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IN SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BY DEPUTY

Name: Gonzalez-Alvarado, Jose, Luis  
1623 EAST J STREET SUITE FIVE  
TACOMA, WASHINGTON 98421

UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

Name: Gonzalez-Alvarado, Jose, Luis ) Case No. 2:25-cv-00245-RAJ-BAT  
A # ~~XXXXXXXXXX~~  
Petitioner )  
vs. ) PETITION FOR WRIT OF HABEAS CORPUS  
ICE Field Office Director ) UNDER 289 USC 2241  
Respondent )  
\_\_\_\_\_ )

The Appellant is currently held in custody of the Attorney General at Tacoma's Northwest Detention Center in Tacoma Washington.

Here, the Appellant moves this Court to issue an order commanding his release from the custody of BICE due to the fact that such custody violates the due process rights of the Petitioner.

FACTS

1. This Petitioner has been within the confines of the Northwest Detention Center, a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of Nine months.
2. On the date of May-08-2024 the Petitioner entered the Northwest Detention Center and has not been released since that date.

- 1 3. The current charges of deportation is  
2 "Zizabai" ALien Present without  
3 Admission or Parole.  
4 4. Petitioner has appealed before the BIA / Ninth Circuit (Circle One) and the case remains  
5 pending.  
6 5. The Ninth Circuit has issued a Stay of Removal in the case # N/A.

#### JURISDICTION

7  
8 The Jurisdiction of this Court is sought under 28 USC 2241.

#### QUESTION PRESENTED

- 9  
10 1. Is the Petitioner entitled to release from the Attorney General?  
11 2. Is alternative relief in the form of release on conditions appropriate or release on bond that is  
12 reasonable?

#### RELIEF REQUESTED

13 That the Court Order the Petitioner to be released on supervised release pending all finality on  
14 that the court orders the Agency to hold a bond hearing where individual factors are considered that can  
15 allow for the release of the Petitioner pending the conclusion of his legal matters with ICE and the  
16 District Courts and the Ninth Circuit.

#### ARGUMENT

17  
18  
19 An alien should not be held in custody unless there are no facts or circumstances  
20 that would guarantee his return for hearings or to be deported. In general, an alien should not be  
21 detained or required to post bond unless it is found that he is a threat to the national security or a  
22 poor bail risk. Matter of Patel, 15 I & N Dec. 666 (BIA 1976), National Center for Immigrant  
23 Rights v INS, 743 F2d 1365 (9<sup>th</sup> Cir. 1984).

24 Furthermore, the Ninth Circuit has recently issued guidelines regarding the release of aliens  
25 and the jurisdiction of the Immigration Judge and BIA to grant bond in these cases. In particular,

1 the Ninth Circuit, in an unpublished Order in Bromfield v Mukasey, 07-72319 made the distinction  
2 regarding persons due bond and those who are held under the authority of the Attorney General.  
3 The Ninth Circuit decided that Bromfield was due a bond hearing, and that, even though he was  
4 being held pending the Ninth Circuit's ruling on his Petition for Review, he was entitled to bond,  
5 and the BIA and IJ had authority to grant the bond.

6 The Ninth Circuit on July 25<sup>th</sup>, 2008 issued two decisions in cases that had been pending before it.  
7 Those precedential cases are Preito-Romero v A. Neil Clark, 07-35458 F. 3d ; and Casas-  
8 Castrillon v Lockyer, 07-56261. F. 3d . Those decisions deliberately discuss the interplay  
9 between the statutes governing detention of aliens and release of aliens. In particular, the Ninth Circuit  
10 issued precedents dealing with several inter-related issues: A. When bond hearing is required; B. The  
11 burden of the parties in bond hearings; C. When detention remains legally authorized.

12 In this case we have a person who is currently being held by the Immigration Services where the  
13 Bond is either nonexistent or where the Bond is too high to afford and is unreasonable given the  
14 circumstances that the Respondent will appear for all future hearings.

15 The Respondent has equities in the United States and those equities far outweigh any adversities.  
16 If the Respondent is released he will appear for all hearings and will appear if he is to be removed from  
17 the country.

18 The Respondent here moves the Judge to grant a bond review in this case and to release the  
19 Respondent upon conditions that is fair and just.

20 The release on bond or conditions will allow the Respondent to continue with his life, with his  
21 family, and to gain evidence to use in his hearing and to gain possible assistance of counsel or other  
22 adequate representative.

23 Petitioner is not held under 8 USC 1226 (c) according to the Ninth Circuit's decision on the  
24 matter. The Ninth Circuit cited that the Government's interpretation was incorrect where the Agency and  
25 the Government has repeatedly held that aliens are held under 8 USC 1226 (c) and ineligible for a grant of  
bond. The Ninth Circuit cited that an alien who has completed the administrative process is held under 8

1 USC 1226 (a). "which gives the Attorney General general discretionary authority to detain an alien  
2 'pending a decision on whether the alien is to be removed from the United States.'"

3 The Court in Cases-Castrillon cited, "the Supreme Court similarly recognized in Denmore v Kim,  
4 538 US. 510 (2003) that 1226 (c) was intended only to "govern {} detention of deportable criminal aliens  
5 *pending their removal proceedings*," which the Court emphasized typically "lasts roughly a month and a  
6 half in the vast majority of cases in which it is invoked and about five months in the minority of cases in  
7 which the alien chooses to appeal' his removal order to the BIA. *Id.* at 527-528.

8 Importantly, the Ninth Circuit held that the conclusion of proceedings occurs upon the dismissal  
9 of the alien's appeal by the BIA.

10 Thus, under the explicit Ninth Circuit holding, the fact that the custody has changed from 1226  
11 (c) to 1226 (a) means that the Agency no longer had mandatory detention of the alien, but has the  
12 authority to order release on bond or upon conditions.

13 Moreover, the Ninth Circuit explicitly rejected the Government's contention that the custody  
14 again shifts once the Circuit Court issues an order of stay of removal. The Ninth Circuit also rejected that  
15 the custody authority changes once the Circuit grants relief. "We therefore conclude that the mandatory,  
16 bureaucratic detention of aliens under 1226 (c) was intended to apply for only a limited time and ended in  
17 this case when the BIA affirmed..." *id.* See Prieto-Romero slip op. at 9295.

18 Directly contradicting the Agency's previous holdings, the Court cited, "Even though Casas'  
19 detention is permitted by statute because keeping him in custody could serve a legitimate immigration  
20 purpose, Casas may nonetheless have the right to contest before a neutral decision maker whether  
21 the government's purported interest is *actually served* by detention in his case. There is a difference  
22 between detention being authorized and being necessary to any particular person. We hold that the  
23 government may not detain a legal permanent resident such as Casas for a prolonged period without  
24 providing him a neutral forum in which to contest the necessity of his continued detention."

1 This decision by the Ninth Circuit completely establishes the right of aliens to an impartial hearing  
2 before a neutral decider who will take evidence on the issue and grant bond in the cases where it is amply  
3 demonstrated that bond is applicable. Moreover, this finding by the Ninth Circuit is directly in line with  
4 Matter of Patel, *supra*. This standard is the same for persons who are aliens without criminal histories as  
5 for those with such a history. According to the Ninth Circuit's decision in Prieto-Romero and Casas-  
6 Castrillon, both are entitled to impartial hearings before a neutral factfinder.

