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5
6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON

8 Sergio GOMEZ Romero

9 Petitioner,

10 v.

11 Cammilla WAMSLEY, Seattle Field Office
12 Director, Enforcement and Removal Operations,
United States Immigration and Customs
13 Enforcement (ICE); Bruce SCOTT, Warden,
Northwest ICE Processing Center; Kristi
14 NOEM, Secretary, United States Department of
Homeland Security; Pamela BONDI, United
15 States Attorney General; UNITED STATES
DEPARTMENT OF HOMELAND
16 SECURITY;

17 Respondents.

Case No. 2:25-cv-02207

**TRAVERSE IN SUPPORT OF
PETITION FOR WRIT OF HABEAS
AND RESPONSE TO ANSWER**

Noting Date: November 28, 2025

INTRODUCTION

Mr. Sergio Gomez Romero was detained by Immigration Customs Enforcement in 2011. *Declaration of Michelle R. Lambert*, Ex. B. He paid a \$5000 dollar bond and was released “pending a final determination by the immigration judge in your case...” Exhibit C. His removal proceedings were later “administratively closed.” Ex. D.

Rather than file a motion to recalendar, thus summoning Mr. Gomez back to Immigration Court, ICE agents forcibly arrested Mr. Gomez on November 4 and sent him to the Northwest Immigrant Processing Center where he remains detained to this day. Mr. Gomez filed this habeas, challenging his redetention on the grounds that Respondent’s failed to justify their actions or provide the opportunity to respond in a pre-detention hearing.

In their response the Respondents argue that Mr. Gomez is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b) having entered the United States without admission or inspection, and that he therefore has no liberty interest. However, Mr. Gomez was previously released on bond, and is a member of the defined class in *Rodriguez Vasquez v. Bostock*. No. 3:25-cv-05240—TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Even if this Court finds Mr. Gomez is not entitled to a hearing before being re-detained, the Respondents should be ordered to set a bond hearing as soon as possible as Mr. Gomez is a member of the *Rodriguez Vasquez* class.

A. Mr. Gomez is entitled to a pre-detention hearing.

The Respondents argue that Mr. Gomez’s 2011 release “was the result of an exercise of prosecutorial discretion for which he had no liberty interest.” *Federal Respondents’ Return* at 5, ¶ 3. However, the evidence shows Mr. Gomez was “released under bond in the amount of \$5000” “pending a final determination by the immigration judge in your case...” Exhibit C.

As this Court has recently held in multiple cases, due process demands a hearing *prior* to the government’s decision to terminate a person’s liberty. *See E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No.

1 C25-1192-KKE, 2025 WL 2402130, at *2–6 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, -
 2 -- F. Supp. 3d ---, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *2–4 (W.D. Wash. Sept. 12,
 3 2025); *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *7–9 (W.D.
 4 Wash. Oct. 7, 2025); *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *2–4
 5 (W.D. Wash. Sept. 17, 2025); Report & Recommendation, *Lopez Reyes v. Wamsley*, No. 2:25-cv-01868-
 6 JLR-MLP (W.D. Wash. Oct. 15, 2025), Dkt. 13. Many other courts have recently held the same.

7 The Respondents did not address these cases or the argument that they failed to justify Mr.
 8 Gomez’s redetention. Instead, they argued simply that Mr. Gomez is subject to “mandatory detention”
 9 as he entered the United States without inspection. This argument also fails as Mr. Gomez is a member
 10 of the *Rodriguez Vasquez* class as discussed below.

11 **B. Mr. Gomez is a *Rodriguez Vasquez* Class Member and is Entitled to a Bond Hearing**

12 Mr. Gomez hereby seeks enforcement of his rights as a member of the Bond Denial Class
 13 certified in *Rodriguez Vasquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. filed Mar. 20, 2025).
 14 The class is comprised of “[a]ll noncitizens without lawful status detained at the Northwest ICE
 15 Processing Center [NWIPC] who (1) have entered or will enter the United States without inspection,
 16 (2) are not apprehended upon arrival, (3) are not or will not be subject to detention under 8 U.S.C. §
 17 1226(c), § 1225(b)(1), or § 1231 at the time the noncitizen is scheduled for or requests a bond hearing.”
 18 *Rodriguez Vasquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at *6
 19 (W.D. Wash. Sept. 30, 2025).

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

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

4 Mr. Gomez is a member of the Bond Denial Class, as he:

5 (a) does not have lawful status in the United States and is currently detained at NWIPC after
6 being apprehended by U.S. Immigration and Customs Enforcement (ICE) on November 4, 2025, *see*
7 Ex. E.

8 (b) entered the United States without inspection over thirty years ago and was not
9 apprehended upon arrival; and

10 (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.
After apprehending Mr. Gomez on November 4, the Department of Homeland Security
11 (DHS) placed Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged
12 Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the
13 United States without inspection. *See* Ex. A.

14 CONCLUSION

15 Mr. Gomez was previously detained, released on certain conditions, and he complied with
16 those conditions up until the moment respondents retained him on November 4. They did so without
17 affording him a hearing before a neutral decisionmaker to determine if his re-detention is justified
18 Accordingly, this Court should grant the instant petition for a writ of habeas corpus and order his
19 immediate release. *See E.A. T.-B.* 2025 WL 2402130, at *6 (ordering immediate release because “a
20 post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact
21 and cannot prevent an erroneous deprivation of liberty”); *Ramirez Tesara*, at *4 (similar); *Kumar*, 2025
22 WL 2677089, at *3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (similar).

1 In the alternative, this Court should recognize Mr. Gomez as a member of the *Rodriguez*
2 *Vazquez* class and order that a bond hearing be scheduled as soon as possible and that Mr. Gomez be
3 allowed to secure his release for the same bond he paid in 2011, that is \$5000.

4 Dated: November 21, 2025.

5 s/ Stephen C. Robbins

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