

District Judge Richard A. Jones

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

MIGUEL ANGEL DE LA O PALMA,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondents.

Case No. 2:26-cv-00035-RAJ

FEDERAL RESPONDENTS'
RETURN

Noted for Consideration:
February 17, 2026

I. INTRODUCTION

This Court should deny Petitioner Miguel Angel De La O Palma's Petition for Writ of Habeas Corpus, Dkt. 1 ("Pet."), and Motion Requesting Hearing for Bond Redetermination, Dkt. 3 ("Mot. Bond Redetermination"). U.S. Immigration and Customs Enforcement ("ICE") mandatorily detains Petitioner pursuant to 8 U.S.C. § 1225(b). Petitioner's habeas petition seeks his immediate release or an individualized bond hearing, and his motion for a hearing on a bond redetermination seeks the redetermination of the conditions of detention release pending determination of removability.¹

¹ The Court directed the Parties to include in the return and traverse, respectively, their positions regarding the separately filed motion. Dkt. 8.

1 Petitioner's habeas petition should be denied for three reasons: (1) Petitioner is subject to
2 mandatory detention and is not entitled to a bond hearing; (2) Petitioner's detention has not been
3 prolonged under the Banda factors; and Petitioner has failed to exhaust his administrative
4 remedies because he does not allege that he has sought and has been denied a hearing.

5 Accordingly, Federal Respondents respectfully request that the Court deny the Petition
6 and Motion Requesting Hearing for Bond Redetermination without an evidentiary hearing. This
7 return is supported by the pleadings and documents on file in this case, the Declaration of
8 Deportation Officer Paul C. Correa ("Correa Decl.") and the Declaration of Jennifer Wong
9 ("Wong Decl."), with accompanying exhibits.

10 II. BACKGROUND

11 A. Petitioner Miguel Angel De La O Palma

12 Petitioner is a native and citizen of Honduras, who entered the United States without
13 inspection or admission at an unknown place and time. Correa Decl. ¶ 4; Wong Decl. at Ex. 1
14 (Form I-213). Previously, he entered the United States without inspection or authorization on or
15 about October 3, 2022, near Presidio, Texas, but voluntarily returned to Mexico on the same day.
16 *Id.*

17 On October 1, 2025, Petitioner was issued a Notice to Appear, charging him as removable
18 under Immigration and Nationality Act ("INA") § 212(a)(6)(A)(i). Correa Decl. ¶ 6; Wong Decl.
19 at Ex. 2 (Notice to Appear). He was brought into federal custody and is currently detained at the
20 Northwest Immigration Processing Center ("NWIPC"). Correa Decl. ¶ 6.

21 Petitioner's first master hearing was on November 18, 2025. Correa Decl. ¶ 7. On
22 November 21, 2025, Petitioner filed a request for bond redetermination, and a bond hearing was
23 set for December 3, 2025. *Id.*

1 On December 2, 2025, the Immigration Court ordered Petitioner removed to Guatemala
2 and denied his request for bond redetermination for lack of jurisdiction. Wong Decl. at Exs. 3
3 (Order of Removal), 4 (Custody Order of IJ). The Immigration Court granted U.S. Department of
4 Homeland Security's ("DHS") previously filed Motion to Pretermitt the Protection Applications
5 ("Motion to Pretermitt") under INA § 208(a)(2)(A), or 8 U.S.C. § 1158(a)(2)(A). Correa Decl. ¶
6 7.

7 Petitioner waived the opportunity to apply for asylum, withholding of removal, and
8 withholding under Convention Against Torture, but reserved appeal for the order of removal to
9 Guatemala. Wong Decl. at Ex. 3. Petitioner timely filed an appeal to the order of removal to the
10 Board of Immigration Appeals ("BIA") on January 2, 2026. Decl. ¶ 7. The BIA has not yet issued
11 a ruling on Petitioner's appeal. *Id.* ¶ 8.

