

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

Jefersson CASTILLO SANCHEZ, Mamadou
DIALLO, Mamudo DJALO, Lilibeth
HERNANDEZ ALARCON, Vladimir
IVANOV, Nelvin SERRANO RODRIGUEZ,
Jonny SUAREZ MORA, Daniel
VILLANUEVA RIOS,

Petitioners,

v.

Julio HERNANDEZ, Seattle Acting Field
Office Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement (ICE); Bruce SCOTT,
Warden, Northwest ICE Processing Center;
Markwayne MULLIN, United States Secretary
of Homeland Security; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; Pamela BONDI, United States
Attorney General;

Respondents.

Case No. 2:26-cv-1003

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

INTRODUCTION

1. This case challenges Respondents' unlawful re-detention of Petitioners Jefersson Castillo Sanchez, Mamadou Diallo, Mamudo Djalo, Lilibeth Hernandez Alarcon, Vladimir Ivanov, Nelvin Serrano Rodriguez, Jonny Suarez Mora, and Daniel Villanueva Rios. All eight Petitioners are currently in the physical custody of Respondents at the Northwest ICE Processing Center (NWIPC).

2. Each Petitioner was apprehended after entering the United States and released from immigration custody for the purpose of pursuing immigration relief. Since their releases, Petitioners have fulfilled their conditions of release to the best of their abilities, attended removal proceedings whenever scheduled, submitted applications, and built lives in the United States. None have convictions for violent offenses.

3. Despite Petitioners' compliance while released, each was abruptly and unlawfully re-detained by the Department of Homeland Security (DHS).

4. Prior to re-detaining Petitioners, Respondents did not provide any written notice explaining the basis for the revocation of their releases. Likewise, Respondents did not assess whether Petitioners presented a flight risk or danger to the community prior to their re-arrests. Nor did Respondents provide a hearing before a neutral decisionmaker, where Immigration and Customs Enforcement (ICE) was required to justify the basis for re-detention and to explain why each Petitioner is now a flight risk or danger to the community.

5. As this Court has recently held in multiple cases, due process demands a hearing prior to the government's decision to terminate a person's liberty. *See, e.g., E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1321–24 (W.D. Wash. 2025); *Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130, 1136–38 (W.D. Wash. 2025); *Ledesma Gonzalez v. Bostock*, 808 F. Supp. 3d

1 1189, 1201–03 (W.D. Wash. 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025
 2 WL 2677089, at *2–4 (W.D. Wash. Sept. 17, 2025); *Y.M.M. v. Wamsley*, No. 2:25-CV-02075-
 3 TMC, 2025 WL 3101782, at *2 (W.D. Wash. Nov. 6, 2025); *P.T. v. Hermosillo*, No. C25-2249-
 4 KKE, 2025 WL 3294988, at *4 (W.D. Wash. Nov. 26, 2025); *Francois v. Wamsley*, No. 2:25-cv-
 5 02122-RSM-GJL, 2025 WL 3496557, at *4 (W.D. Wash. Dec. 5, 2025); *Tomas Manuel v.*
 6 *Hermosillo*, No. C25-2353-TL-MLP, 2025 WL 3690778, at *3 (W.D. Wash. Dec. 10, 2025),
 7 *report and recommendation adopted*, No. C25-2353-TL-MLP, 2025 WL 3697277 (W.D. Wash.
 8 Dec. 19, 2025); *Cabrera Perez v. Hermosillo*, No. 2:25-cv-02542-RSM, 2026 WL 100735, at *6
 9 (W.D. Wash. Jan. 14, 2026); *Tsyamba v. Hermosillo*, No. 2:25-CV-02623-GJL, 2026 WL
 10 237514, at *4–7 (W.D. Wash. Jan. 29, 2026); *Shinwari v. Hermosillo*, No. 2:26-CV-00009-RAJ,
 11 2026 WL 262605, at *4 (W.D. Wash. Jan. 30, 2026); *Sarwari v. Wamsley*, No. 2:26-cv-00121-
 12 TL, 2026 WL 279968, at *3–6 (W.D. Wash. Feb. 3, 2026); *Arroyo Silva v. Hermosillo*, No. 2:26-
 13 cv-00179-GJL, 2026 WL 445003, at *5 (W.D. Wash. Feb. 17, 2026); *Arrijoa Blanco v.*
 14 *Hermosillo*, No. C26-493-MLP, 2026 WL 548056, at *3–4 (W.D. Wash. Feb. 27, 2026);
 15 *Caceres Banegas v. Hermosillo*, No. 2:26-cv-00499-TSZ, 2026 WL 586234, at *1–2 (Mar. 2,
 16 2026); *Ortiz v. Hermosillo*, No. 2:26-cv-00384-TL, 2026 WL 607672, at *5 (W.D. Wash. Mar. 4,
 17 2026); *Espinoza Palacios v. Hermosillo*, No. 2:26-cv-491-JNW, 2026 WL 686138, at *7 (W.D.
 18 Wash. Mar. 11, 2026); *Caisa Telenchana v. Hermosillo*, No. 2:26-cv-00363-GJL, 2026 WL
 19 696806, at *10–12 (W.D. Wash. Mar. 12, 2026). Many other courts have recently held the same.

20 6. By failing to provide such a hearing, Respondents have violated Petitioners’
 21 constitutional right to due process.

22 7. Accordingly, this Court should grant the instant petition for a writ of habeas
 23 corpus and order Petitioners’ immediate release. *See, e.g., E.A. T.-B*, 795 F. Supp. 3d at 1324

1 (ordering immediate release because “a post-deprivation hearing cannot serve as an adequate
2 procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of
3 liberty”); *Ramirez Tesara*, 800 F. Supp. 3d at 1138 (similar); *Kumar*, 2025 WL 2677089, at *3–4
4 (similar); *Ledesma Gonzalez*, 808 F. Supp. 3d at 1204 (similar); *Y.M.M.*, 2025 WL 3101782, at
5 *2–3 (similar); *P.T.*, 2025 WL 3294988, at *4 (similar).

6 8. Moreover, Respondents have now had over seven months’ notice that their
7 practice of re-detaining non-citizens without prior notice and a pre-deprivation hearing is
8 unlawful. *See, e.g., Ortiz v. Hermosillo*, 2026 WL 607672, at *5 (“Respondents have been on
9 notice in this District since at least August 19, 2025, that re-detaining individuals who originally
10 had been detained at the border and then released without notice and an opportunity to be heard
11 violates the Fifth Amendment’s Due Process clause.” (citing *E.A. T.-B.*, 795 F. Supp. 3d at
12 1324)).

13 9. In the time since, Respondents have continued to unlawfully re-detain individuals
14 like Petitioners without providing notice and without justifying the sudden revocation of liberty
15 before a neutral adjudicator. *See, e.g., id.* (collecting “at least ten” examples of similarly-situated
16 individuals who were unconstitutionally re-detained between October 2025 and December 2025
17 (citations omitted)); *Espinoza Palacios*, 2026 WL 686138, at *1–5 (ordering immediate release
18 for nine petitioners whom the court found had been unlawfully re-detained, including five who
19 had been re-detained without notice or hearing between December 2025 and January 2025);
20 *supra* ¶ 5 (citing cases collectively involving dozens of petitioners detained since the fall of
21 2025). Respondents’ ongoing and intentional failure to abide by the requirements of due process
22 demonstrate that even if the Court orders Petitioners’ release from their current unlawful
23 detention, Petitioners face a significant likelihood of similar violation of their rights in the future.