7 Although this Petition is not within the *Zadvydas* mold, the *Zadvydas* opinion opened by noting the  
8 clear applicability of general due process standards: physical detention requires both a "special  
9 justification" that "outweighs the 'individual's constitutionally protected interest in avoiding physical  
10 restraint'" and "adequate procedural protections." 533 U.S. at 690, 150 L Ed 2d 653, 121 S Ct  
11 2491 (quoting *Hendricks* at 356, 138 L Ed 2d 501, 117 S Ct 2072). Nowhere did the Court suggest that  
12 the "constitutionally protected liberty interest" in avoiding physical confinement, even for aliens already  
13 ordered removed, was conceptually different from the liberty interest of citizens considered in *Jackson*,  
14 *Salerno*, *Foucha*, and *Hendricks*. On the contrary, the Court cited those cases and expressly adopted their  
15 reasoning, even as applied to aliens whose right to remain in the United States had already been declared  
16 forfeited. *Zadvydas*, 533 U.S., at 690, 150 L Ed 2d 653, 121 S Ct 2491.

17 Thus, this Court's review must begin by positing commonly accepted substantive  
18 standards and proceeded to enquire into any "special justification" that might outweigh the aliens'  
19 powerful interest in avoiding physical confinement "under [individually ordered] release conditions that  
20 may not be violated." *Id.*, at 696, 150 L Ed 2d 653, 121 S Ct 2491. The Supreme Court found nothing to  
21 justify the Government's position. The statute was not narrowed to a particularly dangerous class of  
22 aliens, but rather affected "aliens ordered removed for many and various reasons, including tourist visa  
23 violations." *Id.*, at 691, 150 L Ed 2d 653, 121 S Ct 2491. The detention itself was not subject to "stringent  
24 time limitations," *Salerno*, 481 U.S., at 747, 95 L Ed 2d 697, 107 S Ct 2095, but was potentially indefinite  
25 or even permanent, *Zadvydas*, 533 U.S., at 691, 150 L Ed 2d 653, 121 S Ct 2491. Finally, although both

1   Zadvydas and Ma appeared to be dangerous, this conclusion was undermined by defects in the procedures  
2   resulting in the finding of dangerousness. *Id.*, at 692, 150 L Ed 2d 653, 121 S Ct 2491. The upshot was  
3   such serious doubt about the constitutionality of the detention statute that the Supreme Court construed it  
4   as authorizing continuing detention only when an alien's removal was "reasonably foreseeable." *Id.*, at  
5   699, 150 L Ed 2d 653, 121 S Ct 2491.

6           In *Demore v Kim*, 538 U.S. 510; 123 S. Ct. 1708; the Court stated, "While it is true that  
7   removal proceedings are unlikely to prove "indefinite and potentially permanent," 533 US. at 696, 150 L  
8   Ed 2d 653, 121 S Ct 2491, they are not formally limited to any period, and often extend beyond the time  
9   suggested by the Court, that is, "an average time of 47 days" or, for aliens who exercise their right of  
10   appeal, "an average of four months." *Ante*, at 155 L Ed 2d. at 742; see also Case Hearing Report 12  
11   (finding that the average time from receipt of charging documents by a detained alien to a final decision  
12   by the immigration judge was 54 days). However, in this case, the confinement has been for  
13   180 days. This is completely excessive and this Court has jurisdiction to order the Agency to release  
14   the Petitioner or to set a bond for the Petitioner's release or that the Petitioner be released on conditions.

15           Petitioner does assert the fact that he is not able to afford a large bond, but may be able to gain  
16   assistance from the community in gaining access to a low bond.

17           For the reasons that go before, the Petitioner urges that the court issues orders that does  
18   substantial justice.

19           Dated: 02/03/25

20  
21           Signed:   
22  
23  
24  
25

VERIFICATION

I, Gonzalez-Alencar Jose Luis, do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief. Submitted under the penalty of perjury of the laws of

the United States.

Here, the Appellant moves this Court to issue an order commanding the release from the custody

of BICE due to the fact that such custody violates the due process rights of the Petitioner.

FACTS

1. This Petitioner has been within the confines of the Northwest Detention Center, a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of Nine months.
2. On the date of May-08-2024 the Petitioner entered the Northwest Detention Center and has not been released since that date.

VERIFICATION

I, Gonzalez Alexander Jose Luis, do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief. Submitted under the penalty of perjury of the laws of the United States.

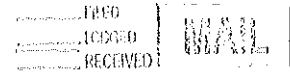
assistance from the community in gaining access to a low bond.

For the reasons that go before, the Petitioner urges that the court issues orders that does substantial justice.

Dated: 01/08/25

Signed: [Signature]





FEB 06 2025

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BY DEPUTY

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR WRIT OF HABEAS  
CORPUS PURSUANT TO 28 U.S.C. § 2241**

Name: Gonzalez-Atencio, Jose Luis  
Alien Registration No.: [REDACTED]  
Pro Se Petitioner-Detained  
Detention Center: Northwest Processing Center  
Address: 1623 East J Street, Suite 5  
Tacoma, Washington 98421

Here, the Appellant moves this Court to issue an order commanding his release from the custody  
of BICE due to the fact that such custody violates the due process rights of the Petitioner.

**FACTS**

1. This Petitioner has been within the confines of the Northwest Detention Center, a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of Nine months.
2. On the date of May-08-2024 the Petitioner entered the Northwest Detention Center and has not been released since that date.

### INTRODUCTION

1. Petitioner, Gonzalez-Arteaga, Jose Luis, petitions this Court for a writ of habeas corpus to remedy Petitioner's indefinite detention by Respondents. Petitioner submits this Memorandum of Law in Support of the Petition for a Writ of Habeas Corpus.
2. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in *Zadvydas* established a presumption that detention after a final order of removal was permissible for six months. Detention after a final order may be unlawful even when six months have not passed, particularly if it is clear that the United States will not be able to effect a noncitizen's removal. But after that six-month period, once a noncitizen provides "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." And the longer a noncitizen has been detained, the stronger the government's showing must be.
3. Petitioner is entitled to release under the framework of *Zadvydas* unless the government promptly demonstrates that there is a significant likelihood of removal in the reasonably foreseeable future.
4. Petitioner respectfully requests that the Court use its authority under 28 U.S.C. § 2243 to order the Respondents to file a return within three days, unless they can show good cause for additional time. See 28 U.S.C. § 2243 (stating that an order to show cause why a petition for a writ of habeas corpus should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed").

5. In order to permit full judicial review of the claims herein and requested relief, Petitioner respectfully requests that the Court order Respondents not to transfer Petitioner outside the jurisdiction of this Court pending consideration of this Petition.

**STATEMENT OF FACTS**

6. Petitioner was born in: Venezuela.
7. Petitioner entered the United States on or about: April, 2nd 2021.
8. An Immigration Judge ordered Petitioner removed from the United States on or about Sept - 05 - 2024.
9. Regarding Appeals: No pending appeals.
10. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner. Petitioner has cooperated with ICE in the following ways: provide All information requested By Deportation officer C.39591 Sica B for example providing a copy of my passport, and all other necessary information requested.