12 **B. Legal Background**

13 Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the
14 Executive could "expedite removal of aliens lacking a legal basis to remain in the United States."
15 *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep't of Homeland Sec. v. Thuraissigiam*,
16 591 U.S. 103, 106 (2020). Section 1225 applies to "applicants for admission" to the United States,
17 who are defined as "[a]n alien present in the United States who has not been admitted or who
18 arrives in the United States (whether or not at a designated port of arrival and including an alien
19 who is brought to the United States after having been interdicted in international or United States
20 waters)." 8 U.S.C. § 1225(a)(1). Applicants for admission "fall into one of two categories, those
21 covered by § 1225(b)(1) and those covered by § 1225(b)(2)," both of which are subject to
22 mandatory detention. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Matter of Yajure Hurtado*,
23 29 I&N Dec. 216 (BIA 2025).

Under Section 1225(b)(2), a noncitizen “who is an applicant for admission” is subject to mandatory detention pending full removal proceedings “if the examining immigration officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C. § 1225(b)(2)(A) (requiring that such noncitizens “be detained for a proceeding under section 1229a of this title”); *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (“[F]or aliens arriving in and seeking admission into the United States who are placed directly in full removal proceedings, section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), mandates detention ‘until removal proceedings have concluded.’”) (citing *Jennings*, 583 U.S. at 299).

C. JURISDICTION AND STANDARD OF REVIEW

It is axiomatic that “[t]he district courts of the United States . . . are courts of limited jurisdiction. They possess only that power authorized by Constitution and statute.” *Exxon Mobil Corp. v. Allopah Servs., Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he scope of habeas has been tightly regulated by statute, from the Judiciary Act of 1789 to the present day.” *Thuraissigiam*, 591 U.S. at 125 n.20.

Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. To warrant a grant of writ of habeas corpus, the burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws, or treatises of the United States. *See* 28 U.S.C. § 2241(c)(3); *Lambert v. Blodgett*, 393 F.3d 943, 969 n.16 (9th Cir. 2004); *Snook v. Wood*, 89 F.3d 605, 609 (9th Cir. 1996).

III. ARGUMENT

A. Petitioner’s detention is not indefinite or unconstitutionally prolonged.

Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2) and is subject to mandatory detention while his removal proceedings remain pending. Section 1225(b)(2) states that, subject to statutory exceptions, “in the case of an alien who is an applicant for admission, if

1 the examining immigration officer determines that an alien seeking admission is not clearly and
2 beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section
3 1229a [full removal proceedings] of this title.” 8 U.S.C. § 1225(b)(2). In other words, noncitizens
4 subject to 1225(b)(2) are not eligible for expedited removal but are subject to mandatory detention
5 while their full removal proceedings are pending. This is in contrast to the default detention
6 regime under Section 1226(a), which allows for discretionary release and review of detention
7 through bond hearings.

8 Petitioner is not entitled to a bond hearing because he is subject to mandatory detention
9 pursuant to 8 U.S.C. § 1225(b). First, Petitioner cannot be granted bond under *Hurtado*. In
10 *Hurtado*, the BIA determined that immigration judges lack the authority to grant bond for
11 noncitizens who are present in the United States without admission because they are “applicants
12 for admission as defined under section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), and
13 must be detained for the duration of their removal proceedings.” 29 I&N Dec. at 220. Here,
14 Petitioner is a noncitizen who is present in the United States without admission, and therefore
15 subject to 8 U.S.C. § 1225(b)(2)(A).

16 He requested a bond hearing on November 21, 2025, and a bond hearing was scheduled for
17 December 3, 2025. Correa Decl. ¶ 7. However, the immigration judge (“IJ”) denied the bond
18 hearing due to the lack of jurisdiction to grant Petitioner bond. Correa Decl. ¶ 7; Wong Decl. at
19 Ex. 4. The IJ correctly denied bond because Petitioner is subject to mandatory detention pursuant
20 to 8 U.S.C. § 1225(b). See *Vargas Lopez v. Trump*, 802 F. Supp. 3d 1132 (D. Neb. 2025) (holding
21 petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, 801 F. Supp. 3d 1133
22 (S.D. Cal. 2025) (same).

