

DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

TALHA RAMZAN,

Petitioner,

v.

Kristi NOEM, Secretary of U.S. Department of
Homeland Security;
Pamela BONDI, United States Attorney
General;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
Laura HERMOSILLO, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;
Respondents.

Case No.

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C.
§ 2241**

INTRODUCTION

1. This Petition challenges the unlawful detention of Petitioner Talha Ramzan, an adult citizen of Pakistan who entered United States on or about November 15, 2024, through New York City after inspection and admission on a B-1 nonimmigrant visa.

2. Petitioner timely filed an application for asylum within one year of entry and has complied with all immigration requirements. He has no criminal convictions in the United States or any other country.
3. On February 2, 2026, Petitioner was stopped by U.S. Border Patrol in Washington State and subsequently taken into custody. No criminal charges were filed. Nevertheless, the Department of Homeland Security (“DHS”) detained Petitioner and transferred him to the Northwest ICE Processing Center in Tacoma, Washington.
4. Although Petitioner received a custody redetermination hearing before the Immigration Court on February 17, 2026, the Immigration Judge denied bond after placing the burden on Petitioner and without requiring the Government to justify continued detention by clear and convincing evidence. Petitioner’s continued detention under 8 U.S.C. § 1226(a) therefore remains unconstitutional.
5. This Court has recently held in multiple cases that due process demands a hearing prior to the government’s decision to terminate a person’s liberty. See *E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, --- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025). Many other courts have also held the same.
6. By failing to provide such a hearing, Respondents have violated Petitioner’s constitutional right to due process.

7. Accordingly, this court should grant the instant petition for a writ of habeas corpus and order Petitioners' immediate release. See E.A. T.-B. 2025 WL 2402130, at *6 (ordering immediate release because "a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty"); Ramirez Tesara, at *4 (similar); Kumar, 2025 WL 2677089, at *3-4 (similar).

PARTIES

8. Petitioner, Talha Ramzan (A # ) is an adult citizen of Pakistan, currently detained at Northwest ICE Processing Center in Tacoma, Washington.
9. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security. She is the cabinet-level secretary responsible for all immigration enforcement in the United States and has ultimate custodial authority over Petitioner.
10. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as her designees.
11. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible for all immigration enforcement in the United States.
12. Respondent Laura Hermosillo is sued in her official capacity as Acting Field Office Director for the Seattle office of Immigration and Customs Enforcement, an agency of the Department of Homeland Security. She is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including

1 detentions, enforcement, and removal operations. She is the immediate legal custodian of
2 the petitioner for purposes of a federal habeas petition.

3 13. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest
4 ICE Processing Center, the privately-operated immigration detention center where the
5 Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.
6

7 8 **JURISDICTION**

9 14. This Court has jurisdiction over this matter under 18 U.S.C. § 1331 (federal question
10 jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).

11 15. Further, this Court has jurisdiction under the Suspension Clause of Article I, § 9, cl. 2, of
12 the U.S. Constitution. See *INS v. St. Cyr*, 533 U.S. 289 (2001).
13

14 16. No other petitions, appeals, or motions regarding habeas corpus have been filed with any
15 other court.
16

17 **VENUE**

18 17. Venue in the Western District of Washington is appropriate under 28 U.S.C. § 1391(e)(1)
19 because the Petitioner is currently detained in this judicial district.

20 18. Venue is further appropriate under 28 U.S.C. § 1391(e)(1) because the Respondents live,
21 work, and operate within this judicial district and because the actions which gave rise to
22 this Petition took place in Tacoma, Washington, which falls within this judicial district.
23

24 **FACTUAL BACKGROUND**

25 19. Petitioner Talha Ramzan is a 21-year-old citizen and national of Pakistan.
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1 20. Petitioner lawfully entered the United States on November 15, 2024, through New York
2 City after inspection and admission on a B-1 nonimmigrant visa.

