

PRO SE PETITION FOR WRIT OF HABEAS CORPUS

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

Garnet SMITH,

Petitioner,

v.

Julio Hernandez, Seattle Field Office
Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement (ICE); Bruce SCOTT,
Warden, Northwest ICE Processing Center;
Secretary, United States Department of
Homeland Security; Pamela BONDI, United
States Attorney General; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY;

Respondents.

Case No.:

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

Agency File Number:



I. INTRODUCTION

This case challenges the unlawful detention of pro se petitioner Garnet Smith. The petitioner, a lawful permanent resident, U.S. Army veteran, and long-term resident of the United States raise a procedural due process claim, a prolonged detention claim, and a fourth

amendment unreasonable seizure claim. Petitioner argues that each individual claim requires immediate release.

Petitioner was admitted to the United States as a LPR on October 1, 1998, as a child of a U.S. Citizen under his stepfather. At the time of admission Petitioner was 17 years old.

Petitioner served in the U.S. Army between March 22, 1999 and June 6, 2002. Petitioner was honorably discharged and received a National Defense Service medal, Army Service ribbon, and Army Good Conduct Medal.

Shortly after discharge Petitioner began to suffer from the effects of combat. Petitioner has been convicted of multiple offenses from 2005 to 2023. The most recent conviction stems from an offense date of November 15, 2023 with a conviction date of January 24, 2025. Petitioner was convicted of Assault in the Fourth degree and Felony Harassment non-DV. An appeal is pending before the Washington State Court of Appeals.

Nine months later on October 1, 2025, Petitioner was detained by ICE, ERO, and ATF agents without notice or an opportunity to be heard at his workplace in Spokane, Washington. The arrest warrant indicates that the arrest was predicated on “biometric confirmation” that the subject lacks immigration status or such status is removable and “statements made voluntarily” by the subject that indicate that the subject lacks status or such status is removable. The charging document, aka the Notice to Appear states that Petitioner is removable pursuant to INA § 237(a)(2)(E)(ii). However, 237(a)(2)(E)(ii) does not apply to the Petitioner. ICE officers themselves informed Petitioner that the alleged violation was non-detainable. The Respondents have not informed petitioner under what statute he is being detained under.

The Petitioner argues that his arrest violates the Fourth and Fifth Amendment of the United States Constitution. The procedural missteps contained in the NTA violate Petitioner's right to procedural due process.

Three months later on January 9, 2026, the Immigration Court entered an order of removal, Petitioner timely appealed to the Board of Immigration Appeals. His appeal remains pending. Removal cannot occur unless and until appellate review concludes.

Despite this, ICE continues to detain him under 8 U.S.C. § 1231(a)(6). Under *Zadvydas v. Davis*, civil immigration detention may not be indefinite and must bear a reasonable relationship to the purpose of removal. Where removal is not reasonably foreseeable, detention is unlawful. The Respondents have not provided Petitioner with any indication that they seek to remove him. No travel documents have been provided nor any information about whether Jamaica will accept Petitioner.

Petitioner's continued confinement violates the Immigration and Nationality Act, the Fourth Amendment, and the Due Process Clause of the Fifth Amendment.

JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

4. “Once a [constitutional] right and a violation have been shown, the scope of a district court’s equitable powers to remedy past wrongs is broad, for breadth and flexibility are inherent in equitable remedies.” *Roman*, 977 F.3d at 942 (quoting *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971)).

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

VENUE

6. Venue is proper because I am in Respondents’ custody at the NWIDC in Tacoma, Washington.

7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the judicial district in which Mr. Smith currently is in custody.

8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the Respondents “forthwith,” unless Petitioner is not entitled to relief 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

10. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th Cir. 1954) (habeas corpus is “a speedy remedy, entitled by statute to special, preferential consideration to insure expeditious hearing and determination”).

PARTIES

11. Petitioner is a citizen of Jamaica and is presently detained at the Northwest ICE Processing Center in Tacoma, Washington.

12. Respondent Julio Hernandez is the Field Office Director for ICE’s Seattle Field Office. The Seattle Field Office is responsible for local custody decisions relating to noncitizens charged with being removable from the United States. The Seattle Field Office’s area of responsibility includes Alaska, Oregon, and Washington. Respondent Wamsley is a legal custodian of Petitioner and is sued in her official capacity.

