

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

Jose **ALVARADO**,

Detained, Petitioner,

vs.

Cammilla **WAMSLEY**, Field

Office Director of Seattle

Enforcement and Removal

Operations; **IMMIGRATION**

AND CUSTOMS

ENFORCEMENT; Markwayne

MULLEN, Secretary, U.S.

Department of Homeland

Security; **U.S. DEPARTMENT**

OF HOMELAND

SECURITY; Todd **BLANCHE**,

Acting U.S. Attorney General;

Bruce **SCOTT**, Warden of

Northwest ICE Processing Center,

Respondents.

CASE NO.

AGENCY NO.

A 

PETITION FOR WRIT OF
HABEAS CORPUS;
MOTION FOR BOND
HEARING

NOTE TO CLERK: PLEASE
ASSIGN TO HON. DAVID G.
ESTUDILLO

Petition For Writ Of Habeas Corpus - 1

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1 Petitioner has been in the custody of the Respondents
2 at the Northwest Immigration Detention Center in Tacoma,
3 Washington for over seven months, since September 2, 2025.
4 He faces further prolonged detention as his petition for
5 review before the Ninth Circuit Court of Appeals is litigated.
6 (Case No. 26-1256)
7

8 Mr. Alvarado has been granted a stay of removal
9 pursuant to his pending petition before the Ninth Circuit
10 Court of Appeals (See Exhibit 1)
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12 Petitioner seeks habeas relief because the immigration
13 court has refused to provide a bond hearing,
14 notwithstanding prolonged detention and a Ninth Circuit
15 stay of removal. (See Exhibit 2)
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18 To the extent any exhaustion doctrine is asserted,
19 exhaustion should be excused because Petitioner challenges
20 the legality of continued detention without a bond hearing
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1 and seeks prompt judicial review to prevent ongoing
2 unlawful restraint.

3 On March 26, 2026 Mr. Alvarado sought a bond
4 hearing from the Tacoma immigration court, based upon his
5 prolonged detention. The agency declined to consider his
6 request, in violation of law. *Diouf v. Napolitano*, 634 F.3d
7 1081 (2011); *Casas-Castrillon v. Dep't of Homeland Sec.*, 535
8 F.3d 942 (2008); *Tejada v. Godfrey*, 954 F.3d 1245 (2020).
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11 PARTIES

12 **Petitioner** Jose ALVARADO is a noncitizen currently
13 detained by U.S. Immigration and Customs Enforcement
14 ("ICE") at the Northwest Immigration Detention Center,
15 1623 E J Street in Tacoma, Washington, within the Western
16 District of Washington.
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19 **Respondent** Cammilla WAMSLEY is Field Office
20 Director for Enforcement and Removal Operations.
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1 **Respondent** IMMIGRATION AND CUSTOMS
2 ENFORCEMENT (ICE) is an agency of the United States
3 government.
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5 **Respondent** Markwayne MULLEN is the Secretary of
6 the Department of Homeland Security.
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8 **Respondent** DEPARTMENT OF HOMELAND
9 SECURITY is an agency of the United States government.
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11 **Respondent** Todd BLANCHE is the Acting Attorney
12 General of the United States.
13

14 **Respondent** Bruce SCOTT is the Warden of the
15 Northwest ICE Processing Center.
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17 **BACKGROUND**

18 Petitioner asks the Court to incorporate and consider
19 the facts contained in Mr. Alvarado's previous habeas petition
20 before the Court. (Case No. 25-02375
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1) Petitioner asks the Court to assign this current
2 petition to Hon. David G. Estudillo, who was the judge in the
3 previous petition.
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5 Mr. Alvarado Is Entitled To A Bond Hearing Before A
6 Neutral Arbiter At Which The Department Of Homeland
7 Security Must Prove, By Clear And Convincing Evidence,
8 That His Detention Is Required
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10 Under , 8 USCS § 1231. the Attorney General has the
11 authority to detain an alien beyond the statutory 90-day
12 removal period if the alien is inadmissible, removable for
13 certain reasons, determined to be a risk to the community or
14 unlikely to comply with the removal order.
15

16 However, the Ninth Circuit has interpreted this
17 provision as requiring procedural safeguards to guard
18 against prolonged detention.
19

20 Specifically, in *Diouf v. Napolitano*, 634 F.3d 1081
21 (2011). the court held that aliens detained under 8 USCS §
22 1231 for prolonged periods (six months or more) are entitled
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1 to an individualized bond hearing before a neutral arbiter –
2 in this case an immigration judge. At that hearing, the
3 government must justify continued detention by clear and
4 convincing evidence, demonstrating that the alien is either a
5 flight risk or a danger to the community.
6

7 The Ninth Circuit has emphasized that prolonged
8 detention without adequate procedural protections raises
9 serious constitutional concerns, and the same due process
10 principles apply regardless of whether the alien is seeking
11 direct or collateral review of their removal order. *Diouf v.*
12 *Napolitano, supra*; *Casas-Castrillon v. Dep't of Homeland*
13 *Sec.*, 535 F.3d 942 (2008); *Tejada v. Godfrey*, 954 F.3d 1245
14 (2020).
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18 Time after time the court has affirmed that aliens
19 detained for six months or longer under 8 USCS § 1231 are
20 entitled to bond hearings, and the government must provide
21 clear and convincing evidence to justify continued detention.
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1 We ask the Court to order the agency to recognize and
2 act in conformance with well- settled legal principles on the
3 detention of aliens, set forth by numerous federal courts
4 nationwide during the past several months, as well as by the
5 U.S. Supreme Court in decades and centuries past. *See*
6 *Zadvydas v. Davis*, 533 U.S. 678, 121 S. Ct. 2491 (2001);
7 *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).¹
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10 JURISDICTION AND VENUE

