

District Judge Lauren King

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

JUAN MALDONADO,

Petitioner,

v.

BRUCE SCOTT¹, *et al.*,

Respondents.

Case No. 2:26-cv-00014-LK

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
January 26, 2026

I. INTRODUCTION

Petitioner seeks habeas relief from his mandatory immigration detention. Petitioner incorrectly claims that his detention is unlawful because he is part of the Bond Denial Class as certified in *Rodriguez Vasquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). However, Petitioner was apprehended upon his arrival in the United States and therefore does not meet the class membership definition.

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office. Pursuant to Federal Rule of Civil Procedure 25(d), Federal Respondent's substitute Secretary for the Department of Homeland Security Kristi Noem for Alejandro Mayorkas.

The plain language of the Immigration and Nationality Act (“INA”) mandates that Petitioners – who are present in the United States without having been admitted – are correctly considered “applicants for admission” and therefore subject to detention under 8 U.S.C. § 1225(b). *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) (“Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants of admission until certain proceedings have concluded.”). The best reading of the statute is that Congress insured that all noncitizens would be inspected by immigration authorities by treating noncitizens who are present in the United States without having been inspected and admitted as applicants for admission. Noncitizens who are present without having been inspected and admitted have the benefit of full removal proceedings and are not subject to expedited removal. But they are subject to detention during their removal proceedings.

Accordingly, Petitioner is an applicant for admission and is lawfully detained under 8 U.S.C. § 1225(b). His claims for relief must be denied.²

II. LEGAL STANDARD

“Writs of habeas corpus may be granted by ... the district courts ... within their respective jurisdictions.” 28 U.S.C. § 2241(a). Habeas petitioners must prove by the preponderance of the evidence that they are “in custody in violation of the Constitution or laws or treaties of the United States.” *Davis v. Woodford*, 384 F.3d 628, 638 (9th Cir. 2004); 28 U.S.C. § 2241(c).

III. BACKGROUND FACTS AND DETENTION AUTHORITY

a. Detention Authority

Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the Executive could “expedite removal of aliens lacking a legal basis to remain in the United States.”

² Undersigned counsel has not received or been able to review the A-file for this petitioner.

1 *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep't of Homeland Sec. v. Thuraissigiam*,
2 591 U.S. 103, 106 (2020) (“[Congress] crafted a system for weeding out patently meritless claims
3 and expeditiously removing the aliens making such claims from the country.”). Section 1225
4 applies to “applicants for admission” to the United States, who are defined as “alien[s] present in
5 the United States who [have] not been admitted” or noncitizens “who arrive[] in the United
6 States,” whether or not at a designated port of arrival. 8 U.S.C. § 1225(a)(1). Applicants for
7 admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by
8 § 1225(b)(2),” both of which are subject to mandatory detention. *Jennings*, 583 U.S. at 287.

9 Section 1225(b)(1) applies to “arriving aliens” and “certain other” noncitizens “initially
10 determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.”
11 *Id.*; 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii). Section 1225(b)(2) is “broader” and “serves as a catchall
12 provision.” *Jennings*, 583 U.S. at 287. It “applies to all applicants for admission not covered by
13 § 1225(b)(1).” *Id.* Under Section 1225(b)(2), a noncitizen “who is an applicant for admission” is
14 subject to mandatory detention pending full removal proceedings “if the examining immigration
15 officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to
16 be admitted.” 8 U.S.C. § 1225(b)(2)(A). Congress has determined that all noncitizens subject to
17 Section 1225(b) are subject to mandatory detention. Regardless of whether a noncitizen falls
18 under Section 1225(b)(1) or (b)(2), the sole means of release is “temporary parole from § 1225(b)
19 detention ‘for urgent humanitarian reasons or significant public benefit,’ § 1182(d)(5)(A).”
20 *Jennings*, 583 U.S. at 283.

21 **b. Petitioner Juan Maldonado**

22 Petitioner Juan Maldonado is a native and citizen of Guatemala. Declaration of
23 Deportation Officer Christopher Hubbard (“Hubbard Decl.”), ¶ 3. On October 28, 2012, at the
24 approximate age of 9, he entered the United States without inspection and was apprehended upon

1 arrival, within two miles of the port of entry. *Id.*, ¶ 4. He was processed as an unaccompanied
2 juvenile and on October 29, 2012, DHS charged Petitioner as being inadmissible under 8 U.S.C.
3 § 1182(a)(6)(A)(i) as an “alien present without admission or parole.” *Id.*, ¶ 5. On December 18,
4 2012, Petitioner was transferred to the custody of the Department of Health and Human Services,
5 Office of Refugee Resettlement (“ORR”). *Id.*, ¶ 7. On a date unknown, he was released from
6 ORR. *Id.*, ¶ 8.