10. Accordingly, in addition to seeking immediate release, Petitioners also request that this Court enjoin Respondents from re-detaining them without notice and an opportunity to be heard on the basis for re-detention before a neutral decisionmaker.

JURISDICTION

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

12. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

13. 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.

VENUE

14. Venue is proper because all Petitioners are in Respondents' custody at the NWIPC in Tacoma, Washington. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Petitioners are currently in custody.

15. 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. § 2243

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

17. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination”).

PARTIES

18. Petitioner Jefersson Castillo Sanchez is a citizen of Venezuela. He is detained at the NWIPC.

19. Petitioner Mamadou Diallo is a citizen of Guinea. He is detained at the NWIPC.

20. Petitioner Mamudo Djalo is a citizen of Guinea Bissau. He is detained at the NWIPC.

21. Petitioner Lilibeth Hernandez Alarcon is a citizen of Colombia. She is detained at the NWIPC.

22. Petitioner Vladimir Ivanov is a citizen of Russia. He is detained at the NWIPC.

1 23. Petitioner Nelvin Serrano Rodriguez is a citizen of Venezuela. He is detained at
2 the NWIPC.

3 24. Petitioner Jonny Suarez Mora is a citizen of Venezuela. He is detained at the
4 NWIPC.

5 25. Petitioner Daniel Villanueva Rios is a citizen of Honduras. He is detained at the
6 NWIPC.

7 26. Respondent Julio Hernandez is the Acting Field Office Director for ICE's Seattle
8 Field Office. The Seattle Field Office is responsible for local custody decisions relating to
9 noncitizens charged with being removable from the United States. The Seattle Field Office's area
10 of responsibility includes Alaska, Oregon, and Washington. Respondent Hernandez is a legal
11 custodian of Petitioners and is sued in his official capacity.

12 27. Respondent Bruce Scott is employed by the private corporation The GEO Group,
13 Inc., as Warden of the NWIPC, where Petitioners are detained. He has immediate physical
14 custody of Petitioners. He is sued in his official capacity.

15 28. Respondent Markwayne Mullin is the United States Secretary of Homeland
16 Security and the head of the U.S. Department of Homeland Security. He is responsible for the
17 implementation and enforcement of the Immigration and Nationality Act (INA), and oversees
18 ICE, which is responsible for Petitioners' detention. Mr. Mullin has ultimate custodial authority
19 over Petitioners and is sued in his official capacity.

20 29. Respondent U.S. Department of Homeland Security (DHS) is the federal agency
21 responsible for implementing and enforcing the INA, including the detention and removal of
22 noncitizens.

1 30. Respondent Pamela Bondi is the Attorney General of the United States, and as
2 such has authority over the Department of Justice. She is sued in her official capacity.

3 **FACTUAL BACKGROUND**

4 **Petitioner Jefersson Castillo Sanchez**

5 31. Petitioner Jefersson Castillo Sanchez is a citizen of Venezuela who was forced to
6 leave his country due to political persecution. Castillo Sanchez Decl. ¶ 1. In June 2022, he
7 entered the United States near San Luis, Arizona, and was immediately detained by immigration
8 officials. *Id.* ¶ 2. He was held in immigration custody for three days and then was released on the
9 Intensive Supervision Appearance Program (ISAP). *Id.*

10 32. Mr. Castillo Sanchez began living in New Jersey and complied with all ISAP
11 requirements, including a home visit by ISAP officials. *Id.* In March 2023, Mr. Castillo Sanchez
12 reported for a check-in at an ICE field office, where he received a copy of an Order of Release
13 on Recognizance (OREC) and a Notice to Appear for removal proceedings. *Id.* An officer
14 informed Mr. Castillo Sanchez that he was no longer required to continue with ISAP and told
15 him to hand in the phone the ISAP officers had given him. *Id.* Mr. Castillo Sanchez was also
16 informed of an upcoming ICE check-in in March 2024 and an immigration court hearing in June
17 2026. *Id.*

18 33. Mr. Castillo Sanchez continued to comply with all requirements of his OREC to
19 the best of his ability. *Id.* ¶ 4. He understood these requirements included in-person check-ins
20 approximately every two months and phone check-ins with ICE every Friday. *Id.* In March 2024,
21 ICE informed him that he no longer had to check in, and that he only needed to attend his next
22 court hearing. *Id.*

1 34. Mr. Castillo Sanchez timely filed an application for asylum with the immigration
2 court in May 2023. *Id.* ¶ 5. He was approved for an Employment Authorization Document
3 (EAD), which he used to get a job as a truck driver, beginning in January 2025. *Id.* At a prior
4 check-in, Mr. Castillo Sanchez had asked an ICE officer whether he was subject to any
5 restrictions regarding travel within the United States, the officer had responded that there were
6 none. *Id.* As a result, Mr. Castillo Sanchez was not aware that he needed to inform ICE that his
7 job would require him to drive outside of the state of New Jersey. *Id.*

8 35. On January 13, 2026, Mr. Castillo Sanchez was pulled over by immigration
9 officers at a truck weigh station in Montana. *Id.* ¶ 6. The immigration officer asked for Mr.
10 Castillo Sanchez's identification, and he presented his EAD, social security card, and driver's
11 license and informed the officer that he had a pending asylum application. *Id.* Despite these
12 documents, Mr. Castillo Sanchez was arrested and re-detained without explanation. *Id.* He was
13 transported to a prison in Montana for a few days, and eventually transferred to NWIPC. *Id.* ¶ 8.

14 36. Mr. Castillo Sanchez has lost ten pounds in detention, experienced significant hair
15 loss, and has been unable to sleep. *Id.* He believes this is from the stress and anxiety of being
16 detained. *Id.* He is separated from his wife, his mother, his sister, and his nieces in New Jersey,
17 who all rely on him for support; since his re-detention, his nieces have been unable to continue
18 paying their school tuition. *Id.* ¶ 9. Prior to his re-detention, he was also an active member of his
19 church. *Id.* ¶ 3.

20 37. Mr. Castillo Sanchez has no criminal history. *Id.* ¶ 7.

21 38. Prior to Mr. Castillo Sanchez's re-arrest in January 2026, he did not receive
22 written notice of the reason for his re-detention.
23

1 39. Prior to Mr. Castillo Sanchez's re-arrest, ICE did not assess whether he presented
2 a flight risk or danger to the community.

3 40. Prior to Mr. Castillo Sanchez's re-arrest, he was not afforded a hearing before a
4 neutral decisionmaker to determine if his re-detention was justified.