13. Respondent Bruce Scott is employed by the private corporation The GEO Group, Inc., as Warden of the NWIPC, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

14. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. She has responsibility over the Executive Office for Immigration Review, which decides removal cases and applications for relief from removal.

15. Respondent the Secretary of the Department of Homeland Security (“DHS”).

16. Respondent U.S. Department of Homeland Security is the federal agency that has authority over the actions of ICE.

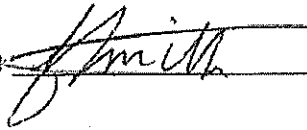
III. DECLARATION OF PETITIONER

1. I am a lawful permanent resident of the United States.
2. I entered the United States lawfully as a child of a U.S. citizen and lawful permanent resident.
3. I have lived in this country for the vast majority of his life.
4. I joined the army when I was only 18 years old.
5. I was told by the recruiter that I would be able to become a citizen after honorable discharge.
6. I served honorably in the United States Army.
7. I believe I am eligible for naturalization under INA § 329 based on military service.
8. ICE indicates in their NTA that I am removable due to a January 6, 2006 King County Superior Court conviction for violating a domestic violence no contact order.
9. I am not aware of a January 6, 2006 conviction.
10. ICE claims that under § 237(a)(2)(E)(ii), which requires a judicial determination of violation of a protection order involving threats of violence, repeated harassment, or bodily injury, I am removable.
11. The violation of the 2006 no contact order was for phone calls to the protected party while the Petitioner was incarcerated. There were no allegations of threats of violence, repeated harassment or bodily injury.
12. During processing, Deportation Officer Miller and another ICE officer informed me that the alleged violation was non-detainable.
13. When I questioned why I was nevertheless being detained, officers stated that the decision would be left to supervisory discretion.
14. I was arrested and detained pursuant to an administrative ICE warrant, not a warrant issued by a neutral judicial officer.
15. An Immigration Judge entered a removal order.
16. I timely appealed to the Board of Immigration Appeals, where my case remains pending.
17. Because appellate review is ongoing, removal I cannot presently be executed.
18. Recently my immigration lawyer is in the process of filing my naturalization under INA 329 which I qualify for due to my service during wartimes.

19. I will be using my personal copies of documents as exhibits to support my petition. These are documents I received from the government.
20. I based my petition on my own personal legal research and habeas templates.

I declare under the penalty of perjury pursuant to the laws of the United States that the above-mentioned facts are true and correct to the best of my knowledge.

Signed: _____



Pro se Petitioner

Garnet Smith

Dated:

IV. EXHIBIT LIST

All my exhibits are attached to my petition.

ARGUMENT

A. The Charge Under INA § 237(a)(2)(E)(ii) Is Legally Deficient

INA § 237(a)(2)(E)(ii) requires a judicial finding that a noncitizen violated a protection order involving conduct that constitutes threats of violence, repeated harassment, or bodily injury. Removability must strictly match statutory elements. The record does not contain qualifying findings establishing conduct that meets those elements. Where statutory elements are not satisfied, removability cannot stand. See *Moncrieffe v. Holder*, 569 U.S. 184 (2013). Detention predicated upon a legally defective charge lacks statutory foundation.

B. Detention Based on Supervisory Discretion Is Arbitrary Executive Confinement

ICE officers informed Petitioner that the charged offense was non-detainable. Detention was therefore not mandatory. Civil detention must be authorized by statute and reasonably

related to a legitimate regulatory purpose. The Supreme Court has repeatedly emphasized that civil immigration detention is constitutionally permissible only insofar as it is limited and tied to removal. See *Zadvydas*. Detention imposed through discretionary supervisory choice, absent statutory mandate and absent foreseeable removal, becomes arbitrary executive imprisonment. The Fifth Amendment forbids such confinement.

