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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

BRAMBILA SANCHEZ, NOLBERTO

Petitioner,

v.

BRUCE SCOTT, Warden of the Northwest ICE
Processing Center;
KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security

Respondents.

CIVIL ACTION NO.

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

I. INTRODUCTION

Petitioner Nolberto Brambila Sanchez (Petitioner) respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his prolonged and unlawful immigration detention.

Petitioner is currently detained despite prolonged detention since approximately July 2025, active proceedings before the United States Court of Appeals for the Ninth Circuit, including a pending petition for review and a stay of removal currently in effect, pending humanitarian relief (U-Visa) with United States Citizenship and Immigration Services (USCIS),

1 and a history of full compliance with ICE supervision, including lawful employment
2 authorization, prior to his arrest at a routine check-in.

3 Although Respondents may rely on the existence of a prior removal order, that fact does
4 not resolve the constitutional inquiry. Civil detention is permissible only where it remains
5 reasonably related to removal and is supported by adequate procedural safeguards.
6

7 Here, Petitioner's detention fails both requirements. Because a stay of removal is in
8 effect, Respondents are legally prohibited from executing removal. As a result, detention is no
9 longer tied to its statutory purpose and has become prolonged, speculative, and constitutionally
10 excessive.
11

12 II. JURISDICTION AND VENUE

13 This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody
14 under the authority of the United States and challenges the legality of that custody.

15 Jurisdiction is also proper under 28 U.S.C. § 1331 and the Due Process Clause of the
16 Fifth Amendment.
17

18 Venue lies in the Western District of Washington because Petitioner is detained at the
19 Northwest ICE Processing Center in Tacoma, Washington.

20 III. PARTIES

21 Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE")
22 at the Northwest ICE Processing Center.
23

24 Respondent Bruce Scott is the Warden of NWIPC and Petitioner's immediate physical
25 custodian. He is the proper respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

26 Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security.
27
28

IV. LEGAL STANDARD

The writ of habeas corpus permits individuals to challenge unlawful executive detention. 28 U.S.C. § 2241(c)(3).

Immigration detention, although civil, is subject to constitutional limitations. Such detention must bear a reasonable relationship to its statutory purpose and may not become arbitrary. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Additionally, the Fifth Amendment requires that deprivations of liberty be accompanied by adequate procedural safeguards. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

V. FACTUAL BACKGROUND

A. Immigration and Detention History

Petitioner is a native and citizen of Mexico. Petitioner was previously ordered removed in 2000 and granted voluntary departure. He was ultimately removed from the United States on or about September 4, 2009. Petitioner re-entered the United States later that year, and has been here ever since. He has established significant ties, including family relationships and ongoing humanitarian equities.

Petitioner was detained by ICE in 2021 and put on an order of supervision (OSUP).

On or about July 2025, Petitioner was taken into ICE custody while appearing for a routine check-in. Prior to his detention, Petitioner had been fully complying with ICE supervision requirements since 2021 and maintained lawful employment authorization.

Petitioner was not taken into custody based on any violation, nor was he found to pose a danger to the community or a flight risk. His detention therefore reflects a discretionary enforcement action imposed without any individualized determination of necessity.

1 **B. Pending Proceedings Before the Ninth Circuit and Stay of Removal**

2 Petitioner currently has a petition for review pending before the United States Court of
3 Appeals for the Ninth Circuit. In connection with those proceedings, a stay of removal has been
4 granted and remains in effect. As a result, Respondents are legally prohibited from executing
5 Petitioner's removal unless and until that stay is lifted.
6

7 Because removal cannot be executed while the stay is in place, Petitioner's detention is
8 not presently tied to effectuating removal. Removal under these circumstances would also risk
9 mooted Petitioner's appellate claims and impairing the Ninth Circuit's jurisdiction.
10

11 **C. Pending Humanitarian Immigration Relief**

12 Petitioner is actively pursuing humanitarian immigration relief before USCIS, including a
13 derivative U visa petition (Form I-918A), along with related applications for advance permission
14 to enter (Form I-192) and employment authorization (Form I-765), which are ancillary to and
15 dependent upon the pending humanitarian process. USCIS has accepted these filings and
16 initiated processing, confirming that Petitioner is engaged in an active adjudicatory process.
17

18 These actions demonstrate that the federal government is simultaneously processing
19 Petitioner for humanitarian relief while detaining him as though removal is the immediate
20 objective.
21

22 **D. Lack of Evidence of Imminent Removal**

23 Respondents may assert that removal is imminent, however, no confirmed removal date
24 exists, removal cannot be executed due to the stay of removal, and removal remains contingent
25 on the outcome of pending appellate proceedings. Even where administrative steps may have
26 been taken, removal is not practically executable at this time.
27

E. Family and Humanitarian Considerations

Petitioner is the father of multiple United States citizen children, including a minor daughter who suffers from significant mental and physical health conditions. Petitioner has been an active caregiver and source of support for his children. His continued detention imposes substantial hardship, particularly on his minor daughter. These circumstances further underscore the severity of the liberty deprivation and weigh heavily in the constitutional analysis.

