



Name: EDDY, MEJIA-CHAVEZ.
1623 EAST J STREET SUITE FIVE
TACOMA, WASHINGTON 98421

JAN 12 2026

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

UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

2:26-cv-00127 TSZ

Name : **EDDY,MEJIA-CHAVEZ.**

) Case No.: TUS2510000061

) A # 

Petitioner

)
) PETITION FOR WRIT OF HABEAS CORPUS
) UNDER 289 USC 2241

vs.

ICE Field Office Director

Respondent

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

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

FACTS

1. This Petitioner has been within the confines of the Northwest Detention Center, a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of 9 months.
2. On the date of 03 / 24 / 2025 the Petitioner entered the Northwest Detention Center and has not been released since that date.
3. The current charges of deportation is
Immigration Record (NEGATIVE). Criminal Record (None Known).

1 4. Petitioner has appealed before the BIA / Ninth Circuit (Circle One) and the case remains
2 pending.

3 5. The Ninth Circuit has issued a Stay of Removal in the case # 25-7436.

4 **JURISDICTION**

5 The Jurisdiction of this Court is sought under 28 USC 2241.

6 **QUESTION PRESENTED**

- 7 1. Is the Petitioner entitled to release from the Attorney General?
8 2. Is alternative relief in the form of release on conditions appropriate or release on bond that is
9 reasonable?

10 **RELIEF REQUESTED**

11 That the Court Order the Petitioner to be released on supervised release pending all finality or
12 that the court orders the Agency to hold a bond hearing where individual factors are considered that can
13 allow for the release of the Petitioner pending the conclusion of his legal matters with ICE and the
14 District Courts and the Ninth Circuit.

15 **ARGUMENT**

16 An alien should not be held in custody unless there are no facts or circumstances
17 that would guarantee his return for hearings or to be deported. In general, an alien should not be
18 detained or required to post bond unless it is found that he is a threat to the national security or a
19 poor bail risk. Matter of Patel, 15 I & N Dec. 666 (BIA 1976). National Center for Immigrant
20 Rights v INS, 743 F2d 1365 (9th Cir. 1984).

21 Furthermore, the Ninth Circuit has recently issued guidelines regarding the release of aliens
22 and the jurisdiction of the Immigration Judge and BIA to grant bond in these cases. In particular,
23 the Ninth Circuit, in an unpublished Order in Bromfield v Mukasey, 07-72319 made the distinction
24 regarding persons due bond and those who are held under the authority of the Attorney General.
25 The Ninth Circuit decided that Bromfield was due a bond hearing, and that, even though he was

1 being held pending the Ninth Circuit's ruling on his Petition for Review, he was entitled to bond,
2 and the BIA and IJ had authority to grant the bond.

3 The Ninth Circuit on July 25th, 2008 issued two decisions in cases that had been pending before it.
4 Those precedential cases are Preito-Romero v A. Neil Clark, 07-35458 ____ F. 3d ____; and Casas-
5 Castrillon v Lockyer, 07-56261, ____ F. 3d _____. Those decisions deliberately discuss the interplay
6 between the statutes governing detention of aliens and release of aliens. In particular, the Ninth Circuit
7 issued precedents dealing with several inter-related issues: A. When bond hearing is required; B. The
8 burden of the parties in bond hearings; C. When detention remains legally authorized.

9 In this case we have a person who is currently being held by the Immigration Services where the
10 Bond is either nonexistent or where the Bond is too high to afford and is unreasonable given the
11 circumstances that the Respondent will appear for all future hearings.

12 The Respondent has equities in the United States and those equities far outweigh any adversities.
13 If the Respondent is released he will appear for all hearings and will appear if he is to be removed from
14 the country.

15 The Respondent here moves the Judge to grant a bond review in this case and to release the
16 Respondent upon conditions that is fair and just.

17 The release on bond or conditions will allow the Respondent to continue with his life, with his
18 family, and to gain evidence to use in his hearing and to gain possible assistance of counsel or other
19 adequate representative.