C. The Administrative Warrant Fails Fourth Amendment Standards

The Fourth Amendment protects “[t]he right of the people to be secure in their persons ... against unreasonable ... seizures[.]” U.S. Const. amend. IV. Under the Amendment, the predicate for an arrest is probable cause to believe the arrestee is committing or has committed a crime. *Devenpeck v. Alford*, 543 U.S. 146, 152, 125 S.Ct. 588, 160 L.Ed.2d 537 (2004). Petitioner was seized pursuant to an ICE administrative warrant. The Fourth Amendment requires that warrants issue upon probable cause and be approved by a neutral magistrate. Administrative immigration warrants are not judicial warrants. Where the underlying removability charge is legally defective, probable cause to seize and detain collapses. Continued detention under these circumstances constitutes an unreasonable seizure.

Here, the Petitioner was arrested pursuant to an arrest warrant and was served on the same day a NTA that stated he was charged with removal for violating INA § 237(a)(2)(E)(ii):

(ii) Violators of protection orders

Any alien who at any time after admission is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable. For purposes of this clause, the term "protection order" means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.

According to ICE the underlying criminal charge that triggered INA § 237(a)(2)(E)(ii) was the Petitioner's January 6, 2006 conviction of a domestic violence no contact order out of King County Superior Court Case no. 051079432.

237(a)(2)(E)(ii) requires a judicial finding that a noncitizen violated a protection order *involving conduct that constitutes threats of violence, repeated harassment, or bodily injury*. Petitioner asserts that no such conduct of credible threats or violence applies here and that any violation of a no contact order did not include threats of violence, repeated harassment, or bodily injury. An arrest predicated upon a legally defective warrant violates the Fourth Amendment.

In addition to the underlying immigration charge being incorrect, the administrative immigration warrant is also defective. The arresting officer Jeremy Burlingame stated that he believed there to be probable cause that Petitioner was removable based upon "biometric confirmation" that the subject "lacks immigration status or is removable" and based upon statements made voluntarily by the subject to an immigration officer or other reliable evidence that indicates the same. The I-213 offers little supportive information about Officer Burlingame's probable cause for arrest. In fact, it doesn't mention any personal knowledge from Officer Burlingame.

Probable cause must exist prior to an arrest and cannot be justified after the fact. It requires reliable information, facts, or circumstances that is individualized to the suspect. And in the immigration setting the reliable and individualized information must show that it is probable that the suspect is violating immigration law.

At the time of Petitioner's arrest, he was a valid LPR whose status had not been revoked, and he did not have a final order of removal. He was not committing any crimes or felonies in the presence of the officers.

Since the underlying arrest warrant that was executed by Officers Tomaso, Miller, Wells, Sterling, Kondo, Ardito, Hunter, and Sevy was not supported by probable cause, Petitioners detention is unlawful.

E. Lawful Permanent Residents Are Entitled to Robust Due Process Protection

Lawful permanent residents stand within the constitutional community. The Supreme Court has recognized that returning lawful permanent residents are entitled to due process protections. See *Landon v. Plasencia*, 459 U.S. 21 (1982). Petitioner entered lawfully as a child and has deep, longstanding ties to this country. Prolonged detention without statutory basis or foreseeable removal violates both substantive and procedural due process.

Petitioner argues that as applied to him his due process rights were violated when he was detained at his workplace without probable cause, notice or an opportunity to be heard and was not provided a prompt post-deprivation hearing or any safeguards. Petitioner believes that the question before the court is whether the “process” afforded to him, a LPR who has lived in United States for over 21 years, has served in the military for the United States, and has a viable naturalization claim under INA 329 satisfied the Due Process Clause of the United Constitution. Petitioner does not argue that he is entitled to process by statute but rather by the Fifth Amendment. The Supreme Court has recognized that lawful permanent residents are entitled to due process protections. See *Landon v. Plasencia*, 459 U.S. 21 (1982)

Petitioner addresses the Mathews factors:

1. Liberty interest

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.”

Zadvydas v. Davis, 533 U.S. 678, 690 (2001). As this Court recently recognized, this is the “the

most elemental of liberty interests.” E.A. T.-B., 2025 WL 2402130, at *3 (citation modified); see also Ramirez Tesara, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally strong interest in freedom from physical confinement”). Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released individual] and often on others.” *Id.*

Petitioner has a strong liberty interest in his freedom. Petitioner has lived in the United States since 1998. Living in the United States for over 21 years creates a strong liberty interest. He enlisted in the military and served the United States for three years and was honorably discharged. As a veteran he received health care and other government benefits. He has created deep and meaningful friendships, has family and friends in the United States. Family is everything to Petitioner. He has four daughters and one son. Being a father is his greatest accomplishment in life. Petitioner wishes to go back to his family to live the life he worked so hard to build. Accordingly, this factor weighs in favor of the Petitioner.