7 Petitioner filed an asylum application with the Immigration Court on March 31, 2015. *Id.*,
8 ¶ 10. On October 6, 2016, the Immigration Judge ordered Petitioner’s removal proceedings
9 administratively closed on joint motion of Petitioner and ICE. *Id.*, ¶ 11. On June 30, 2025, ICE
10 motioned the Immigration Court to recalendar Petitioner’s proceedings. *Id.*, ¶ 12.

11 On November 8, 2025, Petitioner was arrested in Pasco County, Florida, for a driving-
12 related offense. *Id.*, ¶ 13. On November 11, 2025, ICE arrested Petitioner from the local jail, and
13 took him into custody a second time. *Id.*, ¶ 15. Petitioner is currently detained at the Northwest
14 ICE Processing Center in Tacoma, Washington. Petitioner’s removal proceedings were
15 recalendared and his next hearing before the Immigration Judge is scheduled for February 5, 2025.
16 *Id.*, ¶¶ 16-17.

17 On January 4, 2026, Petitioner filed the instant habeas petition, alleging class membership
18 in the Bond Denial Class outlined in *Rodriguez Vazquez*. Dkt. 1, Petition. Through this petition,
19 Petitioner seeks his release from custody, an order prohibiting his redetention under 8 U.S.C. §
20 1225(b), as well as an order requiring Federal Respondents provide him with 48-hour advance
21 notice of out-of-district transfer during the pendency of Petitioner’s removal proceedings. *Id.* at p.
22 5.

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24 //

IV. ARGUMENT

a. Petitioner is not a member of the *Rodriguez Vazquez* Bond Denial Class.

Petitioner seeks habeas relief as members of the *Rodriguez Vazquez* Bond Denial Class. Dkt. 1. In *Rodriguez Vazquez*, the court granted summary judgment to members of a certified Bond Denial Class, holding that their detention under § 1225(b)(2) was unlawful under the INA. — F.Supp.3d —, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025). The Court defined the Bond Denial Class to include the following individuals:

All noncitizens without lawful status detained at [NWIPC] who (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.

Id. at *6.

Petitioner does not qualify as a member of this class. Petitioner was “apprehended upon arrival” —he was apprehended by immigration officials on the same day he that entered without inspection, within two miles of the border. *See Del Valle Castillo v. Wamsley*, No. 2:25-CV-02054-TMC, 2025 WL 3524932, at *5 (W.D. Wash. Nov. 26, 2025) (holding that the Bond Denial Class definition requirement of “not apprehended upon arrival” “is clearly tied to a specific time period: arrival in the United States,” and therefore any subsequent apprehensions after an alien has already entered the United States are not a relevant consideration). Thus, this Court must review Petitioner’s detention separate from the Bond Denial Class.

b. Petitioner is lawfully detained under 8 U.S.C. § 1225(b)

While acknowledging the court’s decisions in *Rodriguez Vazquez* and *Del Valle Castillo*, Federal Respondents continue to believe Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b). *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb.

1 Sept. 30, 2025) (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*,
2 --- F. Supp. 3d ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) (same).

3 Congress intended for all applicants for admission to be detained during the course of their
4 removal proceedings. *See Jennings*, 583 U.S. at 299 (interpreting the “plain meaning” of sections
5 1225(b)(1) and (2) to mean that applicants for admission be mandatorily detained for the duration
6 of their immigration proceedings). The plain language of the statute is clear: Petitioner is subject
7 to detention under Section 1225(b) because he is an applicant for admission. *Matter of Yajure-*
8 *Hurtado*, 29 I. & N. Dec. 216, 220 (BIA 2025). Section 1225(b)(1) indisputably requires the
9 mandatory detention of arriving aliens for the duration of their credible fear determine
10 determination and removal proceedings, even if they are subsequently paroled. 8 U.S.C. §
11 1225(b)(1)(B)(ii), (iii)(IV); 8 C.F.R. § 1001.1(q). Section 1225(b)(2)(A) requires mandatory
12 detention of “an alien who is an applicant for admission, if the examining immigration officer
13 determines that an alien seeking admission is not clearly and beyond a doubt entitled to be
14 admitted[.]” 8 U.S.C. § 1225(b)(2)(A). The INA specifies that “[a]n alien present in the United
15 States who has not been admitted . . . shall be deemed for purposes of this Act an applicant for
16 admission.” 8 U.S.C. § 1225(a)(1). Petitioner does not dispute that he is a noncitizen present in
17 the United States who has not been admitted. Thus, Petitioner is an “applicant for admission” and
18 subject to mandatory detention under Section 1225(b).

