

District Judge Tiffany M. Cartwright

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

JOSE GUADALUPE IBARRA PRECIADO,

Petitioner,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:25-cv-02561-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
January 6, 2026.

Petitioner seeks habeas relief from his mandatory immigration detention. U.S. Immigration and Customs Enforcement detains him pursuant to 8 U.S.C. § 1225(b). Federal Respondents acknowledge that in *Rodriguez Vazquez v. Bostock*, this Court granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the Bond Denial Class is unlawful. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the same, and extended declaratory relief to a similarly defined and certified nationwide Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025).

1 **A. 8 U.S.C. § 1225(b)**

2 While acknowledging the decisions in *Rodriguez Vazquez* and *Maldonado*, Federal
3 Respondents continue to believe Petitioner is subject to mandatory detention pursuant to 8 U.S.C.
4 § 1225(b). *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sept. 30,
5 2025) (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, --- F.
6 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, Petitioner seeks relief as a member of the Bond Denial Class
14 in *Rodriguez Vazquez*.¹ Again, Federal Respondents do not agree with the *Rodriguez Vazquez*
15 decision. Alternatively, they do not oppose Petitioner being considered a member of the
16 *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation. If the Court were to grant
17 the habeas, the appropriate relief is not release. Rather, this Court should order the Immigration
18 Judge to provide Petitioner a bond hearing pursuant to 8 U.S.C. §1226(a), consistent with the
19 Court’s judgement in *Rodriguez*, 2025 WL 2782499, at *27.

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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 **C. Pending T Visa Application Does Not Change Petitioner’s Detention Authority**

2 Petitioner states that he has a T Visa application pending and provides some explanation
3 relating to general T Visa policies. Pet. at ¶¶ 8; 44-47. However, he makes no argument relating
4 to how a pending application impacts the lawfulness of his current detention, and no claim for
5 relief tied specifically to his pending application. Accordingly, any such argument should be
6 deemed waived. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir.1991) (refusing to reach
7 argument raised for the first time in reply brief that petitioner's claim was not cognizable on
8 federal habeas corpus); *Romero–Aguilar v. Holder*, 397 Fed. Appx. 399, 2010 WL 3825644 (9th
9 Cir. Sept. 29, 2010) (issues raised for the first time in a reply brief are waived).

10 Nevertheless, Petitioner’s pending T Visa application has no bearing on the detention
11 authority that applies to him, and his detention remains mandatory and lawful. *See* discussion
12 *supra*. Furthermore, if this Court were to grant Petitioner’s habeas petition based on membership
13 in the *Rodriguez Vazquez* Bond Denial Class, Petitioner will receive the alternate relief he seeks
14 of receiving a bond hearing pursuant to 8 U.S.C. § 1226(a)). *See* Pet., Prayer for Relief. Therefore,
15 the Court need not reach any hypothetical, underdeveloped claim relating to Petitioner’s pending
16 T Visa application, and such claim can be denied as moot.

17 DATED this 29th day of December, 2025.

18 Respectfully submitted,

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I certify that this memorandum contains 995 words, in compliance with Local Civil Rules.