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DETAINED

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON**

CRISTIAN ALEXIS MORAN CORADO;

Petitioner,

v.

Pamela BONDI, United States Attorney
General;
Markwayne MULLIN, Secretary of U.S.
Department of Homeland Security;
Todd LYONS, Acting Director, U.S.
Immigration and Customs Enforcements;
Julio HERNANDEZ, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
Bruce SCOTT, Warden, Northwest ICE
Processing Center;

Respondents.

Case No.: 26-cv-1081

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

Alien Registration Number:



PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This case challenges the unlawful re-detention of Petitioner Cristian Alexis Moran Corado, a native and citizen of Guatemala, who is currently being held in detention at the Northwest ICE Processing Center (NWIPC) by U.S. Immigration and Citizenship Enforcement (ICE).

2. Petitioner seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 because his release on an Order of Recognizance was revoked in violation of Due Process.

3. Petitioner last entered the United States as a minor on or around May 24, 2019. He and his family were released on an Order of Recognizance (OREC) on May 26, 2019.

4. On September 16, 2022, removal proceedings were terminated as a matter of prosecutorial discretion following an unopposed motion by the Department of Homeland Security (DHS).

5. On January 31, 2026, Petitioner was abruptly and unlawfully re-detained by DHS in Anchorage, Alaska. He was transported to the NWIPC in Tacoma, Washington, where he remains.

6. Prior to re-detaining Petitioner, Respondents did not provide any written notice explaining the basis for the revocation of his release. Likewise, Respondents did not assess whether he presented a flight risk or danger to the community prior to his re-arrest and re-detention. Nor did Respondents provide a hearing before a neutral decisionmaker, where ICE was required to justify the basis for re-detention or to explain why Petitioner is a flight risk or danger to the community.

7. This Court has recently held in multiple cases that due process demands a hearing *prior* to the government's decision to terminate a person's liberty. *See Bello Chacon v. Hermosillo*, No. 2:25-cv-02299-TMC, 2025 WL 3562666, at *4 (W.D. Wash. Dec. 12, 2025); *E.A. T.-B. v. Wamsley*, 795 F. Supp. 3d 1316 (W.D. Wash. 2025); *Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130 (W.D. Wash. 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D. Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025). Many other courts have held the same.

8. Even when an individual is re-arrested due to alleged violations of their order of release, it is a due process violation for ICE to re-arrest and re-detain an individual without providing notice of the violations and an opportunity to be heard. *Singh v. Noem*, No. 2:26-CV-00079-DGE, 2026

1 WL 265670, at *5 (W.D. Wash. Feb. 2, 2026); *Petrov v. Hermosillo*, C25-2647-KKE, 2026 U.S.
 2 Dist. LEXIS 7557, at *3 (W.D. Wash. Jan. 14, 2026). This is especially true when re-arrest is
 3 based solely on an old investigative report for which the Petitioner was never arrested and never
 4 criminally charged. *C.A.R.V. v. Wofford*, No. 1:25-CV-01395 JLT SKO, 2025 WL 3059549, at
 5 *10 (E.D. Cal. Nov. 3, 2025); *Arzate v. Andrews*, No. 1:25-CV-00942-KES-SKO (HC), 2025 WL
 6 2411010, at *4 n.2, *6, *8 (E.D. Cal. Aug. 20, 2025); *Doe v. Noem*, 781 F. Supp. 3d 1055, 1070
 7 (E.D. Cal. 2025) (“public safety is not jeopardized because plaintiff has no criminal convictions
 8 and has never even been charged with a crime”). Further, any factual disputes regarding alleged
 9 violations of release conditions “must be adjudicated at a pre-deprivation hearing and they do not
 10 extinguish the liberty interest that grew when Respondents” permitted an individual to develop
 11 life outside of custody. *Rodriguez Diaz v. Kaiser*, No. 25-cv-05071-TLT, 2025 WL 3011852, at
 12 *10 (N.D. Cal. Sep. 16, 2025).

