

Name: _____
1623 EAST J STREET SUITE FIVE
TACOMA, WASHINGTON 98421

UNITED STATES DISTRICT COURT

IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

2:26-cv-00994-JNW

Name: Bernardo Arroyo Lillo

Petitioner

vs.

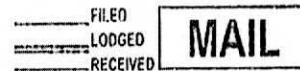
ICE Field Office Director

Respondent

) Case No.:

) A # _____

) PETITION FOR WRIT OF HABEAS CORPUS
) UNDER 28 USC 2241



MAR 20 2026

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

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 7 months.
2. On the date of 02-03-2026 the Petitioner entered the Northwest ICE Processing Center and has not been released since that date.
3. The current charges of deportation is

I am immigrant not in possession of valid unexpired passport or other suitable travel document.

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 # _____.

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 that
12 the court orders the Agency to hold a bond hearing where individual factors are considered that can allow
13 for the release of the Petitioner pending the conclusion of his legal matters with ICE and the District
14 Courts and the Ninth Circuit.

15
16 **ARGUMENT**

17 An alien should not be held in custody unless there are no facts or circumstances that would
18 guarantee his return for hearings or to be deported. In general, an alien should not be detained or
19 required to post bond unless it is found that he is a threat to the national security or a poor bail
20 risk. Matter of Patel, 15 I & N Dec. 666 (BIA 1976). National Center for Immigrant Rights v INS,
21 743 F2d 1365 (9th Cir. 1984).

22 Furthermore, the Ninth Circuit has recently issued guidelines regarding the release of aliens
23 and the jurisdiction of the Immigration Judge and BIA to grant bond in these cases. In particular,
24 the Ninth Circuit, in an unpublished Order in Bromfield v Mukasey, 07-72319 made the distinction
25 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

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
4 it. Those precedential cases are Prieto-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 between
6 the statutes governing detention of aliens and release of aliens. In particular, the Ninth Circuit issued
7 precedents dealing with several inter-related issues: A. When bond hearing is required; B. The burden of
8 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
Matter of Patel, supra. This standard is the same for persons who are aliens without criminal histories as

1 for those with such a history. According to the Ninth Circuit's decision in Prieto-Romero and Casas-
2 Castrillon, both are entitled to impartial hearings before a neutral factfinder.

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

13 Thus, this Court's review must begin by positing commonly accepted substantive
14 standards and proceeded to enquire into any "special justification" that might outweigh the aliens'
15 powerful interest in avoiding physical confinement "under [individually ordered] release conditions that
16 may not be violated." *Id.*, at 696, 150 L Ed 2d 653, 121 S Ct 2491. The Supreme Court found nothing to
17 justify the Government's position. The statute was not narrowed to a particularly dangerous class of
18 aliens, but rather affected "aliens ordered removed for many and various reasons, including tourist visa
19 violations." *Id.*, at 691, 150 L Ed 2d 653, 121 S Ct 2491. The detention itself was not subject to "stringent
20 time limitations," *Salerno*, 481 U.S., at 747, 95 L Ed 2d 697, 107 S Ct 2095, but was potentially indefinite
21 or even permanent, *Zadvydas*, 533 U.S., at 691, 150 L Ed 2d 653, 121 S Ct 2491. Finally, although both
22 *Zadvydas* and *Ma* appeared to be dangerous, this conclusion was undermined by defects in the procedures
23 resulting in the finding of dangerousness. *Id.*, at 692, 150 L Ed 2d 653, 121 S Ct 2491. The upshot was
24 such serious doubt about the constitutionality of the detention statute that the Supreme Court construed it
25 as authorizing continuing detention only when an alien's removal was "reasonably foreseeable." *Id.*, at
699, 150 L Ed 2d 653, 121 S Ct 2491.

1 In Demore v Kim, **538 U.S. 510; 123 S. Ct. 1708**; the Court stated, "While it is true that
2 removal proceedings are unlikely to prove "indefinite and potentially permanent," 533 US, at 696, 150 L
3 Ed 2d 653, 121 S Ct 2491, they are not formally limited to any period, and often extend beyond the time
4 suggested by the Court, that is, "an average time of 47 days" or, for aliens who exercise their right of
5 appeal, "an average of four months." *Ante*, at 155 L Ed 2d, at 742; see also Case Hearing Report 12
6 (finding that the average time from receipt of charging documents by a detained alien to a final decision
7 by the immigration judge was 54 days). However, in this case, the confinement has been for
8 38 days. Thi is completely excessive and this Court has jurisdiction to order the Agency to release
9 the Petitioner or to set a bond for the Petitioner's release or that the Petitioner be released on conditions.

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

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

14 Dated: 03-13-2026

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16 Signed: 
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VERIFICATION

I, Bernier Arroyo Lilia, 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 03-13-2026.

PROOF OF SERVICE

&

DECLARATION

I, Barrios Arcego Lilia, 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 03-13-2026

Signed: 