

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE



OCT 31 2025

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY _____ DEPUTY

JOSE A. MATIR-MARTINEZ

Full name, address and prison number (if any)

Petitioner

vs.

WARDEN: BRUCE SCOTT

Name of Respondent (person having custody
of petitioner)

Respondent

Civil Case No.: 2:25-cv-02194-LK-BAT

(To be supplied by the Clerk of the District
Court)



PETITION FOR
WRIT OF HABEAS CORPUS

UNDER 28 USC 2241

INSTRUCTIONS - READ CAREFULLY

This petition must be legibly handwritten or typewritten, signed by the petitioner, and verified under penalty of perjury before an authorized institutional officer. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper place on the form. Where more room is needed to answer any question, insert an additional blank page and be sure to use the question number on the additional page.

No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order. When the form is completed, the original and two copies should be mailed to the Clerk of the US District Court for the Western District of Washington, at Seattle or Tacoma.

If you do not have the necessary filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the affidavit on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefore. You must also

have an authorized officer at the institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your account exceeds \$100.00, you must pay the filing fee.

- NORTHWEST ICE PROCESSING CENTER
1. Place of detention 1623 E. J. STREET, TACOMA WA. 98421
 2. Name and location of court and name of judge who imposed sentence:
IMMIGRATION JUDGE: REILLY: IMMIGRATION COURT-
7619 LITTLE RIVER TPK, 4TH FLOOR, ANNANDALE, VA. 22003
 3. The indictment number or numbers (if known) upon which, and the offenses for which, sentence was imposed:
 - a. I DO NOT HAVE ANY CRIMINAL HISTORY / N/A
 - b. N/A
 - c. N/A
 4. The date upon which sentence was imposed and the terms of the sentence:
 - a. SEE: ATTACHED IJ ORDER AND BIA - APPELLATE COURT ORDER
 - b. N/A
 - c. N/A
 5. Check whether a finding of guilty was made:
 - a. After a plea of guilty N/A
 - b. After a plea of not guilty N/A
 - c. After a plea of nolo contendere N/A
 6. If you were found guilty after a plea of not guilty, check whether that finding was made by:
 - a. A jury N/A
 - b. A judge without a jury N/A
 7. Did you appeal from the judgment of conviction or the imposition of sentence?
I APPEALED THE DECISION OF THE BIA ISSUED ON 2/21/2025

8. If you answered "yes" to (7), list:

a. The name of each court to which you appealed:

- i. 4th Circuit Court of Appeals in Richmond VA.
- ii. N/A
- iii. N/A

b. The result in each court to which you appealed:

- i. Final Adjudication Now Pending
- ii. N/A
- iii. N/A

c. The date of each result:

- i. 10/16/2025
- ii. N/A
- iii. N/A

d. If known, citations of any written opinions or orders entered pursuant to such results:

- i. CASE NO 25-1328
- ii. N/A
- iii. N/A

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully.

- a. Detained from 12/5/2023 til today of 10/28/2025
(APPROXIMATELY 2 YEARS - in 1 month) INA section 212
is unconstitutional
- b. VIOLATION OF MY 5th AMENDMENT PROLONGED DETENTION -
Civil Rights

c. AND VIOLATION OF MY PROCEDURAL DUE PROCESS RIGHTS-
CIVIL RIGHTS AND EQUAL PROTECTION OF LAW.

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

INA Section 212 is UNCONSTITUTIONAL
a. I HAVE BEEN DETAINED SINCE 12/05/2023

b. 5th AMENDMENT ENTITLES NONCITIZENS THE DUE PROCESS
PROCEDURAL PROTECTIONS OF LAW AND FREEDOM FROM PROLONGED
IMPRISONMENT WITHOUT CAUSE, AND OR PHYSICAL RESTRAINT
AS I DO NOT HAVE ANY CRIMINAL HISTORY OR CRIMINAL
c. CONVICTIONS. SEE: ATTACHED DOCUMENTS OF RECORD

11. Have you previously filed petitions for habeas corpus, motions under section 2255 of Title 28, United States Code, or any other applications, petitions, or motions with respect to this conviction?

NO

12. If you answered "yes" to (11), list with respect to each petition, motion, or application:

a. The specific nature thereof:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

c. The disposition thereof:

i. N/A

ii. N/A

iii. N/A

d. The date of each such disposition:

i. N/A

ii. N/A

iii. N/A

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

i. N/A

ii. N/A

iii. N/A

13. If you did not file a motion under section 2255 of Title 28, United States Code, or if you filed such a motion and it was denied, state why your remedy by way of such motion is inadequate or ineffective to test the legality of your detention:

a. N/A

b. N/A

c. N/A

14. Has any ground set forth in (9) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under 2255 of Title 28, United States Code, or any other petition, motion, or application?

