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

Angel Romulo DEL VALLE CASTILLO, Jose  
Antonio DE LA CRUZ GONZALEZ, Marta  
ESCALANTE PEREZ, Rebeca Esther  
MORALES FUENMAYOR, Edvin Ramiro  
MATIAS CALMO,

Case No. 2:25-cv-2054

**PETITION FOR WRIT OF  
HABEAS CORPUS**

Petitioners,

v.

Cammilla WAMSLEY, Field Office Director of  
Enforcement and Removal Operations, Seattle  
Field Office, Immigration and Customs  
Enforcement (ICE); Bruce SCOTT, Warden,  
Northwest ICE Processing Center; U.S.  
DEPARTMENT OF HOMELAND  
SECURITY; EXECUTIVE OFFICE FOR  
IMMIGRATION REVIEW,

Respondents.

1 INTRODUCTION

2 1. Petitioners Angel Romulo Del Valle Castillo, Jose Antonio De La Cruz Gonzalez,  
3 Marta Escalante Perez, Rebeca Esther Morales Fuenmayor, Edvin Ramiro Matias Calmo, and  
4 Hector Ramirez Garcia are in the physical custody of Respondents at the Northwest Immigration  
5 and Customs Enforcement (ICE) Processing Center (NWIPC).

6 2. All six petitioners are unlawfully detained pursuant to mandatory detention  
7 policies recently adopted by the Department of Homeland Security (DHS) and the Executive  
8 Office for Immigration Review (EOIR).

9 3. Four of the six petitioners first entered as children before later being released with  
10 family or to sponsors.

11 4. All Petitioners are individuals who initially entered without admission or parole,  
12 were apprehended, and were then released. They all subsequently have lived in this country for  
13 years prior to their most recent arrest. Despite that fact, DHS and EOIR deem Petitioners subject  
14 to mandatory detention as “applicants for admission” who are “seeking admission” under 8  
15 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention. *See Matter of Yajure*  
16 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

17 5. As a result of ICE’s and EOIR’s policies, Petitioners have been denied release on  
18 bond.

19 6. In a certified class action pending before this Court, this Court has already  
20 declared Respondents’ bond denial policy unlawful and issued a final declaratory judgment  
21 against Defendants in that case. *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F.  
22 Supp. 3d ----, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Respondents in this case are all  
23 Defendants in *Rodriguez Vazquez*. Yet despite the declaratory judgment in *Rodriguez Vazquez*,  
24 Respondents are continuing to apply *Matter of Yajure Hurtado* to class members.

1 7. Petitioners are class members of the certified class in *Rodriguez Vazquez* because  
2 their most recent apprehension did not occur upon arrival in the United States, but instead years  
3 later. *See Rodriguez Vazquez v. Bostock*, 349 F.R.D. 333, 365 (W.D. Wash. 2025) (certifying  
4 class of individuals who were not “apprehended upon arrival,” among other requirements).

5 8. Even if Petitioners are not considered class members in *Rodriguez Vazquez*, their  
6 detention based on § 1225(b)(2) violates the plain language of the Immigration and Nationality  
7 Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioners, who previously entered  
8 and are now residing in the United States. Instead, such individuals are subject to a different  
9 statute, § 1226(a), that allows for release on conditional parole or bond. Indeed, § 1226(a)  
10 expressly applies to people who, like Petitioners, are charged as inadmissible for having entered  
11 the United States without admission or parole.

12 9. Accordingly, Petitioners seek a writ of habeas corpus. For the two petitioners for  
13 whom the Tacoma immigration judges (IJs) set an “alternative bond” amount after denying bond  
14 based on § 1225(b)(2)(A), Petitioners seek an order requiring DHS to immediately release them  
15 once bond is posted. The remaining two Petitioners seek an order requiring their release unless  
16 Respondents provide a bond hearing under § 1226(a) within seven days.

### 17 JURISDICTION

18 10. Petitioners are in the physical custody of Respondents. Petitioners are detained at  
19 the NWIPC.

