

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

Javein Jumel Coke)
)
 Petitioners)
v)
)
Bruce Scott, et. al.)
)
 Respondents)
_____)

Case No. 2:25-cv-694-RSM-BAT

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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REPORT AND RECOMMENDATION OBJECTION

1. Respondents fail to make showing petitioner is not entitled to relief under his 28 U.S.C 2241 petition and his temporary restraining order ("TRO"). Respondents claim that petitioner is detained under 1226(a) which is incorrect petitioner is detained under 1226(c) having plead guilty to Aggravated identity theft 1028A (a)(1) which I was sentenced to 24 months.
2. Committing an offense covered by 1227(a)(20)(A)(i) and 1227(a)(2)(A)(II) as such petitioner detention is statutory mandated by 1226(c) until his removal proceedings have concluded under this statutory ground petitioner was not entitled to release or a bond hearing. Petitioner being detained under 1226(c) did not exhaust any remedy because there was no remedy to exhaust being detained under 1226(c).
3. Petitioner could not ask for a bond hearing and even if he did it would be denied going off of being detained under 1226(c) and further more could not ask for a BIA appeal. Petitioner seeks relief under

petition 28 U.S.C 2241 because that is the only known option to petitioner to be released or given a bond hearing. Petitioner also wants to state respondent have not responded to other factors which are present in his habeas petition such as Matthews balancing test, German Santos factors and have also not analyzed or if did not mention the conditions of his confinement which entails the violence he is subjected to while being detained by ICE which is affecting petitioners mental and physical health which he fears for his safety due to the amount of violence that has taken place in ICE facility's where he has been detained see habeas and tro exhibits. Respondents just highlights few of petitioner claims of conditions, zadvydas and APA claim.

4. While reading Dkt report and recommendation on pg 3 line 19 respondent stated that IJ determined my conviction was an aggravated felony which is false the IJ determined I was NOT convicted of aggravated identity theft on Dkt 1 at 67 even though DHS wanted IJ to consider charging petitioner for a different charge which would be considered to be an aggravated felony which the IJ declined to do.

5. IJ also stated my conviction was an ambit of being a particular serious crime and if the BIA did not consider it a particularly serious crime she would grant petitioner withholding of removal. Respondent states CAT is governed by 8 C.F.R 1208.17 this statute set fourth an alien may be detained even when CAT deferral was granted petitioner question here how will he ever be released if not for this honorable court granting his petition.

6. Respondent further goes on to say I would be a danger to society because of my charger. Petitioner argues that he was released on bond of own recognition and was put on a GPS bracelet for 10 months by pretrial he did not violate any pretrial rules while going to court. Petitioner was present for all court hearings and self surrender to U.S Marshall after pleading guilty knowing that he would be turned over to ICE officials when his sentence was complete.

7. Petitioner was sentenced to 24 months due to good time credit and FSA programming his sentence was reduced by 10 month. Upon being transferred to ICE facility even though there is minimal programs available be completed several at seen in habeas and Tro exhibits. Petitioner is fully rehabilitated and is not a danger to himself, persons or property in the community.

8. Respondents only argument for denial for habeas petition which is petitioner is detained under 1226(a) which would allow petitioner release on bond or parole and petitioner did not exhaust all remedy's by asking for custody determination and further requesting a bond re determination which if not in his favor could have been appealed to BIA.

9. Petitioner continues to stress this argument is weak petitioner is detained under 1226 (c) 8 U.S.C 1226 (c) carves out a statutory category of aliens who may not be released under U.S.CS 1226(a) 1226(a) authorized United States Attorney general to arrest and detain an alien pending a decision on whether the alien is to be removed from US as long as the detained alien is not covered by U.S.C 1226(c) mandates detention of any alien falling within it scope because petitioners offense of 1028A (a) (1) is covered in section 1227(a)(2)(A)(i) and 1227(a)(2)(A)(II) of title 8 U.S.C 1226 (c). Therefore petitioner was never entitled to release or bond on statutory grounds. For reasons above petitioner 10. habeas petition should be GRANTED along with his Tro because petition he is likely to prevail on claims for relief in his habeas petition.

Petitioner prays this honorable court to please take these factors and exhibits presented within habeas petition and TRO motion into consideration without disparaging any factors that favor petitioner.

I Javein Coke do hereby certify and declare under penalty of perjury that on 6/25/25
2025 I served a true and correct copy of the change of address to the following parties.

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Clerks Office

1717 Pacific Avenue Room 3100

Tacoma, WA 98402

UNITED STATES ATTORNEY

1201 Pacific Ave STE 700

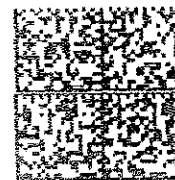
Tacoma, WA 98402

Sign: J. Coke

Javein Cole A# [REDACTED]
1423 East J Street
Tacoma, WA 98421

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