

District Judge Tiffany M. Cartwright

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

HONORIO DE JESUS MARTINEZ,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

Case No. 2:26-cv-00089-TMC

FEDERAL RESPONDENTS'¹
RETURN MEMORANDUM

Noted for Consideration:
January 28, 2026

Petitioner seeks habeas relief from his mandatory immigration detention. U.S. Immigration and Customs Enforcement detains Petitioner pursuant to 8 U.S.C. § 1225(b). Federal Respondents acknowledge that in *Rodriguez Vazquez v. Bostock*, this Court granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the Bond Denial Class is unlawful. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the same and extended declaratory relief to a similarly defined and certified nationwide

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by undersigned counsel.

1 Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025
2 WL 3288403 (C.D. Cal. Nov. 25, 2025).

3 While Federal Respondents do not agree with the *Rodriguez Vazquez* and *Maldonado*
4 *Bautista* decisions, they agree that Petitioner will be a member of the *Rodriguez Vazquez* Bond
5 Denial Class for purposes of this litigation once he seeks a bond redetermination hearing with the
6 immigration court. Thus, while Petitioner asserts other allegations in the initial petition (Dkt. No.
7 1) – which are not conceded by the filing of this Return, Federal Respondents believe that this case
8 may be addressed solely on the *Rodriguez Vasquez* issue.

9 **A. 8 U.S.C. § 1225(b)**

10 While acknowledging the decisions in *Rodriguez Vazquez* and *Maldonado*, Federal
11 Respondents continue to believe Petitioner is subject to mandatory detention pursuant to 8 U.S.C.
12 § 1225(b). *See Vargas Lopez v. Trump*, 802 F. Supp. 3d 1132 (D. Neb. 2025) (holding petitioner
13 detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, 801 F. Supp. 3d 1133 (S.D. Cal.
14 2025) (same). Noncitizens who are apprehended shortly after illegally crossing the border and
15 who are determined to be inadmissible due to lacking a visa or valid entry documentation, 8 U.S.C.
16 § 1182(a)(7)(A), may be removed pursuant to an expedited removal order unless they express an
17 intention to apply for asylum or a fear of persecution in their home country. 8 U.S.C. §§
18 1225(b)(1)(A)(i), (iii)(II). “The purpose of these provisions is to expedite the removal from the
19 United States of aliens who indisputably have no authorization to be admitted to the United States,
20 while providing an opportunity for such an alien who claims asylum to have the merits of his or
21 her claim promptly assessed by officers with full professional training in adjudicating asylum
22 claims.” H.R. Conf. Rep. No. 828, 104th Cong., 2d Sess. 209 (1996).

23 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers
24 noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid

documentation, and certain other noncitizens designated by the Attorney General in her discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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

B. *Rodriguez Vazquez* Bond Denial Class Membership

Through this habeas action, Petitioner seeks relief as a member of the nationwide Bond Eligible Class in *Maldonado Bautista*.² As mentioned above, the Bond Eligible Class in *Maldonado Bautista* is substantially similar to the Bond Denial Class in *Rodriguez Vazquez*, with *Rodriguez Vazquez* applying more narrowly to noncitizens detained at Northwest ICE Processing Center.³ Again, Federal Respondents do not agree with the *Rodriguez Vazquez* and *Maldonado Bautista* decisions. Alternatively, they do not oppose Petitioner being considered a member of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation. Federal Respondents do not believe that Petitioner can be a member of both classes simultaneously, and treating Petitioner as a member of the *Rodriguez Vazquez* Bond Denial Class does not change the legal posture of Petitioner in the instant petition at this time.

² “**Bond Eligible Class:** All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (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 Department of Homeland Security makes an initial custody determination.” *Maldonado Bautista*, 2025 WL 3288403, at *1.

³ “**Bond Denial Class:** All noncitizens without lawful status detained at the Northwest ICE Processing Center 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.” *Rodriguez*, 2025 WL 2782499, at *6.

1 Petitioner has not yet had a bond hearing. If this Court were to grant the habeas petition,
2 the appropriate relief is not release. Rather, this Court should order the Immigration Judge to
3 provide Petitioner a bond hearing pursuant to 8 U.S.C. § 1226(a), consistent with this Court's
4 judgment in *Rodriguez*, 2025 WL 2782499, at *27.

5
6 DATED this 23rd day of January, 2026.

7 Respectfully submitted,

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10 s/ Michelle R. Lambert

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15 *Attorneys for Federal Respondents*

16 *I certify that this memorandum contains 872 words,*
17 *in compliance with the Local Civil Rules*