20 11. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C.  
21 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the  
22 Suspension Clause).

23 12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
24 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

1 **VENUE**

2 13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484,  
3 493–500 (1973), venue lies in the United States District Court for the Western District of  
4 Washington, the judicial district in which Petitioners are currently detained.

5 14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
6 Respondents are employees, officers, and agencies of the United States, and because a  
7 substantial part of the events or omissions giving rise to the claims occurred in the Western  
8 District of Washington.

9 **REQUIREMENTS OF 28 U.S.C. § 2243**

10 15. The Court must grant the petition for writ of habeas corpus or order Respondents  
11 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an  
12 order to show cause is issued, the Respondents must file a return “within three days unless for  
13 good cause additional time, not exceeding twenty days, is allowed.” *Id.*

14 16. Habeas corpus is “perhaps the most important writ known to the constitutional  
15 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
16 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
17 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
18 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
19 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

20 **PARTIES**

21 17. Petitioner Angel Romulo Del Valle Castillo is a 19-year-old noncitizen from  
22 Guatemala who was arrested by ICE on August 8, 2025. He is detained at NWIPC.

23 18. Petitioner Jose Antonio De La Cruz Gonzalez is a 20-year-old noncitizen from  
24 Mexico who was arrested by ICE on August 22, 2025. He is detained at NWIPC.

1 19. Petitioner Marta Escalante Perez is a 28-year-old noncitizen from Guatemala who  
2 was arrested by ICE on August 7, 2025. She is detained at NWIPC.

3 20. Petitioner Rebeca Esther Morales Fuenmayor is 32-year-old noncitizen from  
4 Venezuela who was arrested by ICE on July 18, 2025. She is detained at NWIPC.

5 21. Petitioner Edvin Ramiro Matias Calmo is a 24-year-old noncitizen from  
6 Guatemala who was arrested by ICE on October 4, 2025. He is detained at NWIPC.

7 22. Petitioner Hector Ramirez Garcia is a 23-year-old noncitizen from Guatemala  
8 who was arrested by Customs and Border Protection (CBP) on October 6, 2025. He is detained at  
9 NWIPC.

10 23. Respondent Cammilla Wamsley is the Director of the Seattle Field Office of  
11 ICE's Enforcement and Removal Operations division. As such, Ms. Wamsley is Petitioners'  
12 immediate custodian and is responsible for their detention and removal. She is named in her  
13 official capacity.

14 24. Respondent Bruce Scott is employed by The GEO Group, Inc., as Warden of the  
15 NWIPC, where Petitioners are detained. He has immediate physical custody of Petitioners. He is  
16 sued in his official capacity.

17 25. Respondent Department of Homeland Security (DHS) is the federal agency  
18 responsible for implementing and enforcing the INA, including the detention and removal of  
19 noncitizens.

20 26. Respondent Executive Office for Immigration Review (EOIR) is the federal  
21 agency responsible for implementing and enforcing the INA in removal proceedings, including  
22 for custody redeterminations in bond hearings.

1 **LEGAL FRAMEWORK**

2 27. The INA prescribes three basic forms of detention for the vast majority of  
3 noncitizens in removal proceedings.

4 28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
5 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally  
6 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),  
7 while noncitizens who have been arrested, charged with, or convicted of certain crimes are  
8 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

9 29. Second, the INA provides for mandatory detention of noncitizens subject to  
10 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission,  
11 as provided in § 1225(b)(2).

12 30. Last, the INA also provides for the detention of noncitizens who have been  
13 ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C.  
14 § 1231(a)–(b).

15 31. This case concerns DHS’s detention authority under § 1226(a) and § 1225(b)(2).

16 32. As an initial matter, Petitioners are class members of the certified class in  
17 *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240 (W.D. Wash.). As a result, they are  
18 considered detained under § 1226(a) as a matter of law.

