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NOV 24 2025

1 Name: Jose David Lainez Bueso
1623 EAST J STREET SUITE 5
2 TACOMA, WASHINGTON 98421

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

3 UNITED STATES DISTRICT COURT

DEPUTY

4 IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

6 Name : Jose David Lainez Bueso

) Case No.: 2:25-cv-C25-1748-KKE-MLP
) A# [REDACTED] (Third Circuit Case No.25-1989)

7 Petitioner

) Petitioner' Serve Respond.

8 vs.

) Petition for Writ of Habeas Corpus.

9 ICE Field Office Director

10 Respondent

13
14 The Appellant is currently held in custody of the Attorney General at Tacoma's Northwest
15 Detention Center in Tacoma Washington.

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

18 SERVE RESPOND ADDITIONAL INFORMATION

- 19 1. The Respondent has to be aware that this detention is totally unlawful; 21 months of ongoing
20 suffering.
- 21 2. The Respondent has been transferring the Petitioner from one detention to another: from
22 Moshannon Valley Processing Center in Pennsylvania to Northwest Ice Processing Center here
23 in Tacoma Washington, and from Northwest Ice Processing Center, to Alaska's Anchorage
24 Federal Prison, and From Alaska's Anchorage Federal Prison to Northwest Ice Processing
25 Center again without EXPLANATIONS in clear violation of the Petitioner's rights.

- 1 **3.** This Petitioner doesn't have pending Criminal Records for send him to Alaska's Anchorage
2 Federal Prison to serve time and being treated as if he was a serious criminal inmate. Is this
3 lawful?
- 4 **4.** This Petitioner has been detained and has been living and dealing in all this centers at inhuman
5 conditions, for example: living in danger in between; assassins, rippers, people with mental
6 illnesses, with insults, with fights, with complaints, with threats or bad treatments, given these
7 centers are rules and controlled by gang's members; the people can be killed or die for medical
8 negligence inside of these centers, the security is managed for gang's members as well, there's
9 no adequate food, there's no medical services for illnesses, or dental care or mental health, the
10 patient here has to have one year to receive a dental cleaning or so, the patients here never
11 knows if has cancer or other death's illness,(See Exhibit A; Dental and Illnesses; 8 pages) the
12 most of medical staff are nurses there are no doctors, there are no dental qualify staff etc. All
13 this has been affecting and causing a terrible physiologic and physical harm to the Petitioner.
- 14 **5.** This Petitioner never asked for a Bond hearing before during all this long and ongoing process,
15 and on August 05,2025 this Petitioner requested for first time a Bond Immigration hearing
16 because he had already granted the stay of removal issued on May 21,2025 by the Court of
17 Appeals for Third Circuit and this Court granted again the stay of removal on September
18 12,2025 (See Exhibit B; Stay of Removal 3 pages).
- 19 **6.** On August 08,2025; This Petitioner filed part of the evidence in support to the Bond hearing
20 requested before the Immigration Court with certificate of services to DHS-prosecutor; Both
21 located in the same building of Norw-est Ice Processing Center. On this same date Petitioner
22 received his schedule to a Custody re-determination hearing to August 11,2025 at 10:30 am.
23 One Day after, on August 09,2025 this Petitioner filed the complement part of the evidence in
24 support to the Bond hearing. On August 11,2025, this Petitioner was present in the Bond
25 hearing, which was rescheduled by the Judge (Theresa Scala) to August 13,2025 because she

1 argued she didn't receive the evidence sent on behalf of the petitioner on August 08 and
2 09,2025.(All the parties are in the same building; how is possible they didn't received the
3 evidence? this is what is call negligence. I have to mention that I never withdrew the action as
4 Christopher Hubbard lies in his declaration from 10/31/2025).(See Exhibit C: Schedules 4
5 pages).

6 On August 13,2025; This Petitioner was present in the rescheduled Bond hearing and once
7 again the Judge,(Theresa Scala) didn't receive the exculpatory evidence on behalf of Petitioner.

8 7. Judge erred withholding exculpatory evidence on behalf of the Petitioner and have decided to
9 hold the audience without proofs, and also erred making a decision favorable based only on
10 DHS-Prosecutor's evidence.

11 8. I, Jose David Lainez Bueso, proceeding *PRO-SE*, respectfully request to this District Court of
12 Washington require the Video Records of these two audiences held on August 11 and August
13 13, 2025 and make your own judgment about the decision made by Judge(Theresa Scala) on
14 behalf of DHS-Prosecutor, without take into consideration the weight of the evidence presented
15 by the petitioner which succeed on the merits of his Bond relief.

16 (See Exhibit D: Bond memorandum of the Immigration Judge, 5 pages)

17 9. Petitioner has been in Ice Custody for the ongoing period of 21 months, showing an excellent
18 behavior without fights, complaints, holds, reports etc. Petitioner consider this time has been
19 enough to know God's life, to rehabilitate, to renovate by himself into a new life.

20 Petitioner has been here in this center serving time(21 months now) more than he served when
21 he was in jail for four months only in all his life, and Judge in her decision says that "he is
22 danger to the community"!! (See Exhibit E: Criminal Records from National Data-Base and I-
23 213 form,13 pages) in which you can compare whether the Petitioner has criminal pending
24 cases as Judge and ICE alleged in their statements.

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RELIEF REQUESTED

Petitioner request to this Honorable District Court of Washington; take your own decision on behalf of this Petitioner to be released from ICE detention custody; due this detention has prolonged unreasonable and unlawful according to the Constitution of the United States of America.

Dated 14 day of November 2025

Respectfully Submitted

VERIFICATION

I, Jose David Lainez Bueso, 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.

Dated this: 11/14/2025

Signed: 

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PROOF OF SERVICE

&

DECLARATION

FILED
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NOV 24 2025

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

BY DEPUTY

I, Jose David Lainez Bueso, AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

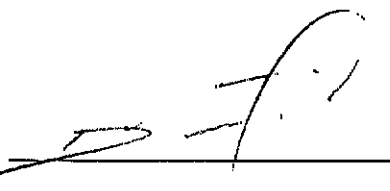
PETITION FOR WRIT OF HABEAS CORPUS/ SERVE RESPONSE

Kristin B. Johnson, WASB #28189
Assistant United States Attorney
United States Attorney's Office
700 Stewart St, Suite 5220
Seattle, WA 98101-1271

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON 11/14/2025

Signed: 

Jose David Lainez-Bueso

At 

Northwest Ice Processing Center.

1623 East J. Street

Tacoma, WA 98421

Case No.25-1989

SERVE RESPONSE

EXHIBIT A

Dental and Illnesses.

8 pages of evidence

Jose David Lainez-Bueso

A# 

Northwest Ice Processing Center.

1623 East J. Street

Tacoma, WA 98421

Case No.251989

SERVE RESPONSE

EXHIBIT B

Stay of Removal

3 pages of evidence.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 25-1989

Jose Lainez Bueso v. Attorney General United States of America

(Agency Case No.: )

To: Clerk

1) Motion by Petitioner for Stay of Removal

This order is issued in accordance with the Standing Order of the Court dated August 5, 2015. The foregoing motion is temporarily granted; removal is stayed until such time as the Court can consider the motion for stay of removal.

