

DETAINED

Sam M Sueoka
PO Box 18011
Seattle, WA 98118
808-729-1088
ssueoka@proton.me

Rowan Laidlaw
PO Box 18011
Seattle, WA, 98118
rlaidlaw@proton.me

Attorneys for Petitioner

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

Leannet Sosa,

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;
Markwayne Mullin, Secretary, United States
Department of Homeland Security; Todd
Blanche, United States Attorney General;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY;

Respondents.

Case No.: 2:26-cv-01142

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

Agency File Number:



INTRODUCTION

PETITION FOR WRIT OF HABEAS CORPUS
(CASE NO. 2:26-cv-01142)
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Rowan Laidlaw
Sam M Sueoka
Attorneys for Ms. Sosa
PO Box 18011
Seattle, WA 98118

1 This case challenges the unlawful re-detention of Ms. Sosa, who entered the United
2 States on April 20, 2023, at a port of entry in Nogales, Arizona to seek residency as a Cuban
3 national. Upon entry, Ms. Sosa was detained by Border Patrol, interviewed, and then released
4 into the United States on parole. In the years since her release, Ms. Sosa has filed for U.S.
5 residency, rented a home with her husband and son in Florida, obtained a work permit, worked to
6 support her family, and enrolled her child in school.

7 On August 9, 2025, in Florida, Ms. Sosa was re-detained by ICE without any prior notice
8 or opportunity to be heard in front of a neutral decisionmaker. She was taken to two detention
9 facilities in Florida. On December 21, 2025, Ms. Sosa was transferred without notice to the
10 Northwest ICE Processing Center (NWIPC) in Tacoma, Washington. She remains there today.

11 Ms. Sosa was never provided notice or an opportunity to be heard before a neutral
12 decision make before she was re-detained. Accordingly, this Court should grant the instant
13 petition for a writ of habeas corpus and order her immediate release. *See E.A. T.-B. v. Wamsley*,
14 795 F. Supp. 3d 1316 (W.D. Wash. 2025) (ordering immediate release because “a post-
15 deprivation hearing cannot service as an adequate procedural safeguard because it is after the fact
16 and cannot prevent an erroneous deprivation of liberty”); *Ramirez Tesara*, at *4 (similar);
17 *Kumar*, 2025 WL 2677089, at *3-4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9
18 (relying on *E.A. T.-B.*).

19 JURISDICTION

20 I. This action arises under the Constitution of the United States and the Immigration
21 and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
22
23

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

VENUE

5. Venue is proper because Ms. Sosa is in Respondents' custody at the NWIPC in Tacoma, Washington. 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 Ms. Sosa currently is in custody.

6. 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

7. 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.*

8. 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

1 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). “The application for the writ usurps the
2 attention and displaces the calendar of the judge or justice who entertains it and receives prompt
3 action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120
4 (9th Cir. 2000) (citation omitted); *see also Van Buskirk v. Wilkinson*, 216 F.2d 735, 737–38 (9th
5 Cir. 1954) (habeas corpus is “a speedy remedy, entitled by statute to special, preferential
6 consideration to insure expeditious hearing and determination”).

7 **PARTIES**

8 9. Petitioner Leannet Sosa is a citizen of Cuba who is presently detained at the
9 NWPIC in Tacoma, Washington. Exhibit A, Exhibit C.

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

15 11. Respondent Bruce Scott is employed by the private corporation The GEO Group,
16 Inc., as Warden of the NWIPC, where Petitioner is detained. She has immediate physical custody
17 of Petitioner. She is sued in her official capacity.

18 12. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of
19 the Department of Homeland Security (“DHS”). He is the cabinet-level secretary responsible for
20 all immigration enforcement in the United States.

