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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

ANDRES CASTILLO AREDONDO,

Petitioner,

– against –

**REPLY MEMORANDUM IN SUPPORT
OF PETITION FOR HABEAS CORPUS**

25-cv-01838-TMC

TODD LYONS, ACTING DIRECTOR
IMMIGRATION CUSTOMS AND
ENFORCEMENT; KENNETH
HAMILTON, ACTING ASSISTANT FIELD
OFFICE DIRECTOR, SEATTLE OFFICE

Respondents.

REPLY MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Petitioner Andres Castillo Aredondo (“Petitioner” or “Aredondo”) files the present Reply in support of his Petition for habeas corpus and asks the Court to grant his petition for habeas corpus ordering Respondents to release him from custody or in the alternative to order a bond hearing on the merits before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days (or fewer) of the issuance of the Court’s order.

II. ARGUMENT

a. 8 U.S.C. § 1226(a) Governs Petitioner’s Detention

Importantly, Respondents “do not object” to Petitioner being considered a member of the Bond Denial class for purposes of this litigation. (Dkt. 9 at 2, fn1). This Court already found detainees like the Petitioner should be classified under 8 U.S.C. § 1226(a) and not 8 U.S.C. § 1225. *See Rodriguez v. Bostock*, No. 3:25-CV-05240-TMC, 2025 WL 1193850, at *16 (W.D. Wash. Apr. 24, 2025)(granting Petitioner’s preliminary injunction, and finding that petitioner is likely to succeed on the merits, that his detention should be governed under Section 1226(a), ordering a bond hearing, and enjoining Respondents from denying bond on the basis that he is detained pursuant to 8 U.S.C. § 1225(b)(2)).

Other Federal District Courts have ruled similarly. *See Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 171364, *24 (C.D. Ca. Jul. 28, 2025) (Ordering that “Respondents are enjoined from continuing to detain Petitioners unless they are provided an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within 7 days of the date of this Order”); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 U.S. Dist. LEXIS 128085, at *24 (D. Mass. July 7, 2025)(remanding the case to the Immigration Court with instructions to consider Petitioner’s eligibility for bond under Section 1226(a)).

The same result is warranted here.

b. Fourth Amendment Claims Are Not Moot

Next, and notably, Respondents do not address the merits of Petitioner's Fourth Amendment claim.

First, Respondents argue that Petitioner's Fourth Amendment claim challenges his past custody and not his present custody. (Dkt. 9 at 3). But, Petitioner would not presently be in custody today if not for his arrest which violated his Fourth Amendment rights. His present custody stems from his illegal arrest.

Next, Respondents argue that this Court lacks jurisdiction over Petitioner's Fourth Amendment Claims because of the "zipper clause." (Dkt. 9 at 4). However, the "zipper clause" at 8 U.S.C. § 1252(b)(9), does not apply here because that section applies only to review of removal orders, and Petitioner does not seek a review of an order of removal but of his unlawful detention. *See Bautista*, 2025 U.S. Dist. LEXIS 171364 at * 10. (finding that "[w]ithout an order of removal, § 1252(b)(9) alone does not bar this Court from reviewing Petitioners' TRO regarding the legality of the new DHS policy and Bond Orders applying § 1225 rather than § 1226(a)). Thus, this Court has jurisdiction to consider Petitioner's Fourth Amendment Claim.

Finally, in reviewing Petitioner's I-213, it is clear that Petitioner's arrest was based on factors such as particular location or type of work that the Ninth Circuit found did not constitute reasonable suspicion for a particular stop. (Dkt. 11-1 at 4); *Vasquez Perdomo v. Noem*, Case No. 25-4312 (9th Cir. 2025) ("[b]oth the Supreme Court and this court have made clear that an individual's presence at a location that illegal immigrants are known to frequent does little to support reasonable suspicion when U.S. citizens and legal immigrants are also likely to be present at those locations. *See, e.g., Brignoni-Ponce*, 422 U.S. at 882–83 (holding that "roving" border patrols must have reasonable suspicion to make stops even on roads "near the border,"

because those roads “carry not only aliens seeking to enter the country illegally, but a large volume of legitimate traffic as well”); *United States v. Sigmond-Ballesteros*, 285 F.3d 1117, 1124 (9th Cir. 2002) (holding that an individual’s presence on a highway that “smugglers” “common[ly]” used was “of only minimal significance” given that the highway connected various cities and “substantially all of the traffic in and around these cities is lawful.”)

Here, Petitioner was arrested at the Home Depot and the I-213 states “illegal aliens seek day labor jobs at locations such as Home Depot.” (Dkt. 11-1 at 4). Petitioner was arrested because he is Latino and was at the Home Depot in violation of his Fourth Amendment rights.

1. CONCLUSION

Petitioner respectfully asks an order that Respondents to release him from custody or in the alternative to order a bond hearing on the merits before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days (or fewer) of the issuance of the Court’s order.

/s/ Adam W. Boyd
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