20 Petitioner is not held under 8 USC 1226 (c) according to the Ninth Circuit's decision on the
21 matter. The Ninth Circuit cited that the Government's interpretation was incorrect where the Agency and
22 the Government has repeatedly held that aliens are held under 8 USC 1226 (c) and ineligible for a grant of
23 bond. The Ninth Circuit cited that an alien who has completed the administrative process is held under 8
24 USC 1226 (a). "which gives the Attorney General general discretionary authority to detain an alien
25 'pending a decision on whether the alien is to be removed from the United States.'"

1 The Court in Cases-Castrillon cited, “the Supreme Court similarly recognized in *Denmore v Kim*,
2 538 US. 510 (2003) that 1226 (c) was intended only to “govern {} detention of deportable criminal aliens
3 *pending their removal proceedings*,” which the Court emphasized typically “lasts roughly a month and a
4 half in the vast majority of cases in which it is invoked and about five months in the minority of cases in
5 which the alien chooses to appeal’ his removal order to the BIA. Id. at 527-528.

6 Importantly, the Ninth Circuit held that the conclusion of proceedings occurs upon the dismissal
7 of the alien’s appeal by the BIA.

8 Thus, under the explicit Ninth Circuit holding, the fact that the custody has changed from 1226
9 (c) to 1226 (a) means that the Agency no longer had mandatory detention of the alien, but has the
10 authority to order release on bond or upon conditions.

11 Moreover, the Ninth Circuit explicitly rejected the Government’s contention that the custody
12 again shifts once the Circuit Court issues an order of stay of removal. The Ninth Circuit also rejected that
13 the custody authority changes once the Circuit grants relief. “We therefore conclude that the mandatory,
14 bureaucratic detention of aliens under 1226 (c) was intended to apply for only a limited time and ended in
15 this case when the BIA affirmed...” id. See Prieto-Romero slip op. at 9295.

16 Directly contradicting the Agency’s previous holdings, the Court cited, “Even though *Casas*’
17 detention is permitted by statute because keeping him in custody could serve a legitimate immigration
18 purpose, **Casas may nonetheless have the right to contest before a neutral decision maker whether**
19 **the government’s purported interest is actually served by detention in his case.** There is a difference
20 between detention being authorized and being necessary to any particular person. We hold that the
21 government may not detain a legal permanent resident such as *Casas* for a prolonged period without
22 providing him a neutral forum in which to contest the necessity of his continued detention.”

23 This decision by the Ninth Circuit completely establishes the right of aliens to an impartial hearing
24 before a neutral decider who will take evidence on the issue and grant bond in the cases where it is amply
25 demonstrated that bond is applicable. Moreover, this finding by the Ninth Circuit is directly in line with

1 Matter of Patel, supra. This standard is the same for persons who are aliens without criminal histories as
2 for those with such a history. According to the Ninth Circuit's decision in Prieto-Romero and Casas-
3 Castrillon, both are entitled to impartial hearings before a neutral factfinder.

4 Although this Petition is not within the *Zadvydas* mold, the *Zadvydas* opinion opened by noting the
5 clear applicability of general due process standards: physical detention requires both a "special
6 justification" that "outweighs the 'individual's constitutionally protected interest in avoiding physical
7 restraint'" and "adequate procedural protections." 533 U.S. at 690, 150 L Ed 2d 653, 121 S Ct
8 2491 (quoting *Hendricks* at 356, 138 L Ed 2d 501, 117 S Ct 2072). Nowhere did the Court suggest that
9 the "constitutionally protected liberty interest" in avoiding physical confinement, even for aliens already
10 ordered removed, was conceptually different from the liberty interest of citizens considered in *Jackson*,
11 *Salerno*, *Foucha*, and *Hendricks*. On the contrary, the Court cited those cases and expressly adopted their
12 reasoning, even as applied to aliens whose right to remain in the United States had already been declared
13 forfeited. *Zadvydas*, 533 U.S., at 690, 150 L Ed 2d 653, 121 S Ct 2491.

