

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WASHINGTON**

FILED	LODGED
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JAN 28 2026	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

Javier Eduardo Marquez Rujano
Petitioner

Yismar Yossimar Escalona Salcedo
custody of the petitioner

Immigration No.



Petition for Writ of Habeas Corpus

PETITION FOR WRIT OF HABEAS CORPUS

The petitioner, **Javier Eduardo Marquez Rujano**, a Venezuelan citizen with Alien number 245503606, currently detained at the Northwest Detention Center, files this petition pursuant to 28 U.S.C. § 2241, requesting that this Federal Court order his release.

FACTS:

1. The petitioner entered the United States seeking political asylum on November 18, 2024, in compliance with U.S. immigration laws, primarily the **Immigration and Nationality Act (INA)**.
2. The petitioner is currently detained by **Immigration and Customs Enforcement (ICE)** at the Northwest Detention Center awaiting deportation proceedings.
2. The petitioner has been detained in immigration custody for over a month despite having no criminal record and the lack of legal justification for his detention. He has had a hearing before an immigration judge, but no decision has been issued regarding his prolonged detention.
3. The petitioner's prolonged detention without a hearing on dangerousness and flight risk violates the Due Process Clause of the Fifth Amendment.
4. Therefore, the petitioner respectfully requests that this Court issue a writ of habeas corpus, determine that the petitioner's detention is unjustified because the government has not established with clear and convincing evidence that the petitioner presents a flight risk or

danger in light of the alternatives available to detention, given that the petitioner, while free, complied with the due process requirements for asylum applications, did not miss any court appearances, and has no criminal record. For this reason, the petitioner requests that the Court order his release, with appropriate supervision if necessary, taking into account his ability to pay bail.

5. Alternatively, the petitioner requests that the Court issue a writ of habeas corpus and order his release within 30 days, given that he is a citizen with health problems since the age of nine, including severe kidney failure that causes extreme fatigue, nausea, difficulty breathing, and swelling of the feet, hands, and ankles, which causes him intense pain. This situation requires surgery as soon as possible, which is why I request my immediate release, given that I have repeatedly requested medical attention. The National Manual for Detainees of the Office of Detention and Removal Operations states in Section 3, Initial Admission, Paragraph 8, that if a detainee has a health condition requiring medical attention from a doctor, they must be informed. In my case, I was notified, but currently, every time I complain of pain, I am sent to solitary confinement. The government must establish with clear and convincing evidence that the petitioner presents a flight risk or danger, even after considering alternatives to detention that could mitigate any risks that their release would pose.

JURISDICTION

6. The petitioner is in the custody of Immigration and Customs Enforcement (ICE) at the **NORTHWEST DETENTION CENTER**.

7. This action is based on the Due Process Clause of the Fifth Amendment to the United States Constitution. Jurisdiction is adequate under Title 28 of the United States Code, §§ 1331 (federal question), 2241 (habeas corpus); United States Constitution, art. I, § 2 (Suspension Clause); and Title 5 of the United States Code, § 1331 (federal question), § 702 (Administrative Procedure Act). This Court may grant relief under the statutes of habeas corpus, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

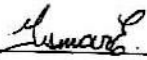
8. Congress has preserved judicial review of challenges to prolonged immigration detention. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-841 (2018) (where it is held that 8 U.S.C. §§ 1226(e), 1252(b)(9) do not preclude review of challenges to prolonged immigration detention); see also *ibid.*, p. 876 (Breyer, J., dissenting opinion). (“8 U.S.C. § 1252(b)(9) ... as defined herein applies only with respect to the review of a deportation order”).

REVIEW OF TITLE 28 U.S. CODE § 2243

9. The Court must grant the petition for habeas corpus or issue an order to show the cause of his detention unless the Petitioner is not entitled to relief. Title 28 U.S. CODE § 2243, it was not legally established whether the cause of his arbitrary detention was due to his race or nationality.

10. The courts have long recognized the importance of the habeas corpus statute in protecting individuals from detention.