Respondent is directed to promptly inform the Clerk in writing as to any change to petitioner's custody/detention status including transfers to another detention facility if petitioner is already detained by immigration authorities and transfers from prison custody (local, state, or federal facility) to immigration detention.

For the Court,

s/ Patricia S. Dodszeit
Clerk

Dated: May 21, 2025
JK/cc: Pamela Bondi, Esq.
Jose David Lainez Bueso,
OIL,



A True Copy:

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk

Petitioner's motion for a stay of removal is granted.* See Nken v. Holder, 556 U.S. 418, 434 (2009). Petitioner has a sufficient likelihood of succeeding on his claim for withholding of removal based on his membership in a particular social group, and the relevant factors overall warrant a stay. Thus, petitioner's removal is hereby stayed pending further order of this Court. Petitioner's motion for appointment of counsel is granted as well. See Tabron v. Grace, 6 F.3d 147, 155-57 (3d Cir. 1993). The Clerk will locate and appoint counsel for petitioner.

We note that petitioner has filed a document that he identifies as a brief (Doc. 20), which he apparently believes was due by July 14, 2025. Petitioner's brief is and was not yet due because the Clerk has not yet issued a briefing schedule. After the Clerk appoints counsel for the petitioner, counsel can consider the issues raised in petitioner's filing and the Clerk will issue a briefing schedule at an appropriate time.

In addition to such other issues as the parties may wish to address in their briefs, the parties should address the following issues relating to appellant's claim for withholding of removal based on his membership in a particular social group: (1) whether the Board of Immigration Appeals erred in applying In re W-Y-C- & H-O-B-, 27 I. & N. Dec. 189 (BIA 2018), without addressing petitioner's argument that the Immigration Judge should have considered an additional particular social group under Quintero v. Garland, 998 F.3d 612 (4th Cir. 2021), and (2) whether the Board erred in making a factual finding on appeal regarding the lack of a nexus between persecution and petitioner's claimed social group, see Hashmi v. Att'y Gen., 531 F.3d 256, 262 (3d Cir. 2008); 8 C.F.R. § 1003.1(d)(3)(iv).

By the Court,

s/Cheryl Ann Krause
Circuit Judge

Dated: September 12, 2025
Lmr/cc: Jose David Lainez Bueso
All Counsel of Record



A True Copy:

Patricia S. Dodszeweit

Patricia S. Dodszeweit, Clerk

* Judge Phipps dissents from the grant of these motions. For purposes of this case, the agency is not bound to follow the out-of-circuit decision in Quintero v. Garland, 998 F.3d 612 (4th Cir. 2021); rather, it is permitted to follow its decision in In re W-Y-C- & H-O-B-, 27 I. & N. Dec. 189 (BIA 2018), and it need not explain its rationale for not following nonbinding precedent.

***AMENDED CLD-174**

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 25-1989

JOSE DAVID LAINEZ BUESO, Petitioner

VS.

ATTORNEY GENERAL UNITED STATES OF AMERICA

(Agency No. A )

Present: KRAUSE, PHIPPS, and SCIRICA, Circuit Judges

Submitted are:

- (1) Petitioner's motion to stay removal;
- (2) Petitioner's supplemental motion to stay removal;
- (3) Respondent's response in opposition;
- (4) Respondent's supplemental response;
- (5) Respondent's second supplemental response;
- (6) Petitioner's motion for appointment of counsel; and
- * (7) Petitioner's documents in support of his petition (Docket Nos. 20 and 21), which may be construed in part as documents in support of petitioner's motions

in the above-captioned case.

Respectfully,
Clerk

ORDER

Jose David Lainez-Bueso

A# 

Northwest Ice Processing Center.

1623 East J. Street

Tacoma, WA 98421

Case No.251989

SERVE RESPONSE

EXHIBIT C

Schedules

four pages.

IMMIGRATION COURT
1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

LAINEZ BUESO, JOSE DAVID
USDHS NWIPC
1623 EAST J STREET, SUITE 5
F-3
TACOMA, WA 98421

FILE: 

RE: LAINEZ BUESO, JOSE DAVID

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE
IMMIGRATION COURT ON Aug 11, 2025 AT 10:30 A.M. AT THE FOLLOWING ADDRESS:

1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY
AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS
BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE ELECTRONIC SERVICE
TO: ALIEN ALIEN c/o Custodial Officer ALIEN'S ATT/REP DHS
DATE: 08/06/2025 BY: COURT STAFF cs
Attachments: EOIR-33 EOIR-28 Legal Services List Other

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
TACOMA IMMIGRATION COURT

Respondent Name:

LAINEZ BUESO, JOSE DAVID

To:

LAINEZ BUESO, JOSE DAVID
USDHS NWIPC
1623 EAST J STREET, SUITE 5
F-3
TACOMA, WA 98421

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

08/11/2025

ORDER OF THE IMMIGRATION JUDGE

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Customs Enforcement and the respondent, it is HEREBY ORDERED that:

Order:

No Action: withdrawn by party

ORDERED No Jurisdiction:

Arriving Alien

Mandatory Detention under 235(b)(1), (b)(2)(A)

Mandatory Detention under 236(c)

Reinstated Order of Removal / Final Order of Removal

Withholding Only Proceedings

Does not meet the 180-day requirement.

Mandatory Detention under - See Matter M-S & Matter of Q. Li; 235(b)(1) and 235(b)(2)

Other:

ORDERED that the request for a change in custody status be denied.

Bond to remain at \$ _____ OR REMAINS AT NO BOND.

ORDERED that the request be granted and that respondent be released from custody under bond of \$ _____

In the alternative, if the Court had jurisdiction, it would _____ bond (in the amount of _____) based on the following:

2/4

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
TACOMA, WASHINGTON
RECEIVED 8 / 13 / 25 ^{VI}

IMMIGRATION COURT
1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

LAINEZ BUESO, JOSE DAVID
USDHS NWIPC
1623 EAST J STREET, SUITE 5
F-3
TACOMA, WA 98421

THE COURT RECEIVED YOUR BOND EVIDENCE AND HAS SCHEDULED YOU FOR ANOTHER BOND HEARING. THE COURT SCANNED YOUR EVIDENCE INTO OUR COMPUTER SYSTEM AND WE ARE RETURNING THE DOCUMENTS YOU SENT IN FOR YOU TO KEEP AS YOUR COPY.

FILE: 

RE: LAINEZ BUESO, JOSE DAVID

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE IMMIGRATION COURT ON Aug 13, 2025 AT 10:30 A.M. AT THE FOLLOWING ADDRESS:

1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

YOU MAY BE REPRESENTED IN THIS PROCEEDING, AT NO EXPENSE TO THE GOVERNMENT, BY AN ATTORNEY OR OTHER INDIVIDUAL AUTHORIZED AND QUALIFIED TO REPRESENT PERSONS BEFORE AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL PERSONAL SERVICE ELECTRONIC SERVICE
TO: ALIEN ALIEN c/o Custodial Officer ALIEN'S ATT/REP DHS
DATE: 08/11/25 BY: COURT STAFF NDLT
Attachments: EOIR-33 EOIR-28 Legal Services List R'S DOCS

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1 4. ERO encountered Petitioner at the Suffolk County jail after one of Petitioner's criminal
2 arrests. On February 23, 2024, Petitioner was issued a Notice to Appear charged under INA §
3 237(a)(1)(B) for the overstay and placed in removal proceedings.

