

1 should be denied when administrative remedies are available, whether or not the petitioner is
2 actively pursuing them.

3 As the Court noted, a detainee such as Petitioner may request a bond redetermination
4 hearing before an immigration judge. Dkt. 18, pg. 3 (citing 8 C.F.R. § 236.1(d)(1)). If the
5 immigration judge denies bond, the detainee may appeal to the Board of Immigration Appeals
6 (BIA). *Id.* (citing 8 C.F.R. § 236.1(d)(3)). Further, a noncitizen who remains detained pursuant to
7 Section 1226(a) after the initial bond hearing may request that the IJ conduct another custody
8 redetermination whenever “circumstances have changed materially since the prior bond
9 redetermination.” 8 C.F.R. § 1003.19(e). As the Court noted, if the BIA affirms, the detainee
10 may seek habeas relief in federal district court. Dkt. 18, pg. 4 (citing *Leonardo v. Crawford*,
11 646 F.3d 1157, 1159-61 (9th Cir. 2011)).

12 The Court properly determined that, in this case, prudential exhaustion is required before
13 Petitioner may seek habeas review and obtain a second court-ordered bond hearing. *Id.* at pgs. 4-
14 6. Petitioner has the opportunity to (a) appeal the immigration judge’s bond determination to the
15 BIA; and (b) request that the immigration conduct another custody redetermination if his
16 circumstances have changed materially since the prior determination. Petitioner’s voluntary
17 dismissal of his appeal of the immigration judge’s bond determination at the BIA does not
18 alleviate him of his responsibility to avail himself of the administrative remedies available to him
19 before seeking habeas review in this Court. *See Cristobal v. Asher*, 20-cv-1493-RSM-BAT,
20 2020 WL 8678097, at * 3 (W.D. Wash. Dec. 14, 2020), *Rep. & Rec. adopted by* 2021 WL796597
21 (W.D. Wash. Mar. 2, 2021) (denying habeas petition because the petitioner had failed to seek a
22 bond redetermination hearing at the administrative level).

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1 Therefore, the Court should adopt the Report and Recommendation.

2 DATED this 16th day of January, 2026.

3 Respectfully submitted,

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16 I certify that this memorandum contains 418 words,
17 in compliance with the Local Civil Rules.

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers;

I further certify that on this date, I electronically filed the foregoing and supporting Declaration of Kristin B. Johnson, with accompanying Exhibit A, with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following CM/ECF participant(s):

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I further certify that on this date, I arranged for service of the above-mentioned documents on the following non-CM/ECF participant via Certified Mail, Return Receipt Requested, postage prepaid, marked “*Legal Mail, Open in Presence of Detainee,*” and addressed as follows:

Jose David Lainez Bueso, *Pro Se Petitioner*
A# [REDACTED]
NW ICE Processing Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 16th day of January, 2026.

s/ Caitlin Froelich
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