

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

EDUARDO RAMIREZ RAMIREZ,

No.

Petitioner,

vs.

**PETITION FOR WRIT OF HABEAS
CORPUS UNDER 28 U.S.C. § 2241
AND REQUEST FOR INJUNCTIVE
RELIEF**

PAMELA BONDI, Attorney General of
the United States; MARKWAYNE
MULLIN, Secretary, United States
Department of Homeland Security;
JULIO HERNANDEZ, Acting Seattle
Field Office Director, United States
Citizenship and Immigration Services;
BRUCE SCOTT, Warden of
Immigration Detention Facility; and the
United States Immigration and Customs
Enforcement,

Respondents.

PRELIMINARY MATTERS

“Congress has clearly indicated that habeas petitioners are entitled to a prompt ruling” on their petition. *Mejia v. Hermosillo*, No. CV25-02196-TMC, 2025 WL 3173842, at *1 (W.D. Wash. Nov. 13, 2025).

Petitioner Eduardo Ramirez Ramirez asks this Court to order Respondents not to remove him from this district while this case is pending, both “[b]ecause transfer of Petitioner to another district could interfere with his access to counsel and ability to participate in the proceedings,” *Tran v. Bondi, et al.*, No. CV25-1897-JLR-BAT, Dkt. 6 at 3 (W.D. Wash. Oct. 7, 2025) (*sua sponte* issuing such an order in a § 2241 case involving an ICE detainee), and “under the Court’s inherent power to preserve its ability

to hear the case.” *Alves v. U.S. Dep’t of Just.*, No. EP-25-CV-306-KC, 2025 WL 2629763, at *5 (W.D. Tex. Sept. 12, 2025) (same). *See also M.M. v. Wamsley*, No. CV25-2074-TMC, 2025 WL 3053023, at *1 (W.D. Wash. Oct. 31, 2025) (same).¹

RECITATIONS TO SUBSTANTIALLY CONFORM TO AO 242

Personal Information

1. (a) Full name: Eduardo Ramirez Ramirez
- (b) Other names used: n/a
2. Place of confinement:
 - (a) Northwest Immigration Processing Center (NWIPC)
 - (b) 1623 East J Street, Tacoma, Washington 98241-1615, pursuant to a contractual arrangement with my custodian, the Immigration and Customs Enforcement Field Office Director at Seattle, Washington.
 - (c) Case number or numbers: Petitioner’s A# has been provided to the government along with the filing of this petition.
3. Petitioner is currently being held on orders by federal authorities: United States Immigration and Customs Enforcement.
4. Petitioner is currently being held on an immigration charge.

Decision or Action You Are Challenging

5. What are you challenging in this petition: immigration detention.
6. Provide more information about the decision or action you are challenging:
 - (a) Name and location of the agency or court: United States Immigration and Customs Enforcement (ICE).

¹ For just a few examples of other courts issuing such an order in § 2241 cases involving ICE detainees within the past few months (or reflecting the court had previously issued such an order), *see, e.g., Bustos v. Raycraft*, No. 25-13202, 2025 WL 3022294, at *2 (E.D. Mich. Oct. 29, 2025); *Ferro v. Hyde*, No. CV25-513-SDN, 2025 WL 3003708, at *1 (D. Me. Oct. 27, 2025) (order issued same day petition was filed); *Lopez Pop v. Noem*, No. CV25-2589-SSS-SSC, 2025 WL 3050095, at *7 (C.D. Cal. Oct. 3, 2025); *Singh v. Delaney Hall*, No. CV25-16018-GC, 2025 WL 2772644, at *1 (D.N.J. Sept. 29, 2025); *Hom v. Ceja*, No. CV25-2221-WJM-TPO, 2025 WL 2801449, at *2 (D. Colo. Sept. 17, 2025).

(b) Docket number, case number, or opinion number: Petitioner's A# has been provided to the government along with the filing of this petition.

(c) Decision or action you are challenging: Petitioner was initially granted Withholding of Removal through the Convention against Torture (CAT) or Immigration and Nationality Act (INA) Withholding on September 24, 2025. Petitioner was taken into custody by ICE on July 10, 2025. Petitioner has been detained in ICE custody for more than six months following the final removal order.

Your Earlier Challenges of the Decision or Action

7-9. First, second, and third appeals: None.

10. Motion under 28 U.S.C. § 2255: N/A.

11. Appeals of immigration proceedings:

Does this case concern immigration proceedings? Yes.

(a) Date you were taken into immigration custody: July 10, 2025.

(b) Date of the removal or reinstatement order: September 24, 2025.

(c) Did you file an appeal with the Board of Immigration Appeals? No.

(d) Did you appeal the decision to the United States Court of Appeals? No.

12. Other than the appeals listed above, have you filed any other petition, application, or motion about the issues raised in this petition? No.

Grounds for Your Challenge in This Petition

I. Introduction

Petitioner Eduardo Ramirez Ramirez is presently detained at the Northwest ICE Processing Center (NWIPC). Mr. Ramirez Ramirez has been held in immigration custody for eight months, six months of which has been following the final removal order. Removal to the former country of residence or a third country is not reasonably foreseeable. Mr. Ramirez Ramirez's continued detention is therefore in violation of *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). Mr. Ramirez Ramirez seeks (a) release; (b)

1 an order preventing re-detention unless the government establishes by clear and
2 convincing evidence at a hearing before a neutral decisionmaker that Mr. Ramirez
3 Ramirez is a flight risk or a danger to the community, based on changed circumstances
4 after their most recent release by ICE; (c) an order preventing removal to a third country
5 without notice and meaningful opportunity to respond in compliance with the statute and
6 due process in reopened removal proceedings; and (d) an order barring removal to any
7 third country pursuant to Respondents' punitive removal policy.

8 **II. Jurisdiction and Venue**

9 This case arises under the Constitution of the United States and the Immigration
10 and Nationality Act ("INA"), 8 U.S.C. § 1101, *et seq.*

11 This Court has subject matter jurisdiction under 28 U.S.C. § 2241, *et seq.* (habeas
12 corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1346 (United States as
13 Respondent), and 28 U.S.C. § 1651 (All Writs Act). Respondents have waived sovereign
14 immunity for purposes of this suit. 5 U.S.C. §§ 702, 706.

15 The Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241, *et*
16 *seq.*; the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28
17 U.S.C. § 1651; the Due Process Clause of the Fifth Amendment; and the Court's inherent
18 equitable powers.

19 Venue is proper in this district under 28 U.S.C. § 1391(e)(1) because Respondents
20 are agencies or officers of agencies of the United States; Respondents Hernandez and
21 Scott reside in this district; and Mr. Ramirez Ramirez is detained in this district. Venue
22 is further proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or
23 omissions giving rise to Mr. Ramirez Ramirez's claims occurred in this district.

24 Because Mr. Ramirez Ramirez is seeking relief related only to his custody status,
25 which is not inconsistent with an order of removal, exhaustion of administrative
26 remedies, if any, is not required.

1 **III. Requirements of 28 U.S.C. §§ 2241, 2243**

2 Mr. Ramirez Ramirez is “in custody” for the purpose of § 2241 because he has
3 been detained by Respondent ICE in Tacoma, Washington, since July 10, 2025.

4 **IV. Parties**

5 Mr. Ramirez Ramirez is a citizen of Mexico. He has a final order of removal, with
6 Mexico as the country designated for removal. Mr. Ramirez Ramirez is detained in the
7 control and custody of Respondents at NWIPC. As such, Mr. Ramirez Ramirez is a
8 resident of Tacoma, Washington.

9 Respondent Pamela Bondi is the Attorney General of the United States. In this
10 capacity, Respondent Bondi is the legal custodian of Mr. Ramirez Ramirez. Respondent
11 Bondi is sued in her official capacity.

12 Respondent Markwayne Mullin is the Secretary of the Department of Homeland
13 Security (“DHS”). In this capacity, Respondent Mullin is the legal custodian of Mr.
14 Ramirez Ramirez. Respondent Mullin is sued in his official capacity.

15 Respondent Julio Hernandez is the Acting Field Office Director for ICE
16 Enforcement and Removal Operations (“ERO”) in Seattle, Washington. As the ERO
17 Seattle Field Office Director, he is Mr. Ramirez Ramirez’s immediate custodian, is
18 responsible for his detention at NWIPC, and is the person with the authority to authorize
19 detention or release. Respondent Hernandez is sued in his official capacity.

20 Respondent Bruce Scott is the Warden of the NWIPC, oversees the day-to-day
21 functioning of the NWIPC, and has immediate physical custody of Mr. Ramirez Ramirez
22 pursuant to a contract with ICE to detain noncitizens. Respondent Scott is sued in his
23 official capacity as the Warden of a federal detention facility. *See Juarez v. Asher*, No.
24 CV20-700, 2021 WL 1946222, at *3–5 (W.D. Wash. May 14, 2021).

Respondent ICE is the federal executive agency responsible for the enforcement of immigration laws, including the arrest, detention, and removal of noncitizens. Respondent ICE is a legal custodian of Mr. Ramirez Ramirez.

V. Background

Mr. Ramirez Ramirez cannot be removed to Mexico because he was granted withholding of removal under INA § 241(b)(3) on September 24, 2025. (Ex. A, Order of the Immigration Judge). This decision was based on Mr. Ramirez Ramirez's fear of

(Ex. B, Application for Asylum and for Withholding of Removal).

Despite the prohibition against deportation to Mexico, Mr. Ramirez Ramirez is being held in prolonged immigration custody with no possibility of deportation to his home country. On November 10, 2025, ICE informed Mr. Ramirez Ramirez that they intended to remove him to Honduras. (Ex. C, Notice of Removal). About three weeks later, ICE told Mr. Ramirez Ramirez that they would remove him to El Salvador instead. However, ICE has not obtained travel documents for Honduras, El Salvador, or any other country, nor is there any indication they can do so in the near future.

VI. Particularized Facts Pertaining to Mr. Ramirez Ramirez's Continued Detention

Mr. Ramirez Ramirez cannot presently be returned to Mexico, because he has been granted deferral of removal by an immigration judge. Removal to Mexico is not reasonably foreseeable. ICE has not obtained a travel document from Mexico or any other country for Mr. Ramirez Ramirez.

VII. The Legal Framework Regarding Indefinite Detention Pending Removal

A. Detention is unconstitutional when there is not a significant likelihood of removal in the reasonably foreseeable future.

1 Under 8 U.S.C. § 1231, detention of noncitizens who have been ordered removed
2 is mandatory during the so-called 90-day “removal period.” 8 U.S.C. § 1231(a)(1)(A).
3 This period begins on the “date the order of removal becomes administratively final.” 8
4 U.S.C. § 1231(a)(1)(B)(i). But the *Zadvydas* Court believed that a “serious constitutional
5 threat” under the Fifth Amendment’s Due Process Clause was posed by the indefinite
6 detention of noncitizens. 533 U.S. at 699. The Court therefore interpreted 8 U.S.C.
7 1231(a)(6) to permit only detention related to the statute’s “basic purpose [of]
8 effectuating [a noncitizen]’s removal[.]” *Id.* at 696–99.