19 33. The class in *Rodriguez Vazquez* is defined as “All noncitizens without lawful  
20 status detained at the Northwest ICE Processing Center who (1) have entered or will enter the  
21 United States without inspection, (2) are not apprehended upon arrival, (3) are not or will not be  
22 subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen  
23 is scheduled for or requests a bond hearing.” *Rodriguez Vazquez*, 349 F.R.D. at 365.

1 34. Petitioners initially entered without inspection and are not subject to detention  
2 under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

3 35. In each of their cases, Petitioners entered without admission or parole, and while  
4 they were initially apprehended shortly after arrival, they were thereafter released. Given their  
5 release following apprehension, they are not challenging the statutory authority of that initial  
6 detention. Petitioners have since resided in the United States for years without formal legal  
7 status.

8 36. Instead, Petitioners now contest Respondents' application of § 1225(b)(2) to their  
9 most recent arrest, after they have been residing for years in the United States.

10 37. Because Petitioners' most recent detention was not "upon arrival," they are  
11 *Rodriguez Vazquez* class members. The relevant apprehension for class membership purposes is  
12 the most recent apprehension. As many courts have recognized, those who enter without  
13 admission or parole, are apprehended and released shortly thereafter, and are later re-arrested  
14 after residing in the United States, are like all other class members in that § 1226(a)'s detention  
15 authority plainly covers them and they cannot be said to be seeking admission. *See infra* ¶ 54.  
16 Accordingly, the most recent apprehension determines whether a person can be lawfully detained  
17 under § 1225(b)(2)(A). Because Petitioners were most recently detained years after their entry  
18 and not upon arrival, they are class members and cannot be considered subject to  
19 § 1225(b)(2)(A)'s authority.

20 38. Moreover, even if Petitioners were not *Rodriguez Vazquez* class members, they  
21 would still be subject to detention under 8 U.S.C. § 1226(a), not § 1225(b)(2).

22 39. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
23 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.  
24 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section

1 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139  
2 Stat. 3 (2025).

3 40. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining  
4 that, in general, people who entered the country without admission or parole were not considered  
5 detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and  
6 Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal  
7 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

8 41. Thus, in the decades that followed, nearly everyone who entered without  
9 admission or parole and were placed in standard removal proceedings received bond hearings,  
10 unless their criminal history rendered them ineligible. That practice was consistent with many  
11 more decades of prior practice, in which noncitizens who were not deemed “arriving” were  
12 entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994);  
13 *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the  
14 detention authority previously found at § 1252(a)).

15 42. In the last few months, Respondents have upended this decades-long practice.

16 43. On July 8, 2025, ICE issued a new policy entitled “Interim Guidance Regarding  
17 Detention Authority for Applicants for Admission,” claiming that all persons who entered the  
18 United States without admission or parole shall now be deemed “applicants for admission” under  
19 8 U.S.C. § 1225, and therefore are subject to mandatory detention under § 1225(b)(2)(A).

20 44. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure*  
21 *Hurtado*. There, the Board held that all noncitizens who entered the United States without  
22 admission or parole are considered applicants for admission who are seeking admission and are  
23 ineligible for IJ bond hearings.

1 45. Dozens of federal courts have rejected Respondents' new interpretation of the  
2 INA's detention authorities.

3 46. Notably, long before ICE or the BIA changed its position nationwide, IJs in the  
4 Tacoma, Washington, immigration court stopped providing bond hearings for persons who  
5 entered the United States without admission or parole and who have since resided here. This  
6 Court held that such a reading of the INA is unlawful and that § 1226(a), not § 1225(b), applies  
7 to members of the Bond Denial Class in that case. *See Rodriguez Vazquez*, 2025 WL 2782499.

8 47. Court after court has adopted the same reading of the INA's detention authorities  
9 and rejected ICE's new policy and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No.  
10 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No.  
11 CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v.*  
12 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025),  
13 *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133  
14 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL  
15 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025  
16 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW  
17 (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM,  
18 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025  
19 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF,  
20 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-  
21 JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-  
22 KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051  
23 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v.*  
24 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, --- F. Supp. 3d ----, 2025 WL 2496379 (E.D. Mich.