3 21. Petitioner's lawful inspection and admission distinguishes him from individuals who
4 entered without inspection and strongly undermines any claim that he poses a flight risk.
5 Courts evaluating immigration detention routinely consider lawful entry and compliance
6 with immigration processes as indicators that the noncitizen will appear for future
7 proceedings. Noncitizens who lawfully enter the United States and subsequently seek
8 asylum through established legal processes are particularly unlikely to abscond from
9 immigration proceedings.
10

11 22. After his admission, Petitioner timely filed an application for asylum within one year of
12 entry. He has remained in the United States since that time.

13 23. On February 2, 2026, Petitioner was stopped by U.S. Border Patrol in Washington State
14 and subsequently taken into custody. No criminal charges were filed against him.
15 Nevertheless, the Department of Homeland Security ("DHS") placed him in immigration
16 detention without making any individualized determination that he posed a flight risk or
17 danger to the community.
18

19 24. Petitioner was transferred to the Northwest ICE Processing Center in Tacoma,
20 Washington, where he remains detained.
21

22 25. Petitioner has no criminal convictions in the United States or any other country.
23

24 26. Prior to Petitioner's detention, he did not receive written notice of the reason for his
25 detention.
26

27 27. On February 17, 2026, the Immigration Court conducted a custody redetermination
hearing before Immigration Judge Tammy Fitting.

1 28. The Immigration Judge denied bond, finding Petitioner to be a flight risk.

2 29. Petitioner has received a bond hearing; however, that hearing was constitutionally
3 inadequate because the Government was not required to justify detention by clear and
4 convincing evidence.

5 30. At that hearing, the Government was not required to prove by clear and convincing
6 evidence that Petitioner posed a flight risk or danger to the community, nor was it
7 required to demonstrate that no conditions of supervision could mitigate any alleged risk.
8

9 31. Petitioner is amenable to a wide range of less restrictive alternatives to detention,
10 including release on recognizance, periodic reporting, electronic monitoring, or other
11 supervision conditions. The Immigration Judge's order contains no analysis explaining
12 why such alternatives would be insufficient to mitigate any alleged risk of flight.
13

14 32. Petitioner has been unlawfully detained since February 2, 2026, over one month at this
15 time.
16

17 **MEMORANDUM OF LAW**

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19 **Due Process Clause**

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21 33. Under 8 U.S.C. § 1226(a), the Government may detain noncitizens pending removal
22 proceedings. However, such detention must comport with the Due Process Clause of the
23 Fifth Amendment. Individuals detained under § 1226(a) are entitled to a bond hearing
24 before a neutral decisionmaker at which the Government must justify continued
25 detention.
26
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1 34. This case does not challenge removal proceedings or DHS's statutory arrest authority, nor
2 does it seek review of the Immigration Judge's discretionary flight-risk determination. It
3 challenges only the constitutional adequacy of the bond hearing procedures under the
4 Fifth Amendment.

5
6 35. Although DHS retains statutory authority under 8 U.S.C. § 1226(a) to detain noncitizens
7 pending removal proceedings, that authority must be exercised in a manner consistent
8 with the Due Process Clause.

9
10 **The Bond Hearing Did Not Provide Constitutionally Adequate Process**

11 36. Although Petitioner received a bond hearing following his detention, that hearing did not
12 satisfy constitutional due process. Where physical liberty is at stake, the Government
13 must justify continued detention by clear and convincing evidence. *Singh v. Holder*, 638
14 F.3d 1196, 1203–05 (9th Cir. 2011). The Ninth Circuit has repeatedly emphasized that the
15 Constitution requires robust procedural protections before the government may continue
16 to incarcerate a noncitizen during removal proceedings. See also *Rodriguez v. Robbins*,
17 715 F.3d 1127, 1134–35 (9th Cir. 2013), rev'd on other grounds by *Jennings v.*
18 *Rodriguez*, 583 U.S. 281 (2018).

19
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21 37. At Petitioner's custody redetermination hearing, the burden was placed on Petitioner to
22 demonstrate that he was not a flight risk. The Government was not required to meet a
23 clear and convincing evidentiary standard. The Immigration Judge denied bond based on
24 a flight risk finding without requiring the Government to carry that burden.
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1 38. A bond hearing that places the burden on the detainee and does not require the
2 Government to justify incarceration by clear and convincing evidence fails to comport
3 with the Due Process Clause of the Fifth Amendment.