23 Federal Respondents acknowledge that this Court granted summary judgment and found
24 that detention pursuant to 8 U.S.C. § 1225(b)(2) of the defined class in *Rodriguez Vazquez v.*

1 *Bostock* is unlawful. *Rodriguez Vazquez v. Bostock*, No. 25-cv-05240-TMC, 2025 WL 2782499
2 (W.D. Wash. Sept. 30, 2025). The decision has been appealed. *Rodriguez Vazquez*, No. 25-cv-
3 05240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, another district court
4 found the same and extended declaratory relief to a similarly defined and certified nationwide
5 Bond Eligible Class. *Maldonado Bautista v. Santacruz*, No. 25-1873-SSS-BFM, 2025 WL
6 3288403 (C.D. Cal. Nov. 25, 2025). That case is also on appeal. *Maldonado Bautista*, No. 25-
7 1873-SSS-BFM, Dkt. 95.

8 While acknowledging the Court's decision in *Rodriguez Vazquez* and *Maldonado*
9 *Bautista*, Federal Respondents continue to believe that Petitioner is subject to mandatory
10 detention pursuant to 8 U.S.C. § 1225(b). *See Vargas Lopez*, 802 F. Supp. 3d 1132 (D. Neb. 2025)
11 (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez*, 801 F. Supp. 3d 1133
12 (S.D. Cal. 2025) (same). Congress has determined that all noncitizens subject to Section 1225(b)
13 are subject to mandatory detention. Regardless of whether a noncitizen falls under Section
14 1225(b)(1) or (b)(2), the sole means of release is "temporary parole from § 1225(b) detention 'for
15 urgent humanitarian reasons or significant public benefit,' § 1182(d)(5)(A)." *See Jennings*, 583
16 U.S. at 283.

17 The Fifth Circuit's recent decision further supports the government's position that
18 inadmissible aliens, like Petitioner, are subject to mandatory detention pursuant to Section
19 1225(b)(2). *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6,
20 2026). The court held that noncitizens who entered without inspection and were later placed in
21 removal proceedings remained "applicants for admission" subject to mandatory detention under
22 Section 1225(b)(2)(A), even though they had previously been released from detention. The Fifth
23 Circuit reversed the district court orders finding section 1225(b) to be unlawful for certain aliens,
24 explaining that Section 1225(b) establishes a categorical detention mandate that is not displaced

1 by temporary release mechanisms such as parole or orders of recognizance. *Id.* at *7. The
2 reasoning in *Buenrostro-Mendez* demonstrates that an individual who entered without inspection
3 remains an applicant for admission unless and until lawfully admitted. *See Matter of Yajure*
4 *Hurtado*, 29 I&N Dec. 216 (BIA 2025).

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

15 **B. Petitioner's detention is not prolonged under *Banda*.**

16 Petitioner's detention without a court-ordered bond hearing does not violate his Fifth
17 Amendment due process rights. Courts in this District have recognized that "[n]ormally,
18 noncitizens covered by § 1225(b)(1) are subject to an expedited removal process that does not
19 include a hearing before an IJ or review of the removal order." *Nguyen v. Scott*, 25-cv-01988-
20 SKV, Dkt. 15, pgs. 3-4 (citing *Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1111-12 (W.D. Wash.
21 2019) (citing 8 U.S.C. § 1225(b)(1)(A)(i))). Both § 1225(b)(1) and § 1225(b)(2) mandate
22 detention of noncitizens for the entirety of the applicable proceedings. *Id.* (citing *Jennings*, 583
23 U.S. at 302). And the "statute does not impose 'any limit on the length of detention' pending a
24

1 decision on the asylum application and does not authorize bond hearings or release on bond.” *Id.*
2 (citing *Banda*, 385 F. Supp. 3d at 1112 (quoting *Jennings*, 583 U.S. at 296)).

3 Courts in this District have also noted that both the Supreme Court and Ninth Circuit have
4 “grappled . . . with whether the various immigration detention statutes may authorize indefinite
5 or prolonged detention of detainees and, if so, may do so without providing a bond hearing.” *Id.*
6 (quoting *Rodriguez v. Robbins*, 804 F.3d 1060, 1067 (9th Cir. 2015) (citing *Toktosunov v.*
7 *Wamsley*, 25-cv-01724-TL, 2025 WL 3492858, at *2-4 (W.D. Wash. Dec. 5, 2025)).