13 9. By failing to provide any sort of pre-deprivation hearing, Respondents have violated
 14 Petitioner’s constitutional right to due process. Given the clarity of the legal issue in this case and
 15 the sheer number of cases upholding this principle; the court should grant the instant petition for
 16 a writ of habeas corpus and order Petitioner’s immediate release. *See E.A. T.-B.*, 795 F. Supp. 3d
 17 at 1324 (ordering immediate release because “a post-deprivation hearing cannot serve as an
 18 adequate procedural safeguard because it is after the fact and cannot prevent an erroneous
 19 deprivation of liberty”); *Ramirez Tesara*, 800 F. Supp. 3d at 1138–39 (similar); *Kumar*, 2025 WL
 20 2677089, at *3–4 (similar).

21 PARTIES

22 10. Petitioner Cristian Alexis Moran Corado is a native and citizen of Guatemala who is
 23 presently detained at the Northwest ICE Processing Center in Tacoma, Washington.

11. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as her designees.

12. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the U.S. Department of Homeland Security. He is the cabinet-level secretary responsible for all immigration enforcement in the United States and has ultimate custodial authority over Petitioner.

13. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. He is the head of the federal agency responsible for all immigration enforcement in the United States.

14. Respondent Julio Hernandez is sued in his official capacity as Acting Field Office Director for the Seattle office of Immigration and Customs Enforcement, an agency of the Department of Homeland Security. He is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including detentions, enforcement, and removal operations. He is the immediate legal custodian of the petitioner for purposes of a federal habeas petition.

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

JURISDICTION

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

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

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

VENUE

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

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

21. The Seattle sub office maintains jurisdiction of

FACTUAL BACKGROUND

22. Petitioner Cristian Alexis Moran Corado is a 23-year-old citizen and national of Guatemala who is currently being held in detention at the NWIPC by ICE.

23. Petitioner last entered the United States as a minor on or around May 24, 2019.

24. On May 26, 2019, Petitioner and his family members were released on an OREC specifying the conditions of his release.

25. On September 16, 2022, removal proceedings were terminated as a matter of prosecutorial discretion. An unopposed motion by the Department of Homeland Security (DHS) was granted by the Immigration Court in Portland, OR, which has jurisdiction over residents of Alaska.

1 26. In December 2025, ICE became aware of a 2023 report from the Office of Child Services
2 (OCS) questioning whether the Petitioner was having sexual relations with his girlfriend, who
3 turned 18 in December 2025. Anchorage Police Department and OCS investigated and
4 determined they were not sexually active. The matter was closed, and no charges were ever filed.
5 Nonetheless, ICE Enforcement and Removal Operations (ERO) relied on the report to place the
6 Petitioner back into immigration proceedings.

7 27. On January 31, 2026, ICE officers surveilled the Petitioner's home in Anchorage, Alaska.
8 They followed the Petitioner three miles to a Fred Meyers parking lot, where he was abruptly and
9 unlawfully re-detained and transported to the NWIPC. He was never provided with an opportunity
10 to confront the allegations against him nor was he provided with a

11 28. On February 20, 2026, Immigration Judge John Odell found in a custody redetermination
12 proceeding that Petitioner was not a *Rodriguez-Vasquez* or a *Maldonado-Bautista* class member
13 because he was apprehended by Border Patrol within 24 hours of his last entry into the US and
14 later paroled. IJ Odell denied bond and ordered Mr. Moran Corado to be subject to mandatory
15 detention under *Matter of Q. Li*.

16 29. On March 4, 2026, Petitioner attended a first master calendar hearing where Petitioner's
17 counsel requested more time to obtain additional corroborating evidence. A second master
18 calendar hearing was held March 18, 2026.

19 30. Mr. Moran Corado is scheduled for an individual hearing before IJ Odell on April 10, 2026.

20 31. Prior to Petitioner's re-detention, he did not receive written notice of the reasons for his re-
21 detention.

22 32. Prior to Petitioner's re-detention, ICE did not assess whether he presented a flight risk or
23 danger to the community.

33. Prior to Petitioner's re-detention, he never received a hearing before a neutral decisionmaker to determine if his re-detention is justified.