1 Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D.  
2 Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL  
3 2591530 (C.D. Cal. Sept. 8, 2025); *Jimenez v. FCI Berlin, Warden*, 25-CV-326-LM-AJ, ---  
4 F.Supp.3d ----, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-  
5 CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-  
6 11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Aceros v. Kaiser*, 25-CV-06924-EMC  
7 (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Pablo Sequen v. Kaiser*, No. 25-CV-  
8 06487-PCP, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025); *Maldonado Vazquez v. Feeley*, 2:25-  
9 CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Hasan v. Crawford*, No.  
10 1:25-CV-1408 (LMB/IDD), --- F. Supp. 3d. ----, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025);  
11 *Choglo Chafra v. Scott*, 2:25-CV-00437-SDN, 2025 WL 2688541 (D. Me. Sept. 21, 2025);  
12 *Belsai v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025);  
13 *Cerritos Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL (ESW), 2025 WL 2821282 (D.  
14 Ariz. Oct. 3, 2025); *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D.  
15 Tex. Oct. 7, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228 JLT SAB, 2025 WL 2879514  
16 (E.D. Cal. Oct. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL  
17 2531566, at \*2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a)  
18 and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC,  
19 2025 WL 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-  
20 03158-JFB-RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same).

21 48. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it  
22 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the  
23 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like  
24 Petitioners.

1 49. Subsection 1226(a) applies by default to all persons “pending a decision on  
2 whether the [noncitizen] is to be removed from the United States.” These removal hearings are  
3 held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

4 50. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
5 including those who entered without admission or parole. *See* 8 U.S.C. § 1226(c)(1)(E).  
6 Subparagraph (E)’s reference to such people makes clear that, by default, such people are  
7 afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained,  
8 “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent  
9 those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257  
10 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

11 51. Section 1226 therefore leaves no doubt that it applies to people who face charges  
12 of being inadmissible to the United States, including those who are present without admission or  
13 parole.

14 52. By contrast, § 1225(b) applies only to people arriving at U.S. ports of entry or, at  
15 most, to those who recently entered the United States. The statute’s entire framework is premised  
16 on inspections at the border of people who are “seeking admission” to the United States. 8  
17 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention  
18 scheme applies “at the Nation’s borders and ports of entry, where the Government must  
19 determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v.*  
20 *Rodriguez*, 583 U.S. 281, 287 (2018).

21 53. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to  
22 people like Petitioners, who have already entered, were released, and have since been residing in  
23 the United States at the time they were most recently apprehended.

1 54. Notably, many of the cases cited above involve facts similar to this one, where the  
2 noncitizens were initially apprehended, released soon thereafter, resided in the United States for  
3 many years, and have since be re-arrested. As those courts have explained, § 1226(a) remains the  
4 detention authority for such individuals. *See, e.g., Gomes*, 2025 WL 1869299; *Diaz Martinez*,  
5 2025 WL 2084238; *Rosado*, 2025 WL 2337099; *Lopez Benitez*, 2025 WL 2371588; *Maldonado*,  
6 2025 WL 2374411; *Romero*, 2025 WL 2403827; *Samb*, 2025 WL 2398831; *Ramirez Clavijo*,  
7 2025 WL 2419263; *Jimenez*, 2025 WL 2639390; *Sampiao*, 2025 WL 2607924; *Aceros*, 2025  
8 WL 2637503; *Pablo Sequen*, 2025 WL 2650637; *Hasan*, 2025 WL 2682255; *Ortiz Donis*, 2025  
9 WL 2879514.

10 **FACTS**

11 **Angel Romulo Del Valle Castillo**

12 55. Petitioner Angel Romulo Del Valle Castillo initially entered the United States  
13 without being inspected or admitted on April 5, 2022, and was arrested by CBP. At the time, he  
14 was 15 years old and was processed as an unaccompanied minor. Ex. A.<sup>1</sup>

15 56. Mr. Del Valle Castillo was transferred to the custody of the Office of Refugee  
16 Resettlement (ORR) and released shortly thereafter. Ex. B.