11. Nonetheless, ICE has been unable to remove Petitioner from the United States. ICE is

unlikely to remove Petitioner in the reasonably foreseeable future because: this  
country of Venezuela is currently not  
cooperating with the U.S. government to deport  
its citizens and it's likely continue because  
of the current president of Venezuela

12. Regarding Petitioner Detention: petitioner has been detained  
for over 260 days without the possibility  
of a bond or of being deported.

13. If released, Petitioner will be supported by family and friends in the United States. In

particular: Wife - Ana Villanueva  
Children - Joskeil Gonzalez, Patricia Gonzalez,  
Christian, Upleria, Mother - Yaira Atencio  
Friend - Angelis Guillen - Genesis Lozano

ARGUMENT

14. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA") §§ 101–507, 8 U.S.C. § 1101–1537, amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-1570.
15. This Court has jurisdiction under 28 U.S.C. § 2241, the Suspension Clause, U.S. Const. art. I § 9, cl. 2, and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and Petitioner's custody is in violation of the Constitution, laws, or treaties of the United States. *See Zadvydas*, 566 U.S. 678. This Court may grant relief under 28 U.S.C. § 2241 (habeas corpus), 5 U.S.C. § 702 (establishing the right of review for a person suffering a legal wrong due to agency action), and 28 U.S.C. § 1651 (All Writs Act).
16. The Due Process clause applies to all persons in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the Supreme Court emphasized, "[f]reedom from imprisonment—from government custody, detention, or other forms of physical lies at the heart of the liberty that [the Due Process] Clause protects." 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). The Court noted, "[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem." *Id.*; *see also Plyer v. Doe*, 457 U.S. 202, 210 (1982) ("Aliens, even aliens whose presence in this country is unlawful, have long been recognized as 'persons' guaranteed due process of law by the Fifth and Fourteenth Amendments.").

17. Under 8 U.S.C. § 1231(a)(2), noncitizens subject to final orders of removal “shall” be detained during the first 90 days—the “removal period”—and they “shall” be removed during that period under § 1231(a)(1). Under 8 U.S.C. § 1231(a)(6), the government “may” continue detention beyond the 90-day removal period if a noncitizen falls within certain broad categories of removability or is determined “to be a risk to the community or unlikely to comply with the order of removal.” 8 U.S.C. §1231(a)(6).
18. In *Zadvydas*, the Supreme Court construed 8 U.S.C. §1231(a)(6) to authorize detention only where it is significantly likely that removal will occur in the reasonably foreseeable future, in order to avoid the serious due process concerns that would be presented by permitting detention for an indefinite period of time. *Zadvydas*, 533 U.S. at CITE. After a noncitizen meets his or her initial burden to show that no such likelihood of removal exists, the burden shifts to the Government to “respond with evidence sufficient to rebut [the alien’s] showing.” *Id.* at 701.
19. Courts have rejected conclusory claims by ICE agents which claim, without submitting concrete factual information about scheduled flights or repatriation agreements, that removal is imminent. “[A] theoretical possibility of eventually being removed does not satisfy the government’s burden once the removal period has expired and the petitioner establishes good reason to believe his removal is not significantly likely in the reasonably foreseeable future.” *Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6143643, at \*5 (W.D. La. Sept. 17, 2020) (internal quotation marks and citation omitted). “[I]f [ICE] has no idea of when it might reasonably expect [Petitioner] to be repatriated, [a] Court certainly cannot conclude that [a] removal is likely to occur—or even that it might occur—in the reasonably foreseeable future.” *Id.* at \*5 (internal quotation marks and citation omitted). *See also*,

*Gomez Barco v. Witte*, No. 6:20-CV-00497, 2020 WL 7393786 (W.D. La. Dec. 16, 2020) (ordering release of a petitioner who was detained longer than six months because ICE had not been able to secure necessary travel documents, noting that the ICE officer “clearly has no factual basis for his ‘belief’ that there is no foreseeable impediment to Petitioner’s removal or that her removal is imminent,” and that there was no foundation for the “expectation” that the COVID-19 related travel restrictions in place would soon be lifted); *Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6064881 (W.D. La. Oct. 14, 2020) (same).<sup>1</sup> In granting Ms. Balza’s release, the court considered and rejected a conclusory declaration by a local ICE Assistant Field Officer that removal was imminent. *Id.* at \*5. In *Alexis v. Smith*, the petitioner, Mr. Alexis, had been in detention for almost a year and subject to a removal order for over a year. An ICE official testified to an informal agreement that permitted removals but acknowledged that there were far fewer removals to Haiti in the aftermath of the 2010 hurricane. The Haitian government had an issue with identity documents and it was unknown when that would be resolved. The magistrate did not credit ICE’s vague statements that it was “endeavoring to rectify the issue” and concluded there was no end in sight for detention, and recommended release. The District Court Judge agreed and ordered release. ICE then released Mr. Alexis on an Order of Supervised release

<sup>1</sup> Other district courts in the Fifth Circuit and elsewhere have similarly granted habeas relief when the noncitizen has shown that there is no significant likelihood of removal in the reasonably foreseeable future. *See, e.g., Carreno v. Gillis*, No. 5:20-cv-44-KS-MTP, 2020 WL 8366735 (S.D. Miss. Dec. 16, 2020) (granting habeas relief to petitioner detained for approximately sixteen months due to a lack of diplomatic relations with Venezuela); *Ali v. Dep’t of Homeland Sec.*, 451 F. Supp. 3d 703 (S.D. Tex. 2020) (granting habeas relief to petitioner initially detained for three years, released and detained again for four months when petitioner could not be removed due to travel restrictions to Pakistan); *Sharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct. 9, 2020) (granting habeas relief to petitioner detained for seventeen months after Iranian officials failed to respond to a travel document request for more than seven months).

and moved to get the judgment vacated on mootness, which it was. However, this does not invalidate the reasoning and conclusions of the Magistrate Judge and District Court Judge on this subject, and this case is still informative and persuasive to the body of law on this subject. *Alexis v. Smith*, No. CIV.A. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011), report and recommendation adopted, No. CIV.A. 11-0309, 2011 WL 3954945 (W.D. La. Sept. 6, 2011), vacated, No. CV 11-0309, 2011 WL 13386020 (W.D. La. Sept. 15, 2011).

20. Courts in this District have—pursuant to *Zadvydas*—released individuals who have been detained for over six months. *See, e.g., Gomez Barco*, 2020 WL 7393786 (ordering release of an immigrant detainee who was a native and citizen of Venezuela who was detained longer than six months because ICE had not been able to secure necessary travel documents); *Balza*, 2020 WL 6143643, at \*5 (ordering release of petitioner and noting that “[a]fter more than a year of detention, Petitioner’s removal need not necessarily be imminent, but it cannot be speculative”) (internal quotation marks omitted).
21. Under *Zadvydas*, courts have found that there is no significant likelihood of removal and granted relief where:

- No country will accept the petitioner. *See, e.g., Jabir v. Ashcroft*, No. 03-2480, 2004 WL 60318 (E.D. La. Jan. 8, 2004) (granting habeas relief to petitioner detained for more than fourteen months after numerous countries refused to repatriate the petitioner).<sup>2</sup>
- The petitioner’s country of origin refuses to issue a travel document. *See, e.g., Alexis v. Smith*, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) (granting habeas relief to petitioner detained for approximately one year due to the Haitian government rejecting the quality of identity documents provided); *Fermine v. Dir.*

<sup>2</sup> *See also Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at \*4 (W.D.N.Y. Jan. 2, 2019) (ordering release of petitioner detained fourteen months after petitioner showed “that the countries with which he has any affiliation will not accept him”); *Yusupov v. Love*, No. 4:CV-06-1804, 2007 WL 5063231 (M.D. Pa. Jan. 12, 2007); *Abel-Muhti v. Ashcroft*, 314 F. Supp. 2d 418 (M.D. Pa. 2004) (ordering release of petitioner detained approximately two years after refusal of several countries to accept petitioner).



