

The Honorable Lauren King

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANGELINA FLORES TORRES,

Petitioner,

v.

LAURA HERMOSILLO,¹ Acting Seattle Field
Office Director, Enforcement and Removal
Operations, United States Immigration and
Customs Enforcement (ICE); BRUCE
SCOTT,² Warden, Northwest ICE Processing
Center; KRISTI NOEM, Secretary, United
States Department of Homeland Security;
PAMELA BONDI, United States Attorney
General; UNITED STATES DEPARTMENT
OF HOMELAND SECURITY,

Respondents.

Case No. 2:25-cv-02687-LK

FEDERAL RESPONDENTS'
RETURN

Noted for Consideration:
January 20, 2026

I. INTRODUCTION

Noncitizens apprehended at the border and placed in removal proceedings under 8 U.S.C.
§ 1225(b)(1) “shall be detained” for the duration of those proceedings. Despite this command, U.S.

¹ Laura Hermosillo is the Acting Field Office Director for ICE/ERO’s Seattle Field Office and, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, is hereby substituted as Respondent for Camilla Wamsley.

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

1 Immigration and Customs Enforcement (ICE) exercised its discretion to grant Petitioner parole
2 into the United States during her removal proceedings. She is lawfully detained during the
3 expedited removal process and while her asylum claim is pending. Petitioner's habeas petition
4 should be denied. Congress has mandated detention under 8 U.S.C. § 1225(b) and denied notice
5 for parole revocation, expressly foreclosing Petitioner's claim that she is entitled to a hearing
6 where the government must prove that she is a flight risk or a danger before her parole is revoked.
7 *See Zapata v. Chestnut*, 2025 WL 3687643, *3-4 (E.D. Cal. Dec. 19, 2025).³

8 II. BACKGROUND

9 A. 8 U.S.C. § 1225(b)

10 Petitioner is an applicant for admission who is subject to mandatory detention pursuant to
11 8 U.S.C. § 1225(b). *See Matter of Yajure Hurado*, 29 I&N Dec. 216 (BIA 2025). Applicants for
12 admission fall into one of two categories. Section 1225(b)(1) covers noncitizens initially
13 determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and
14 certain other aliens designated by the Attorney General in her discretion. Separately,
15 Section 1225(b)(2) serves as a catchall provision that applies to all applicants for admission not
16 covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See Jennings v.*
17 *Rodriguez*, 583 U.S. 281, 287 (2018).

18 Congress has determined that all aliens subject to Section 1225(b) are subject to mandatory
19 detention. Regardless of whether an alien falls under Section 1225(b)(1) or (b)(2), the sole means
20 of release is "temporary parole from § 1225(b) detention 'for urgent humanitarian reasons or
21 significant public benefit,' § 1182(d)(5)(A)." *Jennings*, 583 U.S. at 283.

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23 ³ The Federal Respondents acknowledge that courts in this judicial district have held otherwise. Dkt. 1, pg. 1 (citing
24 cases). The Federal Respondents respectfully disagree with these holdings.

B. Interim Parole under 8 U.S.C. § 1182(d)(5)(A)

While all noncitizens detained pursuant to 8 U.S.C. § 1225(b) are subject to mandatory detention, they may be subject to parole by the Attorney General or the Department of Homeland Security (DHS), and that is not an issue that the Immigration Judge has authority to consider. *See* INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5(a) (2025) (designating who may exercise authority to grant parole); *see also Jennings*, 583 U.S. at 300 (noting that the Attorney General may grant aliens detained under Section 235(b)(1) temporary parole into the United States “for urgent humanitarian reasons or significant public benefit” (quoting INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A)). This discretionary parole is statutorily required to be “temporary parole” under 8 U.S.C. § 1182(d)(5)(A), and the statute does not grant the Attorney General or DHS the discretion to grant indefinite parole to those subject to mandatory detention.