17 57. Since his release from ORR custody years ago, Mr. Del Valle Castillo has resided  
18 in the United States without lawful status.

19 58. After his initial apprehension, DHS never filed a Notice to Appear before EOIR  
20 commencing removal proceedings against Mr. Del Valle Castillo.

21 59. On August 8, 2025, DHS arrested Mr. Del Valle Castillo at his place of work. He  
22 is now detained at NWIPC. Ex. A.

23 \_\_\_\_\_  
24 <sup>1</sup> All exhibit citations are to the exhibits included with the declaration of Sydney Maltese, which  
Petitioners have filed concurrently with the petition for writ of habeas corpus.

1 60. ICE placed Mr. Del Valle Castillo in removal proceedings before the Tacoma  
2 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible  
3 under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission  
4 or parole at an unknown place and an unknown time. Ex. C.

5 61. On October 8, 2025, a Tacoma IJ issued a decision holding that the court lacked  
6 jurisdiction to conduct a bond redetermination hearing because Mr. Del Valle Castillo was an  
7 applicant for admission seeking admission under § 1225(b)(2)(A). Ex. D.

8 62. As a result, Mr. Mr. Del Valle Castillo remains in detention. Without relief from  
9 this court, he faces the prospect of months, or even years, in immigration custody.

10 **Jose Antonio De La Cruz Gonzalez**

11 63. Petitioner Jose Antonio De La Cruz Gonzalez initially entered the United States  
12 without being inspected or admitted on August 6, 2017, with his family. He and his family were  
13 processed through the expedited removal scheme at 8 U.S.C. § 1225(b)(1), found to have a  
14 credible fear, and released from detention. They were released from detention within days of  
15 their entry. Ex. E.

16 64. Since his release from DHS custody years ago, Mr. De La Cruz Gonzalez has  
17 resided in the United States without lawful status.

18 65. In June 2024, an IJ dismissed Mr. De La Cruz Gonzalez's removal proceedings  
19 without prejudice. Ex. E.

20 66. On August 22, 2025, ICE re-arrested Mr. De La Cruz Gonzalez. He is now  
21 detained at NWIPC. Ex. E.

22 67. ICE placed Mr. De La Cruz Gonzalez in removal proceedings before the Tacoma  
23 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible  
24

1 under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission  
2 or parole at an unknown place and an unknown time. Ex. F.

3 68. On October 6, 2025, a Tacoma IJ issued a decision holding that the court lacked  
4 jurisdiction to conduct a bond redetermination hearing because Mr. De La Cruz Gonzalez was an  
5 applicant for admission seeking admission under § 1225(b)(2)(A). The IJ set an alternative bond  
6 amount of \$7,500. Ex. G.

7 69. As a result of the IJ's order, Mr. De La Cruz Gonzalez remains in detention.  
8 Without relief from this court, he faces the prospect of months, or even years, in immigration  
9 custody.

10 **Marta Escalante Perez**

11 70. Petitioner Marta Escalante Perez initially entered the United States without being  
12 inspected or admitted on October 24, 2015. She was released shortly thereafter, after having been  
13 placed in removal proceedings. Ex. H. At the time, she was 18 years.

14 71. Since her release from DHS custody years ago, Ms. Escalante Perez has resided in  
15 the United States without lawful status.

16 72. In January 2023, an IJ dismissed Ms. Escalante Perez's removal proceedings  
17 without prejudice. Ex. I.

18 73. On August 7, 2025, ICE re-arrested Ms. Escalante Perez. She is now detained at  
19 NWIPC. Ex. I.

20 74. ICE placed Ms. Escalante Perez in removal proceedings before the Tacoma  
21 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged her with being inadmissible  
22 under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission  
23 or parole at an unknown place and an unknown time. Ex. J.

1 75. On October 8, 2025, a Tacoma IJ issued a decision holding that the court lacked  
2 jurisdiction to conduct a bond redetermination hearing because Ms. Escalante Perez was an  
3 applicant for admission seeking admission under § 1225(b)(2)(A). Ex. K.