8 While neither the Supreme Court nor the Ninth Circuit has settled on a test for assessing
9 the constitutionality of prolonged mandatory detention, Courts in this District apply the “*Banda*”
10 test in determining whether a noncitizen’s detention under § 1225(b) violates due process. *Id.*
11 (citing *Banda*, 385 F. Supp. 3d at 1106; *Maliwat v. Scott*, 25-cv-00788, 2025 WL 2256711, at *3
12 (W.D. Wash. Aug. 7, 2025); *Hong v. Mayorkas*, 20-cv-01784-LK, 2022 WL 1078627, at *4-5
13 (W.D. Wash. Apr. 11, 2022)).

14 In *Banda*, the Court found “unreasonably prolonged detention under § 1225(b) without a
15 bond hearing violates due process.” *Banda*, 385 F. Supp. 3d at 1106, 1117. The Court declined to
16 adopt a rule that detention became unreasonably prolonged at six months, explaining that,
17 pursuant to *Zadvydas*, “at six months, the burden is on the detainee—not the government—to
18 establish a basis for release[,]” and found such a rule would be “inconsistent with the fact-
19 dependent nature of the constitutional question before the Court, namely whether petitioner’s
20 prolonged detention has become unreasonable.” *Id.* at 1117 (citing *Zadvydas*, 533 U.S. at 701).
21 The Court, instead, adopted a multi-factor test to apply in making the determination of whether §
22 1225(b) detention has become unreasonable, considering: “(1) the total length of detention to
23 date; (2) the likely duration of future detention; (3) the conditions of detention; (4) delays in the
24 removal proceedings caused by the detainee; (5) delays in the removal proceedings caused by the

1 government; and (6) the likelihood that the removal proceedings will result in a final order of
2 removal.” *Id.* at 1106.

3 An analysis of these factors demonstrates that Petitioner’s detention has not been
4 prolonged.

5 **1. Length of Detention**

6 The first factor, the length of detention to date, is the most important one. *See Banda*, 385
7 F. Supp. 3d at 1118. “The longer mandatory detention continues . . . the harder it is to justify.”
8 *Murillo-Chavez v. Garland*, 22-cv-00303-LK-MLP, 2022 WL 16555994, at *5 (W.D. Wash.
9 Aug. 30, 2022), report and recommendation adopted, 2022 WL 16553176 (W.D. Wash. Oct. 31,
10 2022) (citing cases). Here, Petitioner has been detained since October 1, 2025, for approximately
11 four months. This length of detention is well below the range of what Courts in this District
12 typically find unreasonable. *See, e.g., Nguyen*, 25-cv-01988-SKV, Dkt. 15, pgs. 3-4 (citing
13 *Maliwat*, 2025 WL 2256711, at *4 (citing cases finding periods of detention ranging from eleven
14 to thirty months to favor the detainee; finding same for a petitioner detained for nearly twelve
15 months); *Toktosunov*, No. 2:25-cv-01724-TL, 2025 WL 3492858, at *4 (finding sixteen months
16 of detention favored detainee); *Banda*, 385 F. Supp. 3d at 1118-19 (finding approximate
17 seventeen-month detention strongly favored detainee). Therefore, this factor should weigh in
18 favor of Federal Respondents.

19 **2. Likely Duration of Future Detention**

20 Under the second *Banda* factor, the Court considers how long the petitioner’s detention is
21 likely to continue absent judicial intervention, *i.e.*, “the anticipated duration of all removal
22 proceedings—including administrative and judicial appeals.” *Banda*, 385 F. Supp. 3d at 119
23 (quoting *Jamal A. v. Whitaker*, 358 F.Supp.3d 853, 859 (D. Minn. Jan. 22, 2019)).
24

1 Petitioner appealed his order of removal to Guatemala on January 2, 2026. Courts in this
2 District have observed that BIA appeals can take over six months and have recognized that any
3 further appeals to the federal courts will take substantial time to resolve. *See Nguyen*, 25-cv-
4 01988-SKV, Dkt. 15, pgs. 3-4 (citing *Toktosunov*, 2025 WL 3492858, at *5). Given that
5 Petitioner's appeals process may take several months, this factor likely weighs in Petitioner's
6 favor.

