



MAR 02 2026

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

Name: Trimmio Martinez, Estefany
1623 EAST J STREET SUITE FIVE
TACOMA, WASHINGTON 98421

UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

2:26-cv-00748-JLR

Name: Trimmio Martinez, Estefany

) Case No.:

) 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 6 months.
2. On the date of October 4, 2025 the Petitioner entered the Northwest Detention Center and has not been released since that date.

3. The current charges of deportation is

illegal entry through Eagle Pass, Texas on
02/01/2022.

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 # _____.

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 (9th 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,

1 the Ninth Circuit, in an unpublished Order in Bromfield v Mukasey, 07-72319 made the distinction
2 regarding persons due bond and those who are held under the authority of the Attorney General.
3 The Ninth Circuit decided that Bromfield was due a bond hearing, and that, even though he was
4 being held pending the Ninth Circuit's ruling on his Petition for Review, he was entitled to bond,
5 and the BIA and IJ had authority to grant the bond.

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

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

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

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

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

23 Petitioner is not held under 8 USC 1226 (c) according to the Ninth Circuit's decision on the
24 matter. The Ninth Circuit cited that the Government's interpretation was incorrect where the Agency and
25 the Government has repeatedly held that aliens are held under 8 USC 1226 (c) and ineligible for a grant of
bond. The Ninth Circuit cited that an alien who has completed the administrative process is held under 8

1 USC 1226 (a). “which gives the Attorney General general discretionary authority to detain an alien
2 ‘pending a decision on whether the alien is to be removed from the United States.’”

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

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

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

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

18 Directly contradicting the Agency’s previous holdings, the Court cited, “Even though *Casas*’
19 detention is permitted by statute because keeping him in custody could serve a legitimate immigration
20 purpose, **Casas may nonetheless have the right to contest before a neutral decision maker whether**
21 **the government’s purported interest is actually served by detention in his case.** There is a difference
22 between detention being authorized and being necessary to any particular person. We hold that the
23 government may not detain a legal permanent resident such as *Casas* for a prolonged period without
24 providing him a neutral forum in which to contest the necessity of his continued detention.”
25

1 This decision by the Ninth Circuit completely establishes the right of aliens to an impartial hearing
2 before a neutral decider who will take evidence on the issue and grant bond in the cases where it is amply
3 demonstrated that bond is applicable. Moreover, this finding by the Ninth Circuit is directly in line with
4 Matter of Patel, supra. This standard is the same for persons who are aliens without criminal histories as
5 for those with such a history. According to the Ninth Circuit's decision in Prieto-Romero and Casas-
6 Castrillon, both are entitled to impartial hearings before a neutral factfinder.

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

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

1 Zadvydas and Ma appeared to be dangerous, this conclusion was undermined by defects in the procedures
2 resulting in the finding of dangerousness. *Id.*, at 692, 150 L Ed 2d 653, 121 S Ct 2491. The upshot was
3 such serious doubt about the constitutionality of the detention statute that the Supreme Court construed it
4 as authorizing continuing detention only when an alien's removal was "reasonably foreseeable." *Id.*, at
5 699, 150 L Ed 2d 653, 121 S Ct 2491.

6 In Demore v Kim, **538 U.S. 510; 123 S. Ct. 1708**; the Court stated, "While it is true that
7 removal proceedings are unlikely to prove "indefinite and potentially permanent," 533 US, at 696, 150 L
8 Ed 2d 653, 121 S Ct 2491, they are not formally limited to any period, and often extend beyond the time
9 suggested by the Court, that is, "an average time of 47 days" or, for aliens who exercise their right of
10 appeal, "an average of four months." *Ante*, at 155 L Ed 2d, at 742; see also Case Hearing Report 12
11 (finding that the average time from receipt of charging documents by a detained alien to a final decision
12 by the immigration judge was 54 days). However, in this case, the confinement has been for
13 180 days. Thi is completely excessive and this Court has jurisdiction to order the Agency to release
14 the Petitioner or to set a bond for the Petitioner's release or that the Petitioner be released on conditions.

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

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

19 Dated: 02/24/2026

20
21 Signed: Estefony Triminio.
22
23
24
25

VERIFICATION

I, Estefany Triminio Martinez, 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.

//

Dated this 02/24/2026

PROOF OF SERVICE

&

DECLARATION

I, Estefany Triminio Maldonado 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 02/24/2026

Signed: Estefany Triminio

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

UNITED STATES DISTRICT COURT

for the

FILED
CORRESPONDENCE
RECEIVED

MAIL

MAR 02 2026

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

Triminio Martinez, Estefany

Petitioner

v.

Case No.

ICE Field Office Director

Respondent

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

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

Personal Information

1. (a) Your full name: Estefany Triminio Martinez
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Northwest ICE Processing Center
(b) Address: 1623 East 5 Street
Tacoma, WA 98421
(c) Your identification number: 
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): _____

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 ICE Processing Center(b) Docket number, case number, or opinion number: 

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

I have been detained since October 4, 2025. I have been detained without court and without information.

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action7. **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: _____
- (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: I had my individual court on April 12, 2025. I Appeal with the BIA on May 8, 2025. case still pending I was detained by ICE on September 12, 2025 in Texas and then transferred to Tacoma.

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

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

☐ Yes

☒ No

GROUND TWO: I have been detained more than 180 days.

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

I was detained on September 12, 2025 in Texas, transferred to Tacoma on October 2025. Since that I haven't received any information, no court no deportation, no reasons why I'm detained with a pending BIA appeal.

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

☐ Yes

☒ No

GROUND THREE:

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

(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 would like to be back home
with my U.S. citizen husband. I have been detained over
180 days even though I have a pending appeal. I don't
have a criminal records. I want to fight my case
with my family.

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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:

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: 02/24/2026

Eslefony Triminio.

Signature of Petitioner

Signature of Attorney or other authorized person, if any