N/A

15. If you answered "yes" to (14), identify:

a. Which grounds have been previously presented:

- i. N/A
- ii. N/A
- iii. N/A

b. The proceedings in which each ground was raised:

- i. N/A
- ii. N/A
- iii. N/A

16. Were you represented by an attorney at any time during the course of:

- a. Your arraignment and plea? N/A
- b. Your trial, if any? N/A
- c. Your sentencing? N/A
- d. Your appeal, if any, from the judgment of conviction or the imposition of sentence?
N/A
- e. Preparation, presentation, or consideration of any petitions, motions, or applications with respect to this conviction, which you filed? N/A

N/A

17. If you answered "yes" to one or more parts of (16), list:

a. The name of address of each attorney who represented you:

i. N/A

N/A

ii. N/A

N/A

iii. N/A

N/A

b. The proceedings at which each such attorney represented you:

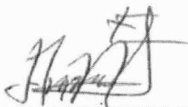
i. N/A

ii. N/A

iii. N/A

18. If you are seeking leave to proceed in forma pauperis, have you completed the sworn affidavit setting forth the required information (see instructions, page 1 of the form)?

YES

By: 

Signature of Petitioner

State of Washington)
County of Pierce) as

Jose Armando Martin Martinez, being first sworn under oath, presents that he/she has subscribed to the foregoing petition and does state that the information therein is true and correct to the best of his/her knowledge and belief.



Signature of Affiant

SUBSCRIBED and SWORN to
before me this 27 day of
October, 2025
(month) (year)



GJ HASKINS

Notary Public (or other official authorized by law to administer oaths)



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041



MARTIR-MARTINEZ, JOSE ARMANDO



1623 EAST J STREET, STE. 5
TACOMA WA 98421

DHS/ICE Office of Chief Counsel - WAS

500 12TH STREET, SW, STOP 5902
WASHINGTON DC 20536-5902

Name: MARTIR-MARTINEZ, JOSE ARM



Date of this Notice: 10/3/2025

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Jose Armando MARTIR-MARTINEZ, 

Applicant

FILED
Oct 03, 2025

ON BEHALF OF APPLICANT: Pro se

IN WITHHOLDING ONLY PROCEEDINGS
On Motion from a Decision of the Board of Immigration Appeals

Before: Owen, Appellate Immigration Judge

OWEN, Appellate Immigration Judge

This matter was last before the Board on February 21, 2025, when we dismissed the applicant's appeal from the Immigration Judge's October 16, 2024, decision denying his application for withholding of removal under section 241(b)(3) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1231(b)(3), as well as his request for protection under the regulations implementing the Convention Against Torture ("CAT").¹ On March 20, 2025, the applicant, a native and citizen of El Salvador, filed a timely motion to reconsider our decision, as well as a motion for a stay of removal. The Department of Homeland Security ("DHS") has not responded to the motion. We will deny the applicant's motion to reconsider, and we will deny his motion to stay removal as moot.

A motion to reconsider "shall specify the errors of law or fact in the previous order and shall be supported by pertinent authority." INA § 240(c)(6)(C), 8 U.S.C. § 1229a(c)(6)(C); *see also* 8 C.F.R. § 1003.2(b)(1). "The moving party must specify the factual and legal issues raised on appeal that were decided in error or overlooked in our initial decision or must show how a change in law materially affects our prior decision." *Matter of O-S-G-*, 24 I&N Dec. 56, 58 (BIA 2006).

The applicant's motion does not establish an error of fact or law in our decision, and we discern none. In his motion, the applicant argues the Board overlooked the new evidence he provided on appeal (Applicant's Mot. at 1-2). However, no such evidence was provided on appeal, and the applicant did not timely file an appeal brief.² We therefore deny his motion to reconsider.

¹ The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). 8 C.F.R. §§ 1208.16(c), 1208.17; 8 C.F.R. § 1208.18(a) (2020).

² On appeal, the applicant's briefing extension request was denied as untimely.



A motion to reconsider contests the correctness of the original decision based upon the previous factual record, whereas a motion to reopen seeks a new hearing based on new or previously unavailable evidence. *Id.* at 57-58. Motions to remand are subject to the same substantive requirements as motions to reopen. *Matter of Coelho*, 20 I&N Dec. 464, 471 (BIA 1992). A motion to remand must be supported by previously unavailable, material evidence and will only be granted if the new evidence would likely change the result in the case. *See id.* at 473; 8 C.F.R. § 1003.2(c)(1).

With his motion, the applicant submitted a statement from his mother dated December 4, 2024. Construing the motion as seeking remand based upon this statement, we will deny the motion. While the statement is dated December 4, 2024, before the Immigration Judge's October 16, 2024, decision, it largely details events which took place between the beginning of 2020 and the beginning of 2023. The applicant has not explained why this evidence was previously unavailable.