7 **3. Conditions of Detention**

8 Under the third *Banda* factor, the Court considers the conditions of the petitioner's
9 detention at the facility where he or she is currently detained. "The more that the conditions under
10 which the [noncitizen] is being held resemble penal confinement, the stronger his argument that
11 he is entitled to a bond hearing." *Banda*, 385 F. Supp. 3d at 1119 (quoted source omitted).
12 Petitioner is detained at the NWIPC. He does not present any allegations regarding his conditions
13 of detention or argue that the conditions at the NWIPC are penal or similar to those in prisons or
14 jails. Thus, the third factor weighs in Federal Respondents' favor.

15 **4. Delays in the Removal Proceedings Caused by Petitioner**

16 The fourth *Banda* factor assesses delays caused by the petitioner in the removal
17 proceedings. *See Banda*, 385 F. Supp. 3d at 1119. There are no facts to suggest that Petitioner has
18 caused delays in the removal process. Thus, the fourth *Banda* factor should be neutral.

19 **5. Delays in the Removal Process Caused by Federal Respondents**

20 Under the fifth *Banda* factor, the Court "considers the nature and extent of any delays in
21 the removal proceedings caused by the government." *Banda*, 385 F. Supp. 3d at 1120. Petitioner
22 does not point to any delays in his case occasioned by Federal Respondents, and the record does
23 not evince any. Absent any indication of a respondent-caused delay, this factor weighs neutral.
24 *See Nguyen*, 25-cv-01988-SKV, Dkt. 15, pgs. 3-4 (citing *Toktosunov*, 2025 WL 3492858, at *5).

1 **6. Likelihood of Removal Proceedings Resulting in Final Order of Removal**

2 Finally, under the sixth *Banda* factor, the Court considers “the likelihood that the final
3 proceedings will culminate in a final order of removal.” *Banda*, 385 F. Supp. 3d at 1120 (quoted
4 source omitted). The Court, in other words, considers whether the petitioner has asserted any
5 defenses to removal. *Id.* “Where a noncitizen has not asserted any grounds for relief from removal,
6 presumably the noncitizen will be removed from the United States, and continued detention will
7 at least marginally serve the purpose of detention, namely assuring the noncitizen is removed as
8 ordered.” *Id.* (cited source omitted). “But where a noncitizen has asserted a good faith challenge
9 to removal, ‘the categorical nature of the detention will become increasingly unreasonable.’” *Id.*
10 (quoted source omitted).

11 Petitioner appealed his removal order to Guatemala to the BIA, but Petitioner has not
12 asserted any other claims for relief from removal and in fact, Petitioner waived his right to seek
13 asylum or any other related relief. Wong Decl. at Ex. 3. This Court is not presently positioned to
14 determine whether Petitioner’s appeal is nonfrivolous or the likelihood that he will prevail. Thus,
15 this factor should be deemed neutral at this time. *See Nguyen*, 25-cv-01988-SKV, Dkt. 15, pgs.
16 3-4.

17 In sum, two factors (length of duration and conditions of detention) weigh in favor of
18 Federal Respondents, one factor (likely duration of future detention) weighs in favor of Petitioner,
19 and three factors (delays in removal proceedings caused by Petitioner, delays in removal
20 proceedings caused by Federal Respondents, and likelihood of removal proceedings resulting in
21 final order of removal) weighs neutral. Thus, the Court should find that the *Banda* test, on balance,
22 favors Federal Respondents, that Petitioner’s continued detention under § 1225(b) has not yet
23 become unreasonable, and that due process does not require the Government to provide Petitioner
24 with a court-ordered bond hearing.

1 Petitioner fails to make a clear showing that his ongoing detention without a court-ordered
2 bond hearing violates due process, and this Court should deny Petitioner's request for a bond
3 hearing.

4 **C. Petitioner failed to exhaust his administrative remedies.**

5 Petitioner failed to exhaust his administrative remedies with respect to his request for a
6 bond hearing. Because Petitioner had sought and was denied a bond hearing while detained, this
7 Court should require Petitioner to appeal that ruling to the BIA before seeking habeas relief in a
8 federal district court.

