

The Honorable Tiffany M. Cartwright

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTEBAN ACEVEDO GOMEZ, *et. al.*

Petitioners,

v.

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

Respondents.

Case No. 2:26-cv-00006-TMC

FEDERAL RESPONDENTS'¹
RETURN MEMORANDUM

Petitioners Esteban Acevedo Gomez, Bianca Garay Vazquez, Israel Garcia Pantoja, Maria Cristina Garcia Perez, Edgar Daniel Orozco Villanueva, and Adolfo Perez Curiel 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*, No. 25-5240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). The decision has been appealed.

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

1 *Rodriguez Vazquez*, No. 25-5240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v.*
2 *Santacruz*, the district court found the same and extended declaratory relief to a similarly defined
3 and certified nationwide Bond Eligible Class. *Maldonado Bautista v. Santacruz*, No. 25-1873-
4 SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). That case is also on appeal. *Maldonado*
5 *Bautista*, No. 25-1873-SSS-BFM, Dkt. 95.

6 **A. 8 U.S.C. § 1225(b)**

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

21 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers
22 noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of
23 valid documentation, and certain other noncitizens designated by the Attorney General in her
24 discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all

1 applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant
2 here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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

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

17 **B. Petitioners**

18 Through this habeas action, Petitioner seeks relief as a member of the Bond Denial Class
19 in *Rodriguez Vazquez*. Again, Federal Respondents do not agree with the *Rodriguez Vazquez*
20 decision. Nevertheless, Federal Respondents do not oppose Petitioners being considered members
21 of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation.²

22
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 Immigration Judges recently denied Petitioners Acevedo Gomez's and Perez Curiel's
2 requests for bond due to lack of jurisdiction after determining that they are subject to mandatory
3 detention; they also ordered an alternate bond. Dkt. 2-3 (Acevedo Gomez) and Dkt. 2-11 (Perez
4 Curiel). If the Court were to grant the habeas petition with respect to these Petitioners, the
5 appropriate relief would be for them to be released upon payment of the bond amount found in
6 the alternate order by the Immigration Judge in their bond hearings. *See id.* Concerning the other
7 Petitioners where they have not proffered evidence that they have requested bond hearings or
8 been granted alternate bonds, the appropriate relief would be for them to have a bond hearing in
9 the immigration court pursuant to 8 U.S.C. § 1226(a).

10 DATED this 8th day of January, 2026.

11 Respectfully submitted,

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23 *I certify that this memorandum contains 877 words, in*
24 *compliance with the Local Civil Rules.*