Additionally, the applicant reasserts his fear of torture by gangs in El Salvador, and claims the Salvadoran government is "unable and unwilling" to protect him (Applicant's Mot. at 2). However, the Board recently held that, "the acquiescence standard for CAT protection differs from the unable-or-unwilling standard for asylum and withholding of removal; the potential for private actor violence coupled with a speculation that police cannot or will not help is insufficient to prove acquiescence." *Matter of M-S-I*, 29 I&N Dec. 61, 64 (BIA 2025). Here, the applicant's evidence reaffirms his fear of torture at the hands of private actors, but does not establish that the Salvadoran government would consent or acquiesce to such harm.

Accordingly, the following order will be entered.

ORDER: The motion is denied.

NOTICE: If an applicant is subject to a final order of removal and willfully fails or refuses to depart from the United States pursuant to the order, to make timely application in good faith for travel or other documents necessary to depart the United States, or to present himself or herself at the time and place required for removal by DHS, or conspires to or takes any action designed to prevent or hamper the applicant's departure pursuant to the order of removal, the applicant shall be subject to a civil monetary penalty of up to \$998 for each day the applicant is in violation. *See* INA § 274D, 8 U.S.C. § 1324d; 8 C.F.R. § 280.53(b)(14).

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name MARTIR-MARTINEZ, JOSE ARMANDO	File Number [REDACTED]	Date 12/05/2023
Event No: [REDACTED]		

CITIZENSHIP:
MARTINEZ is a native and citizen of El Salvador with no claim to United States citizenship or status as a lawful permanent resident.

ENTRY:
On an unknown date, MARTINEZ entered the United States at an unknown location without being inspected, admitted, or paroled by an immigration official.

ENCOUNTER:
On December 5, 2023, ERO Baltimore Fugitive Operations team had credible information that MARTINEZ was residing at [REDACTED] Riverdale, MD [REDACTED]. At approximately 0550 hours, officers witnessed an individual fitting the description of MARTINEZ leaving the house and starting the car in the driveway plate # [REDACTED]. Officers approached the subject who was identified through his El Salvadorian passport to be MARTINEZ. Officers placed MARTINEZ under arrest and transported him to the Baltimore Field Office without incident.

IMMIGRATION HISTORY:
On 3/5/2022, U.S. Border Patrol arrested MARTINEZ in the Rio Grande Valley near McAllen, TX. On 3/5/2022 MARTINEZ was served an I-860 and ordered removed from the country. On 3/18/2022 MARTINEZ was removed from the United States to El Salvador.

CRIMINAL:
Martinez has no criminal charges or convictions in the United States.

GANG AFFILIATION:
MARTINEZ self admits to being a member of the [REDACTED] criminal gang.

MILITARY HISTORY:
MARTINEZ claims no military service in the United States or with any foreign governments.

MEDICAL:
MARTINEZ claims to have high blood pressure.

PASSPORT/TRAVEL DOCUMENT:
MARTINEZ does possess a valid unexpired passport.

VIOLATION:
MARTINEZ is in violation of Section(s) 212(a)(9)(A)(ii) of the Immigration and Nationality Act (INA).

PHONE CALL:
ERO Baltimore afforded MARTINEZ a phone call, he elected to call his friend [REDACTED] at [REDACTED].

RECOMMENDATION/DISPOSITION:
MARTINEZ will remain in custody pending his removal to El Salvador.

Other Identifying Numbers

Signature S. [REDACTED] PIRIE PIRIE [Signature]	Title Deportation Officer
--	----------------------------------

3 of 4 Pages

IMMIGRATION COURT
7619 LITTLE RIVER TPK., 4TH FL
ANNANDALE, VA 22003

MARTIR-MARTINEZ, JOSE ARMANDO
FARMVILLE DETENTION CENTER
508 WATERWORKS ROAD
FARMVILLE, VA 23901

FILE: 

RE: MARTIR-MARTINEZ, JOSE ARMANDO

NOTICE OF WITHHOLDING - ONLY HEARING

PLEASE TAKE NOTE THAT YOUR WITHHOLDING-ONLY HEARING HAS BEEN
SCHEDULED/RESCHEDULED BEFORE THE IMMIGRATION COURT ON
Aug 23, 2024 AT 08:30 A.M. AT THE FOLLOWING ADDRESS:

7619 LITTLE RIVER TPK., 7TH FLOOR, COURTROOM 16
ANNANDALE, VA 22003

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 SO REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

IN THE EVENT THAT YOU ARE RELEASED FROM CUSTODY, YOU MUST IMMEDIATELY REPORT
ANY CHANGE IN YOUR ADDRESS AND TELEPHONE NUMBER TO THE IMMIGRATION COURT ON
THE ATTACHED FORM EOIR-33. IF YOU FAIL TO PROVIDE AN ADDRESS, YOUR SCHEDULED
HEARING MAY BE HELD IN YOUR ABSENCE.