2. Risk of erroneous deprivation of rights

As to the second Mathews factor, civil immigration detention must be “nonpunitive in purpose” and bear a “reasonable relation” to the authorized statutory purposes of preventing flight and danger to the community. *Zadvydas*, 533 U.S. at 690 (citation omitted). Absent a pre-detention hearing in front of a neutral decisionmaker, the risk of erroneous deprivation of liberty is high given the possibility that Petitioner’s arrest was not executed pursuant to valid warrant. A hearing would have likely revealed that the warrant lacked probable cause. Additionally, and at

the very least a prompt post deprivation probable cause hearing would have allowed the same issue to be raised.

3. The burden on the Government is slight

The Government cannot show any countervailing interest against providing a pretention hearing/prompt post deprivation probable cause hearing. Immigration court custody hearings are routine and, in this case, does not present any significant delay in the Government's efforts to remove Petitioner. Detention for its own sake is not a legitimate governmental interest. *Pinchi v. Noem*, No. 5:25-cv056320PCP, 2025 WL 2084921, at 5 (N.D. Cal. July 24, 2025) ("Detention for its own sake, to meet an administrative quota, or because the government has not yet established constitutionally required pre-detention procedures is not a legitimate government interest."). The Mathews factors favor the Petitioner.

F. Military Service and Eligibility for Citizenship Underscore the Lack of Justification for Continued Detention

Petitioner served honorably in the United States Army. Congress expressly provided a pathway to naturalization under INA § 329 for those who serve during periods of hostilities. While military service does not immunize one from immigration proceedings, it underscores the strength of Petitioner's ties to the United States and further diminishes any justification for prolonged detention pending appellate review.

G. Continued Post-Order Detention Violates 8 U.S.C. § 1231(a)(6) as Construed in Zadvydas

Following entry of a removal order, detention authority arises under 8 U.S.C. § 1231. In *Zadvydas v. Davis*, the Supreme Court held that § 1231(a)(6) does not authorize indefinite detention and must be read to contain a reasonableness limitation. The Court established six months as the presumptively reasonable period of post-order detention. After that period, if there

is no significant likelihood of removal in the reasonably foreseeable future, continued detention is unauthorized.

Petitioner's appeal remains pending before the Board of Immigration Appeals. Should further review be sought, proceedings before the Ninth Circuit may extend many additional months or years. Removal cannot be executed while appellate review remains unresolved. Detention for the entire duration of administrative and judicial review would untether confinement from its regulatory purpose and convert it into prolonged civil imprisonment.

Such detention exceeds statutory authority and violates the Fifth Amendment.

IV. GROUNDS FOR RELIEF /ADDITIONAL ARGUMENT

Ground One

The Charge Under INA §237(a)(2)(E)(ii) Is Legally Defective

23. INA §237(a)(2)(E)(ii) applies only where a court finds violation of a protection order involving threats of violence, repeated harassment, or bodily injury.
 24. The charging documents do not establish those elements.
 25. Immigration courts must determine removability using the categorical approach.
 26. The Supreme Court reaffirmed this rule in *Moncrieffe v. Holder*.
 27. Where the elements of the statute of conviction do not match the federal removal ground, removability cannot be sustained.
 28. Accordingly, the charge is legally deficient.
-

Ground Two

ICE Improperly Classified Washington Felony Harassment as an Aggravated Felony

29. ICE alleges that Petitioner committed an aggravated felony under INA §237(a)(2)(A)(iii).
 30. The allegation is based on a charge of felony harassment under Washington law.
 31. Washington's harassment statute is codified at RCW 9A.46.020.
 32. Washington sentencing law distinguishes between violent and non-violent offenses under RCW 9.94A.030.
 33. Felony harassment is not categorically classified as a violent offense under Washington law.
 34. Immigration law requires courts to apply the categorical approach to determine whether a conviction qualifies as an aggravated felony.
 35. Under this approach, courts compare statutory elements rather than alleged facts.
 36. Washington's harassment statute criminalizes conduct broader than the federal definition of a crime of violence.
 37. Therefore it cannot categorically qualify as an aggravated felony.
-

Ground Three

Ninth Circuit Precedent Confirms Washington Harassment Is Not a Crime of Violence

38. In *United States v. Werle* the Ninth Circuit held that Washington felony harassment does not categorically require the use or threatened use of violent physical force.

