

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

G.R.R

Petitioner,

vs.

JULIO HERNANDEZ, Seattle Field
Office Director, U.S. Immigration and
Customs Enforcement and Removal
Operation, MARKWAYNE MULLIN,
Secretary of Homeland Security,
PAMELA BONDI, Attorney General,
TODD LYONS, Acting Director of
Immigration and Customs Enforcement,
BRUCE SCOTT, Warden of Tacoma
Northwest Detention Center, U.S.
DEPARTMENT OF HOMELAND
SECURITY, U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT,
U.S. DEPARTMENT OF JUSTICE,
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW.

Respondents

Case No.

Agency No. A 

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

ORAL ARGUMENT
REQUESTED

Expedited hearing requested

In this action against respondents, petitioner alleges as follows:

JURISDICTION AND VENUE

1. This action arises under the Constitution of the United States and the
Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et. seq.

PETITION FOR HABEAS CORPUS - 1
Case No.

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1 2. This court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas
2 corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United
3 States Constitution (Suspension Clause).
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5 3. In addition, "a federal court always has jurisdiction to determine its own
6 jurisdiction," including its own subject-matter jurisdiction. *Brownback v. King*, 592
7 U.S. 209, 218-19 (2021) (quoting *United States v. Ruiz*, 536 U.S. 622, 628 (2002)).
8

9 4. Unless the assertion of jurisdiction is frivolous, the court has the power to
10 preserve existing conditions while it determines its own authority to grant injunctive
11 relief. See *United States v. United Mine Workers of America*, 330 U.S. 258, 293
12 (1947). Such an order is valid unless and until overturned, even when the issuing court
13 lacks subject-matter jurisdiction to determine the underlying action's merits. *Id.* at 293-94.
14

15 5. This court may grant relief under the habeas corpus statutes, 28 U.S.C. §
16 2241 et. seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et. seq., the All Writs
17 Act, 28 U.S.C. § 1651, and the Immigration and Nationality Act ("INA"), 8 U.S.C. §
18 1252(e)(2).
19

20 6. Venue is proper because petitioner is in Respondents' actual or
21 constructive custody in this district and a substantial number of the events giving rise
22 to his claims occurred in this district. 28 U.S.C. § 1391(e).
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CUSTODY

7. Petitioner is “in custody” of the respondents because: Petitioner was re-arrested by the respondents and detained at the Northwest Detention Center after he was previously granted bond on October 18, 2023 and released from detention in October, 2023.

MOTION TO PROCEED ANONYMOUSLY

8. Parties may proceed anonymously when special circumstances justify secrecy. *Does I thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). In the Ninth Circuit, parties may use pseudonyms “in the unusual case when nondisclosure of the party's identity is necessary to protect a person from harassment, injury, ridicule or personal embarrassment.” *Id.* at 1067-68 (citation, ellipsis and internal quotes omitted). A party may preserve anonymity in “in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity.” *Id.* at 1068.

9. The respondents have indicated that the re-arrest of Petitioner was based on some incriminating records and culpable information in their possession against Petitioner. Petitioner has requested these records to be made available to him, but respondents have not released them.

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THE RESPONDENTS

10. Respondent JULIO HERNANDEZ is the Field Office Director for the Seattle Field Office, Immigration and Customs Enforcement and Removal Operations ("ICE"). The Seattle Field Office is responsible for local custody decisions relating to non-citizens charged with being removable from the United States, including the arrest, detention, and custody status of noncitizens. JULIO HERNANDEZ is sued in his official capacity.

11. The Seattle Field Office's area of responsibility includes Alaska, Oregon, and Washington. Consequently, respondent JULIO HERNANDEZ is the immediate legal custodian of petitioner.

12. Respondent TODD LYONS is the Acting Director of ICE, and as such is responsible for the means by which the immigration laws of the United States are enforced. TODD LYONS is sued in his official capacity.

13. Respondent MARKWAYNE MULLIN is the Secretary of Homeland Security. As such he is responsible for the actions of that department, its subagencies, and its officers and personnel. MARKWAYNE MULLIN is sued in his official capacity.

14. Respondent PAMELA BONDI is the Attorney General of the United States, and as such has responsibility for the conduct and operations of the Department

1 of Justice and all of its officers and personnel, including the Executive Office for
2 Immigration Review. PAMELA BONDI is sued in her official capacity.

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4 15. Respondent BRUCE SCOTT is the warden of the Tacoma Northwest
5 Detention Center.

6
7 16. Respondent U.S. DEPARTMENT OF HOMELAND SECURITY is an
8 agency of the United States with responsibility for the enforcement of the nation's
9 immigration laws. It is under the direction of respondent KRISTI NOEM.

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11 17. Respondent U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
12 is an agency of respondent U.S. DEPARTMENT OF HOMELAND SECURITY, and
13 is under the direction of respondent TODD LYONS

14
15 18. Respondent U.S. DEPARTMENT OF JUSTICE is an agency of the
16 United States, and is under the direction of respondent PAMELA BONDI.

17
18 19. Respondent EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
19 (“EOIR”) is an agency under the authority of respondents U.S. DEPARTMENT OF
20 JUSTICE and ultimately respondent PAMELA BONDI.

