

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

M-A-C-C-,

Petitioner,

v.

JULIO HERNANDEZ, Seattle Field Office
Director, Immigration and Customs Enforcement
and Removal Operations; TODD LYONS, Acting
Director of U.S. Immigration Customs
Enforcement; KRISTI NOEM, Secretary, U.S.
Department of Homeland Security; PAMELA
BONDI, Attorney General of the United States;
BRUCE SCOTT, Warden, Northwest ICE
Processing Center; and EOIR.

Respondents.

Case No.:

Agency No. A-file No. 

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

INTRODUCTION

1. On the morning of November 29, 2025, Petitioner, M-A-C-C- left home to drive to work, as he routinely did. He was not the subject of a criminal investigation. He committed no traffic violation. Yet, while he was lawfully obeying all the traffic laws, two unmarked ICE vehicles began following him closely for several minutes before activating their lights to stop him. The ICE agents who stopped him did not present a warrant and did not explain the reason for the stop. They asked only whether he had been born in the United States and whether he possessed employment authorization. Within minutes, he was ordered out of his vehicle and placed in handcuffs. The agents did not ask about his residence, employment, family ties, prior compliance with immigration authorities, or whether he was likely to flee. He made no attempt to flee and complied with all instructions.

2. DHS agents rapidly transported him out of the District of Oregon to the immigration detention center in Tacoma, Washington, where they have purported to hold him in “mandatory” detention pursuant to a novel incorrect interpretation of the Immigration and Nationality Act’s detention authorities.

3. Petitioner submits this petition for writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Rodriguez Vazquez v. Boston*, No. No. 3:25-cv-05240-TMC, --- F. Supp. 3d ---, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025) and *Maldonado v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, --- F. Supp. 3d -- -, 2025 WL 2670875. Petitioner is in executive custody and faces unlawful detention without consideration of release on bond because, in a brazen disregard for the rule of law, both the

1 Department of Homeland Security (“DHS”) and the Executive Office for Immigration Review
2 (“EOIR”) have refused to comply with the declaratory judgments issued on behalf of the
3 certified classes in both *Maldonado Bautista* and *Rodriguez Vazquez*.

4 4. On May 2, 2025, this Court certified the Bond Denial Class in *Rodriguez*
5 *Vazquez*. See 349 F.R.D. 333, 365 (W.D. Wash. May 2, 2025) (certifying Plaintiffs-Petitioners’
6 proposed Bond Denial Class, identical to that in *Maldonado Bautista* but limited to detainees
7 held at the Northwest ICE Processing Center). On September 30, 2025, the Court granted
8 partial summary judgment to the *Rodriguez Vazquez* plaintiffs, and acknowledged an
9 entitlement to consideration of release on bond for individuals who (1) have entered or will enter
10 the United States without inspection; (2) are not apprehended by immigration officials upon
11 entry, and (3) are not or will not be subject to the detention authority articulated at 8 U.S.C. §
12 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is scheduled for or requests a bond
13 hearing. *Rodriguez Vazquez*, 2025 WL 2782499, at *86-87 (W.D. Wash. Sept. 30, 2025).

14 5. Similarly, on November 20, 2025, the U.S. District Court for the Central
15 District of California granted partial summary judgment in *Maldonado Bautista*. Shortly
16 thereafter, on November 25, 2025, the court certified a nationwide class and extended
17 declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, 2025 WL
18 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named
19 Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, 2025 WL 3288403, at *9 (C.D. Cal.
20 Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible Class,
21 incorporating and extending declaratory judgment from Order Granting Petitioners’ Motion for
22 Partial Summary Judgment). On February 18, 2026, the court issued another order explicitly
23 vacating *Yajure Hurtado* and admonishing the respondents, stating that the government had

continued to “engage in unlawful practices under the guise of ‘immigration enforcement’ and fidelity to agency regulations” in spite of the fact that “[t]hose practices were found unlawful by way of statutory interpretation by this Court.” *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-01873-SSS-BFM, Dkt. 116 at 14 (C.D. Cal. Feb. 18, 2026). The December 18, 2025 and February 18, 2026 orders in *Maldonado Bautista* have since been temporarily stayed pending the Ninth Circuit’s consideration of an emergency motion for a stay pending appeal. *Maldonado Bautista v. Department of Homeland Security*, Case. No. 26-1044, Dtk. 5.1 (9th Cir. 2026).

6. Although *Rodriguez Vazquez* is now being considered on appeal, a District Court decision remains in full force and effect until a stay is issued by the Ninth Circuit. *Nat’l Grange of the Order of Patrons and Husbandry v. Cal. State Grange*, 182 F. Supp. 3d 1065, 1074 (E.D. Cal. 2016); *in re Crystal Palace Gambling Hall, Inc.*, 817 F.2d 1361, 1364 (9th Cir. 1987) (“Absent a stay, all orders and judgments of courts must be complied with promptly”). The *Rodriguez Vasquez* order of September 30, 2025 is thus enforceable and should apply to any qualifying Bond Denial Class Member. Nonetheless, the Immigration Courts and DHS have refused to abide by the declaratory relief ordered and have unlawfully held that those in Petitioner’s position should be denied the opportunity for a release on bond.

7. Petitioner is a member of the Bond Eligible Cass, as he:

- a. Does not currently have lawful immigration status and is detained in executive custody at the Northwest ICE Processing Center;
- b. Last entered the United States without inspection about three years ago and was not apprehended by immigration authorities at the border upon arrival, and
- c. Is not subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

FACTS

1 8. After apprehending Petitioner on November 29, 2025, DHS issued a
2 Notice to Appear which it filed with the Tacoma Immigration Court, thereby commencing
3 removal proceedings against Petitioner pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). In the Notice
4 to Appear, DHS charged Petitioner with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) for
5 having entered the United States without inspection.

6 9. Respondents are bound by the judgment in *Rodriguez Vazquez*, because
7 that judgment has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
8 Nonetheless, Respondents continue to defy that judgment and unlawfully purport that Petitioner
9 is subject to mandatory detention under § 1225(b). But this is a clear and flagrant misreading of
10 the law. Petitioner is unambiguously entitled to consideration for release on bond as a Bond
11 Denial Class Member.

12 10. EOIR leadership has reportedly sent guidance to immigration judges
13 directing them to view district court orders such as that in *Rodriguez Vazquez* as not binding
14 and further indicating that the authority which is controlling for immigration judges is that
15 articulated by the Board of Immigration Appeals in *Matter of Yajure Hurtado*, 29 I&N Dec.
16 216 (BIA 2025). ICE has issued similar guidance.¹

17 11. Given that Respondents are detaining Petitioner in violation of the
18 declaratory judgment in *Rodriguez Vazquez*, the court should order that DHS must release
19 Petitioner.
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22 ¹ “ICE Memo: Interim Guidance Regarding Detention Authority for Applications for
23 Admission,” AILA (July 8, 2025), available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission> (last visited Mar. 18, 2026).

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

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

6 20. The Court must grant the petition for writ of habeas corpus or issue an
7 order to show cause (“OSC”) to the Respondents “forthwith,” unless the petitioner is not entitled
8 to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a
9 return “within three days unless for good cause additional time, not exceeding twenty days, is
10 allowed.” *Id.*

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

16 **PARTIES**

17 22. Petitioner **M-A-C-C-** is 42 years old. He is a resident of Beaverton,
18 Oregon. He is currently detained in Respondents’ custody at the NWIPC in Tacoma,
19 Washington.

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

1 24. Respondent **Julio Hernandez** is the Field Office Director for ICE's Seattle
2 Field Office. The Seattle Field Office is responsible for local custody decisions relating to
3 noncitizens charged with being removable from the United States, including the arrest,
4 detention, and custody status of noncitizens. The Seattle Field Office's area of responsibility
5 includes Alaska, Oregon, and Washington; thus, Hermosillo is a legal custodian of Petitioner.

6 25. Respondent **Todd Lyons** is the acting director of ICE, and he has authority
7 over the actions of respondent Laura Hermosillo and ICE in general. Respondent Lyons is a
8 legal custodian of Petitioner.

9 26. Respondent **Pamela Bondi** is the Attorney General of the United States,
10 and as such has authority over the Department of Justice and is charged with faithfully
11 administering the immigration laws of the United States.

12 27. Respondent **Bruce Scott** is employed by the private corporation The GEO
13 Group, Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical
14 custody of Petitioner.

15 28. Respondent **EOIR** is the federal agency that has authority over the actions
16 of the immigration court.

17 29. This action is commenced against all Respondents in their official
18 capacities.

19 **FACTUAL BACKGROUND**

20 **Operation Black Rose**

21 30. On January 20, 2025, President Donald Trump issued several executive
22 actions relating to immigration, including "Protecting the American People Against Invasion,"
23 an executive order (EO) setting out a series of interior immigration enforcement actions. The

1 Trump administration, through this and other actions, has outlined sweeping, executive branch-
 2 led changes to immigration enforcement policy, establishing a formal framework for mass
 3 deportation. The “Protecting the American People Against Invasion” EO instructs the DHS
 4 Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil
 5 immigration enforcement procedures including through the use of mass detention.