*of Immigr. & Customs Enf't*, No. 2:06-cv-1578, 2007 WL 2284606 (W.D. La. May 23, 2007) (granting habeas relief to petitioner detained for fifteen months due to Trinidad's refusal to issue travel documents); *Lifadu v. Gonzales*, No. 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting habeas relief to petitioner detained nineteen months because Nigeria refused to issue travel documents due to petitioner's HIV status).<sup>3</sup>

- There is no removal agreement between the United States and a country. In these scenarios, courts have found that the lack of a formal agreement regarding repatriation, lack of diplomatic relationship, and lack of a functioning government support a finding that there is no significant likelihood of removal. *See, e.g., Negusse v. Gonzales*, No. 06-1382, 2007 WL 708615 (W.D. La. Mar. 1, 2007) (granting habeas relief to petitioner detained for approximately one year because the United States did not have a repatriation agreement with Ethiopia and Ethiopia would not issue travel documents because one of petitioner's parents was not Ethiopian).<sup>4</sup>
- There is either no response from a country designated for removal or a significant delay in receiving a response. *See, e.g., Gonzalez-Rondon v. Gillis*, 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no response from Venezuelan officials).<sup>5</sup>

<sup>3</sup> *See also Ka v. Bureau of Immigr. & Customs Enf't*, No. B-07-197, 2008 WL 11462867, at \*8 (S.D. Tex. June 24, 2008) (ordering release of petitioner detained twelve months after Senegal "refused to issue Ka a travel document because he d[id] not have proper identity documentation"); *Moreira v. Gonzales*, No. CIVA CV05-588 A, 2006 WL 3861972 (W.D. La. Nov. 2, 2006) (granting habeas relief to petitioner detained for three years because Cape Verde advised that it would not accept the petitioner for repatriation); *Khan v. Gonzales*, 481 F. Supp. 2d 638 (W.D. Tex. 2006).

<sup>4</sup> *See also Gomez Barco*, 2020 WL 7393786; *Islam v. Kane*, No. CV-11-515-PHX-PGR (LOA), 2011 WL 4374226, at \*3 (D. Ariz. Aug. 30, 2011) (ordering release of petitioner detained ten months where petitioner presented evidence that Bangladesh "is one of fifteen countries identified by ICE as least likely to issue travel documents"); *Carreno*, 2020 WL 8366735; *Simoza Rangel v. Gillis*, No. 5:19-cv-118-DCB-MTP, 2020 WL 7223258 (S.D. Miss. Sept. 2, 2020) (granting habeas relief to petitioner detained for sixteen months due to a lack of diplomatic relations with Venezuela); *Abduelle v. Gonzales*, 422 F. Supp. 2d 774 (W.D. Tex. 2006) (concluding that the petitioner met the burden to show removal was not reasonably foreseeable after being detained for more than one year when an injunction restricted the government's ability to remove the petitioner to Somalia).

<sup>5</sup> *See also Sharifi*, 2020 WL 7379211; *Aung v. Barr*, No. 20-CV-681-LJV, 2020 WL 4581465 (W.D.N.Y. Aug. 10, 2020); *Edwards v. Barr*, No. 4:20cv350-WS-MAF, 2020 WL 6747737 (N.D. Fla. Oct. 14, 2020); *Rual v. Barr*, No. 6:20-CV-06215 EAW, 2020 WL 3972319 (W.D.N.Y. July 14, 2020); *Rodriguez Del Rio v. Price*, No. EP-20-CV-00217-FM, 2020 WL

- ICE fails to take action to secure travel documents for a prolonged period. *See, e.g., Senor*, 401 F. Supp. 3d at 430–31 (granting habeas relief after ICE initially requested travel documents but where “there [wa]s no indication from the record that anyone ha[d] taken any further action in the eight months since that time . . . to facilitate Senor’s receipt of the necessary travel documents”).<sup>6</sup>

22. As the length of detention grows, the period of time that would be considered the “reasonably foreseeable future” shrinks. *See, e.g., Zadvydas*, 533 U.S. at 701 (stating that as the length of time in detention grows “what counts as the ‘reasonably foreseeable future’ conversely would have to shrink”); *Senor*, 401 F. Supp. 3d at 430 (“[T]he passage of time combined with’ the ‘government [being] no closer to . . . repatriating [a detainee] than they were once they first took him into custody’ [is] sufficient to meet that ‘initial burden.’”); *Lawrikow*, 2009 WL 2905549, at \*12.

23. Petitioner’s continued detention is unlawful, and Petitioner is unlikely to be removed in the reasonably foreseeable future. Therefore, Petitioner’s detention violates the statute and s/he is entitled to immediate release.

24. Petitioner’s detention also violates the Due Process Clause. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from

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7680560 (W.D. Tex. Nov. 3, 2020); *Singh v. Whitaker*, 362 F. Supp. 3d 93 (W.D.N.Y. 2019); *Butt v. Holder*, No. CA 08–0672–CG–C, 2009 WL 1035354 (S.D. Ala. Mar. 19, 2009) (holding that petitioner met his initial burden where he was held in ICE custody for more than ten months after the issuance of his removal order with no indication from the Pakistani Embassy that travel documents would be issued); *Lawrikow v. Kollus*, No. CV–08–1403–PHX–GMS (LOA), 2009 WL 2905549 (D. Ariz. July 27, 2009); *Reid v. Crawford*, No. 06–02436 PHX JWS (MEA), 2007 WL 1063413 (D. Ariz. Jan. 31, 2007); *Gui v. Ridge*, No. 3CV031965, 2004 WL 1920719 (M.D. Pa. Aug. 13, 2004); *Shefqet v. Ashcroft*, No. 02 C 7737, 2003 WL 1964290 (N.D. Ill. Apr. 28, 2003).

<sup>6</sup> *See also Chun Yat Ma v. Asher*, No. C11–1797 MJP, 2012 WL 1432229, at \*4 (W.D. Wash. Apr. 25, 2012) (ordering petitioner’s release where the government failed “to provide any documentation of efforts . . . to effectuate removal . . . [for] nearly six months”).

government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.* Petitioner’s prolonged civil detention, which has lasted well beyond the end of the removal period, and which is likely to continue indefinitely, is no longer reasonably related to the primary statutory purpose of ensuring imminent removal. Thus, Petitioner’s detention violates Petitioner’s right to due process.

#### CONCLUSION

25. In conclusion, Petitioner’s indefinite detention violates the detention statute and is unconstitutional. Petitioner respectfully requests that this Court order Respondents to show cause why the writ should not be granted “within three days unless for good cause additional time, not exceeding twenty days, is allowed,” and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from their custody.