5 **Petitioner Mamadou Diallo**

6 41. Petitioner Mamadou Diallo is a citizen of Guinea who was forced to flee his
7 country on account of his political opinion. Diallo Decl. ¶ 1. He entered the United States on or
8 around January 8, 2023, near Calexico, California, where he and a group of other asylum seekers
9 from Guinea presented themselves to immigration officials. *Id.* ¶ 2. Mr. Diallo was detained for
10 about one day, and then released on parole with instructions to apply for asylum and to report to
11 the ICE office in Portland, Oregon, where he intended to live. *Id.*

12 42. Mr. Diallo was placed in ISAP when he reported to the Portland ICE Field Office,
13 and thereafter complied with the requirements to the best of his ability. *Id.* ¶¶ 2–3. He attended
14 one in-person check-in as instructed. *Id.* After this, he was required to take one photo of himself
15 once a month, and had scheduled phone calls with ISAP officials every two months. *Id.* During
16 his phone call with ISAP around December 2025, Mr. Diallo was informed he was scheduled for
17 an in-person check-in at the Portland ICE office in March 2026. *Id.* He was never informed that
18 he was not in compliance with any conditions of his release. *Id.*

19 43. Mr. Diallo also complied with the next steps in his asylum process. *Id.* ¶ 4. With
20 the help of an attorney, he timely-filed an application for asylum in or around 2023, and was
21 later granted work authorization. *Id.* He attended a Master Calendar Hearing at the Portland
22 Immigration Court in February 2025, though the hearing ended up getting postponed. *Id.* Mr.
23 Diallo was waiting to receive a new hearing date from the immigration court. *Id.*

1 44. On January 4, 2026, ICE agents came to Mr. Diallo's apartment and said they
2 were looking for his roommate, Amadu Barri, who was not home at the time. *Id.* ¶ 6. A friend of
3 Mr. Barri's, Mamudo Djalo, was visiting from New York and also in the apartment. *Id.* Both Mr.
4 Diallo and the visitor, Mr. Djalo, presented their identification documents to the agents to prove
5 they were not Mr. Barri. *Id.* At the agents' request, Mr. Diallo contacted Mr. Barri, who quickly
6 responded that he was returning to the apartment. *Id.* Once Mr. Barri returned, the agents placed
7 him under arrest.¹ *Id.* The agents then informed Mr. Diallo and Mr. Djalo that they were taking
8 them both to an ICE office as well, to have GPS monitors placed on them. *Id.* ¶ 7. Mr. Diallo and
9 Mr. Djalo complied. *Id.*

10 45. At the ICE office, the two men were fingerprinted and then transported to the
11 NWIPC in Tacoma, Washington without explanation. *Id.* Mr. Diallo was never informed that he
12 had violated any of the conditions of his release, nor given the opportunity to speak to a lawyer
13 prior to his re-detention. *Id.*

14 46. Mr. Djalo's time in detention has negatively impacted his physical and mental
15 wellbeing. *Id.* ¶ 8. His cousin and aunt recently passed away, and he has been unable to grieve
16 with his family. *Id.* He has also been unable to observe his faith during the month of Ramadan.
17 *Id.*

18 47. Mr. Diallo has no criminal history. *Id.* ¶ 9

19 48. Prior to Mr. Diallo's re-arrest in January 2026, he did not receive written notice of
20 the reason for his re-detention.
21
22

23 ¹ This Court has determined that Mr. Barri's detention was unlawful under the Due Process Clause. *Arroyo Silva*, 2026 WL 445003, at *7 (ordering Mr. Barri's immediate release).

1 49. Prior to Mr. Diallo's re-arrest, ICE did not assess whether he presented a flight
2 risk or danger to the community.

3 50. Prior to Mr. Diallo's re-arrest, he was not afforded a hearing before a neutral
4 decisionmaker to determine if his re-detention was justified.

5 **Petitioner Mamudo Djalo**

6 44. Petitioner Mamudo Djalo is a citizen of Guinea-Bissau who was forced to leave
7 his country because of his political activities. Djalo Decl. ¶ 1. Mr. Djalo entered the United
8 States on March 11, 2023, near San Ysidro, California, and was taken into immigration custody
9 that same day. *Id.* ¶ 2. He was detained about four days and then released and enrolled in the
10 Alternatives to Detention (ATD) program. *Id.* At the time of his release, ICE gave Mr. Djalo a
11 cell phone and instructed him to send photos of himself twice a week. *Id.* He was not given any
12 in-person ICE check-in requirements. *See id.* ¶ 3.

13 45. Mr. Djalo moved to live with his sister in Bronx, New York and sent his twice
14 weekly photos as instructed. *Id.* ¶ 2. In 2023, Mr. Djalo went to the ICE office ahead of his first
15 immigration court hearing and officers had him return the phone. *Id.* The ICE officers did not
16 give Mr. Djalo any other documents at that time, and they did not request that he use his personal
17 phone to continue reporting. *Id.* He was not informed of any restrictions on his movement within
18 the United States. *Id.* ¶ 5.

19 46. Mr. Djalo also complied with the requirements of his removal proceedings. *Id.*
20 ¶ 3. He hired an attorney and attended an immigration court hearing with that attorney in August
21 2023. *Id.* The same attorney helped him file an asylum application within one year of his arrival
22 to the United States. *See id.* ¶¶ 2, 4. However, this attorney was subsequently suspended from
23 practice, and Mr. Djalo attended his second hearing in New York on his own in August 2024. *Id.*

¶ 3. The immigration judge granted Mr. Djalo more time to hire a new attorney, which he did. *Id.* Mr. Djalo's individual hearing was scheduled for June 2026. *Id.*

47. In New York, Mr. Djalo initially stayed with his sister, who is a lawful permanent resident; after she got married, he moved out to rent a room from a friend nearby. *See id.* ¶ 8. Due to his friend's disability, Mr. Djalo also helped care for his friend when an attendant was not available. *Id.* He remained close with his sister and his brother-in-law, and stayed in touch with his uncle, a U.S. citizen who also lived in the Bronx. *Id.* He found work as a food delivery driver and found a community at his mosque, where he attended services every Friday. *Id.*

48. Mr. Djalo has no criminal history. *Id.* ¶ 6.

49. In late 2025 or early 2026, Mr. Djalo traveled to Oregon to visit a friend, Amadu Barri, during the winter holidays. *Id.* ¶ 5. Mr. Djalo was at his friend's apartment when ICE agents came looking for Mr. Barri. *Id.* He readily provided his name and identification when asked. *Id.* Although Mr. Djalo had never received any notice of additional check-ins with ICE at his last appointment in 2023 or through his last court appearance in 2024, the agents informed Mr. Djalo that he had missed an ICE check-in. *See id.* ¶¶ 2–5.

50. The ICE officers transported Mr. Djalo to an ICE office but kept him in the vehicle for further questioning rather than take him into the building. *Id.* ¶ 5. Mr. Djalo was not provided a Portuguese interpreter; instead, an ICE officer wrote down a question in Spanish to inquire about his last court date. *Id.* Although Mr. Djalo responded that he went to court in 2024, he was not given a chance to ask questions about why he was being re-detained. *Id.*

51. He was later transferred to the NWIPC in Tacoma, Washington, where he remains. *Id.* ¶ 7.

1 52. Mr. Djalo experiences anxiety in detention being so far away from his sister and
2 her husband, who are expecting a child, as well as away from his uncle and his community in the
3 Bronx. *Id.* ¶¶ 7–8.

4 53. At Mr. Djalo’s last immigration hearing in Tacoma Immigration Court, the judge
5 granted the government’s motion to pretermitt his asylum application based on an Asylum
6 Cooperative Agreement. *Id.* ¶ 7. Although Mr. Djalo is from Guinea Bissau, *id.* ¶ 1, the
7 immigration judge ordered him removed to Uganda, *id.* ¶ 7. He is now preparing to appeal the
8 decision with help from his immigration attorney. *Id.* ¶ 7.

9 54. Prior to Mr. Djalo’s re-arrest in January 2026, he did not receive written notice of
10 the reason for his re-detention.

11 55. Prior to Mr. Djalo’s re-arrest, ICE did not assess whether he presented a flight risk
12 or danger to the community.

13 56. Prior to Mr. Djalo’s re-arrest, he was not afforded a hearing before a neutral
14 decisionmaker to determine if his re-detention was justified.

