

District Judge Tiffany M. Cartwright

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

MIGUEL GARCIA-VASQUEZ,

Petitioner,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:26-cv-00120-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
February 2, 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

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

3 **A. 8 U.S.C. § 1225(b)**

4 While acknowledging the decisions in *Rodriguez Vazquez* and *Maldonado*, Federal
5 Respondents continue to believe Petitioner is subject to mandatory detention pursuant to 8 U.S.C.
6 § 1225(b). *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sept. 30,
7 2025) (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, --- F.
8 Supp. 3d ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) (same).

9 Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the
10 Executive could “expedite removal of aliens lacking a legal basis to remain in the United States.”
11 *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep’t of Homeland Sec. v. Thuraissigiam*,
12 591 U.S. 103, 106 (2020) (“[Congress] crafted a system for weeding out patently meritless claims
13 and expeditiously removing the aliens making such claims from the country.”). The inspection,
14 detention, and removal of aliens who have not been admitted is governed by 8 U.S.C. § 1225.
15 Section 1225 defines an applicant for admission as “[a]n alien present in the United States who
16 has not been admitted or who arrives in the United States” whether or not at a designated port of
17 arrival. 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories, those
18 covered by § 1225(b)(1) and those covered by § 1225(b)(2)[.]” *Jennings v. Rodriguez*, 583 U.S.
19 281, 287 (2018).

20 Section 1225(b)(1) applies to “arriving aliens” and “certain other” noncitizens “initially
21 determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.”
22 *Id.*; 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii). Separately, Section 1225(b)(2) is “broader” and “serves
23 as a catchall provision” that applies to all applicants for admission not covered by Section
24 1225(b)(1) (with specific exceptions not relevant here). *Jennings*, 583 U.S. at 287.

1 Congress has determined that all noncitizens subject to Section 1225(b) are subject to
 2 mandatory detention. 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); 8 U.S.C. § 1225(b)(2)(A); *see also*
 3 *Jennings*, 583 U.S. at 299 (interpreting the “plain meaning” of sections 235(b)(1) and (2) to mean
 4 that applicants for admission be mandatorily detained for the duration of their immigration
 5 proceedings). Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2), the
 6 sole means of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian
 7 reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

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

18 **B. *Rodriguez Vazquez* Bond Denial Class Membership**

19 Through this habeas action, Petitioner seeks relief as a member of the Bond Denial Class
 20 in *Rodriguez Vazquez*.¹ Again, Federal Respondents do not agree with the *Rodriguez Vazquez* and
 21 *Maldonado Bautista* decisions. However, in the alternative, Federal Respondents do not oppose

22
 23 ¹ “**Bond Denial Class**: All noncitizens without lawful status detained at the Northwest ICE Processing Center who
 24 (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 being considered a member of the *Rodriguez Vazquez* Bond Denial Class for purposes
2 of this litigation.

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

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7 DATED this 27th day of January, 2026.

8 Respectfully submitted,

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21 *Attorneys for Federal Respondents*

22 *I certify that this memorandum contains 760*
23 *words, in compliance with Local Civil Rules*