4 76. As a result of the IJ's order, Ms. Escalante Perez remains in detention. Without  
5 relief from this court, she faces the prospect of months, or even years, in immigration custody.

6 **Rebeca Esther Morales Fuenmayer**

7 77. Petitioner Rebeca Esther Morales Fuenmayer initially entered the United States  
8 without being inspected or admitted on May 30, 2024. She was released shortly thereafter, after  
9 having been placed in removal proceedings. Ex. L.

10 78. ICE placed Ms. Morales Fuenmayer in removal proceedings before the Portland  
11 Immigration Court pursuant to 8 U.S.C. § 1229a. At the time, ICE has charged her with being  
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States  
13 without admission or parole. Ex. M.

14 79. On July 18, 2025, ICE re-arrested Ms. Morales Fuenmayer. She is now detained  
15 at NWIPC and her removal proceedings have since been transferred to the Tacoma Immigration  
16 Court. Ex. L.

17 80. On August 25, 2025, a Tacoma IJ issued a decision holding that the court lacked  
18 jurisdiction to conduct a bond redetermination hearing because Ms. Morales Fuenmayer was an  
19 applicant for admission seeking admission under § 1225(b)(2)(A). The IJ set an alternative bond  
20 amount of \$7,500. Ex. N.

21 81. As a result of the IJ's order, Ms. Morales Fuenmayer remains in detention.  
22 Without relief from this court, she faces the prospect of months, or even years, in immigration  
23 custody.

1 Edvin Ramiro Matias Calmo

2 82. Petitioner Edvin Ramiro Matias Calmo initially entered the United States without  
3 being inspected or admitted in April 2018, and was arrested by CBP. At the time, he was 16  
4 years old and was processed as an unaccompanied minor. Ex O. He was placed in removal  
5 proceedings.

6 83. Mr. Matias Calmo was transferred to the custody of the Office of Refugee  
7 Resettlement and released shortly thereafter. Ex. P.

8 84. Since his release from ORR custody years ago, Mr. Matias Calmo has resided in  
9 the United States without lawful status.

10 85. In January 2025, Mr. Matias Calmo's removal proceedings were dismissed. Ex.  
11 Q.

12 86. Nevertheless, on October 4, 2025, ICE re-arrested Mr. Matias Calmo. He is now  
13 detained at NWIPC. Ex. O.

14 87. Following his October 2025 arrest, ICE placed Mr. Matias Calmo in removal  
15 proceedings before the Tacoma Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has  
16 charged him with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered  
17 the United States without admission or parole at an unknown place and an unknown time. Ex. R.

18 88. On October 17, 2025, a Tacoma IJ issued a decision holding that the court lacked  
19 jurisdiction to conduct a bond redetermination hearing because Mr. Matias Calmo was an  
20 applicant for admission seeking admission under § 1225(b)(2)(A). Ex. S.

21 89. As a result of the IJ's order, Mr. Matias Calmo remains in detention. Without  
22 relief from this court, he faces the prospect of months, or even years, in immigration custody.

1 **Hector Ramirez Garcia**

2 90. Petitioner Hector Ramirez Garcia initially entered the United States without being  
3 inspected or admitted in July 2018 and was arrested by CBP. At the time, he was 16 years old  
4 and was processed as an unaccompanied minor. Ex. T. He was placed in removal proceedings.

5 91. Since his release from ORR custody years ago, Mr. Ramirez Garcia has resided in  
6 the United States without lawful status. In 2021, he was granted Special Immigrant Juvenile  
7 status, which provides a pathway to lawful permanent resident status.

8 92. In December 2021, Mr. Ramirez Garcia's removal proceedings were dismissed.  
9 Ex. U.

10 93. Nevertheless, on October 6, 2025, CBP re-arrested Mr. Ramirez Garcia during a  
11 traffic stop in Montana. He is now detained at NWIPC.