14 Thus, this Court's review must begin by positing commonly accepted substantive
15 standards and proceeded to enquire into any "special justification" that might outweigh the aliens'
16 powerful interest in avoiding physical confinement "under [individually ordered] release conditions that
17 may not be violated." *Id.*, at 696, 150 L Ed 2d 653, 121 S Ct 2491. The Supreme Court found nothing to
18 justify the Government's position. The statute was not narrowed to a particularly dangerous class of
19 aliens, but rather affected "aliens ordered removed for many and various reasons, including tourist visa
20 violations." *Id.*, at 691, 150 L Ed 2d 653, 121 S Ct 2491. The detention itself was not subject to "stringent
21 time limitations," *Salerno*, 481 U.S., at 747, 95 L Ed 2d 697, 107 S Ct 2095, but was potentially indefinite
22 or even permanent, *Zadvydas*, 533 U.S., at 691, 150 L Ed 2d 653, 121 S Ct 2491. Finally, although both
23 *Zadvydas* and *Ma* appeared to be dangerous, this conclusion was undermined by defects in the procedures
24 resulting in the finding of dangerousness. *Id.*, at 692, 150 L Ed 2d 653, 121 S Ct 2491. The upshot was
25 such serious doubt about the constitutionality of the detention statute that the Supreme Court construed it

1 as authorizing continuing detention only when an alien's removal was "reasonably foreseeable." *Id.*, at
2 699, 150 L Ed 2d 653, 121 S Ct 2491.

3 In Demore v Kim, 538 U.S. 510; 123 S. Ct. 1708; the Court stated, "While it is true that
4 removal proceedings are unlikely to prove "indefinite and potentially permanent," 533 US. at 696, 150 L
5 Ed 2d 653, 121 S Ct 2491, they are not formally limited to any period, and often extend beyond the time
6 suggested by the Court, that is, "an average time of 47 days" or, for aliens who exercise their right of
7 appeal, "an average of four months." *Ante*, at 155 L Ed 2d, at 742; see also Case Hearing Report 12
8 (finding that the average time from receipt of charging documents by a detained alien to a final decision
9 by the immigration judge was 54 days). However, in this case, the confinement has been for 289 days.
10 Thi is completely excessive and this Court has jurisdiction to order the Agency to release the Petitioner or
11 to set a bond for the Petitioner's release or that the Petitioner be released on conditions.

12 Petitioner does assert the fact that he is not able to afford a large bond, but may be able to gain
13 assistance from the community in gaining access to a low bond.

14 For the reasons that go before, the Petitioner urges that the court issues orders that does
15 substantial justice.

16 Dated: 01 / 07 / 2026

17
18 Signed:  _____

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4 **VERIFICATION**

5 I, **EDDY,MEJIA-CHAVEZ**, do hereby aver that the words above are the
6 truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide
7 this information based upon personal belief that they are the facts of this matter, except where
8 stated on personal belief. Submitted under the penalty of perjury of the laws of
9 the United States.
10

11 //
12
13
14 Dated this **01 / 07 / 2026**

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PROOF OF SERVICE

&

DECLARATION

I, **EDDY, MEJIA-CHAVEZ**, 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

**U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101**

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 **01 / 07 / 2026**

Signed: 

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

OMB# 1125-0003

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.

EDDY,MEJIA-CHAVEZ.

Name (Last, First, Middle)



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.

EDDY,MEJIA-CHAVEZ

(Print name of respondent filing the form)

(Signature of respondent filing the form)

01/07/2026

(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".