Respectfully submitted,

Signature: [Handwritten Signature]

Name: Gonzalez-Arreola, Jose Luis

A-Number: [Redacted]

Detention Center: Northwest Ice processing center.

11. Nonetheless, ICE has been unable to remove Petitioner from the United States. ICE is

unlikely to remove Petitioner in the reasonably foreseeable future because: the

country of Venezuela is currently not  
cooperating with the U.S. government to deport  
its citizens and it likely continue because  
of the current president of Venezuela.

12. Regarding Petitioner Detention: petitioner has been detained  
for over 260 days without the possibility

10. Petitioner has cooperated fully with all of ICE's efforts to remove Petitioner. Petitioner

has cooperated with ICE in the following ways: provide all information  
requested by deportation officer C.39591 since  
for example providing a copy of my passport,  
and all other necessary information requested.

FILED  
LODGED  
RECEIVED  
FEB 06 2025  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY  
DEPUTY



DHS/ICE PORTLAND

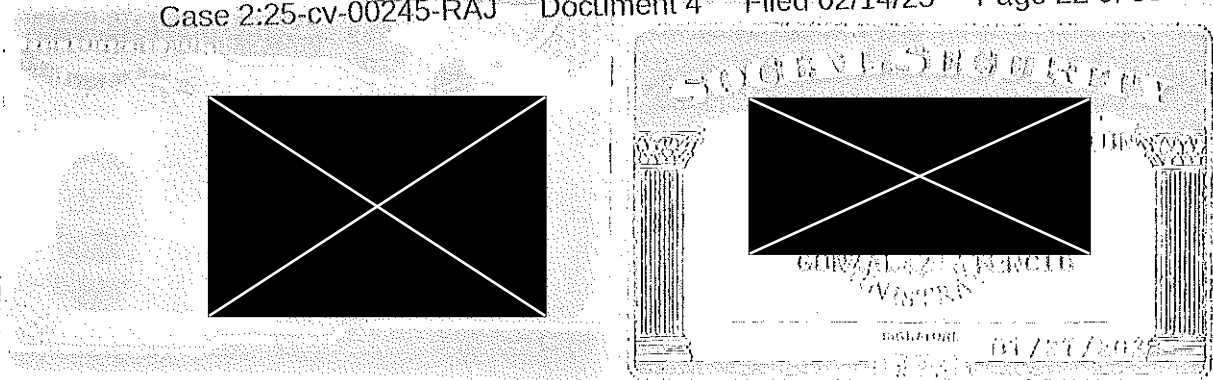
MAY 03 2022

Initial:

*PD*

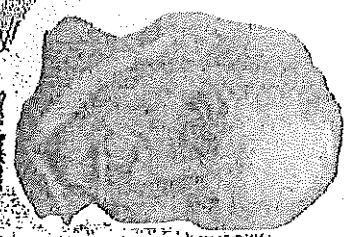
CERTIFIED TRUE COPY OF  
THE ORIGINAL DOCUMENT

A220 063 156



Saca Redigida

REPUBLICA BOLIVARIANA DE VENEZUELA  
MINISTERIO DEL PODER POPULAR PARA LA EDUCACIÓN  
Viceministerio de Participación y Apoyo Académico  
Dirección General de Registro y Control Académico



Zona Educativa / Plantel: UNIDAD EDUCATIVA INSTITUTO FORMACION EDUCATIVA SEMESTRAL  
Código: 51626N2313

Título de: EDUCACION MEDIA GENERAL DE JOVENES, ADULTOS Y ADULTAS EN CIENCIAS  
Plan de estudio, Código Nro.: 31022

Que se otorga a: JOSE LUIS GONZALEZ ATENCIO

Cédula de Identidad Nro.: 

Nacido (a) en: MARACAIBO ESTADO ZULIA

En Fecha: 20 de JULIO de 1969

Previo el cumplimiento de los requisitos exigidos por la ley

Lugar y fecha de expedición: MARACAIBO, 16 de JULIO de 2012

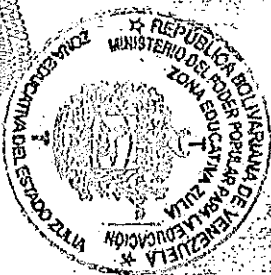
Año de Egreso: 2012

Director Zona Educativa / Plantel  
Nombre: NICOLAS GUTIERREZ  
C.I. V-12440426

Coordinador de Control de Estudio  
Representante del Consejo General de Docentes  
Nombre: LECH REYES  
C.I. V-17683919

Funcionario designado por el  
Ministerio del Poder Popular para la Educación

Nombre: BEATRIZ GUANIPA  
C.I. 



Attention: Mr

Grievance # 1

Detainee Name: Jose Gonzalez

A#:

Housing Unit: F1

Date of Incident: 12-4-2024

Subject: Why are you still holding me

Date of Informal Resolution Attempt:

Date of Formal Resolution Response: Date of DGC:

Complaint / Comments: Why was I refuse to be deported when I give ICE my passport or Release me to my family. What's the reason in writing why I was refuse not to leave or release? I have been sign my final order of Removal on 9-5-2024 and I give ICE everything to deport me and why are you still holding me in detention?

May I have Documents stating why and Reason you are holding me? I am requesting Documents

Action requested by detainee: I want to be Release ASAP if there is no reason in writing to hold me in ICE.

Detainee Signature:

you/y-

Date: 01-07-2025

Response:

Your case is still being processed under the POCR process guidelines. If you have not been released prior to day 180, your cases jurisdiction will be transferred to an officer at HQ in Washington, D.C.

Warden /

ICE AFOD:

P. Bell #8880

Date:

01/10/2025

Detainee Signature:

Date:

Original: Detainee File  
Cc: Detainee

Attach copies of Informal/Formal/DGC/ and any supporting documents

GR 004

020608



## Detainee Request Form (Solicitud de Detenido)

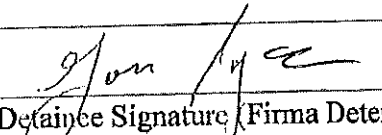
**Northwest ICE Processing Center**

<b>Alien Number (Numero de Extranjero):</b> <div style="background-color: black; width: 100px; height: 20px; margin: 5px 0;">A</div>		<b>Detainee Name (Nombre de Detenido):</b> (Last Name - Apellido) (First Name - Nombre Primero) GONZALEZ ATENCIO JOSE LUIS	
<b>Living Unit (Dormitorio):</b> <div style="background-color: black; width: 40px; height: 20px; margin: 5px 0;">F1</div>	<b>Bunk Number (Numero litera):</b> <div style="background-color: black; width: 40px; height: 20px; margin: 5px 0;"></div>	<b>Date (Fecha):</b> 01-06-25	<b>Nationality (Nacionalidad):</b> VENEZUELA

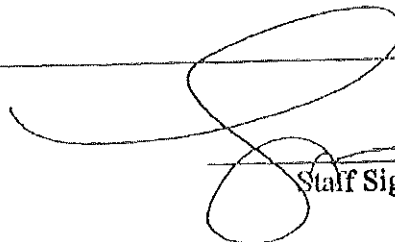
**Note:** Incorrect or incomplete information will result in no response and the return of this form.  
 Informacion que esta incorrecta o incompleta no recibira una respuesta la vuelta de esta forma.

