

District Judge Tiffany M. Cartwright

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

ALONDRA BERENICE MEDINA
ROMERO,

Petitioner,

v.

LAURA HERMOSILLO, *et al.*,¹

Respondents.

Case No. 2:26-cv-00118-TMC

FEDERAL RESPONDENTS'
OPPOSITION TO PETITIONER'S
MOTION TO ENFORCE ORDER²

Noted for Consideration:
February 27, 2026

I. INTRODUCTION

This Court should deny Petitioner Alonda Berenice Medina Romero's motion to enforce this Court's Order. Dkt. No. 9, Mot. She disagrees with the outcome of her court-ordered bond hearing where the immigration judge determined that Petitioner had not met her burden of demonstrating that she was not a flight risk. Dkt. No. 9-5, Ex. D, Order of the Immigration Judge (dated Feb. 12, 2026). But this Court's Order Granting Petition for Writ of Habeas Corpus required the following:

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

² On February 20, 2026, Petitioner filed a document entitled "Motion for Temporary Restraining Order Enforcing Judgment." Dkt. No. 9. This Court construed the filing as a motion to enforce the judgment. Dkt. No. 11.

1 Within fourteen days of receiving Petitioner Alondra Berenice Medina Romero's
2 request for a bond hearing, Respondents must either release her or provide her with
a bond hearing under 8 U.S.C. § 1226(a).

3 Dkt. No. 6, Order, at 3. On February 12, 2026, the Government complied with the Order by
4 conducting a Section 1226(a) bond hearing. Dkt. No. 9-5. As Petitioner "has received all relief
5 required" by the Order, this Court should deny the Motion. *Heartland Hosp. v. Thompson*, 328
6 F. Supp. 2d 8, 11 (D.D.C. 2004), *aff'd sub nom. Heartland Reg'l Med. Ctr. v. Leavitt*, 415 F.3d
7 24 (D.C. Cir. 2005).

8 Petitioner argues that she did not receive the relief ordered by this Court because the
9 immigration judge erred in denying her request. Mot., at 3-5. However, this argument consists
10 of Petitioner's disagreement with the immigration judge's discretionary decision, which is not
11 reviewable by this Court. 8 U.S.C. § 1226(e) ("No court may set aside any action or decision by
12 the Attorney General under this section regarding the detention of any alien or the revocation or
13 denial of bond or parole."); *see also Valenzuela v. Semaia*, No. 5:25-cv-02853, 2025 WL
14 4041920, at *2 (C.D. Cal. Dec. 10, 2025) ("Although Petitioner may disagree with the outcome
15 of the [immigration judge's] determination at the bond hearing, this Court does not have
16 jurisdiction to sit as an appellate body over this issue.").

17 Petitioner further claims that the lack of a recording of the bond hearing violates her due
18 process rights. Mot., at 5-6. However, Petitioner has failed to claim that the lack of the recording
19 caused prejudice here. Her counsel has submitted a declaration summarizing the evidence
20 submitted to the immigration court and what occurred at the hearing. If Petitioner
21 administratively appeals the immigration order, the immigration judge will prepare a written
22 memorandum explaining the decision. Thus, Petitioner should be required to exhaust her
23 administrative remedies before seeking relief in this Court.

1 The fact that the bond hearing did not result in Petitioner's desired outcome does not
 2 negate the fact that the Government complied with the Order. Petitioner has received the habeas
 3 relief ordered to comply with his detention under 8 U.S.C. § 1226(a) as a member of the Bond
 4 Denial Class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499
 5 (W.D. Wash. Sept. 30, 2025). Thus, her detention is lawful. As a result, this Court should not
 6 grant Petitioner's request for release now – after this Court did not grant her request for release
 7 in the Petition.

8 Accordingly, this Court should deny the Motion.

9 II. RELEVANT BACKGROUND

10 On February 12, 2026, an immigration judge held a bond hearing as required by this
 11 Court's Order. Dkt. No. 9-5. At the end of the bond hearing, the immigration judge denied
 12 Petitioner's request for a change in her custody status and denied bond after finding that she is a
 13 flight risk. *Id.* Petitioner reserved the right to appeal the immigration judge's decision. *Id.*
 14 Petitioner has until March 16, 2026 to appeal to the Board of Immigration Appeals ("BIA").
 15 Petitioner does not allege to have submitted an appeal. If Petitioner files an administrative appeal,
 16 the immigration judge will prepare a written memorandum explaining the decision. *See*
 17 Immigration Court Practice Manual, Ch. 8 – Detention and Bond, § 8.3(e)(7), *available at*
 18 <https://www.justice.gov/eoir/policy-manual-eoir/part-II/icpm/chapter-8-3> (last visited Feb. 24,
 19 2026) ("If either party appeals, the Immigration Judge prepares a written decision based on notes
 20 from the hearing . . .").

21 III. ARGUMENT

22 A. This Court should require prudential exhaustion.

23 This Court should deny the Motion due to Petitioner's failure to exhaust her administrative
 24 remedies. This Court should require Petitioner to appeal the immigration judge's bond

1 determination to the BIA. Courts generally “require, as a prudential matter, that habeas
2 petitioners exhaust available judicial and administrative remedies before seeking [such] relief.”
3 *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001) (abrogated on other grounds by
4 *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006)). The exhaustion requirement is subject to
5 waiver because it is not a “jurisdictional prerequisite.” *Id.*

6 Courts may require prudential exhaustion where: “(1) agency expertise makes agency
7 consideration necessary to generate a proper record and reach a proper decision; (2) relaxation of
8 the requirement would encourage the deliberate bypass of the administrative scheme; and (3)
9 administrative review is likely to allow the agency to correct its own mistakes and to preclude the
10 need for judicial review.” *Puga v. Chertoff*, 488 F.3d 812, 815 (9th Cir. 2007).

