

1 CHANTELL ABOU-HAMDAN (ID Bar No. 12003)

DETAINED

2 WILNER & O'REILLY, APLC

3 999 W Main St., Suite 1101

4 Boise, ID 83702

5 Telephone: 208.391.2020

6 Facsimile: 208.485.7969

7 Email: boieoir@wilneroreilly.com

8 *Attorney for Petitioner*

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF IDAHO**

11 GONZALEZ HERNANDEZ, JOSE
12 ALBERTO

Case No.:

13 Petitioner,

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

14 v.

15 KRISTI NOEM, Secretary, Department of
16 Homeland Security; PAM BONDI, Attorney
17 General; TODD LYONS, Acting Director of
18 U.S. Immigration & Customs Enforcement;
19 MARCOS CHARLES, Executive Associate
20 Director of ICE Enforcement and Removal
21 Operations (ERO); MICHAEL
22 BERNACKE, ICE Salt Lake City Field
23 Office Director, JARROD THOMPSON, in
24 his official capacity as Director, Mini-Cassia
25 Detention Center.

26 Respondents.

27 **I. INTRODUCTION**

28 Petitioner Jose Alberto Gonzalez Hernandez ("Petitioner") is currently detained at the Mini-Cassia Detention Center under the custody of the U.S. Immigration and Customs Enforcement ("ICE").

Petitioner files this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the lawfulness of his detention and respectfully requests a temporary restraining order (TRO) to prevent irreparable harm to his health and well-being while this matter is pending.

1 Petitioner was arrested during a mass raid at the Wilder Horse Track, where he was merely
2 observing horse races. He was detained before ICE officials inquired about his legal status.

- 3 1. Petitioner has **no criminal history** and presents substantial family, community, and
4 employment ties in Idaho. He also suffers from **medical conditions** that have not been
5 treated while in custody, including anxiety and depression requiring anti-depressants,
6 arthritis, and high cholesterol.

7 **II. JURISDICTION AND VENUE**

8 This Court has jurisdiction under 28 U.S.C. § 2241, which authorizes federal courts to issue writs
9 of habeas corpus to persons in custody in violation of the Constitution or federal law.

10 Venue is proper in this District because Petitioner is **currently detained within the District of
11 Idaho** at the Mini-Cassia Detention Center.

12 **III. STATEMENT OF FACTS**

13 **A. Immigration History**

- 14 1. Petitioner last entered the U.S. in 1995.
15 2. Petitioner has lived continuously in Idaho since 1995.

16 **B. Family Ties**

- 17 1. Petitioner has four children: three hold DACA status, and one is a U.S. citizen.
18 2. Petitioner has two U.S. citizen grandchildren.
19 3. He is a long-standing member of the local community and family networks in Idaho.

20 **C. Employment**

- 21 1. Petitioner has worked in agricultural jobs for many years.
22 2. Most recently, he has been employed in framing work since 2019.

23 **D. Medical History**

- 24 1. Petitioner suffers from **arthritis, high cholesterol, and anxiety/depression**.
25 2. He is prescribed **anti-depressants**, which he has **not received during detention**,
26 causing significant mental and emotional distress.

27 **E. Circumstances of Arrest**

- 28 1. On October 19, 2025, approximately 200 law enforcement officers conducted a raid
at the Wilder Horse Track.
2. Petitioner was present only as an observer.

- 1 3. ICE detained him before any individualized determination regarding his immigration status.
- 2 4. Petitioner has no criminal history and was compliant with all instructions during the
- 3 raid.

4 **IV. Legal Basis for Relief**

- 5 1. Unlawful Detention: Petitioner's detention is unlawful under the Due Process Clause
- 6 because it occurred without individualized determination or probable cause.
- 7 2. Irreparable Harm: The failure to provide necessary medication and medical care places
- 8 Petitioner at serious risk of harm, including worsening of physical and mental health
- 9 conditions.
- 10 3. Habeas Corpus Relief: Under 28 U.S.C. § 2241, the Court may order Petitioner's release
- 11 if detention is unlawful.
- 12 4. Temporary Restraining Order: Pursuant to Fed. R. Civ. P. 65, a TRO is warranted to
- 13 prevent ongoing harm to Petitioner's health and well-being while the Court considers the
- 14 habeas petition.

15 **V. Request for Temporary Restraining Order**

16 Petitioner requests that the Court issue a TRO requiring:

- 17 1. Immediate release from custody, or in the alternative, supervision or conditions of
- 18 release appropriate under the circumstances.
- 19 2. Provision of all prescribed medications, including anti-depressants, and access to
- 20 necessary medical care.
- 21 3. Any other relief the Court deems just and proper to protect Petitioner's health and
- 22 rights pending adjudication of this habeas petition.

23 **VI. Prayer for Relief**

24 Petitioner respectfully requests that this Court:

- 25 1. Issue a writ of habeas corpus ordering Petitioner's release from custody.
- 26 2. Grant a temporary restraining order as described above.
- 27 3. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and
- 28 on any other basis justified under law; and
4. Award any additional relief the Court deems just and proper.

VII. Supporting Documentation

1. Medical records documenting:
 - Arthritis, high cholesterol, anxiety/depression, prescribed medications.
2. Documentation of family ties:

- Children's DACA/citizenship status, grandchildren's birth certificates.
3. Affidavits from community members.

Respectfully submitted,



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999 W Main St., Suite 1101

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