01/22/2026
Date


Signature of Petitioner

Signature of attorney or other authorized person, if any

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

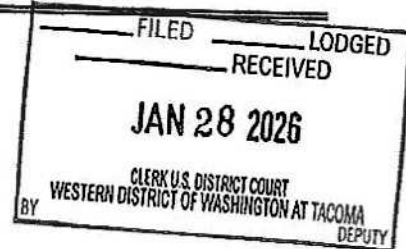
Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits);
 - you are in federal or state custody because of something other than a judgment of conviction (for example, you are in pretrial detention or are awaiting extradition); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (these challenges are generally raised in a motion under 28 U.S.C. § 2255);
 - you are challenging the validity of a state judgment of conviction and sentence (these challenges are generally raised in a petition under 28 U.S.C. § 2254); or
 - you are challenging a final order of removal in an immigration case (these challenges are generally raised in a petition for review directly with a United States Court of Appeals).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. A false statement may lead to prosecution.
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

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



Javier Eduardo Marquez Rujano

Petitioner

v.

Yismar Yossimar Escalona Salcedo

Respondent

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

Case No.

(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: Javier Eduardo Marquez Rujano
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Northwest Detention Center
(b) Address: 1623 E. J Street, Suite 2 Tacoma, WA 98421
(c) Your identification number: [REDACTED]
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): I was detained by ICE officials without just cause and while I had an asylum process underway.

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: Northwest Detention Center 1623 E. J Street, Suite 2 Tacoma WA 98421

(b) Docket number, case number, or opinion number: [REDACTED]

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

I request the challenge of the procedure carried out by the Federal authority ICE, given that there was no just cause for my detention, as I had a pending asylum case before the courts. I am a law-abiding citizen, I have a work permit and Social Security registration, I have no criminal record in the country.

(d) Date of the decision or action: 12/02/2025

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: _____

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: 12/02/2025

(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: _____

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: My detention is illegal because there is no legal basis to justify my arrest, given that I am a citizen who has complied with immigration laws, I have no criminal record and I have an asylum process underway, thus violating my right with a prolonged detention only because of my race and nationality.

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

I comply with U.S. Laws.

I have an asylum application in process, a work permit, and a Social Security number.

I pose no threat to society, I am a responsible citizen committed to my family.

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

☐ Yes

☒ No

GROUND TWO: I am a citizen who has suffered from health problems since the age of nine, including severe kidney failure that causes extreme fatigue, nausea, difficulty breathing, and swelling of my feet, hands, and ankles, resulting in intense pain. This situation requires surgery as soon as possible, which is why I request my immediate release. I have repeatedly requested medical attention and have been sent to solitary confinement.

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

Medical Care I have the right to receive necessary medical care.

The Nacional Manual for Detention and Deportacion Operations states in its section 3 Initial Admission, paragraph 8, that if the detainee has a health condition that requires medical attention from a doctor, he must be informed. In my case, I was notified, but currently every time I complain of pain, I am sent to the punishment cell.

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

☐ Yes

☒ No

GROUND THREE: There is no legal basis for my detention because there is no crime properly defined in the law, I entered the US but complied with immigration laws when I applied for political asylum, given that I am persecuted in my country. I did not fail to comply, I am an honest citizen.

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

The Fourth Amendment to the US Constitution protects citizens, authorities need justification to deprive a citizen of their liberty, therefore these are fundamental rights.

(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: I respectfully request my full freedom, given that there is no legal justification for my detention, which was arbitrary and unfounded, I ask that my constitutional rights, as well as the right to life and medical health, be respected, I also request that I be released to address my medical problems and defend my asylum case with necessary evidence.

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Declaration Under Penalty Of Perjury

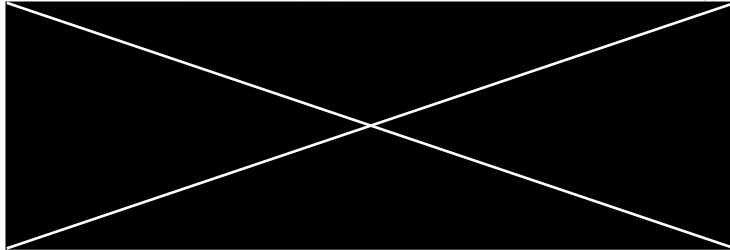
If you are incarcerated, on what date did you place this petition in the prison mail system:
This petition is being filed by your romantic partner

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: 01/21/2026

Javier Eduardo Marquez Bujano
Signature of Petitioner

Yissmar Yossimar Escalona Salcedo
Signature of Attorney or other authorized person, if any



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