9 The Court further held that the presumptive period during which the detention is
10 reasonably necessary to effectuate a noncitizen’s removal is six months. After that, the
11 noncitizen is eligible for conditional release if there is “no significant likelihood of
12 removal in the reasonably foreseeable future[.]” *Id.* at 701. After the “presumptively
13 reasonable” period of six months, when the noncitizen can “provide[] good reason to
14 believe that there is no significant likelihood of removal in the reasonably foreseeable
15 future,” then “the Government must respond with evidence sufficient to rebut that
16 showing.” *Id.*

17 The issue is not whether Respondents have been able to remove some individuals
18 to a given country. Rather, the court must make an individualized analysis as to a
19 particular detainee. *See Nguyen v. Scott*, 796 F.Supp.3d 703, 726 (W.D. Wash. Aug. 21,
20 2025) (stating increase in total number of removals to Vietnam, including those who
21 entered pre-1995, fails to rebut the evidence presented by Petitioner that “his individual
22 circumstances make removal unlikely.”). Facts that are part of the analysis here include
23 the immigration judge’s decision granting withholding of removal to Mexico and any
24 unsuccessful attempts at third-country removal.

VIII. The Law Pertaining to a Noncitizen's Procedural Due Process Right Not to Be Re-detained Absent a Hearing Establishing that the Individual Is Either a Flight Risk or a Danger to the Community

Mr. Ramirez Ramirez seeks an injunction against future re-detention without pre-deprivation notice and a hearing. Mr. Ramirez Ramirez therefore includes the following discussion, even though he does not allege that his current detention was a result of an illegal re-detention, because it is a necessary prerequisite to seeking that injunction.

Procedural due process requires notice and an opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333–34 (1976). To state a claim for a violation of procedural due process rights, a petitioner must establish (1) a protected property or liberty interest, and (2) a denial of adequate procedural protections. *ASSE Int'l, Inc. v. Kerry*, 803 F.3d 1059, 1073 (9th Cir. 2015). The Court must also consider “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1207 (9th Cir. 2022) (quoting *Mathews*, 424 U.S. at 335).

Mr. Ramirez Ramirez’s interest in not being detained is “the most elemental of liberty interests[.]” *Acosta-Ginori v. Bondi*, No. 2:25-CV-02649-RAJ, 2026 WL 221509, at *4 (W.D. Wash. Jan. 28, 2026) (quoting *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)) (granting petition and, 2026 WL 221509, at *7, ordering immediate release with no re-detention “unless and until providing at least 10 days’ notice and an opportunity to be heard before an immigration judge to determine whether re-detention is appropriate”).

Where there is a liberty interest, determining what procedures are due generally requires examining the factors set forth in *Mathews*:

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.

1 *Id.* (quoting *Mathews*, 424 U.S. at 335).

2 Given that the liberty interest here is “the most elemental,” this first factor should
3 weigh heavily in a petitioner’s favor. Mr. Ramirez Ramirez’s status as a noncitizen does
4 not negate that interest. “While the temporary detention of non-citizens may sometimes
5 be justified by concerns about public safety or flight risk, the Government’s discretion to
6 incarcerate non-citizens is always constrained by the requirements of due process[.]”
7 *Tzaqfir v. Bondi*, No. 25-CV-02126-JHC, 2026 WL 81759, at *4 (W.D. Wash. Jan. 12,
8 2026) (quoting *Hernandez v. Sessions*, 872 F.3d 976, 981 (9th Cir. 2017)).

9 In fact, an individual who was previously released by ICE has a higher liberty
10 interest than that of the normal ICE detainee. *See Lecky v. Bondi*, No. 2:25-cv-02637-
11 TLF, 2026 WL 266066, at *7 (W.D. Wash. Feb. 2, 2026) (“A released individual had an
12 opportunity to form the enduring attachments of normal life and thus has a heightened
13 liberty interest”) (cleaned up).

14 The second factor, risk of an erroneous deprivation of liberty, also weighs in Mr.
15 Ramirez Ramirez’s favor. A detainee’s prior release to the community on an order of
16 release on recognizance “reflected ICE’s determination that [he] was neither a flight risk
17 nor a danger to the community.” *Francisco Lorenzo v. Bondi*, No. 2:25-CV-02660-LK,
18 2026 WL 237501, at *5 (W.D. Wash. Jan. 29, 2026). “Petitioner’s re-detention without
19 any change in circumstances or procedure establishes a high risk of erroneous deprivation
20 of his protected liberty interest.” *Todd v. Bondi*, No. 25-CV-02519-JHC, 2026 WL
21 145725, at *4 (W.D. Wash. Jan. 20, 2026).