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

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

3 **EVIDENCE RELIED UPON**

4 A. Declaration of Counsel Rowan Laidlaw

5 B. Declaration of Leannet Sosa

6 C. Exhibit A. Notice to Appear

7 D. Exhibit B. I-213

8 E. Exhibit C. Ice Detainee Locator

9 F. Exhibit D. Immigration Case Appeal

10 **FACTUAL BACKGROUND**

11 15. Ms. Sosa is a 30-year-old citizen and national of Cuba. *See* Declaration of
12 Leannet Sosa (“Sosa Decl.”) ¶ 1-4.

13 16. Ms. Sosa entered the United States on April 20, 2023 for an appointment with
14 CBPOne. She was detained, given an interview with border officers, and then was paroled into
15 the United States. *Id.* ¶ 7.

16 17. On April 20, 2023, she was given a Notice to Appear. Her first court date was
17 January 13, 2026 in Miami, Florida. *Id.* ¶ 8.

18 18. After being paroled into the United States, Ms. Sosa and her family moved to
19 Florida. They have lived as a family there ever since. *Id.* ¶ 9-10.

20 19. Ms. Sosa and her family had a lease, Ms. Sosa enrolled her daughter in school,
21 and Ms. Sosa applied for a work permit. *Id.* ¶ 11-13.

22 20. Prior to her detention, Ms. Sosa was working as a cleaner. *Id.* ¶ 14.

1 21. Ms. Sosa also applied for an I-485 Application to Register Permanent Residence
2 in the United States in 2024. That application is currently pending. *Id.* ¶ 14.

3 22. Ms. Sosa is a member of the Seventh-Day Adventist Church, and she would
4 attend church every Saturday. *Id.* ¶ 16.

5 23. On August 6, 2025, in Florida, Ms. Sosa was arrested for battery and taken to jail.
6 *Id.* ¶ 17.

7 24. Ms. Sosa paid her bail in order to be released from jail. *Id.* ¶ 17.

8 25. After paying bail and while she was waiting to be released home, an ICE officer
9 came to the jail and told her they were going to detain her and transfer her to an ICE detention
10 center. *Id.* ¶ 19.

11 26. She was never given a chance to speak to a lawyer or her family. *Id.* ¶ 20.

12 27. She was never told why ICE was re-detaining her. *Id.* ¶ 22.

13 28. She was never released from jail. She was instead detained by ICE and transferred
14 to a detention center in Florida. *Id.* ¶ 19-21.

15 29. On August 9, 2025, she was taken to Pompano Beach Detention Center. While
16 she was there, she never saw a judge and was never able to speak to a lawyer. *Id.* ¶ 26.

17 30. On August 11, 2025, she was transferred to the Jacksonville Detention Center in
18 Florida. She was there until December 21, 2025. *Id.* ¶ 27-28.

19 31. The conditions inside of the Jacksonville Detention Center were awful. The food
20 made Ms. Sosa sick and the guards would mistreat the detainees and call them criminals. *Id.* ¶
21 29-32.

22 32. Ms. Sosa had two bond hearings at the Jackson Detention Center. The judge
23 denied bond both times due to lack of jurisdiction. *Id.* ¶ 33-34.

33. On December 21, 2025, she was transferred to Washington without notice to be detained at NWIPC. *Id.* ¶ 29.

34. While at NWIPC Ms. Sosa applied for asylum. It was denied, but she has appealed the denial. *Id.* ¶ 30; Exhibit D.

35. Prior to Ms. Sosa's re-arrest, DHS did not provide Ms. Sosa with notice that her parole was going to be terminated. *Id.* ¶ 23.

36. DHS did not request a hearing to assess before a neutral decision maker whether Ms. Sosa presented a flight risk or danger to the community, or whether her re-arrest was justified for some other reason. *Id.* ¶ 32.

37. Prior to Ms. Sosa's re-detention, she never received a hearing before a neutral decisionmaker to determine if her re-detention is justified. *Id.* ¶ 26.

38. DHS made no argument or motion in front of an IJ addressing release factors or any change in circumstance relating to Ms. Sosa's release. *Id.*

MEMORANDUM OF LAW

A. Due Process Principles

41. Due process requires that if DHS seeks to re-arrest a person like Ms. Sosa—who has lived in the United States for years after DHS first released her, and relied on her release thus creating a liberty interest in her freedom—the government must afford a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community.