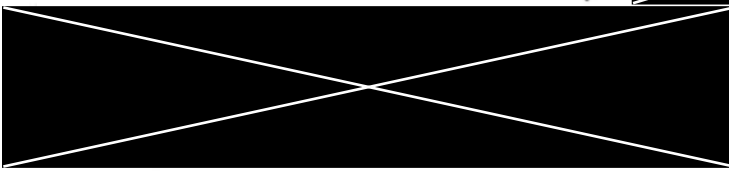
1. Estimate your average monthly amount of money received from each of the following sources. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the average monthly rate. Use gross amounts, that is, amounts before any deductions for taxes and other state/federal 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
1.A.: TOTAL AVERAGE MONTHLY INCOME	\$ 0.00

U.S. Department of Homeland Security

Subject ID

Record of Deportable/Inadmissible Alien

Family Name (CAPS) MEJIA-CHAVEZ, EDDY		First	Middle	Sex M	Hair BLK	Eyes BRO	Complexion MED
Country of Citizenship EL SALVADOR	Passport Number and Country of Issue	File Number		Height 69	Weight 170	Occupation LABORER	
U.S. Address FAILED TO PROVIDE				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 10/05/2024, 1000, 10 mile(s) W of SAS, PWA (AFOOT)				Passenger Boarded at			
Number, Street, City, Province (State) and Country of Permanent Residence				FBI Number			
Date of Birth Age: 29				Date of Action 10/09/2024		Location Code TCA/TUS	
City, Province (State) and Country of Birth CUZCATLAN, LA PAZ (EL SALVADOR), EL SALVADOR				Form (Type and No.) Lifted ☐ Not Lifted ☐		Method of Location/Apprehension PB	
NIV Issuing Post and NIV Number				Social Security Account Name		At Near ROBLES JUNCTION, AZ	
Date Visa Issued				Social Security Number		Date/Time 10/07/2024 0814	
Immigration Record NEGATIVE				Criminal Record None Known			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) See Narrative				Number and Nationality of Minor Children			
Father's Name, Nationality, and Address, if Known See Narrative				Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative			
Monies Due/Property in U.S. Not in Immediate Possession None Claimed				Fingerprinted? ☐ Yes ☐ No		Systems Checks	
Name and Address of (Last) Current U.S. Employer				Type of Employment		Salary Hr	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS #:				Charge Code Word(s) I7A1			
DNA Envelope #							
							
Left Index Print				Right Index Print			
ARREST COORDINATES: Latitude: 32.06473 Longitude: -111.37468				Subject to the Proclamation (SB)			
CONSEQUENCE DELIVERY SYSTEM: Classification: FIRA				SHARON K ROGERS Date: 2024.10.09 16:51:29 0312272084.CBP			
Program: EBC				SHARON ROGERS BORDER PATROL AGENT			
Alien has been advised of communication privileges				(Date/Initials)			
Distribution:				Received: (Subject and Documents) (Report of Interview)			
				Officer: SHARON ROGERS			
				on: October 09, 2024 at 1452 (time)			
				Disposition: Expedited Removal - Securing the Border			
				Examining Officer:			

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name MEJIA-CHAVEZ, EDDY	File Number 	Date 10/09/2024
CONSULAR NOTIFICATION: Eddy MEJIA-Chavez, was notified of his right to communicate with a Consular Officer from Mexico as per Article 36(1) (b) of the Vienna convention on Consular Relations. MEJIA-Chavez indicated that he understood this right but declined to speak with anyone at this time. MEJIA-Chavez exhibited no manifestation of fear or expressed an intention to apply for asylum or related protection while in Border Patrol custody. DISPOSITION/ADDITIONAL INFORMATION: MEJIA-Chavez is being held in Service custody pending removal proceedings as an Expedited Removal as per Section 235(b) (1) (A) (iii) of the INA. MEJIA-Chavez was apprehended within fourteen days of his last entry into the United States and within 100 air miles from the United States / Mexico international boundary. As per Presidential Proclamation, Securing the Border, pursuant to the Interim Final Rule, Securing the Border, 8 C.F.R. 235.15, guidelines The Subject was not issued an I-867A/B Sworn Statement. Based on the information provided MEJIA-Chavez does not derive or acquire U.S. citizenship. MEJIA-Chavez will be removed at a time, place and in a manner consistent with removal proceedings for a citizen of their designated country of removal.		
Signature SHARON ROGERS	SHARON K ROGERS Date: 2024.10.09 16:51:51 -07:00 0312272084.CBP	Title BORDER PATROL AGENT