4 39. The Immigration Judge's written order contains no factual findings explaining why
5 Petitioner constitutes a flight risk and does not reflect that the Government met a clear
6 and convincing evidentiary burden. See Exhibit 1, Order of the Immigration Judge at 1–2
7 (Tacoma Immigr. Ct. Feb. 17, 2026).) (denying bond and checking "Flight Risk" without
8 articulated factual findings). The order merely checks "Flight Risk" and denies bond
9 without articulating individualized findings or explaining why less restrictive alternatives
10 to detention would be insufficient. The absence of articulated findings further
11 demonstrates the constitutional inadequacy of the hearing. Such conclusory
12 determinations without factual findings prevent meaningful judicial review and are
13 inconsistent with the procedural protections required by the Due Process Clause.

14 40. The Government's own Form I-213 reflects only a nonimmigrant overstay under 8 U.S.C.
15 § 237(a)(1)(B), no criminal history, and a pending asylum application. See Exhibit 2
16 Form I-213 at 4–5 (Feb. 2, 2026). No contraband was found, and there is no allegation
17 that Petitioner attempted to flee or failed to appear for any immigration proceeding. The
18 denial of bond therefore appears to rest largely on proximity to the border rather than
19 individualized evidence of absconding.

20 41. The administrative record further reflects that Petitioner has no criminal history, no
21 immigration fraud allegations, and no prior failures to appear. These facts significantly
22 reduce any risk of nonappearance and further demonstrate that continued detention
23 without constitutionally adequate procedures is unjustified.

- 1 42. “Freedom from imprisonment from government custody, detention, or other forms of
2 physical restraint lies at the core of the liberty protected by the Due Process Clause.”
3 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). The Supreme Court has repeatedly
4 emphasized that civil immigration detention implicates fundamental liberty interests and
5 therefore requires careful constitutional scrutiny. See *Jennings v. Rodriguez*, 583 U.S.
6 281, 301 (2018). Courts consistently recognize this interest as “the most elemental of
7 liberty interests.” *E.A.T.-B. v. Wamsley*, 2025 WL 2402130, at *3 (citation modified)
8 (W.D. Wash. Aug. 19, 2025); see also *Ramirez Tesara v. Wamsley*, 2025 WL 2637663, at
9 *3 (W.D. Wash. Sept. 12, 2025).
10
11 43. To protect against arbitrary re-detention and to ensure the right to liberty, due process
12 requires “adequate procedural protections” that test whether the government’s asserted
13 justification for a noncitizen’s physical confinement “outweighs the individual’s
14 constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at
15 690 (citation modified).
16
17 44. Several courts, including this one, have held that detention under § 1226(a) without a
18 constitutionally adequate bond hearing violates due process.
19
20 45. In *E.A.T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing
21 framework and held that re-detention without a hearing is unconstitutional, even where
22 DHS claimed that mandatory detention initially applied. This Court reached the same
23 conclusion in *Ramirez Tesara*, *Kumar*, and *Ledesma Gonzalez*. See *Ramirez Tesara*,
24 2025 WL 2637663, at *2–3; *Kumar v. Wamsley*, 2025 WL 2677089, at *2–3 (W.D.
25 Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574, at *7–8 (W.D.
26 Wash. Oct. 7, 2025).
27

1 46. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner had
2 “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 2025 WL
3 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.*
4 (citation modified). The Court further explained that even if detention was mandatory, the
5 risk of erroneous deprivation of liberty without a hearing was high because a hearing
6 serves to ensure that the purposes of detention—the prevention of danger and flight
7 risk—are properly served. *Id.* at *4–5. Finally, the Court explained that “the
8 Government’s interest in re-detaining non-citizens previously released without a hearing
9 is low: although it would have required the expenditure of finite resources (money and
10 time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and
11 re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of
12 the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the petitioner’s
13 immediate release. *Id.* at *6.
14
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16 47. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court reasoned that the
17 petitioner had a “weighty” interest in his liberty and was entitled to the “full protections
18 of the due process clause.” 2025 WL 2637663, at *3. When examining the value
19 of additional safeguards, the Court also noted that despite the government’s allegations of
20 ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain
21 Petitioner does not eliminate its obligation to effectuate the detention in a manner that
22 comports with due process.’” *Id.* at *4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4).
23 Finally, the Court reasoned that any government interest in re-detention without a
24 hearing was “minimal.” *Id.* Accordingly, there too, the Court ordered the petitioner’s
25 immediate release. *Id.* at *5.
26
27

