

DETAINED

Adam W. Boyd WSAB 49849
GIBBS HOUSTON PAUW
1000 Second Avenue, Suite 1600
Seattle, WA 98104
(206) 682-1080
Adam.Boyd@ghp-law.net

Attorney for Petitioner

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

PEDRO VALDOVINOS RODRIGUEZ,

Petitioner,

v.

PAMELA BONDI, United States Attorney
General;
KRISTI NOEM, Secretary of U.S. Department
of Homeland Security;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement;
JULIO HERNANDEZ, Acting Seattle Field
Office Director, Immigration and Customs
Enforcement;
BRUCE SCOTT, Facility Administrator,
Northwest ICE Processing Center;

Respondents.

Case No.:

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

Alien Registration Number: 078-080-053

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. The petitioner, Pedro Valdovinos Rodriguez (“Mr. Rodriguez,” “Petitioner,” or
“Pedro”), born  is a 46-year-old non-citizen who is currently being held in detention

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1 at the Northwest ICE Processing Center (“NWIPC”) by U.S. Immigration and Citizenship
2 Enforcement (ICE).

3 2. This case challenges the unlawful detention of Petitioner, who is being subjected
4 to unlawful mandatory detention based off a legally defective expedited order of removal. He has
5 also been subjected to repeated regulatory violations in his attempts to seek protection after the
6 Department of Homeland Security has reinstated that defective order.

7 3. On February 22, 2026, after living in the United States continuously since 1999,
8 ICE detained Mr. Rodriguez and later removed him to Arizona on or around February 26, 2026,
9 to board him on a plane and remove him to Mexico the following morning on February 27, 2026.
10 ICE took this action despite petitioner having expressed a fear of return to Mexico. With
11 counsel’s intervention ICE returned him to the Northwest ICE Processing Center where he was
12 provided with a deficient reasonable fear review process.

13 4. Mr. Rodriguez was born in Mexico and is a citizen of Mexico. But for the
14 unlawful expedited order of removal issued in 1999 he would be eligible to adjust his status in
15 the United States. He would further be entitled to, at a minimum a bond hearing before an
16 Immigration Judge and the full protections of 240 removal proceedings.

17
18 **PARTIES**

19 5. Petitioner, Pedro Valdovinos Rodriguez, is a non-citizen who is detained at the
20 NWIPC in Tacoma, Washington.

21 6. Respondent Pamela Bondi is the Attorney General of the United States. She is
22 sued in her official capacity.
23

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States. She is sued in her official capacity.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States. He is sued in his official capacity.

9. Respondent Julio Hernandez is the Acting Field Office Director of the ICE Seattle Field Office and is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, including detentions, enforcement, and removal operations. She is the immediate legal custodian of the petitioner for purposes of a federal habeas petition. She is sued in her official capacity.

10. Respondent Bruce Scott is the Facility Administrator of the Northwest ICE Processing Center, the privately-operated immigration detention center where the petitioner is being detained. He is the immediate physical custodian of the petitioner, and he is sued in his official capacity.

JURISDICTION

11. This Court has jurisdiction under INA § 235(b)(1).

12. This Court has jurisdiction under the Administrative Procedures Act (“APA”) § 705; 5 U.S. Code § 705, Relief pending review, due to an illegal prior removal order, for which there is no other court or agency that can or will review its illegality and non-compliance with law. Therefore, “justice so requires, [for this Court to] postpone the execution of Petitioner’s removal order “to the extent necessary to prevent irreparable injury . . . [and] issue all necessary

1 and appropriate process to postpone the effective date of an agency action or to preserve status or
2 rights pending conclusion of the review proceedings.” 5 U.S. Code § 705.

3 13. The Court also has jurisdiction pursuant to 8 U.S.C. § 1252(e)(2)(B) to determine
4 whether Petitioner was actually ordered removed pursuant to the prior expedited order of
5 removal, something that would require CBP to follow the implementing regulations and statute.
6 While 8 U.S.C. § 1252(a)(2)(A) generally bars judicial review of expedited orders of removal,
7 the statute clearly carves out an exception that allows this Court to determine whether Petitioner
8 was actually removed. This analysis necessarily involves determining whether the order was
9 lawful at the time because it cannot be said that someone was ordered removed, if the order was
10 legally invalid. *See American-Arab Anti-Discrimination Comm. v. Ashcroft*, 272 F. Supp. 2d 650
11 (E.D. Mich. 2003). Additionally Courts regularly find that they, at a minimum, have jurisdiction
12 to determine whether they have jurisdiction. The legal analysis of an invalid prior order of
13 removal is one such case. The jurisdiction limiting language in 8 U.S.C. § 1252(e)(2) are similar
14 to the limitations on review of criminal related orders of removal, and courts have not shied
15 away from exercising judicial review in those cases. Just as 8 U.S.C. § 1252(a)(2)(C) allows
16 review of issues related to legal removability, 8 U.S.C. § 1252(e)(2)-(5) permits review of
17 whether the order was in fact issued. While federal respondents may argue that jurisdiction is
18 foreclosed by *Garcia de Rincon v. DHS*, 539 F.3d 1133 (9th Cir. 2008). However *Garcia* did not
19 actually decide whether there is jurisdiction to determine whether an expedited order of removal
20 was issued in a lawful manner because in *Garcia*, it was uncontested that the petitioner had
21 falsely claimed to be a U.S. Citizen. The only thing the parties contended was that she did not
22 understand the proceedings and therefore she was denied due process. In this case it is clear that
23

1 the expedited order of removal was issued contrary to the regulations because it was not
2 accompanied by the necessary sworn statement and signature of the Petitioner.

3 14. Additionally, in its reinstatement of the unlawful expedited order, DHS has
4 repeatedly violated the regulations by failing to provide petitioner with a copy of his negative
5 reasonable fear determination, failure to serve him with an I-863, and failure to conduct the IJ
6 review hearing within the 10 day regulatory timeframe.

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

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

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

13 18. Venue in the Western District of Washington is appropriate under 28 U.S.C.
14 § 1391(e)(1) because the petitioner is detained in this judicial district and because a substantial
15 part of the events or omissions giving rise to the claim occurred in this judicial district.

16
17 **FACTUAL BACKGROUND**

18 19. Pedro Rodriguez is a 46-year-old stateless non-citizen who is currently detained at the
19 NWIPC by ICE. NWIPC is a privately owned and operated immigration detention facility run by
20 the GEO Group on behalf of ICE.

21 18. Mr. Rodriguez was born in 1979 in Mexico. After living for a time in Mexico, he
22 came to the United States in 1994 at 14-years-old. Upon information and belief, an I-130 and I-
23 485 was filed on his behalf, and he was granted employment authorization, sometime before he

1 returned to Mexico in October 1998. He returned to the U.S. in 1999 and has permanently
2 resided in the United States since that time.

3 19. There is a Notice and Order of Expedited Removal, dated January 16, 1999,
4 claiming that Mr. Rodriguez is ineligible for admission to the U.S. because he “falsely
5 represented himself to be a citizen of the United States for the purpose or benefit under the
6 Immigration and Nationality Act (including Section 274A) or any other Federal or State Law.”
7 Ex. 1. The section entitled “Determination of Inadmissibility” was signed by a “T.R. Watkins,
8 Immigration Inspector.” This order is part of “Form I-860 (Rev. 04-01-97). *Id.*

9 20. The 1999 removal order states that “[b]ased upon the determination set forth
10 above and evidence presented during inspection or examination pursuant to section 235 of the
11 Act, and by the authority contained in section 235(b)(1) of the Act, you are found to be
12 inadmissible as charged and ordered removed from the United States.” Ex. 1.

13 21. The expedited order of removal is not accompanied by a transcript of his
14 interactions with CBP signed by Petitioner, and the order itself lacks Petitioner’s signature. Both
15 of these were required under the regulations in effect at the time and were an important
16 procedural safeguard for petitioners, particularly when there are allegations that an individual
17 falsely held themselves out to be a U.S. Citizen.

18 22. Mr. Rodriguez’s partner, and the mother of his children, has a terminal illness and
19 would face substantial financial hardship, including the ability to treat her illness, if he were
20 removed to Mexico.

21 23. When he was detained, Mr. Rodriguez was not provided with a reason for the
22 detention, an opportunity to respond, nor was he provided with the original removal order or the
23 Notice of Intent/Decision to Reinstate Prior Order. Ex. 1.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

24. There are no administrative remedies that can provide the relief the petitioner seeks. There is no mechanism for challenging an unlawful expedited order of removal other than through the instant habeas petition. As stated below, this Court has limited jurisdiction to review the legality of expedited removal orders except in certain circumstances such as Petitioner's case.

IRREPARABLE INJURY

25. Mr. Rodriguez has suffered irreparable injury as a result of the detention. His physical liberty continues to be restrained, in penal-like conditions, *see, e.g., Maliwat v. Scott*, No. 2:25-cv-00788-TMC, 2025 U.S. Dist. LEXIS 152663, at *15 (W.D. Wash. August 7, 2025), and no just cause for doing so can be specified. He has been unavailable to continue his role as caretaker for his family, including for his partner. His partner has significant health issues. And he has been deprived of his constitutional rights, which "unquestionably constitutes irreparable injury." *de Jesus Ortega Melendres v. Arpaio*, 695 F.3d 990, 1002 (2012). But for the unlawful prior expedited order of removal, he would be allowed to present these factors to an immigration judge and request his release on bond. Additionally, he would be eligible to adjust his status through a petition filed by his, now adult, U.S. Citizen children.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

Mr. Rodriguez's continued detention violates INA 235(b)(1).

26. The petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

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27. In *Dugdale v. CBP*, 88 F. Supp. 3d 1 (D.D.C. 2015), a non-citizen subject to an expedited removal order filed a habeas petition claiming that he had not been lawfully ordered removed because his removal order was not signed by the supervisor of the issuing immigration officer, as required by the regulations. The court stated that review of whether an expedited removal order “in fact was issued,” and concluded that “a determination of whether a removal order ‘in fact was issued’ fairly encompasses a claim that the order was not lawfully issued due to some procedural defect.” The court held that it had jurisdiction to consider the petitioner’s claims and ordered further briefing to determine whether CBP had complied with the governing regulations. The court explained that “given how few means aliens have to challenge expedited removal orders, the Court believes it important that CBP follow the letter of the law in issuing them, even in cases where the grounds for removal appear clear.”

28. Mr. Rodriguez’s continued detention violates INA 235(b)(1). In April 1997, this provision took effect. In substance it stated that all noncitizens undergoing primary or secondary inspection are subject to expedited removal. However, it required that the examining officer create a record of the relevant facts; read to the noncitizen all information contained on a form entitled “Record of Sworn Statement in Proceedings Under Section 235(b)(1)” (Form I-867A); record the noncitizen’s response; and have the noncitizen sign and initial each page of the statement. The proceedings also required the use of an interpreter, if necessary, to communicate with the noncitizen. 8 CFR 235.3(b)(2)(i) (The Form I-867A/B includes information about applying for asylum as well).

29. Upon information and belief and according to the records provided by the government, Mr. Rodriguez did not make a sworn statement, did not have this statement read to him, and did not sign and initial each page. To date, despite multiple requests for such records,

the government has not produced any and all records relating to his prior removal order other than the summary order. The government also has failed to produce any record of relevant facts upon which they could have made a determination that Petitioner made any false claim to U.S. citizenship for the purpose or benefit under the INA or any other Federal or State law. In fact, the records that Petitioner produced from that time show that he had a false Lawful Permanent Resident card rather than documentation claiming he was a U.S. citizen. Ex. 2.

30. Furthermore, the INA required that the immigration officer advise Petitioner of the charges against him, as stated on the Notice and Order of Expedited Removal (Form I-860), and must have afforded him an opportunity to respond. 8 CFR 235(b)(2)(i).

31. In Habeas proceedings, judicial review of any determination made under section 235(b)(1) includes “whether the petitioner was ordered removed under such section.” If the immigration officer has failed to make a “determination under section 235(b)(1)”, then the court can determine that the expedited removal order was not issued “under” section 235(b)(1) and invalidate the expedited order of removal as ultra vires. INA section 242(e)(2)(B).

SECOND CLAIM FOR RELIEF

Violation of Due Process

32. The petitioner re-alleges and incorporates by reference the allegations set forth in each of the preceding paragraphs of this Petition.

33. The government violated Petitioner’s Due Process rights in reinstating the legally deficient removal expedited order of removal by failing to provide even the bare minimum regulatory safeguards. It failed to provide Petitioner with a copy of his negative reasonable fear determination, failed to provide him with a full copy of the record that would be reviewed by the

1 Immigration Judge, and failed to provide him with a review hearing within 10 days of the
2 negative reasonable fear determination.

3 34. Because the reinstatement of the prior order of removal is predicated on following
4 this framework, and the government failed to do so, Petitioner's detention has become unlawful.

5
6 **PRAYER FOR RELIEF**

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

- 8 a. Assume jurisdiction over this matter;
- 9 b. Issue a writ of habeas corpus ordering the respondents to immediately release Mr.
10 Rodriguez from their custody;
- 11 c. Issue an order preventing the respondents from once again taking Mr. Rodriguez into
12 custody;
- 13 d. Issue an order declaring the prior expedited order of removal void;
- 14 e. Issue an order providing for an award of attorney's fees and costs; and
- 15 f. Grant such other relief as may be just and reasonable.
- 16

17 Dated: April 1, 2026.

18 /s/ Adam W. Boyd

19 Adam W. Boyd, WSBA 49849
20 GIBBS HOUSTON PAUW
21 1000 Second Avenue, Suite 1600
22 Seattle, WA 98104
23 (206) 682-1080
Adam.Boyd@ghp-law.net

Attorney for Petitioner