C. Petitioner Angelina Flores Torres

Petitioner is a native and citizen of Mexico who entered the United States on or about October 23, 2019, at the Hidalgo, Texas Port of Entry. *See* Declaration of Deportation Officer Adrian Leyba (Leyba Decl.) at ¶ 4. Petitioner was issued a Notice to Appear (NTA) charging her as inadmissible pursuant to Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (INA) and paroled into the United States. *Id.* Petitioner was granted parole because she was the primary care provider of her Mexican National mother who was also issued a NTA and paroled into the United States due to being ill and bound to a wheelchair. *Id.* at ¶ 5.

On September 24, 2021, Petitioner filed an application for asylum. *See* Declaration of Kristin B. Johnson, Ex. A.

1  *Id.*
2 Petitioner was taken into custody on December 9, 2025, without incident and transferred to the
3 Northwest ICE Processing Center (NWIPC). Leyba Decl. at ¶ 6.

4 Petitioner is scheduled for a master calendar hearing before an immigration judge in the
5 Tacoma Immigration Court on January 29, 2026. *Id.* at ¶ 7.

6 **III. LEGAL STANDARD**

7 It is axiomatic that “[t]he district courts of the United States . . . are courts of limited
8 jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil*
9 *Corp. v. Allopath Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he scope
10 of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present day.”
11 *Dep’t of Homeland Sec. v. Thuraissigiam*, 140 S. Ct. 1959, 1974 n. 20 (2020). Title 28 U.S.C.
12 § 2241 provides district courts the authority to grant habeas relief “within their respective
13 jurisdictions.”

14 To warrant a grant of habeas corpus, the burden is on the petitioner to prove that his or her
15 custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C.
16 § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004).

17 **IV. ARGUMENT**

18 **A. ICE lawfully detained Petitioner pursuant to 8 U.S.C. § 1225(b).**

19 Congress enacted a multi-layered statutory scheme that provides for the civil detention of
20 noncitizens pending removal. *See Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008).
21 Where an individual falls within this scheme affects whether his or her detention is discretionary
22 or mandatory, as well as the kind of review process available. *Id.* at 1057.

1 Aliens who are apprehended shortly after illegally crossing the border and who are
2 determined to be inadmissible due to lacking a visa or valid entry documentation, 8 U.S.C.
3 § 1182(a)(7)(A), may be removed pursuant to an expedited removal order unless they express an
4 intention to apply for asylum or a fear of persecution in their home country. 8 U.S.C.
5 §§ 1225(b)(1)(A)(i), (iii)(II). “The purpose of these provisions is to expedite the removal from the
6 United States of aliens who indisputably have no authorization to be admitted to the United States,
7 while providing an opportunity for such an alien who claims asylum to have the merits of his or
8 her claim promptly assessed by officers with full professional training in adjudicating asylum
9 claims.” H.R. Conf. Rep. No. 828, 104th Cong., 2d Sess. 209 (1996).

10 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers aliens
11 initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid
12 documentation, and certain other aliens designated by the Attorney General in her discretion.
13 Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for
14 admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See*
15 *Jennings*, 583 U.S. at 287.

16 Congress has determined that all aliens subject to Section 1225(b) are subject to mandatory
17 detention. Regardless of whether an alien falls under Section 1225(b)(1) or (b)(2), the sole means
18 of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian reasons or
19 significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

20 Petitioner’s re-detention under Section 1225(b) without a pre-detention hearing was lawful.
21 The fact that Petitioner had initially been released by ICE on conditional parole does not change
22 this fact. There is no statutory or regulatory requirement that a noncitizen be provided with a pre-
23 detention hearing before re-detention. ICE’s authority to re-arrest is not limited to circumstances
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1 where a material change in circumstances has occurred. The facts here are simple: Petitioner was
2 subject to mandatory detention, Petitioner was granted discretionary parole, ICE exercised its
3 discretionary authority to revoke her parole, and she was re-detained during her removal
4 proceedings and while her asylum claim is being processed.

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 her claims challenge the decision and action to detain her, 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 aliens determined to be detained pursuant to
13 Section 1225(b)(2) and applies to a "determination under section 1225(b)" and to its
14 implementation.

15 **B. Petitioner's detention comports with due process.**

16 Petitioner's detention does not violate her substantive and procedural due process rights.
17 Petitioner inaccurately argues that the standard for parole under 8 C.F.R. § 212.5(b) is that she is
18 a flight risk or danger to the community. Instead, the default for mandatory detainees is no release.
19 However, the Attorney General may provide parole only on a case-by-case basis for "urgent
20 humanitarian reasons" or "significant public benefit." 8 C.F.R. § 212.5(b).

21 **1. Substantive Due Process**

22 ICE has a legitimate interest in Petitioner's detention. For more than a century, the
23 immigration laws have authorized immigration officials to charge aliens as removable from the
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1 country, to arrest aliens subject to removal, and to detain aliens for removal proceedings. *See*
2 *Demore v. Kim*, 538 U.S. 510, 523-26 (2003); *Abel v. United States*, 362 U.S. 217, 232-37 (1960)
3 (discussing longstanding administrative arrest procedures in deportation cases). “Detention during
4 removal proceedings is a constitutionally valid aspect of the deportation process.” *Velasco Lopez*
5 *v. Decker*, 978 F.3d 842, 848 (2d Cir. 2020) (citing *Demore*, 538 U.S. at 523); *see Demore*,
6 538 U.S. at 523 n.7 (“prior to 1907 there was no provision permitting bail for any aliens during
7 the pendency of their deportation proceedings”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952)
8 (“Detention is necessarily a part of [the] deportation procedure.”). Indeed, removal proceedings
9 ““would be in vain if those accused could not be held in custody pending the inquiry into their true
10 character.”” *Demore*, 538 U.S. at 523 (quoting *Wong Wing v. United States*, 163 U.S. 228, 235
11 (1896)).

12 Congress has determined that all aliens subject to Section 1225(b) are subject to mandatory
13 detention. Regardless of whether an alien falls under Section 1225(b)(1) or (b)(2), the sole means
14 of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian reasons or
15 significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

16 Petitioner’s detention here under Section 1225(b) without a pre-detention hearing was
17 lawful. *Zapata*, 2025 WL 3687643, *3-4. The fact that ICE made an initial determination that
18 Petitioner could be released on parole does not prevent ICE from later revoking that parole. ICE
19 has the clear discretionary authority to revoke conditional parole. 8 C.F.R. § 236.1(c)(9). ICE made
20 an individual discretionary determination to revoke Petitioner’s parole during her removal
21 proceedings and while her asylum claim is being processed. Thus, ICE had a legitimate, non-
22 punitive interest in her detention.

1 **2. Procedural Due Process**

2 “Due process is flexible and calls for such procedural protections as the particular situation
3 demands.” *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). The *Mathews* test demonstrates that
4 Petitioner’s detention is consistent with her due process rights. Under *Mathews*, “[t]he fundamental
5 requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful
6 manner.” *Id.* at 333 (internal quotation marks omitted). This calls for an analysis of (1) “the private
7 interest that will be affected by the official action,” (2) “the risk of an erroneous deprivation of
8 such interest through the procedures used, and probable value, if any, of additional or substitute
9 procedural safeguards,” and (3) the Government’s interest. *Id.* at 334-35.

10 **a. Liberty Interest.**

11 The Federal Respondents recognize the “weighty liberty interests implicated by the
12 Government’s detention of noncitizens.” *Reyes v. King*, No. 19-cv-8674, 2021 WL 3727614, at
13 *11 (S.D.N.Y. Aug. 20, 2021). However, Petitioner’s interest in her liberty *generally* does not
14 mean that she possesses a separate or heightened liberty interest in the continuation of her
15 conditional release. Moreover, Petitioner does not have a liberty interest in participating in parole.

16 “The recognized liberty interests of U.S. citizens and aliens are not coextensive: the
17 Supreme Court has ‘firmly and repeatedly endorsed the proposition that Congress may make rules
18 as to aliens that would be unacceptable if applied to citizens.’” *Rodriguez Diaz*, 53 F.4th at 1206
19 (quoting *Demore*, 538 U.S. at 522). As the Supreme Court has explained, “[i]n the exercise of its
20 broad power over naturalization and immigration, Congress regularly makes rules that would be
21 unacceptable if applied to citizens.” *Mathews v. Diaz*, 426 U.S. 67, 79-80 (1976). Indeed, the
22 Supreme Court has repeatedly “recognized detention during deportation proceedings as a
23 constitutionally valid aspect of the deportation process.” *Demore*, 538 U.S. at 523.

1 Petitioner's release was always subject to conditions of release, and she knew that she could
2 be re-detained. Accordingly, Petitioner cannot claim that the government promised her ongoing
3 freedom.

4 **b. The existing procedures are constitutionally sufficient.**

5 Turning to the second *Mathews* factor, the risk of a constitutionally significant deprivation
6 of Petitioner's liberty here is minimal. First, noncitizens have no right to a hearing before an
7 immigration judge under Section 1225(b). Likewise, there is no requirement for such a hearing
8 before re-detention after revocation of release. The Supreme Court has warned courts against
9 reading additional procedural requirements into the INA. *See Johnson v. Arteaga-Martinez*,
10 596 U.S. 573, 582 (2022) (declining to read a specific bond hearing requirement into 8 U.S.C.
11 § 1231(a)(6) because "reviewing courts . . . are generally not free to impose [additional procedural
12 rights] if the agencies have not chosen to grant them") (quoting *Vermont Yankee Nuclear Power*
13 *Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 524 (1978) (cleaned up)).

14
15 **c. The Government has a strong interest in returning noncitizens to custody who violate conditions of release.**

16 Turning to the third *Mathews* factor, the Ninth Circuit has emphasized that the *Mathews*
17 test "must account for the heightened government interest in the immigration detention context."
18 *Rodriguez Diaz*, 53 F.4th at 1206. Invoking the Supreme Court's 2003 *Demore* decision, the Ninth
19 Circuit in *Rodriguez Diaz* recognized that "the government clearly has a strong interest in
20 preventing aliens from 'remain[ing] in the United States in violation of our law.'" *Rodriguez Diaz*,
21 53 F.4th at 1208 (quoting *Demore*, 538 U.S. at 518). "This is especially true when it comes to
22 determining whether removable aliens must be released on bond during the pendency of removal
23 proceedings." *Rodriguez Diaz*, 53 F.4th at 1208. The government likewise has an interest in
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1 enforcing compliance with its orders of release on recognizance and returning individuals to
2 custody who violate their terms.

3 In short, the three *Mathews* factors demonstrate that Petitioner's detention comports with
4 procedural due process.

5 **CONCLUSION**

6 Accordingly, Petitioner's habeas petition should be denied and dismissed without an
7 evidentiary hearing.

8 DATED this 12th day of January, 2026.

9 Respectfully submitted,

10 CHARLES NEIL FLOYD
11 United States Attorney

12 s/ Kristin B. Johnson

13 KRISTIN B. JOHNSON, WSBA #28189
14 Assistant United States Attorney
15 United States Attorney's Office
16 700 Stewart Street, Suite 5220
17 Seattle, Washington 98101-1271
18 Telephone No. (206) 553-7970
19 Fax No. (206) 553-4073
20 Email: kristin.b.johnson@usdoj.gov

21 *Attorneys for Federal Respondents*

22 *I certify that this memorandum contains 2,456 words,*
23 *in compliance with the Local Civil Rules.*
24