

The Honorable Tiffany M. Cartwright

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VICTOR CRUZ-GAMEZ,

Petitioners,

v.

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

Respondents.

Case No. 2:25-cv-02154-TMC

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

Petitioner Victor Cruz-Gamez seeks habeas relief from his mandatory immigration detention. U.S. Immigration and Customs Enforcement detains him pursuant to 8 U.S.C. § 1225(b). Federal Respondents acknowledge that this Court granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the defined class in *Rodriguez Vazquez v. Bostock* is unlawful. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025).

<sup>1</sup> Laura Hermosillo, Seattle Acting Field Office Director, Enforcement and Removal Operations 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 **A. 8 U.S.C. § 1225(b)**

2 While acknowledging the Court’s decision in *Rodriguez Vazquez*, 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*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sept. 30, 2025)  
5 (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, --- F. Supp. 3d  
6 ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) (same). Noncitizens who are apprehended  
7 shortly after illegally crossing the border and who are determined to be inadmissible due to  
8 lacking a visa or valid entry documentation, 8 U.S.C. § 1182(a)(7)(A), may be removed pursuant  
9 to an expedited removal order unless they express an intention to apply for asylum or a fear of  
10 persecution in their home country. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii)(II). “The purpose of these  
11 provisions is to expedite the removal from the United States of aliens who indisputably have no  
12 authorization to be admitted to the United States, while providing an opportunity for such an alien  
13 who claims asylum to have the merits of his or her claim promptly assessed by officers with full  
14 professional training in adjudicating asylum claims.” H.R. Conf. Rep. No. 828, 104th Cong., 2d  
15 Sess. 209 (1996).

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

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

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

13 **B. Petitioner Cruz-Gamez**

14 While Federal Respondents do not agree with the *Rodriguez Vazquez* decision and are still  
15 weighing their options on how to proceed, they do not oppose this Petitioner being considered  
16 members of the Bond Denial Class<sup>3</sup> for purposes of this litigation. An Immigration Judge recently  
17 denied this Petitioner’s requests for bond due to lack of jurisdiction after determining that they  
18 are subject to mandatory detention. *See* Dkt. 1, ¶ 8. Petitioner was also issued an alternate bond  
19 order. Strong Decl., Ex. A.

20 If the Court were to grant the habeas petition with respect to this Petitioner, the appropriate  
21 relief would be for him to either have a bond redetermination hearing in the immigration court  
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23 <sup>3</sup> “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 pursuant to 8 U.S.C. § 1226(a) or to be released upon payment of the bond amount (\$3,000) found  
2 in the alternate order by the Immigration Judge in his bond hearing.

3 DATED this 6th day of November, 2025.

4 Respectfully submitted,

5 CHARLES NEIL FLOYD  
6 United States Attorney

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15 *Attorneys for Federal Respondents*

16 *I certify that this memorandum contains 755 words, in*  
17 *compliance with the Local Civil Rules.*

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