

The Honorable Tiffany M. Cartwright

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

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GUSTAVO CORRALES CASTILLO, *et al.*

Case No. 2:25-cv-02172-TMC

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Petitioners,

FEDERAL RESPONDENTS'²
RETURN MEMORANDUM

v.

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

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Respondents.

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Petitioners Gustavo Corrales Castillo, Victor Cortes-Velador, Rosa Padilla-Paz, and Ruben

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Mondragon Vazquez seek habeas relief from their mandatory immigration detention, alleging they

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are members of the defined class in *Rodriguez Vazquez v. Bostock*, No. 25-5240-TMC, 2025 WL

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2782499 (W.D. Wash. Sept. 30, 2025). Federal Respondents acknowledge that Petitioners are

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members of the class but maintain that U.S. Immigration and Customs Enforcement lawfully

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detain all of them pursuant to 8 U.S.C. § 1225(b). Federal Respondents acknowledge that this

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¹ 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).

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² Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 Court granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of
2 the defined class in *Rodriguez Vazquez* to be unlawful. Federal Respondents are appealing the
3 Court's order in *Rodriguez Vazquez*. No. 25-5240-TMC, Dkt. No. 71, Notice of Appeal.

4 **I. LEGAL BACKGROUND**

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

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

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

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

15 II. ARGUMENT

16 A. Petitioners Corrales Castillo, Cortes-Velador, and Mondragon Vazquez

17 While Federal Respondents do not agree with the *Rodriguez Vazquez* decision and have
18 appealed that decision to the Ninth Circuit, they do not oppose Petitioners Corrales Castillo,
19 Cortes-Velador, and Mondragon Vazquez from being considered members of the Bond Denial
20 Class³ for purposes of this litigation.

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23 ³ “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 Vazquez*, 2025 WL 2782499, at *6.

1 If the Court were to grant the habeas petition with respect to Petitioners Corrales Castillo,
2 Cortes-Velador, and Mondragon Vazquez, the appropriate relief would be for them to be released
3 upon payment of the bond amount found in the alternate order by the Immigration Judge (“IJ”) in
4 their respective bond hearings. *See* Dkt. 1, ¶ 6, Dkt. 3, Ex. C (Corrales Castillo); Dkt. 1, ¶ 9, Dkt.
5 3, Ex. F (Cortes-Velador); Dkt. 1, ¶ 16, Dkt. 3, Ex. M (Mondragon Vazquez).

6 **B. Petitioner Padilla-Paz**

7 Unlike the other three Petitioners, Petitioner Padilla-Paz’s habeas petition should be denied
8 even if this Court finds that she is a member of the *Rodriguez Vazquez* Bond Denial Class. As
9 described below, the IJ included an alternate bond determination denying bond because Padilla-
10 Paz presents a danger to the community and is a flight risk.

11 *i. Factual Background*

12 Padilla-Paz is a native and citizen of Honduras who entered the United States at an
13 unknown date. Booth Decl., ¶ 3; Dkt. 3, Ex. H. On or about May 1, 2011, the Superior Court for
14 San Francisco County, California convicted Padilla-Paz of Transport/Sell of a Narcotic/Controlled
15 Substance (cocaine). Booth Decl., ¶ 7; Strong Decl., Ex. 1 (Criminal Records).

16 The Department of Homeland Security issued her a Notice to Appear in 2025, charging her
17 as inadmissible under INA § 212(a)(6)(A)(i) as a noncitizen present in the United States without
18 being admitted or paroled. Dkt. 3, Ex. H; Booth Decl., ¶¶ 8-9. On June 2, 2025, Padilla-Paz was
19 brought into ICE custody and transferred to the Northwest ICE Processing Center. Booth Decl.,
20 ¶ 10. The IJ denied bond to Padilla-Paz, finding no jurisdiction under INA § 235(b)(2)(A), and
21 BIA precedent decisions. Dkt. 3, Ex. I. Additionally, the IJ stated that if jurisdiction was present,
22 bond would still have been denied because Padilla-Paz presents a danger to the community and is
23 a flight risk. *Id.*; Strong Decl., Ex. 2 (Order of the IJ). Padilla-Paz appealed the bond denial to the
24 BIA, which remains pending. Dkt. 1, ¶ 13, Dkt. 3, Ex. J.

1 ii. *Argument*

2 Instead of release, Padilla-Paz asks this Court to require the BIA to consider her detained
3 pursuant to 8 U.S.C. § 1226(a) and in essence to grant her appeal or defer to this court on the basis
4 that detention under 8 U.S.C. § 1225(b) applies to her. Dkt. 1, ¶¶ 18, 20.

5 This Court has recently held that habeas relief is not available to detainees in a similar
6 posture as Padilla-Paz. *Cantero Garcia v. Wamsley*, No. 25-2092-TMC, 2025 WL 3123996 (W.D.
7 Wash. Nov. 7, 2025). Like Padilla-Paz, an IJ had denied bond on jurisdictional grounds to one of
8 the *Cantero Garcia* petitioners, Kevin Munoz-Quitiero, but the IJ had issued an additional finding
9 that he would have been denied bond if the IJ had jurisdiction because he posed a danger to the
10 community. *Id.* at *1.

11 In denying habeas relief to Munoz-Quitiero, this Court noted that “the essence of habeas
12 corpus is an attack by a person in custody upon the legality of that custody, and ... the traditional
13 function of the writ is to secure release from illegal custody.” *Id.* at *2 (quoting *Preiser v.*
14 *Rodriguez*, 411 U.S. 475, 484 (1973)). The Court then held that although Munoz-Quitiero was
15 appealing the IJ’s bond denial, “the IJ’s determination that he presents a danger to the community
16 [was] a separate basis for the ‘legality of [his] custody.’” *Id.* (quoting *Preiser*, 411 U.S. at 484).
17 Because Munoz-Quitiero presented no other facts to question that his custody violated his law,
18 habeas relief was not appropriate. *Id.* (citing *Preiser*, 411 U.S. at 489). Moreover, Munoz-
19 Quitiero’s requested relief, which is the same as Padilla-Paz’s – that in the event the BIA
20 overturned the finding that he was a danger to the community, the Court restate that the *Rodriguez*
21 *Vazquez* declaratory judgment applied to him – was insufficient to warrant habeas relief. *Id.*

22 The Court’s rationale in *Cantero Garcia* equally applies to Padilla-Paz. She can present
23 her arguments to the BIA that she is not a danger to the community and a flight risk, and then if
24 she is dissatisfied with the result, seek habeas relief with this Court at that time. *Leonardo v.*

1 *Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011). Until the BIA decides otherwise, Federal
2 Respondents presently have a separate basis based on the IJ's order to keep Padilla-Paz detained.

3 **III. CONCLUSION**

4 For the aforementioned reasons, the habeas petition should be denied.

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6 DATED this 12th day of November, 2025.

7 Respectfully submitted,

8 CHARLES NEIL FLOYD
9 United States Attorney

10 *s/ James C. Strong*

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15 *Attorneys for Federal Respondents*

16 *I certify this memorandum contains 1,450 words in*
17 *compliance with the Local Civil Rules.*