

The Honorable Tiffany M. Cartwright

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEONARDO ALONSO SANCHEZ,

Petitioner,

v.

LAURA HERMOSILLO, Seattle Field Office  
Director, Enforcement and Removal Operations,  
United States Immigration and Customs  
Enforcement,<sup>1</sup> *et al.*,

Respondents.

Case No. 2:25-cv-02152-TMC

FEDERAL RESPONDENTS'<sup>2</sup>  
RETURN MEMORANDUM

Petitioner Leonardo Alonso Sanchez seeks habeas relief from his mandatory immigration detention. U.S. Immigration and Customs Enforcement detains him pursuant to 8 U.S.C. § 1225(b).

Petitioner alleges that he is similarly situated to people of the defined class in *Rodriguez Vazquez v. Bostock*. No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Dkt. 1, ¶¶ 35, 45-47. Federal Respondents acknowledge this Court granted summary judgment and

<sup>1</sup> Laura Hermosillo, Seattle Acting Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement is substituted for Camilla Wamsley, pursuant to Fed. R. Civ. P. 25(d).  
<sup>2</sup> Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the defined class in *Rodriguez Vazquez*  
2 is unlawful.<sup>3</sup> Petitioner, however, is not a class member because he is not at the Northwest ICE  
3 Processing Center (“NWIPC”), and he has not requested a bond hearing. If he met those two  
4 prerequisites, Petitioner would meet the Bond Denial class definition, after which the appropriate  
5 relief would be a bond redetermination hearing in immigration court.

## 6 I. LEGAL AND FACTUAL BACKGROUND

### 7 A. 8 U.S.C. § 1225(b)

8 While acknowledging the Court’s decision in *Rodriguez Vazquez*, Federal Respondents  
9 continue to believe Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b).  
10 *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sept. 30, 2025)  
11 (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, --- F. Supp. 3d  
12 ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) (same). Noncitizens who are apprehended shortly  
13 after illegally crossing the border and who are determined to be inadmissible due to lacking a visa  
14 or valid entry documentation, 8 U.S.C. § 1182(a)(7)(A), may be removed pursuant to an expedited  
15 removal order unless they express an intention to apply for asylum or a fear of persecution in their  
16 home country. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii)(II). “The purpose of these provisions is to  
17 expedite the removal from the United States of aliens who indisputably have no authorization to  
18 be admitted to the United States, while providing an opportunity for such an alien who claims  
19 asylum to have the merits of his or her claim promptly assessed by officers with full professional  
20 training in adjudicating asylum claims.” H.R. Conf. Rep. No. 828, 104th Cong., 2d Sess. 209  
21 (1996).

---

22  
23 <sup>3</sup> “Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who (1)  
24 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 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers  
2 noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid  
3 documentation, and certain other noncitizens designated by the Attorney General in her discretion.  
4 Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for  
5 admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See*  
6 *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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

11 Further, several provisions at 8 U.S.C. § 1252 preclude review. First, 8 U.S.C. § 1252(g)  
12 bars review of Petitioner’s claims because they arise from the government’s decision to commence  
13 removal proceedings. Second, 8 U.S.C. § 1252(b)(9) bars the Court from hearing Petitioner’s  
14 claims because his claims challenge the decision and action to detain him, which arises from the  
15 government’s decision to commence removal proceedings, thus an “action taken . . . to remove an  
16 alien from the United States.” Third and last, 8 U.S.C. § 1252(e)(3) applies and limits “[j]udicial  
17 review of determinations under section 1225(b) of this title and its implementation.” The plain  
18 language of the statute precludes judicial review for noncitizens determined to be detained  
19 pursuant to Section 1225(b)(2) and applies to a “determination under section 1225(b)” and to its  
20 implementation.

21 **B. Petitioner Leonardo Alonso Sanchez**

22 Petitioner is a native and citizen of Mexico who entered the United States without inspection  
23 at an unknown location on an unknown date. Benjamin Decl., ¶ 4. On October 20, 2025, Petitioner  
24 was taken into ICE custody; and he was later issued a Notice to Appear that same day. *Id.*, ¶¶ 5-6;

1 Strong Decl., Ex. A (Notice to Appear). Although Petitioner claims that an “immigration judge is  
2 unable to consider [his] bond request,” Federal Respondents could locate no evidence to date that  
3 he has requested a bond hearing before the immigration court. *Compare* Dkt. 1, ¶ 46 with Benjamin  
4 Decl., ¶ 8.