FAILURE TO APPEAR AT YOUR HEARING EXCEPT FOR EXCEPTIONAL CIRCUMSTANCES* MAY
RESULT IN ONE OF THE FOLLOWING ACTIONS:

1. YOUR HEARING WILL BE HELD IN YOUR ABSENCE AND YOUR APPLICATION
MAY BE DENIED BY AN IMMIGRATION JUDGE.
2. YOU MAY BE TAKEN INTO CUSTODY BY THE DEPARTMENT OF HOMELAND
SECURITY AND HELD FOR FURTHER ACTION.
3. YOU MAY BE REMOVED FROM THE UNITED STATES WITHOUT FURTHER HEARING.

*EXCEPTIONAL CIRCUMSTANCES REFERS TO EXCEPTIONAL CIRCUMSTANCES
SUCH AS SERIOUS ILLNESS OF THE ALIEN OR DEATH OF AN IMMEDIATE
RELATIVE OF THE ALIEN, BUT NOT INCLUDING LESS COMPELLING
CIRCUMSTANCES.

FOR INFORMATION REGARDING THE STATUS OF YOUR CASE, CALL TOLL FREE
1-800-898 7180 OR 304-625-2050.

CERTIFICATE 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: 07/10/2024 BY: COURT STAFF SAT
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other



U.S. Department of Justice

Executive Office for Immigration Review

Board of Immigration Appeals

Office of the Clerk

5107 Leesburg Pike, Suite 2000
Falls Church, Virginia 22041



MARTIR-MARTINEZ, JOSE ARMANDO

NORTHWEST ICE PROC CTR
1623 E. J STREET
TACOMA WA 98421

DHS/ICE Office of Chief Counsel - WAS
500 12TH STREET, SW, STOP 5902
WASHINGTON DC 20536-5902

Name: MARTIR-MARTINEZ, JOSE ARM 

Date of this Notice: 2/21/2025

Enclosed is a copy of the Board's decision in the above-referenced case. If the attached decision orders that you be removed from the United States or affirms an Immigration Judge's decision ordering that you be removed, any petition for review of the attached decision must be filed with and received by the appropriate court of appeals within 30 days of the date of this decision.

Sincerely,

John Seiler
Acting Chief Clerk

Enclosure

Userteam: Docket

NOT FOR PUBLICATION

U.S. Department of Justice
Executive Office for Immigration Review
Board of Immigration Appeals

MATTER OF:

Jose Armando MARTIR-MARTINEZ, 

Applicant

FILED

Feb 21, 2025

ON BEHALF OF APPLICANT: Pro se

ON BEHALF OF DHS: Ann Atalla, Assistant Chief Counsel

IN WITHHOLDING ONLY PROCEEDINGS

On Appeal from a Decision of the Immigration Court, Armandale, VA

Before: Reilly, Appellate Immigration Judge

REILLY, Appellate Immigration Judge

The applicant is a native and citizen of El Salvador who appeals from the Immigration Judge's October 16, 2024, decision, finding him ineligible for relief from removal under the Immigration and Nationality Act ("INA") and denying his application deferral of removal pursuant to regulations implementing the Convention Against Torture.¹ The Department of Homeland Security ("DHS") has filed a brief in opposition to the appeal. The appeal will be dismissed.

We review the findings of fact, including the determination of credibility, made by the Immigration Judge under the "clearly erroneous" standard. 8 C.F.R. § 1003.1(d)(3)(i). We review all other issues, including issues of law, discretion, or judgment, under the de novo standard. 8 C.F.R. § 1003.1(d)(3)(ii).

We adopt and affirm the Immigration Judge's decision that the applicant is ineligible for asylum and withholding of removal under the INA and that the record is inadequate to establish that his future torture with the consent or acquiescence of the Salvadoran government is more likely than not. *See Matter of Burbano*, 20 I&N Dec. 872, 874 (BIA 1994) (recognizing that adoption or affirmance of a decision of an Immigration Judge, in whole or in part, is simply a statement that the Board's conclusions upon review of the record coincide with those which the Immigration Judge articulated in his or her decision). The Immigration Judge's factual findings

¹ See The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, S. Treaty Doc. No. 100-20, 1465 U.N.T.S. 85 (entered into force for United States Nov. 20, 1994). 8 C.F.R. §§ 1208.16(c), 1208.17; 8 C.F.R. § 1208.18(a).

(continued...)



are not clearly erroneous. Further, the applicant did not file a brief in support of his appeal² and although we have considered his arguments in the Notice of Appeal (Form EOIR-26), stating that he fears torture due to his past gang membership and tattoos, we are not persuaded that the Immigration Judge committed clear error in assessing the evidence of record, or any legal error, in the course of reaching the conclusion that the record did not support a grant of deferral of removal pursuant to the CAT.

