

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

Western District of Washington

Andres Castillo Aredondo

Petitioner

v.

Todd Lyons, Acting Director, Immigration Customs and Enforcement; Kenneth Hamilton, Acting Assistant Field Office Director for the Seattle Field Office

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 2:25-cv-01838 (Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- 1. (a) Your full name: Andres Andres Castillo Aredondo
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: NORTHWEST DETENTION CENTER
(b) Address: 1623 E J St, Ste. 5, Tacoma, WA 98421
(c) Your identification number:
3. Are you currently being held on orders by:
[] Federal authorities [] State authorities [] Other - explain:
4. Are you currently:
[] A pretrial detainee (waiting for trial on criminal charges)
[] Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
[] Being held on an immigration charge
[] Other (explain):

Decision or Action You Are Challenging

- 5. What are you challenging in this petition:
[] How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Petitioner has been in ICE custody since August 9, 2025 without any bond hearing. Petitioner is challenging the July 8, 2025 DHS guidance that INA section 235 and thus mandatory detention should apply to Petitioner instead of INA 236. Petitioner was also unlawfully detained in violation of the 4th and 5th amendments.

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: The present petition relates to the DHS guidance classifying Petitioner for mandatory detention. Petitioner is eligible for release on bond under INA 236. The petition also relates to 4th Amendment and 5th Amendment violations so there is no decision to appeal.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

- Yes
- No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

- Yes
- No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 08/09/2025
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes
- No

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If "Yes," provide:

- (1) Date of filing: _____
 - (2) Case number: _____
 - (3) Result: _____
 - (4) Date of result: _____
 - (5) Issues raised: _____
- _____
- _____
- _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
 - (2) Date of filing: _____
 - (3) Case number: _____
 - (4) Result: _____
 - (5) Date of result: _____
 - (6) Issues raised: _____
- _____
- _____
- _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
 - (b) Name of the authority, agency, or court: _____
 - (c) Date of filing: _____
 - (d) Docket number, case number, or opinion number: _____
 - (e) Result: _____
 - (f) Date of result: _____
 - (g) Issues raised: _____
- _____
- _____
- _____

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Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: DHS's new guidance classifies Petitioner under INA 235 as an "applicant for admission" and thus subject to mandatory detention without any hearing on bond. On July 8, 2025 DHS guidance communicated its choice that INA section 235 and thus mandatory detention should apply to detainees arrested in the United States and charged with being inadmissible and thus no due process protections should apply.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner has been in the U.S. for approximately 19 years and has no criminal history. Petitioner was arrested without a warrant in Los Angeles, CA over a hundred miles from the border. Prior to July 8, 2025 DHS guidance would have classified Petitioner under INA 236 and as being bond eligible. Petitioner should be classified under INA 236 and should be eligible for release on bond subject to an Immigration Judge's discretion.

(b) Did you present Ground One in all appeals that were available to you?

- Yes
- No

GROUND TWO: Violation of 4th Amendment because Mr. Aredondo was arrested and detained without a warrant and without probable cause. Mr. Aredondo was illegally arrested based on the his ethnicity and the job that he was doing.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Mr. Aredondo was arrested and detained on August 9, 2025. The individuals who arrested Mr. Aredondo did not have a warrant for his arrest and they did not provide any identification that they were law enforcement or ICE officers. Petitioner believes he was arrested because he is Latino and was at Home Depot looking for work. Mr. Aredondo's rights were violated because he was arrested and detained in violation of the 4th Amendment.

(b) Did you present Ground Two in all appeals that were available to you?

- Yes
- No

GROUND THREE: Violation of 5th Amendment because Mr. Aredondo was arrested and detained without due process.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Mr. Aredondo's classification by DHS and ICE under INA 235 deprives him of the due process protections found in INA 236.

(b) Did you present Ground Three in all appeals that were available to you?

- Yes
- No

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GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Direct Respondents to immediately set bond hearing and classify
Petitioner as bond eligible under INA 236; direct Respondents to release Petitioner from custody after proper processing
and payment of bond; prohibit removal until proper immigration proceeding; any other relief this Court deems just and
proper.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

09/23/2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 09/23/2025



Signature of Petitioner

s/ Benjamin Cornell

Signature of Attorney or other authorized person, if any