5 Furthermore, on October 31, 2025, ICE transferred Petitioner and 144 other noncitizens  
6 from the NWIPC to the El Paso Processing Center in Texas in order to decompress the facility and  
7 gain additional bedspace for other noncitizens. Benjamin Decl., ¶ 7. Petitioner remains in the El  
8 Paso Facility. *Id.*

## 9 II. ARGUMENT

10 Petitioner is not a member of the *Rodriguez Vazquez* bond denial class and therefore is not  
11 entitled to relief for two reasons: (1) he has not requested a bond hearing and (2) he is not at the  
12 Northwest ICE Processing Center. In *Rodriguez Vazquez*, the Court defined the bond denial class  
13 as: “All noncitizens without lawful status *detained at the Northwest ICE Processing Center* who  
14 (1) have entered or will enter the United States without inspection, (2) are not apprehended upon  
15 arrival, (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or §  
16 1231 *at the time the noncitizen is scheduled for or requests a bond hearing.*” *Rodriguez Vazquez*,  
17 2025 WL 2782499, at \*6 (emphases added).

18 The *Rodriguez Vazquez* bond denial class is limited to those detained at the NWIPC.  
19 Although Petitioner was detained at the NWIPC on the day he filed his habeas petition, ICE  
20 transferred him along with 144 other detainees the next day to the El Paso Processing Facility to  
21 free up additional bedspace at the NWIPC.<sup>4</sup> Benjamin Decl., ¶ 7. The Department of Homeland  
22

23 <sup>4</sup> Federal Respondents recognize this Court ordered that Petitioner and his counsel must be provided with 48 hours-  
24 notice before transferring him from the NWIPC to another facility, but he had already been transferred to the El Paso  
Processing Facility before the Court issued that order on November 3. Dkt. 4.

1 Security (“DHS”) has broad authority under 8 U.S.C. § 1231(g) to determine the placement and  
2 transfer of detainees to appropriate detention facilities. Section 1231(g) explicitly authorizes DHS  
3 to arrange for appropriate places of detention for individuals detained pending removal or a  
4 decision on removal. *See also* 2011 U.S. Immigration and Customs Enforcement, Performance-  
5 Based National Detention Standards 2011 (rev. 2016).<sup>5</sup> This includes the authority to acquire,  
6 build, lease, and operate detention facilities to meet operational needs. Placement and transfer  
7 decisions are made based on operational priorities, including proximity to immigration courts,  
8 facility capacity, security needs, medical care, and the ability to meet detention standards.  
9 Transfers occur when detainees need to be relocated to other facilities due to medical care,  
10 overcrowding, operational necessity, or security concerns.

11 Notwithstanding, Petitioner would not have been a member of the *Rodriguez Vazquez* bond  
12 denial class even if he were still present at the NWIPC. To date, Federal Respondents could locate  
13 no evidence that he has requested a bond hearing. Benjamin Decl., ¶ 8. The class, however, is  
14 limited to those who “are not or will not be subject to detention under 8 U.S.C. § 1226(c), §  
15 1225(b)(1), or § 1231 *at the time the noncitizen is scheduled for or requests a bond hearing.*”  
16 *Rodriguez Vazquez*, 2025 WL 2782499, at \*6 (emphasis added). While Petitioner claims that an  
17 “immigration judge is unable to consider [his] bond request,” it is still incumbent on him to seek  
18 relief from the Immigration Judge before seeking habeas relief in this court.

19 **III. CONCLUSION**

20 The habeas petition should be denied.

21 DATED this 7th day of November, 2025.

22  
23  
24 <sup>5</sup> Available at: <https://www.ice.gov/doclib/detention-standards/2011/pbnds2011r2016.pdf>.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Respectfully submitted,

CHARLES NEIL FLOYD  
United States Attorney

s/ James C. Strong

JAMES C. STRONG, WSBA No. 59151  
Assistant United States Attorney  
United States Attorney's Office  
Western District of Washington  
700 Stewart Street, Suite 5220  
Seattle, Washington 98101-1271  
Phone: 206-553-7970  
Fax: 206-553-4067  
Email: [james.strong@usdoj.gov](mailto:james.strong@usdoj.gov)

*Attorneys for Federal Respondents*

*I certify that this memorandum contains 1,338 words in compliance with the Local Civil Rules.*