4 5. During removal proceedings, Petitioner was detained at Moshannon Valley Processing
5 Center in Pennsylvania.

6 6. On October 1, 2024, Petitioner was denied relief and ordered removed to Honduras by the
7 immigration judge. On November 8, 2024, Petitioner filed an untimely notice of appeal which the
8 Board of Immigration Appeals ("BIA") then accepted as timely.

9 7. On February 2, 2025, Petitioner was transferred to the NWIPC in Tacoma, Washington.

10 8. On March 28, 2025, the BIA dismissed Petitioner's appeal, rendering the removal order final
11 at that time. ERO began processing Petitioner for removal.

12 9. On April 29, DHS was informed that Petitioner had filed a Petition for Review ("PFR") with
13 the Ninth Circuit Court of Appeals, a temporary stay had been issued, and Petitioner could not be
14 removed. Subsequently, on or about May 21, 2025, the Ninth Circuit granted a motion to transfer
15 venue to the Third Circuit Court of Appeals. In the process, the Ninth lifted the temporary stay.
16 However, the Third Circuit then issued a temporary stay.

17 10. On August 5, 2025, Petitioner requested a bond hearing. The immigration judge conducted a
18 hearing on August 11, 2025, but Petitioner withdrew the request, and no action was taken by the
19 court.

20 11. Petitioner made a subsequent bond request, and a bond hearing under INA § 236 was
21 conducted on August 13, 2025. The immigration judge denied bond on the merits, finding Petitioner
22 did not meet his burden to demonstrate he is neither a danger nor flight risk and that no bond was
23 appropriate. Petitioner has filed an appeal on the bond order.

24

Jose David Lainez-Bueso

Case No.251989

A#

Northwest Ice Processing Center.

1623 East J. Street

Tacoma, WA 98421

SERVE RESPONSE

EXHIBIT D

Bond memorandum of the Immigration Judge.

five pages.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
1623 EAST J STREET, SUITE 3
TACOMA, WA 98421

LAINEZ BUESO, JOSE DAVID
USDHS NWIPC
1623 EAST J STREET, SUITE 5
F-3
TACOMA, WA 98421

In the matter of
LAINEZ BUESO, JOSE DAVID

File A



DATE: Sep 5, 2025

- ___ Unable to forward - No address provided.
- ___ Attached is a copy of the decision of the Immigration Judge. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:
Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041
- ___ Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242b(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252b(c)(3) in deportation proceedings or section 240(b)(5)(C), 8 U.S.C. § 1229a(b)(5)(C) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:
IMMIGRATION COURT
1623 EAST J STREET, SUITE 3
TACOMA, WA 98421
- ___ Attached is a copy of the decision of the immigration judge relating to a Reasonable Fear Review. This is a final order. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available. However, you may file a petition for review within 30 days with the appropriate Circuit Court of Appeals to appeal this decision pursuant to 8 U.S.C. § 1252; INA §242.
- ___ Attached is a copy of the decision of the immigration judge relating to a Credible Fear Review. This is a final order. No appeal is available.
- Other: PLEASE SEE THE ATTACHED BOND MEMORANDUM OF THE IMMIGRATION JUDGE.

NDLT

COURT CLERK
IMMIGRATION COURT FF

cc: DHS ASSISTANT CHIEF COUNSEL
1623 EAST J. STREET, SUITE 2
TACOMA, WA, 98421


1/5

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
NORTHWEST DETENTION CENTER
IMMIGRATION COURT
TACOMA, WASHINGTON

In the Matter of:

Jose David Lainez Bueso

Respondent

} File Number 

} In Bond Proceedings

Application: Bond Re-determination

On Behalf of the Respondent

Pro Se
C/O Northwest ICE Processing Center
1623 East J Street
Tacoma, Washington 98421

On Behalf of DHS

Shane Criddlebaugh, Esq.
Assistant Chief Counsel
Department of Homeland Security
Immigration and Customs Enforcement
1623 East J Street, Suite 2
Tacoma, Washington 98421

Bond Memorandum of the Immigration Judge

The court conducted a bond re-determination hearing on August 13, 2025. The Respondent appeared unrepresented and indicated that he wished to represent himself. The court found Respondent failed to meet his burden that he is not a danger to the community or a flight risk and issued an order holding him at no bond.

The Department of Homeland Security/Immigration and Customs Enforcement (DHS/ICE) encountered Respondent while conducting routine checks at the Suffolk County Jail. Bond Exhibit 2. He is currently detained in DHS/ICE custody at the Northwest ICE Processing Center in Tacoma, Washington. DHS issued a preliminary custody determination holding Respondent at no bond.

The Respondent submitted evidence in support of his application for bond including but not necessarily limited to a declaration related to a U visa application, U visa application, police report related to the U visa, support letters, income tax records, utility receipts and immigration records. Bond Exhibits 2 and 4. DHS submitted a Record of Deportable Alien/Form I-213 dated February 23, 2024 detailing the Respondent's immigration and criminal history, the Notice to Appear (NTA), IJ removal order denying Respondent's applications for asylum, withholding of removal and protection under the Convention Against Torture dated October 31, 2024, BIA decision dismissing Respondent's appeal dated March 28, 2025, and conviction records. Bond Exhibit 3.

Respondent is a 50-year-old single male, native and citizen of Honduras. He last arrived in the United States as a B2 visitor for pleasure and remained longer than permitted. *Id.* He claimed that one of his children resides in the United States and is applying for asylum. He claimed that he will live in either Texas and have a foundation sponsor him or in New Jersey with a friend. Respondent has a United States citizen brother in Denver, Colorado. Respondent stated that he filed for a U visa, but DHS has no record of the application. Respondent also alleged that he suffers from stomach and prostate issues.

Respondent has an extensive criminal history in the United States. He has two separate charges pending for possession of a controlled substance, criminal trespass, unauthorized use of a vehicle without owner consent and driving while intoxicated (DUI). *Id.* He was convicted of unauthorized use of a vehicle on April 23, 2023. *Id.*

I don't have pending charges / check my National Data - based records

An Immigration Judge denied Respondent's applications for asylum, withholding of removal and protection under the Convention Against Torture and the BIA dismissed his appeal. Respondent filed a Petition for Review with the Ninth Circuit Court of Appeals, and it was

transferred to the Third Circuit Court of Appeals. He currently has a temporary stay.