42. “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

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1 most elemental of liberty interests.” E.A. T.-B., 2025 WL 2402130, at *3 (citation modified); see
2 also Ramirez Tesara, 2025 WL 2637663, at *3 (stating that the petitioner had “an exceptionally
3 strong interest in freedom from physical confinement”).

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

7 44. Such liberty is protected by the Fifth Amendment because, “although
8 indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to
9 be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the
10 [released individual] and often on others.” *Id.*

11 45. To protect against arbitrary re-detention and to ensure the right to liberty, due
12 process requires “adequate procedural protections” that test whether the government’s asserted
13 justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally
14 protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (citation modified).

15 46. Due process thus guarantees notice and an individualized hearing before a neutral
16 decisionmaker to assess danger or flight risk before the revocation of an individual’s release.
17 *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law
18 is the opportunity to be heard... at a meaningful time in a meaningful manner.” (citation
19 modified)); see also, e.g., *Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to
20 determine whether there is probable cause or reasonable ground to believe that the arrested
21 parolee has committed . . . a violation of parole conditions” and that such determination be made
22 “by someone not directly involved in the case” (citation modified)).
23

1 47. Several courts, including this one, have recognized that these principles apply
2 with respect to the re-detention of the many noncitizens that DHS has recently begun taking back
3 into custody, often after such persons have been released for months and years.

4 48. This court has found that due process requires a pre-deprivation hearing before re-
5 detaining an immigrant from a criminal jail hold. *JAIR O ESPINOZA PALACIOS, et al., v.*
6 *HERMOSILLO, et al.*, 2:26-CV-491-JNW, 2026 WL 686138 (W.D. Wash. Mar. 11, 2026). In
7 that case, Petitioner Ms. Sharp Perez was paroled into the United States and moved to Miami
8 Florida to live with her family. *Id.* at 5. She was arrested in Miami in October 2025, and she was
9 held in jail for a month until eventually the State dropped the charges. *Id.* After the charges were
10 dropped however, ICE detained her, stating ERO made the determination to place a detainer on
11 her because of her arrest. *Id.* Ms. Sharp Perez was cycled through a number of ICE detention
12 centers in different states before eventually ending up in Tacoma, Washington, and filing a
13 habeas corpus petition for her release. *Id.* The court granted her release based on her
14 unconstitutional re-detention without written notice and an opportunity to be heard before a
15 neutral decision maker. *Id.* at 11. Additionally, the court granted injunctive relief barring
16 Respondents from re-detaining Ms. Sharp Perez absent written notice and a hearing prior to re-
17 detention where Respondents must prove by clear and convincing evidence that she is a flight
18 risk or danger to the community, and that no alternatives to detention would mitigate those risks.
19 *Id.* Just as in Ms. Sharp Perez's case, Ms. Sosa was detained by ICE directly from a criminal jail
20 hold in Florida. Such conduct was unconstitutional.

21 49. As another example, in *E.A. T.-B.*, this Court applied the *Mathews v. Eldridge*,
22 424 U.S. 319 (1976), framework to hold that even in a case where the government asserted that
23 mandatory detention applied, a person's re-detention could not occur absent a hearing. The Court

1 did the same in *Ramirez Tesara* and *Kumar*. See *Ramirez Tesara*, 2025 WL 2637663, at *2–3;
 2 *Kumar*, 2025 WL 2677089, at *2–3.

3 50. In applying the three *Mathews* factors, the *E.A. T.B.* court held that the petitioner
 4 had “undoubtedly [been] deprive[d] . . . of an established interest in her liberty,” 2025 WL
 5 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *Id.* (citation
 6 modified). The Court further explained that even if detention was mandatory, the risk of
 7 erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure
 8 that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.*
 9 at *4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens
 10 previously released without a hearing is low: although it would have required the expenditure of
 11 finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations
 12 before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous
 13 deprivation of the liberty interest at issue.” *Id.* at *5. As a result, this Court ordered the
 14 petitioner’s immediate release. *Id.* at *6.

