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6 **UNITED STATES DISTRICT COURT FOR THE**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **SEATTLE DIVISION**

9 ROMAN VENEGAS-VENEGAS,

10 Petitioner,

Case No. 2:26-cv-02608

11 v.

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

12 MARKWAYNE MULLIN, Secretary for the
13 Department of Homeland Security; DAVID
14 VENTURELLA, Acting Director, Immigration
15 and Customs Enforcement; JULIO
16 HERNANDEZ, Field Office Director,
17 Immigration and Customs Enforcement Seattle
Field Office; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; BRUCE SCOTT,
Warden, Northwest ICE Processing Center,

18 Respondents.
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INTRODUCTION AND FACTUAL ALLEGATIONS

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2 1. Petitioner Roman Venegas-Venegas is a citizen of Mexico, a longtime United
3 States resident, a father of three United States citizen children, and a construction framer who
4 operates his own business. Immigration and Customs Enforcement (“ICE”) arrested him on July
5 9, 2026, and he is detained at the Northwest ICE Processing Center (“NWIPC”) in Tacoma,
6 Washington. Ex. C (Petitioner’s Declaration) at ¶¶ 1–2, 4, 6–7; Ex. B (Form I-213, Record of
7 Deportable/Inadmissible Alien) at 1–4.

8 2. The Department of Homeland Security’s (“DHS”) own record states that Border
9 Patrol encountered Petitioner in Arizona in 2004 and granted him voluntary return, and that
10 Petitioner later reentered the United States without inspection on an unknown date and at an
11 unknown location. Ex. B at 3. Petitioner declares that he has lived in the United States since
12 approximately 2005. Ex. C ¶ 2. ICE did not apprehend Petitioner at the time of that later entry.
13 Instead, ICE arrested him during an interior enforcement operation in Kirkland, Washington, on
14 July 9, 2026. Ex. B at 2–4.

15 3. DHS placed Petitioner in removal proceedings under 8 U.S.C. § 1229a and
16 charged him only as a noncitizen present in the United States without admission or parole under
17 8 U.S.C. § 1182(a)(6)(A)(i). Ex. A (Notice to Appear) at 1; Ex. B at 2–4. Petitioner has no final
18 removal order and no criminal history. Ex. C ¶ 5; Ex. B at 1, 3.

19 4. On September 30, 2025, this Court entered final judgment “declar[ing] that Bond
20 Denial Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory
21 detention under 8 U.S.C. § 1225(b)(2).” *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-
22 TMC, 802 F. Supp. 3d 1297, 1336 (W.D. Wash. Sept. 30, 2025). The Court also declared that the
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1 Tacoma Immigration Court's practice of denying bond to class members on the basis of §
2 1225(b)(2) violates the Immigration and Nationality Act ("INA"). *Id.*

3 5. The Bond Denial Class includes: All noncitizens without lawful status detained at
4 the Northwest ICE Processing Center who (1) have entered or will enter the United States
5 without inspection, (2) are not apprehended upon arrival, (3) are not or will not be subject to
6 detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is
7 scheduled for or requests a bond hearing. *Rodriguez Vazquez*, 802 F. Supp. 3d at 1336.

8 6. Petitioner meets every element of that definition. He has no lawful status and is
9 detained at NWIPC; he entered without inspection; he was not apprehended upon the entry that
10 led to his present residence; and he is not subject to § 1226(c), § 1225(b)(1), or § 1231. Ex. A at
11 1; Ex. B at 1–4; Ex. C ¶¶ 2, 4–5.

12 7. Through this Petition, Petitioner requests a bond hearing under § 1226(a).
13 Respondents' continued treatment of Petitioner as mandatorily detained under § 1225(b)(2)
14 violates the INA and the final declaratory judgment in *Rodriguez Vazquez*.
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16 8. This Court has repeatedly granted habeas relief to similarly situated class
17 members who had not yet received a bond hearing. *See Rivera v. Mullin*, No. 2:26-cv-02230-
18 TMC, 2026 U.S. Dist. LEXIS 162756, at *3–7 (W.D. Wash. July 22, 2026) (granting a class
19 member's petition and ordering release or a § 1226(a) bond hearing within fourteen days of a
20 request); *Chavez v. Warden, Tacoma Nw. Det. Ctr.*, No. 26-cv-01712-TMC, 2026 U.S. Dist.
21 LEXIS 145150, at *3–5 (W.D. Wash. June 30, 2026) (granting statutory habeas relief to a class
22 member with no criminal history who had not received a bond hearing); *M.A.C.C. v. Hernandez*,
23 No. 2:26-cv-00958-TMC, 2026 U.S. Dist. LEXIS 86584, at *3–6 (W.D. Wash. Apr. 20, 2026)
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1 (holding a class member was subject to discretionary detention under § 1226(a) and ordering
2 release or a hearing).