Under the regulations, the respondent carries the burden of demonstrating: (1) he is not a danger to the community; and (2) he is not a flight risk. 8 C.F.R. § 1236.1(c)(8); *see also Matter of Urena*, 25 I&N Dec. 140 (BIA 2009). Relying on *Carlson v. Landon*, 342 U.S. 524 (1952) (holding that denial of bail to an alien will be overruled only where it is shown to be “without a reasonable foundation”). The BIA stated there is no limitation on the discretionary factors that an Immigration Judge may consider when ruling on custody and bond issues. *See Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006). An Immigration Judge may consider various factors when setting bond such as the respondent’s immigration history, criminal record, family ties in the United States, employment history, and length of time in the United States. *Id.* at 39; *see also Matter of Andrade*, 19 I&N Dec. 488, 489-90 (BIA 1987) (listing factors, including whether the alien has potential relief from removal, for consideration in a bond hearing). If the court determines that the respondent is not a danger to the community, the court should then assess the respondent’s potential risk of flight. *Id.*

Based on the totality of evidence of record, the court finds that Respondent failed to meet his burden that he is not a danger to the community and a flight risk. In making this determination, the court considered all of the evidence of record including but not limited to: (1) the Respondent’s length of residence in the United States; (2) the Respondent’s family and community ties in the United States; (3) the Respondent’s potential available relief from removal; (4) the Respondent’s employment history; (5) the Respondent’s criminal history and (5) the Respondent’s immigration history. As noted above Respondent has several pending criminal charges against him including possession of controlled substance and DUI and he was convicted

of unauthorized use of a vehicle.¹ These criminal acts pose a danger to the community. Respondent has limited ties with legal status and limited relief from removal. His address upon release appears in flux. His window of opportunity to remain in the United States is significantly narrowed as he has a final administrative order of removal. The court also considered conditional release and parole and finds it is unwarranted based on the record. Weighing these factors, the court finds that the Respondent failed to meet his burden that he is not a danger to the community and a flight risk such that no bond is appropriate.

ORDER

The Respondent's motion for a custody re-determination is denied. The Respondent shall be held without bond.

Date: 9/4/25

Appeal: Reserved by the Respondent

Theresa M. Scala
Theresa M. Scala
Immigration Judge

¹ DHS did not assert that Respondent was subject to mandatory detention pursuant to 236c or that the prolonged detention burden shifting standard applies.

Jose David Lainez-Bueso
A# [REDACTED]
Northwest Ice Processing Center.
1623 East J. Street
Tacoma, WA 98421

Case No.251989

SERVE RESPONSE

EXHIBIT E
comparison

Criminal Records Report from National Data-Based

vs

ICE Criminal Records Report

Thirteen pages.



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
TACOMA IMMIGRATION COURT

Respondent Name:

LAINEZ BUESO, JOSE DAVID

To:

LAINEZ BUESO, JOSE DAVID
USDHS NWIPC
1623 EAST J STREET, SUITE 5
F-3
TACOMA, WA 98421

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

08/13/2025

ORDER OF THE IMMIGRATION JUDGE

CUSTODY ORDER OF THE IMMIGRATION JUDGE

Request having been made for a change in the custody status of the respondent pursuant to 8 C.F.R. Part 236 and having considered the representations of the Immigration and Customs Enforcement and the respondent, it is HEREBY ORDERED that:

Order:

No Action: withdrawn by party

ORDERED No Jurisdiction:

Arriving Alien

Mandatory Detention under 235(b)(1), (b)(2)(A)

Mandatory Detention under 236(c)

Reinstated Order of Removal / Final Order of Removal

Withholding Only Proceedings

Does not meet the 180-day requirement.

Mandatory Detention under - See Matter M-S & Matter of Q. Li; 235(b)(1) and 235(b)(2)

Other:

ORDERED that the request for a change in custody status be denied.
Bond REMAINS AT NO BOND.

ORDERED that the request be granted and that respondent be released from custody under bond of \$ _____


Danger to Community / Flight Risk

OTHER: Conditional release is denied.

1/13

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name LAINEZ BUESO, JOSE DAVID	File Number [REDACTED] Event No: CIP24 [REDACTED]	Date 02/23/2024
The subject [REDACTED]		
Current Administrative Charges 02/05/2024 - 237a1B - NONIMMIGRANT OVERSTAY		
Previous Criminal History On 11/07/2023, the subject was arrested for the crime of "Trespassing" which resulted in a conviction on 01/29/2024. The subject was sentenced to 90 day(s).. On 02/24/2023, the subject was arrested for the crime of "Unauthorized Use of Vehicle (includes joy riding)" which resulted in a conviction on 04/25/2023. The subject was sentenced to 179 day(s). On 08/07/2022, the subject was arrested for the crime of "Assault" which is still pending. On 08/20/2021, the subject was arrested for the crime of "Larceny" which resulted in a conviction on 08/20/2021. The subject was sentenced to N/A.		
Records Checked TECS [REDACTED] CIS [REDACTED] CCD [REDACTED] EARM [REDACTED] CLAIM [REDACTED]	<i>* as you can see/compare between National Database and ICE Report</i>	
ARRESTING AGENTS K [REDACTED] RBY E [REDACTED] OLIVENCIA J [REDACTED] KEANE J [REDACTED] ZAVALA		
At/Near Central Islip, NY		
Record of Deportable/Excludable Alien: PREDICATION: The Long Island Criminal Alien Program encountered LAINEZ BUESO, Jose David (A [REDACTED]), DPOB: [REDACTED]/1973, Honduras) during routine jail checks at the Suffolk County Jail in Yaphank, NY and through the ICE-ERO Secure Communities Program based on an Immigration Alien Response (IAR) from the LESC, which was generated when an outside law enforcement agency electronically submitted his fingerprints to DHS/ICE via the Secure Communities Program (ACRIME) after his most recent arrest. An I-247 was lodged with the Suffolk County		
Signature  E. OLIVENCIA	Title DEPORTATION OFFICER	