VI. ARGUMENT

A. Arrest at Routine ICE Check-In Without Individualized Justification Violates Due Process

On or about July 2025, Petitioner was taken into ICE custody while appearing for a routine check-in. Prior to his detention, Petitioner had been fully complying with ICE supervision requirements and maintained lawful employment authorization.

Petitioner was not taken into custody based on any violation, nor was he found to pose a danger to the community or a flight risk.

Petitioner appears to have been re-detained in violation of DHS's own regulations, and perhaps also without due process. His detention therefore reflects a discretionary enforcement action imposed without any individualized determination of necessity, raising serious due process concerns. See *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (requiring adequate procedural safeguards before deprivation of liberty).

Because Petitioner's deprivation of liberty without due process has been unlawful from its inception, his immediate release is required.

B. The Balance of Interests Under *Mathews v. Eldridge* Favors Release

"Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 - 5

1 the Fifth or Fourteenth Amendment.” *Mathews v. Eldridge*, 424 U.S. at 332. “The fundamental
2 requirement of due process is the opportunity to be heard ‘at a meaningful time and in a
3 meaningful manner.’” *Id.* at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)); *see*
4 also *P.T. v. Hermosillo*, No. C25-2249, 2025 WL 3294988, at *2 n.1 (W.D. Wash. Nov. 26,
5 2025) (“In determining the lawfulness of Petitioner’s detention, the Court will focus not on the
6 Government’s claimed authority to detain, but the process by which Petitioner was detained.”).

7
8 In *Mathews*, the Supreme Court established a three-part balancing test to determine
9 whether an administrative procedure provides the process constitutionally due:

10
11 First, the private interest that will be affected by the official action;
12 second, the risk of an erroneous deprivation of such interest
13 through the procedures used, and the probable value, if any, of additional or substitute
14 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.

15 424 U.S. at 335.

16 In *Rodriguez Diaz v. Garland*, the Ninth Circuit assumed without deciding that the
17 *Mathews* test applies in “the immigration detention context.” 53 F.4th 1189, 1206–07 (9th Cir.
18 2022). District courts in this Circuit apply the *Mathews* test to evaluate claims by immigration
19 detainees who have previously been released that their re-detention lacked constitutionally
20 adequate procedural safeguards. *See, e.g., Sarwari v. Wamsley*, No. C26-121, 2026 WL 279968,
21 at *3 (W.D. Wash. Feb. 3, 2026); *Torres v. Hermosillo*, No. C25-2687, 2026 WL 145715, at *6
22 (W.D. Wash. Jan. 20, 2026); *Sira-Hurtado v. Hermosillo*, No. C25-2173, 2025 WL 3294986, at
23 *2 (W.D. Wash. Nov. 26, 2025); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1033 (N.D. Cal. 2025).
24
25 These courts have consistently found that a noncitizen who has been released and has lived with
26 relative freedom in the United States for a number of years, has a protected interest in not being
27 detained and is owed some process by which to contest their re-detention. *See, e.g., Kumar v.*
28 PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 - 6

1 *Noem*, No. C26-294, 2026 WL 668335, at *4 (W.D. Wash. Mar. 10, 2026); *Dieng v. Hermosillo*,
2 2026 WL 411857, at *3-5 (W.D. Wash. Feb. 13, 2026); *Zavorin*, 2026 WL 309733, at *3-4;
3 *Torres v. Hermosillo*, 2026 WL 145715, at * 3-5 (W.D. Wash. Jan. 20, 2026); *Ramirez Tesara v.*
4 *Wamsley*, 800 F. Supp. 3d 1130, 1136 (W.D. Wash. Sept. 12, 2025). “District courts in the Ninth
5 Circuit have also recognized that a petitioner’s liberty interest does not expire along with his
6 parole.” *Kumar*, 2026 WL 668335, at *4 (citation modified) (citing *Quiroga-Chaparro v.*
7 *Warden of the Golden State Annex. Det. Facility*, 2025 WL 3771473, at *5 (E.D. Cal. Dec. 31,
8 2025), *G. G. v. Kaiser*, 2025 WL 3254999, at *6 (E.D. Cal. Nov. 22, 2025); *Ramirez Tesara*, 800
9 F. Supp. 3d at 1136–37)). Courts in this Circuit have also “repeatedly, consistently, and with
10 growing frequency found constitutional violations where individuals are detained at check-ins or
11 appointments without prior notice or opportunity to be heard,” as Petitioner was. *Chaudhry v.*
12 *Bondi*, No. C25-2339, 2025 WL 3706534, at *6 (W.D. Wash. Dec. 22, 2025) (collecting cases).
13 The fact that a noncitizen has previously been removed and is subject reinstatement of removal
14 does not except them from these principles. *See, e.g., Diego Francisco v. Noem*, No. C26-25,
15 2026 WL 295211, at *3 (W.D. Wash. Feb. 4, 2026).

