

District Judge Tiffany M. Cartwright

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HECTOR ADNAN LOPEZ ROJOP,

Petitioner,

v.

CAMMILLA WAMSLEY, *et al.*,

Respondents.

Case No. 2:25-cv-02058-TMC

FEDERAL RESPONDENTS'¹
RETURN MEMORANDUM

Noted for consideration on:
October 30, 2025

Petitioner Hector Adnan Lopez Rojop seeks habeas relief from his mandatory immigration detention at the Northwest ICE Processing Center. U.S. Immigration and Customs Enforcement (“ICE”) detains him pursuant to 8 U.S.C. § 1225(b). Federal Respondents acknowledge that this Court granted summary judgment and issued declaratory judgment that detention pursuant to 8 U.S.C. § 1225(b)(2) of the defined Bond Denial Class in *Rodriguez Vasquez v. Bostock* is unlawful. *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025).

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¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney’s Office.

1 **A. 8 U.S.C. § 1225(b)**

2 While acknowledging the Court’s decision in *Rodriguez Vasquez*, Federal Respondents
3 continue to believe Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b).
4 *See Vargas Lopez v. Trump*, No. 8:25-cv-526, 2025 WL 2780351, at *7-10 (D. Neb. Sept. 30,
5 2025) (holding petitioner properly detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*,
6 No. 3:25-cv-02325, 2025 WL 2730228, at *4-5 (S.D. Cal. Sept. 24, 2025) (denying motion for
7 temporary restraining order finding that the petitioners are unlikely to succeed on the merits that
8 there mandatory detention pursuant to Section 1225(b) is unlawful).

9 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers
10 noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of
11 valid documentation, and certain other noncitizens designated by the Attorney General in her
12 discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all
13 applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant
14 here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

15 Congress has determined that all noncitizens subject to Section 1225(b) are subject to
16 mandatory detention. Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2),
17 the sole means of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian
18 reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

19 Further, several provisions at 8 U.S.C. § 1252 preclude review. First, 8 U.S.C. § 1252(g)
20 bars review of Petitioner’s claims because they arise from the government’s decision to
21 commence removal proceedings. Second, 8 U.S.C. § 1252(b)(9) bars the Court from hearing
22 Petitioner’s claims because their claims challenge the decision and action to detain them, which
23 arises from the government’s decision to commence removal proceedings, thus an “action taken
24 . . . to remove an alien from the United States.” Third and lastly, 8 U.S.C. § 1252(e)(3) applies

1 and limits “[j]udicial review of determinations under section 1225(b) of this title and its
2 implementation.” The plain language of the statute precludes judicial review for aliens
3 determined to be detained pursuant to Section 1225(b)(2) and applies to a “determination under
4 section 1225(b)” and to its implementation.

5 **B. Petitioner Hector Adan Lopez Rojop**

6 While Federal Respondents do not agree with the *Rodriguez Vasquez* decision and are still
7 weighing their options on how to proceed, they do not object to Petitioner being considered a
8 member of the Bond Denial Class² for purposes of this litigation. On October 21, 2025, the
9 Immigration Judge recently denied Petitioner’s request for bond due to lack of jurisdiction after
10 determining that he is subject to mandatory detention. *See* Dkt. No. 5-1, Order of the Immigration
11 Judge (“IJ”). In the alternative, the IJ ordered that it would grant bond in the amount of \$7,500
12 and any conditions set by ICE, if the court had jurisdiction. *Id.*

13 If the Court were to grant Petitioner’s habeas petition, the appropriate relief would be for
14 him to either have a bond redetermination hearing in the immigration court pursuant to 8 U.S.C.
15 § 1226(a) or to be released upon payment of the bond amount found in the alternate order by the

16 IJ.

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23 ² “Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who
24 (1) have entered or will enter the United States without inspection, (2) are not apprehended upon arrival, (3) are not
or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is
scheduled for or requests a bond hearing.” *Rodriguez*, 2025 WL 2782499, at *6.

1 DATED this 27th day of October, 2025.

2 Respectfully submitted,

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I certify that this memorandum contains 675 words, in compliance with the Local Civil Rules.