UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA DIVISION

RIGOBERTO HERNANDEZ HERNANDEZ, Petitioner, v. U.S. BORDER PATROL *et al.*, Respondents.	Case No. Agency No. AXXX-XXX-475 **PETITIONER'S DECLARATION IN SUPPORT OF MOTION FOR A TEMPORARY RESTRAINING ORDER**

I, Rigoberto Hernandez Hernandez, under penalty of perjury, do solemnly declare:

1. I have personal knowledge of the facts stated in this declaration and, if called as a witness, could testify truthfully to those facts.
2. My name is Rigoberto Hernandez Hernandez. I am 23 years old.
3. I grew up and attended schools in California, Oregon, and Washington. My parents were migrant farmworkers, so we moved with the seasons so they could find work. I am of Mixtec ancestry, and I speak English, Spanish, and Mixtec. I graduated from Salinas High

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School in Salinas, California, and now reside in Keizer, Oregon, where I live with my two brothers, Hector and Ricardo. I have lived in Oregon since 2023.

4. When I was a child, my family was victimized by a serious felony, and my father reported the crime. He applied for a U Visa and included me as a beneficiary on his application. That application is currently pending.

5. I am a wildland firefighter employed by ASI Arden Solutions Inc., a federal contractor. I am a Type 2IA certified firefighter and a qualified sawyer. Type 2IA means I am trained to lead a squad for initial attacks against wildfires, including by creating lines to stop the fire from burning into untouched green areas, cutting down trees, and clearing vegetation to manage the spread of wildfires. I am currently in training to become an Incident Commander Type 5, which requires understanding how to read the weather, work a radio, run a saw, and operate a small squad in a way that is safe and responsible.

6. During fire season, I can be called up to fight fires anywhere in the United States. I have been deployed more than 20 times to fight fires in the last few years, including to fires located in California, Colorado, Idaho, North Carolina, Oregon, Tennessee, and Washington. I also staged outside the Los Angeles fires this year.

7. On or around August 16, 2025, I travelled to the Olympic Peninsula in Washington to fight the Bear Gulch Fire. My assignments included staging, patrolling, and mop up. I was primarily working to look for any new or reignited fires and to get rid of hotspots that could reignite. Most days I hiked miles and miles into the forest with my gear, alongside my crew. The work was grueling, and at the end of every day I was exhausted.

8. On or around August 27, 2025, I was detained by Border Patrol agents at a remote site located within the fire closure zone.

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9. That morning my crew was called together with another crew of firefighters to go to a staging area. The crew leaders gave us orders to chop wood for the community at a "staging area." While being called to a staging area is not abnormal, this was unusual because we were still in the core part of our active duty (generally 14 days), and the fire was barely contained. Normally, in these circumstances, we would be doing work directly tied to fighting the fire. But, part of the work of firefighting is being on a crew and following instructions given by our supervisors.

10. We were driven to a drop point where I had never been before. A drop point is a place that is marked by number; firefighters use them to signal where to go within the fire area. This drop point was far into the forest where there was no cell phone service. It was a large circular area surrounded by tall woods. It looked like it had been cleared by a bulldozer. There were huge, felled logs on both sides of the round circular area and a single way in and out.

11. Around 9:00 am, I was standing in the drop point with my squad when four vehicles pulled up—two trucks and two SUVs. They parked to block the exit such that no one could come or go. As a firefighter, I recognize these sorts of parking tactics because we also have to park strategically in case we need to make a fast escape. The trucks that my squad had arrived in were parked specifically not to block the exit.

12. An official got out of one of the vehicles that had blocked the exit and ordered everyone to gather around. I believe he was wearing a Bureau of Land Management or Fish and Wildlife uniform. Once the crews were gathered up, several agents wearing vests that said "Border Patrol" got out of their vehicles and surrounded us. They all had guns and magazines on their waists. Several had at least two magazines on them and one of them

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had four magazines. As they surrounded us, about three more officers got out of the vehicles. One of the officers was walking around constantly clutching his holster. Two more trucks arrived and parked in the entrance, and two more officers got out. Some of the officers appeared to be park rangers and others were wearing vests that said "Border Patrol." I felt that even if I wanted to leave, I would not be allowed. I had no choice but to do what the officers said because I could see that they all had guns, they had us surrounded, and they had blocked the exit from the site. I was not doing anything unlawful when they surrounded us.

13. The armed Border Patrol agents started going from firefighter to firefighter taking their IDs. I was about fourth or fifth in line. None of the firefighters, including me, could go anywhere while we were lined up because there were many agents all around us and we were in the middle of the wilderness, fighting the fire.

14. The agent asked for my ID. I gave them my firefighter's ID, which has my name, employee identification, qualifications, and photo on it. I didn't have any other documents or identification on me that would indicate where I was born.

15. The agent asked me where I was born. I told them I was pleading the Fifth. One of the agents said, "That's a good one," and laughed. He asked me to step forward, out of the line. I followed him.

16. A male Border Patrol agent who was bald asked me, "Why aren't you providing the information we're asking?" I told him that I was exercising my rights and not answering questions. I said I was pleading the Fifth. Another agent came up to us, and the bald agent said, "This guy is exercising his rights and not answering the questions." Then the other agent said, "That's not gonna be good for him."