2 of 4 Pages


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002

L 23

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name LAINEZ BUESO, JOSE DAVID	File Number [REDACTED] Event No: CIP24 [REDACTED]	Date 02/23/2024
<p>Correctional Facility.</p> <p>ALIENAGE AND DEPORTABILITY: LAINEZ BUESO is a citizen and national of Honduras. A review of database queries and his I-94 indicates that LAINEZ BUESO entered the United States on or about August 10, 2019, at Fort Lauderdale International Airport in Fort Lauderdale, FL as a B-2 Temporary Visitor for Pleasure with authorization to remain in the United States until February 09, 2020. LAINEZ BUESO failed to depart the United States on or before February 09, 2020, and did not apply for an extension. LAINEZ BUESO has no apparent derivation issues and or pending immigration applications filed on his behalf.</p> <p>DISPOSITION: The subject will be issued a Notice to Appear (NTA; I-862) charging alien removability under Section 237(a)(1)(B) of the Immigration and Nationality Act (INA).</p> <p>HEALTH / FEAR: LAINEZ BUESO health is unknown at this time. It is unknown at this time if LAINEZ BUESO has fear to go back to his Country. It is unknown at this time if LAINEZ BUESO is married or has children.</p> <p>CRIMINAL HISTORY: 12/29/2023: NYPL 220.03 Criminal Possession Controlled Substance-7th Degree-(Misdemeanor)-Pending. Returned on a Warrant. 11/07/2023: NYPL 140.10 Criminal Trespass 3rd: Property Fenced in or Enclosed - (Misdemeanor)-Pending. 10/17/2023: NYPL 220.03 Criminal Possession Controlled Substance-7th Degree-(Misdemeanor)-Pending. 03/06/2023: NYVTL 165.05 Unauthorized Use Vehicle: Without Owner Consent -(Misdemeanor)-Pending. 03/06/2023: NYVTL 1192 Driving While Intoxicated-1st Offense (Misdemeanor)-Pending. 02/24/2023: Unauthorized Use Of A Vehicle-3rd Degree-(Misdemeanor)-Convicted on 04/25/2023.</p> <p>MISCELLANEOUS NUMBERS: FBI: [REDACTED] SID: [REDACTED] I94: [REDACTED] Fin: [REDACTED] PASSPORT: [REDACTED] INMATE: [REDACTED]</p> <p><i>Partitioner doesn't have pending cases seen National Data Base</i></p> <p>Record of Deportable/Excludable Alien: On February 23, 2024, LAINEZ BUESO, Jose David ([REDACTED], DOB [REDACTED]/1973, Honduras) was released from the custody of the Suffolk County Jail in Riverhead, NY. At approximately 0900hrs, ICE Officers observed LAINEZ BUESO exiting the Riverhead Correctional Facility. LAINEZ BUESO was positively identified and arrested without incident pursuant to a Warrant of Arrest (I-200) by ICE officers outside of the Riverhead Correctional Facility. LAINEZ BUESO was transported to 535 Federal Plaza, Central Islip, New York for processing.</p> <p>LAINEZ BUESO claims [REDACTED] Subject has medication in his property that was turned over to ICE ([REDACTED] and [REDACTED]). Medical summary also turned over to ICE. LAINEZ BUESO was in possession of a debit card from the jail. LAINEZ BUESO stated that he is not married and has no children.</p>		
Signature 	Title DEPORTATION OFFICER	

3 of 4 Pages

12/13

003

L22

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name LAINEZ BURSO, JOSE DAVID	File Number [REDACTED]	Date 02/23/2024
Event No: CIP24 [REDACTED]		

LAINEZ BURSO was provided a meal and a bottle of water.
LAINEZ BURSO was offered a phone call but declined to call anyone.
LAINEZ BURSO declined to contact the consulate of Honduras.

Other Identifying Numbers

ALIEN-[REDACTED]
State Criminal Number/State Bureau Number-NY-[REDACTED] (NEW YORK UNITED STATES)
Arrival-Departure Record-[REDACTED]
Inmate Number - County Jail-[REDACTED] (NEW YORK UNITED STATES)
State Criminal Number/State Bureau Number-SC-[REDACTED] (SOUTH CAROLINA UNITED STATES)
State Criminal Number/State Bureau Number-NC-[REDACTED] (NEW YORK UNITED STATES)
Other Biometric-[REDACTED]
COMMENT: FINS

Signature



Title

DEPORTATION OFFICER

4 of 4 Pages

Jose David Lainez-Bueso

Case No.251989

A# 

Northwest Ice Processing Center:
1623 East J, Street
Tacoma, WA 98421

SERVE RESPONSE

EXHIBIT F

Appeal Form and Receipt from BIA

five pages.

Fee Waiver Request

NAME AND ALIEN ("A") NUMBER

Answer all items in English. (Type or Print)

If more than one respondent is included in your application, motion, or appeal, only the lead respondent need file this form.

Jainz Buoso Jose David
Name (Last, First, Middle)

A# [REDACTED]
Alien ("A") Number

AFFIDAVIT IN SUPPORT OF FEE WAIVER REQUEST.

(This affidavit is to be signed by the respondent, not the respondent's attorney or representative of record.)

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that I am the person above and that I am unable to pay the filing fee. I believe that my application/motion/appeal is valid and not frivolous, and I declare that the following information is true and correct to the best of my knowledge,

José David Jainz Buoso
(Print name of respondent filing the form)

[Signature]
(Signature of respondent filing the form)

02/18/2025
(Date signed)

The Immigration Judge may grant your fee waiver request for an EOIR application or motion filed with the Immigration Court if you show that you are unable to pay the filing fee. The Board of Immigration Appeals (BIA) may grant your fee waiver request for an appeal or motion filed with the BIA if you show that you are unable to pay the filing fee. If this fee waiver request does not establish your inability to pay the required fee, your application, motion, application, or appeal will not be deemed properly filed. 8 C.F.R. §§ 1003.8 and 1003.24(d). You must answer all questions on the form even if the answer is "\$0.00".

1. Estimate your average monthly amount of money received from each of the following sources. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the average monthly rate. Use gross amounts; that is, amounts before any deductions for taxes and other state/federal payroll withholdings.

Income Sources	Monthly Average
Employment, including self-employment	\$ 0.00
Income from real property (such as rental income)	\$ 0.00
Interest from checking and/or saving account(s)	\$ 0.00
All other income, including but not limited to these and other sources: alimony, child support, interest, dividends, social security, annuities, unemployment, public assistance, etc.	\$ 0.00
I.A.: TOTAL AVERAGE MONTHLY INCOME	\$ 0.00



Executive Office for Immigration Review
Board of Immigration Appeals
Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041

LAINIZ BUESO, JOSE DAVID
A [REDACTED]
USDHS NWIPC
1623 EAST J STREET, SUITE 5
F-3
TACOMA, WA 98421

DHS/ICE Office of Chief Counsel - TAC
1623 East J Street, Ste. 2
Tacoma, WA 98421

Name: LAINIZ BUESO, JO...



Type of Proceeding: Removal

Date of this notice: 8/28/2025

Type of Appeal: Bond Appeal

Filed by: Alien

FILING RECEIPT FOR APPEAL

The Board of Immigration Appeals acknowledges receipt of your appeal and fee or fee waiver request (where applicable) on 8/25/2025 in the above-referenced case.

WARNING: If you leave the United States after filing this appeal but before the Board of Immigration Appeals (Board or BIA) issues a decision, your appeal will be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

WARNING: If you have been granted voluntary departure by the Immigration Judge, you must submit sufficient proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.26(c)(3)(ii).

FILING INSTRUCTIONS:

If the respondent/applicant is represented by counsel, a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27) must be filed with the Board.

If the respondent/applicant is unrepresented (also called pro se) and receives assistance on documents to be filed with the Board (such as help preparing an appeal, motion, form, briefs, or other documents), a Notice of Entry of Limited Appearance for Document Assistance before the Board of Immigration Appeals (Form EOIR-60) must be submitted with the document(s) that assistance was provided when filed with the Board.

In all future correspondence or filings with the Board, please list the name and registration number ("A" number) of the case (as indicated above), as well as all of the names and "A" numbers for every family member who is included in this appeal.

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Have any questions about how to file something at the Board? Please refer to the Board's Practice Manual which is located within EOIR's Policy Manual, and is available on EOIR's website at www.usdoj.gov/eoir.