15 **Petitioner Lilibeth Hernandez Alarcon**

16 57. Petitioner Lilibeth Hernandez Alarcon is a citizen of Colombia who was twice
17 forced to flee her country due to [REDACTED]
18 [REDACTED] Hernandez Alarcon Decl. ¶¶ 1–4. She last entered the United States on
19 March 9, 2024 near Otay Mesa, California and was held in immigration custody near the border
20 for about three weeks. *Id.* ¶ 4. After she passed a credible fear interview, she was granted release
21 under DHS’s parole authority. *Id.* She was fitted with an ankle monitor and instructed to report to
22 ICE once she reached her destination within the United States. *Id.*

1 58. After moving to Florida, Ms. Hernandez Alarcon reported to her local ICE office,
2 where they replaced her ankle monitor with a watch and enrolled her in ISAP. *Id.* ¶ 4. After a
3 few months, she moved to Yakima, Washington, where her ISAP requirements consisted of
4 monthly in-person check-ins at the ISAP office, submission of weekly photos, and video calls a
5 few times a month. *Id.* ¶¶ 4–5.

6 59. Ms. Hernandez Alarcon complied with the requirements of her release to the best
7 of her ability, despite chronic technical issues with the ISAP application. *Id.* ¶¶ 5, 7. There were
8 occasions when she was unable to log into the application and other times that the application
9 would not allow her to send her weekly photo. *Id.* ¶ 7. Whenever these issues arose, Ms.
10 Hernandez Alarcon diligently reached out by phone call and text to her ISAP officer, Angelica,
11 in order to resolve the issues and ensure that her attempts at reporting were registered as soon as
12 possible. *Id.* ¶ 8. On three occasions in 2025, she went in person to the ISAP office to try to get
13 additional assistance, but the mobile application's problems persisted. *Id.* Despite these issues,
14 Ms. Hernandez Alarcon was careful to communicate with her ISAP officer about her desire to
15 meet her reporting requirements and dutifully followed all instructions through early January
16 2026. *Id.* ¶¶ 8–9. She was never told that she was out of compliance; her assigned officer
17 actually confirmed that all was well and she should continue following her requirements just as
18 she had been doing. *Id.* Ms. Hernandez Alarcon never missed any in-person check-ins. *Id.* ¶ 5.

19 60. Ms. Hernandez Alarcon also diligently complied with the requirements of her
20 immigration case. *Id.* ¶ 6. She timely filed her application for asylum, attended her initial hearing
21 at the immigration court, and submitted an application for employment authorization. *Id.* ¶ 6.

22 61. On January 2, 2026, Ms. Hernandez Alarcon's assigned officer called her and
23 instructed her to report to the Yakima ICE Field Office on January 7, 2026 and to bring all of her

1 documents. *Id.* ¶ 10. When she reported for that appointment, she was photographed,
2 fingerprinted, and then re-arrested. *Id.* At the time of her arrest, Ms. Hernandez Alarcon was told
3 that she was being re-detained because she lacked documents. *Id.* There was no mention or
4 allegation that she had violated any terms of her release. *Id.* She was not given any opportunity
5 to explain why she should not be arrested. *Id.*

6 62. Ms. Hernandez Alarcon was transferred to the NWIPC, where she remains
7 detained. *Id.* ¶ 12.

8 63. Ms. Hernandez Alarcon has no criminal history. *Id.* ¶ 11.

9 64. Prior to Ms. Hernandez Alarcon's re-arrest in January 2026, she did not receive
10 written notice of the reason for her re-detention.

11 65. Prior to Ms. Hernandez Alarcon's re-arrest, ICE did not assess whether she
12 presented a flight risk or danger to the community.

13 66. Prior to Ms. Hernandez Alarcon's re-arrest, she was not afforded a hearing before
14 a neutral decisionmaker to determine if her re-detention was justified.

15 **Petitioner Vladimir Ivanov**

16 67. Petitioner Vladimir Ivanov is a citizen of Russia who was forced to flee his
17 country due to persecution by the government for his political activism. Ivanov Decl. ¶ 2. He
18 entered the United States on or around October 29, 2022, near Yuma, Arizona. *Id.* ¶ 3. He was
19 detained for about a month in immigration custody near the border. *Id.* He was found to have a
20 credible fear of persecution and released on parole to pursue his asylum claim with the
21 immigration court. *See id.*

22 68. Upon his release, Mr. Ivanov traveled to Oregon to stay with a friend. *Id.*
23 Although ICE provided Mr. Ivanov's post-release instructions only in English, he was careful to

1 comply with them. *Id.* ¶¶ 3–4. At first, he was required to send photos of himself several times a
2 day through an application that was installed on a government-issued phone. *Id.* ¶ 4. He
3 complied, sending all required photos. *Id.* At his first in-person check-in at the Portland ICE
4 Field Office, the attending ICE officer took back the phone, updated his address, and scheduled
5 the next appointment for approximately three months later, in March 2023. *Id.* ¶ 5. Over the next
6 several years, Mr. Ivanov dutifully attended each check-in appointment as scheduled and notified
7 ICE whenever he changed his address. *See id.*

8 69. Mr. Ivanov also complied with all requirements in his immigration court process.
9 *Id.* ¶ 6. In 2023, he attended his first immigration court hearing in Portland and timely filed his
10 asylum application with the court. *Id.* He hired an attorney to represent him in his case and was
11 granted a valid employment authorization document. *Id.* The attorney also ensured that his
12 address was updated with the court whenever he moved. *Id.*

13 70. After receiving his employment authorization document, Mr. Ivanov also
14 obtained his driver's license and found work as a truck driver. *Id.* ¶ 7. When he was hired, his
15 employer told him that his driver's license was sufficient, so Mr. Ivanov was not aware that he
16 needed a commercial driver's license and did not obtain one. *Id.* He was also not aware of any
17 restriction on his travel outside of Oregon and accordingly drove to other states when the job
18 required it. *Id.* ¶ 6.

19 71. On January 14, 2025, Mr. Ivanov was arrested in Wisconsin for operating a motor
20 vehicle without a proper license. *Id.* ¶ 7. On that day, Mr. Ivanov had parked his work truck at a
21 gas station when another vehicle backed into his parked truck. *Id.* When the police arrived to
22 investigate the accident, Mr. Ivanov provided his driver's license and insurance. *Id.* After the
23 police weighed the truck, Mr. Ivanov was arrested. *Id.* He was later informed that he should have

1 obtained a commercial driver's license due to the weight of his vehicle. *Id.* He was briefly held at
2 the police station, released on bond, and scheduled for court in March 2025. *Id.*

3 72. After his arrest, Mr. Ivanov promptly quit his job to ensure that he did not further
4 violate the law by driving without a commercial driver's license. *Id.* ¶ 8. He found other jobs
5 driving smaller cars and then as a handyman. *Id.* He complied with the court proceedings for his
6 driving infraction, traveling back to Wisconsin for his hearing and eventually agreeing to plead
7 no contest to the charges on May 2, 2025. *Id.* He was fined about \$250 for the infraction and
8 immediately paid the full amount. *Id.*

9 73. On November 20, 2025, Mr. Ivanov reported for his regular ICE check-in and was
10 abruptly arrested. *Id.* ¶ 10. ICE officers brought him to a separate room where they searched him
11 and handcuffed him without explanation. *Id.* Mr. Ivanov repeatedly asked why he was being
12 arrested and the first few times he asked, the officers ignored him. *Id.* Eventually they told him it
13 was because he had driven a truck without permission, but they did not permit him to explain the
14 situation. *Id.*

15 74. He was eventually transported to the NWIPC in Tacoma, Washington, where he
16 remains detained. *Id.* ¶ 11. His asylum case was transferred from Portland to Tacoma, where his
17 application for asylum was denied. *See id.* ¶¶ 9, 11–12. He timely filed an appeal with the Board
18 of Immigration Appeals, which remains pending. *Id.* ¶ 12.