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18
19 Petitioner had a protected interest in his liberty, the deprivation of which was subject to
20 constitutional limits. Petitioner received *no process of any kind* to contest the informal revocation
21 of his OSUP, either before he was re-detained or at any point thereafter. Only violations of an
22 OSUP or and certain other enumerated justifications allow an OSUP to be revoked. *See* 8 C.F.R.
23 § 241.4(i). Due process requires “the opportunity to be heard”—i.e., to contest the government’s
24 asserted justification—“at a meaningful time and in a meaningful manner.” *Mathews*, 424 U.S. at
25 332 (1976) (citation modified).
26
27
28

1 The *Mathews* test is a tool for determining whether a given procedure provided adequate
2 opportunity to be heard under the circumstances—that is, what process is due.

3 Here, detention was imposed without meaningful review, without providing Petitioner an
4 adequate opportunity to be heard under the circumstances, and without consideration of less
5 restrictive alternatives. See *Rodriguez v. Robbins*, 804 F.3d 1060, 1085 (9th Cir. 2015), rev'd on
6 other grounds, *Jennings v. Rodriguez*, 583 U.S. 281 (2018). Respondents' failed to follow their
7 own procedures in effecting Petitioner's detention; Petitioner was taken into custody while
8 complying with ICE supervision at a routine check-in, without any individualized determination
9 or adherence to established custodial review processes. Where the Government fails to follow its
10 own procedures, the risk of erroneous deprivation increases and due process concerns are
11 amplified. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267 (1954); *Morton*
12 *v. Ruiz*, 415 U.S. 199, 235 (1974).

13 Balancing these factors, continued detention without individualized review—and in
14 disregard of the Government's own procedural framework—violates due process.

15 **C. Stay of Removal Eliminates Any Present Ability to Remove Petitioner**

16 Because Petitioner currently has a petition for review pending before the United States
17 Court of Appeals for the Ninth Circuit and a stay of removal has been granted and remains in
18 effect, Respondents are legally prohibited from executing Petitioner's removal unless and until
19 Petitioner's stay is lifted.

20 Civil detention is constitutionally permissible only where it bears a reasonable
21 relationship to the purpose of effectuating removal. *Zadvydas v. Davis*, 533 U.S. 678, 690
22 (2001). Where removal cannot be executed as a matter of law, detention no longer serves its
23 regulatory purpose and becomes arbitrary.

1 Because removal cannot be carried out while the stay is in place, Petitioner's detention is
2 not presently tied to removal. Continued detention under these circumstances is therefore
3 unconstitutional. Removal during the pendency of these proceedings would also risk moot
4 Petitioner's appellate claims and impairing the Ninth Circuit's jurisdiction.

5
6 **D. Detention Is Not Supported by a Realistic Prospect of Removal**

7 Respondents may assert that removal is imminent. However, no confirmed removal date
8 exists, removal cannot be executed due to the stay of removal, and removal remains contingent
9 on the outcome of pending appellate proceedings.

10 The Supreme Court has made clear that detention must be supported by a realistic
11 prospect of removal and may not rest on speculation. *Zadvydas*, 533 U.S. at 690–91.

12 The Ninth Circuit likewise holds that detention is permissible only where removal is
13 reasonably foreseeable and not speculative. *Prieto-Romero v. Clark*, 534 F.3d 1053, 1062–63
14 (9th Cir. 2008).

15 Even where administrative steps may have been taken, removal is not practically
16 executable at this time. Detention based on a removal that is legally prohibited and contingent on
17 uncertain future events cannot satisfy due process.