Accordingly, the following order will be entered.

ORDER: The appeal is dismissed

² The applicant, who is pro se, indicated in his Notice of Appeal that he intended to file a brief in support of his appeal. We note for the record that the December 5, 2024, initial notice of the briefing schedule was returned to the Board as undeliverable on December 31, 2024. On December 23, 2024, the Board received notice that the applicant had been moved to the Northwest Detention Center. See Form I-830. Accordingly, a new briefing schedule was set and a notice was sent to the applicant on January 10, 2025, notifying him that his brief was now due on January 31, 2025. As notice, no brief has been filed to date.

(Type or Print) NAME AND ADDRESS OF ASSISTED PARTY			ALIEN REGISTRATION NUMBER ("A-Number") (Provide A-Number of the assisted party in this case.) 	
Jose	A.	MARTIR-MARTINEZ		
(First)	(Middle Initial)	(Last)		
1623 East J. St.	St. 5			
(Number and Street)	(Apt. No.)			
Tacoma	WA	98421		
(City)	(State)	(Zip Code)		
Entry of limited appearance for (please check all that apply and provide a brief description of the assisted document(s) in the space provided below. Additional information may be provided on the reverse side of this form): ☐ Appeal☐ Brief☒ Motion☐ Other Document Description: <u>Transcript of Motion to Reconsider.</u>				
Attorney or Representative (please check one of the following): ☒ I am an attorney eligible to practice law in, and a member in good standing of, the bar of the highest court(s) of the following states(s), possession(s), territory(ies), commonwealth(s), or the District of Columbia (use additional space on reverse side if necessary) and I am not subject to any order disbaring, suspending, enjoining, restraining or otherwise restricting me in the practice of law in any jurisdiction (if subject to such order, do not check this box and explain on reverse). Full Name of Court <u>WA State Supreme Ct.</u> Bar Number (if applicable) <u>57640</u> ☐ I am a representative accredited to appear before the Executive Office for Immigration Review as defined in 8 C.F.R. § 1292.1(a)(4) with the following recognized organization: _____ ☐ I am a law student or law graduate of an accredited U.S. law school as defined in 8 C.F.R. § 1292.1(a)(2) (EOIR-60 must be filed by supervising attorney or accredited representative along with that supervisor's EOIR-60). ☐ I am a reputable individual as defined in 8 C.F.R. § 1292.1(a)(3). ☐ I am an accredited foreign government official, as defined in 8 C.F.R. § 1291.1(a)(5), from _____ (country). ☐ I am a person who was authorized to practice on December 23, 1952, under 8 C.F.R. § 1292.1(b).				
Attorney or Representative: I hereby enter my limited appearance at the request of the party named above. I have explained the limited nature of my assistance to the party named above, including an instruction that I am not agreeing to serve as the party's attorney or representative in proceedings before EOIR. I have read and understand the statements provided on the reverse side of this form that set forth in the regulations the conditions governing limited appearances and representations before EOIR. By signing this form, I consent to publication of my name and any findings of misconduct by EOIR, should I become subject to any public discipline by EOIR pursuant to the rules and procedures at 8 C.F.R. 1003.101 <i>et seq.</i> I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.				
SIGNATURE OF ATTORNEY OR REPRESENTATIVE X <u>CAROLINA</u>		EOIR ID NUMBER <u>TT748874</u>	DATE <u>3/17/25</u>	
NAME OF ATTORNEY OR REPRESENTATIVE & CONTACT INFORMATION				
Name: <u>Carolina</u>	<u>I.</u>	<u>QUESADA PONCE</u>		
(First)	(Middle Initial)	(Last)		
Address <u>2209 N. Pearl St. Ste 200</u>	<u>Tacoma</u>	<u>WA</u>	<u>98406</u>	
(Street)	(City)	(State)	(Zip Code)	
Law Firm or Organization: <u>NWIRP</u>				
Telephone: <u>206.816.3892</u> Facsimile: <u>253.383.0111</u> Email: <u>carolinap@nwirp.org</u>				

Proof of ServiceI (Name) Carolina Quesada Ponce emailed, mailed or delivered a copy of this Form EOIR-60 on (Date) 3/1/25to the DHS (Immigration and Customs Enforcement - ICE) at 500 12th St. SW, STOP 52102, Washington DC

X

CAROLINA

20536

Signature

Additional Information

My Representation is limited to transcribing from Spanish to English the Motion to Reconsider.