Certificate of service on the opposing party at the address above is required for ALL submissions to the Board of Immigration Appeals -- including correspondence, forms, briefs, motions, and other documents. If you are the Respondent or Applicant, the "Opposing Party" is the DHS Counsel or the Director of HHS/ORR at the address shown above. Your certificate of service must clearly identify the document sent to the opposing party, the opposing party's name and address, and the date it was sent to them. Any submission filed with the Board without a certificate of service on the opposing party will be rejected. See Chapter 3.2 (Service) of the Board's Practice Manual.

FILING INSTRUCTIONS -- IMPORTANT REMINDER

Electronic filing through ECAS is mandatory for attorneys and accredited representatives appearing as practitioners of record (filed a Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals (Form EOIR-27)), as well as for DHS in every case that is eligible for electronic filing. See 8 C.F.R. §§ 1003.2(g)(4), 1003.3(g)(1), 1003.31(a).

Where electronic filing is not required, use of an overnight courier service to the address listed in the **FILING ADDRESS**: section below is encouraged to ensure timely filing.

FILING ADDRESS:

Board of Immigration Appeals
Clerk's Office
5107 Leesburg Pike, Suite 2000
Falls Church, VA 22041

Business hours: Monday through Friday, 8:00 a.m. to 4:30 p.m.

cc:

VonackS

U.S. team: PCM

5/5

Jose David Lainez-Bueso

A# 

Northwest Ice Processing Center.

1623 East J. Street

Tacoma, WA 98421

Case No.251989

EXHIBIT G

Dismissal of Appeal

two pages.

1 NAME: JOSE DAVID LAINEZ BUESO

2 A # ~~XXXXXXXXXX~~
3 1623 E. J. Street, Suite 5
4 Tacoma, Washington 98421

5 UNITED STATES BOARD OF IMMIGRATION APPEALS

6 BOND APPEAL DISMISSAL

7 Name: JOSE DAVID LAINEZ BUESO

8 Appellant

9 v

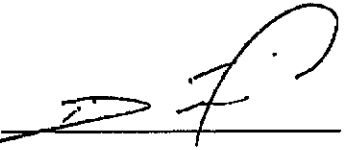
10 Pamela Bondi,

11 Attorney General of the United States

12 To the Court:

13 This is to inform to the Court of Immigration Appeals that I wish to
14 withdraw my appeal Bond applicable last August 25, 2025. I am doing this
15 process because I consider that it is in my best interests. I wish to dismiss
16 my appeal. No person or other parties has influenced my judgment in this
17 matter.

18 On the date of 11/14/2025

19 Signed: 
20

21 Name: Jose David Lainez Bueso.
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PROOF OF SERVICE

&

DECLARATION

I, JOSE DAVID LAINEZ BUESO, A PARTY TO THIS ACTION DO HEREBY AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT

DISMISSAL OF APPEAL

DHS-ICE, CHIEF OF COUNSEL
1623 East J. Street, Suite 2
Tacoma, WA, 98421

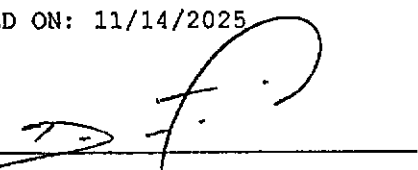
Board of Immigration Appeals
Office of the Clerk
5107 Leesburg Pike, Suite 2000
Falls Church Virginia, 22041

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON: 11/14/2025

Signed _____



Name: Jose David Lainez Bueso.

Jose David Lainez-Bueso
A# [REDACTED]
Northwest Ice Processing Center.
1623 East J. Street
Tacoma, WA 98421

Case No.251989

EXHIBIT H

Additional Information

fourteen pages.

Homeland Security filed a Notice to Appear charging him as removable under INA Section 237(a)(1)(B). On April 15, 2024, the respondent, Jose David Lainez Bueso, while pro se, admitted the factual allegations in the Notice to Appear. The Court sustained the charge of removal under INA Section 237(a)(1)(B) and designated Honduras as the country of removal. Respondent filed a pro se I-589 application on April 29, 2024. He appeared for an individual merits hearing on October 1, 2024.

Addendum of Law

An addendum stating the standards of law and burdens of proof relevant to these issues is being served on the parties and a copy will be placed in the record of proceedings. That addendum is hereby incorporated into this decision by reference.

Evidentiary Record

The evidentiary record of this proceeding consists of the respondent's testimony, as well as documentary Exhibits 1 through 9. All documentary exhibits are admitted into evidence without objection.

Credibility and Corroboration

All admitted evidence identified above has been considered in its entirety regardless of whether specifically mentioned in the text of this decision. Respondent was the only one to offer testimony. He was responsive to all questions asked and his testimony was consistent with his I-589 and statement in support, as well as the other documentary evidence. His testimony was plausible. In the totality of the circumstances, the Court finds him to be a credible witness.

Analysis and Conclusions of Law and Eligibility for Relief

Asylum

As a threshold matter, an applicant must prove by clear and convincing evidence that he filed his application for asylum within one year of the date of his last arrival in the

A [REDACTED]

October 1, 2024

2/14

L151

United States. Respondent entered the United States on August 10, 2019, and filed his I-589 on April 29, 2024. He failed to file within one year of his arrival to the United States. He asserts that he was assaulted and robbed of his passport and U.S. visa on September 10, 2019 while in North Carolina, and that he was also shot during this incident. He sought immigration advice from a law firm after this assault, but could not afford the cost of representation or pursuing a U visa. He did not then apply for asylum or seek any other immigration benefits in the United States. He claims that he was ignorant of the law requiring that he file his 589 within one year of his arrival. To the extent that the robbery and shooting incident in September 2019 constitutes an extraordinary circumstance that would toll the one-year filing deadline, he has not shown that he applied for asylum within a reasonable period thereafter. He has not established that he was incapacitated for a substantial period of time after the shooting, or physically or mentally unable to submit an application. He has not shown that his ignorance of the law is a changed circumstance or extraordinary circumstance excusing his delay in filing the application. Because he has not established any exception to the one year filing deadline, the Court finds that he is ineligible for asylum.

Withholding of Removal

An applicant for withholding of removal must demonstrate that if returned to his country, his life or freedom would be threatened on account of one of the protected grounds. Respondent is from the town of [REDACTED] in Honduras. He describes [REDACTED] as being a small town of approximately 50,000 [REDACTED]. His [REDACTED] continues to live in [REDACTED]. In 2012 he returned from a trip abroad while working for [REDACTED]. He had just [REDACTED] [REDACTED] in Honduras. He returned to his home in [REDACTED] and in approximately in [REDACTED] shortly after his arrival, he was [REDACTED]

A [REDACTED]

October 1, 2024

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L/50

[REDACTED]

[REDACTED] and [REDACTED] He believed [REDACTED]

[REDACTED] He [REDACTED]

[REDACTED] He [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] and [REDACTED] He [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] He [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] Respondent [REDACTED]

[REDACTED]

[REDACTED] He [REDACTED]

[REDACTED] When [REDACTED]

[REDACTED] he [REDACTED]

[REDACTED] and [REDACTED] Respondent [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED] and [REDACTED]

[REDACTED]

Because the respondent could not find work in Honduras, at the end of 2013 he decided to [REDACTED]. He was outside of Honduras between October or November 2013 until March or April of 2014. Shortly after returning

A [REDACTED]

October 1, 2024

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to Honduras, he [REDACTED] There were [REDACTED]
[REDACTED] and he was [REDACTED]
[REDACTED] He [REDACTED] and [REDACTED]
[REDACTED] While [REDACTED]
[REDACTED] he [REDACTED]
[REDACTED] and [REDACTED]
[REDACTED] and [REDACTED]
[REDACTED] and [REDACTED]
[REDACTED] Respondent [REDACTED]
[REDACTED] and [REDACTED] and [REDACTED]
[REDACTED] The respondent [REDACTED]
[REDACTED] At the [REDACTED]
[REDACTED] and [REDACTED] and [REDACTED] He [REDACTED]
[REDACTED] He [REDACTED]
[REDACTED] however, he [REDACTED]
[REDACTED] and [REDACTED]

At some point in 2018 he traveled to the United States as a tourist and returned after about six months in approximately February or March of 2019. He was [REDACTED] about [REDACTED]
[REDACTED] One time while [REDACTED] he was [REDACTED]
[REDACTED] He was [REDACTED]
[REDACTED] The [REDACTED]
[REDACTED] and [REDACTED] and he [REDACTED]

A [REDACTED]

October 1, 2024

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The [REDACTED] He [REDACTED]
[REDACTED]

Although he [REDACTED] he did not [REDACTED]. On occasion [REDACTED] and [REDACTED] he [REDACTED] and [REDACTED] but [REDACTED] Respondent [REDACTED]

[REDACTED]
Respondent has [REDACTED] [REDACTED]
[REDACTED] He has [REDACTED]. His [REDACTED] was a [REDACTED] Respondent believes that he [REDACTED] and that he [REDACTED] and [REDACTED] His [REDACTED] was [REDACTED]
[REDACTED] While [REDACTED] he was [REDACTED] that the respondent believes [REDACTED] Respondent believes a [REDACTED] but [REDACTED]
[REDACTED]

Respondent is pro se and in his application he does not check off any of the five protected grounds. Based on his testimony and the documentary evidence, the Court construes his claim as one asserting political opinion and membership in a particular social group. Nevertheless, regarding any particular social group claim, he has not established membership in any cognizable particular social group. His claim of past harm is based on [REDACTED] due to a perception that he had money [REDACTED] [REDACTED] Wealth or affluence standing alone does not form the basis for a particular social group because it is too broad and amorphous. Likewise, deportees is

A [REDACTED]

October 1, 2024

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too broad and diverse a group to satisfy the particularity requirement and cannot constitute a particular social group. A combined group of deportees perceived to be wealthy would not be cognizable as it also too broad and amorphous.

_____ To establish an asylum claim based on a political opinion, the respondent must specify the political opinion on which he relies, to show that he holds that opinion, and show that he would be persecuted or has a well-founded fear of persecution based on that opinion. The Court applies the same standard for assessing a withholding claim with the exception of burden of proof being clear probability.

Respondent testified that he is _____ which is _____
_____. He fears that the _____
_____ and the _____ and that _____
_____. However, he has not established that the _____ or any other entity has been aware of his party affiliation or harmed him due to that affiliation, nor has he established that he would be politically active _____ or that the _____
_____. While the country conditions reports show that the court system is weak and impunity widespread, and that _____
_____ the evidence also shows that the government has taken steps to investigate and to punish abuses of human rights, corruption and violent crimes. As the respondent has not established that he himself has been harmed on account of his political opinion, that there any ongoing threats directed towards him on account of that political opinion, or that there is a pattern or practice of persecution of _____ he has not established a clear probability of future persecution on account of political opinion. Because he has not established past persecution or a clear probability of future

A _____

October 1, 2024
6/4 2146

persecution on account of any protected ground, he cannot establish eligibility for withholding of removal.

Protection under the Convention against Torture

To be eligible for withholding of removal under the Convention against Torture, an applicant must demonstrate that it is more likely than not he would be subject to torture if returned to his home country. In making this determination, the Court examines two distinct questions, what is likely to happen to the respondent if removed, and does what is likely to happen amount to the legal definition of torture.

_____ If respondent returns to Honduras, he says that he would go to _____
_____. He worries that at his age he won't be able to find safe employment and that after the age of 35 people cannot change their professions. He speculates that the only work he could find would be as a taxi driver or delivery driver, _____. He does not know whether he would be able to work on a _____ due to his Immigration problems in the United States. He believes that people in Honduras will perceive him to have wealth due to the fact that he is returning from the United States. He fears being _____
_____. While he says he could live in a smaller village away from the city, he also fears that _____
_____.

The Court makes the following predictive factual findings. The respondent if he returns to Honduras will more likely than not live with his mother in La Lima, he will look for work in any sector that is hiring, including again in the _____. He has not established that he would more likely than not be unable to obtain work in the _____
_____. His belief that he would become a delivery driver or transit worker, and therefore _____ relies on a series

A _____

of speculations, including that he would not find other work, that he would be [REDACTED]
[REDACTED] and that if the [REDACTED]
[REDACTED]. The Court finds that he may very well be approached for money [REDACTED]
[REDACTED] and as other members in his community are. However, he has not
established that the other links in the speculative series of events are more likely than
not to occur. The Court notes the [REDACTED]
[REDACTED]. However, the respondent's own
experience [REDACTED] is more instructive. In both
2012 and 2019 he [REDACTED] and [REDACTED]
[REDACTED]. The [REDACTED] He has not
established that should he again [REDACTED]
[REDACTED] he himself will be serious physically or mentally harmed. Moreover, [REDACTED]
[REDACTED] is not torture as that term is defined under the
Convention against Torture and implementing regulations, nor is [REDACTED]
[REDACTED]
[REDACTED]. Accordingly, the Court concludes that the respondent has not established that he
will be tortured as that term is defined under the Convention against Torture and
implementing regulations. The Court does not address whether the harm he fears
would be by or at the instigation of or with the consent or acquiescence of [REDACTED]
[REDACTED]

ORDERS

Based upon the above, the following orders will enter:

IT IS ORDERED that respondent's application for asylum is denied.

IT IS ORDERED that respondent's application for withholding of removal to
Honduras under INA Section 241(b)(3)(A) is denied.

A [REDACTED]

9

October 1, 2024

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IT IS FURTHER ORDERED that respondent's application for protection under the U.N. Convention against Torture is denied.

IT IS HEREBY ORDERED that respondent be removed to Honduras based on the charge set forth in the Notice to Appear.

Please see the next page for electronic

signature

Richard Bailey
Immigration Judge

A [REDACTED]

October 1, 2024

4143
9/19

Homeland Security filed a Notice to Appear charging him as removable under INA Section 237(a)(1)(B). On April 15, 2024, the respondent, Jose David Lainez Bueso, while pro se, admitted the factual allegations in the Notice to Appear. The Court sustained the charge of removal under INA Section 237(a)(1)(B) and designated Honduras as the country of removal. Respondent filed a pro se I-589 application on April 29, 2024. He appeared for an individual merits hearing on October 1, 2024.