19 75. In detention, Mr. Ivanov suffers from frequent headaches. *Id.* ¶ 11. His requests
20 for medication were repeatedly denied until he finally went on a hunger strike out of desperation.
21 *Id.* He was finally given the medication he needed after three days of striking. *Id.*

22 76. Prior to Mr. Ivanov's re-arrest in November 2025, he did not receive written
23 notice of the reason for his re-detention.

1 77. Prior to Mr. Ivanov's re-arrest, ICE did not assess whether he presented a flight
2 risk or danger to the community.

3 78. Prior to Mr. Ivanov's re-arrest, he was not afforded a hearing before a neutral
4 decisionmaker to determine if his re-detention was justified.

5 **Petitioner Nelvin Serrano Rodriguez**

6 79. Petitioner Nelvin Serrano Rodriguez is a citizen of Venezuela who fled his
7 country due to persecution and death threats. Serrano Rodriguez Decl. ¶ 1. He entered the United
8 States on or around August 22, 2022 and turned himself in to Border Patrol officers to seek
9 asylum. *Id.* ¶ 2. He was held in DHS custody for approximately four days before he was released
10 from custody with an I-94. *Id.* He was issued a Notice to Appear and instructed to check in with
11 his local ICE field office in Richland, Washington, within three months of his release. *Id.*

12 80. Upon his release from detention, Mr. Serrano Rodriguez and his family settled in
13 Pasco, Washington, where he diligently complied with his release requirements. *See id.* ¶¶ 3, 15.
14 At his initial appointment with ICE, he was enrolled in ISAP. *Id.* ¶ 3. He downloaded the ISAP
15 application on his phone and was instructed to take weekly photos and to upload them upon
16 request every Wednesday. *Id.* ¶ 4. Mr. Serrano Rodriguez also had regular phone calls and home
17 visits about every two weeks. *See id.* ¶ 5. He made a concerted effort to meet these requirements,
18 and to his knowledge, he remained in compliance with his release obligations from his initial
19 release in 2022 until he was re-detained in 2026. *See id.* ¶¶ 3-5.

20 81. Mr. Serrano Rodriguez also diligently pursued his asylum claim. *Id.* ¶ 6. He
21 timely filed his asylum application in December 2022 and was later granted employment
22 authorization. *Id.* He also applied for and was granted Temporary Protected Status in 2024, and
23 renewed that status in 2025. *Id.* He has work authorization valid through 2030. *Id.*

1 82. After his work authorization was first approved in 2023, Mr. Serrano Rodriguez's
2 ISAP reporting requirements were modified, and he was no longer required to have home visits.
3 *Id.* ¶ 7. Instead, he attended in-person appointments at the ISAP office in Kennewick,
4 Washington. *Id.* The visits were monthly at first, and then reduced to quarterly. *Id.* To his
5 knowledge, he attended all of his appointments and complied with his reporting obligations. *Id.*

6 83. In Pasco, Mr. Serrano Rodriguez found work to support his wife and two children,
7 working first as a mechanic and then as a landscaper. *Id.* ¶ 15. He began attending Riverview
8 Church with his family, and established strong ties to his community. *Id.*

9 84. On one occasion in December 2024, Mr. Serrano Rodriguez traveled to Nevada
10 for a family vacation, unaware that he needed to notify ISAP before leaving the state. *Id.* ¶ 8.
11 When he completed his photo check-in from Nevada, his ISAP officer called him. *Id.* The ISAP
12 officer informed him that he needed to seek approval before traveling, and instructed him to
13 check in again when he returned home. *Id.* He did so without incident, and continued to have
14 check-ins throughout 2025 without any issues or any mention of non-compliance. *Id.*

15 85. On January 28, 2026, Mr. Serrano Rodriguez received instructions to report to his
16 local ICE office on February 18, 2026. *Id.* ¶ 10. When he reported on that date as instructed, he
17 was abruptly detained without explanation. *Id.* ¶ 11. Mr. Serrano Rodriguez asked why he was
18 being detained but the ICE officer refused to answer. *Id.* ¶ 12. While being arrested, Mr. Serrano
19 Rodriguez respectfully requested larger handcuffs to accommodate his large stature. *Id.* He also
20 asked the arresting officers to loosen the cuff on his right leg to accommodate the screws that
21 had been placed in his ankle following a surgery. *Id.* His requests were ignored, and the screw in
22 his ankle was damaged by the cuff. *Id.*

1 86. He was taken to the NWIPC in Tacoma, where he remains detained. *Id.* ¶ 13. In
2 detention, the damaged screw in his ankle is so painful that he is unable to walk and must rely on
3 a wheelchair. *Id.* In addition to these physical challenges, he struggles with the separation from
4 his wife and two children. *Id.* ¶ 14.

5 87. Mr. Serrano Rodriguez has no criminal history. *Id.* ¶ 9.

6 88. Prior to Mr. Serrano Rodriguez's re-arrest in February 2026, he did not receive
7 written notice of the reason for his re-detention.

8 89. Prior to Mr. Serrano Rodriguez's re-arrest, ICE did not assess whether he
9 presented a flight risk or danger to the community.

10 90. Prior to Mr. Serrano Rodriguez's re-arrest, he was not afforded a hearing before a
11 neutral decisionmaker to determine if his re-detention was justified.

12 **Petitioner Jonny Suarez Mora**

13 91. Petitioner Jonny Suarez Mora is a citizen of Venezuela who fled death threats in
14 his country. Suarez Mora Decl. ¶ 1. On March 24, 2024, Mr. Suarez Mora and his minor son
15 entered the United States via a CBP One appointment and were released on parole following a
16 few hours in immigration custody. *Id.* ¶ 2. Mr. Suarez Mora was instructed to attend his
17 immigration court proceedings and was not given further information about any conditions of his
18 release. *Id.*

19 92. After their release, Mr. Suarez Mora and his son went to Louisville, Kentucky and
20 later moved to Yakima, Washington in July 2025, where his sister lives. *See id.* ¶¶ 3, 10.

21 93. Mr. Suarez Mora also complied with his release to the best of his ability. *Id.* ¶ 4.
22 Although he updated his address with the immigration court, he was not aware of any separate
23 requirement to do so with ICE. *Id.* He filed his asylum application with the immigration court in

1 February 2025 and planned to hire an immigration attorney before his next court hearing,
2 scheduled for November 2027. *Id.* ¶¶ 5–6, 10.

3 94. Mr. Suarez Mora is the sole provider for his son, who attends elementary school
4 in Yakima, and has become an active member of their community. *Id.* ¶¶ 11–12. Since enrolling
5 his son in elementary school, Mr. Suarez Mora has attended a school conference as well as a
6 Christmas event held at his son’s school. *Id.* ¶ 12. He attended church once a week, *id.*, and
7 found work making deliveries for Door Dash, *see id.* ¶ 9.

8 95. Mr. Suarez Mora has no criminal history. *Id.* ¶ 8.