3 9. The result is especially clear because this Court has already granted relief to a
4 class member whose DHS record, like Petitioner's, showed a prior voluntary return followed by
5 a later uninspected reentry and an interior arrest. *See Garcia v. Scott*, No. 2:26-cv-01430-TMC,
6 2026 U.S. Dist. LEXIS 132952, at *1–6 (W.D. Wash. June 15, 2026) (holding that a petitioner
7 who voluntarily returned to Mexico, later reentered without inspection, and was not apprehended
8 upon that reentry fell “squarely” within *Rodriguez Vazquez*).

9 **PARTIES**

10 10. Petitioner Roman Venegas-Venegas is a citizen and national of Mexico detained
11 at NWIPC in Tacoma, Washington. Ex. B at 1–4; Ex. C ¶¶ 1, 4.

12 11. Respondent, Mr. Markwayne Mullin, is sued in his official capacity as the
13 Secretary of the U.S. Department of Homeland Security (“DHS”). Mr. Mullin is sued as the
14 cabinet-level secretary responsible for all immigration enforcement in the United States and
15 implements enforcement of the Immigration and Nationality Act (“INA”). He also oversees the
16 operations of Immigration and Customs Enforcement (“ICE”).

17 12. Respondent, Mr. David Venturella, is sued in his capacity as the Acting Director
18 of ICE, which is tasked with executing all immigration law enforcement in the United States.

19 13. Respondent Julio Hernandez is sued in his official capacity as Acting Field Office
20 Director for ICE's Seattle Field Office. That office exercises custody authority over individuals
21 detained at NWIPC and is responsible for apprehension, detention, custody decisions, and
22 removal operations within this district. Mr. Hernandez bears responsibility for apprehension,
23 detention, and removal operations within that jurisdiction.
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14. Respondent EOIR administers the immigration courts, including custody-redetermination proceedings.

15. Respondent, Mr. Bruce Scott, is sued in his official capacity as the Warden of the Northwest ICE Processing Center, the privately-operated immigration detention facility where Petitioner is being held in custody. He exercises direct custody over the Petitioner.

JURISDICTION

16. This action arises under the Constitution of the United States and the Immigration and Nationality Act (“INA”). 8 U.S.C. § 1101 et. seq.; *see also Reno v. Flores*, 507 U.S. 292, 306 (1993) (affording immigrants Due Process under the Fifth Amendment).

17. The 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).

18. The 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.

VENUE

19. Venue is appropriate because the Petitioner is detained in this judicial district.

Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493- 500 (1973).

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

21. For the same reasons, divisional venue is proper under Local Rule 3-2.

REQUIREMENTS OF 28 U.S.C. §§ 2243, 2241

22. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . as it [affords] a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “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).

23. Petitioner is “in custody” for the purpose of 28 U.S.C. § 2241 because he is currently held at the NWIPC. “[T]he Supreme Court has repeatedly held that the in-custody requirement is met where the Government restricts a petitioner’s freedom of action or movement.” *Doe v. Barr*, 479 F. Supp. 3d 20, 26 (S.D.N.Y. 2020), citing *Jones v. Cunningham*, 371 U.S. 236 (1963) and *Spencer v. Kemna*, 523 U.S. 1, 7 (1998); see also, e.g., *Devitri v. Cronen*, 290 F. Supp. 3d 86, 90 (D. Mass. 2017) (finding the same); *Alvarez v. Holder*, 454 F. App’x 769, 772-72 (11th Cir. 2011) (same).

24. Federal courts have authority to grant writs of habeas corpus to individuals detained in “violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3); *Yildirim v. Hermosillo*, No. C25-2696-KKE, 2026 WL 111358, at *1 (W.D. Wash. Jan. 15, 2026). “In habeas cases, federal courts have broad discretion in conditioning a judgment granting relief,” and may dispose of habeas matters “as law and justice require.” *Lujan v. Garcia*, 734 F.3d 917, 933 (9th Cir. 2013); 28 U.S.C. § 2243. Habeas petitioners must prove by a preponderance of the evidence that they are entitled to habeas relief. *Davis v. Woodford*, 384 F.3d 628, 638 (9th Cir. 2004) (citation omitted).

