

Name: Jelber Rolando Botello Hernandez  
1623 EAST J STREET SUITE FIVE  
TACOMA, WASHINGTON 98421

FEB 23 2026

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

UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

Name : Jelber Rolando Botello Hernandez  
Petitioner  
vs.  
ICE Field Office Director  
Respondent

Case No.: 2:26-cv-666-JLR  
A #   
PETITION FOR WRIT OF HABEAS CORPUS  
UNDER 28 USC 2241

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

Here, the Appellant moves this Court to issue an order commanding his release from the custody of ICE 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 ICE Processing Center, a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of 20 months.
2. On the date of July 30, 2024 the Petitioner entered the Northwest ICE Processing Center and has not been released since that date.
3. The current charges of deportation is entering the country illegally.

4. Petitioner has appealed before the BIA / Ninth Circuit (Circle One) and the case remains pending.
5. The Ninth Circuit has issued a Stay of Removal in the case # 25-6787.

#### JURISDICTION

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

#### QUESTION PRESENTED

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

#### RELIEF REQUESTED

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

#### ARGUMENT

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

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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the

Jelber Rolando Botello Hernandez  
Petitioner

v.

Case No. 25-6787  
(Supplied by Clerk of Court)

ICE Field office Director  
Respondent  
(name of warden or authorized person having custody of petitioner)

A#



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

Personal Information

1. (a) Your full name: Jelber Rolando Botello Hernandez  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Northwest ICE Processing Center  
(b) Address: 1623 East J Street  
Tacoma, WA 98421  
(c) Your identification number:
3. Are you currently being held on orders by:   
☐ Federal authorities    ☐ State authorities    ☒ Other - explain:  
Immigration Federal
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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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: I've been detained for over 20 months  
 (b) Docket number, case number, or opinion number: \_\_\_\_\_  
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Deportation  
 (d) Date of the decision or action: October 10, 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: BIA  
 (2) Date of filing: October 13, 2025  
 (3) Docket number, case number, or opinion number: \_\_\_\_\_  
 (4) Result: Denied  
 (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
9th circuit, case NO: 25-6787 (Denied)

Ground One: Respondents transgressed petitioner's right to procedural/substantive due process under the Federal Due process clause of the 5<sup>th</sup> Amendment when they failed to appoint an attorney in the 9<sup>th</sup> circuit and U.S. Supreme Court.

Ground Two: Respondents transgressed petitioner's right to due process under the Federal 5<sup>th</sup> Amendment and/or safeguard against cruel and unusual punishment when they rejected his C.A.T. claim, and are attempting to remove him to Guatemala, albeit he submitted a credible fear allegation therein of persecution and torture.

### (a) Supportive Facts & Authorities

• After serving his prison sentence, petitioner, on July 30, 2027, was posthumously arrested and transferred by Respondents to N.W.I.-P.C.

• Albeit respondents, under Farrero-Gonzalez v. Holder, 2017 WL 5475097 (C.D. Cal. Oct 29, 2017), appointed him an attorney during the first two stages of his immigration-proceedings; he was never given a court-appointed attorney during the most momentous stage thereof: the 9<sup>th</sup> Circuit

and U.S. Supreme Court; that is so because unlike the immigration judge and the BIA, the 9th Circuit and the U.S. Supreme Court are part of the judicial branch: independent branch of the government. They are free to rule contrary to the wishes of the executive branch.

• As Rodriguez Vazquez v. Bostock, 802 F. Supp. 3d 1397, 1336 (W.D. Wash. July 30, 2025); encl.; immigration judges are puppets of the current administration if pushed thereby, regardless of the validity of the new interpretation of immigration law of current administration.

• Prior case law has ruled immigration proceedings are civil in nature; hence, it appears this is the underlying reason courts declined to attach protections afforded to persons arrested under criminal law: e.g., right to attorney.

Nevertheless, currently, this is a distraction without a difference; this administration has morphed and adulterated immigration matters into something much worse than anything that may

transpired against criminal arrests. In the alleged civil matter, there is no right to bail and attorney. This current administration's policy of unlawful, unconstitutional conduct depicted across the country necessitates new rights to be attributed to immigration proceedings: i.e. right to an attorney at government's expense. Petitioner asks that this court take judicial notice of said

unlawful conduct shown across the country by accredited news media, including the unusually high amount of habeas petitions being granted in this district over said conduct.

• Therefore, it is a miscarriage of justice and violative of the Federal Due Process Clause to allow respondents to exploit a particular petitioner's financial inability to hire an attorney, or to comprehend immigration matters; to easily execute a removal. Petitioner's first language is Spanish, and he barely understands English. Attending a petitioner along him as

attorney during the independent-of-the-executive branch stages is crucial for him to adequately prosecute his immigration

1 case against removal.

2  
3 • Petitioner (person assisting petitioner) is  
4 abreast of case law clearly prohibiting ground  
5 two basis. Nevertheless, that's based upon  
6 federal immigration laws enacted by Congress  
7 in 1996; the Federal Constitution is the  
8 supreme law of the land, and it is in  
9 said person's opinion that the federal  
10 Constitution mandates appointment of  
11 counsel during the entirety of immigration  
12 proceedings for all noncitizens, including  
13 petitioners aka basis-petitioner.

14  
15 • In his contention against future claim,  
16 petitioner is alleging that he is afraid of  
17 returning to Guatemala because his father  
18 was murdered by the Cartel of Loguana,  
19 when petitioner was 11 years old. Surely, it would  
20 be violative of C.A.T. legislation and federal  
21 constitution if he were removed thereto, albeit said  
22 allegation was substantiated. It cannot be rea-  
23 sonably said eitherway whether said claim is  
24 substantiated meritorious without giving it the process  
25 that is due. part of that process is appointing  
26 an attorney during the entirety thereof.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I, on \_\_\_\_\_,  
served a true copy of Habeas Corpus petition

to ICE Field office Director

via U.S. mail ("Under the mailbox rule, a prisoner's pro se habeas petition is deemed filed when he hands  
it over to prison authorities for mailing to the relevant court." **Campbell v. Henry**, 614 F.3d 1056, 1058-  
59 [9th Cir. 2010])

addressed as follows:

U.S. District Court

Clerk's Office

700 Stewart Street, Suite 2310

Seattle, Washington 98101

Certified by,

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**Declaration Under Penalty Of Perjury**

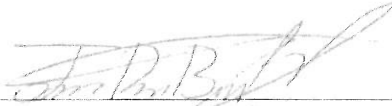
If you are incarcerated, on what date did you place this petition in the prison mail system:

02-13-26

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:

02-13-26



*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

**VERIFICATION**

I, Jelber Rolando Botello Hernandez, do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief.

Submitted under the penalty of perjury of the laws of the United States.

//

Date: 02-13-26

Jelber Rolando Botello Hernandez

Signed: 

**PROOF OF SERVICE**

**&**

**DECLARATION**

I, JELBER ROLANDO BOTELLO HERNANDEZ, 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 02-13-26

JELBER ROLANDO BOTELLO HERNANDEZ

Signed: 