

The Honorable Tiffany M. Cartwright

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RUBEN HERNANDEZ RAMOS, *et. al.*

Petitioners,

v.

LAURA HERMOSILLO, Seattle Acting Field
Office Director, Enforcement and
Removal Operations, *et. al.*,

Respondents.

Case No. 2:25-cv-02273-TMC

FEDERAL RESPONDENTS'¹
RETURN MEMORANDUM

Petitioners Ruben Hernandez Ramos, Fernando Varela Montoya, Anatalia Marquez Aguilar, Javier Morales Martinez, Felipe Zendejas Lango, and Ignacio Manuel Pulido Gomez 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. *Rodriguez Vazquez v. Bostock*,

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). The decision has been appealed. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, Dkt. 71.

A. 8 U.S.C. § 1225(b)

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

Applicants for admission fall into one of two categories. Section 1225(b)(1) covers noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and certain other noncitizens designated by the Attorney General in her discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). See *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
7 commence removal proceedings. Second, 8 U.S.C. § 1252(b)(9) bars the Court from hearing
8 Petitioners’ claims because their claims challenge the decision and action to detain them, which
9 arises from the government’s decision to commence removal proceedings, thus an “action taken
10 . . . to remove an alien from the United States.” Third and lastly, 8 U.S.C. § 1252(e)(3) applies
11 and limits “[j]udicial review of determinations under section 1225(b) of this title and its
12 implementation.” The plain language of the statute precludes judicial review for noncitizens
13 determined to be detained pursuant to Section 1225(b)(2) and applies to a “determination under
14 section 1225(b)” and to its implementation.

15 **B. Petitioners**

16 While Federal Respondents do not agree with the *Rodriguez Vazquez* decision and have
17 appealed that decision, they do not oppose these Petitioners being considered members of the
18 Bond Denial Class² for purposes of this litigation. Immigration Judges recently denied the
19 Petitioner Hernandez Ramos’s and Varela Montoya’s requests for bond due to lack of jurisdiction
20 after determining that they are subject to mandatory detention; the also ordered an alternate bond.
21 Dkt. 3, Ex. C (Hernandez Ramos) and Dkt. 3, Ex. F (Varela Montoya). If the Court were to grant
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23 ² “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 the habeas petition with respect to these Petitioners, the appropriate relief would be for him to be
2 released upon payment of the bond amount found in the alternate order by the Immigration Judge
3 in their bond hearings. *See id.* While Petitioners Marquez Aguilar, Morales Martinez, Zendejas
4 Lango, and Pulido Gomez have requested bond hearings, the Immigration Court has not yet issued
5 an order. Therefore, if the Court were to grant the habeas petition with respect to these Petitioners,
6 the appropriate relief would be for them to have their bond hearings in the immigration court
7 pursuant to 8 U.S.C. § 1226(a) in due course.

8 DATED this 18th day of November, 2025.

9 Respectfully submitted,

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21 *I certify that this memorandum contains 833 words, in*
22 *compliance with the Local Civil Rules.*
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