MEMORANDUM OF LAW

Due Process Principles

34. Due process requires that if DHS seeks to re-arrest a person who has previously been released on parole, the government must afford a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether they are a flight risk or danger to the community.

35. "Procedural due process imposes constraints on governmental decisions which deprive individuals of 'liberty' or 'property' interests within the meaning of the Due Process Clause of the Fifth or Fourteenth Amendment." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). "The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Id.* at 333 (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

36. The Ninth Circuit assumed without deciding that *Mathews'* three-part test applies in "the immigration detention context." *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206-07 (9th Cir. 2022). Under that test, a court must consider:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

Mathews, 424 U.S. at 335.

37. District courts, including this Court, have applied the *Mathews* test in similar circumstances to Petitioner’s case—cases in which DHS has taken an individual back into custody, often after they have been released for months or years. *See e.g., Petrov*, 2026 U.S. Dist. LEXIS 7557, at *5; *E.A. T.-B.*, 795 F. Supp. 3d at 1320–24; *Ramirez Tesara*, 800 F. Supp. 3d at 1135–37; *Kumar*, 2025 WL 2677089, at *2–3; *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1033 (N.D. Cal. 2025).

38. Applying the *Mathews* factors, courts have consistently found that individuals’ “liberty interest in [continued] release from custody is entitled to constitutional protections of due process” and that when individuals receive no process related to re-detention, constitutional rights are violated. *Petrov*, 2026 U.S. Dist. LEXIS 7557, at *9; *see also E.A. T.-B.*, 795 F. Supp. 3d at 1324 (ordering petitioner’s immediate release after weighing the *Mathews* factors); *Ramirez Tesara*, 800 F. Supp. 3d at 1135–37 (noting that despite the government’s allegations of ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.’”); *Kumar*, 2025 WL 2677089, at *3–4 (holding that all three *Mathews* factors weighed in favor of affording the petitioner a hearing).

39. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). An individual’s interest in not being detained is “the most elemental of liberty interests[.]” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty,” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972), because the revocation of parole undoubtedly “inflicts a grievous loss on the parolee.” *Yaman v. Lyons*, No. 1:26-CV-00556-DC-SCR, 2026 WL 323060, at *4 (E.D. Cal. Feb. 6, 2026), *report and*

1 *recommendation adopted*, No. 1:26-CV-00556-DC-SCR (HC), 2026 WL 453565 (E.D. Cal.
2 Feb. 18, 2026).

3 40. Due process thus guarantees notice and an individualized hearing before a neutral
4 decisionmaker to assess danger or flight risk before the revocation of an individual's release.
5 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) ("The fundamental requisite of due process of law
6 is the opportunity to be heard... at a meaningful time in a meaningful manner." (citation
7 modified)); *see also Morrissey*, 408 U.S. at 485 (requiring a "preliminary hearing to determine
8 whether there is probable cause or reasonable ground to believe that the arrested parolee has
9 committed... a violation of parole conditions" and that such determination be made "by someone
10 not directly involved in the case" (citation modified)).

11 41. Even in cases where a noncitizen has been charged with or convicted of a crime after being
12 conditionally released, this Court and others have held that the noncitizen is entitled to a pre-
13 deprivation hearing and ordered the petitioner's immediate release. *See, e.g., Singh*, 2026 WL
14 265670, at *5–6 (W.D. Wash. Feb. 2, 2026) (a pending charge where no final decision has been
15 reached, without more, is insufficient to demonstrate a lack of compliance with conditional
16 release); *Guillermo M.R. v. Kaiser*, No. 25-cv-05436-RFL, 2025 U.S. Dist. LEXIS 138205 (N.D.
17 Cal., July 16, 2025); *Domingo v. Kaiser*, No. 25-cv-058933-RFL, 2025 WL 1940179 (N.D. Cal.,
18 July 14, 2025).