1 48. The *Kumar* court reached the same decision, again holding that all three factors weighed
2 in favor of affording the petitioner a bond hearing. 2025 WL 2677089, at *3–4.

3 49. This Court’s decisions in *E.A. T.-B.*, *Ramirez Tesara*, and *Kumar* are consistent with many
4 other district court decisions addressing similar situations. *See, e.g., Valdez v. Joyce*, No.
5 25 CIV 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate
6 release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No.
7 5:25-CV-05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v.*
8 *Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025)
9 (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D.
10 Cal. Aug. 21, 2025) (similar).

11
12
13 50. Under *Mathews v. Eldridge*, all three factors favor Petitioner. First, the private liberty
14 interest at stake, freedom from physical confinement is fundamental. Second, the risk of
15 erroneous deprivation is high where detention has occurred without a prompt bond
16 hearing before a neutral decisionmaker. Third, the Government’s administrative burden
17 in providing such a hearing is minimal compared to the constitutional harm caused by
18 continued detention without adequate process.

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21 51. The same framework and principles apply here and compel Petitioners’ immediate
22 release.

23
24 52. This Petition has been verified by Petitioner. *See* Verification of Petitioner.

25 **CLAIM FOR RELIEF**

26
27 **Violation of Fifth Amendment Right to Due Process
Procedural Due Process**

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PETITION FOR WRIT OF
HABEAS CORPUS

(CASE NO.

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1 53. Petitioner restates and realleges all paragraphs as if fully set forth here.
2

3 54. The Due Process Clause of the Fifth Amendment does not permit the Government to
4 deprive an individual of physical liberty without constitutionally adequate procedural
5 safeguards. Individuals detained under 8 U.S.C. § 1226(a) are entitled to a prompt bond
6 hearing before a neutral decisionmaker at which the Government must justify continued
7 detention based on danger to the community or flight risk.
8

9 55. Although Petitioner received a custody redetermination hearing on February 17, 2026, that
10 hearing did not satisfy constitutional due process because the Government was not required
11 to prove by clear and convincing evidence that continued detention was justified.
12

13 56. Accordingly, the continued detention of Petitioner without a constitutionally sufficient
14 bond hearing violates the Due Process Clause of the Fifth Amendment.
15
16

17 **IRREPARABLE INJURY**
18

19 57. Petitioner has been detained since February 2, 2026, and remains incarcerated following a
20 constitutionally defective bond hearing. Continued physical detention constitutes ongoing
21 irreparable injury because the loss of liberty cannot be remedied retroactively. It is well
22 established that the deprivation of constitutional rights unquestionably constitutes
23 irreparable injury. *See Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).
24

25 **PRAYER FOR RELIEF**
26

27 WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter.
- (2) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner or, in the alternative, to provide a new bond hearing before a neutral decisionmaker at which the Government bears the burden of proving by clear and convincing evidence that Petitioner is a flight risk or danger to the community and that no less restrictive alternatives are sufficient;
- (3) Enjoin Respondents from placing GPS ankle monitors on Petitioner upon his release, absent clear and convincing evidence that Petitioner is a flight risk or danger to the community and that no other alternatives would mitigate those risks;
- (4) Declare that Petitioner's continued detention without a constitutionally adequate bond hearing violates the Due Process Clause of the Fifth Amendment;
- (5) Issue an order providing for an award of attorney's fees and costs; and
- (6) Grant such other relief as may be just and reasonable.

Respectfully submitted this 04th day of March 2026

/s/ Jashan Multani
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