15 51. This Court applied a similar analysis in *Ramirez Tesara*. There, the Court
 16 reasoned that the petitioner had a “weighty” interest in her liberty and was entitled to the “full
 17 protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of
 18 additional safeguards, the Court also noted that despite the government’s allegations of ISAP
 19 violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner
 20 does not eliminate its obligation to effectuate the detention in a manner that comports with due
 21 process.’” *Id.* at *4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). Finally, the Court reasoned
 22 that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly,
 23 there too, the Court ordered the petitioner’s immediate release. *Id.* at *5.

52. This Court's decisions in *E.A. T.-B.*, *Ramirez Tesara*, and *Kumar* are consistent with many other district court decisions addressing similar situations. See, e.g., *Valdez v. Joyce*, No. 25 CIV. 4627 (GBD), 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, --- F. Supp. 3d ---, No. 5:25-CV05632-PCP, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, No. 1:25-CV-00946 JLT SAB, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, No. 1:25-CV-01006 JLT SAB, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar).

53. The same framework and principles apply here and compel Ms. Sosa's immediate release. Even if Respondents argue that changed circumstances justify a custody redetermination or that Ms. Sosa failed to adhere to the conditions of her release, the *Mathews* factors still weigh in favor of providing Ms. Sosa basic due process – such as written notice and a pre-detention hearing before a neutral decisionmaker. See *E.A.T.-B.*, 2025 WL 2402130, at *4 (citing *Guillermo M.R. v. Kaiser*, --- F. Supp. 3d ---, No. 25-cv-05436-RFL, 2025 WL 1983677, at *7 (N.D. Cal. July 17, 2025)). Ms. Sosa's liberty interest in her freedom has been established, and it may only be revoked through methods that comport with due process. See *Padilla v. U.S. Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023) (“The Supreme Court has consistently held that non-punitive detention violates the Constitution unless it is strictly limited, and, typically, accompanied by a prompt individualized hearing before a neutral decisionmaker to ensure that the imprisonment serves the government's legitimate goals.”) (citations omitted)).

54. Here, Ms. Sosa gained a liberty interest in her continued freedom when DHS released her on parole on April 20, 2023, and through her conduct she relied on her release. Courts have found that an immigrants' liberty interest extends beyond the expiration of parole in

1 cases like Ms. Sosa's. *See* Gil Colmenarez v. Hernandez, 2:26-CV-00845-GJL, 2026 WL
2 850535 (W.D. Wash. Mar. 27, 2026) (stating "Petitioner's re-detention nearly one year after her
3 parole expired implies that her humanitarian parole was extended beyond the initial expiration
4 date and, thereafter, written notice was required. *See* Caisa Telenchana v. Hermosillo, No. 2:26-
5 cv-00363-GJL, 2026 WL 696806, at *11 (W.D. Wash. Mar. 12, 2026) (citing *Dieng*, 2026 WL
6 411857, at *6 (inferring the same where noncitizen was not re-detained until long after their
7 humanitarian parole expired)). Here, Ms. Sosa applied for residency, obtained work
8 authorization, and began building a life for himself and her family in Florida. Such conduct
9 establishes her protected liberty interest.

10 55. As to the second *Mathews* factor, civil immigration detention must be
11 "nonpunitive in purpose" and bear a "reasonable relation" to the authorized statutory purposes of
12 preventing flight and danger to the community. *Zadvydas*, 533 U.S. at 690 (citation omitted).
13 Absent a pre-detention hearing in front of a neutral decisionmaker, the risk of erroneous
14 deprivation of liberty is high given the possibility that Petitioner's re-detention will not be
15 pursuant to a valid state interest. Especially because Ms. Sosa had just been granted bond from a
16 criminal court judge, a pre-detention immigration hearing at this time would have likely revealed
17 that Petitioner presents minimal risk to public safety and no risk of non-appearance. The second
18 factor favors the Petitioner.

