

United States District Court
For The
Western District of Washington
At
Tacoma Division

ZENDEJAS-VAZQUEZ JAVIER,

Petitioner,

V.

TODD LYONS, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement, Department of Homeland Security and the Warden¹ at the Northwest Detention Center in Tacoma, WA

Respondents.

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PETITION FOR A WRIT OF HABEAS CORPUS

Case No.:

2:25-cv-01609-RAJ-SKV



PETITION FOR WRIT OF HABEAS CORPUS

I am filing this petition for a writ of habeas corpus seeking relief from my unlawful detention. I am being detained by the Respondents pending the execution of my final removal order. I have fully cooperated with the efforts to remove me, but to date, the Respondents have been unable or unwilling to execute that order. I have now been detained for more than (18) months. I am not a flight risk, nor a danger to the community. Before my detention, I was reporting regularly with U.S. Immigration and Customs Enforcement (USICE), and I had committed no crimes. My prolonged detention

is no longer justified under the Constitution or the Immigration and Nationality Act (INA).

On or about December 23, 2023, I was arrested by officers of U.S. Immigration and Customs Enforcement and placed into the custody of the Warden at the Northwest Detention Center in Tacoma, WA, for the purpose of executing my removal order. In December 2023, the Respondents reviewed my custody status and decided to detain me based on my conviction, as they expected a decision on my Motion to Review from the 9th Circuit Court of Appeals. I was told to wait for that decision to execute my removal order. On April 13, 2023, the Respondents again determined that I should remain detained as they anticipated a decision on my Motion to Review. On July 7, 2023, they decided to continue my detention while waiting for a final court decision. To date, the Respondents have been unable or unwilling to remove me.

I have fully cooperated with the Respondents' requests to complete the necessary paperwork, but they have not yet reached a final decision on my removal.

I submit that my detention violates my constitutional rights. My continued detention is no longer justified, and it violates the U.S. Supreme Court's decision in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which prohibits prolonged detention without a significant likelihood of removal in the foreseeable future. I seek an order from this Court declaring my continued detention unlawful and ordering the Respondents to release me from their custody.

CUSTODY

1. I am in the physical custody of Respondent TODD LYONS, Field Office Director for Detention and Removal, U.S. Immigration and Customs Enforcement (USICE), Department of Homeland Security (DHS), and the Warden at the Northwest Detention Center in Tacoma, WA. At the time of filing this petition, I am being detained at the Northwest Detention Center in Tacoma, WA, under the direct control of the Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. § 2241, art. I, § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"), and 28 U.S.C. § 1331, as I am presently in custody under color of authority of the United States, and such custody is in violation of the U.S. Constitution, laws, or treaties. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the Western District of Washington, as the Respondents reside in this district and I am detained here. 28 U.S.C. § 1391(e).

PARTIES

4. I, Javier Zendejas Vazquez, am a national and citizen of Mexico, who was granted lawful permanent resident status on or about August 11, 2002. I was ordered removed on May 6, 2024. I am currently detained by the Respondents under 8 U.S.C. § 1231, which allows the DHS to detain individuals like me pending the execution of a removal order.

5. Respondent TODD LYONS is the Field Office Director for Detention and Removal, USICE, DHS. He is a custodial official acting within the jurisdiction of the U.S. Court for the Western District of Washington, Tacoma Division. Pursuant to his orders, I remain detained.

6. The Respondent Warden at the Northwest Detention Center in Tacoma, WA, is my immediate custodian, and he resides in the judicial district of the U.S. Court for the Western District of Washington, Tacoma Division.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

7. I have exhausted my administrative remedies as required by law.

8. I have fully cooperated with the Respondents and have not obstructed my detention in any way.

9. My only remedy is through this judicial action.

STATEMENT OF FACTS

10. I am a national and citizen of Mexico. I was granted lawful permanent resident status but was ordered removed on May 6, 2024, due to a child molestation conviction.

11. After being ordered removed, I applied for cancellation of removal, a special visa under the Immigration and Nationality Act. While my application was pending, the Department of Homeland Security (DHS) allowed me to report regularly, and I did so without any issues.

12. On or about December 23, 2023, Respondent TODD LYONS and his agents arrested me at my home for the purpose of initiating removal proceedings.

13. However, the Respondents have been unable or unwilling to remove me due to my pending Motion to Review.

14. I have fully cooperated with the Respondents throughout this process.

15. The Respondents have reviewed my custody status three times and determined that I should be detained because my removal is expected.

16. I have now been detained for over 19 months, and the Respondents continue to detain me even though it is clear they are unable to remove me.

17. I am not a danger to the community nor a flight risk. I have no pending criminal cases and completed my community supervision sentence long ago.

18. I have deep roots in this community, including three U.S. citizen children, a wife who is a U.S. citizen, and my mother too; By the way, she is alone and very ill with terminal cancer and I want to at least spend her last days by his side, taking care of her.

19. Before my arrest, I was working, paying taxes, and providing for my family. My continued detention is depriving my family of my companionship and income.

20. The Respondents' decision to detain me is no longer legally justifiable and is arbitrary. It is time for the Court to consider the merits of my request for release.

CLAIMS FOR RELIEF

COUNT ONE: CONSTITUTIONAL CLAIM

21. I allege and incorporate by reference the paragraphs above.

22. My detention violates my right to substantive and procedural due process under the Fifth Amendment to the U.S. Constitution.

COUNT TWO: STATUTORY CLAIM

23. I allege and incorporate by reference the paragraphs above.

24. My continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

25. In the event that I prevail, I request fee waiver on attorney's fees and costs under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, I respectfully pray that this Court grant the following relief:

- a) Assume jurisdiction over this matter;
- b) Declare that Petitioner's continued detention violates the Immigration and Nationality Act, 8 U.S.C. § 1231(a)(6); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and/or the Due Process Clause of the Fifth Amendment to the U.S. Constitution.;
- c) Issue a writ of habeas corpus ordering the Respondents to release me on my own recognizance or under parole, a low bond, or reasonable conditions of supervision;
- d) Just in case, award me fee waiver, costs and attorney's fees; and
- e) Grant any other relief that this Court deems just and proper.

Signed this date: August 18, 2025
Respectfully submitted,


JAVIER ZENDEJAS VAZQUEZ
1623 E. J Street, Suite 
Tacoma, WA 98421

AI Overview

The name of the Warden at the Northwest Detention Center in Tacoma, WA, is not publicly available. ICE does not release this information to the public.

PETITIONER'S BEHALF PURSUANT TO 28 U.S.C. § 2241, 2242

Pro-se:

I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Signed this date: August 18, 2025
Respectfully submitted,



JAVIER ZENDEJAS VAZQUEZ
1623 E. J Street, Suite 
Tacoma, WA 98421