

The Honorable Tiffany M. Cartwright

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

JUAN LEON FIGUEROA, *et al.*

Petitioners,

v.

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

Respondents.

Case No. 2:25-cv-02228-TMC

FEDERAL RESPONDENTS'²
RETURN MEMORANDUM

Petitioner Juan Leon Figueroa, Salvador Gudiño Herrera, Adolfo Carrillo Ahilon, and Baltazar Lopez Mendez seek habeas relief from their mandatory immigration detention. U.S. Immigration and Customs Enforcement detains them 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.

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).

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

1 *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept.
2 30, 2025). The government has appealed the decision in *Rodriguez Vazquez*. *Id.* at Dkt. 71.

3 **A. 8 U.S.C. § 1225(b)**

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

18 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers
19 noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid
20 documentation, and certain other noncitizens designated by the Attorney General in her discretion.
21 Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for
22 admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See*
23 *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 Petitioner’s 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 Petitioner’s
 8 claims because his claims challenge the decision and action to detain him, which arises from the
 9 government’s decision to commence removal proceedings, thus an “action taken . . . to remove an
 10 alien from the United States.” Third and lastly, 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 **B. Petitioners Leon Figueroa and Gudiño Herrera**

16 While Federal Respondents do not agree with the *Rodriguez Vazquez* decision, they do not
 17 oppose Petitioners Leon Figueroa and Gudiño Herrera being considered members of the Bond
 18 Denial Class³ for purposes of this litigation. An Immigration Judge recently denied these
 19 Petitioners’ requests for bond due to lack of jurisdiction after determining that they are subject to
 20 mandatory detention. *See* Dkt. 4, Ex. C (Leon Figueroa); Dkt. 4, Ex. F (Gudiño Herrera).

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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 **C. Petitioners Carrillo Ahilon and Lopez Mendez**

2 As of now, Petitioners Carrillo Ahilon and Lopez Mendez are not members of the
3 *Rodriguez Vazquez* bond denial class and therefore are not entitled to relief. Upon information and
4 belief, the Department of Homeland Security does not have information that Petitioners Carrillo
5 Ahilon and Lopez Mendez have requested bond hearings.⁴ In *Rodriguez Vazquez*, the Court
6 defined the bond denial class as: “All noncitizens without lawful status detained at the Northwest
7 ICE Processing Center who (1) have entered or will enter the United States without inspection, (2)
8 are not apprehended upon arrival, (3) are not or will not be subject to detention under 8 U.S.C. §
9 1226(c), § 1225(b)(1), or § 1231 *at the time the noncitizen is scheduled for or requests a bond*
10 *hearing.*” *Rodriguez Vazquez*, 2025 WL 2782499, at *6 (emphasis added).

11 Because there is no evidence that Petitioners have requested a bond hearing, they are not
12 members of the *Rodriguez Vazquez* class and are therefore not entitled to the relief they seek.
13 However, Federal Respondents acknowledge that if and when Petitioners Carrillo Ahilon and
14 Lopez Mendez properly request a bond hearing, they will become members of the class. Once that
15 occurs, and if the Court were to grant the habeas petition with respect to each Petitioner, the
16 appropriate relief would be for them to have a bond hearing in the immigration court pursuant to
17 8 U.S.C. § 1226(a).

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24 ⁴ Federal Respondents recognize Petitioner Carrillo Ahilon has alleged he has requested a bond hearing that has not yet been accepted by the Executive Office of Immigration Review.

1 DATED this 18th day of November, 2025.

2 Respectfully submitted,

3 CHARLES NEIL FLOYD
4 United States Attorney

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16 *I certify that this memorandum contains 976 words*
17 *in compliance with the Local Civil Rules*