LIMITED APPEARANCES - A limited appearance for each assisted party listed on an appeal, brief, motion, or other document shall be filed on a separate Form EOIR-60. A Form or Forms EOIR-60 shall be filed together with the assisted filing at the time the documents are filed with the Board of Immigration Appeals (BIA). At this time, because pro se respondent cases are not eligible for electronic filing, all Forms EOIR-60, together with the assisted filing, shall be physically filed with the BIA (for further information, please see the BIA Practice Manual, which is available on the EOIR website at www.justice.gov/eoir). The attorney or representative must check the box indicating whether the limited appearance is for a particular appeal, brief, motion, or other document. Each subsequent filing or submission must be accompanied by a new limited appearance form. When a limited appearance is executed, the attorney or representative's signature constitutes a representation that, under the provisions of 8 C.F.R. part 1003, they are an authorized and qualified practitioner, have notified the client about the scope of the limited appearance, and will comply with the EOIR Rules of Professional Conduct in 8 C.F.R. § 1003.102.

FREEDOM OF INFORMATION ACT - This form may not be used to request records under the Freedom of Information Act or the Privacy Act. The manner of requesting such records is in 28 C.F.R. §§ 16.1-16.11 and appendices. For further information about requesting records from EOIR under the Freedom of Information Act, see *How to File a Freedom of Information Act (FOIA) Request with the Executive Office for Immigration Review*, available on EOIR's website at <http://www.justice.gov/eoir>.

PRIVACY ACT NOTICE - The information requested on this form is authorized by 8 U.S.C. §§ 1229(a), 1362 and 8 C.F.R. § 1003.38 in order to enter an appearance before EOIR. The information you provide is mandatory and required to enter an appearance. Failure to provide the requested information will result in an inability to enter an appearance. EOIR may share this information with others in accordance with approved routine uses described in EOIR's system of records notice, EOIR-001, Records and Management Information System, 69 Fed. Reg. 26,179 (May 11, 2004), or its successors and EOIR-003, Practitioner Complaint-Disciplinary Files, 64 Fed. Reg. 49237 (September 1999). Furthermore, the submission of this form acknowledges that an attorney or representative will be subject to the disciplinary rules and procedures at 8 C.F.R. 1003.101 *et seq.*, including, pursuant to 8 C.F.R. §§ 292.3(h)(3), 1003.108(c), publication of the name of the attorney or representative and findings of misconduct should the attorney or representative be subject to any public discipline by EOIR.

CASES BEFORE EOIR - Automated information about cases before EOIR is available by calling (800) 898-7180 or (240) 314-1500.

FURTHER INFORMATION - For further information, please see the BIA's Practice Manual, which is available on the EOIR website at www.justice.gov/eoir.

Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete this form is six (6) minutes. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Executive Office for Immigration Review, Office of the General Counsel, 5107 Leesburg Pike, Suite 2600, Falls Church, Virginia 22041.

**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
5107 LEESBURG PIKE, SUITE 2000
FALLS CHURCH, VIRGINIA 22041**

In the Matter of

MARTIN-MARTINEZ, Jose Armando

In Removal Proceedings

File No. 

MOTION TO RECONSIDER

Respondent, proceeding *pro se*, respectfully moves the Board of Immigration Appeals ("the Board" or "the BIA") to reconsider its decision dated 2/24/2025 in which it denied Respondent's application for Convention Against Torture (CAT). This motion is timely in that it is being filed within 30 days of the Board's decision, and is not numerically barred in that Respondent has not filed a previous motion to reconsider. 8 C.F.R. § 1003.2(b)(2).

According to the regulations, "[a] motion to reconsider shall state the reasons for the motion by specifying the errors of fact or law in the prior Board decision and shall be supported by pertinent authority." 8 C.F.R. § 1003.2(b)(1). Respondent's motion to reconsider is based on the following reasons:

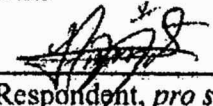
- The court and the Board of Immigration Appeals failed to give appropriate consideration to the evidence I provided of how the  targeted me and my family.
- I am including evidence that was not previously available.

to me on how the [REDACTED] has targeted my family. my mom and one of my daughters were [REDACTED] by [REDACTED] members when they went looking for me at my parents house. They [REDACTED] my mom, daughter, and father because they did not disclose any information. After this the gang members [REDACTED]. my ex-partner reported my daughter's [REDACTED] to the police and the gang went looking for my child [REDACTED] for having reported the [REDACTED] further on November 2024 (months after my hearing) the gang went looking for dad so he could provide info on my whereabouts, because he refused, he [REDACTED] at. my life is in danger if I were to returned to El Salvador a former [REDACTED] member who is fleeing the gang.

for these reasons I respectfully request that the BIA reconsider as I would most likely be [REDACTED] if the Salvadoran government is unable or unwilling to protect me.

• Because the underlying relief for this application is asylum (following the manual's definition including withholding of removal & Convention Against Torture) there is no fee associated with this form.