19 42. The same framework and principles apply here and compels Petitioner's immediate
20 release, especially since he was not arrested and was never charged based on the years-old OCS
21 report that ICE used to justify their administrative warrant to re-detain him. *Duncan v. California*,
22 No. S-04-523 LKK/PAN, 2006 WL 1883385, at *2 (E.D. Cal. July 7, 2006) ("The contention that
23 an arrest, without more, constitutes evidence of criminal activity is without merit"); *Arzate v.*

1 *Andrews*, No. 1:25-CV-00942-KES-SKO (HC), 2025 WL 2230521, at *7 (E.D. Cal. Aug. 4,
2 2025) (ordering immediate release of Petitioner who had complied with his conditions of release,
3 even though he had incurred a misdemeanor arrest while on parole, in part because no charges
4 were ever filed); *Doe*, 781 F. Supp. 3d at 1070 (“public safety is not jeopardized because plaintiff
5 has no criminal convictions and has never even been charged with a crime”); *Guillermo M. R.*,
6 2025 WL 1983677, at *9 (“absent evidence of urgent concerns, a pre-deprivation hearing is
7 required to satisfy due process”).

8 43. Petitioner has a protected liberty interest, the risk of erroneous deprivation of that liberty
9 interest is high absent a pre-deprivation hearing, and the government’s interest in re-detention
10 without a hearing is minimal because any administrative or financial burdens in providing
11 Petitioner with a hearing are far outweighed by the risk of erroneous deprivation.

12 44. Petitioner has verified this Petition. *See* Verification of Petitioner.

13
14 **CLAIM FOR RELIEF**
15 **Violation of Fifth Amendment Right to Due Process**
16 **Procedural Due Process**

17 45. Petitioner restates and realleges all preceding paragraphs as if fully set forth here.

18 46. Due process does not permit the government to strip Petitioner of his liberty without written
19 notice and a hearing before a neutral decisionmaker to determine whether re-detention is
20 warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487–88. Such written notice
21 and a hearing must occur *prior* to any re-detention.

22 47. Respondents revoked Petitioner’s conditional release and deprived him of his liberty
23 without affording him any written notice or meaningful opportunity to be heard by a neutral
decisionmaker prior to re-detention.

1 48. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth
2 Amendment.

3
4 **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

5 49. There are no administrative remedies that can provide the relief the Petitioner seeks for
6 violation of his Due Process rights through unlawful re-detention.

7
8 **IRREPARABLE INJURY**

9 50. Petitioner has suffered irreparable injury because of his detention. Despite being released
10 on an Order of Recognizance on May 26, 2019, he was unconstitutionally re-detained without the
11 required hearing. His physical liberty continues to be restrained, in penal-like conditions, and no
12 just cause for doing so can be specified. *See, e.g., Maliwat v. Scott*, No. 2:25-cv-00788-TMC,
13 2025 U.S. Dist. LEXIS 152663, at *15 (W.D. Wash. August 7, 2025). "It is well established that
14 the deprivation of constitutional rights' unquestionably constitutes irreparable injury." *Melendres*
15 *v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).
16

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Petitioners pray that this Court grant the following relief:

- 19 (1) Assume jurisdiction over this matter;
- 20 (2) Declare that Petitioner's re-detention without first proving an individualized hearing
21 before a neutral decisionmaker violates the Due Process Clause of the Fifth
22 Amendment;
- 23

- 1 (3) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner
2 from custody and permanently enjoin his re-detention absent written notice and a
3 meaningful hearing prior to re-detention where Respondents must prove by clear and
4 convincing evidence that Petitioner is a flight risk or a danger to the community and
5 that no alternatives to detention would mitigate those risks;
- 6 (4) Enjoin Respondents from placing GPS ankle monitors on Petitioner upon his release,
7 absent clear and convincing evidence that Petitioner is a flight risk or danger a danger
8 to the community and that no other alternatives would mitigate those risks;
- 9 (5) Award attorney's fees and costs to the petitioner under the Equal Access to Justice
10 Act, and on any other basis justified under law; and
- 11 (6) Grant any other relief this Court deems just and proper.

12
13 Respectfully submitted this 30th day of March 2026,

14 /s/ Adam Boyd

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