9 96. On December 25, 2025, Mr. Suarez Mora had just picked up a delivery order
10 from a Denny’s when he was re-detained by ICE outside the restaurant. *Id.* ¶ 9. The arresting
11 agents did not tell him why he was being re-arrested, did not give him any documents, or provide
12 him with an opportunity to explain his situation prior to his arrest. *See id.*

13 97. Mr. Suarez Mora was eventually taken to the NWIPC in Tacoma, Washington,
14 where he remains. *Id.* ¶ 10. He was not given a copy of his Form I-213 until January 2026, weeks
15 after his re-arrest. *Id.*

16 98. Since being re-detained, Mr. Suarez Mora has yet to have a court hearing in
17 Tacoma. *Id.*

18 99. Mr. Suarez Mora has also suffered from depression and anxiety since being re-
19 detained and separated from his son, who is ten years old. *Id.* ¶¶ 11, 13. His son is now in the
20 care of Mr. Suarez Mora’s sister but has been asking about when his father will return. *Id.* ¶ 13.

21 100. Prior to Mr. Suarez Mora’s re-arrest in December 2025, he did not receive written
22 notice of the reason for his re-detention.
23

1 101. Prior to Mr. Suarez Mora's re-arrest, ICE did not assess whether he presented a
2 flight risk or danger to the community.

3 102. Prior to Mr. Suarez Mora's re-arrest, he was not afforded a hearing before a
4 neutral decisionmaker to determine if his re-detention was justified.

5 **Petitioner Daniel Villanueva Rios**

6 103. Petitioner Daniel Villanueva Rios is a citizen of Honduras who seeks asylum in
7 the United States due to [REDACTED] Villanueva Rios
8 Decl. ¶¶ 1–2.

9 104. He entered the United States on May 2, 2021. *Id.* ¶ 2. Due to the violence he
10 experienced en route to the United States and afraid of apprehension by Mexican authorities, Mr.
11 Villanueva Rios ran across the border near San Ysidro to ask for protection from the American
12 immigration agents. *Id.* In his fear, he accidentally ran into an immigration officer and was
13 subsequently sentenced to six months for this incident. *See id.* After completing his sentence, Mr.
14 Villanueva Rios was transferred to an immigration detention center and held for a few days
15 before passing a credible fear interview. *Id.* He was released to continue proceedings in
16 immigration court. *See id.*

17 105. Mr. Villanueva Rios moved to Burien, Washington, to live with his then-partner,
18 Oliver Lara Medina, and later moved to Tukwila. *See id.* ¶ 3. He complied with the steps of his
19 immigration case, timely filing his asylum application with the Seattle Immigration Court in
20 April 2022, *id.* ¶ 3, and receiving his work authorization, *id.* ¶ 4.

21 106. Mr. Villanueva Rios also complied with the requirements of his release to the best
22 of his ability. *Id.* ¶ 3. He maintained his ankle monitor and kept the battery charged, and likewise
23 reported an hour early for each of his scheduled in-person appointments with ISAP. *Id.* ¶ 4.

1 107. He also stayed in touch with ISAP in the event of any issues. *See id.* ¶ 4. On one
2 occasion when his ankle monitor was damaged while at work, Mr. Villanueva Rios immediately
3 requested permission to leave work to go to the ISAP office. *Id.* He consequently had the ankle
4 monitor replaced that same day and was told that the one-time accident would not be recorded as
5 a violation. *Id.*

6 108. Mr. Villanueva Rios did his best to follow the law while waiting for his asylum
7 application. *Id.* ¶ 5. But on May 12, 2025, he and [REDACTED] were stopped
8 by police officers while pulled over to check for directions on GPS. *Id.* ¶ 6. Although Mr. Lara
9 Medina passed a field sobriety test, the officers placed both of the men under arrest, claiming
10 that Mr. Villanueva Rios had assaulted his partner and charging him with fourth degree assault.
11 *Id.* These allegations were incorrect and the charges were dropped by December 3, 2025. *Id.*
12 Aside from this pretextual arrest, Mr. Villanueva Rios had no contact with law enforcement. *Id.*
13 ¶ 5.

14 109. On October 25, 2025, Mr. Villanueva Rios and Mr. Lara Medina got married after
15 four years together. *Id.* ¶ 7. Mr. Villanueva Rios immediately shared the happy news with his
16 immigration lawyer and brought copies of his marriage certificate to his very next ISAP
17 appointment in November 2025. *Id.* He was careful to always communicate with ISAP about any
18 developments in his case, as he was very aware of the danger awaiting him in Honduras, where
19 [REDACTED] without fearing for their lives. *See id.*

20 110. Also in November 2025, Mr. Villanueva Rios' individual hearing in Seattle
21 Immigration Court was rescheduled to February 2028. *Id.* ¶ 8.

22 111. On January 13, 2026, Mr. Villanueva Rios arrived early for his scheduled ISAP
23 appointment but waited until the afternoon to be seen. *Id.* ¶ 9. When he was called into the back

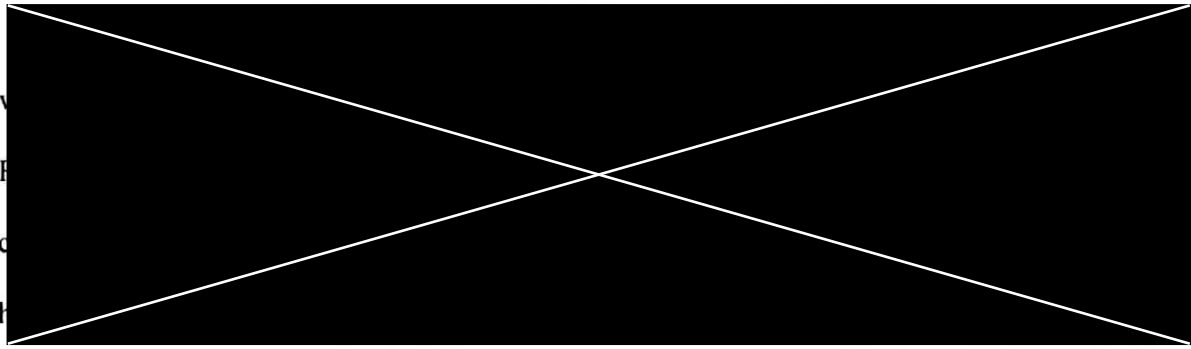
1 office, he was met by three English-speaking officers who only called an interpreter at his
2 request. *Id.* Through the interpreter, the officers informed Mr. Villanueva Rios that the officers
3 were ICE agents and that he was under arrest. *Id.* Mr. Villanueva Rios was taken into an ICE
4 vehicle and transported to the Tukwila ICE Field Office. *Id.*

5 112. At the ICE office, Mr. Villanueva Rios again had to ask for an interpreter. *Id.*
6 Once an interpreter was on the phone, the officers informed him that they wanted him to sign
7 some papers and became angry when Mr. Villanueva Rios requested to first go over the
8 documents with his attorney. *Id.* Although Mr. Villanueva Rios asked for the reason for his re-
9 arrest, the officers only informed him that if he did not sign the papers, they would not tell him
10 anything about his own case. *Id.*

11 113. Mr. Villanueva Rios was not asked about his marital status nor his health status.
12 *Id.* ¶ 11. None of the officers claimed that he had violated any terms of his release. *Id.*

13 114. Mr. Villanueva Rios was eventually transported to the NWIPC in Tacoma, where
14 he remains. *See id.* ¶¶ 12, 17.