22 The final factor, the government’s interest in detaining a petitioner without
23 providing a pre-deprivation hearing, also weighs in the petitioner’s favor. “[T]he
24 Government’s interest in re-detaining non-citizens previously released without a hearing
25 is low[.]” *Lecky*, 2026 WL 266066, at *8 (citation omitted). “While a pre-detention
26 process would impose some administrative burden, that burden is minimal when weighed

1 against the fundamental liberty interest at stake and the high risk of erroneous
2 deprivation. Providing effectively no pre-deprivation process, as ICE did here, is
3 constitutionally insufficient.” *Id.*

4 The Western District of Washington consistently applies the *Mathews* factors to
5 find in favor of petitioners in cases such as this. *See, e.g., Huy Van Tran v. Bondi*, No.
6 2:25-CV-02335-DGE-TLF, 2025 WL 3725677, at *5 (W.D. Wash. Dec. 24, 2025)
7 (finding that detainee with final order of removal has liberty interest and fact that detainee
8 was allowed to remain in community under order of supervision “only strengthens this
9 interest”); *Khim v. Bondi*, No. 2:25-CV-02383-RSL, 2025 WL 3653724, at *4 (W.D.
10 Wash. Dec. 17, 2025) (applying the *Mathews* analysis from *E.A. T.-B. v. Wamsley*, 795
11 F.Supp.3d 1316 (W.D. Wash. 2025), to detainee with final order of removal); *Jimenez v.*
12 *Bondi*, No. C25-2167RSM, 2025 WL 3466925, at *2 (W.D. Wash. Dec. 3, 2025) (finding
13 that petitioner with final order of removal “has a protected liberty interest in his
14 continuing release from custody, and that due process requires that Petitioner receive
15 proper notice and an opportunity to respond before he can be re-detained”; barring re-
16 detention “without providing adequate notice of the reasons for his re-detention and a
17 meaningful opportunity to respond.” *Id.* at *3). *Cf. Lopez Dejesus v. Bostock*, No. 25-
18 CV-01427-JHC-TLF, 2025 WL 3268002 (W.D. Wash. Nov. 24, 2025) (applying
19 *Mathews* factors to conclude that petitioner was entitled to pre-re-detention due process,
20 even though his detention was pursuant to the mandatory detention provisions of 8 U.S.C.
21 § 1226(c)).²

22 In any hearing held by the government to justify re-detention, the government
23 bears the burden of establishing flight risk or danger by clear and convincing evidence.
24 *See, e.g., Ahmed v. Bondi*, No. C25-2718JLR, 2026 WL 252078, at *5 (W.D. Wash. Jan.

25
26 ² The *Lopez Dejesus* opinion does not mention that detention was pursuant to § 1226(c); that fact is shown
in Respondents’ Return Memorandum, No. 25-CV-01427-JHC-TLF, Dkt. 16 at 1 (W.D. Wash. Oct. 6,
2025).

30, 2026) (imposing that standard for any re-detention, *citing Sanchez v. Bondi*, No. C25-2573KKE, 2026 WL 160882, *6 (W.D. Wash. Jan. 21, 2026); *Toktosunov v. Wamsley*, C25-1724TL, 2025 WL 3492858, at *6 (W.D. Wash. Dec. 5, 2025)).

In addition, the government should be required to meet its burden based on changed circumstances subsequent to the petitioner's previous release by ICE. *See, e.g., Hamedani v. Bondi*, No. 2:25-CV-02509-JNW, 2026 WL 452424, at *5 (W.D. Wash. Feb. 18, 2026) ("To the extent the Government seeks to revoke Hamedani's release and re-detain him, any such decision must be supported by changed circumstances demonstrating a significant likelihood that he may be removed in the reasonably foreseeable future."); *Kara v. Bondi*, No. 2:26-CV-00105-JHC, 2026 WL 322772, at *4 (W.D. Wash. Feb. 6, 2026) (requiring "that the government not re-detain Petitioner without notice and a hearing and absent changed circumstances").

IX. The Law Pertaining to a Noncitizen's Regulatory Right Not to Be Re-detained Absent Notice, an Opportunity to Be Heard, and Findings that the Regulatory Standards for Re-detention Have Been Met

The revocation of a noncitizen's release is governed by 8 C.F.R. § 241.13(i), which authorizes ICE to revoke a noncitizen's release under § 1231 for purposes of removal or for violation of conditions of release. The government may revoke a noncitizen's release and return them to ICE custody due to failure to comply with any of the conditions of release, 8 C.F.R. § 241.13(i)(1), or if, "on account of changed circumstances, the [Immigration] Service determines that there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future," *id.* § 241.13(i)(2).

Such revocation of release, even if justified by one of the reasons recognized by regulation, requires notice and an opportunity for the noncitizen to be heard. Upon a determination by the government (namely ICE) to re-detain a person previously released following a removal order:

the [noncitizen] will be notified of the reasons for revocation of his or her release. [ICE] will conduct an initial informal interview promptly after his or her return to [ICE] custody to afford the [noncitizen] an opportunity to respond to the reasons for revocation stated in the notification. The [noncitizen] may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.

Id. § 241.13(i)(3).

ICE's decision to re-detain also cannot be arbitrary, but instead is governed by the factors laid out in 8 C.F.R. § 241.13(f), including:

the history of the [noncitizen's] efforts to comply with the order of removal, the history of [ICE's] efforts to remove [noncitizens] to the country in question or to third countries, including the ongoing nature of [ICE's] efforts to remove [the noncitizen] and the [noncitizen's] assistance with those efforts, the reasonably foreseeable results of those efforts, and the views of the Department of State regarding the prospects for removal of [noncitizens] to the country or countries in question.

Id. While courts do not make these determinations in the first instance, they may review them for compliance with the regulation. *See Tran v. Bondi*, No. C25-01897-JLR, 2025 WL 3140462 (W.D. Wash. Nov. 10, 2025); *Nguyen v. Hyde*, 788 F.Supp.3d 144, 150 (D. Mass. June 20, 2025) (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)).

X. The Legal Framework for Third-Country Removals

The immigration laws delineate the proper procedures by which a country may be designated for removal. *See* 8 U.S.C. § 1231(b). These procedures move in incremental steps.