25. No statutory requirement of administrative exhaustion applies to Petitioner's case. Moreover, the judicially created "general rule that parties exhaust prescribed administrative remedies before seeking relief from the federal courts" does not apply where there are no prescribed administrative remedies that could provide the relief sought here. *McCarthy v. Madigan*, 503 U.S. 140, 144-45 (1992), superseded by statute on other grounds as recognized in *Woodford v. Ngo*, 548 U.S. 81 (2006).

LEGAL FRAMEWORK

26. 8 U.S.C. § 1226(a) authorizes the arrest and detention of a noncitizen pending a decision on removal and, except as provided in § 1226(c), permits release on bond or conditional parole. 8 U.S.C. § 1226(a)(1)–(2). A person detained under § 1226(a) may request a bond hearing before an immigration judge before a removal order becomes final.

27. 8 U.S.C. § 1226(a) supplies the discretionary-detention “default rule,” while § 1226(c) “carves out a statutory category of aliens who may not be released under § 1226(a).” *Jennings*, 583 U.S. at 288–89. 8 U.S.C. § 1225(b), by contrast, governs certain noncitizens seeking admission. *Id.* at 287–89 (distinguishing detention of noncitizens seeking admission under § 1225(b) from detention of noncitizens already inside the country under § 1226).

28. *Rodriguez Vazquez* resolved which provision governs class members detained at NWIPC. The Court held that “the text of section 1226, canons of interpretation, legislative history, and longstanding agency practice demonstrate that they are governed by section 1226(a)’s ‘default’ rule for discretionary detention.” *Rodriguez Vazquez*, 802 F. Supp. 3d at 1336. The Court entered final declaratory judgment that class members are detained under § 1226(a), not § 1225(b)(2). *Id.*

29. The statutory ground supplies complete relief, so the Court need not reach any broader constitutional theory. *See Rivera*, 2026 U.S. Dist. LEXIS 162756, at *4–6 (declining to reach alternative constitutional claims because *Rodriguez Vazquez* supplied statutory relief); *Green v. Miss U.S. of Am., LLC*, 52 F.4th 773, 795 (9th Cir. 2022) (explaining that courts ordinarily resolve a case on statutory grounds before reaching a constitutional question).

FACTUAL BACKGROUND

30. Petitioner is a citizen of Mexico who has resided in the United States since approximately 2005. Ex. B at 1; Ex. C ¶ 2.

31. DHS records that Border Patrol encountered Petitioner in Hereford, Arizona, on September 30, 2004, and granted him voluntary return. Ex. B at 3. DHS further records that Petitioner later reentered the United States without inspection on an unknown date and at an unknown location. *Id.*

32. No immigration officer apprehended Petitioner upon that later entry. Petitioner lived in the United States for approximately two decades before ICE arrested him in Kirkland, Washington, on July 9, 2026. Ex. B at 2–4; Ex. C ¶¶ 2, 4.

33. After arresting Petitioner, DHS issued an NTA placing him in removal proceedings under 8 U.S.C. § 1229a. Ex. A at 1; Ex. B at 2–4. The NTA identifies Petitioner as present in the United States without admission or parole and charges only inadmissibility under § 1182(a)(6)(A)(i). Ex. A at 1.

34. Petitioner has no final removal order and no criminal history. Ex. C ¶ 5. DHS's I-213 likewise reports no known criminal history. Ex. B at 1, 3. Nothing in the record places him within § 1226(c), § 1225(b)(1), or § 1231. Ex. A at 1; Ex. B at 1–4; Ex. C ¶ 5.

35. Petitioner has three United States citizen children, ages three, eight, and nine. Before his arrest, he worked as a construction framer, operated his own business, and was his children's primary financial provider. His detention is causing significant financial hardship to his children. Ex. C ¶¶ 6–7; Ex. B at 3.

36. Petitioner remains detained at NWIPC, and ICE refuses to consider him for release on bond. Ex. C ¶¶ 4, 8. Petitioner has not received a § 1226(a) bond hearing.

PETITIONER IS A MEMBER OF THE RODRIGUEZ VAZQUEZ BOND DENIAL
CLASS

37. Petitioner is a noncitizen without lawful status detained at NWIPC. Ex. A at 1; Ex. B at 1–4; Ex. C ¶ 4.

38. Petitioner entered the United States without inspection. Ex. A at 1; Ex. B at 3.

39. Petitioner was not apprehended upon the later uninspected entry that resulted in his approximately two decades of residence. ICE instead arrested him during an interior operation in Kirkland in July 2026. Ex. B at 2–4; Ex. C ¶¶ 2, 4.

