

**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

OPINION

1 2 3 4 5 UNITED STATES DISTRICT COURT 6 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE 7 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