Addendum of Law

An addendum stating the standards of law and burdens of proof relevant to these issues is being served on the parties and a copy will be placed in the record of proceedings. That addendum is hereby incorporated into this decision by reference.

Evidentiary Record

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Credibility and Corroboration

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Analysis and Conclusions of Law and Eligibility for Relief

Asylum

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A 

United States. Respondent entered the United States on August 10, 2019, and filed his I-589 on April 29, 2024. He failed to file within one of his arrival to the United States. He asserts that he was assaulted and robbed of his passport and U.S. visa on September 10, 2019 while in North Carolina, and that he was also shot during this incident. He sought immigration advice from a law firm after this assault, but could not afford the cost of representation or pursuing a U visa. He did not then apply for asylum or seek any other immigration benefits in the United States. He claims that he was ignorant of the law requiring that he file his 589 within one year of his arrival. To the extent that the robbery and shooting incident in September 2019 constitutes an extraordinary circumstance that would toll the one-year filing deadline, he has not shown that he applied for asylum within a reasonable period thereafter. He has not established that he was incapacitated for a substantial period of time after the shooting, or physically or mentally unable to submit an application. He has not shown that his ignorance of the law is a changed circumstance or extraordinary circumstance excusing his delay in filing the application. Because he has not established any exception to the one year filing deadline, the Court finds that he is ineligible for asylum.

Withholding of Removal

An applicant for withholding of removal must demonstrate that if returned to his country, his life or freedom would be threatened on account of one of the protected grounds. Respondent is from the town of [REDACTED] in Honduras. He describes [REDACTED] [REDACTED] In 2012 he returned from a trip abroad while working for the [REDACTED] [REDACTED] He had just completed his six-month contract and [REDACTED] in Honduras. He returned to his home in [REDACTED] and in approximately in the middle of 2012, shortly after his arrival, he was approached

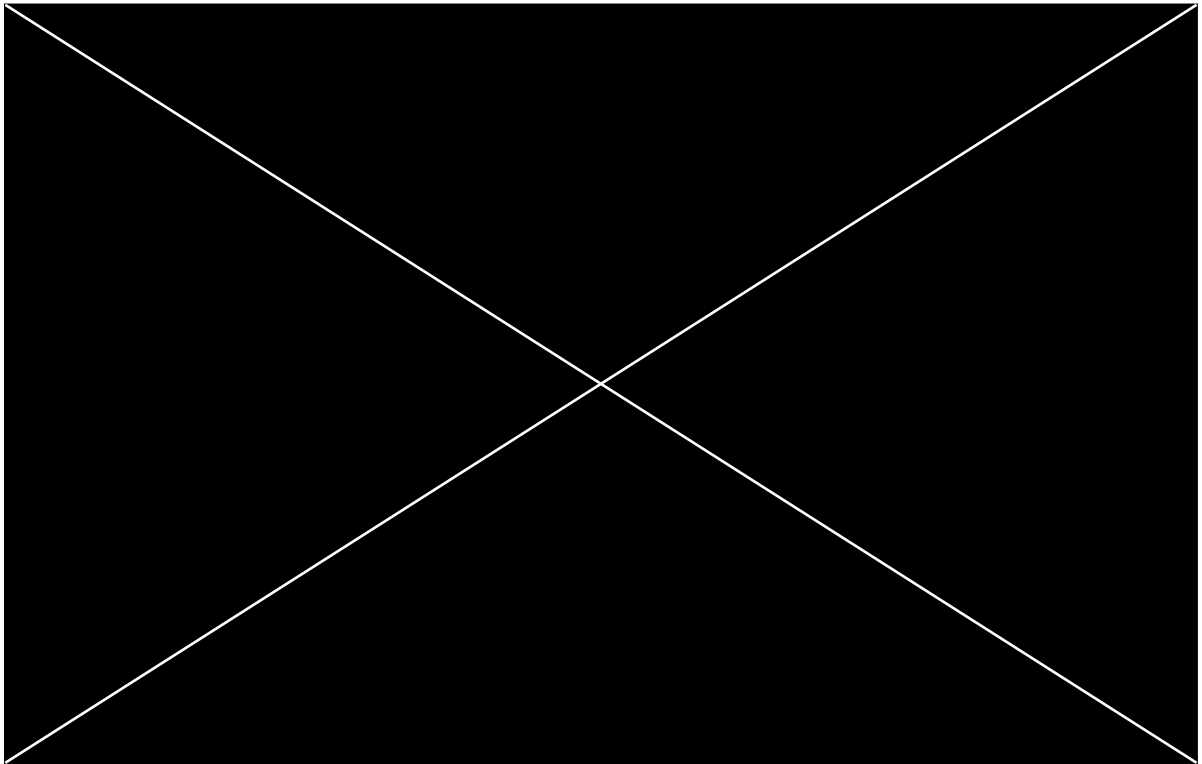
persecution on account of any protected ground, he cannot establish eligibility for withholding of removal.

Protection under the Convention against Torture

To be eligible for withholding of removal under the Convention against Torture, an applicant must demonstrate that it is more likely than not he would be subject to torture if returned to his home country. In making this determination, the Court examines two distinct questions, what is likely to happen to the respondent if removed, and does what is likely to happen amount to the legal definition of torture.

If respondent returns to Honduras, he says that he would go to [REDACTED]. He worries that at his age he won't be able to find safe employment and that after the age of 35 people cannot change their professions. He speculates that the only work he could find would be as a taxi driver or delivery driver, similar to [REDACTED]. He does not know whether he would be able to work on [REDACTED] again due to his Immigration problems in the United States. He believes that people in Honduras will perceive him to have wealth due to the fact that he is returning from the United States. He fears being extorted or subjected to criminal acts by the gangs. While he says he could live in a smaller village away from the city, he also fears that the smaller villages are under the control not of gangs, but of narco traffickers.

The Court makes the following predictive factual findings. The respondent if he returns to Honduras will more likely than not [REDACTED], he will look for work in any sector that is hiring, including again in the [REDACTED] sector. He has not established that he would more likely than not be unable to obtain work in the cruise industry. His belief that he would become a delivery driver or transit worker, and therefore be subject to extortion for murder for failure to pay extortion relies on a series



subject to high levels of criminality is not torture as that term is defined under the Convention against Torture and implementing regulations, nor is being subject to extortion fees.

Accordingly, the Court concludes that the respondent has not established that he will be tortured as that term is defined under the Convention against Torture and implementing regulations. The Court does not address whether the harm he fears would be by or at the instigation of or with the consent or acquiescence of the government of Honduras.

ORDERS

Based upon the above, the following orders will enter:

IT IS ORDERED that respondent's application for asylum is denied.

IT IS ORDERED that respondent's application for withholding of removal to Honduras under INA Section 241(b)(3)(A) is denied.

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IT IS FURTHER ORDERED that respondent's application for protection under the U.N. Convention against Torture is denied.

IT IS HEREBY ORDERED that respondent be removed to Honduras based on the charge set forth in the Notice to Appear.

Please see the next page for electronic

signature

Richard Bailey
Immigration Judge

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