11 Here, Petitioner has not demonstrated that waiver of prudential exhaustion is appropriate.
12 Her dispute amounts to a disagreement with the weight that she presumes the immigration judge
13 afforded certain evidence. *See* Mot., at 4. This is not a constitutional error outside of the
14 jurisdiction of the BIA.

15 The BIA is the “subject-matter expert in immigration bond decisions and has the authority
16 to review appeals from bond determinations by [immigration judges].” *Aden v. Nielsen*, 18-cv-
17 1441-RSL, 2019 WL 5802013, at *2 (W.D. Wash. Nov. 7, 2019). Also, allowing a “relaxation
18 of the exhaustion requirement” would likely open the floodgates to other detainees to directly
19 appeal their no-bond determinations to federal district court. *Id.* Furthermore, once appealed, the
20 BIA would have the benefit of a written memorandum by the IJ explaining the decision. Lastly,
21 the BIA has the authority to correct the alleged errors. *Id.* (“The BIA reviews the [immigration
22 judge’s] factual determinations for clear error and reviews questions of law, discretion, and
23 judgment *de novo*. 8 C.F.R. § 1003.1(d)(3)(i), (ii).”).

1 If Petitioner were to argue that prudential exhaustion should be excused because her
2 “administrative remedies are inadequate or not efficacious, pursuit of administrative remedies
3 would be a futile gesture, irreparable injury will result, or the administrative proceedings would
4 be void,” she would be wrong. *Laing v. Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004). While
5 Petitioner might argue that an appeal would be futile because the BIA may dismiss an appeal on
6 jurisdictional grounds without reaching the alternative bond order, it is speculative to reach that
7 assumption. *Corrales Castillo v. Wamsley*, No. 25-2172-TMC, 2025 WL 3204370, at *3 (W.D.
8 Wash. Nov. 17, 2025) (“Speculation that the BIA will ignore the existence of *Rodriguez Vazquez*
9 entirely and thus decline to review the alternative basis for Padilla-Paz’s detention is not sufficient
10 grounds for what would essentially be advisory habeas relief” and denying habeas relief).
11 Moreover, even if that were to occur, Federal Respondents and Petitioner will have created an
12 appellate record for this Court to review in a subsequent habeas case.

13 Accordingly, the Motion should be dismissed because Petitioner has failed to exhaust her
14 administrative remedies. *See Reyes v. Wolf*, No. 20-cv-377-JLR, 2021 WL 662659, at *8 (W.D.
15 Wash. Feb. 19, 2021) (denying motion to enforce due to the petitioner’s failure to demonstrate
16 that prudential exhaustion requirements should be waived).

17 **B. Petitioner has not demonstrated that the lack of a recording violates due process.**

18 Petitioner has not established a due process violation because she has not made a showing
19 of prejudice. *Circu v. Gonzales*, 450 F.3d 990, 994 (9th Cir. 2006) (“establishing a due process
20 violation always requires a showing of prejudice”). Except for bond hearings for detainees
21 subject to prolonged detention, there is no right to a transcript or recording of an initial bond
22 redetermination hearing. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011) (citing *Matter of*
23 *Chirinos*, 16 I.&N. Dec. 276, 277 (B.I.A. 1977)); *Yong Guo v. Nielson*, No. 18-cv-1557-RSM-
24 BAT, 2019 WL 2515166, at *2 (W.D. Wash. June 18, 2019) (declining to adopt the R&R’s

1 finding that contemporaneous recordings are required for all bond hearings and stating “[t]he
2 record fails to demonstrate a procedural deficiency”). If Petitioner appeals the order, the
3 immigration judge will prepare a memorandum explaining the bond decision. Petitioner has not
4 demonstrated “that a recording or transcript would reveal any error that [would not be] sufficiently
5 apparent from the [immigration judge’s] memorandum decision.” *Singh*, 638 F.3d at 1209
6 (finding lack of showing of prejudice). This emphasizes the need for Petitioner to exhaust her
7 administrative remedies here.

8 To the extent that the Motion asks this Court to find that the immigration court’s bond
9 hearing recording policy violates due process, this request exceeds the scope of a motion to
10 enforce. Courts have inherent jurisdiction to enforce their judgments. *Hook v. Arizona*, 972 F.2d
11 1012, 1014 (9th Cir. 1992). However, “[t]he court may grant the moving party only that relief to
12 which it is entitled under the original judgment.” *California by & through Becerra v. U.S. Dep’t*
13 *of the Interior*, No. 17-cv-5948, 2020 WL 13093994, at *3 (N.D. Cal. July 30, 2020) (citations
14 omitted).

15 This Court’s Order required the Government to provide Petitioner with a bond hearing.
16 Federal Respondents have complied with this Order. Accordingly, the Motion should be denied.

17 IV. CONCLUSION

18 For all of the foregoing reasons, this Court should deny Petitioner’s Motion.

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1 DATED this 25th day of February, 2026.

2 Respectfully submitted,

3 s/ Michelle R. Lambert

4 MICHELLE R. LAMBERT, NYS #4666657

5 Assistant United States Attorney

6 United States Attorney's Office

7 Western District of Washington

8 1201 Pacific Ave., Ste. 700

9 Tacoma, WA 98402

10 Phone: (253) 428-3824

11 Fax: (253) 428-3826

12 Email: michelle.lambert@usdoj.gov

13 *Attorney for Federal Respondents*

14 *I certify that this memorandum contains 1,539*
15 *words, in compliance with the Local Civil Rules.*