

District Judge Ricardo S. Martinez

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

EDGAR MIGUEL QUINTANILLA,

Petitioner,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT FIELD OFFICE
DIRECTOR,

Respondent.

Case No. 2:26-cv-00041-RSM

FEDERAL RESPONDENT'S RETURN

Noted for Consideration:
February 2, 2026

I. INTRODUCTION

U.S. Immigration and Customs Enforcement ("ICE") lawfully detains Petitioner Edgar Miguel Quintanilla at the Northwest ICE Processing Center pursuant to 8 U.S.C. § 1225(b). In 2016, U.S. Border Patrol ("USBP") encountered Petitioner shortly after he unlawfully entered the United States. Petitioner subsequently lodged an application for status in the United States with U.S. Citizenship and Immigration Status ("USCIS"). Eventually, Petitioner was released by ICE on an order of recognizance ("OREC").

On October 9, 2025, ICE detained Petitioner due to criminal activity. On November 25, 2025, Petitioner had a bond hearing before an immigration judge in which he was represented by

1 legal counsel. The immigration judge denied bond finding that Petitioner is subject to mandatory
2 detention under Section 1225(b), but in the alternative, the immigration judge denied bond after
3 finding Petitioner to be a flight risk. Petitioner has appealed the order before the Board of
4 Immigration Appeals (“BIA”).

5 Petitioner requests that he be released “pending all finality” or that in the alternative that
6 he be granted a bond hearing. Dkt. 3, Petition (“Pet.”) at 2. This Court should deny the relief sought
7 here. Petitioner is not entitled to release, and the immigration judge has already found Petitioner
8 to be a flight risk in the alternative. Thus, Petitioner’s request for a bond hearing is moot.

9 II. BACKGROUND

10 A. Petitioner’s Background

11 Quintanilla is a native and citizen of El Salvador. Declaration of Deportation Officer
12 Christopher Hubbard (“Hubbard Decl.”) ¶ 3. On or about September 1, 2016, Quintanilla
13 unlawfully entered the United States from Mexico and was encountered by USBP. *Id.* USBP
14 determined that Petitioner was inadmissible. *Id.* [REDACTED]

15 [REDACTED]
16 [REDACTED]
17 Petitioner was issued an NTA but was also a minor at that time so he was transferred to the
18 custody of the Office of Refugee Resettlement (“ORR”). Hubbard Decl., ¶ 4. Quintanilla was
19 temporarily placed with a family member in Norcross, Georgia, on April 12, 2016. Hubbard Decl.,
20 ¶ 7. On February 24, 2017, Quintanilla was arrested for criminal trespass, simple assault, simple
21 battery, and disorderly conduct by local law enforcement in Georgia. Hubbard Decl., ¶ 5a. On
22 April 24, 2017, Quintanilla was back in ORR custody, in Portland, Oregon. Hubbard Decl., ¶ 7.

23 On May 3, 2017, Petitioner filed an application for status with USCIS. Hubbard Decl., ¶ 8.
24 Two days later, he ran away from the ORR facility. Hubbard Decl., ¶ 9.

1 On March 21, 2018, Quintanilla was arrested by local law enforcement in Portland,
2 Oregon, for disorderly conduct in the second degree. Hubbard Decl., ¶ 5b. On April 12, 2018,
3 Quintanilla was located by ICE, but ICE allowed Quintanilla to remain out of custody on an order
4 of recognizance. Hubbard Decl., ¶ 10.

5 On April 21, 2021, Quintanilla was convicted of criminal trespass. Hubbard Decl., ¶ 5c.
6 On August 8, 2023, Quintanilla was arrested for driving under the influence, reckless driving, and
7 reckless endangerment. Hubbard Decl., ¶ 5d. The state court initially granted Quintanilla a
8 diversion, but the state court is considering revocation. *Id.* On February 6, 2025, ICE required
9 Quintanilla to wear a GPS ankle monitor. Hubbard Decl., ¶ 12. GPS monitoring violations have
10 been recorded. Declaration of Jordan Steveson ("Steveson Decl."), Exh. A, I-213. On May 9,
11 2025, Quintanilla was cited for driving without an interlock device, driving without a license,
12 driving without insurance, failure to register a vehicle, and speeding. Hubbard Decl., ¶ 5e.

13 On October 9, 2025, ICE detained Quintanilla, revoked his OREC, and he is now detained
14 at the Northwest ICE Processing Center in Tacoma, Washington. Hubbard Decl., ¶ 14; Declaration
15 of Steveson Decl., Exh. A, I-213; Exh. B, OREC Revocation.