39. The court explained that a person may violate the statute through threats that do not involve violent physical force.

40. Because the statute encompasses conduct broader than the federal definition of a crime of violence, it cannot categorically qualify as such.

41. Additional Ninth Circuit precedent reinforces the categorical approach requirement.

42. In *United States v. Valdivia-Flores* the court held that a Washington statute broader than the federal definition cannot serve as a predicate offense.

43. Similarly, *United States v. Martinez-Lopez* confirmed that immigration consequences must be determined by statutory elements rather than underlying facts.

Ground Four

USCIS Has Determined Felony Harassment Is Not a Qualifying Criminal Activity

44. Federal immigration authorities themselves have determined that Washington felony harassment does not constitute qualifying violent criminal activity.

45. In *Perez Perez v. Wolf* the Ninth Circuit reviewed a USCIS determination regarding Washington felony harassment.

46. USCIS concluded that felony harassment is not substantially similar to felony assault.

47. Because immigration authorities themselves have determined the offense is not equivalent to violent criminal activity, ICE cannot simultaneously characterize it as an aggravated felony.

Ground Five

Federal Agencies Must Follow Their Own Rules

48. Federal agencies must comply with their own rules and interpretations.

49. The Supreme Court established this principle in *United States ex rel. Accardi v. Shaughnessy*.

50. The Court reaffirmed the rule in *Morton v. Ruiz*.

51. This doctrine prohibits agencies from arbitrarily disregarding their own policies.

52. ICE's attempt to classify felony harassment as an aggravated felony contradicts federal immigration agency determinations and therefore constitutes arbitrary agency action.

CLAIMS FOR RELIEF

Count I. Violation of the Fourth Amendment of the United States Constitution

Count II. Violation of Fifth Amendment Right to Due Process

II. A. Procedural Due Process; and

II. B. Prolonged Detention.

Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

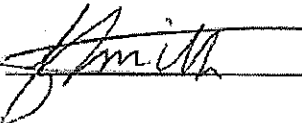
RELIEF REQUESTED

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Grant the Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release from ICE custody;
3. Alternatively, order release under reasonable conditions of supervision;
4. Grant such further relief as justice

Respectfully submitted this 24th Day of March, _____.

Signed: _____



Pro se Petitioner

Garnet Smith

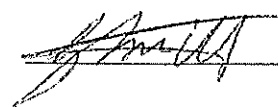
Dated:

VERIFICATION

I, GARNET SMITH, do hereby aver that the words above
are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I
provide this information based upon personal belief that they are the facts of this matter,
except where stated on personal belief. Submitted under the penalty of perjury of the laws of
the United States.

Dated this _____

GARNET SMITH



1
2 **PROOF OF SERVICE**

3 **&**

4 **DECLARATION**
5

6
7 I, GALNET SMITH, AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY
8 AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

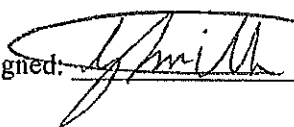
9 **PETITION FOR WRIT OF HABEAS CORPUS**

10 **U.S. District Court**
11 **Clerk's Office**
12 **700 Stewart Street, Suite 2310**
13 **Seattle, Washington 98101**

14 I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

15 THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

16 SUBMITTED ON _____

17
18 Signed: 

