

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
WASHINGTON

Sergio Arthur Gamez Zuniga v. Laura Hermosillo et al.

Gamez Zuniga v. Hermosillo · No. 2:25-cv-02527-LK · Decided December 15, 2025

SUMMARY

The United States District Court for the Western District of Washington issued an order to show cause in Sergio Arthur Gamez Zuniga’s habeas petition challenging his immigration detention. The court directed the petitioner to explain why the case should not be dismissed for lack of subject-matter jurisdiction because the petition did not clearly name the warden of the detention facility as the immediate custodian, and allowed amendment by December 17, 2025.

CASE DETAILS

COURT	United States District Court for the Western District of Washington
WRITING FOR THE COURT	Lauren King
JURISDICTION	United States District Court for the Western District of Washington
DECIDED	December 15, 2025
DOCKET	2:25-cv-02527-LK
DISPOSITION	other
PROCEDURAL POSTURE	On the court's sua sponte review of a petition for a writ of habeas corpus challenging present physical confinement, the court issued an order to show cause concerning whether the petition properly named the petitioner's immediate custodian.
PRECEDENTIAL VALUE	unpublished district court order; precedential status not stated
PARTIES	Sergio Arthur Gamez Zuniga v. Laura Hermosillo et al.

TOPICS

- federal habeas corpus
- immigration detention
- subject matter jurisdiction
- pleadings
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- immigration detention
- civil procedure

QUESTIONS PRESENTED

1. Whether a habeas petitioner challenging present physical confinement must name the immediate custodian—the warden of the facility where the petitioner is detained—as the respondent.
2. Whether the court should dismiss the petition for lack of subject-matter jurisdiction because the petition incorrectly identified the purported warden and did not clearly name the immediate custodian.

HOLDINGS

1. A petitioner seeking release from present physical confinement must name the immediate custodian, ordinarily the warden of the facility where the petitioner is detained, as the respondent.
2. The court must independently determine whether subject-matter jurisdiction exists and must dismiss the action if jurisdiction is lacking.

KEY QUOTATIONS

“Federal courts “have an independent obligation to determine whether subject-matter jurisdiction exists[.]””
(at 1)

“Gamez Zuniga is therefore ORDERED to show cause why this case should not be dismissed for lack of jurisdiction.” (at 2)

FACTUAL BACKGROUND

Gamez Zuniga's habeas petition sought immediate release from detention and identified Rodney S. Scott as the warden of the Northwest ICE Processing Center/Tacoma Northwest Detention Center. The court noted that Bruce Scott was the facility's warden, while Rodney S. Scott was the Commissioner of U.S. Customs and Border Protection, and that neither was listed in the petition's parties section.

PROCEDURAL HISTORY

Gamez Zuniga filed a federal habeas petition seeking immediate release from custody. The petition identified Rodney S. Scott as the warden of the Tacoma Northwest Detention Center, but the court determined that Bruce Scott was the facility's warden and that Rodney S. Scott was the Commissioner of U.S. Customs and Border Protection. The court ordered the petitioner to show cause why the action should not be dismissed for lack of subject-matter jurisdiction and allowed him to amend the petition by December 17, 2025.

DISPOSITION

other

CASES CITED

- *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)
- *AG v. Marathon Oil Co.*, 526 U.S. 574, 577 (1999)
- *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004)
- *Doe v. Garland*, 109 F.4th 1188, 1193–97 (9th Cir. 2024)

OPINION

Wamsley

PER CURIAM.

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UNITED STATES DISTRICT COURT

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WESTERN DISTRICT OF WASHINGTON

AT SEATTLE

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8 SERGIO ARTHUR GAMEZ ZUNIGA, CASE NO. 2:25-cv-02527-LK

9 Petitioner, ORDER TO SHOW CAUSE 10 v. 11 LAURA HERMOSILLO et al., 12
Respondents. 13 14 This matter comes before the Court sua sponte. In Sergio Artur Gamez
Zuniga’s Petition 15 for a Writ of Habeas Corpus, he lists “Rodney S Scott” as “Warden, Tacoma
Northwest Detention 16 Center.” Dkt. No. 1 at 1 (some capitalization removed). However, the
warden of the Northwest 17 ICE Processing Center/Tacoma Northwest Detention Center
(“NWIPC”) is Bruce Scott; Rodney 18 S. Scott is the Commissioner of U.S. Customs and Border
Protection. Dkt. No. 7 at 1 n.2; see also 19 U.S. Customs and Border Protection, About CBP,
[https://www.cbp.gov/about/leadership- 20 organization/commissioners-office/commissioner](https://www.cbp.gov/about/leadership-20-organization/commissioners-office/commissioner) (last
visited Dec. 15, 2025). 21 Federal courts “have an independent obligation to determine whether
subject-matter 22 jurisdiction exists[.]” *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006). This
determination is an 23 “inflexible” threshold requirement that must be made “without exception,
for jurisdiction is power 24 1 *AG v. Marathon Oil Co.*, 526 U.S. 574, 577 (1999) (citation
modified). “If the court determines at 2 any time that it lacks subject-matter jurisdiction, the court
must dismiss the action.” Fed. R. Civ. 3 P. 12(h)(3). “[I]n habeas challenges to present physical
confinement . . . the default rule is that the 4 proper respondent is the warden of the facility where
the prisoner is being held, not the Attorney 5 General or some other remote supervisory official.”
Rumsfeld v. Padilla, 542 U.S. 426, 435 (2004). 6 Indeed, “core habeas petitioners challenging their
present physical confinement [must] name their 7 immediate custodian, the warden of the facility
where they are detained, as the respondent to their 8 petition.” *Doe v. Garland*, 109 F.4th 1188,
1197 (9th Cir. 2024). If a petitioner fails to do so, the 9 district court lacks jurisdiction over the
petition. *Id.* at 1195–97. 10 Gamez Zuniga requests immediate release from custody, Dkt. 1 at 12,
making this a core 11 habeas proceeding. See *Doe v. Garland*, 109 F.4th at 1193–94 (“Doe seeks
typical habeas relief in 12 asking for his release” (citation modified)). Therefore, Gamez Zuniga
must name his “immediate 13 custodian, the warden of the facility where [he is] detained” as a
respondent. *Id.* at 1197. Although 14 it appears that Gamez Zuniga intended to do so, the name of
the warden in the caption is incorrect, 15 and neither Bruce Scott nor Rodney Scott are listed in
the “parties” section of his petition, making 16 it unclear if Gamez Zuniga intended to name the
warden or the Commissioner of U.S. Customs 17 and Border Protection as a respondent. Dkt. No.

1 at 7–8. 18 Gamez Zuniga is therefore ORDERED to show cause why this case should not be 19
dismissed for lack of jurisdiction. If Gamez Zuniga files an amended petition properly naming his
20 immediate custodian by December 17, 2025, the Court will discharge this Order. 21 Dated this
15th day of December, 2025. 22 A 23 Lauren King United States District Judge 24