First, an individual with a removal order may designate the country to which they want to be removed, and the government *shall* remove the individual to that country. 8 U.S.C. § 1231(b)(2)(A). The government may disregard that designation if (1) the individual fails to designate a country promptly; (2) the government of that country does

1 not inform the U.S. government finally, within 30 days after the date the U.S. government
2 first inquires, whether the government will accept the individual into that country; (3) the
3 government of the country is not willing to accept the individual into the country; or (4)
4 the government decides that removing the individual to that country is prejudicial to the
5 United States. 8 U.S.C. § 1231(b)(2)(C).

6 Second, if the individual is not removed to the country they designated under
7 § 1231(b)(2)(A), the government shall remove the individual to the country of which the
8 individual is a “subject, national, or citizen” unless the government of that country does
9 not inform the U.S. government or the individual within 30 days after first inquiry or
10 within another reasonable period of time whether the government will accept the
11 individual into the country or the country is not willing to accept the individual into the
12 country. 8 U.S.C. § 1231(b)(2)(D).

13 Third, if the individual is not removed to either the country of their designation or
14 the country of which they are a subject, national, or citizen, then the government shall
15 remove them to any of the following options: (1) the country from which the individual
16 was admitted to the United States; (2) the country in which is located the foreign port
17 from which the individual left for the United States or for a foreign territory contiguous
18 to the United States; (3) the country in which the individual resided before the individual
19 entered the United States and from which the individual entered the United States; (4) the
20 country in which the individual was born; or (5) the country in which the individual’s
21 birthplace is located when the individual was ordered removed. 8 U.S.C. § 1231(b)(2)(E).
22 *Only* “[i]f impracticable, inadvisable, or impossible” to remove the individual to any of
23 these countries may the government remove the individual to “another country whose
24 government will accept [them] into that country.” 8 U.S.C. § 1231(b)(2)(E)(vii).

25 Notwithstanding any of these procedures, the statute prohibits removal to a third
26 country where a person may be persecuted or tortured, a form of protection known as

1 withholding of removal. *See* 8 U.S.C. § 1231(b)(3)(A). The government “may not
2 remove [a noncitizen] to a country if the Attorney General decides that the [noncitizen’s]
3 life or freedom would be threatened in that country because of the [noncitizen’s] race,
4 religion, nationality, membership in a particular social group, or political opinion.” *Id.*;
5 *see also* 8 C.F.R. §§ 208.16, 1208.16. Withholding of removal is a mandatory protection.

6 Similarly, Congress codified protections enshrined in the Convention Against
7 Torture (CAT) prohibiting the government from removing a person to a country where
8 they would be tortured. *See* Foreign Affairs Reform and Restructuring Act of 1998
9 (“FARRA”), Public Law 105–277, div. G, sec. 2242, 112 Stat. 2681, 2631–822 (8
10 U.S.C. § 1231 note) (“It shall be the policy of the United States not to expel, extradite, or
11 otherwise effect the involuntary return of any person to a country in which there are
12 substantial grounds for believing the person would be in danger of being subjected to
13 torture, regardless of whether the person is physically present in the United States.”);
14 28 C.F.R. §§ 200.1, 208.16–208.18, 1208.16–1208.18. CAT protection is also
15 mandatory.

16 To comport with the requirements of due process, the government must provide
17 notice of the third-country removal and an opportunity to respond. Due process requires
18 “written notice of the country being designated” and “the statutory basis for the
19 designation, i.e., the applicable subsection of § 1231(b)(2).” *Aden v. Nielsen*, 409
20 F.Supp.3d 998, 1019 (W.D. Wash. 2019); *see also D.V.D. v. U.S. Dep’t of Homeland*
21 *Sec.*, No. CV25-10676-BEM, 2025 WL 1453640, at *1 (D. Mass. May 21, 2025) (“All
22 removals to third countries, i.e., removal to a country other than the country or countries
23 designated during immigration proceedings as the country of removal on the non-
24 citizen’s order of removal, must be preceded by written notice to both the non-citizen and
25 the non-citizen’s counsel in a language the non-citizen can understand.” (citation
26 omitted)); *Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) (due process requires

1 notice to the noncitizen of the right to apply for asylum and withholding to the country
2 where they will be removed). The government must be able to show evidence that the
3 third country will accept the individual into that country. *See Himri v. Ashcroft*, 378 F.3d
4 932, 939 (9th Cir. 2004), *amended sub nom. El Himri v. Ashcroft*, No. 03-71152, 2004
5 WL 1879255 (9th Cir. Aug. 24, 2004) (“at the time the government proposes a country
6 of removal pursuant to § 1231(b)(2)(E)(vii), the government must be able to show that
7 the proposed country *will* accept the [individual]”).

8 Due process also demands that the government “ask the noncitizen whether he or
9 she fears persecution or harm upon removal to the designated country and memorialize
10 in writing the noncitizen’s response. This requirement ensures DHS will obtain the
11 necessary information from the noncitizen to comply with § (b)(3) and avoids [a dispute
12 about what the officer and noncitizen said].” *Aden*, 409 F.Supp.3d at 1019; *cf. D.V.D.*,
13 2025 WL 1453640, at *1 (“Following notice, the individual must be given a meaningful
14 opportunity, and a minimum of ten days, to raise a fear-based claim for CAT protection
15 prior to removal.”) (emphasis omitted).