I-213

Department of Homeland Security		Continuation Page for Form I-213	
Alien's Name SMITH, GARNET PHILIP ONEIL		File Number [REDACTED]	Date 10/01/2025
10/01/2025 - 237a2E11 - VIOLATION OF PROTECTION ORDER			
RECORDS CHECKED ----- NCIC Pos x TECS Neg x CLAIM Pos x			
NAME AND ADDRESS OF US EMPLOYER ----- Cortez Nissan Spokane Valley, [REDACTED] UNITED STATES			
Record of Deportable/Excludable Alien: ----- On or about August 01, 2025, Spokane, WA ICE/ERO DO Miller, encountered SMITH, Garnet Philip hereafter referred to as "subject" while reviewing Criminal Alien Program (CAP) ACRIME leads. Subject is a citizen and national of Jamaica who was admitted into the United States as a Lawful Permanent Resident. The subject has multiple convictions involving domestic violence protective order violations.			
On October 01, 2025, at approximately 1020 AM, the subject was encountered and arrested by ATF Agents Tomaso, Wells, Sterling, Kondo, ERO DO Miller, [REDACTED] to, Hunter and DEA Agent Sevy at his employer [REDACTED] located at [REDACTED], Spokane Valley, WA 99212. The subject was apprehended without incident [REDACTED] the parking lot. The subject's identity was confirmed by DO Miller and he was informed that he had a Warrant for Arrest issued against him. The subject was arrested without incident and transported to the Spokane ICE office for case processing. x			
USC Inquiry: Deportation Officer Miller interviewed the subject and asked the following:			
"Is there any reason to believe that you are a citizen of the United States?" Subject stated, "No." <i>I TOLD HIM I AM A CITIZEN</i> SDDO initials _____			
"Is there any reason to believe that one or both of your parents are United States citizens." Subject stated, "Yes." Subjects mother Conway, Verna [REDACTED] naturalized on December 30, 2009. The subject was 27 years old at this time. SDDO initials _____			
"Do you have any special vulnerabilities?" Subject stated, "No." <i>I SAID YES</i> SDDO initials _____ <i>I AM A 100% DISABLED VET</i>			
US Military/Gang Inquiry: "Have you ever served in the U.S. Military?" Subject stated, "Yes." Subject served in the Army during the early 1990's. SDDO initials _____			
"Are you or have you been involved with any gang activity." Subject stated "No." SDDO initials _____			
Signature L 3945 MILLER		Title DO	

Attachment. Warrant for Arrest of Alien.

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. 

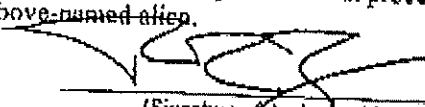
Date: 08/01/2025

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that SMITH, GARNET PHILIP is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☒ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☒ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.


(Signature of Authorized Immigration Officer)

AUG 01 2025

JEREMY BURLINGAME - SDDO

(Printed Name and Title of Authorized Immigration Officer)

Exhibit. DD FORM 214.

Exhibit. NOTICE TO APPEAR

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]

Even: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED]

FINS: [REDACTED]

File No: [REDACTED]

In the Matter of:

Respondent: GARNET PHILIP ONEIL SMITH

currently residing at:

(Number, street, city, state and ZIP code)

(Area code and phone number)

- ☐ You are an arriving alien.
- ☐ You are an alien present in the United States who has not been admitted or paroled.
- ☒ You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of JAMAICA and a citizen of JAMAICA;
3. You were admitted to the United States at New York City, NY on or about October 1, 1998, as a Lawful Permanent Resident (IR2) Child of a U.S. Citizen;
4. You were on January 6, 2006, convicted in the Superior Court of Washington for King County for the offense of Domestic Violence Violation of a Court Order in violation of RCW 26.50.110(1)(4). For this offense you were sentenced to 12 months prison. See Continuation Page Made a Part Hereof.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 237(a)(2)(B)(i) of the Immigration and Nationality Act, as amended, in that you are an alien who at any time after entry has been enjoined under a protection order and has been determined to have engaged in conduct in violation of that order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued.

- ☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- ☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:

1623 E J ST, STE 3 TACOMA, WASHINGTON 984211615, NORTHWEST DETENTION CENTER

(Complete Address of Immigration Court, including Room Number, if any)

On October 15, 2025 at 8:30 am to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above,

H. BRUCE OLSON - SDO

(Signature and Title of Issuing Officer)

Date: October 1, 2025

Tacoma, WA

(City and State)

Exhibit. Statement of Defendant on Plea of Guilty
Case No. 05-1-07943-2 KNT