.

5
6 37. At a minimum, here, the Government owes Petitioner, a duty, as civil immigration detainee, to
7 reasonably abate known substantial risks to his health and safety. In the Ninth Circuit, failure-
8 to-protect and medical-care claims brought by civil detainees arise under the Due Process
9 Clause and are governed by an objective deliberate indifference standard. *Castro v. County of*
10 *Los Angeles*, 833 F.3d 1060, 1070–71 (9th Cir. 2016) (en banc), holds that a defendant is liable
11 where the defendant made an intentional decision regarding the conditions of confinement that
12 exposed the detainee to a substantial risk of serious harm and failed to take reasonable available
13 measures to abate that risk, even though a reasonable officer would have appreciated the high
14 degree of risk involved. The court emphasized that liability attaches where reasonable steps to
15 reduce or eliminate the risk were obvious and available. *Id.* at 1071. Similarly, in *Gordon v.*
16 *County of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018), the Ninth Circuit clarified that civil
17 detainees need only show that the defendant’s conduct was objectively unreasonable in failing
18 to take reasonable measures to address a serious risk. And in the suicide context, the court has
19 recognized that failure to implement obvious and reasonable precautions in the face of a serious
20 risk can constitute unconstitutional deliberate indifference. *Sandoval v. County of San Diego*,
21 985 F.3d 657, 669–70 (9th Cir. 2021). Accordingly, where simple, available, and reasonable
22 mitigation measures exist to address a substantial risk of harm, the Government’s failure to
23 implement them violates the Due Process protections afforded to civil immigration detainees.
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1 38. On information and belief, Respondents were aware of Petitioner's mental health problems

2 which they treated only with an oral anti-depressant. It seems to have been treated solely as a

3 medical issue, and it is unclear that any additional support was given.

4 39. On information and belief, Respondents failed to take reasonable measures to prevent

5 Petitioner's injuries that resulted in his emergency hospitalization on March 2, 2026... *Castro*,

6 833 F.3d at 1071.

7
8 40. It is well within ICE's prosecutorial discretion to comply with these constitutional requirements

9 by releasing people who would be vulnerable to severe illness or death from mental health crises

10 High-level ICE officials corroborate this fact. As former Deputy Assistant Director for Custody

11 Programs in ICE Enforcement and Removal Operations Andrew Lorenzen-Strait explains, "ICE

12 has exercised and still exercises discretion for purposes of releasing individuals with serious

13 medical conditions from detention." In fact, "ICE exercises humanitarian parole authority all the

14 time for serious medical reasons.¹

15
16 41. This exercise of discretion comes from a long line of agency directives explicitly instructing

17 officers to exercise favorable discretion in cases involving severe medical concerns and other

18 humanitarian equities militating against detention.

19
20
21 42. detention under these sections must comport with the Due Process Clause. The "Due Process

22 Clause applies to all 'persons' within the United States, including [noncitizens], whether their

23
24
25 ¹ Declaration of Andrew Lorenzen-Strait at 1-2, *Dawson v. Asher*, 2:20-cv-00409-JLR-MAT (W.D. Wash. Mar.
26 16, 2020), ECF No. 7 (available at
https://www.aclu.org/sites/default/files/field_document/7_declaration_of_andrew_lorenzen-strait.pdf).

1 presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

2 “Freedom from imprisonment—from government custody, detention, or other forms of physical
3 restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Id.* at 690; see
4 also *United States v. Salerno*, 481 U.S. 739, 755 (1987) (“In our society liberty is the norm, and
5 detention prior to trial or without trial is the carefully limited exception.”).

6
7 43. Due process has a substantive and a procedural component. Substantive due process “forbids the
8 government to infringe certain ‘fundamental’ liberty interests at all, no matter what process is
9 provided, unless the infringement is narrowly tailored to serve a compelling state interest.” *Reno*
10 *v. Flores*, 507 U.S. 292, 302 (1993) (emphasis in original). Substantive due process prohibits
11 civil detention that is punitive in purpose or in effect, including detention that is unreasonably
12 prolonged. See *Jackson v. Indiana*, 406 U.S. 715, 738 (1972) (nature and duration of
13 confinement must “bear some reasonable relation” to its purpose); *Salerno*, 481 U.S. at 747 n.4
14 (detention may become “excessively prolonged, and therefore punitive”). Procedural due
15 process, on the other hand, ensures that there are “adequate procedural protections” to protect an
16 individual’s interests. *Zadvydas*, 533 U.S. at 690.