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17. I asked if I could go back in line and they let me, so I got back in line.

18. The officers continued checking everyone's IDs. The officers told everyone to line up again. They announced that they were going to call names. If your name was called, you were "cleared" and you could go over to the trucks to go back to camp. This took a long time and we were directed to stand or sit near some logs while being guarded by the Border Patrol. Some of the firefighters whose names were called said they wanted to stay at the site instead of getting in the trucks, but the officers wouldn't let them stay. Once a truck was full, it had to go. They called name after name until eventually there were only three of us left.

19. One guy was cleared until it was just me and one other man.

20. The bald agent told me to get up and put my hands behind my back. He handcuffed me and said, "You're under arrest." When he handcuffed me, he didn't say why I was under arrest. But I asked why, and he said, "Because you're here illegally." He didn't give me any documents, and no one showed me a warrant. None of the agents told me their names or where they worked, and no one showed me a badge. None of the agents asked me any questions about my family or ties to the community.

21. For the next hour or so, I sat on a log while handcuffed. I was surrounded by agents. There were 8 to 12 of them standing around me and the other firefighter, who was also handcuffed. When I had to relieve myself, agents would guard me.

22. I heard some of the agents talking about me and guessing where I was from based on the way I looked. They named a few different foreign countries—one of them was Guatemala Then one of them said maybe I was Oaxacan. But another agent said, "No, he's too big, too tall to be Oaxacan."

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23. While I was handcuffed, an agent said "imagine a stray cat showed up to your door. You take it in. But if a bunch of cats show up, what do you do? You call animal control!" I understood this to mean the agent believes immigrants to be like animals, not people.

24. It was clear to me the agents did not know who I was or anything about my personal history.

25. Included in my petition for habeas corpus are images taken from cell phone videos made by my brothers, who were with me and are also firefighters, of the incident.

26. A van drove up with two more agents, and they loaded me and the other firefighter into the van. They drove us to the Customs and Border Protection (CBP) station in Ferndale, Washington. I was detained there for about twenty-four hours.

27. When I arrived to the CBP station, they fingerprinted me. I told the officers that I was not going to answer questions, and I wanted to speak to my attorney.

28. I asked several different agents for a phone call, but no one would let me make a call. I told them that I have a lawyer and that I wanted to call them. They would just say "let me ask," but never come back. I asked the people who seemed like they were in charge if I was being denied a phone call until I was transferred somewhere else, and they said yes. No one ever told me that anyone was trying to reach me.

29. The officers asked me to sign some papers; they did not explain the papers to me. I refused because I did not know what the papers were and they did not explain them to me. I also told them that I wanted to speak to my attorney.

30. I spent the night in a very cold cell. It did not have a bed, just a metal seat, though someone brought me a mattress for the floor. It had a bathroom but no soap. At one point, when I was asleep at night, they woke me up and brought me to an interrogation room. They turned

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on a camera and told me I had the right to remain silent. They asked if I was willing to cooperate, and I said no. They sent me back to my cell.

31. On the evening of August 28, I was transferred to a detention center in Tacoma, Washington, and I have been detained here ever since. I was finally allowed a phone call to my brother and my attorney on August 29.

32. It was not until September 16, 2025 that I received any paperwork about my arrest or detention. I was given a hearing notice to appear in immigration court but I was not given the charges, just a notice to go to court. Later, my lawyer was able to get the immigration charges against me.

33. All of this has been very hard for me and my family. I feared that something like this could happen, but actually living through it is something different.

34. I have made mistakes in my life. In 2021, I was convicted of a misdemeanor for racing on a street. I was given a fine and a year of conditional probation. I did not have to serve any jail time because the judge suspended my sentence. I completed my probation successfully. That incident helped me realize that I need to do better, and I need to do more to help my family. In my family, we have always helped each other out. My parents had to work a lot, and it was hard to make ends meet. My oldest brother had to drop out of school to help support our family financially, so then my other brother took care of us younger siblings. Then he started working, so my next brother would take care of us. Then he had to work, so I started taking care of my little siblings, making sure they were fed and ready for school. And then it was my turn to start working so I could earn money to help pay for things for my family. I felt like I had lost my way. When I had my conviction, I realized that I couldn't

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be making these kinds of mistakes, and I needed to make better choices. I have resolved to move forward with my life and learn from my mistakes.

35. Since then, I moved to Oregon to see what I could do with the abilities that I have learned in life. This is where I heard the call for firefighting.

36. For me, firefighting is much more than a job. It is a calling to me. I consider it my duty. It has given me clarity in how I think and how I want to act and be in the world. I am a good firefighter. I am a good crew member, and I strive to be a good crew leader. There are many bad days and there is a lot of hard work. I care about the land and the landscape. There is sacrifice. I am beginning my career as a wildland firefighter, and I want to be able to continue to protect the land, the wildlife, and the people of this country. For me, firefighting is my duty.

37. It is my hope that I can be released.

I HEREBY DECLARE UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. § 1746 THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Dated this 18th day of September 2025, in Tacoma, Washington

RIGOBERTO HERNANDEZ HERNANDEZ
Petitioner

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