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

MENDEZ-REYES, CELERINO

Petitioner,

v.

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

Respondents.

CIVIL ACTION NO. 2:26-cv-01145

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

I. INTRODUCTION

Petitioner Celerino Mendez-Reyes ("Petitioner") respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his prolonged and unlawful immigration detention which is based on a legal framework this Court has already rejected.

Petitioner is a member of the Bond Denial Class certified in *Rodriguez-Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. filed Mar. 20, 2025), where this Court held that individuals like Petitioner are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Despite that binding authority, Petitioner has been denied a meaningful bond hearing based on the same improper statutory classification.

AMENDED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 - 1

1 As a result, Petitioner remains detained without any individualized determination of whether he
2 poses a danger to the community or a flight risk.

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

7 Petitioner has been detained at the Northwest ICE Processing Center since approximately
8 September 24, 2025—more than six months—without any individualized determination that he
9 poses a danger or a flight risk. His removal proceedings remain ongoing, and he is actively
10 pursuing relief, including cancellation of removal, with no defined endpoint to his detention.
11

12 Under *Zadvydas v. Davis*, civil detention must remain reasonably related to its purpose
13 and cannot become excessive. Under *Mathews v. Eldridge*, due process requires meaningful
14 procedural safeguards. And under *Banda v. McAleenan*, prolonged detention without a
15 foreseeable endpoint becomes constitutionally unreasonable.
16

17 Because Petitioner's detention is based on an improper legal framework, lacks
18 individualized justification, and has become prolonged without a clear endpoint, it violates the
19 Fifth Amendment. Habeas relief should be granted.
20

21 **II. JURISDICTION AND VENUE**

22 This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody
23 under the authority of the United States and challenges the legality of that custody.

24 Jurisdiction is also proper under 28 U.S.C. § 1331 and the Due Process Clause of the
25 Fifth Amendment.

26 Venue lies in the Western District of Washington because Petitioner is detained at the
27 Northwest ICE Processing Center in Tacoma, Washington.
28

III. PARTIES

Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Northwest ICE Processing Center.

Respondent Bruce Scott is the Warden of NWIPC and Petitioner's immediate physical custodian. He is the proper respondent under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security.

IV. LEGAL STANDARD

The writ of habeas corpus permits individuals to challenge unlawful executive detention. 28 U.S.C. § 2241(c)(3).

Immigration detention, although civil, is subject to constitutional limitations. Such detention must bear a reasonable relationship to its statutory purpose and may not become arbitrary. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

Additionally, the Fifth Amendment requires that deprivations of liberty be accompanied by adequate procedural safeguards. *Mathews v. Eldridge*, 424 U.S. 319 (1976).

V. FACTUAL BACKGROUND

A. Immigration and Detention History

Petitioner is a member of the "Bond Denial Class" certified in Rodriguez Vazquez v. Bostock, No. 3:25-cv-05240-TMC. He is a native and citizen of Mexico, born on . He first entered the United States as a minor in approximately April 1997 and has remained in the United States for nearly his entire adult life. Petitioner has maintained continuous physical presence in the United States for decades, with only a brief departure in 2006. Since his return in March 2006, he has been here for over 20 consecutive years.

1 On or about September 24, 2025, Petitioner was arrested in Tacoma, Washington while
2 engaged in ordinary daily activity—shopping for work materials—and taken into ICE custody.
3 He has remained detained at the Northwest ICE Processing Center since that time.
4

5 **B. Ongoing Removal Proceedings and Relief**

6 Petitioner is currently in active removal proceedings before the Immigration Court in
7 Tacoma, Washington. He is pursuing relief from removal, including cancellation of removal
8 under INA § 240A(b), which requires a full evidentiary hearing and discretionary adjudication.
9

10 Additionally, Petitioner has an appeal pending before the Board of Immigration Appeals,
11 further demonstrating that his case remains actively contested and unresolved. If his appeal with
12 the BIA is denied, he intends to seek relief with the Ninth Circuit Court of Appeals. Because his
13 case is ongoing, his detention is not tied to any imminent or reasonably foreseeable removal.
14

15 **C. Family and Community Ties**

16 Petitioner has deep and substantial ties to the United States. He is married to a United
17 States citizen and has U.S. citizen children, who all rely on him for support and stability.
18 Petitioner's entire immediate family is located in the United States, including siblings and
19 extended relatives, many of whom have lawful status or strong community ties.
20

21 If removed, Petitioner would be separated from his wife and children, causing significant
22 hardship to his family.

23 **D. Employment History and Positive Equities**

24 Petitioner has a long and consistent employment history in the United States. He has
25 worked as a union ironworker and in supervisory roles, and more recently started his own
26 construction business.
27
28

1 His employment history reflects stability, responsibility, and integration into the
2 community. Petitioner has also consistently filed taxes over many years, further demonstrating
3 his compliance with legal and civic obligations.