17
18 44. In *Zadvydas*, the Supreme Court set constitutional time limits for the government’s detention of
19 individuals with final orders of removal; i.e., those for whom defenses of removal had been
20 denied. See *Hussain v. Mukasey*, 510 F.3d 739, 743 (7th cir. 2007); see also 8 U.S.C. §§
21 1231(a)(1) & 1231(a)(6) (governing the detention of individuals with final removal orders).

22
23 45. When considering due process challenges, courts should first consider whether the
24 government’s deprivation of liberty violates substantive due process. Only if the detention
25 passes muster in that inquiry does the court consider a procedural due process claim. See *Huynh*

1 v. *Reno*, 56 F. Supp. 2d 1160, 1162 n.3 (W.D. Wash. 1999) (citing *Salerno*, 481 U.S. at 746)
2 (“[O]nly when a restriction on liberty survives substantive due process scrutiny does the further
3 question of whether the restriction is implemented in a procedurally fair manner become ripe for
4 consideration.”).

5 **CLAIMS FOR RELIEF**

6 **I. FIRST CLAIM**

7 **Violation of Fifth Amendment Right to Substantive Due Process (Conditions of
8 Confinement)**

9 46. Petitioner re-alleges and incorporates by reference the paragraphs above.

10 47. The Due Process Clauses of the Fifth and Fourteenth Amendments of the Constitution guarantee
11 that civil detainees, including all immigrant detainees, may not be subjected to punishment. The
12 federal government violates this substantive due process right when it subjects civil detainees to
13 cruel treatment and conditions of confinement that amount to punishment or does not ensure
14 those detainees’ safety and health.

15 48. Respondents’ conditions of confinement subject Mr. Doe to an intrusive level of medical
16 oversight and insufficient resources to address the traumatic and mentally disruptive levels of
17 stress he experienced. The Respondents placed Petitioner on hunger strike protocol without
18 additionally addressing the underlying mental distress and sought permission to use elements of
19 force and physical persuasion. In the continued detention, Respondents have shown themselves
20 unable to prevent the substantial risk of serious harm, violating Respondent’s rights under the
21 Due Process Clause.

22 49. Public health experts continue to highlight the insufficiency of mental health services to address
23 the trauma and chronic stress of detained immigrants and continue to identify the mental health
24 impacts of prolonged detention as harmful.

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1 50. For these reasons, Respondent's ongoing detention of the Petitioner violates Due Process.

2 **II. SECOND CLAIM**
3 **Violation of Fifth Amendment Right to Substantive Due Process (Failure to Provide**
4 **Adequate Medical Care)**

5 51. Petitioner re-alleges and incorporates by reference the paragraphs above.

6 52. The Due Process Clauses of the Fifth and Fourteenth Amendments of the United States

7 Constitution guarantee immigrant detainees the right to be provided with adequate medical care.

8 The government violates that guarantee where it is unable to provide adequate medical care to
9 address severe mental health concerns and prevent harm.

10 53. Petitioner's underlying stress, mental health concerns, and weakened physical condition put him
11 at a high risk of suffering serious complications and disruption of mental stability.

12 54. Respondent was aware of the serious concerns presented by Petitioner's prolonged detention
13 and yet took a minimal approach of placing him on hunger strike protocol to address the issues
14 and provided minimal and ineffective mental health supports, even though the Petitioner was
15 clear his refusal to eat was based on the stress of his circumstances.

16 55. While the Respondent failed to provide adequate medical care, they also were not willing to
17 release Petitioner so he could provide for his own medical needs or to seek the stability of
18 community support or professional mental health treatment. These oversights were insufficient
19 for medical care and likely lead to a self-harm attempt.

20 56. The medical care provided by Respondent is objectively unreasonable under the circumstances
21 and the failure to provide adequate medical care or create a least restrictive atmosphere put the
22 Petitioner at greater risk and violated his Fifth Amendment Rights.

23 **PRAYER FOR RELIEF**

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Wherefore, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Declare that Petitioner's ongoing prolonged detention violates his right to Substantive Due Process under the Fifth Amendment;
- 3) Declare that Petitioner's continued detention given his severe health risks violates Due Process under the Fifth Amendment;
- 4) Issue a writ of Habeas Corpus and order Respondents to immediately release Petitioner from ICE custody;
- 5) Award Petitioner reasonable attorneys' fees, costs, and other disbursements in this action permitted under the Equal Access to Justice Act ("EAJA"), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis justified under law; and
- 6) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Dated: March 4, 2026

/s/ Hannah Vickner Hough
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State Bar of WA 60709
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VERIFICATION OF PETITIONER

On behalf of [REDACTED] the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and pleadings. [REDACTED] has not verified the petition himself because counsel has been unable to locate his whereabouts after being informed by guards at the detention facility that he was booked out and taken to the hospital.

Date: 3/4/26

/s/ Hannah Vickner Hough
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