12 94. Following his October 2025 arrest, ICE placed Mr. Ramirez Garcia in removal  
13 proceedings before the Tacoma Immigration Court pursuant to 8 U.S.C. § 1229a. Upon  
14 information and belief, ICE has charged him with being inadmissible under 8 U.S.C. §  
15 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole at an  
16 unknown place and an unknown time. Ex. V.

17 95. Mr. Ramirez Garcia has not yet had a bond hearing. However, he will be denied  
18 relief based on the decision in *Matter of Yajure Hurtado*. Without relief from this court, he faces  
19 the prospect of months, or even years, in immigration custody.

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**CLAIMS FOR RELIEF**

**COUNT I**

**Violation of the INA**

**Request for Relief Pursuant to *Rodriguez Vazquez* Declaratory Judgment**

96. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

97. As members of the Bond Denial Class, Petitioners are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

98. The judgment in *Rodriguez Vazquez* makes clear that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

99. Respondents are parties to *Rodriguez Vazquez* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

100. By denying Petitioners a bond hearing under § 1226(a) and asserting that they are subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioners' rights under the INA and this Court's final judgment in *Rodriguez Vazquez*.

**COUNT II**

**Violation of INA**

**Unlawful Detention under § 1225(b)(2)(A)**

101. Petitioners incorporate by reference the allegations of fact set forth in paragraphs 1-95.

102. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by

1 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to  
2 § 1225(b)(1), § 1226(c), or § 1231.

3 103. The application of § 1225(b)(2) to Petitioners unlawfully mandates their  
4 continued detention and violates the INA.

5 **COUNT III**  
6 **Violation of Due Process**

7 104. Petitioners incorporate by reference the allegations of fact set forth in paragraphs  
8 1–95.

9 105. The government may not deprive a person of life, liberty, or property without due  
10 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government  
11 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the  
12 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

13 106. Petitioners have a fundamental interest in liberty and being free from official  
14 restraint.

15 107. The government’s detention of Petitioners without a bond redetermination hearing  
16 to determine whether they are a flight risk or danger to others violates their right to due process.

17 **PRAYER FOR RELIEF**

18 WHEREFORE, Petitioners prays that this Court grant the following relief:

- 19 a. Assume jurisdiction over this matter;
- 20 b. Issue a writ of habeas corpus clarifying that the statutory basis for all Petitioners’  
21 detention is 8 U.S.C. § 1226(a) and that 8 U.S.C. § 1225(b)(2)(A) does not apply  
22 to Petitioners;
- 23
- 24

- 1 c. For the Petitioners who received a hearing where the IJ set an alternative bond  
2 amount, issue a writ of habeas corpus requiring Respondents to release those  
3 individuals immediately upon posting of that bond amount;
- 4 d. For the Petitioners who have not yet received a hearing, issue a writ of habeas  
5 corpus requiring that Respondents release those Petitioners unless Respondents  
6 provide those Petitioners with a bond hearing pursuant to 8 U.S.C. § 1226(a)  
7 within 7 days;
- 8 e. Declare ICE’s July 8 policy and the BIA’s *Matter of Yajure Hurtado* decisions  
9 unlawful;
- 10 f. Award Petitioners attorney’s fees and costs under the Equal Access to Justice Act  
11 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
12 law; and
- 13 g. Grant any other and further relief that this Court deems just and proper.

14 DATED this 21st of October, 2025.

15 s/ Matt Adams  
16 Matt Adams, WSBA No. 28287  
matt@nwirp.org

s/ Leila Kang  
Leila Kang, WSBA No. 48048  
leila@nwirp.org

17 s/ Glenda M. Aldana Madrid  
18 Glenda M. Aldana Madrid, WSBA No. 46987  
glenda@nwirp.org

s/ Aaron Korthuis  
Aaron Korthuis, WSBA No. 53974  
aaron@nwirp.org

19 NORTHWEST IMMIGRANT  
20 RIGHTS PROJECT  
615 Second Ave., Suite 400  
21 Seattle, WA 98104  
(206) 957-8611

22 *Counsel for Petitioners*  
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