**Type of Request:** [ ] ICE (Inmigracion) [ ] Mail (Correo) [ ] Property (Propiedad)  
 [ ] Emergency Phone Call (Emergencia Telefono) [ ] Recreation (Recreacion)  
 [ ] Finance (Dinero) [ ] Work Request (Trabajo Solicitud) [ ] Barber (Barbero)  
 [ ] Commissary (Comisara) [X] Classification Appeal (Clasificacion)  
 [ ] Food (Comida) [ ] Notary (Notario) [ ] Copies (Copias) [ ] Other (Otro)  
 [ ] Religious Diet / Common Fare (Dieta Religiosa / Precio Comun) [ ] Chaplain (Capellán)

**Request (Solicitud):** I would like to have my classification appealed. I have been here in the facility 8 months with no problems. Thank you

  
 Detainee Signature (Firma Detenido)

**Response:** ICE Standards do not allow your classification level to be reduced.

  
 Staff Signature

01/07/25  
 Date

05/13/24

Cordial saludo

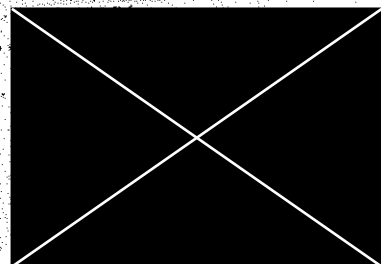
Yo, Yajaira Josefina Atencio Jimenez  
identificada con el número de ID  
C 744391 de nacionalidad Venezolana,  
hago constar que Jose Luis Gonzalez  
Atencio es mi hijo en el cual se  
ha destacado por ser un hombre  
totalmente responsable, amable, amoroso,  
respetuoso, trabajador y competente  
para realizar cualquier actividad que  
se le proponga.

Por lo anterior no tengo inconveniente  
ninguno en recomendarlo ampliamente  
agradeciendo de antemano la atención  
y facilidades que le puedan brindar.

ID C 744391

Firma: Yajaira Atencio

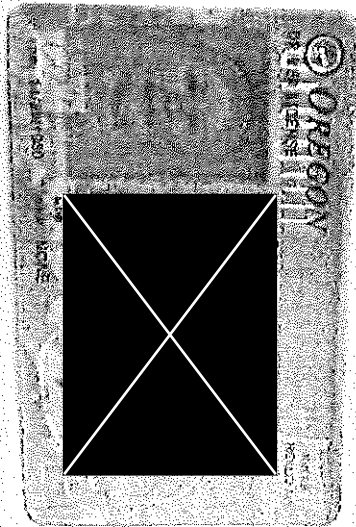
© ORGOPY  
IDENTIFICATION CARD



10/09/24

I, Ana Villanueva, wife of Jose Luis Gonzalez Atencio, am writing this letter today to ask the judge to please give my husband another chance to stay in the country. He is a valid responsible, hard working human being head of family an example to follow help his family and friend, an excellent father who today feels sorry for his mistakes and would like to get ahead and continue fighting for a better future for his children and mine. Anyone who knows him knows what a good man and human being he is his children and I, his wife miss him very much. He takes care of everything at home nothing is missing in our home, thanks to him. I only ask God you to please give him the opportunity to reunite with us. his family here in the United States we need him very much his children and I, his wife