19 56. The Government cannot show any countervailing interest against providing a pre-
20 detention hearing. Immigration court custody hearings are routine and, in this case, does not
21 present any significant delay in the Government's efforts to remove Ms. Sosa. A detention for its
22 own sake is not a legitimate governmental interest. *Pinchi v. Noem*, No. 5:25-cv-056320PCP,
23 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.

B. Injunctive Relief

56. Petitioners request as a prayer for relief that the Respondent’s be permanently enjoined from re-detaining Ms. Sosa absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that her is a flight risk or danger to the community and that no alternative to detention would mitigate those risks.

57. The party seeking an injunction must convince the court that relief is needed and that “there exists some cognizable danger of recurrent violation, something more than the mere possibility which serves to keep the case alive.” *Cummings v. Connell*, 316 F.3d 886, 897 (9th Cir. 2003) (quoting *United States v. W.T. Grant Co.*, 345 U.S. 629, 633 (1953)).

58. Ms. Sosa is not requesting a blanket prohibition of re-detention under all circumstances but instead specifically request that the Respondent’s be enjoined from re-detaining Ms. Sosa in a same or similar manner as they have in this underlying habeas case. Here, Ms. Sosa was detained by ICE while in the process of leaving jail. The Respondents have made it clear to this Court that despite several dozens of habeas cases where re-detention has been determined to violate the Due Process clause of the Fifth Amendment, they do not intend on changing their re-detention practices. See e.g. *Sira-Hurtado v. Hermosillo*, No. C25-2173-KKE, 2025 WL 3294986 (W.D. Wash. Nov. 26, 2025) (holding that procedural due process was violated when Mr. Sira-Hurtado was re-detained on June 3, 2025, at her immigration hearing without notice and an opportunity to be heard.); *See also E.A. T.-B.*, 795 F. Supp. 3d 1316

1 (holding that procedural due process was violated when E.A.T.-B was re-detained on June 18,
2 2024, without notice and an opportunity to be heard.)

3 59. Starting in July of 2024 with *E.A. T.-B*, habeas corpus petitions have proliferated
4 within the Western District of Washington. According to public database 'Habeas Dockets'¹
5 there are approximately 643 pending habeas petitions in the district. It has become clear that in
6 this District, due process requires that individuals similar to Ms. Sosa receive notice and an
7 opportunity to be heard before she may be re-detained for alleged release violations. *See, e.g.,*
8 *Llanes Tellez*, 2025 WL 3677937, at *9 ("If the government wishes to re-detain [Petitioner], it
9 must provide him with the pre-detention hearing before a neutral decisionmaker required by due
10 process.")

11 60. Although it has become clear that re-detention cases similar to Ms. Sosa violates
12 due process, the Respondents continue to re-detain people like Ms. Sosa and have no intention of
13 stopping. *See e.g., Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130, 1136 (W.D. Wash. 2025)
14 ("When he was released from his initial detention on parole, Petitioner took with him a liberty
15 interest which is entitled to the full protections of the due process clause."). This is not just a
16 trend in our district, but across the nation.

17 61. Shockingly, a nationwide Reuters investigation calculated that federal courts have
18 ruled over 4,400 times since October 2025 that ICE is detaining people illegally. This
19 widespread pattern makes it extremely likely that Ms. Sosa's rights may be violated again by
20 ICE.²

21
22 ¹ <https://habeasdockets.org> (last visited April 3 2026) (HabeasDockets.org is a public database
23 that uses public records to document the number of habeas petitions in each state.)