6 31. In late May, Respondent Secretary Noem and White House Deputy Chief
 7 of Staff Stephen Miller met with ICE leadership, setting a new arrest quota of 3,000 arrests per
 8 day and reportedly threatening job consequences if officials failed to meet arrest quotas.²

9 32. On May 28, Miller confirmed that “[u]nder President Trump’s leadership,
 10 we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President
 11 Trump is going to keep pushing to get that number up higher each and every single day.”³

12 33. Following the directive from Noem and Miller, ICE agents were instructed
 13 in an e-mail to “turn the creativity knob up to 11” and aggressively “push the envelope” in
 14 arrests, including by pursuing “collaterals”—individuals who by definition would not have
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19 ² Elizabeth Findell, et al., *The White House Marching Orders That Sparked the L.A. Migrant*
 20 *Crackdown*, The Wall Street Journal (June 9, 2025), [https://www.wsj.com/us-news/protests-](https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877)
 21 [los-angeles-immigrants-trump-f5089877](https://www.wsj.com/us-news/protests-los-angeles-immigrants-trump-f5089877); Julia Ainsley, et al., *A sweeping new ICE operation*
 22 *shows how Trump’s focus on immigration is reshaping federal law enforcement*, NBC News
 (June 4, 2025), [https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-](https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigration-reshape-federal-lawenforcement-rcna193494)
 23 [focus-immigration-reshape-federal-lawenforcement-rcna193494](https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigration-reshape-federal-lawenforcement-rcna193494); Brittany Gibson & Stef W.
 Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May
 28, 2025), available at [https://www.axios.com/2025/05/28/immigration-ice-deportations-](https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller)
[stephen-miller](https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller).

³ Hannity, *Stephen Miller says the admin wants to create the strongest immigration system in*
US History, FOX NEWS (May 28, 2025), available at
<https://www.foxnews.com/video/6373591405112> (last visited Aug. 24, 2025).

warrants.⁴ As another e-mail put it: “If it involves handcuffs on wrists, it’s probably worth pursuing.”⁵

34. The overriding message, communicated by and to Respondents, is that agents and officers carrying out immigration operations on the ground must prioritize arrest numbers, regardless of the law. As one ICE official put it earlier this year, all that matters is “numbers, pure numbers, [q]uantity over quality.”⁶

35. The District Court for the District of Oregon recently found that DHS implemented these practices in Oregon. *M-J-M-A- v. Hermosillo*, 6:25-cv-02011-MTK, Dkt. 88 at 2 (D.Or. Feb. 27, 2026). The Court found that “[t]o serve the President’s demands for 3,000 immigration arrests each day nationally” ICE officers deployed to Oregon communities and arrested an “extraordinary” number of Oregonians beginning in October 2025. *Id.* at 5.

36. The District Court for the District of Oregon found that “ICE officers traveled to Portland, Oregon from their usual duty stations in Arizona, California, Colorado, Minnesota, and Nebraska...to come to Oregon to assist with street arrests and conduct at-large enforcement—finding, locating, and targeting people that are undocumented here in the

⁴ José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>.

⁵ José Olivares, *US immigration officers ordered to arrest more people even without warrants*, The Guardian (June 4, 2025), <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>.

⁶ Jennie Taer, *Trump admin’s 3,000 ICE arrests per day quota is taking focus off criminals and ‘killing morale’: insiders warn*, NY Post, June 17, 2025, <https://nypost.com/2025/06/17/us-news/trump-admins-3000-ice-arrests-per-day-quota-is-taking-focus-off-criminals-and-killing-morale-insiders/>, <https://perma.cc/DB9R-MJUC> (last visited Oct. 15, 2025) (“The Trump administration’s mandate to arrest 3,000 illegal migrants per day is forcing ICE agents to deprioritize going after dangerous criminals and targets with deportation orders, insiders warn. Instead, federal immigration officers are spending more time rounding up people off the streets, sources said. ‘All that matters is numbers, pure numbers. Quantity over quality,’ one Immigrations and Customs Enforcement insider told The Post.”).

