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UNITED STATES DISTRICT COURT
DISTRICT OF WESTERN WASHINGTON
SEATTLE DIVISION

Jesus Garcia-Calletano,
Petitioner

V.

Pamela Bondi, et al.,
Respondents

Case No. 2:26-00342-TSZ

PETITIONER'S TRAVERSE

1 Petitioner hereby submits this reply to Federal Respondent's Return
2
3 Memorandum.

4 Immigration counsel, at Petitioner's bond hearing, did try to call her client,
5 Mr. Garcia Calletano, as a witness at his bond hearing. She stated "I don't want to
6 testify today about how he felt. That's something he can do himself today." The
7 Immigration Judge's response was to immediately state words that made clear to
8 counsel that the Immigration Judge considered Petitioner's proposed testimony
9 irrelevant. She stated, "his actions speak for themselves." True, bond counsel did
10 not push against that firm position, but tried to do the best she could under the
11 circumstances. She relied on the other 83 pages of documents she had in her bond
12 package to support his release from custody. It's not unusual that lawyers agree
13 with a Court's stated positions about how the Court would like to proceed on a
14 case. If counsel wishes to obtain a grant of a bond motion from an IJ, the first thing
15 to do might be not to disregard the Court's directions.
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21 This occurred even though the lawyer's desire was not to testify for her
22 client but for Petitioner to testify before that intention was shut down by the IJ.
23 Bond counsel could not show the IJ the remorse Petitioner felt for his actions and
24 for the TikTok posting that invited ICE to his home.
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 On counsel's information and belief, although the cancellation of removal
hearing is set for March 6, 2026 at 8:30 AM for an hour and a half session, there is
a question as to whether or not the individual hearing will take place in its entirety.

1 If hearings such as these are not completed within the time allotted, the case may
2 be continued for a further hearing date, either weeks or months into the future.

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4 Petitioner also risks being transferred out of this district if the individual hearing is
5 not completed. This has happened to two detainees that this counsel has
6 represented who were transferred to California while their individual hearing dates
7 were pending.
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10 Petitioner reprises that if he needs to await the decision of the BIA whether
11 the IJ flawed in how she handled the bond hearing, his wife will suffer "irreparable
12 injury". "Irreparable harm" to Petitioner's wife, Elizabeth, is ongoing, as stated at
13 Exhibit 11, by Rachael Behrens psychosocial evaluation of Elizabeth as stated at 6-
14 7 of the Petition for Writ.
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17 Petitioner necessarily submitted additional evidence to prove prejudice. One
18 key document, the psychosocial evaluation by Ms. Behrens was only completed
19 after the bond hearing. The second key piece of evidence, the Petitioner's
20 declaration is something, again, that the IJ had ruled irrelevant. It's Petitioner's
21 declaration in lieu of his testimony. The evidence before the court about the
22 incident consisted solely of an I-213. The I-213 never mentions that a weapon was
23 drawn and cocked, pointed at Petitioner at the time of his arrest for being illegally
24 present in the U.S. This was not a felony, high risk stop of a career criminal.
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Petitioner's vehicle was blocked in by ICE/CBP agents obstructing his exit from
his own driveway. Petitioner was going one place; that is, to detention. The

1 purpose of Behrens' evaluation of Elizabeth is to show that indeed there is
2 irreparable injury to both his wife and to Petitioner due to his current incarceration.
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4 Surely, Petitioner would welcome having an application for cancellation of
5 removal go forward in a non-detained setting. The biggest priority for him is to be
6 home with his wife and children. Petitioner is not ineligible for consular processing
7 through his spouse. An I-601a waiver, which is a commonly used form, would
8 waive the Petitioner's unlawful presence in the U.S. so that he could proceed to
9 consular processing and not be penalized for his over one year of unlawful
10 presence with a 10 year bar once his wife becomes a U.S. citizen. Under INA §
11 212(a)(9)(B)(i)(II), if Petitioner were to leave the U.S. pursuant to an order of
12 deportation, he would also have at least a 10 year bar on his re-entry into the U.S.
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17 Petitioner reprises that the IJ did not give Petitioner the bond hearing to
18 which he was entitled as a constitutional matter by insisting that his testimony was
19 irrelevant.
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21 Lastly, Petitioner requests this court regardless of the result on the other
22 requests made in his habeas petition, to order that Petitioner not be transferred
23 from this jurisdiction while his immigration proceedings are continuing, unless it is
24 to be released to his home in Portland. Transfer to another jurisdiction would make
25 it a lot more difficult to proceed with his case in custody. For instance, if Petitioner
26 was transferred to Texas (or Mississippi) or some other jurisdiction, counsel would
have a lot more difficulty having access to Petitioner and preparing him for said

1 hearing and difficulty in getting his wife to that hearing as well. Elizabeth does
2 appear to be a key witness who will need to testify at his cancellation of removal
3 merits hearing. Petitioner's counsel, on information and belief, states with both
4 Petitioner and his wife testifying at his cancellation of removal hearing, the case
5 appears unlikely to be completed at its first individual hearing date.
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8 **Supplemental Statement of Law and Argument**
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10 In Zolotukhin v. Gonzales, 417 F.3d 1073 (9th Cir. 2005) where an
11 Immigration Judge did not allow Petitioner's witnesses/immediate family members
12 and an expert to testify at his asylum hearing. The denial of asylum was reversed
13 because the alien had been deprived of a reasonable opportunity to present
14 evidence in support of his asylum claim. The Immigration Judge made a pre-
15 judgment that the Petitioner lacked credibility and thereafter refused to allow
16 witnesses who would have corroborated his credibility.
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20 Here, the IJ had made a prejudgment that this Petitioner was a flight risk and a
21 danger and therefore dismissed his proffered testimony as irrelevant.
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23 Dated this 18th day of February, 2026
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25 Respectfully Submitted,
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/s/Brian Patrick Conry
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CERTIFICATE OF FILING AND SERVICE

I, Brad Gourley-Paterson, do hereby certify that on February 18, 2026, I electronically filed the foregoing PETITIONER TRAVERSE, for Case No. 26-00342, with the Clerk of the U.S. District Court, District of Western Washington, Seattle Division by using the CM/ECF PACER Electronic Filing.

Respectfully Submitted,

/s/Brad Gourley-Paterson
Paralegal
Law Office of Brian Patrick Conry