Ana Villanueva



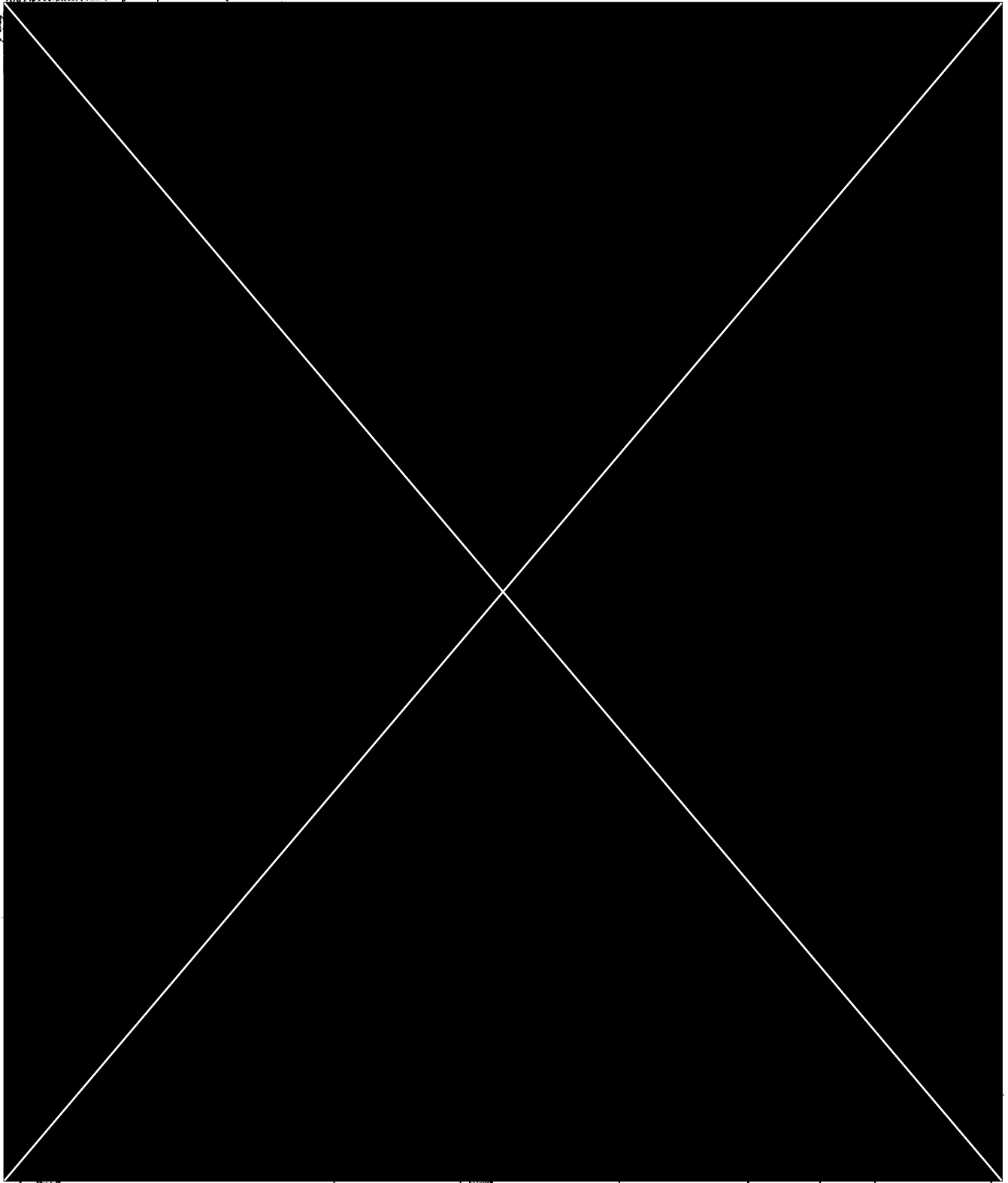


**MULTIFAMILY NW**  
The Association Promoting Quality Rental Housing

OREGON  
**RENTAL AGREEMENT**

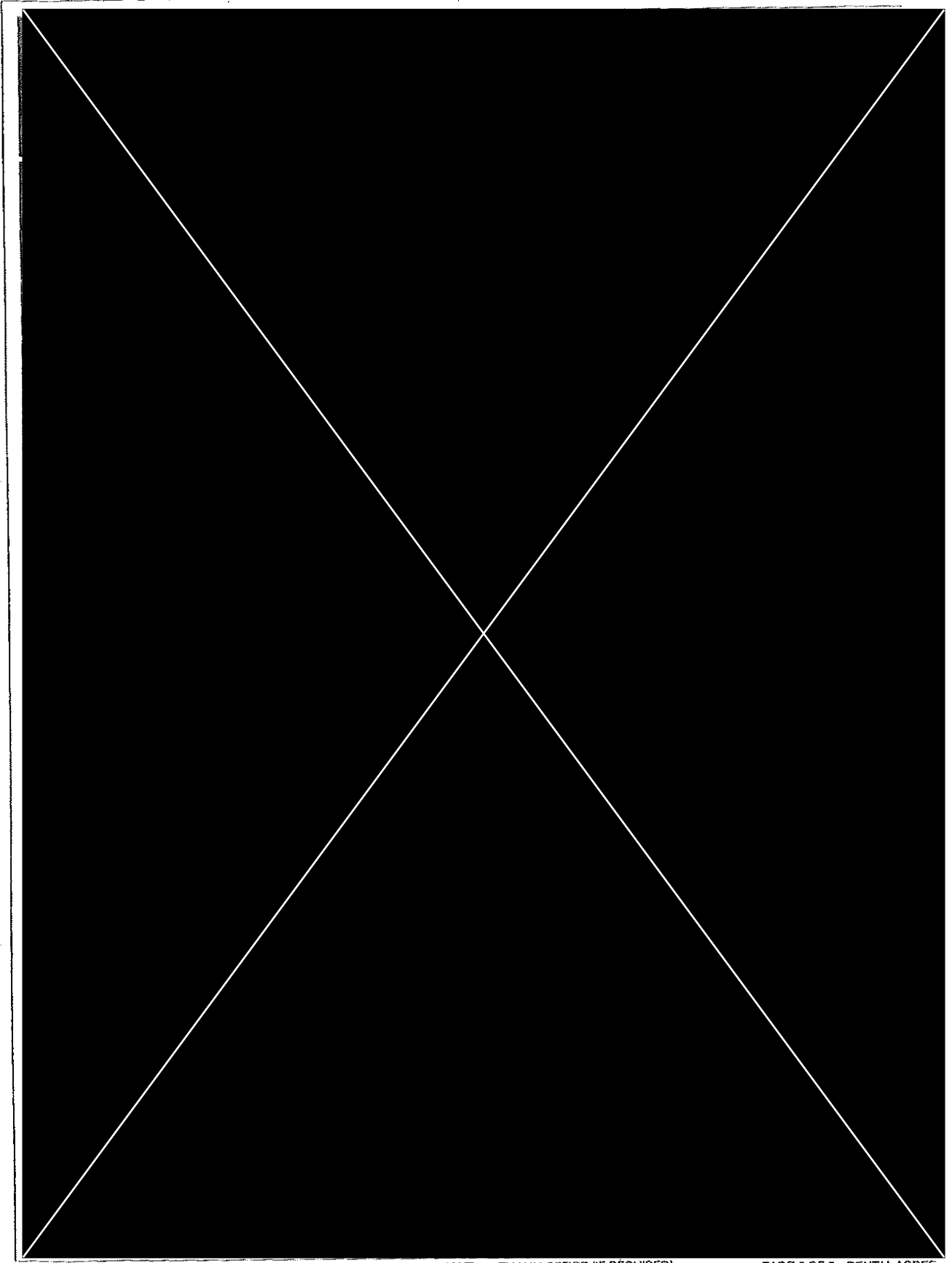


GSL PROPERTIES, INC.



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☐ ON SITE    ☐ RESIDENT    ☐ MAIN OFFICE (IF REQUIRED)



☐ ON SITE ☐ RESIDENT ☐ MAIN OFFICE (IF REQUIRED)

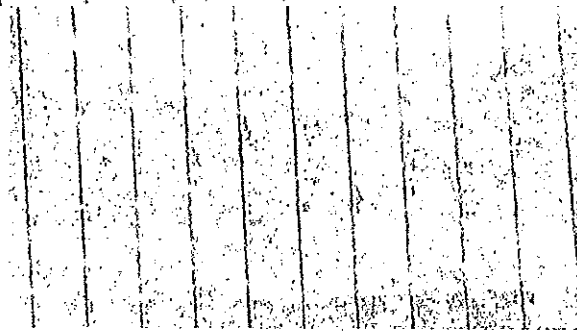
PAGE 2 OF 5 • RENTAL AGREE

10/15/25

hello, My Name is CRISTIAN COMENDADOR  
And certify THAT MY STEPFATHER  
JOSE WIS GONZALEZ IS A VERY GOOD PERSON,  
HE IS VERY HARD- WORKING AND ALSO  
DISCLOSES TO OBTAIN HIS CANCEL, HE DISCLOSES  
TO BE LEFT IN THIS COUNTRY.

AS IS THE FATHER OF MY FAMILY, HE  
IS A VERY RESPONSIBLE PERSON, I FEEL  
THAT THEY SHOULD GIVE ME THE  
OPPORTUNITY TO STAY IN THIS COUNTRY,  
BECAUSE HE HAS BEEN VERY GOOD TO  
US.

HE HAS A SON WHO ALSO HAS TO HELP  
A LOT AND NOTHING. I HOPE

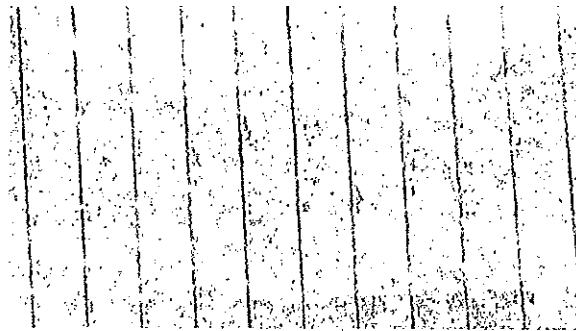


10/09/24

Hello, This Letter is addressed  
to my mother's husband, Jose Luis  
Gonzales Atencio, so that I,  
Ana Valeria Carrasquel

know that he is a hard-working,  
responsible, humble man and  
deserves to be free and have a  
second chance to share  
with his family because he is  
the pillar of the family,  
without him family is broken.

He deserves to be free because  
he is very responsible with his  
family, because thanks to him we  
are all here.





