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

CRUZ-ACEVEDO, FELIX,

Petitioner,

v.

BRUCE SCOTT, Warden of the Northwest ICE
Processing Center;
KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security

Respondents.

CIVIL ACTION NO.

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

I. INTRODUCTION

COMES NOW, Felix Cruz-Acevedo (“Petitioner”) by and through undersigned counsel, and brings this petition for a writ of habeas corpus before the Honorable Court to challenge his ongoing civil immigration detention, which is based on a legal framework this Court has already rejected.

Petitioner is a member of the Bond Denial Class certified in *Rodriguez-Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. filed Mar. 20, 2025), where this Court held that individuals like Petitioner are detained under 8 U.S.C. § 1226(a) and are not subject to

1 mandatory detention under 8 U.S.C. § 1225(b)(2). Despite that binding authority, Petitioner has
2 been denied a meaningful bond hearing based on the same improper statutory classification.
3 As a result, Petitioner remains detained without any individualized determination of whether he
4 poses a danger to the community or a flight risk.
5

6 Because Petitioner's detention rests on a legal error already identified by this Court, and
7 because he has been denied any meaningful custody review, his continued detention is unlawful
8 and this Honorable Court should grant this petition and order his immediate release.
9

10 **II. JURISDICTION & VENUE**

11 This Court has jurisdiction under 28 U.S.C. § 2241. Petitioner is currently detained at the
12 Northwest ICE Processing Center in Tacoma, Washington.

13 This Court has jurisdiction pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and the Due
14 Process Clause of the Fifth Amendment to the United States Constitution.

15 Venue is proper in the Western District of Washington, Seattle Division, because
16 Petitioner is physically detained within this District and his immediate custodian, the Warden of
17 the Northwest ICE Processing Center, resides here.
18

19 **III. PARTIES**

20 Petitioner is a civil immigration detainee currently housed at the Northwest ICE
21 Processing Center ("NWIPC") in Tacoma, Washington, within the jurisdiction of this Court.
22 Respondent Bruce Scott is the Warden of the Northwest ICE Processing Center and Petitioner's
23 immediate physical custodian. As the official with day-to-day authority over Petitioner's
24 detention, Warden Scott is the primary and required Respondent under *Rumsfeld v. Padilla*, 542
25 U.S. 426 (2004).
26
27
28

1 Kristi Noem is the Secretary of the U.S. Department of Homeland Security, the federal
2 agency responsible for overseeing immigration enforcement, detention, and removal operations
3 nationwide. Secretary Noem is a proper Respondent because DHS exercises legal authority over
4 Petitioner's detention and has the power to direct or prevent Petitioner's transfer. The United
5 States Attorney's Office for the Western District of Washington represents Secretary Noem in
6 this action.
7

8 IV. FACTUAL BACKGROUND

9 Petitioner is a member of the "Bond Denial Class" certified in Rodriguez Vazquez v.
10 Bostock, No. 3:25-cv-05240-TMC.
11

12 Petitioner is a native and citizen of Mexico born on  He entered the U.S.
13 without inspection on or around January 1, 1996, at age five, and has resided here for the past
14 three decades.

15 On February 3, 2026, the Department of Homeland Security issued a Notice to Appear
16 ("NTA") initiating removal proceedings against Petitioner. The NTA charges Petitioner under
17 INA § 212(a)(6)(A)(i) and INA § 212(a)(7)(A)(i)(I) as an individual present in the United States
18 without admission or valid entry documents.
19

20 The NTA does not classify Petitioner as an arriving alien. Rather, it identifies him as a
21 person present in the United States who has not been admitted or paroled.
22

23 Petitioner has filed a Form I-589 Application for Asylum and Withholding of Removal,
24 and his case remains pending before the Tacoma Immigration Court.

25 Petitioner is currently detained at the Northwest ICE Processing Center ("NWIPC") in
26 Tacoma, Washington.
27

On March 27, 2026 an IJ denied Petitioner’s bond request based on lack of jurisdiction, finding that he is subject to mandatory detention under Matter of YAJURE HURTADO, 29 I&N Dec. 216 (BIA 2025). The IJ did not make a finding regarding flight risk or danger.

As a result, no meaningful bond hearing was conducted and no individualized determination was made as to whether Petitioner poses a danger to the community or a flight risk. Petitioner therefore remains detained without any meaningful custody review.

Despite Petitioner’s long-term presence in the United States and his placement in full removal proceedings, Respondents continue to treat him as subject to § 1225(b) detention. That classification has been used to categorically deny bond and prevent any individualized custody determination.

V. LEGAL STANDARD

Federal courts have jurisdiction under 28 U.S.C. § 2241 to review the legality of immigration detention. A writ of habeas corpus may be granted where a petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3).

The Supreme Court has confirmed that habeas corpus remains available to challenge the statutory and constitutional limits of immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003).

VI. ARGUMENT

A. Petitioner Is a Member of the Rodriguez-Vazquez Bond Denial Class and His Detention Is Unlawful as a Matter of Law

On September 30, 2025, this Court issued a final judgment “declar[ing] that Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).” *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025).

1 The Court further declared “that the Tacoma Immigration Court’s practice of denying
2 bond to Bond Denial Class members on the basis of § 1225(b)(2) violates the Immigration and
3 Nationality Act.” *Id.*

4 Petitioner is a member of the Bond Denial Class, as he:

5 (a) does not have lawful status in the United States and is currently detained at NWIPC
6 after being apprehended by DHS on or around 2/3/2026.

7 (b) last entered the United States without inspection thirty years ago and was not
8 apprehended upon arrival.

9 (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

10
11
12 **B. The Immigration Judge’s Denial of Bond Was Based on a Categorical Legal Error, Not
13 an Individualized Determination**

14 Petitioner’s bond request was denied on March 27, 2026, not because he was found to be
15 a danger or a flight risk, but because he was deemed subject to § 1225(b).

16 This is precisely the unlawful practice identified in *Rodriguez-Vazquez*. The Tacoma
17 Immigration Court’s reliance on § 1225(b) to categorically deny bond eliminates any meaningful
18 custody determination.

19 In effect, Petitioner has been denied bond automatically based on a statutory label, rather
20 than an individualized assessment of necessity. That is not a valid basis for civil detention.

21
22 **C. Respondents Are Detaining Petitioner Under an Improper Statutory Framework**

23 The NTA charges Petitioner as an individual present in the United States without
24 admission—not as an arriving alien. Petitioner has lived in the United States since approximately
25 1996. He is not a recent entrant and was not apprehended at or near the time of entry.

26 Despite this, Respondents have treated Petitioner as subject to § 1225(b) detention. That
27 classification is inconsistent with both the statutory framework and binding authority in this
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District. Individuals in Petitioner's position are subject, if at all, to discretionary detention under 8 U.S.C. § 1226(a).

This misclassification is the sole reason Petitioner has been denied access to bond and remains detained without individualized review.

D. Respondents' Actions Violate the Immigration and Nationality Act Under Controlling Authority

The Court in *Rodriguez-Vazquez* expressly held that:

- Bond Denial Class members are detained under § 1226(a); and
- the practice of denying bond under § 1225(b)(2) violates the INA.

Courts in this District have repeatedly granted habeas relief under materially indistinguishable facts. *See, e.g., Arias Perez v. Scott* (W.D. Wash. Jan. 20, 2026); *Avendano Toribio v. Scott* (W.D. Wash. Dec. 31, 2025). Petitioner's circumstances mirror those of the individuals in these cases including:

- long-term presence in the United States;
- detention at NWIPC;
- denial of bond under § 1225(b); and
- eligibility for discretionary detention under § 1226(a).

Under these materially identical facts, this Court has ordered release. Because Petitioner's case is indistinguishable, the same result is required here; Petitioner should be released immediately.

E. Petitioner's Continued Detention Violates Due Process

Even apart from the statutory violation, Petitioner's detention violates the Due Process Clause. The Supreme Court has made clear that immigration detention is subject to constitutional limits. Civil detention is permissible only where it bears a reasonable relation to its purpose and

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is accompanied by adequate procedural safeguards. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (“[T]he Due Process Clause applies to all ‘persons’ within the United States... [and] freedom from imprisonment... lies at the heart of the liberty that Clause protects.”).

Petitioner has been detained without any individualized determination that he poses a danger to the community or a flight risk. Instead, detention has been imposed categorically based on an improper statutory classification.

The Constitution does not permit such automatic detention. As the Court explained in *Zadvydas*, detention becomes constitutionally problematic where it is not meaningfully connected to its purpose or is imposed without adequate justification. *Id.* at 690–91.

Under *Mathews v. Eldridge*:

- Petitioner’s interest in freedom from physical restraint is fundamental;
- the risk of erroneous deprivation is substantial where detention is automatic and unreviewed; and
- the Government’s interests can be fully served through less restrictive means such as supervised release.

Where, as here, detention is imposed without any individualized determination and without meaningful review, it ceases to be regulatory and becomes excessive in relation to its purpose. *Zadvydas*, 533 U.S. at 690.

Accordingly, Petitioner’s continued detention violates due process.

F. Habeas Relief Is Required to Restore Meaningful Custody Review

Habeas corpus exists to remedy unlawful detention and to ensure that executive confinement complies with the Constitution and laws of the United States. 28 U.S.C. § 2241(c)(3); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

By denying bond based on an improper statutory classification, Respondents have deprived Petitioner of any meaningful opportunity for release. Petitioner has not received a custody determination based on danger or flight risk, but has instead been subjected to categorical detention that this Court has already deemed unlawful.

The writ of habeas corpus is specifically designed to address this type of unlawful restraint. Where detention is imposed without lawful authority or without constitutionally adequate process, courts must intervene to restore meaningful review. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (habeas ensures a “meaningful opportunity” to challenge detention); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause).

Absent habeas relief, Petitioner will remain detained based solely on a legal error that has already been rejected by this Court. Habeas relief is therefore necessary to correct that error and restore the individualized custody determination that the Constitution and the INA require.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. GRANT this Petition for Writ of Habeas Corpus;
2. ORDER Respondents to release Petitioner from custody within 24 hours of the Court’s order;
3. In the Alternative, ORDER Petitioner’s release upon payment of a monetary bond in an amount deemed reasonable by the Honorable Judge, and/or under appropriate conditions of supervision;
4. Order that Respondents are ENJOINED from re-detaining Petitioner after release; and
5. Any other relief the Court deems just and proper.

VIII. SIGNATURE AND CERTIFICATION

The undersigned counsel certifies that she represents Petitioner and that this Petition is filed on the Petitioner's behalf pursuant to 28 U.S.C. § 2241.

Respectfully submitted this 31st day of March 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 31st day of March 2026, I served true and correct copies of the **PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241**, to be served upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

Warden, Northwest ICE Processing Center
1623 East J Street
Tacoma, WA 98421

KRISTI NOEM

Secretary, U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528

Required Service on the United States

UNITED STATES ATTORNEY'S OFFICE

USAWAW.ImmigrationHabeasService@usdoj.gov
(Via email)

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 31st day of March 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner