

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),
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1 the sole means of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian
2 reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

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

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

14 Through this habeas action, Petitioners seek relief as members of the Bond Denial Class
15 in *Rodriguez Vazquez*.¹ Again, Federal Respondents do not agree with the *Rodriguez Vazquez*
16 decision. Alternatively, they do not oppose Petitioners in the instant action being considered
17 members of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation.

18 **1. Petitioner Jessenia Romero-Matamoros**

19 On December 19, 2025, the Immigration Judge denied Petitioner Jessenia Romero-
20 Matamoros’ request for bond due to lack of jurisdiction after determining that Petitioner is subject
21 to mandatory detention pursuant to 8 U.S.C. § 1225(b). Petitioner was also issued an alternate
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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. If the Court were to grant the habeas petition with respect to Petitioner Romero-
2 Matamoros, the appropriate relief would be for the Immigration Judge's alternate order to be put
3 into effect. Accordingly, Petitioner Romero-Matamoros should be released upon payment of the
4 bond amount (\$20,000), as alternately ordered by the Immigration Judge.

5 **2. Petitioners Norma Estrella Zavala, Alfonso Campos Garcia, Alejandro**
6 **Murillo-Gil, Irma Velasquez Gomez, Rafael Cisneros Gamino, Benito Sandre Gomez, and**
7 **Jose Ismael Recinos-Acosta**

8 For those Petitioners who have not yet had a bond hearing, or were found mandatorily
9 detained under 8 U.S.C. § 1225(b) and not given an alternate bond order, if the Court were to
10 grant the habeas petitions, the appropriate relief is not release. Rather, rather this Court should
11 order the Immigration Judge to provide Petitioners a bond hearing pursuant to 8 U.S.C. §1226(a),
12 consistent with the Court's judgement in *Rodriguez*, 2025 WL 2782499, at *27. As of the date of
13 this filing, the following Petitioners have not yet had a bond hearing: Norma Estrella Zavala;
14 Alfonso Campos Garcia; Alejandro Murillo-Gil; Irma Velasquez Gomez; Rafael Cisneros
15 Gamino; and Benito Sandre Gomez.

16 On October 1, 2025, the Immigration Judge denied Petitioner Jose Ismael Recinos-
17 Acosta's request for bond due to lack of jurisdiction after determining that Petitioner is subject to
18 mandatory detention pursuant to 8 U.S.C. § 1225(b). Petitioner was not issued an alternate bond
19 order.

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2 Respectfully submitted,

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16 *I certify that this memorandum contains 924*
17 *words, in compliance with Local Civil Rules*

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