15 115. Prior to his re-detention, Mr. Villanueva Rios was attending therapy and taking
16 medication for his anxiety and depression. *Id.* ¶ 12. Although medical staff have since confirmed
17 his diagnosis of Post-Traumatic Stress Disorder (PTSD), they have claimed that they are unable
18 to prescribe medication for his condition. *Id.* The staff responsible for taking Mr. Villanueva
19 Rios to a prescribing specialist erroneously marked him as refusing medication and deliberately
20 returned him to his cell rather than take him to his appointment with a specialist. *Id.* He has since
21 been informed that he cannot see another prescribing specialist until April. *Id.* In response to Mr.
22 Villanueva Rios' self-advocacy, he was finally given a medication for anxiety that has caused
23 severe and adverse side effects. *Id.*



117. Mr. Villanueva Rios remains gravely afraid for his life in Honduras. *See id.* ¶ 17.



Id. On March 20, 2026, an immigration judge denied asylum for Mr. Villanueva Rios. He intends to appeal this decision.

See id.

118. Prior to Mr. Villanueva Rios' re-arrest in January 2026, he did not receive written notice of the reason for his re-detention.

119. Prior to Mr. Villanueva Rios' re-arrest, ICE did not assess whether he presented a flight risk or danger to the community.

120. Prior to Mr. Villanueva Rios' re-arrest, he was not afforded a hearing before a neutral decisionmaker to determine if his re-detention was justified.

LEGAL FRAMEWORK

121. Due process requires that if DHS seeks to re-arrest a person like Mr. Castillo Sanchez, Mr. Diallo, Mr. Djalo, Ms. Hernandez Alarcon, Mr. Ivanov, Mr. Serrano Rodriguez, Mr. Suarez Mora, or Mr. Villanueva Rios—individuals who were released and attending to immigration court dates or pending applications for relief, had lived in the United States without major incident after their initial release, and have otherwise complied with the steps of their immigration processes—the government must afford a hearing before a neutral decisionmaker to

1 determine whether any re-detention is justified because the person is a flight risk or danger to the
2 community.

3 122. “Freedom from imprisonment—from government custody, detention, or other
4 forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”
5 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the
6 most elemental of liberty interests.” *E.A. T.-B.*, 795 F. Supp. 3d at 1321 (citation modified); *see*
7 *also Ramirez Tesara*, 800 F. Supp. 3d at 1136 (stating that the petitioner had “an exceptionally
8 strong interest in freedom from physical confinement”).

9 123. Consistent with this principle, individuals released on parole or other forms of
10 conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408
11 U.S. 471, 482 (1972).

12 124. Such liberty is protected by the Fifth Amendment because, “although
13 indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to
14 be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the
15 [released individual] and often on others.” *Id.*

16 125. To protect against arbitrary re-detention and to ensure the right to liberty, due
17 process requires “adequate procedural protections” that test whether the government’s asserted
18 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
19 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

20 126. Due process thus guarantees notice and an individualized hearing before a neutral
21 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
22 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
23 is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation

1 modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to
2 determine whether there is probable cause or reasonable ground to believe that the arrested
3 parolee has committed . . . a violation of parole conditions” and that such determination be made
4 “by someone not directly involved in the case” (citation modified)).

5 127. Several courts, including this one, have recognized that these principles apply
6 with respect to the re-detention of the many noncitizens that DHS has arbitrarily begun taking
7 back into custody, often after such persons have been released for months and years.

8 128. For example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*, 424 U.S.
9 319 (1976), framework to hold that even in a case where the government asserted that mandatory
10 detention initially applied, a person’s re-detention could not occur absent a hearing. The Court
11 did the same in *Ramirez Tesara, Kumar, Ledesma Gonzalez*, and several other cases since those
12 decision. *See Ramirez Tesara*, 800 F. Supp. at 1136–37; *Kumar*, 2025 WL 2677089, at *2–3;
13 *Ledesma Gonzalez*, 808 F. Supp. 3d at 1196, 1201–03.

14 129. In applying the three *Mathews* factors, the *E.A. T.-B.* court held that the petitioner
15 had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” 795 F. Supp. 3d
16 at 1321, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The
17 Court further explained that even if detention was mandatory, the risk of erroneous deprivation
18 of liberty without a hearing was high because a hearing serves to ensure that the purposes of
19 detention—the prevention of danger and flight risk—are properly served. *Id.* at 1322–23. Finally,
20 the Court explained that “the Government’s interest in re-detaining non-citizens previously
21 released without a hearing is low: although it would have required the expenditure of finite
22 resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before
23 arresting and re-detaining him, those costs are far outweighed by the risk of erroneous

1 deprivation of the liberty interest at issue.” *Id.* at 1324. As a result, this Court ordered the
2 petitioner’s immediate release. *Id.*

3 130. This Court applied a similar analysis in *Ramirez Tesara*. In granting the
4 petitioner’s motion for a temporary restraining order, the Court reasoned that the petitioner had a
5 “weighty” interest in his liberty and was entitled to the “full protections of the due process
6 clause.” 800 F. Supp. 3d at 1136. When examining the value of additional safeguards, the Court
7 also noted that despite the government’s allegations of ISAP violations, “the fact ‘that the
8 Government may believe it has a valid reason to detain Petitioner does not eliminate its
9 obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at 1137
10 (quoting *E.A. T.-B.*, 795 F. Supp. 3d at 1322). Finally, the Court reasoned that any government
11 interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the Court
12 ordered the petitioner’s immediate release. *Id.* at 1138.

13 131. This Court has repeatedly reached the same conclusion in a series of cases since
14 *E.A.T.B.* and *Ramirez Tesara*. See, e.g., *Kumar*, 2025 WL 2677089, at *3–4; *Ledesma Gonzalez*,
15 808 F. Supp. 3d at 1201–04; *Y.M.M.*, 2025 WL 3101782, at *2; *P.T.*, 2025 WL 3294988, at *2–
16 4; *Francois*, 2025 WL 3496557, at *3–4; *Cabrera Perez*, 2026 WL 100735, at *5–6; *Ramirez*
17 *Tesara v. Wamsley*, No. C25-1723-KKE-TLF, 2025 WL 3288295 (W.D. Wash. Nov. 25, 2025)
18 (granting writ of habeas corpus); *P.T.*, 2025 WL 3294988, at *2–4; *Tomas Manuel*, 2025 WL
19 3690778, at *3–4, *report and recommendation adopted*, 2025 WL 3697277; *Cabrera Perez*,
20 2026 WL 100735, at *6; *Tsyamba*, 2026 WL 237514, at *4–6; *Shinwari*, 2026 WL 262605, at
21 *3–4; *Arroyo Silva*, 2026 WL 445003, at *4–5; *Arrioja Blanco*, 2026 WL 548056, at *3–4;
22 *Espinoza Palacios*, 2026 WL 686138, at *6–9; *Caisa Telenchana*, 2026 WL 696806, at *10–12 .
23

1 132. This Court’s decisions are consistent with many other district court decisions
2 addressing similar situations. *See, e.g., Valdez v. Joyce*, 803 F. Supp. 3d 213 (S.D.N.Y. June 18,
3 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Garro Pinchi v.*
4 *Noem*, 792 F. Supp. 3d 1025 (N.D. Cal. 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946
5 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-
6 CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar). The same
7 framework and principles apply here and compel the immediate release of all Petitioners.