² Nate Raymond, et al., Courts have ruled 4,400 times that ICE jailed people illegally. It hasn't
stopped., Reuters (Feb. 14, 2026, 2:07 AM, updated Feb. 17, 2026),

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62. The petitioner requests that this Court take judicial notice pursuant to FRE 201 of the number of re-detention cases where the judges in this district have granted habeas corpus petitions. FRE 201 allows courts to take judicial notice of a fact that is not subject to reasonable dispute. FRE 201. The amount of habeas corpus petitions dealing with a re-detention claim is something that is generally known within this trial court's territorial jurisdiction and can reliably be determined from the court's docket. The Respondent's conduct of continuing to re-detain individuals similarly situated to Ms. Sosa, despite this District's rulings, is evidence of a pattern and practice that re-detention is a cognizable danger and not merely a possibility. The Respondents since the *E.A. T.-B* ruling and its progeny have put ICE on notice that its practice of re-detention violates due process. The mere fact that ICE has not changed its practices to comport with the Court's rulings is evidence of a cognizable danger that Ms. Sosa could be arbitrarily re-detained again without a permanent injunction.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

63. Ms. Sosa had a bond hearing before an immigration judge while in detention. The judge held that Ms. Sosa was not eligible for bond.

64. Petitioner has exhausted all available administrative remedies that could provide the relief she seeks, and the Court should find that further administrative exhaustion would be futile. *See Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 896 (9th Cir. 2021) ("where the agency's position appears already set and recourse to administrative remedies is very likely futile, exhaustion is not required.").

CLAIM FOR RELIEF **Count I**

<https://www.reuters.com/legal/government/courts-have-ruled-4400-times-that-ice-jailed-people-illegally-it-hasnt-stopped-2026-02-14/>.

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Rowan Laidlaw
Sam M Sueoka
Attorneys for Ms. Sosa
PO Box 18011
Seattle, WA 98118

**Violation of Fifth Amendment Right to Due Process
Procedural Due Process**

65. Ms. Sosa restates and realleges all the prior paragraphs as if fully set forth herein.

66. Due process does not permit the government to re-detain Ms. Sosa and strip her of her liberty without written notice and a pre-deprivation hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. See *Morrissey*, 408 U.S. at 487–88. Such written notice and a hearing must occur prior to any re-detention.

67. Respondents revoked Ms. Sosa's release and deprived her of liberty without providing her written notice and a meaningful opportunity to be heard by a neutral decisionmaker prior to her re-detention.

68. Accordingly, Ms. Sosa's re-detention violates the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Ms. Sosa prays that this Court grant the following relief:

- (1) Assume Jurisdiction over this matter;
- (2) Issue a Writ of Habeas Corpus ordering Respondents to release Ms. Sosa from custody immediately on the same conditions of release as before and permanently enjoining her re-detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that her is a flight risk or danger to the community and that no alternative to detention would mitigate those risks;
- (3) Declare that Ms. Sosa's detention without an individualized determination before a neutral decisionmaker violates the Due Process Clause of the Fifth Amendment;

- 1 (4) Provide counsel with explicit leave to seek attorney's fees and costs under the Equal
2 Access to Justice Act and on any other basis justified under law; and
3 (5) Grant such other relief as may be just and reasonable.

4 Respectfully submitted this 3rd of April.

5 /s/ Sam M Sueoka

6 Sam M Sueoka, WSBA No. 59949
7 PO Box 18011
8 Seattle, WA 98118
9 ssueoka@proton.me

10 /s/ Rowan G Laidlaw

11 Rowan G Laidlaw, WSBA No. 61695
12 PO Box 18011
13 Seattle, WA 98118
14 rlaidlaw@proton.me

15 *Attorneys for Ms. Sosa*

16 **VERIFICATION OF PETITIONER**

17 On behalf of Leannet Sosa, the party in custody, I verify the facts contained in the Petition for
18 Writ of Habeas Corpus, upon information and belief, having reviewed the relevant records and
19 pleadings. Ms. Sosa has not verified the petition herself because she is currently in custody at
20 NWPIC, Tacoma.

21 /s/ Rowan G Laidlaw

22 Rowan G Laidlaw, WSBA No. 61695
23 PO Box 18011
Seattle, WA 98118
rlaidlaw@proton.me