3 of 3 Pages

U.S. Department of Homeland Security

Continuation Page for Form I213

Alien's Name MEJIA-CHAVEZ, EDDY	File Number 	Date 10/09/2024
SPOUSE NAME AND ADDRESS: ----- Nationality: EL SALVADOR UMANA LOPEZ, CARLA DIANA FATHER NAME AND ADDRESS: ----- Nationality: EL SALVADOR MEJIA, RIGO MOTHER NAME AND ADDRESS: ----- Nationality: EL SALVADOR DE MARTINEZ, SYLVIA ELIZABETH Other Family/Associates Not in Event: ----- Father, MEJIA, RIGO, ELSAL Mother, DE MARTINEZ, SYLVIA, ELSAL Spouse, UMANA LOPEZ, CARLA, ELSAL NARRATIVE: ----- IMMIGRATION HISTORY: See attached records. CRIMINAL HISTORY: None known. ENCOUNTER: Border Patrol Agent (BPA) Adam Jones encountered Eddy MEJIA-Chavez (DOB:  a citizen of Mexico), on 10/07/2024 at approximately 8:30 AM at the HWY 86 Checkpoint near Robles Junction, Arizona. The Border Patrol Agent then determined MEJIA-Chavez had unlawfully entered the United States of America near Sasabe, Arizona from Mexico at a time and place other than as designated by the Secretary of Homeland Security of the United States of America. MEJIA-Chavez was apprehended within a group of four individuals. After determining that MEJIA-CHAVEZ was an alien who illegally entered the United States of America, MEJIA-CHAVEZ was arrested and transported to the Tucson Soft Sided Facility for further processing using the e3/IDENT and IAFIS Systems. IMMIGRATION VIOLATION: At the Tucson Soft Sided Facility, MEJIA-CHAVEZ stated that he was a citizen and national of Mexico without the necessary legal documents to enter, pass through, or remain in the United States. MEJIA-CHAVEZ also admitted to illegally crossing the international boundary on 10/05/2024 at approximately 10:00 AM near Sasabe, Arizona without being inspected by an immigration officer at a designated Port of Entry.		
Signature SHARON ROGERS	SHARON K ROGERS Date: 2024.10.09 16:51:40 -07:00 0312272084.CBP	Title BORDER PATROL AGENT

2 of 3 Pages



Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

BRIEFING SCHEDULE

Docket Number: 25-7436
Agency Number(s): 
Case Title: Mejia-Chavez v. Bondi

Monday, January 5, 2026

Pamela Bondi

Certified Administrative Record due

Monday, January 26, 2026

Pamela Bondi

Respondent Response to Stay Motion
(Filed with PFR) due

Friday, February 13, 2026

Eddy Mejia-Chavez

Immigration Petitioner Opening Brief due

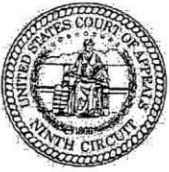
Monday, March 16, 2026

Pamela Bondi

Immigration Respondent Answering Brief
due

Optional Reply Brief due 21 days after service of Answering Brief.

If the opening brief is not filed by the deadline, the court may dismiss this case. See
9th Cir. R. 42-1.



Molly C. Dwyer
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

FILED

NOV 25 2025

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

DOCKETING NOTICE

Docket Number: 25-7436
Agency Number(s): 
Case Title: Mejia-Chavez v. Bondi

Dear Petitioner(s)

Your Petition for Review has been opened in the United States Court of Appeals for the Ninth Circuit and the docket number shown above has been assigned to this case. You must indicate this docket number in every communication and filing you submit to the court about this case.

You are the petitioner(s) in this court because you filed the petition for review. You must file an opening brief, and you may file a reply brief after the government files their answering brief. The brief due dates are listed in the attached Briefing Schedule. These dates can be extended only by court order.

Your Petition for Review includes a request for stay of removal. Pursuant to G.O. 6.4(c), a stay of removal is in effect until that request has been addressed.

Petitioners who are filing pro se should refer to the accompanying information sheet regarding the filing of informal briefs.