16 If the noncitizen claims fear, measures must be taken to ensure that the noncitizen
17 can seek asylum, withholding, and relief under CAT before an immigration judge in
18 reopened removal proceedings. *Cf. D.V.D.*, 2025 WL 1453640, at *1 (requiring the
19 government to move to reopen the noncitizen’s immigration proceedings if the individual
20 demonstrates “reasonable fear” and to provide “a meaningful opportunity, and a
21 minimum of fifteen days, for the non-citizen to seek reopening of their immigration
22 proceedings” if the noncitizen is found to not have demonstrated “reasonable fear”);
23 *Aden*, 409 F.Supp.3d at 1019 (requiring notice and time for a respondent to file a motion
24 to reopen and seek relief).

25 Finally, notice of the country to which the noncitizen will be removed must not be
26 “last minute” because that would deprive an individual of a meaningful opportunity to

1 apply for fear-based protection from removal. *Andriasian*, 180 F.3d at 1041. They must
 2 have time to prepare and present relevant arguments and evidence and to seek reopening
 3 of their removal case.

4 **XI. Facts Pertaining to Punitive Banishment to Third Countries**

5 Since January 2025, Respondents have developed and implemented a policy and
 6 practice of removing individuals to third countries, without first following the procedures
 7 in the INA for designation and removal to a third country and without providing fair
 8 notice and an opportunity to contest the removal in immigration court.

9 Respondents reportedly have negotiated with at least 58 countries to accept
 10 deportees from other nations. On June 25, 2025, the *New York Times* reported that seven
 11 countries—Costa Rica, El Salvador, Guatemala, Kosovo, Mexico, Panama, and
 12 Rwanda—had agreed to accept deportees who are not their own citizens.³ Since then,
 13 ICE has carried out highly publicized third-country deportations to South Sudan and
 14 Eswatini. It also attempted—and completed—an “end-run” around the protections of the
 15 Convention Against Torture by deporting a group of migrants to Ghana, which sent them
 16 on to their countries of citizenship despite fears of persecution.

17 Punishment and deterrence appear to be the point of the Administration’s third-
 18 country removal scheme. The Administration has reportedly negotiated with countries to
 19 have deportees imprisoned in prisons, camps, or other facilities. The government paid El
 20 Salvador about \$5 million to arbitrarily and indefinitely imprison more than 200 deported
 21 Venezuelans in a maximum-security prison notorious for gross human rights abuses,
 22 known as CECOT. In February 2025, Panama and Costa Rica took in hundreds of
 23 deportees from countries in Africa and Central Asia and imprisoned them in hotels, a
 24 jungle camp, and a detention center. On July 4, 2025, ICE deported eight men, including

25
 26 ³ Edward Wong, et al., *Inside the Global Deal-Making Behind Trump’s Mass Deportations*, N.Y. Times
 (June 25, 2025), <https://www.nytimes.com/2025/06/25/us/politics/trump-immigrants-deportations.html>
 [https://perma.cc/64G9-XYGB].

1 one pre-1995 Vietnamese refugee, to South Sudan. The men have been detained
2 incommunicado ever since. On July 15, 2025, ICE deported five men to the tiny African
3 nation of Eswatini, including one man from Vietnam, where they are reportedly being
4 held in solitary confinement.

5 The Administration has hand-selected countries known for human rights abuses
6 and instability for these third-country deportation agreements to frighten people in the
7 United States into self-deporting or to accept removal to their home countries. Indeed,
8 conditions in South Sudan are so extreme that the U.S. State Department website warns
9 Americans not to travel there, and, if they do, to prepare their will, make funeral
10 arrangements, and appoint a hostage-taker negotiator first.

11 On July 9, 2025, ICE issued a new memo stating that, when seeking to remove an
12 individual to a country not designated on the removal order, ICE may deport that person
13 without any procedures for notice or an opportunity to be heard if the State Department
14 confirms it has received diplomatic assurances that individuals will not be persecuted or
15 tortured. If no diplomatic assurances are received, the ICE memo instructs officers to
16 serve on the individual a Notice of Removal that includes the intended country of
17 removal. It instructs officers not to ask whether the individual is afraid of removal to that
18 country. It states that officers should “generally wait at least 24 hours following service
19 of the Notice of Removal before effectuating removal” but that “[i]n exigent
20 circumstances, [ICE] may execute a removal order six (6) or more hours after service of
21 the Notice of Removal as long as the [noncitizen] is provided reasonable means and
22 opportunity to speak with an attorney prior to removal.”

23 The memo further instructs that if the noncitizen “does not affirmatively state a
24 fear of persecution or torture if removed to the country of removal listed on the Notice of
25 Removal within 24 hours, [ICE] may proceed with removal to the country identified on
26 the notice.” If the noncitizen “does affirmatively state a fear if removed to the country of

removal,” then ICE will refer the case to U.S. Citizenship and Immigration Services (“USCIS”) for a screening for eligibility for withholding of removal and protection under the Convention Against Torture. “USCIS will generally screen within 24 hours.” If USCIS determines that the noncitizen does not prove to the screener’s satisfaction that it is more likely than not that the noncitizen will be tortured, the individual will be removed. This imposes on the noncitizen a higher standard than the “reasonable fear” and “credible fear” standards found in the INA. If USCIS determines that the noncitizen has met the standard, then the policy directs ICE to either move to reopen removal proceedings “for the sole purpose of determining eligibility for [withholding of removal protection] and CAT” or designate another country for removal.

The eight men who were ultimately deported to South Sudan all claimed fear of removal to South Sudan. None of those men were provided a fear screening by a USCIS officer or otherwise, despite the fact that they were held by ICE for six weeks on a U.S. military base in Djibouti before their final removal to South Sudan.

This practice and policy continues unabated. *See* Pranav Baskar and Hamed Aleaziz, *U.S. Deports Nine Migrants in Secret, Ignoring Legal Protections*, N.Y. Times (Feb. 14, 2026), <https://www.nytimes.com/2026/02/14/world/africa/us-secret-deportation-cameroon.html?smid=nytcore-ios-share> [https://perma.cc/HX2S-MTZD]. The article details how the individuals—who had court orders preventing them from being returned to their home countries—did not know they were being sent to Cameroon “until they were handcuffed and chained on a Department of Homeland Security flight[.]” *Id.* Since arrival, they have been detained in a state-owned compound and told by authorities “they cannot leave the facility unless they agree to return to their home countries, from which they fled to escape war or persecution.”

XII. The Law Governing Punitive Removal Practices

It is bedrock law that the U.S. government may not impose or inflict an infamous punishment for violations of civil immigration law. In 1896, the U.S. Supreme Court ruled that while deportation itself was not a punishment, the government could not attach punitive conditions to deportation—in that case, imprisonment at hard labor—absent a criminal charge, trial in a court of law, and the protections of the Fifth, Sixth, and Eighth Amendments. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

Importantly, the Court distinguished deportation, which the Court reasoned is “not a ‘banishment,’ in the sense in which that word is often applied to the expulsion of a citizen from his country by way of punishment,” from government actions aimed at punishment, such as imprisonment at hard labor in addition to deportation. *Id.* at 236. The Court explained that deportation “is but a method of enforcing the return to his own country of [a noncitizen] who has not complied with the conditions upon the performance of which the government of the nation, acting within its constitutional authority and through the proper departments, has determined that his continuing to reside here shall depend.” *Id.* (quoting *Fong Yue Ting v. United States*, 149 U.S. 730 (1893)). But the Court admonished that the government may not “declare unlawful residence within the country to be an infamous crime, punishable by deprivation of liberty and property . . . unless provision were made that the fact of guilt should first be established by a judicial trial.” *Id.* at 237.

Deportation of individuals to third countries to be imprisoned or harmed is unquestionably punishment.

XIII. The Law Governing Injunctive Relief

“An injunction is appropriate when the party seeking relief demonstrates that: (1) it is likely to suffer irreparable injury that cannot be redressed by an award of damages; (2) that “considering the balance of hardships between the plaintiff and

defendant, a remedy in equity is warranted”; and (3) “that the public interest would not be disserved by a permanent injunction.” *City & Cnty. of San Francisco v. Trump*, 897 F.3d 1225, 1243 (9th Cir. 2018).

Grounds for Relief

Ground One: Mr. Ramirez Ramirez’s Continued Detention in Immigration Custody Violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution Because There Is No Significant Likelihood that Mr. Ramirez Ramirez Will Be Removed in the Reasonably Foreseeable Future.

The allegations in the above paragraphs are realleged and incorporated herein.

Because Mr. Ramirez Ramirez’s removal order became final on September 24, 2025, the removal period has long since expired, and detention is no longer required under 8 U.S.C. § 1231. In addition, the presumptively reasonable period of six months has passed.

There is “good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future[.]” *Zadvydas*, 533 U.S. at 701. As to Mexico, of course, Mr. Ramirez Ramirez has won withholding of removal and cannot be removed to Mexico. As to Honduras, El Salvador, or any other third country, Mr. Ramirez Ramirez has no travel documents, no connections to the country, and there is no indication the country will accept him.

Therefore, the burden shifts to the government to rebut that showing. The government cannot meet that burden under the facts of this case. *See Nguyen*, 796 F.Supp.3d 703, 739 (granting preliminary injunction requiring release under *Zadvydas*); *Tang*, 2025 WL 2637750, at *6 (same).

Ground Two: Violation of the Fifth Amendment, 8 U.S.C. § 1231, Convention Against Torture, Implementing Regulations, and the Administrative Procedure Act

The allegations in the above paragraphs are realleged and incorporated herein.

1 The Fifth Amendment, the INA, the CAT, and implementing regulations mandate
2 meaningful notice and opportunity to respond to any attempt to remove Mr. Ramirez
3 Ramirez to a third country in reopened removal proceedings. They also require an
4 opportunity for Mr. Ramirez Ramirez to make a fear-based claim against removal to a
5 third country in reopened removal proceedings. Respondents' policy for third-country
6 removals violates all of these laws because it directs ICE agents to remove individuals to
7 third countries without any notice or process *at all* where diplomatic assurances are
8 received and, where no diplomatic assurances are received, to provide flagrantly
9 insufficient notice (6–24 hours) and opportunity to respond, in violation of the statute,
10 regulations, and Fifth Amendment.

11 Prior to any third-country removal, Mr. Ramirez Ramirez must be provided with
12 constitutionally and statutorily compliant notice and an opportunity to respond and
13 contest that removal if he has a fear of persecution or torture in that country in reopened
14 removal proceedings. *See Nguyen*, 796 F.Supp.3d 703, 739 (granting preliminary
15 injunction against “removing Petitioner to a country other than [home country] without
16 notice and a meaningful opportunity to be heard in reopened removal proceedings with a
17 hearing before an immigration judge”).

18 Furthermore, the requirements for injunctive relief are met. Mr. Ramirez
19 Ramirez's prospective unlawful re-detention would constitute an irreparable injury that
20 could not be redressed by an award of damages. Second, the balance of hardships is
21 completely in Mr. Ramirez Ramirez's favor: Mr. Ramirez Ramirez risks unlawful
22 removal to a third country, while Respondents suffer no hardship by being prevented
23 from following their unlawful re-detention practices. Finally, the public interest would
24 affirmatively be served by barring Respondents' unlawful practice.

25 In addition, the matter is ripe. The facts set forth above—including Respondents'
26 stated policy regarding third-country removals and their previous statements to Mr.

Ramirez Ramirez—make it reasonably likely that Respondents would seek to remove Mr. Ramirez Ramirez to a third country without complying with their regulatory and constitutional obligations to provide Mr. Ramirez Ramirez with notice and an opportunity to be heard.

Ground Three: Punitive Third-Country Banishment; Violation of Fifth and Eighth Amendments

The allegations in the above paragraphs are realleged and incorporated herein.

Under the Fifth Amendment to the U.S. Constitution, no person shall “be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury”; “be subject for the same offence to be twice put in jeopardy of life or limb”; or “be deprived of life, liberty, or property, without due process of law.”

The Eighth Amendment provides that no “cruel and unusual punishments” may be inflicted.

The U.S. Supreme Court long ago held that the government may not inflict upon individuals an “infamous punishment” in addition to deportation as a penalty for an immigration violation, absent criminal charges, a judicial trial, and attendant constitutional protections. *Wong Wing*, 163 U.S. at 236–38.

Respondents’ third-country removal program is punitive in both its nature and its execution. The government has arranged for third countries to receive deportees and imprison them on arrival, possibly indefinitely, and often in abhorrent conditions. It has selected countries notorious for human rights abuses and instability for third-country removal arrangements. It has targeted individuals with criminal convictions for third-country removals, where they will be imprisoned and harmed, and has publicly broadcast those removals to demonize and dehumanize the individuals subjected to these practices and strike fear in the immigrant community to send a message of retribution and deterrence.

1 Respondents' third-country removal program is more than a publicity stunt. The
2 hundreds of individuals who have already been subjected to it have been banished in
3 foreign prisons upon arrival without charge and often without communication with the
4 outside world, including their families and lawyers. Respondents may not subject Mr.
5 Ramirez Ramirez to their third-country removal program which is designed to impose a
6 severe punishment on their subjects. Such conduct "shocks the conscience" under Fifth
7 Amendment substantive due process, is cruel and unusual punishment, and may not be
8 imposed without charge and a judicial trial.

9 Respondents may not seek to remove Mr. Ramirez Ramirez to a third country
10 under their punitive banishment policy and practices. *See Nguyen*, 796 F.Supp.3d 703,
11 739 (granting preliminary injunction against "removing Petitioner to any country where
12 he is likely to face imprisonment upon arrival").

13 The criteria for an injunction in this case are met. First, unlawful removal to a third
14 country risks irreparable injury that could not be redressed by an award of damages.
15 Second, the balance of hardships is completely in Mr. Ramirez Ramirez's favor: Mr.
16 Ramirez Ramirez risks removal to a third country where unwarranted punishment may
17 result, and Respondents suffer no hardship by being prevented from following their
18 unlawful removal policies. Finally, the public interest would affirmatively be served by
19 barring Respondents' unlawful policies. Given the potential for Respondents to attempt
20 a rapid and unlawful removal, Mr. Ramirez Ramirez would have no opportunity to seek
21 injunctive relief at that time.

22 Furthermore, the matter is ripe. The facts set forth above—including Respondents'
23 stated policy regarding third-country removals—make it reasonably likely that
24 Respondents would seek to remove Mr. Ramirez Ramirez to a third country with a
25 punitive intent and punitive result.
26

Prayer for Relief

Mr. Ramirez Ramirez respectfully requests that this Court:

(a) Assume jurisdiction over this action;

(b) Order Respondents to immediately release Mr. Ramirez Ramirez from custody;

(c) Order Respondents to, within 24 hours of his release, provide the Court with a declaration confirming that Mr. Ramirez Ramirez has been released from custody;

(d) Order that Respondents may not re-detain Mr. Ramirez Ramirez without first holding a hearing before a neutral decisionmaker at which the government bears the burden of establishing flight risk or danger to the community by clear and convincing evidence based on changed circumstances since Mr. Ramirez Ramirez was previously released;

(e) Order that the government may not otherwise re-detain Mr. Ramirez Ramirez unless the government:

(1) obtains a valid travel document to a third country for him,

(2) provides the valid travel document to him and his counsel,

(3) offers Mr. Ramirez Ramirez the opportunity to challenge the third country removal as detailed in other grounds.

See Do v. Scott, No. C25-2187RSL, 2025 WL 3496909, at *6 (W.D. Wash. Dec. 5, 2025); *Tang*, 2025 WL 3551381, at *3.

(f) Order that Respondents may not remove or seek to remove Mr. Ramirez Ramirez to a third country without notice and meaningful opportunity to respond in compliance with the statute and due process in reopened removal proceedings;

(g) Order that Respondents may not remove Mr. Ramirez Ramirez to any third country where he is likely to face imprisonment or other punishment upon arrival; and

(h) Order all other relief that the Court deems just and proper.

Verification Pursuant to LCR 100(e)

Counsel verifies that this petition is authorized by Mr. Ramirez Ramirez. It does not personally bear Mr. Ramirez Ramirez's signature because of the significant difficulty for counsel in meeting with Mr. Ramirez Ramirez in person and because mailing the petition to Mr. Ramirez Ramirez and having it mailed back would cause delay that would only extend the period of his unlawful detention. Counsel knows the facts asserted above or alleges them on information and belief, based on information obtained from the government and/or Mr. Ramirez Ramirez.

DATED this 31st day of March, 2026.

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