

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

Lilia **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 She faces further prolonged detention as her petition for
5 review before the Ninth Circuit Court of Appeals is litigated.
6 (Case No. 26-1256)
7

8 Mrs. Alvarado has been granted a stay of removal
9 pursuant to her 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 Mrs. Alvarado sought a bond
4 hearing from the Tacoma immigration court, based upon her
5 prolonged detention. The agency declined to consider her
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).
9

10 PARTIES

11
12 **Petitioner** Lilia 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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18 **Respondent** Cammilla WAMSLEY is Field Office
19 Director for Enforcement and Removal Operations.
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Petitioner asks the Court to incorporate and consider the facts contained in Mrs. Alvarado's previous habeas petition before the Court. (Case No. 25-02374) Petitioner asks the Court to assign this current petition to Hon. David G. Estudillo, who was the judge in the previous petition.

1 Mrs. Alvarado Is Entitled To A Bond Hearing Before A
2 Neutral Arbiter At Which The Department Of Homeland
3 Security Must Prove, By Clear And Convincing Evidence,
4 That Her Detention Is Required

5 Under , 8 USCS § 1231. the Attorney General has the
6 authority to detain an alien beyond the statutory 90-day
7 removal period if the alien is inadmissible, removable for
8 certain reasons, determined to be a risk to the community or
9 unlikely to comply with the removal order.
10

11 However, the Ninth Circuit has interpreted this
12 provision as requiring procedural safeguards to guard
13 against prolonged detention.
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15 Specifically, in *Diouf v. Napolitano*, 634 F.3d 1081
16 (2011). the court held that aliens detained under 8 USCS §
17 1231 for prolonged periods (six months or more) are entitled
18 to an individualized bond hearing before a neutral arbiter –
19 in this case an immigration judge. At that hearing, the
20 government must justify continued detention by clear and
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1 convincing evidence, demonstrating that the alien is either a
2 flight risk or a danger to the community.

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

6 JURISDICTION AND VENUE

7 Mrs. Alvarado is in the physical custody of Respondents.
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9 Mrs. Alvarado is detained at the NWIPC in Tacoma,
10 Washington.

11 This Court has jurisdiction under 28 U.S.C. § 2241
12 (habeas corpus), 28 U.S.C. § 1331 (federal question), and
13 Article I, section 9, clause 2 of the United States Constitution
14 (the Suspension Clause).
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16 The Court has jurisdiction to consider whether it has
17 jurisdiction *See, e.g., Shah v. Reno*, 184 F.3d 719, 723 (8th Cir.
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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 1999) *See also I.N.S. v. St. Cyr*, 533 U.S. 289, 121 S. Ct. 2271,
2 150 L. Ed. 2d 347 (2001).

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

1 The question is whether the habeas stripping provisions
2 of the Act violate the Suspension Clause in the Alvarado's
3 case. If so, this Court retains jurisdiction over her petition.
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5 Here, because the immigration court is acting in
6 opposition to settled caselaw, she is requesting this Court to
7 order the agency to act in conformance with the law.
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10 **BASIS OF CLAIM FOR RELIEF FOR RELIEF**

- 11 1. Petitioner is detained under federal immigration
12 authority while her removal is stayed by the Ninth Circuit.
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- 14 2. Petitioner has been detained for over six months without
15 a bond hearing because the Immigration Court has refused
16 to grant one.
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- 18 3. Continued detention without an individualized bond
19 hearing, particularly where removal is stayed and detention
20 is likely to continue, violates the Constitution and exceeds
21 lawful detention authority.
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1 4. Habeas relief is warranted to remedy the unlawful
2 restraint by ordering a prompt bond hearing with adequate
3 procedural protections, including a meaningful opportunity to
4 be heard and a reasoned decision based on an individualized
5 assessment.

6 **REQUEST FOR RELIEF**

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8 Petitioner respectfully requests that the Court:

9 1. Issue an Order to Show Cause pursuant to 28 U.S.C. §
10 2243 directing Respondents to respond to this Petition on an
11 expedited basis.

12 2. Grant the Petition for Writ of Habeas Corpus.

13 3. Order Respondents to provide Petitioner a prompt
14 individualized bond hearing before an Immigration Judge
15 within 7 days of the Court's order.

16 4. Order that at the bond hearing:

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18 i. The Government bears the burden to justify
19 continued detention by clear and convincing evidence
20 (or, in the alternative, by a preponderance of the
21 evidence) that Petitioner is a flight risk or danger to
22 the community.
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1 ii. The Immigration Judge must consider alternatives
2 to detention and Petitioner's ability to pay, and must
3 issue an individualized determination.

4 5. In the alternative to a bond hearing, order Petitioner's
5 immediate release from ICE custody under reasonable
6 conditions of supervision.

7
8 6. Award such other and further relief as the Court deems
9 just and proper.

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11 **REQUEST FOR EXPEDITED CONSIDERATION**

12 Petitioner requests expedited consideration because
13 she is currently detained, has already been detained for over
14 six months, and faces further prolonged detention while her
15 removal is stayed by the Ninth Circuit.
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2 RESPECTFULLY SUBMITTED this 5th day of April 2026.
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4

5 *William Frick*

6 /s/ _____
7 WILLIAM FRICK, WSBA 26648
8 Law Office of William Frick
9 william@fricklawfirm.info
10 Attorney for Petitioner
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Petition For Writ Of Habeas Corpus - 12

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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, Lilia Alvarado;
4. The Petitioner is currently being held in detention at the N.W. Immigration Detention Center in Tacoma, Washington;
5. I have discussed this Petition with the Petitioner and her family.

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

DATED this 5th day of April 2025.

William Frick

/s/

WILLIAM FRICK, WSBA 26648
Law Office of William Frick
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