4
5 **E. Limited Criminal History**

6 Petitioner has two prior non-violent DUIs (2000 and 2018), both of which are dated and
7 do not reflect any current danger to the community.

8 He has rehabilitated and not committed any other offenses in the past eight years, and
9 there is no evidence that Petitioner poses a risk of harm or that his continued detention is
10 necessary for public safety.

11
12 **F. Lack of Individualized Custody Determination**

13 Despite his strong equities, longstanding presence, and ongoing pursuit of relief,
14 Petitioner remains detained without a constitutionally adequate individualized determination of
15 custody. There has been no meaningful finding that Petitioner poses a danger to the community
16 or a flight risk that would justify continued detention.

17
18 As a result, his detention has become punitive and excessive in relation to its civil
19 purpose.

20 **VI. ARGUMENT**

21 **A. Petitioner Is a Member of the Rodriguez-Vazquez Bond Denial Class and His Detention**
22 **Is Unlawful as a Matter of Law—This alone Requires Release**

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

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

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

6 (a) does not have lawful status in the United States and is currently detained at NWIPC
7 after being apprehended by DHS on or around September 24, 2025.

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

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

11
12 **B. The Balance of Interests Under *Mathews v. Eldridge* Favors Release**

13 “Procedural due process imposes constraints on governmental decisions which deprive
14 individuals of liberty.” *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976). At its core, due process
15 requires “the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* at
16 333.

17
18 In determining what process is constitutionally required, courts apply the three-factor
19 balancing test set forth in *Mathews*: (1) the private interest affected, (2) the risk of erroneous
20 deprivation through the procedures used and the value of additional safeguards, and (3) the
21 government’s interest. *Id.* at 335. The Ninth Circuit has confirmed that this framework applies in
22 the immigration detention context.

23
24 First, Petitioner’s private interest is fundamental. Freedom from physical restraint lies at
25 the core of the liberty protected by the Due Process Clause. Petitioner has been subjected to
26 prolonged civil detention, a severe deprivation of liberty that demands heightened procedural
27 protections.

1 Second, the risk of erroneous deprivation is substantial. Petitioner's continued detention
2 has not been supported by any individualized determination that he poses a danger or flight risk.
3 Nor has he been afforded a meaningful opportunity to challenge the necessity of his detention
4 before a neutral decisionmaker. This lack of individualized review creates a significant risk that
5 Petitioner is being unnecessarily detained. Additional safeguards—such as a fair individualized
6 custody determination or release under appropriate conditions—would substantially reduce that
7 risk.
8

9 Third, the Government's interest does not justify continued detention under these
10 circumstances. While the Government has an interest in ensuring compliance with removal
11 proceedings, that interest is diminished where removal is not imminent and remains contingent
12 on the resolution of ongoing administrative proceedings before the Board of Immigration
13 Appeals. Detention under these circumstances is not meaningfully tied to removal. Moreover, the
14 Government's interests can be fully served through less restrictive alternatives, including
15 supervised release or other reasonable conditions.
16

17 Balancing these factors, Petitioner's continued detention—without individualized
18 justification and without a meaningful opportunity for review—violates due process.
19

20 **C. Removal Is Not Reasonably Foreseeable in the Near Term, has Become Prolonged, and**
21 **Lacks a Definite Endpoint**

22 Civil immigration detention is constitutionally permissible only where it bears a
23 reasonable relationship to the purpose of effectuating removal. *Zadvydas v. Davis*, 533 U.S. 678,
24 690 (2001). Although *Zadvydas* addressed post-removal-order detention, its core constitutional
25 principle applies equally here: civil detention may not become excessive or untethered from its
26 purpose.
27

1 Petitioner has been detained since approximately September 24, 2025, and his
2 confinement continues with no clear or reasonably foreseeable endpoint.

3 Petitioner's removal is not imminent. He is actively pursuing relief from removal,
4 including cancellation of removal, and has a pending appeal before the Board of Immigration
5 Appeals. These proceedings will require additional time to resolve, and their outcome remains
6 uncertain. As a result, Petitioner's detention is open-ended and potentially indefinite.

7
8 The Supreme Court has made clear that detention cannot be justified by a merely
9 theoretical or speculative possibility of removal. *Zadvydas*, 533 U.S. at 690–91. The Ninth
10 Circuit likewise recognizes that detention is permissible only where removal is realistically
11 attainable, not speculative or contingent on uncertain future events. See *Prieto-Romero v. Clark*,
12 534 F.3d 1053, 1062–63 (9th Cir. 2008).

13
14 Where, as here, removal depends on the outcome of ongoing proceedings and is not
15 practically attainable in the near term, detention is no longer reasonably related to its purpose.
16 See also *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1117–18 (W.D. Wash. 2019) (prolonged
17 detention becomes unconstitutional where it lacks a definite endpoint and remains contingent on
18 ongoing proceedings).

19
20 Under these circumstances, Petitioner's detention is not tied to any predictable or
21 imminent outcome, but instead continues for an uncertain and extended period. Such open-ended
22 detention exceeds constitutional limits.

23
24 If Petitioner's appeal with the BIA is denied, he intends to seek relief with the Ninth
25 Circuit Court of Appeals, which can take years to resolve.

26 Accordingly, Petitioner's continued detention is no longer reasonably related to the
27 purpose of removal and is constitutionally excessive. Habeas relief is warranted.

D. Family Hardship Underscores the Severity of the Liberty Deprivation

Petitioner's detention imposes significant hardship on his U.S. citizen spouse and children, who rely on him for emotional and financial support. Having lived in the United States since childhood, Petitioner's entire family and support system are located here. His prolonged detention disrupts the stability of his household and deprives his family of his presence and support. These considerations further underscore the severity of the liberty deprivation at issue and reinforce, under *Mathews v. Eldridge*, that continued detention is excessive and not justified.

E. Petitioner's Detention Is Constitutionally Unreasonable Under the Banda Multi-Factor Test

Petitioner remains in pre-final-order detention under 8 U.S.C. § 1226(a). Courts in this District apply the multi-factor framework set forth in *Banda v. McAleenan* to evaluate the constitutionality of prolonged immigration detention.

In *Banda*, the court held that a 17-month period of detention under § 1225(b) was constitutionally unreasonable. *Id.* at 1117–21. In reaching that conclusion, the court applied six factors: (1) the length of detention; (2) the likely duration of future detention; (3) the conditions of confinement; (4) delays attributable to the petitioner; (5) delays attributable to the government; and (6) the likelihood that proceedings will culminate in a final order of removal. *Id.* at 1117–18.

Application of these factors favor Petitioner, and demonstrates that his continued detention is unconstitutional.

1. Length of Detention

This is the most important factor in the Banda Multi-Factor Test. Petitioner has been detained since approximately September 24, 2025—more than six months. Detention of this duration is recognized as increasingly constitutionally suspect. See *L.B.O.M. v. Hermosillo*, No. AMENDED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 - 9

1 C25-2695, 2026 WL 266068, at *3 (W.D. Wash. Feb. 2, 2026). As detention lengthens, the
2 Government's burden to justify continued confinement increases.

3 This factor favors Petitioner.

4
5 **2. Likely Duration of Future Detention**

6 There is no clear end to Petitioner's detention. He is actively pursuing relief, including
7 cancellation of removal and a pending appeal before the Board of Immigration Appeals. If
8 necessary, further review before the Ninth Circuit will extend proceedings significantly. Courts
9 recognize that this factor strongly favors release where continued detention may last years absent
10 judicial intervention. See *Hong v. Mayorkas*, No. C20-1784, 2022 WL 1078627, at *6 (W.D.
11 Wash. Apr. 11, 2022).

12 This factor strongly favors Petitioner.

13
14 **3. Conditions of Confinement**

15 Petitioner is detained at the Northwest ICE Processing Center under conditions that are
16 functionally equivalent to penal confinement. Courts in this District recognize that such
17 conditions weigh in favor of release as detention becomes prolonged. See *Diaz Reyes v. Wolf*,
18 No. C20-0377, 2020 WL 6820903, at *6 (W.D. Wash. Aug. 7, 2020). Petitioner further reports
19 limited recreation, inadequate food, and insufficient medical care—conditions consistent with
20 prior findings regarding NWIPC.

21 This factor favors Petitioner.

22
23
24 **4. Delays Attributable to Petitioner**

25 Petitioner has not engaged in dilatory tactics. He has timely pursued relief and exercised
26 his legal rights. Such actions cannot justify continued detention.

27 This factor favors Petitioner.

1 **5. Delays Attributable to the Government**

2 Any delay in proceedings is attributable to the ordinary pace of the immigration system.
3 Petitioner remains detained while his case proceeds through adjudicatory processes beyond his
4 control. The Government cannot rely on systemic delay to justify prolonged detention.
5

6 This factor favors Petitioner.

7 **6. Likelihood of a Final Order of Removal**

8 The outcome of Petitioner's proceedings is not predetermined. He is pursuing
9 cancellation of removal and has substantial equities, including decades of residence, a U.S.
10 citizen spouse, and U.S. citizen children. Because relief remains viable, removal is not imminent
11 or certain.
12

13 This factor favors Petitioner.

14 **Conclusion Under *Banda***

15 Taken together, the *Banda* factors demonstrate that Petitioner's detention has become
16 constitutionally unreasonable. He remains detained for a prolonged and indeterminate period
17 while pursuing legitimate relief, without a clear endpoint and without individualized
18 justification.
19

20 Under these circumstances, continued detention exceeds constitutional limits. Habeas
21 relief is warranted.
22

23 **F. Exhaustion Is Not Required**

24 Petitioner is not required to exhaust administrative remedies before seeking habeas relief.
25 This Petition raises constitutional challenges to the legality of Petitioner's continued detention,
26 including violations of due process and detention under an improper statutory framework. Courts
27 have consistently recognized that exhaustion is not required where a petitioner raises purely legal
28

1 or constitutional claims that cannot be meaningfully addressed through administrative
2 proceedings.

3 Even if the Court were to conclude that some form of administrative custody review is
4 available, Petitioner should not be required to exhaust administrative remedies by going before
5 an Immigration Judge. Exhaustion of administrative remedies is not required where it would be
6 futile or incapable of providing meaningful relief. See *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th
7 Cir. 2004), which is the case here.

8
9 Petitioner's claim is based in part on binding authority from this Court in *Rodriguez-*
10 *Vazquez v. Bostock*, which establishes that individuals like Petitioner are entitled to custody
11 determinations under 8 U.S.C. § 1226(a). Administrative proceedings cannot cure the legal error
12 underlying Petitioner's detention.

13
14 Moreover, requiring Petitioner to seek relief before an Immigration Judge would not
15 provide meaningful review. Immigration Judges lack authority to remedy the statutory
16 misclassification and constitutional violations at issue here, and any further delay would prolong
17 Petitioner's already unconstitutional detention.

18
19 In the current political climate under the present administration, Tacoma Immigration
20 Judges are arbitrarily making individualized findings of "flight risk" across the board without
21 genuine independent review, therefore deeming them ineligible for release. As a result, findings
22 of flight risk are frequently reduced to untested, one-sided determinations rather than
23 meaningful, evidence-based adjudications. This undermines the purpose of habeas review by
24 stripping it of any practical effect and leaving Petitioner exactly where he started—detained
25 without meaningful review.
26
27
28

1 Under these circumstances, exhaustion is excused, and the Court must order Petitioner's
2 immediate release.

3 **VII. REQUEST FOR RELIEF**

4
5 Petitioner respectfully requests that this Court:

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

14 **VIII. CONCLUSION**

15
16 This Petition should be granted because Petitioner's continued detention is no longer
17 constitutionally permissible. His detention has become prolonged, untethered from any realistic
18 prospect of removal, and excessive in relation to its civil purpose.

19
20 Respondents continue to detain Petitioner without any individualized determination that
21 his confinement is necessary, despite his active pursuit of relief and the absence of any evidence
22 that he poses a danger or flight risk.

23
24 Under *Zadvydas v. Davis*, detention that is not reasonably related to effectuating removal
25 is unlawful. Under *Mathews v. Eldridge*, the continued deprivation of liberty without adequate
26 procedural safeguards violates due process. And under *Banda v. McAleenan*, Petitioner's
27

1 detention—considering its length, the absence of a defined endpoint, the conditions of
2 confinement, and his substantial equities—is constitutionally unreasonable.

3 Taken together, these principles compel the same conclusion: Petitioner’s continued
4 detention is unlawful.

5 Accordingly, Petitioner respectfully requests that this Court grant the Petition for Writ of
6 Habeas Corpus and order his immediate release.

7
8 **IX. SIGNATURE AND CERTIFICATION**

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

11
12
13 Respectfully submitted this 5th day of April 2026.

14
15 /s/Vicky J Currie

16 Vicky J Currie, WSBA #24192
17 Attorney for Petitioner
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CERTIFICATE OF SERVICE

I, Vicky J Currie, certify that on this 5th day of April 2026, I served true and correct copy of the **AMENDED PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** upon the following Respondents by electronic service as permitted:

BRUCE SCOTT

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

KRISTI NOEM

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

Required Service on the United States

UNITED STATES ATTORNEY'S OFFICE

USAWAW.ImmigrationHabeasService@usdoj.gov
(Via email)

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

DATED this 5th day of April 2026.

/s/Vicky J Currie

Vicky J Currie, WSBA #24192
Attorney for Petitioner