1 Portland, Oregon, or Washington area. *Id.* at 6. Enforcement operations in Oregon during this
2 time were variously called “Operation Fortifying the Border,” “Operation Black Rose,”
3 “Operation Portland Safe,” and “Operation Portland Sweep.” *Id.*

4 37. In Operation Black Rose, DHS agents “[l]and[] in [Oregon] communities,
5 officers surveil apartment complexes in the early morning hours, scan license plates for details
6 about the vehicles’ owners, and wait for them to get into their vehicles. Officers then stop, arrest,
7 detain and transport people out of the District of Oregon to” Tacoma. *Id.* at 2.

8 38. According to “[s]worn testimony and substantial evidence before [the
9 MJMA court] show that ICE officers ask few questions and allow little time before shattering
10 windows, handcuffing people, and detaining them at an ICE facility in another state.” *Id.*

11 Petitioner’s Arrest & Detention.

12 **Petitioner’s History, Arrest & Detention**

13 39. Petitioner came to the United States in March 2022 to seek asylum.

14 40. Before he was detained, he lived with his partner and two of his children
15 in an apartment in Beaverton, Oregon. He had lived in that apartment with his family for about
16 a year and a half. He supported his family by working in a restaurant.

17 41. He has no criminal record.

18 42. Petitioner is seeking asylum from Mexico because 

19 . His application for asylum is pending before the Tacoma
20 Immigration Court.

21 43. On or about November 29, 2025 in the morning, two ICE agents stopped
22 him while he was on his way to work. He was lawfully obeying all the traffic laws.

47. Petitioner's detention has been very difficult for him and his family. His family has been forced out of their apartment. The youngest of my children, who is nine years old, has taken my detention particularly hard. He used to be a very happy child, and my partner tells me that he is very depressed now.

Violation of 8 U.S.C. § 1226(a)

49. Because he is a member of the Bond Eligible Class in *Maldonado Bautista* and the Bond Denial Class in *Rodriguez Vazquez*, Petitioner is unequivocally entitled to consideration for release on bond pursuant to 8 U.S.C. § 1226(a). The Court in *Maldonado Bautista*, explicitly condemned the government for continuing to rely upon *Yajure Hurtado* to justify unlawfully applying mandatory detention under § 1225(b) to class members. *Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-01873-SSS-BFM, Dkt. 116 at 14 (C.D. Cal., Feb. 18, 2026).

50. Respondents are parties to *Rodriguez Vazquez*, and are thus bound by the Court's declaratory judgement in that case, which holds the "force and effect of a final judgement." 28 U.S.C. § 2201(a).

51. By finding no jurisdiction to consider Petitioner for release on bond under 8 U.S.C. § 1226(a), Respondents will violate Petitioner's statutory rights under the INA as well as this Court's judgment in *Rodrigue Vazquez*.

COUNT TWO

Violation of the Fifth Amendment to the U.S. Constitution

(Right to Procedural Due Process)

52. Petitioner repeats, re-alleges, and incorporates by reference each allegation in the preceding paragraphs as if fully set forth herein.

53. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693.

54. Due process requires that government action be rational and non-arbitrary.
See U.S. v. Trimble, 487 F.3d 752, 757 (9th Cir. 2007).

55. By flagrantly defying the U.S. District Court's orders – as it has been directed to, pursuant to a DHS memorandum dated July 8, 2025¹ – Respondents will deny Petitioner his right to a proceeding in which he has a meaningful opportunity to be heard as to his eligibility for bond and will further deprive Petitioner of a reasoned, non-arbitrary

1 decision from the immigration judge as to his custody. In doing so, Respondents will violate
2 Petitioner's right to procedural due process.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Petitioner respectfully requests this Court grant the following:

- 5 1. Assume jurisdiction over this matter;
- 6 2. Issue an Order to Show Cause ordering Respondents to show cause why this
7 Petition should not be granted within three days;
- 8 3. Declare that Petitioner's detention violates the Due Process Clause of the Fifth
9 Amendment, the INA, and the implementing regulations;
- 10 4. Issue a Writ of Habeas Corpus ordering Respondents to immediately release
11 Petitioner from custody;
- 12 5. In the alternative, issue a writ of habeas corpus requiring Respondents to release
13 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within
14 seven days;
- 15 6. Issue an Order prohibiting Respondents from transferring Petitioner outside the
16 Northwest ICE Processing Center, without first providing the Court, Petitioner,
- 17 7. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act,
18 and on any other basis justified under law; and
- 19 8. Grant any further relief this Court deems just and proper.

20 Dated: March 19, 2026,

21 s/Miguel Cardenas de Avila

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s/Stephen W. Manning

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