

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	LODGED
RECEIVED	
DEC 29 2025	
CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

Juis Sanchez-Alfonso
Petitioner

Pamela Bondi, US Attorney General; Kristi
Norm, Secretary of DHS; Camilla Wamsley,
Seattle ICE Field Office Director; Bruce
Scott, Warden of N.W. D.C.,
Respondent

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

Case No. _____
(Supplied by Clerk of Court)

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

Personal Information

- (a) Your full name: Juis Sanchez-Alfonso

(b) Other names you have used: N/A
- Place of confinement:

(a) Name of institution: Northwest Processing Center

(b) Address: 1623 East 5 Street, Tacoma WA 98421

(c) Your identification number: A 
- Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☒ Other - explain: DHS/ICE
- 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): entry of of administrative final order of removal to CBP was on or about October or November 2012

Decision or Action You Are Challenging

- 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)

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

- ☒ Pretrial detention
☒ Immigration detention *being unlawful and unconstitutional*
☐ 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): *Unconstitutional policy of third country removed; violative of APA for failure to comply with own rules during re-detention.*

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: *DHS/ICE; ICE Field Office Director of Tacoma and Portland.*
 (b) Docket number, case number, or opinion number: *N/A*
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
ICE decision to re-detain petitioner to enforce an un-enforceable removal order to Cuba.
 (d) Date of the decision or action: *12/03/2025*

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: _____

(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

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

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: _____

N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 12/03/2025
 (b) Date of the removal or reinstatement order: Oct or November 2012
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☒ No

B.13.

• Ground One : Respondents' actions by re-detaining him and/or during his re-detention is violative of APA and/or petitioner's right of procedural and/or substantive Due Process under the Federal 5th Amendment when they failed to provide apt notice AND/OR a timely informal interview thereafter.

(a) supporting facts : Soon after his civil arrest, he was only given a few seconds to read the reasons thereof, and wasn't allow to get a copy thereof; ICE officer who swiftly showed him idem wrote, personally and selectively, petitioner's response thereto, albeit petitioner desired to write other relevant and mitigating information. Likewise, Respondents have still not conducted an initial informal interview soon after his civil arrest as mandated by 8 C.F.R. § 241.13(i)(3).

• Ground Two : Petitioner's current civil detention is violative of APA (Administrative Procedure Act) and/or Respondents' own regulation governing immigrants as a petitioner with removal-orders, given that there is no change in circumstances that will render his deportation to Cuba to be within a reasonably foreseeable period. Said nonhearsance also violated his procedural and/or substantive right to Due process under the Federal 5th Amendment.

(a) Supportive Facts & Argument : the statutory 90-day mandatory-detention removal period as well as the Zadvydas 6-month period expired over 12 years

Harbors

4-9

1
2 agree. There is still no repatriation agreement between
3 Cuba and USA. It appears only Cuba and Laos are
4 the ~~only~~ countries where the USA has no repatriation
5 agreement. Cuban is still obstinate in taking back
6 Cuban nationals with criminal records as petitioner:
7 *Veiga v. Bondi*, 2025 U.S. Dist. Lexis 254968, 3-5
8 (2025); there are over 37 thousand Cuban nationals
9 with unremovable Cuban removal orders as petitioner
10 over their records. *Id.* at *3-5.

11 • Ground three: Petitioner's current "civil"
12 detention transgresses his right to substantive Due Process
13 under the Federal 5th Amendment, via illicit deprivation
14 of his freedom; because there is no likelihood of removal
15 to Cuba within the reasonably foreseeable future.

16 (a) Supportive Facts & Argument: petitioner
17 re-alleges and incorporates by reference herein
18 Section (a) of ground two heretofore. Cumulatively, petitioner
19 has been civilly detained for over 100+ days and counting.
20 *See Paul-Gil v. Lynch*, 2025 U.S. Dist. Lexis
21 230775, at *6-7 (2025); also *see Khatchadourian v.*
22 *Morales*, 386 F.3d 1298, 1299 (2004) (a "colorable
23 claim" is birthed when 90-day removal period expires
24 if removal is ~~not~~ highly unlikely). As *Paul-Gil v.*
25 *Lynch*, *supra*, holds, the cumulative nature of his civil
26 detention doesn't undermine his due process claim.