11 Mr. Alvarado is in the physical custody of Respondents.
12 Mr. Alvarado is detained at the NWIPC in Tacoma,
13 Washington.
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15 This Court has jurisdiction under 28 U.S.C. § 2241
16 (habeas corpus), 28 U.S.C. § 1331 (federal question), and
17 Article I, section 9, clause 2 of the United States Constitution
18 (the Suspension Clause).
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22 ¹ "It is emphatically the province and duty of the judicial department
23 to say what the law is." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137,
24 177 (1803)
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1 The Court has jurisdiction to consider whether it has
2 jurisdiction *See, e.g., Shah v. Reno*, 184 F.3d 719, 723 (8th Cir.
3 1999) *See also I.N.S. v. St. Cyr*, 533 U.S. 289, 121 S. Ct. 2271,
4 150 L. Ed. 2d 347 (2001).

5
6 In 2005, Congress passed the REAL ID Act amending
7 the Immigration and Nationality Act, Title Eight United
8 States Code. With REAL ID, Congress stripped federal
9 district courts of habeas jurisdiction over most claims by
10 certain categories of aliens.
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13 The Suspension Clause guarantees the right to petition
14 for a writ of habeas corpus unless the United States faces
15 invasion or rebellion.
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17 In peacetime Congress can only strip the right to
18 petition for habeas corpus if it provides a substitute forum
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1 which adequately duplicates the protections offered in habeas
2 proceedings.²

3 The question is whether the habeas stripping provisions
4 of the Act violate the Suspension Clause in the Alvarado's
5 case. If so, this Court retains jurisdiction over his petition.
6

7 Here, because the immigration court is acting in
8 opposition to settled caselaw, he is requesting this Court to
9 order the agency to act in conformance with the law.
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11 12 **BASIS OF CLAIM FOR RELIEF FOR RELIEF**

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14 1. Petitioner is detained under federal immigration
15 authority while his removal is stayed by the Ninth Circuit.
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20 ² See U.S. Const. art. I, § 9, cl. 2. ("The Privilege of the Writ of Habeas
21 Corpus shall not be suspended, unless when in Cases of Rebellion or
22 Invasion the public Safety may require it.") ; *Boumediene v. Bush*, 553
23 U.S. 723, 128 S. Ct. 2229, 171 L. Ed. 2d 41 (2008)
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1 2. Petitioner has been detained for over six months without
2 a bond hearing because the Immigration Court has refused
3 to grant one.

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5 3. Continued detention without an individualized bond
6 hearing, particularly where removal is stayed and detention
7 is likely to continue, violates the Constitution and exceeds
8 lawful detention authority.

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10 4. Habeas relief is warranted to remedy the unlawful
11 restraint by ordering a prompt bond hearing with adequate
12 procedural protections, including a meaningful opportunity to
13 be heard and a reasoned decision based on an individualized
14 assessment.

15 **REQUEST FOR RELIEF**

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17 Petitioner respectfully requests that the Court:

18 1. Issue an Order to Show Cause pursuant to 28 U.S.C. §
19 2243 directing Respondents to respond to this Petition on an
20 expedited basis.

21 2. Grant the Petition for Writ of Habeas Corpus.
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1 3. Order Respondents to provide Petitioner a prompt
2 individualized bond hearing before an Immigration Judge
3 within 7 days of the Court's order.

4 4. Order that at the bond hearing:

5 i. The Government bears the burden to justify
6 continued detention by clear and convincing evidence
7 (or, in the alternative, by a preponderance of the
8 evidence) that Petitioner is a flight risk or danger to
9 the community.

10 ii. The Immigration Judge must consider alternatives
11 to detention and Petitioner's ability to pay, and must
12 issue an individualized determination.

13 5. In the alternative to a bond hearing, order Petitioner's
14 immediate release from ICE custody under reasonable
15 conditions of supervision.
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17 6. Award such other and further relief as the Court deems
18 just and proper.
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20 **REQUEST FOR EXPEDITED CONSIDERATION**

21 Petitioner requests expedited consideration because he
22 is currently detained, has already been detained for over six
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1 months, and faces further prolonged detention while his
2 removal is stayed by the Ninth Circuit.
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11 RESPECTFULLY SUBMITTED this 5th day of April 2026.
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14 *William Frick*

15 /s/ _____
16 WILLIAM FRICK, WSBA 26648
17 Law Office of William Frick
18 william@fricklawfirm.info
19 Attorney for Petitioner
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VERIFICATION

I, WILLIAM FRICK, hereby make the following statements:

1. I affirm, under penalty of perjury, that all of the foregoing statements are true and correct to the best of my knowledge;
2. I am an attorney licensed to practice law in the states of Washington and Pennsylvania;
3. I am the attorney for Petitioner, Jose Alvarado;
4. The Petitioner is currently being held in detention at the N.W. Immigration Detention Center in Tacoma, Washington;

1 5. I have discussed this Petition with the Petitioner and his
2 family.

3 I verify that the information contained in the foregoing Petition is
4 true and correct to the best of my knowledge and belief.

5 DATED this 5th day of April 2025.

6
7 *William Frick*

8 /s/

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