

1 Eduardo Mendoza  
2 A# [REDACTED]  
3 Northwest Detention Center  
4 1623 East J Street  
5 Tacoma, WA 98421-1615

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10 UNITED STATES DISTRICT COURT  
11 WESTERN DISTRICT OF WASHINGTON  
12 AT SEATTLE

13 EDUARDO MENDOZA,

14 Petitioner,

15 v.

16 PAMELA BONDI, Attorney General of  
17 the United States; KRISTI NOEM,  
18 Secretary, United States Department of  
19 Homeland Security; DREW BOSTOCK,  
20 Seattle Field Office Director, United  
21 States Citizenship and Immigration  
22 Services; WARDEN of Immigration  
23 Detention Facility; and the United States  
24 Immigration and Customs Enforcement,

25 Respondents.

26 ) No.

27 ) PETITION FOR WRIT OF HABEAS  
28 CORPUS BY A PERSON IN FEDERAL  
29 CUSTODY PURSUANT TO 28 U.S.C.  
30 § 2241

31 PETITION

32 1. Place of detention:

33 Northwest Detention Center, 1623 East J Street, Tacoma, Washington 98241-  
34 1615, pursuant to a contractual arrangement with my custodian, the ICE Field Office  
35 Director at Seattle, Washington.

36 2. Name and location of court and name of judge who imposed confinement:

37 ICE Field Director, Seattle, Washington.

38 3. Case Number or numbers [ICE file number, if known]:

39 A# [REDACTED]

1      4. Date of Order of Confinement:

2      A.     Taken into custody by ICE: August 27, 2024

3      B.     Date of Order of Removal: September 19, 2024

4      5. Did you appeal from the judgment of conviction or the imposition of sentence:

5      N/A

6      6. If you answered "yes" to (5), list

7      A.     The name of each court or administrative tribunal to which you appealed:

8      N/A

9      B.     The result in each court to which you appealed:

10     N/A

11     C.     The date of each result:

12     N/A

13     D.     If known, citations of any written opinions or orders entered pursuant to

14     such results:

15     N/A

16     7. Have you previously filed petitions for habeas corpus, motions under section

17     2255 of Title 28, United States Code, or any other applications, petitions or

18     motions with respect to this confinement:

19     None

20     8. If you answered "yes" to (7), list with respect to each petition, motion or

21     application:

22     A.     The specific nature thereof:

23     N/A

24     B.     The name and location of the court in which each was filed:

25     N/A

26

### C. The disposition:

NA

D. The date of such disposition:

NA

E. If known, citations of any written opinions or orders entered pursuant to each such disposition:

NA

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully, and the facts which support each of the grounds.

## **GROUND FOR RELIEF**

A. My indefinite detention by respondent ICE is in violation of my rights to procedural and substantive due process, as guaranteed by the Fifth Amendment to the United States Constitution.

B. Because I am seeking relief related only to my custody status, which is not inconsistent with an order of deportation, exhaustion of administrative remedies, if any, is not required.

C. Because there is not good reason to believe my removal will be effectuated in the foreseeable future, ICE has no statutory authority pursuant to 8 U.S.C. § 1231(a)(6) to detain me. *Zadvydas v. Davis*, 533 U.S. 678 (2001); *Lin Guo Xi v. INS*, 298 F.3d 832 (9th Cir. 2002); *Thai v. Ashcroft*, 366 F.3d 790 (9th Cir. 2004).

D. I was taken into ICE custody on August 27, 2024. My order of removal became final on September 19, 2024. As of today's date, ICE has not been able to effectuate my removal. I have done everything that ICE has asked me to do to try to get travel documents, and will cooperate fully in the process of getting travel documents. However, my assigned deportation officer, Officer Bell, has informed me that Nicaragua has refused to issue me a travel document.

1           E.     The statute authorizing my detention, 8 U.S.C. § 1231, and related  
2 regulations are unconstitutional as applied to me and others like me. Because ICE's  
3 communications with my country establish no reason to believe I will be deported in  
4 the reasonably foreseeable future, my continued detention is purely a punitive measure  
5 that violates my constitutional rights. *See Wong Wing v. U.S.*, 163 U.S. 228, 237 (1896)  
6 (holding that punitive measures could not be imposed upon immigrants ordered  
7 removed because "all persons within the territory of the United States are entitled to the  
8 protection" of the Constitution).

9       10.    Do you have any petition or appeal now pending in any court or administrative  
10           body as to the claims raised above?

11           N/A

12       11.    Have you exhausted your administrative remedies with respect to the claims  
13           raised above?

14           *See 9(C), above.*

15       12.    If you are seeking leave to proceed in forma pauperis, have you completed the  
16           sworn affidavit setting forth the required information?

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PRAYER FOR RELIEF

Based upon the illegal and unconstitutional actions listed above, I request that the Court grant my petition and direct respondent to release me from custody, as well as any other relief to which I may be entitled in this proceeding under 28 U.S.C. § 2241.

I verify, under penalty of perjury, that the foregoing information is true and correct to the best of my recollection.

DATED this 24th day of March, 2025.

Respectfully submitted,

  
[SIGN NAME]  
Eduardo Mendoza  
A#   
Northwest Detention Center  
1623 East J Street  
Tacoma, WA 98421-1615

In Propria Persona