October 08, 2024

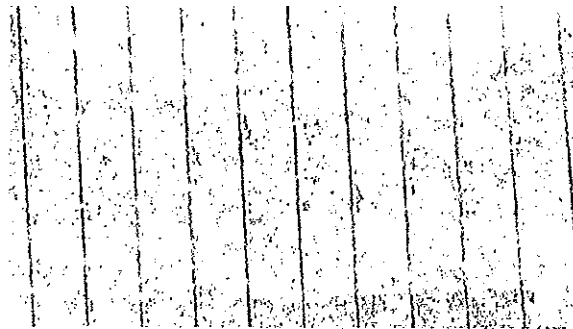
To whom it may concern

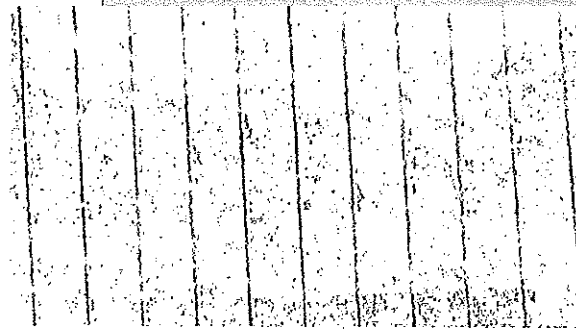
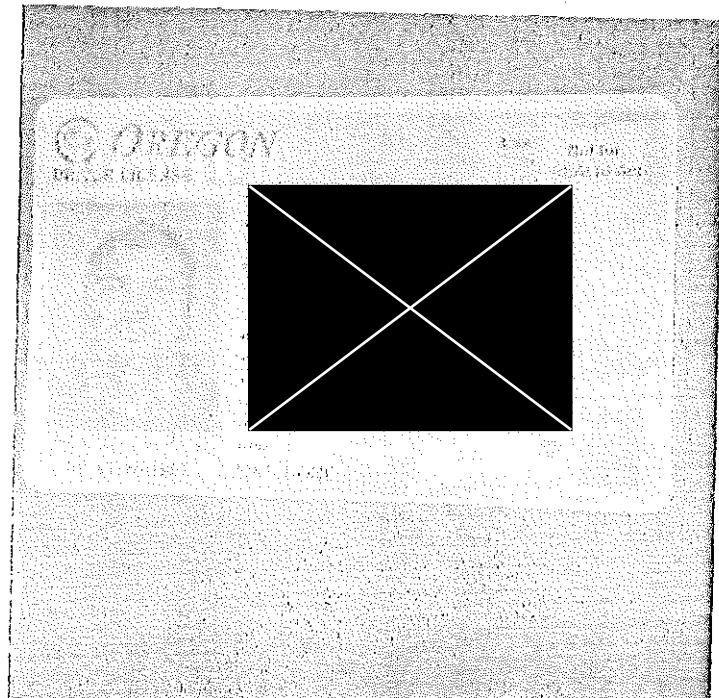
I, Argenis Josuá Guillán Romero, through this letter, extend my personal recommendation to José Luis González Atencio, whom I have known for more than 20 years. This person has shown himself to be a person of integrity, responsibility, and hard work.

He is a trustworthy person with the aptitude and ability to face any type of responsibility that is left to him. I can also assure you that he is a person with impeccable ethics.

Without further ado, for the moment, I reiterate my most sincere recommendation to him.

Any additional information can be called toll-free at (971) 421-50 33



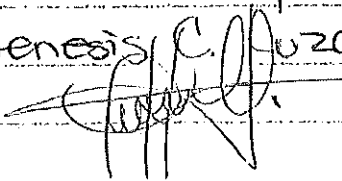


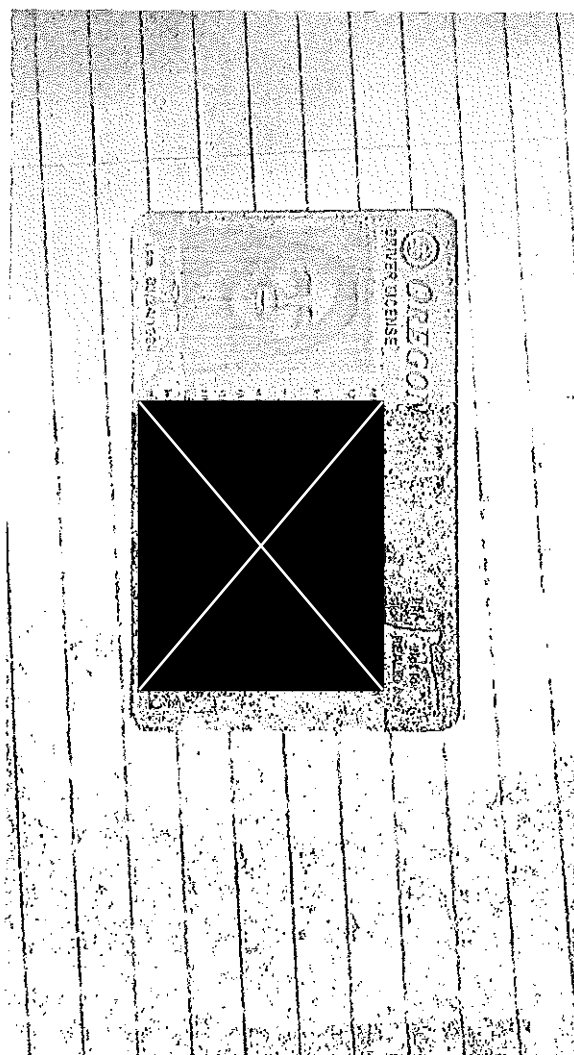
10/07/2024

To Whom it may concern

I, Genesis Luzardo Certify that I have Known Mr. José Luis González Alencion For 7 year and I can assure that he is a responsible Person since he arrived in the United States, a Family man responsible for his children and wife!!

I give the assurance that Mr. José is an impeccable and hardworking person who gives everything so that his family and others close to him are happy.

Sincerely  
Genesis C. Luzardo V.  




October 03, 2024

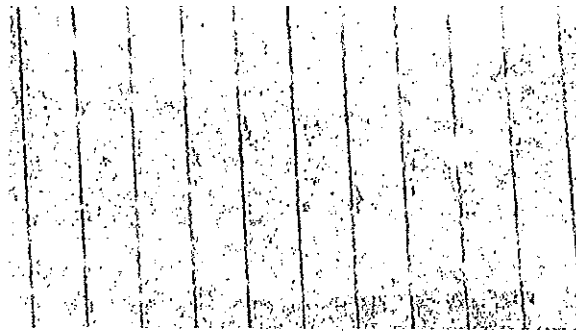
To whom it may concern:

Through this letter I state that Mr. Jose Luis Gonzalez Atencio, I have known him for several years, more than 10 years, I can say that since I have known him, he is a responsible man in his work, in his home and with his children and wife.

A very hardworking man since he arrived in the United States, the only thing he has focused on is working and getting his family ahead.

The only thing I can say about Mr. Jose Luis Gonzalez is that he is an impeccable person and is always there for everyone, for his family, friends.

Without more to say about José Luis González, an excellent person.



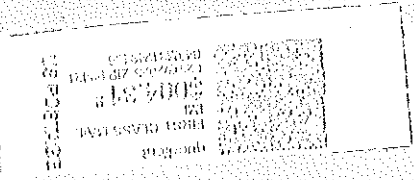
Legal Mail

Legal Mail

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United States District Court  
Western District of Washington  
700 Stewart Street, Suite 2310  
Seattle, WA 98101  
clerk's office

MAIL  
FEB 08 2025  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
SEATTLE



Jose Gonzalez Attn  
Northwest ICE Processing Center  
1623 East J Street, Suite 5  
Tacoma, WA 98421