It's illogical to civilly detain petitioner, given the impossibility of his being removed. See *Kay v. Reno*, 94 F. Supp. 2d 546, 551 (granting habeas relief because "if deportation can never occur, the government's primary purpose in detention — executing removal — is nonsensical.")

• Case in point is *Martinez v. Norem*, 2025 US Dist Lexis 223787 (2025) (indistinguishable factum). As *Martinez*, supra, said 90 day and 180 day period expired "long ago." 19 years in *Martinez* and 12 years in petitioner's case. "Continued detention must be justified by a significant likelihood of removal within a reasonably foreseeable period [.]". *Idem*. Respondents cannot justify anything herein.

• Nevertheless, as here, ^{was} a noncitizen is refused following a final order of removal, the burden of Zadydas shifts to the government to substantiate removal is likely before re-detention. See *Nelson Marr Martinez v. Bondi*, 2025 US Dist Lexis 259965 (2025). Respondents cannot meet this burden; hence, his ~~at~~ civil detention is unconstitutional.

• Civil immigration detention is only legal when the underlying procedure it is in aid of is legal; otherwise, civil detention is unconstitutional, punitive. Indeed, petitioner is being

1
2 treated worse than a current convicted felon or
3 a pre-trial criminal inmate - with no rights to
4 speedy trial, no right ~~to~~ to bail. Kwaczor v.
5 Geo. Corp., Inc., 146 F.4th 1280, 1281 (2025)
6 (noncitizens "are civil detainees, held while their
7 immigration status is determined. They are not
8 convicted felons").

9 Nevertheless, petitioner "retain[ed] greater liberty
10 protection than individuals detained under
11 criminal process." Jones v. Blum, 393
12 F.3d 917, 932 (9th Cir. 2004); Ortega v.
13 Bauer, 415 F. Supp. 3d 963 (2018) (hell
14 sort of 9th).

15 • Therefore, his civil detention ~~and~~ serves no
16 purpose other than a form of punishment: tantamount
17 to a criminal sentence, but worse given the uncertainty
18 of its length.

19
20 • Grand ~~the~~ four: petitioner's current civil de-
21 tention violates his protections against cruel and
22 unusual punishment under the Federal 8th Amendment
23 and/or double jeopardy under the Federal 5th Amend-
24 ment.

25
26 (a) Supportive Facts & Argument: petitioner
27 re-alleges and incorporates by reference herein
28 Section (a) of grand two and three heretofore.

• Grand Fine: Respondent's current third-country-removal policy that is being considered against petitioner is procedurally and substantively contrary to the Federal Due Process Clause.

(a) Supportive Facts & Argument: Noncitizens are being evaluated for third-country removal under an unlawful policy, given that it fails to give immigrants notice and opportunity to contest it; said policy also is unconstitutionally punitive. Hambarsenpar v. Bondi, 2025 U.S. Dist. LEXIS 229603, at *10-12 (2025); Balhodano v. Bondi, 2025 US Dist Lexis 250760, at *16-30 (2025).

13. Request for Relief

- Petitioner prays that this court grant the following:
- ① Enjoin respondents from re-detaining him ~~under~~ under 8 USC 1231 until they have obtained valid travel documents;
 - ② Enjoin them from re-detaining him unless and until the procedural safeguards set forth in 8 CFR § 241.4, 241.13 are followed;
 - ③ Enjoin them from applying their third-country removal policy until it passes statutory and Constitutional muster;
 - ④ Immediately release him under his recent conditions of release; and/or
 - ⑤ any relief this Court sees just.

AO 242 (Rev. 05/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

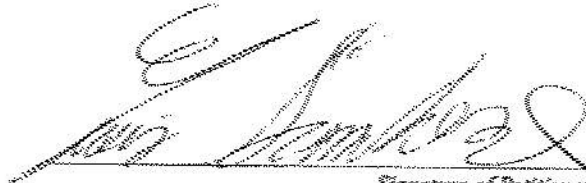
If you are incarcerated, on what date did you place this petition in the prison mail system:

12/22/2025

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:

12/22/2025



Signature of Petitioner

N/A

Signature of Attorney or other authorized person, if any