21
22 20. Respondent EOIR is responsible for adjudication of cases for persons
23 alleged to be subject to removal from the United States. EOIR includes the
24 immigration court, which conducts trial level hearings and is responsible for
25 determining whether non-citizens may post bond to secure release from the physical
26 custody of respondents.
27
28

1 21. The noncitizen must then “be taken without unnecessary delay for
2 examination before an officer of the Service having authority to examine [noncitizens]
3 as to their right to enter or remain in the United States.” 8 U.S.C. § 1357(a)(2).

4
5 22. Within 48 hours of an immigration arrest (or within a reasonable time in
6 the case of emergency or extraordinary circumstances), an immigration official must
7 make an initial custody determination to decide whether the noncitizen should remain
8 in custody or be released. 8 U.S.C. § 1226(a); 8 C.F.R. § 287.3(d).

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11 **RESPONDENTS’ POLICIES AND ARREST QUOTAS**

12 23. On January 20, 2025, the president of the United States issued several
13 executive actions relating to immigration, including “Protecting the American People
14 Against Invasion,” an executive order (EO) setting out a series of interior immigration
15 enforcement actions.

16
17 24. The “Protecting the American People Against Invasion” EO instructs the
18 DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to
19 prioritize civil immigration enforcement procedures includin use of mass detention.

20
21 25. In late May 2025, respondent KRISTI NOEM and White House Deputy
22 Chief of Staff Stephen Miller met with ICE leadership and set a arrest quota of 3,000
23 per day and reportedly threatened job consequences if officials did not meet quotas.¹

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26
27 ¹Julia Ainsley, et al., A sweeping new ICE operation shows how Trump’s focus on immigration is
28 reshaping federal law enforcement, NBC News (June 4, 2025),
 <https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focus-immigrationreshape-federal-lawenforcement-rcna193494> (last visited Nov 26, 2025); Brittany

26. On May 28, 2025 Deputy Chief of Staff Miller confirmed that “[u]nder President Trump’s leadership, we are looking to set a goal of a minimum of 3,000 arrests for ICE every day, and President Trump is going to keep pushing to get that number up higher each and every single day.”²

27. Following the directive from Noem and Miller, ICE agents were instructed in an email to “turn the creativity knob up to 11” and aggressively “push the envelope” in arrests, including by pursuing “collaterals.” One email is reported to have said: “If it involves handcuffs on wrists, it’s probably worth pursuing.”³

CIRCUMSTANCES OF PETITIONER'S CASE

28. Petition was arrested and detained by the respondents on October 1, 2025 during a check-in appointment in Richland, Washington. He is currently detained at the Northwest Detention Center in Tacoma, Washington.

29. Petitioner was arrested for the first time by the respondent on July 6, 2023. Petitioner was detained at the Northwest Detention Center in Tacoma, Washington.

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-stephen-miller> (last visited Nov. 26, 2025).

²Hannity, Sean, “Stephen Miller says the admin wants to create the strongest immigration system in US History”, FOX NEWS (May 28, 2025), <https://www.foxnews.com/video/6373591405112> (last visited Nov. 26, 2025).

³Olivares, José , “US immigration officers ordered to arrest more people even without warrants,” The Guardian (Jun 4, 2025) <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests>

1 30. Petitioner was granted bond by Immigration Judge Tammy L. Fitting of
2 the Tacoma Immigration Court on October 18, 2023. Petitioner posted the \$9,000 bond
3 with the respondents and was released from detention in October 2023.

4
5 31. Respondents have revoked petitioner's bond without first giving him a
6 hearing on the revocation.
7

8 **CLAIMS FOR RELIEF**

9 **COUNT ONE**

10 **Violation of the Administrative Procedure Act – 5 U.S.C. § 706(2)(A)** 11 **Unlawful Revocation and Disregard of Agency Directive 11005.3**

12
13 32. Petitioner restates all previous allegations as part of this count.

14 **Violation of Fifth Amendment Right to Due Process**

15 33. The Due Process Clause of the Fifth Amendment prohibits the
16 government from depriving any person of “life, liberty, or property, without due
17 process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the
18 United States, including [non-citizens], whether their presence here is lawful,
19 unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

20
21 34. Due process requires that government action be rational and non-arbitrary.
22 See *United States v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007). Due process also
23 requires notice and “the opportunity to be heard ‘at a meaningful time and in a
24 meaningful manner.’” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quoting
25 *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).
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35. Petitioner has a right as a matter of due process to a hearing before the respondents revoked his body. Consequently respondents' continued detention of petitioner is unlawful.

PRAYER FOR RELIEF

WHEREFORE petitioner prays for relief as follows in that this court:

- a. Assume jurisdiction in this matter;
- b. Issue an immediate order barring respondents from removing petitioner from the state of Washington, without notice to the court and approval by the court;
- c. Issue an order to show cause why this petition should not be granted within three (3) days.
- d. Declare that petitioner's continued detention, violates applicable regulations, the INA, and the Fourth and Fifth Amendments to the Constitution of the United States.
- e. Issue a writ of habeas corpus ordering respondents to release petitioner from custody.
- f. Award petitioner reasonable attorneys fees and costs under the Equal Access to Justice Act and any other statute applicable to this matter.

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1 g. Grant any further relief as the court may deem just and proper.

2 DATED this _____ day of March 2026

3
4 /s/ Michael T. Purcell

5 MICHAEL T. PURCELL

6 WSBA #20707

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