16 On November 11, 2025, Quintanilla had a bond hearing before an Immigration Judge
17 ("IJ"). Steveson Decl., Exh. C, Bond Order. The IJ determined that Quintanilla is subject to
18 mandatory detention under 8 U.S.C. § 1225(b). *Id.* The IJ also considered Quintanilla's case and
19 made an alternative ruling that Quintanilla is a flight risk. *Id.* That bond determination is now
20 before the Board of Immigration Appeals. Steveson Decl., Exh. D, BIA Appeal.

21 **B. Legal Background**

22 Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the
23 Executive could "expedite removal of aliens lacking a legal basis to remain in the United States."
24 *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep't of Homeland Sec. v. Thuraissigiam*,

1 591 U.S. 103, 106 (2020). Section 1225 applies to “applicants for admission” to the United States,
2 who are defined as “[a]n alien present in the United States who has not been admitted or who
3 arrives in the United States (whether or not at a designated port of arrival and including an alien
4 who is brought to the United States after having been interdicted in international or United States
5 waters).” 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories, those
6 covered by § 1225(b)(1) and those covered by § 1225(b)(2),” both of which are subject to
7 mandatory detention. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018); *Matter of Yajure Hurtado*,
8 29 I&N Dec. 216 (BIA 2025).

9 All applicants for admission are inspected. 8 U.S.C. 1225(b). DHS has discretion to pursue
10 expedited removal under Section 1225(b)(1) or it can apply Section 1225(b)(2) and seek removal
11 under Section 1229a. *Matter of E-R-M- & L-R-M-*, 25 I&N Dec. 520, 523-524 (BIA 2011). If the
12 immigration authority determines that the noncitizen being inspected is inadmissible, then Section
13 1225(b)(2) is applied. *Jennings*, 583 U.S. at 288.

14 The sole means of release from detention pursuant to Section 1225(b) is temporary parole
15 ‘for urgent humanitarian reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583
16 U.S. at 283. This parole terminates automatically at the expiration of the time for which parole
17 was authorized, or upon service of a charging document for either expedited removal proceedings
18 under Section 1225(b) or removal proceedings under Section 1229a. 8 C.F.R. §§ 212.5(e)(1);
19 (2)(i). Upon termination of parole, the applicant reverts to the status that he or she had at the time
20 of parole. *See id.*

21 **C. Revocation of Discretionary Release from Detention**

22 “Any officer authorized to issue a warrant of arrest may, in the officer’s discretion, release
23 an alien . . . provided that the alien must demonstrate to the satisfaction of the officer that such
24

release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.” 8 C.F.R. § 1236.1(c)(8). ICE retains discretion to revoke such a release:

When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign), in which event the alien may be taken into physical custody and detained.

8 C.F.R. § 1236.1(c)(9).

III. ARGUMENT

A. Petitioner’s detention is mandatory.

Petitioner’s detention is mandatory while he is in immigration proceedings because he unlawfully crossed the border and an immigration officer determined that he is inadmissible. If a noncitizen is an applicant for admission under 8 U.S.C. § 1225(b), then he is subject to mandatory detention. *Jennings* 583 U.S. at 287.

Applicants for admission include any noncitizens that arrive in the United States, whether they arrive at an official port of entry does not matter. 8 U.S.C. § 1225(a)(1). If an immigration officer finds the noncitizen to be inadmissible to the United States, then the noncitizen shall be detained for removal proceedings. 8 U.S.C. § 1225(b)(2); *Jennings* at 288.

Respondent recognizes that a similarly situated noncitizens have been found to be detained under 8 U.S.C. § 1226(a) and eligible for release. See e.g. *Ledesma Gonzalez v. Bostock*, No. 2:25-CV-01404-JNW-GJL, 2025 WL 2841574, at *4 (W.D. Wash. Oct. 7, 2025). Respondent respectfully disagrees.

In this instance, Petitioner was encountered by USBP shortly after crossing the southern border from Mexico. Hubbard Decl., ¶ 3. USBP quickly determined that Petitioner was inadmissible and an NTA was issued. *Id.* Although immigration authorities eventually determined

1 that it was appropriate to release Quintanilla on an OREC, that does not retroactively change that
 2 he is an inadmissible applicant for admission that was apprehended upon arrival. Additionally,
 3 ICE has discretion to revoke OREC release. 8 C.F.R. § 1236.1(c)(9).

4 **B. Even if this Court found Petitioner's detention to be governed by 8 U.S.C. § 1226(a),**
 5 **he remains lawfully detained.**

6 If Petitioner is instead considered to be detained under 8 U.S.C. § 1226(a), he is lawfully
 7 detained. Petitioner already received a full bond hearing. Steveson Decl., Exh. C, Bond Order.