18
19
20 **E. Ongoing USCIS Adjudication Undermines the Government's Removal Justification**

21 Petitioner is actively pursuing humanitarian immigration relief before USCIS, including a
22 derivative U-Visa petition (Form I-918A) accompanied with related applications for advance
23 permission to enter (Form I-192) and employment authorization (Form I-765), which are
24 ancillary to and dependent upon the pending humanitarian process. USCIS has accepted these
25 filings and initiated processing, confirming that Petitioner is engaged in an active adjudicatory
26 process. Furthermore, Petitioner's employment authorization has been granted.

1 These actions demonstrate that the federal government is simultaneously processing
2 Petitioner for humanitarian relief while detaining him as though removal is the immediate
3 objective. Civil detention may not become arbitrary or disconnected from its purpose. *Zadvydas*,
4 533 U.S. at 690.

5
6 Where the Government is actively adjudicating applications that contemplate an
7 individual's continued presence in the United States, detention premised on imminent removal
8 becomes internally inconsistent and constitutionally suspect.

9 **F. Prolonged Detention Without Individualized Review Violates Due Process**

10
11 Petitioner has been detained since July 2025, with no clear or reasonably foreseeable
12 endpoint, particularly given the stay of removal and pending appellate proceedings.

13 The Supreme Court has recognized that six months of post-removal-order detention is
14 presumptively reasonable, but continued detention beyond that period must be supported by a
15 showing that removal is reasonably foreseeable. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001).

16
17 Here, Petitioner's detention has extended well beyond six months, and removal is not
18 reasonably foreseeable due to the stay of removal and pending appellate proceedings. Under
19 these circumstances, continued detention is no longer justified.

20 The Supreme Court has made clear that civil immigration detention must remain
21 reasonably related to its purpose and may not become indefinite or excessive in relation to that
22 purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690–91 (2001). Due process requires both a sufficient
23 justification for detention and adequate procedural safeguards. *Mathews v. Eldridge*, 424 U.S.
24 319, 335 (1976).

25
26 The Ninth Circuit has recognized that prolonged immigration detention without
27 meaningful procedural protections raises serious constitutional concerns. See *Rodriguez v.*
28

1 *Robbins*, 804 F.3d 1060, 1085 (9th Cir. 2015), rev'd on other grounds, *Jennings v. Rodriguez*,
2 583 U.S. 281 (2018).

3 Here, Petitioner has not received a meaningful custody determination, and no
4 individualized findings justify his continued detention. The absence of procedural safeguards
5 creates a substantial risk of erroneous deprivation of liberty.
6

7 Where, as here, detention continues without a foreseeable endpoint and without adequate
8 procedural protections, it becomes constitutionally impermissible. See *Zadvydas*, 533 U.S. at
9 690–91.
10

11 **G. Continued Detention Has Become Punitive Rather Than Regulatory**

12 Civil immigration detention must remain regulatory, not punitive. *Zadvydas*, 533 U.S. at
13 690. Here, detention continues despite a legal barrier to removal, the absence of individualized
14 findings, and the existence of ongoing adjudicatory processes. Under these circumstances,
15 detention has shifted from a regulatory mechanism to impermissible punitive confinement.
16

17 **H. Family Hardship Further Underscores the Severity of the Liberty Deprivation**

18 Petitioner is the father of multiple United States citizen children, including a minor
19 daughter who suffers from significant mental and physical health conditions. Petitioner has been
20 an active caregiver and source of support for his children. His continued detention imposes
21 substantial hardship, particularly on his minor daughter. These circumstances further underscore
22 the severity of the liberty deprivation and weigh heavily in the constitutional analysis under
23 *Mathews*.
24

25 **VII. REQUEST FOR RELIEF**

26 Petitioner respectfully requests that this Court:

- 27 1. GRANT the Petition for Writ of Habeas Corpus;

2. ORDER Respondents to release Petitioner within 24 hours, as he was before he was detained;
3. GRANT all further relief deemed just and proper.

VIII. CONCLUSION

This Petition should be granted and Petitioner should be released because his detention is no longer reasonably related to the purpose of removal, has become prolonged without justification, was imposed in disregard of ICE's own procedures, and lacks constitutionally sufficient procedural safeguards. Under *Zadvydas v. Davis* and *Mathews v. Eldridge*, continued detention is unlawful.

IX. SIGNATURE AND CERTIFICATION

The undersigned counsel certifies that she represents the Petitioner and that this Petition is filed on his behalf pursuant to 28 U.S.C. § 2241.

Respectfully submitted this 20th day of March 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 20th day of March 2026, I served true and correct copy of the **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

KRISTI NOEM

Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Required Service on the United States

UNITED STATES ATTORNEY'S OFFICE

USAWAW.ImmigrationHabeasService@usdoj.gov
(Via email)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 20th day of March 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner