

DETAINED

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THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

PHOUVONG MANIVONG,

Petitioner,

v.

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

Case No.

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

INTRODUCTION

1. Petitioner PHOUVONG MANIVONG is a citizen of Laos who entered the United States on or about May 17, 1984, as a refugee at the age of approximately ten. He has resided in the United States for over 42 years. Following the issuance of a removal order in 2012, he

1 was found eligible for release and was subsequently placed under an Order of
2 Supervision (“OSUP”) on April 4, 2012, as he proceeded with his life in the community.

- 3 2. Since his release nearly fourteen years ago, Mr. Manivong has strictly complied with all
4 conditions imposed by Immigration and Customs Enforcement (“ICE”). He has reported
5 for every required check-in, maintained a stable residence, and supported himself through
6 steady employment under a valid Employment Authorization Document (“EAD”) issued
7 by the government.
8
- 9 3. Notably, Mr. Manivong has demonstrated complete rehabilitation and has maintained a
10 clean criminal record for over fifteen years, with no new convictions since his release
11 from state custody in 2011. He has deep, lifelong ties to this country, including his
12 mother, who is a United States Citizen.
13
- 14 4. Despite his fourteen years of full compliance and authorized residence, Respondents
15 abruptly and unlawfully re-detained Mr. Manivong on March 20, 2026, in Portland,
16 Oregon, while he was driving to work from his home. For fourteen years, the
17 Government made an affirmative determination that Petitioner could not be removed and
18 instead allowed him to live freely under supervision, and it now seeks to reverse that
19 determination without explanation or changed circumstances. At the time of this re-
20 detention, Mr. Manivong presented his valid work permit, yet he was taken into custody
21 without any prior notice, any allegation of a supervision violation, or a hearing.
22
- 23 5. Mr. Manivong challenges his continued detention as a violation of the Due Process
24 Clause of the Fifth Amendment. His detention is unlawful because Respondents re-
25 detained him after a decade-long period of authorized release without notice, without
26 identifying any violation of his release conditions, and without providing any opportunity
27

1 to be heard. Because the Government deprived him of a long-standing and protected
2 liberty interest without the most basic procedural safeguards, he is entitled to a Writ of
3 Habeas Corpus ordering his immediate release.

4 6. Petitioner did not flee, he appeared, complied, and lived under the Government's
5 supervision for fourteen years, and it was at that moment of compliance that the
6 Government chose to revoke his liberty without due process.

7 7. Mr. Manivong asks this Court to "forthwith... issue an order directing [Respondents] to
8 show cause why the writ should not be granted" to be returned within three days unless
9 good cause is shown. 28 U.S.C. § 2243. Given the imminent risk of removal, immediate
10 judicial intervention is necessary to preserve the Court's jurisdiction and prevent
11 irreparable harm.

12 8. Mr. Manivong is in the physical custody of Respondents. He is currently detained at the
13 Northwest ICE Processing Center in Tacoma, Washington, and is under the direct control
14 of Respondents and their agents.

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16
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18 **PARTIES**

19
20 9. Petitioner, PHOUVONG MANIVONG (A# , is a native and citizen of
21 Laos, currently detained at the Northwest ICE Processing Center in Tacoma, Washington.

22
23 10. Respondent Markwayne MULLIN is sued in his official capacity as the Secretary of the
24 U.S. Department of Homeland Security. He is the cabinet-level secretary responsible for
25 all immigration enforcement in the United States and has ultimate custodial authority
26 over Petitioner.

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

4 12. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S.
5 Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency
6 responsible for all immigration enforcement in the United States.
7

8 13. Respondent Laura Hermosillo is sued in her official capacity as Acting Field Office
9 Director for the Seattle office of Immigration and Customs Enforcement, an agency of
10 the Department of Homeland Security. She is responsible for overseeing ICE operations
11 pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including
12 detentions, enforcement, and removal operations. She is the immediate legal custodian of
13 the petitioner for purposes of a federal habeas petition.
14

15 14. Respondent, Bruce Scott, is sued in his official capacity as the Warden of the Northwest
16 ICE Processing Center, the privately-operated immigration detention center where the
17 Petitioner is being detained. Mr. Scott has immediate physical custody of Petitioner.
18

19
20 **JURISDICTION**

21 15. This Court has jurisdiction over this matter under 28 U.S.C. § 1331 (federal question
22 jurisdiction); 28 U.S.C. § 2241 (habeas corpus); and 28 U.S.C. § 1651 (All Writs Act).
23

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

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

VENUE

18. 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.

19. 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.

FACTUAL BACKGROUND

20. Petitioner PHOUVONG MANIVONG (A# ) is a native and citizen of Laos.

21. Petitioner entered the United States on or about May 17, 1984, as a refugee (Class of

Admission: RE3) at the age of approximately ten. On October 9, 1985, Petitioner

adjusted his status to that of a Lawful Permanent Resident under the RE8 category.

Pursuant to Section 209(a) of the Immigration and Nationality Act, Petitioner's status was

granted retroactively to May 17, 1984. Petitioner has resided in the United States for over

42 years, nearly his entire life.

22. On January 4, 2012, an Immigration Judge issued a final order of removal against

Petitioner. However, the Department of Homeland Security ("DHS") determined that

Petitioner was eligible for release from administrative custody. On April 4, 2012,

Petitioner was released under an Order of Supervision ("OSUP") and permitted to reside

in the community.

23. For the next fourteen years, Petitioner remained at liberty and strictly complied with all

conditions of his OSUP. He reported to ICE on a regular basis as required, maintained a

1 stable residence in Portland, Oregon, and supported himself through steady employment
2 under a valid Employment Authorization Document (“EAD”) issued by USCIS.

3 24. Petitioner has no new criminal convictions since his 2011 release from state custody.

4 While he was convicted of drug-related offenses in 2010, he has demonstrated complete
5 rehabilitation over the past fifteen years and has remained a law-abiding member of the
6 community. The Government has been aware of these convictions for over a decade and
7 nevertheless chose to release Petitioner and permit him to remain in the community for
8 fourteen years
9

10 25. On March 20, 2026, while Petitioner was driving to work, ICE officers abruptly
11 apprehended and re-detained him. At the time of his arrest, Petitioner was in full
12 compliance with his supervision and presented his valid work permit to the officers. ICE
13 provided Petitioner with no notice of any alleged violation of his supervision conditions.
14 There has been no intervening conduct, violation, or changed circumstance that would
15 justify Petitioner’s sudden re-detention after fourteen years of compliance.
16

17 26. Petitioner is currently detained pursuant to the Government’s asserted post-final-order
18 detention authority under 8 U.S.C. § 1231, as limited by the Constitution and *Zadvydas v.*
19 *Davis*, 533 U.S. 678 (2001).
20

21 27. Despite his long-term compliance and lack of any recent criminal history, Respondents
22 have not provided Petitioner with any individualized assessment or hearing to justify the
23 sudden revocation of his liberty. Respondents have failed to demonstrate that Petitioner
24 presents a flight risk or a danger to the community that would necessitate his sudden re-
25 detention after fourteen years of compliant release.
26
27

1 28. Respondents have likewise failed to demonstrate that Petitioner’s removal is reasonably
2 foreseeable, particularly given that the Government did not effectuate removal at any
3 point during the preceding fourteen years.

4
5 29. As of today, Petitioner has been re-detained in administrative custody for twelve (12)
6 days without a statement of reasons, without a notice of violation, and without a hearing.

7 **LEGAL FRAMEWORK**

8
9 30. “Freedom from imprisonment—from government custody, detention, or other forms of
10 physical restraint—lies at the core of the liberty protected by the Due Process Clause.”
11 *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This case arises in the post-final-order
12 detention context, where the Government’s authority to detain is strictly limited by the
13 Constitution. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), continued detention is
14 unlawful where removal is not reasonably foreseeable. Here, the Government permitted
15 Petitioner to live in the community under supervision for over fourteen years,
16 demonstrating that removal was not reasonably practicable during that period. The
17 Government cannot now reverse course and detain Petitioner without demonstrating that
18 removal has suddenly become reasonably foreseeable.

19
20 31. Consistent with this principle, individuals released on parole or other forms of conditional
21 release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S.
22 471, 482 (1972).

23
24 32. The Due Process Clause requires that the deprivation of Petitioner’s liberty be narrowly
25 tailored to serve a compelling government interest. *Reno v. Flores*, 507 U.S. 292, 301–02
26 (1993).
27

33. Even where detention is authorized by statute, the Constitution imposes independent limits that prohibit arbitrary detention, particularly where the Government has previously granted long-term liberty and created a settled expectation of continued freedom.

CLAIMS FOR RELIEF

COUNT ONE

Procedural Due Process and the Right to Continued Liberty)

34. The Fifth Amendment's Due Process Clause prohibits the Government from depriving any person of liberty without due process of law. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the core of the liberty protected by the Due Process Clause." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

35. Petitioner possesses a significant and protected liberty interest in his continued freedom. Individuals who have been released into the community on conditions, such as an Order of Supervision, and who have successfully reintegrated for a substantial period, possess a "continued liberty" that cannot be summarily terminated. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (holding that the termination of conditional liberty requires procedural safeguards).

36. In the Ninth Circuit, civil immigration detention violates due process when it is not supported by constitutionally adequate procedures. Under the three-part balancing test in *Mathews v. Eldridge*, 424 U.S. 319 (1976), the Court must weigh: (1) the private interest affected; (2) the risk of an erroneous deprivation of such interest; and (3) the Government's interest.

1 37. Courts within the Western District of Washington have repeatedly held that when the
2 Government re-detains a noncitizen after a long period of compliant release, it must
3 provide a pre-deprivation hearing or, at minimum, immediate post-deprivation process.
4 See *E.A. T.-B. v. Wamsley*, 2025 WL 2402130, at *6 (W.D. Wash. Aug. 19, 2025);
5 *Ramirez Tesara v. Wamsley*, 2025 WL 2637663, at *5 (W.D. Wash. Sept. 12, 2025).
6

7 38. Petitioner's private interest in his physical liberty is at its apex. He has resided in the
8 United States for over forty-two years after entering as a refugee in 1984. Following a
9 2012 removal order, he was authorized for release and lived openly and lawfully for
10 fourteen years under an Order of Supervision (OSUP).
11

12 39. During this fourteen-year period, Petitioner demonstrated complete rehabilitation and
13 strict compliance. He maintained steady employment under a valid Employment
14 Authorization Document (EAD), reported for every check-in, and supported his family,
15 including his United States Citizen mother.
16

17 40. Despite this record of perfect compliance, Respondents abruptly re-detained Petitioner on
18 March 20, 2026, while he was driving to work. Respondents provided Petitioner with no
19 written notice of any alleged violation, no statement of reasons, and no opportunity to be
20 heard before a neutral decisionmaker. The complete absence of notice or process prior to
21 detention renders the deprivation of liberty constitutionally deficient as a matter of law
22

23 41. The risk of erroneous deprivation here is extraordinarily high. The Government
24 terminated a decade-long liberty interest without identifying any new flight risk or danger
25 to the community. Such an arbitrary "detain first, justify later" approach is a paradigmatic
26 violation of procedural due process. Here, Respondents have not justified detention at all.
27

1 42. While the Government has a legitimate interest in efficient immigration enforcement, that
2 interest does not outweigh Petitioner's fundamental right to notice and a hearing before
3 being stripped of his freedom after fourteen years of authorized residence.

4 43. Furthermore, less restrictive alternatives to detention, such as the very Order of
5 Supervision Petitioner complied with for fourteen years, remain available and sufficient
6 to ensure his future appearance for removal.

7
8 44. Respondents' actions constitute an arbitrary deprivation of liberty that the Fifth
9 Amendment forbids. Because Petitioner was re-detained without the most basic
10 procedural safeguards, his continued confinement is unconstitutional, and habeas relief is
11 warranted.

12
13 45. This Petition has been verified by Petitioner. See Verification of Petitioner.

14
15 **COUNT TWO**

16
17 **Violation of the Due Process Clause**

18 **Due Process of the Fifth Amendment to the U.S. Constitution**

19 46. Petitioner PHOUVONG MANIVONG restates and realleges all prior paragraphs as if
20 fully set forth herein.

21 47. The Fifth Amendment's Due Process Clause prohibits the Government from stripping an
22 individual of a long-standing and protected liberty interest without adequate procedural
23 safeguards.

24
25 48. Having authorized Petitioner's release into the community for nearly fourteen years
26 under an Order of Supervision, the Government created a significant liberty interest that
27 cannot be summarily revoked. Due process does not permit the Respondents to seize

Petitioner and terminate that liberty without prior written notice, a statement of reasons, and a pre-deprivation hearing before a neutral decisionmaker. See *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

49. Respondents abruptly revoked Petitioner's supervision and deprived him of his physical liberty on March 20, 2026, without affording him any written notice of a violation or a meaningful opportunity to be heard prior to his re-detention.

50. Respondents continue to detain Petitioner without providing any individualized determination, supported by clear and convincing evidence, that his re-detention is necessary based on a current danger to the community or a specific flight risk that cannot be mitigated by less restrictive alternatives. The Government bears the burden of justifying detention, and it has failed to meet that burden here.

51. Because Respondents failed to observe the most fundamental procedural safeguards before and after revoking Petitioner's fourteen-year period of authorized release, Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment.

52. Absent intervention by this Court, Respondents will continue to detain Petitioner in violation of the Constitution and may remove him before meaningful judicial review can occur.

IRREPARABLE INJURY

53. Petitioner PHOUVONG MANIVONG has suffered, and continues to suffer, irreparable injury as a result of his unlawful re-detention. After residing in the community for nearly fourteen years with the Government's express authorization and under constant supervision, Petitioner's sudden and arbitrary incarceration constitutes a severe

1 deprivation of his physical liberty. This loss of liberty is particularly acute given
2 Petitioner's 42-year history of residence in the United States and his total compliance
3 with all supervision requirements since his 2012 release.

4 54. The Government's summary revocation of Petitioner's liberty interest without prior
5 notice, without a statement of reasons, and without a hearing, constitutes a direct
6 violation of his Fifth Amendment rights. It is well established that the deprivation of
7 constitutional rights "unquestionably constitutes irreparable injury". *Melendres v. Arpaio*,
8 695 F.3d 990, 1002 (9th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)).
9

10 55. Furthermore, Petitioner faces the imminent threat of physical removal from the United
11 States. Such removal would not only result in the permanent separation from his family
12 and community ties established over four decades but would also strip this Court of
13 jurisdiction to provide meaningful relief on his underlying constitutional claims. The
14 permanent loss of one's home, livelihood, and the ability to seek judicial redress for a
15 constitutional violation is the very definition of irreparable harm. Once removed, this
16 Court will be permanently divested of jurisdiction over Petitioner's unlawful detention
17 claim, rendering habeas relief meaningless.
18
19

20 **PRAYER FOR RELIEF**

21
22 WHEREFORE, Petitioner respectfully requests that this Court:

- 23 (1) Assume jurisdiction over this matter;
24
25 (2) Issue an immediate temporary restraining order staying Petitioner's removal pending
26 resolution of this habeas petition.
27

(3) Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody;

(3) Permanently enjoin Respondents from re-detaining Petitioner during the pendency of his removal proceedings absent written notice and a meaningful hearing prior to any such re-detention;

(4) Enjoin Respondents from transferring Petitioner outside the jurisdiction of the Western District of Washington without providing at least seventy-two (72) hours' advance written notice to the Court and undersigned counsel;

(5) Enjoin Respondents from placing GPS ankle monitors or other restrictive electronic surveillance on Petitioner upon his release, absent clear and convincing evidence that Petitioner is a flight risk or a danger to the community and that no less-restrictive alternatives would mitigate such risks;

(6) Declare that Respondents' sudden re-detention of Petitioner, after nearly fourteen years of authorized and compliant residence in the community, without prior notice, without a stated violation of supervision, and without a hearing before a neutral decisionmaker, violates the Due Process Clause of the Fifth Amendment;

(7) Issue an order providing for an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA); and

(8) Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 2nd day of April 2026.

/s/ Jashan Multani
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