Respectfully submitted on: 03/17/25
Date


Respondent, pro se

CERTIFICATE OF SERVICE

I, Carolina Quesada Ponce, hereby certify that I served a true and correct copy of the attached Motion and all supporting documents by regular mail on 3/19/25 to:

Department of Homeland Security

Office of the Chief Counsel

150 12th St, SW STOP 5902

Washington DC, 20536

CAROLINA QUESADA PONCE

signature

3/19/25

Date

Name: MARTIN MARTINEZ, Jose Armando
A: [REDACTED]
Pro Se Petitioner
1623 East J Street, Suite 5
Tacoma, WA 98421

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
BOARD OF IMMIGRATION APPEALS
5107 LEBURG PIKE, SUITE 2000
FALLS CHURCH, VIRGINIA 22041

In the Matter of

MARTIN MARTINEZ, Jose Armando
(print your name here)

Respondent.

[REDACTED] [REDACTED]
(write your A number here)

IN REMOVAL PROCEEDINGS

DETAINED

MOTION TO STAY REMOVAL

I, the Respondent, proceeding *pro se*, respectfully request that this Court grant a discretionary stay of removal in my case until it has had the chance to adjudicate the concurrently filed Motion to Reconsider. I am attaching a fee waiver with this application.

Respectfully submitted on: 03/17/25

Date

[Signature]
Respondent, *pro se*
Northwest Detention Center
1623 East J Street, Suite 5
Tacoma, WA 98421

CERTIFICATE OF SERVICE

I, Carolina Quesada Ponce do hereby certify that I

- ☒ Mailed
- ☐ Hand delivered
- ☐ Caused to be placed, via NWIRP courier, in the ICE drop box inside the main entrance to the Northwest Detention Center

a true and correct copy of the attached to:

Office of Chief Counsel
Immigration and Customs Enforcement
600 12th St, SW STOP 6902
Washington DC 20536

Date: 3/10/25

Signed: GARCIA

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.

MARTINEZ-MARTINEZ, Jose, Armando

Name (Last, First, Middle)

[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.

MARTINEZ-MARTINEZ, Jose Armando

(Print name of respondent filing the form)

[Signature]

(Signature of respondent filing the form)

03/17/25

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

2. Estimate your average monthly expenses. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

Expense Sources	Monthly Average
Rent or home-mortgage payment(s) (include lot rented for mobile home)	\$ 0.00
Utilities (electricity, heating fuel, water, sewer, telephone, internet, etc.)	\$ 0.00
Installment payments or outstanding debits (credit card(s), store credit card(s), vehicle payment, personal loan(s), etc., but not including rent or home-mortgage payments)	\$ 0.00
Living expenses (food, clothing, transportation, child care, tuition, etc.)	\$ 0.00
All other expenses, including but not limited to these and other sources: alimony, child support, insurance, medical, health, any state or federal taxes, attorney fees, etc.	\$ 0.00
2.B: TOTAL AVERAGE MONTHLY EXPENSES	\$ 0.00

3. Calculate ability to pay filing fee (total income minus total expenses):

TOTAL AVERAGE MONTHLY INCOME (1.A):	\$ 0.00
TOTAL AVERAGE MONTHLY EXPENSES (2.B):	- \$ 0.00
TOTAL:	\$ 0.00

4. Provide any other information that will help explain why you cannot pay the filing fees for your appeal, motion, or application. Include your name and "A" number on all pages of any additional document(s) or additional pages.

I have been detained since December 5, 2023 and as such have been unable to derive any income. I do not have money to pay for the fee.

Attorney or Representative (if any):

(If an attorney or representative is submitting this form, the attorney or representative must complete, sign, and date below.)

I hereby attest that I have reviewed the details provided herein and I am satisfied that this fee waiver request is made in good faith.

N/A
Signature of Attorney or Representative

N/A
Print Name

N/A
EOIR ID Number

N/A
Date

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Privacy Act Notice: The information on this form is requested to determine if you have established eligibility for the fee waiver you are seeking. The legal right to ask for this information is located at 8 C.F.R. § 1003.8(a)(3). EOIR may provide this information to other Government agencies. Failure to provide this information may result in denial of your request.

December 6, 2024

I, Jose Ricardo Martir Aguilar, I am 61 years old, and live in the state of Sayapango, San Salvador. I address you with all due respect to express that my son Jose Armando Martir Martinez, 43 years old, who emigrated to the USA, and is in the process of immigration proceedings, for which I ask you to please give him a chance to stay in that country, because here in this country of El Salvador his life is in a great danger: All because he no longer wanted to perish in the gang that did so much harm to my son Jose and the whole family.

Early on 2020 one of those gang members from [REDACTED] where the [REDACTED] he was in a very critical condition after he got shot we took him to a private clinic, because if we had taken him to the public hospital they would have killed my son. On 2022 my son fled to the USA saving his life but unfortunately he got deported back to where I live. He was here for a day and fled one more time to USA.