8 133. In ordering the immediate release of similarly situated petitioners, courts have
9 also enjoined the government from re-detaining them without providing constitutionally
10 adequate procedures. *See, e.g., Ramirez Tesara*, 2025 WL 3288295, at *6 (ordering that the
11 petitioner “cannot be re-detained until after a hearing (with adequate notice) on his alleged parole
12 violations”); *P.T.*, 2025 WL 3294988, at *4 (ordering that government could not re-detain the
13 petitioner absent “a hearing . . . (with adequate notice) to determine whether detention is
14 appropriate”); *Francois*, 2025 WL 3496557, at *4 (similar); *Cabrera Perez*, 2026 WL 100735, at
15 *6 (similar); *Shinwari*, 2026 WL 262605, at *4 (similar); *Sarwari*, 2026 WL 279968, at *8
16 (similar); *Arroyo Silva*, 2026 WL 445003, at *7 (similar); *Arrioja Blanco*, No. 2026 WL 548056,
17 at *4 (similar); *Ortiz*, 2026 WL 607672, at *7 (similar); *Espinoza Palacios*, 2026 WL 686138, at
18 *11; *Caisa Telenchana* 2026 WL 696806, at *15 (similar).

19 134. This Court has recognized that such an injunctive remedy is squarely within its
20 habeas authority to “fashion appropriate relief other than immediate release.” *Arroyo Silva*, 2026
21 WL 445003, at *6 (quoting *Preiser v. Rodriguez*, 411 U.S. 475, 487 (1973)). The Court has
22 further explained that “[w]here a petitioner demonstrates a cognizable danger of repeated
23

1 unlawful detention, permanent injunctive relief falls within the breadth and flexibility inherent in
2 habeas equitable powers.” *Id.* (citing *Cummings v. Connell*, 316 F.3d 886, 897 (9th Cir. 2003)).

3 135. As this Court has repeatedly recognized in enjoining further unlawful detentions,
4 *see supra* ¶ 133, Petitioners satisfy the test for issuing permanent injunctive from *eBay Inc. v.*
5 *MercExchange, L.L.C.*, 547 U.S. 388 (2006). Under *eBay*, a party “seeking a permanent
6 injunction must demonstrate (1) that he has suffered an irreparable injury; (2) that remedies
7 available at law, such as monetary damages, are inadequate to compensate for that injury; (3)
8 that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity
9 is warranted; and (4) that the public interest would not be disserved by a permanent injunction.”
10 547 U.S. at 391.

11 136. Here, an order prohibiting Petitioners’ re-detention without notice and a hearing is
12 warranted because Petitioners, if released, will remain subject to similar conditions and are likely
13 to face arbitrary re-detention again. *See Nielsen v. Preap*, 586 U.S. 392, 403 (2019) (explaining
14 that a live controversy remained where permanent injunctive relief had not been entered because
15 the detained “individuals faced the threat of re-arrest and mandatory detention” absent such
16 relief); *see also supra* ¶ 5 (collecting non-exhaustive list of orders from this District finding that
17 Respondents re-detained individuals without adequate notice and pre-deprivation hearing in over
18 60 instances); *supra* ¶¶ 8–9 (demonstrating that Respondents have continued re-detaining
19 individuals without such procedural safeguards for nearly seven months since first receiving
20 notice that this practice fails to comport with due process); *Ortiz*, 2026 WL 607672, at *5
21 (“[T]he Court finds that Petitioner’s circumstances, in conjunction with the history of habeas
22 orders in this District (and, indeed, nationwide), support Petitioner’s assertion that there exists
23

1 some cognizable danger of recurrent violation, and not simply a mere possibility his rights could
2 be violated in a similar way yet again.”).

3 137. Recognizing this fact, in *Espinoza Palacios* and *Ortiz*, this Court specifically
4 applied the *eBay* factors to issue permanent injunctive relief. First, the Court found that
5 individuals who were already unconstitutionally detained without process had suffered
6 irreparable harm that was “likely to continue or recur absent injunctive relief to protect against
7 further constitutional violations.” *Espinoza Palacios*, 2026 WL 686138, at *10; *see also Ortiz*,
8 2026 WL 607672, at *6 (“It is well established that the deprivation of constitutional rights
9 ‘unquestionably constitutes irreparable injury.’ (quoting *Hernandez v. Sessions*, 872 F.3d 976,
10 994 (9th Cir. 2017))). As detailed above, this is particularly true because in this district alone,
11 Respondents have continued to unlawfully detain hundreds of people like Petitioners for months
12 in the face of established caselaw demonstrating such detentions are unlawful. Second and third,
13 the Court explained that “monetary damages are inadequate to remedy the deprivation of
14 liberty . . . and requiring the Government to follow constitutional procedures imposes no undue
15 hardship.” *Espinoza Palacios*, 2026 WL 686138, at *10. Fourth, “the public interest favors
16 compliance with the law.” *Id.* On this last factor, the *Ortiz* court similarly reasoned that “despite
17 multiple court orders releasing petitioners for being re-detained in violation of due process,”
18 “Respondents’ re-detention procedures [have violated] also the rights of many other similarly
19 situate[ed] petitioners in this District.” 2026 WL 607672, at *6. “Ordering Respondents to not re-
20 detain noncitizens without due process does not create a disservice to the greater public; in fact,
21 it reinforces constitutional rights.” *Id.* (citations omitted).

22 138. The same logic applies here, where Petitioners have suffered similar irreparable
23 harm, have endured a constitutional violation that would not be remedied by monetary damages,

1 and request an injunctive remedy that merely requires Respondents to adhere to the law in the
2 future.

3 **CLAIM FOR RELIEF**
4 **Violation of Fifth Amendment Right to Due Process**
5 **Procedural Due Process**

6 139. Petitioners restate and reallege all the prior paragraphs as if fully set forth herein.

7 140. Due process does not permit the government to re-detain Petitioners and strip
8 them of their liberty without written notice and a pre-deprivation hearing before a neutral
9 decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See*
10 *Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur *prior* to any re-

11 141. Respondents revoked Petitioners' releases and deprived them of liberty without
12 providing written notice and a meaningful opportunity to be heard by a neutral decisionmaker
13 prior to their re-detention.

14 142. Accordingly, Petitioners' re-detention violates the Due Process Clause of the Fifth
15 Amendment.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Petitioners respectfully request that this Court:

18 (1) Assume jurisdiction over this matter;

19 (2) Require Respondents to show cause within fourteen days of this Petition's filing as to
20 why this Petition should not be granted as required by 28 U.S.C. § 2243, and
21 permitting Petitioners to file a traverse within five days of Respondents' return, *see*
22 W.D. Wash. Gen. Order No. 10-25 & App. A;

- (3) Issue an Order that prohibits Respondents from transferring Petitioners out of this district during the pendency of the court's adjudication of this petition, or, alternatively, orders Respondents to notify Petitioners and their habeas counsel in advance of any transfer or removal, *see* W.D. Wash. Gen. Order No. 10-25 & App. A;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioners from custody immediately and permanently enjoining their re-detention during the pendency of their removal proceeding absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that each Petitioner is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks;
- (5) Order that upon Petitioners' release, Respondents must return to Petitioners any personal property, including personal identification documents (other than a passport) and employment authorization documents;
- (6) Declare that the re-detention of Petitioners while removal proceedings are ongoing without first providing an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;
- (7) Award Petitioners attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (8) Grant any further relief this Court deems just and proper.

Respectfully submitted this 24th day of March, 2026.

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