8 In the bond order, the immigration judge denied bond on the basis that the court did not
 9 have jurisdiction because of Petitioner's mandatory detention pursuant to 8 U.S.C. § 1225(b). *Id.*
 10 In the alternative, the IJ found that if the IJ had jurisdiction he would deny bond and that "in the
 11 court's view, [Petitioner] is an extreme flight risk...." *Id.* If this Court were to find that Petitioner
 12 is not subject to Section 1225(b) detention, "then Section 1226 requires only consideration of
 13 release on bond, and conditional release that allows compliance by honoring the alternative bond
 14 amounts set by the [immigration judges] would correct Respondents' ongoing violation of the
 15 [Immigration and Nationality Act] as to [this Petitioner]." *Corrales Castillo v. Wamsley*, No. 2:25-
 16 cv-02172-TMC, 2025 WL 3204370, at *2 (W.D. Wash. Nov. 17, 2025) (citing 8 U.S.C.
 17 § 1226(e)). Thus, if the bond order remains in effect, Petitioner's detention is lawful under Section
 18 1226(a). *Id.*

19 This Court does not have jurisdiction to review the bond decision. 8 U.S.C. § 1226(e) ("No
 20 court may set aside any action or decision by the Attorney General under this section regarding
 21 the detention of any alien or the revocation or denial of bond or parole."); *see also Valenzuela v.*
 22 *Semaia*, No. 5:25-cv-02853, 2025 WL 4041920, at *2 (C.D. Cal. Dec. 10, 2025) ("Although
 23 Petitioner may disagree with the outcome of the [immigration judge's] determination at the bond
 24 hearing, this Court does not have jurisdiction to sit as an appellate body over this issue.").

1 Accordingly, Respondent asserts that if Petitioner is found to be held under Section
2 1226(a), he should still remain detained. This Court should also require Petitioner to exhaust his
3 administrative remedies by appealing the alternative bond order – by finishing his bond appeal,
4 which is currently pending with the BIA. Steveson Decl., Exh. D, BIA Appeal. The Ninth Circuit
5 has endorsed that noncitizens like Petitioner should exhaust their administrative remedies through
6 the BIA, before seeking habeas relief in the district court. *Leonardo v. Crawford*, 646 F.3d 1157,
7 1160 (9th Cir. 2011).

8 **C. Quintanilla is not entitled to release.**

9 This Court should deny Quintanilla's request for release from immigration detention. Pet.
10 at 2. A noncitizen is entitled to release if he can show that his immigration detention is indefinite
11 as defined in *Zadvydas. Hong v. Mayorkas*, No. 2:20-cv-1784, 2021 WL 8016749, at *6 (W.D.
12 Wash. June 8, 2021), *report and recommendation adopted*, 2022 WL 1078627 (W.D. Wash. Apr.
13 11, 2022). While Quintanilla's detention continues while his removal proceedings are ongoing,
14 he cannot allege that his detention has become indefinite. Quintanilla has presented no evidence
15 that ICE will be unable to remove him if he is ultimately ordered removed. Furthermore, he is not
16 entitled to a second bond hearing even if this Court were to find that his detention is pursuant to
17 Section 1226(a). See *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297 (W.D. Wash. 2025).

18 Accordingly, this Court should not grant Quintanilla's request for immediate release.

19 **CONCLUSION**

20 For the foregoing reasons, Federal Respondents respectfully request that this Court deny
21 the Petition.

22 //

23

24 //

1 DATED this 28th day of January, 2026.

2 Respectfully submitted,

3 CHARLES NEIL FLOYD
4 United States Attorney

5 s/ Jordan C. Steveson
6 JORDAN C. STEVESON, WSBA No. 40636
7 Special Assistant United States Attorney
8 United States Attorney's Office
9 Western District of Washington
10 1201 Pacific Ave., Ste. 700
11 Tacoma, WA 98402
12 Phone: (253) 428.3802
13 Email: jordan.steveson@usdoj.gov

14 *Attorneys for Respondent*

15 *I certify that this memorandum contains 1,966*
16 *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 the following Declaration of Christopher Hubbard and the Declaration of Jordan C. Steveson with supporting Exhibit A through D 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:

Edgar Miguel Quintanilla, *Pro Se* Petitioner
A# 
Northwest Detention Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 28th day of January, 2026.

s/ Stephanie Huerta-Ramirez
STEPHANIE HUERTA-RAMIREZ, Legal Assistant
United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, Washington 98101-1271
Phone: 206-553-7970
Fax: 206-553-4073
Email: stephanie.huerta-ramirez@usdoj.gov