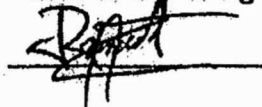
On 2023 the [REDACTED] gang were so furious that they came to [REDACTED] and [REDACTED] because we would not given them information about where my son Jose Armando was. After, that, they threatened to kill my wife Adelina Martinez, and then they also [REDACTED] my gran-daughter [REDACTED] Jose's daughter. We could not report to the police these incidents because we were threatened by the perpetrators [REDACTED] gang and we were fearing for our lives. But my daughter-in-law Roxana Guadalupe Baches Herrera the mother of [REDACTED] did reported to the police about her daughter been [REDACTED] by the gang members. But they fled from the country to USA right away because the gangsters found out about the police report and they came to look for my daughter-in-law and my grand-daughter to kill them. My wife Adelina Martinez left me as well and went to leave to another State Usulután.

After all this, the threats have been continued. A month ago, (November 2024) few of the gang members from [REDACTED] came to my house to kill me because I didn't give them information about my son Jose Armando location. This gang member called "[REDACTED]" in his hand since the other gang member told him saying (kill this mother fucker), "[REDACTED]" he shot me following that order.

I have a [REDACTED] and the doctors have not been able to remove it and I am in a serious condition because of this bullet lodged in my body. I could not go to the police to report this assaulted and tempt of murder against me, reason why because they are incarcerating any family members whomsoever has a gang member in the family. Authorities of this country say that the country is safe when in reality it is the opposite. My family and I are the ones who face these threats and abuses from organized crime and from the government. I therefore ask that my son may have a healthy and safe place to live and my recover from all the evil he experienced here and may also be a family member and a father.

I Jose Ricardo Martir Aguilar make this statement above under penalty of perjury and its true and correct.

Sincerely
Jose Ricardo Martir Aguilar



My name is Adelina Martinez, I am 63 years old and I live in El Salvador. I am the mother of Jose Martir Martinez who is in the Immigration Courts fighting his case. I am writing to you asking you to please have compassion on my son Jose. His life is in a great danger here in El Salvador; Because of members of the gang [REDACTED] that he has not been a part of them for many years.

Since he left the gang, they have tried to kill him many times and they have shot him in the neck. My son never talk about this incident because of getting death calls if he did and they will kill us all.

After the gang [REDACTED] shot my son; in the beginning of 2020 they came to threatened us not to move or leave nowhere from where we lived or talk to anyone about what they've done to my son Jose. They made us to pay rent which is extortion.

My son was shot in the beginning of 2020 by the [REDACTED] gang members and then he fled to the USA. In 2022 saving his life. Five of the gang members of [REDACTED] came at the beginning of 2023 to the house with guns in their hands pointing at our heads and hitting us with the back of the pistols. They [REDACTED] and my grand daughter [REDACTED] 14 years old; Jose's daughter.

All I heard was we are going to kill you all and they were telling me what they are going to do to my son Jose for [REDACTED].

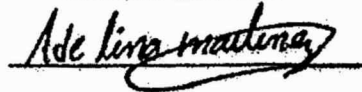
We were torture physically and mentally that day and when they were done they destroyed the house and burned all our belongings. We never made a formal complaint to the authorities about what was happening to all of the family. But my daughter-in-law Roxana Guadalupe Herrera report the incident of what had happened to Her daughter [REDACTED] to the police. The [REDACTED] gang found out about the report the next day. They fled living the country and went to USA.

I also fled to another state called Usulután like few hours away from the area called Soyapango were my husband stayed back because he want to repair the house. My husband Ricardo Martir just recently got shot by one of the gang members. He called me letting me know not to go visit him because they are still in the are. He cannot go to the police and reported to them because they are putting in prison any family member whose [REDACTED], also they just standing by and letting torture take place because that's the administration of the president of this country laws are (let them kill themselves he said in the news)

Now I am afraid that my son will be deported and since he [REDACTED], he will be [REDACTED] for life an also killed in there for having left the gang. Now his life is in a great danger again because of the new government's laws. I ask to whom it may concern to please have mercy my son because due to everything that happened, one of my grand-daughters [REDACTED] Martir [REDACTED]. Jose's daughter [REDACTED] against my son Jose.

I Adelina Martinez make this statement above under penalty of perjury and its true and correct.

Sincerely
Adelina Martinez



Name: JOSE A. MATR-MARTINEZ
A# [REDACTED]
Northwest Ice Processing Center
1623 E J Street
Tacoma, WA 98421

\$3.
US POSTAGE
FIRST-CLASS
053S00014
FROM [REDACTED]

FILED
LOGGED
RECEIVED
MAIL

OCT 31 2025

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY [REDACTED] DEPUTY

CLERK U.S. District Court
Western District - Washington
700 STEWART STREET
SEATTLE, WA. 98101

LEGAL MAIL

