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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Uriel MENDOZA ARAIZA,

Petitioner,

v.

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

Respondents.

Case No. 2:25-cv-2139

**PETITION FOR WRIT OF
HABEAS CORPUS**

**INDIVIDUAL
ENFORCEMENT OF
RODRIGUEZ VAZQUEZ BOND
DENIAL CLASS JUDGMENT**

FACTS & BASIS FOR RELIEF

1
2 1. Petitioner Uriel Mendoza Araiza brings this petition for a writ of habeas corpus to
3 seek enforcement of his rights as a member of the Bond Denial Class certified in *Rodriguez*
4 *Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. filed Mar. 20, 2025).¹

5 2. On September 30, 2025, this Court issued a final judgment “declar[ing] that Bond
6 Denial Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory
7 detention under 8 U.S.C. § 1225(b)(2).” *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-
8 TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025).

9 3. The Court further declared “that the Tacoma Immigration Court’s practice of
10 denying bond to Bond Denial Class members on the basis of § 1225(b)(2) violates the
11 Immigration and Nationality Act.” *Id.*

12 4. Petitioner Uriel Mendoza Araiza is a member of the Bond Denial Class, as he:

- 13 (a) does not have lawful status in the United States and is currently detained
14 at NWIPC after being apprehended by U.S. Immigration and Customs
15 Enforcement (ICE) on September 29, 2025, *see Ex. A*;²
16 (b) entered the United States without inspection over twenty years ago and
17 was not apprehended upon arrival; *see id.*; and
18 (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

19 5. After apprehending Mr. Mendoza on September 29, the Department of Homeland
20 Security (DHS) placed Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has
21 charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who
22 entered the United States without inspection. *See Ex. B.*

23
24 ¹ The Bond Denial Class is comprised of “[a]ll noncitizens without lawful status detained at the
25 Northwest ICE Processing Center [NWIPC] who (1) have entered or will enter the United States
26 without inspection, (2) are not apprehended upon arrival, (3) are not or will not be subject to
27 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 Vazquez v. Bostock*, No. 3:25-CV-05240-
TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at *6 (W.D. Wash. Sept. 30, 2025).

² All exhibit citations are to the authenticating declaration of Sydney Maltese filed
contemporaneously with this petition.

1 6. On October 24, 2025, an IJ denied Petitioner’s bond request based on lack of
2 jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C.
3 § 1225(b)(2)(A). Ex. C.

4 7. In addition, the IJ ruled that Mr. Mendoza is not a *Rodriguez Vazquez* class
5 member because he is subject to mandatory detention under the Laken Riley Act and 8 U.S.C.
6 § 1226(c)(2). *See id.* The reference in the IJ’s bond order to § 1226(c)(2) is really a reference to
7 § 1226(c)(1)(E), as § 1226(c)(2) simply defines the terms referenced in § 1226(c)(1)(E).
8 Subparagraph (c)(1)(E) and paragraph (c)(2) were both added to subsection (c) of § 1226 earlier
9 this year as part of the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025) (LRA or Act).

10 8. The relevant text of the LRA provides that a person who “is inadmissible under
11 paragraph (6)(A), (6)(C), or (7) of section 1182(a) of this title” *and* who “is charged with, is
12 arrested for, is convicted of, admits having committed, or admits committing acts which
13 constitute the essential elements . . . shoplifting” is subject to mandatory detention. 8 U.S.C. §
14 1226(c)(1)(E).

15 9. Mr. Mendoza has a 2006 conviction for shoplifting from Monterey County,
16 California.

17 10. Based on this offense, the IJ concluded § 1226(c)(1)(E) applies.

18 11. That conclusion is contrary to law. Nothing about the LRA indicates that the Act
19 is retroactive, and well-established principles demonstrate it is not.

20 12. The Supreme Court has repeatedly held—including in the immigration context—
21 that “courts read laws as prospective in application unless Congress has unambiguously
22 instructed retroactivity.” *Vartelas v. Holder*, 566 U.S. 257, 266 (2012); *see also I.N.S. v. St. Cyr*,
23 533 U.S. 289, 315–26 (2001) (finding that 1996 amendments to INA did not retroactively
24 eliminate a form of relief from removal for certain lawful permanent residents). A strong
25 presumption against retroactivity exists, because “[e]lementary considerations of fairness dictate
26 that individuals should have an opportunity to know what the law is and to conform their conduct
27 accordingly; settled expectations should not be lightly disrupted.” *Reyes v. Garland*, 11 F.4th

1 985, 990 (9th Cir. 2021) (quoting *Landgraf v. USI Film Prods.*, 511 U.S. 244, 265 (1994)); *see*
2 *also id.* (noting the Supreme Court has applied these principles in “several immigration cases”).

3 13. The LRA contains no text that indicates the Act has a retroactive effect.
4 Moreover, due process strongly weighs against retractive application, given the significant
5 reliance interests individuals like Mr. Mendoza have in not having new consequences attach to
6 their past conduct or to a past decision to reach a plea agreement.

7 14. Notably, at the October 24 bond hearing, DHS agreed with counsel for Mr.
8 Mendoza that the LRA contains no retroactivity language. *See* Decl. of Stephen Robbins ¶ 12.
9 This is consistent with position that the Department of Justice and DHS have taken in litigation
10 in federal court in other cases. *See* Gov’t’s Supp. Br., *Khamba v. Albarran*, No. 1:25-CV-01227-
11 JLT-SKO (E.D. Cal. Oct. 9, 2025), Dkt. 13 at 1 (“The government does not believe that the LRA
12 applies because it does not include an expressed effective date and therefore is not retroactive.”)

13 15. Ignoring the caselaw cited above, and despite the Department of Justice’s own
14 position on this matter, the IJ concluded that Mr. Mendoza is subject to § 1226(c)(1)(E). The IJ
15 provided no analysis or reasoning. Robbins Decl. ¶ 13. That conclusion is contrary to law.

16 16. Because the IJ’s conclusion as to the LRA’s retroactivity has no basis in law, Mr.
17 Mendoza is not subject to detention under § 1226(c)(1)(E) and is a *Rodriguez Vazquez* class
18 member. Respondents are therefore bound by the judgment in *Rodriguez Vazquez*, as it has the
19 full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

20 17. Nevertheless, Respondents continue to flagrantly defy the judgment in that case
21 and continue to subject Petitioners to unlawful detention despite their clear entitlement to
22 consideration for release on bond as Bond Denial Class members.

23 18. The Court should expeditiously grant this petition and order that Respondents
24 must release Mr. Mendoza unless he receives a new bond hearing under § 1226(a) within seven
25 days of the Court’s order.

1 **CLAIM FOR RELIEF**
2 **Violation of the INA:**
3 **Request for Relief Pursuant to *Rodriguez Vazquez***

4 26. Petitioner repeats, re-alleges, and incorporates by reference each and every
5 allegation in the preceding paragraphs as if fully set forth herein.

6 27. As a member of the Bond Denial Class, Petitioner is entitled to consideration for
7 release on bond under 8 U.S.C. § 1226(a).

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

10 29. Respondents are parties to *Rodriguez Vazquez* and bound by the Court's
11 declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C.
12 § 2201(a).

13 30. By denying Petitioner a bond hearing under § 1226(a) and asserting that Petitioner
14 is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's rights
15 under the INA and this Court's judgment in *Rodriguez Vazquez*.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 18 a. Assume jurisdiction over this matter;
- 19 b. Issue a writ of habeas corpus and order that Respondents must release Petitioner
20 unless within seven days of the Court's order they administer a bond hearing
21 under 8 U.S.C. § 1226(a). At that hearing, the IJ may not conclude that Mr.
22 Mendoza is subject to 8 U.S.C. § 1226(c) or § 1225(b)(2);
- 23 c. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act
24 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
25 law; and
- 26 d. Grant any other and further relief that this Court deems just and proper.
- 27

1 DATED this 30th of October, 2025.

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