40. Petitioner is not subject to detention under § 1226(c), § 1225(b)(1), or § 1231: he has no criminal history, is in ordinary § 1229a proceedings, and has no final removal order. Ex. A at 1; Ex. B at 1–4; Ex. C ¶ 5.

41. Petitioner requests a bond hearing through this Petition. He therefore satisfies each element of the Bond Denial Class definition. *Rodriguez Vazquez*, 802 F. Supp. 3d at 1336 (defining the Bond Denial Class to include qualifying NWIPC detainees when they are scheduled for or request a bond hearing).

1 42. Because Petitioner is a class member, he is “detained under 8 U.S.C. § 1226(a)”
2 and “not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).” *Rodriguez Vazquez*, 802
3 F. Supp. 3d at 1336.

4 **CLAIMS FOR RELIEF**

5 **COUNT ONE**

6 **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT**
7 **FAILURE TO APPLY RODRIGUEZ VAZQUEZ FINAL JUDGMENT**
8 **(Against All Respondents)**

9 43. Petitioner repeats, re-alleges, and incorporates by reference each allegation in the
10 preceding paragraphs as if fully set forth herein.

11 44. The final declaratory judgment in *Rodriguez Vazquez* has “the force and effect of
12 a final judgment.” 28 U.S.C. § 2201(a).

13 45. Respondents are the federal officials and agencies responsible for applying
14 detention authority to Petitioner and must comply with the INA and the final judgment in
15 *Rodriguez Vazquez*.

16 46. By treating Petitioner as mandatorily detained under § 1225(b)(2), refusing to
17 consider him for release on bond, and failing to provide access to a § 1226(a) bond hearing,
18 Respondents violate the INA and the final judgment in *Rodriguez Vazquez*.

19 47. Petitioner is “in custody in violation of the Constitution or laws or treaties of the
20 United States” and is entitled to habeas relief. 28 U.S.C. § 2241(c)(3). This Court has repeatedly
21 ordered release or a § 1226(a) bond hearing as the appropriate remedy for similarly situated class
22 members. *See Rivera*, 2026 U.S. Dist. LEXIS 162756, at *6–7 (ordering release or a § 1226(a)
23 hearing within fourteen days of the petitioner’s request); *Garcia*, 2026 U.S. Dist. LEXIS 132952,
24 at *5–6 (ordering a new bond hearing because mandatory detention under § 1225(b) violated
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Rodriguez Vazquez); *Chavez*, 2026 U.S. Dist. LEXIS 145150, at *4–5 (ordering release or a § 1226(a) hearing for a class member who had not yet received one).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to:

- 1) Assume jurisdiction over this matter;
- 2) Issue an Order to Show Cause requiring Respondents to demonstrate why this Petition should not be granted within three days.
- 3) Grant the Petition and issue a writ of habeas corpus;
- 4) Order Respondents, within fourteen days after service of this Petition or receipt of Petitioner's request for a bond hearing, whichever is earlier, either to release Petitioner or provide him a bond hearing under 8 U.S.C. § 1226(a);
- 5) Order Respondents, if Petitioner is released, to return his personal property, including personal identification documents other than a passport and any employment authorization document;
- 6) Provide that nothing in the Court's order prevents an immigration judge from granting a request by Petitioner for a continuance in bond proceedings;
- 7) Award Petitioner reasonable attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable authority; and
- 8) Grant any other relief the Court deems just and proper.

Dated: July 23, 2026,

s/ Octavian Jumanca
OCTAVIAN JUMANCA, WSB #46618
Westlake Law PLLC
1836 Westlake Ave N, Ste 302
Seattle, WA 98109
Attorney for Petitioner

VERIFICATION OF PETITIONER

On behalf of Petitioner, the party in custody, I verify the facts contained in the Petition for Writ of Habeas Corpus upon information and belief, and after reviewing the relevant records and pleadings. Petitioner has not verified the petition himself, as he is currently in ICE custody.

Dated: July 23, 2026

s/ Octavian Jumanca
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Attorney for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

US Attorneys
Email: usawaw.habeas@usdoj.gov

Dated: July 23, 2026

s/ Octavian Jumanca
Octavian Jumanca, WSB #46618