9 Although exhaustion of administrative remedies is not a jurisdictional prerequisite for
10 habeas petitions, courts generally "require, as a prudential matter, that habeas petitioners exhaust
11 available judicial and administrative remedies before seeking [such] relief." *Castro-Cortez v. INS*,
12 239 F.3d 1037, 1047 (9th Cir. 2001) (abrogated on other grounds by *Fernandez-Vargas v.*
13 *Gonzales*, 548 U.S. 30 (2006)). The exhaustion requirement is subject to waiver because it is not
14 a "jurisdictional" prerequisite." *Id.* Courts may require prudential exhaustion where: "(1) agency
15 expertise makes agency consideration necessary to generate a proper record and reach a proper
16 decision; (2) relaxation of the requirement would encourage the deliberate bypass of the
17 administrative scheme; and (3) administrative review is likely to allow the agency to correct its
18 own mistakes and to preclude the need for judicial review." *Puga v. Chertoff*, 488 F.3d 812, 815
19 (9th Cir. 2007).

20 The Court should not allow Petitioner to move forward with this habeas petition seeking
21 a bond hearing without first exhausting his administrative remedies at the BIA level. Similarly, a
22 court in this district dismissed a noncitizen's habeas petition because the petitioner had failed to
23 seek a bond redetermination hearing at the administrative level. *Cristobal v. Asher*, 20-cv-01493-
24 RSM-BAT, 2020 WL 8678097, at * 3 (W.D. Wash. Dec. 14, 2020), Rep. & Rec. adopted by 2021

1 WL796597 (W.D. Wash. Mar. 2, 2021). In *Cristobal*, the petitioner had been detained for 15
2 months and was denied bond at an initial bond redetermination hearing, but he never sought a
3 second bond redetermination hearing based on changed circumstances before filing a habeas
4 petition. Petitioner here had sought and was denied a bond hearing by an IJ while detained, but
5 did not file an appeal of his bond determination to the BIA before filing a habeas petition in this
6 Court. Thus, he has failed to exhaust his administrative remedies by asking this Court to order a
7 bond hearing before first appealing such a determination to the BIA.

8 Furthermore, this case meets the elements requiring prudential exhaustion because the
9 BIA “has a special expertise in reviewing the question of whether the bond record as a whole
10 makes it substantially unlikely that the Department w[ill] prevail on [the petitioner’s] challenge
11 to removability.” *Francisco Cortez v. Nielsen*, No. 19-cv-00754-PJH, 2019 WL 1508458, at *3
12 (N.D. Cal. Apr. 5, 2019) (internal quotation marks omitted). Also, allowing a “relaxation of the
13 exhaustion requirement” would promote the avoidance of seeking a bond redetermination by the
14 IJ or an appeal of similar IJ orders to the BIA. Finally, the outcome of Petitioner’s exhaustion of
15 administrative remedies may provide him with the relief sought here – a bond hearing or release
16 on bond. Therefore, the habeas petition should be dismissed because Petitioner has failed to
17 exhaust his administrative remedies.

18 IV. CONCLUSION

19 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
20 the habeas petition and Petitioner’s Motion Requesting Hearing for Bond Redetermination.

21 //

22 //

23 //

24 //

1 DATED this 9th day of February, 2026.

2 Respectfully submitted,

3 s/ Jennifer Wong

4 JENNIFER WONG, CA No. 341634

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13 *Attorney for Federal Respondents*

14 I certify that this memorandum contains 3,771
15 words, in compliance with the Local Civil Rules.

CERTIFICATE OF SERVICE

I hereby certify that I am an employee in the Office of the United States Attorney for the Western District of Washington and of such age and discretion as to be competent to serve papers;

I further certify that on this date, I electronically filed the foregoing and following supporting declarations with the Clerk of the Court using the CM/ECF system, which will send notice of such filing to the following CM/ECF participant(s):

- 0 -

I further certify that on this date, I arranged for service of the foregoing on the following non-CM/ECF participant, via Certified Mail, return receipt requested, postage prepaid, addressed as follows:

Miguel Angel De La O Palma, *Pro Se* Petitioner

A# 

NW Detention Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 9th day of February, 2026.

s/ Albert Kidd

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