

1 **A. 8 U.S.C. § 1225(b)**

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

1 reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

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

12 **B. *Rodriguez Vazquez* Bond Denial Class Membership**

13 Through this habeas action, Petitioners seek relief as members of the Bond Denial Class
14 in *Rodriguez Vazquez*.¹ Again, Federal Respondents do not agree with the *Rodriguez Vazquez*
15 decision and are still weighing their options on how to proceed. However, in the alternative,
16 Federal Respondents do not oppose Petitioners in the instant action being considered members of
17 the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation.

18 **1. Petitioner Juan Medina Ocampo**

19 On November 24, 2025, the Immigration Judge denied Petitioner Medina Ocampo’s
20 request for bond due to lack of jurisdiction after determining that he is subject to mandatory
21 detention pursuant to 8 U.S.C. § 1225(b). *See* Dkt. 1, Petition, ¶ 3; Collins Decl., Exh. A (IJ
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23 ¹ “**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 Bond Order). Petitioner was also issued an alternate bond order. *Id.* If the Court were to grant
2 the habeas petition with respect to this Petitioner, the appropriate relief would be for the
3 Immigration Judge's alternate order to be put into effect. Accordingly, Petitioner Medina
4 Ocampo should be released upon payment of the bond amount (\$12,000), as found in the
5 alternate order by the Immigration Judge. *See id.*

6 **2. Petitioner Joel Colindres Zamora**

7 On December 4, 2025, the Immigration Judge denied Colindres Zamora's request for
8 bond due to lack of jurisdiction after determining that he is subject to mandatory detention
9 pursuant to 8 U.S.C. §1226(a). *See Collins Decl., Exh. B (IJ Bond Order).* In the alternative, the
10 Immigration Judge ordered that Petitioner Colindres Zamora's request for a change in custody
11 status be denied and no bond be set, based on the finding that Petitioner was a flight risk. *Id.* at
12 1. Both ICE and Petitioner reserved appeal of this bond decision. *Id.* at 2. If the Court were to
13 grant the habeas petition with respect to Petitioner Colindres Zamora, the appropriate relief
14 would be for the Immigration Judge's alternative order to be put into effect. Accordingly,
15 Petitioner Colindres Zamora should remain in custody with no bond, as found in the alternate
16 order by the Immigration Judge. *See id.*

17 **3. Petitioners Alba Ceja; Gonzalez Hernandez; Martinez Vazquez; Rojas**
18 **Montes; Sanchez Siquina; De Los Angeles Rodriguez; Bautista Sanchez; Dominguez**
19 **Jimenez; And Carrillo Hernandez.**

20 If the Court were to grant the habeas petitions with respect to these Petitioners, the
21 appropriate relief is not release. Rather, this Court should order the Immigration Judge to provide
22 Petitioners a bond hearing pursuant to 8 U.S.C. §1226(a), consistent with the Court's judgement
23 in *Rodriguez*, 2025 WL 2782499, at *27.
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1 DATED this 5th day of December, 2025.

2 Respectfully submitted,

3 CHARLES NEIL FLOYD
4 United States Attorney

5 s/ Katherine G. Collins
6 KATHERINE G. COLLINS, CA #315903
7 Assistant United States Attorney
8 United States Attorney's Office
9 Western District of Washington
10 700 Stewart Street, Suite 5220
11 Seattle, Washington 98101-1271
12 Phone: 206-553-7970
13 Fax: 206-553-4067
14 Email: katherine.collins@usdoj.gov

15 *Attorneys for Federal Respondents*

16 I certify that this memorandum contains 1,079
17 words, in compliance with the Local Civil Rules.

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