19 Because Petitioner has not demonstrated by a preponderance of the evidence that “the fact
20 or duration of his confinement” violates any law, habeas relief must be denied. *Preiser v.*
21 *Rodriguez*, 411 U.S. 475, 489 (1973). Alternatively, if the Court finds otherwise, the appropriate
22 remedy in this case is not an order of release, as Petitioner requests. Dkt. 1 at p. 5. Instead, the
23 appropriate remedy would be an order to provide Petitioner a bond hearing consistent with the
24

1 determined applicable statutory scheme. *See Del Valle Castillo v. Wamsley*, 2025 WL 3524932,
2 at *8.

3 **c. Petitioner's requests for injunctive relief cannot be considered.**

4 In addition to requesting his release from custody, Petitioner seeks an order prohibiting
5 Federal Respondents from transferring Petitioner outside of the district without a 48-hour advance
6 notice during the pendency of his removal proceedings. Dkt. 1 at p. 5. Petitioner also requests an
7 order that he may not be re-detained in the future "based on the same statutory interpretation
8 declared unlawful in *Rodriguez Vazquez v. Bostock*["]." These are requests for injunctive relief
9 and must be denied.

10 "In seeking a permanent injunction, the moving party must convince the court that relief
11 is needed: 'The necessary determination is that there exists some cognizable danger of recurrent
12 violation, something more than the mere possibility which serves to keep the case alive.'" *Cummings v. Connell*, 316 F.3d 886, 897 (9th Cir. 2003) (quoting *United States v. W.T. Grant*
13 *Co.*, 345 U.S. 629, 633 (1953)). Nowhere does Petitioner argue that any alleged violation is likely
14 to recur. *See generally*, Dkt. 1. Accordingly, Petitioner's requests for injunctive relief must be
15 denied. *Indep. Towers of Wash. v. Washington*, 350 F.3d 925, 929 (9th Cir. 2003) ("Our
16 adversarial system relies on the advocates to inform the discussion and raise the issues to the
17 court."); *see also Suong v. Bondi*, No. 2:25-CV-02309-LK, 2025 WL 3718644, at *6 (W.D. Wash.
18 Dec. 23, 2025) (denying petitioner's request for injunctive relief relating to restricting conditions
19 of re-detention pursuant to the party presentation doctrine, because petitioner failed to raise the
20 argument in habeas petition).
21

1 **d. Petitioner's request to prohibit on out-of-district transfer during the**
2 **pendency of his removal proceedings is otherwise defective and should be**
3 **denied.**

4 Petitioner claims, without any supporting evidence or facts, that he is "in immediate
5 danger of being transferred out of the district." *Id.* at p. 4. He requests that this Court prohibit his
6 transfer outside of the Western District of Washington while his removal proceedings are pending
7 without a 48-hour advance notice to Petitioner and his counsel. Dkt. 1 at pp. 2, 5. This request is
8 not justified in his petition by any citation to relevant law or authority. This is not a remedy that
9 this available to him.

10 The government may detain aliens pending their removal pursuant to a removal order. Under
11 8 U.S.C. § 1231(g)(1), the Executive has great discretion in deciding where to detain aliens. The INA
12 precludes review of "any . . . decision or action of the Attorney General . . . the authority for which is
13 specified under this subchapter to be in the discretion of the Attorney General" 8 U.S.C. §
14 1252(a)(2)(B)(ii). Therefore, § 1252(a)(2)(B)(ii) bars relief that would impact where and when to
15 detain Petitioner. *See Van Dinh v. Reno*, 197 F.3d 427, 433–34 (10th Cir. 1999) (citing *Rios-Berrios*
16 *v. INS*, 776 F.2d 859, 863 (9th Cir. 1985)) (finding that judicial review of decision to transfer a
17 detainee is inappropriate due to lack of jurisdiction); *see also Rios-Berrios v. INS*, 776 F.2d at 863
18 (holding there is no right to block transfer to another district during removal proceedings: "We wish
19 to make ourselves clear. We are not saying that the petitioner should not have been transported to
20 Florida. That is within the province of the Attorney General to decide.").

21 Accordingly, judicial intervention is not proper with respect to the government's decision
22 about where to detain Petitioner while his removal proceedings are pending, and Petitioner's request
23 to enjoin any transfer during his removal proceedings should be denied.
24

V. CONCLUSION

For the foregoing reasons, Federal Respondents respectfully request that Petitioner's claims for relief be denied.

DATED this 20th day of January, 2026

Respectfully submitted,

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I certify that this memorandum contains 2,215 words, in compliance with the Local Civil Rules