

District Judge Thomas S. Zilly

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

EDDY MEJIA-CHAVEZ,

Petitioner,

v.

UNITED STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT FIELD  
OFFICE DIRECTOR.,

Respondent.

Case No. 2:26-cv-00127-TSZ

RESPONDENT'S RETURN  
MEMORANDUM

Noted for Consideration:  
February 25, 2026

**I. INTRODUCTION**

This Court should deny Petitioner Eddy Mejia-Chavez's Petition for a Writ of Habeas Corpus. Dkt. 5, Pet., Relief Requested. U.S. Immigration and Customs Enforcement ("ICE") lawfully detains Petitioner under 8 U.S.C. § 1225(b)(1). Petitioner challenges his mandatory detention at the Northwest ICE Processing Center ("NWIPC") as unlawful and seeks either his immediate release from immigration detention or a court-ordered bond hearing while his petition for review is pending before the Ninth Circuit Court of Appeals.

1 However, on January 21, 2026, an Immigration Judge held a bond hearing and denied  
2 Petitioner's request for bond after concluding that he is both a flight risk and a danger to the  
3 community. Thus, even if Petitioner were not subject to mandatory detention, his continued  
4 detention is justified, and he has received sufficient process. Moreover, Petitioner has not  
5 demonstrated that his detention is unconstitutionally indefinite as defined in *Zadvydas v. Davis*,  
6 533 U.S. 678 (2001), and therefore, he is not entitled to release. *Hong v. Mayorkas*, No. 2:20-cv-  
7 1784, 2021 WL 8016749, at \*6 (W.D. Wash. June 8, 2021), *report and recommendation adopted*,  
8 2022 WL 1078627 (W.D. Wash. Apr. 11, 2022).

9 Accordingly, Federal Respondent respectfully requests that the Court deny the Petition.

## 10 II. BACKGROUND

### 11 A. 8 U.S.C. § 1225(b)

12 Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the  
13 Executive could “expedite removal of aliens lacking a legal basis to remain in the United States.”  
14 *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep’t of Homeland Sec. v. Thuraissigiam*,  
15 591 U.S. 103, 106 (2020) (“[Congress] crafted a system for weeding out patently meritless claims  
16 and expeditiously removing the aliens making such claims from the country.”). Section 1225  
17 applies to “applicants for admission” to the United States, who are defined as “alien[s] present in  
18 the United States who [have] not been admitted” or noncitizens “who arrive[] in the United  
19 States,” whether or not at a designated port of arrival. 8 U.S.C. § 1225(a)(1). Applicants for  
20 admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by  
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1 § 1225(b)(2),” both of which are subject to mandatory detention. *Jennings v. Rodriguez*, 583 U.S.  
2 281, 287 (2018); *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).<sup>1</sup>

3 Under Section 1225(b)(1), two groups of noncitizens are subject to expedited removal. As  
4 relevant here, an applicant is subject to the expedited removal process if “the applicant (1) is  
5 inadmissible because he or she lacks a valid entry document; (2) has not “been physically present  
6 in the United States continuously for the 2-year period immediately prior to the date of the  
7 determination of inadmissibility”; and (3) is among those whom the Secretary of Homeland  
8 Security has designated for expedited removal.” *Thuraissigiam*, 591 U.S. at 109 (citing §§  
9 1225(b)(1)(A)(i), (iii)(I)–(II)).

10 Noncitizens subject to expedited removal may claim fear of removal. If an applicant  
11 “indicates either an intention to apply for asylum” or “a fear of persecution,” the applicant is  
12 referred to an interview by an asylum officer. *Thuraissigiam*, 591 U.S. at 109 (citing §§  
13 1225(b)(1)(A)(i)–(ii)). If the asylum officer determines that the applicant has a “credible fear,”  
14 the applicant “receive[s] ‘full consideration’ of his asylum claim in a standard removal  
15 hearing.” *Id.* at 110; *see also Padilla v. U.S. Immigr. & Customs Enf’t*, 704 F. Supp. 3d 1163,  
16 1168 (W.D. Wash. 2023), *stayed pending appeal*, No. 24-2801 (9th Cir. 2024) (“The Attorney  
17 General [has] interpreted 8 U.S.C. § 1225(b)(1)(B)(ii) to require mandatory detention without  
18 bond hearings for asylum seekers who were initially subject to expedited removal but later  
19 transferred to full removal proceedings after establishing a credible fear.”) (citation omitted).

20 Congress has determined that all noncitizens subject to section 1225(b) are subject to  
21 mandatory detention. Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2),  
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23 <sup>1</sup> Federal Respondent acknowledges the recent holding from the District Court for the Central District of California  
24 which vacates *Yajure Hurtado* under the Administrative Procedure Act. *See Maldonado Bautista v. Noem*, No. 5:25-  
CV-01873-SSS-BFM, 2026 WL 468284 (C.D. Cal. Feb. 18, 2025). That decision, however, does not alter the  
applicability of mandatory detention under 8 U.S.C. § 1225(b)(1) in the instant case.

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. Petitioner Eddy Mejia-Chavez<sup>2</sup>**

Petitioner is a native and citizen of El Salvador and permanent resident of Mexico who entered the United States without inspection or parole on or about October 5, 2024. Andrade Decl., Ex. B at 2, I-213; Ex. C at 1, NTA; Dumo Decl., ¶ 4. On October 7, 2024, the U.S. Department of Homeland Security (“DHS”) determined that Petitioner was inadmissible pursuant to § 1182(a)(7)(A)(i)(I) of the Immigration and Nationality Act and issued an Order of Expedited Removal under § 1225(b)(1). Andrade Decl., Ex. A, Notice and Order of Expedited Removal. On October 24, 2024, Petitioner expressed a fear of removal to El Salvador. Andrade Decl., Ex. D at 2, ICE Significant Incident Report; Dumo Decl., ¶ 6. DHS referred Petitioner to an asylum officer for a credible fear interview, which was held on October 30, 2024. Dumo Decl., ¶ 6.

On October 24, 2024, ICE received notification from the U.S. Embassy in El Salvador that Petitioner was the subject of an active warrant. Andrade Decl., Ex. D, ICE Significant Incident Report at 1-8; Dumo Decl., ¶ 5. The warrant identifies Petitioner as a fugitive pursuant to his conviction for Aggravated Homicide and Aggravated Terrorist Organization (modified to Unlawful Association). Andrade Decl., Ex. G, Warrant and Translation; Dumo Decl., ¶ 5.

An asylum officer determined Petitioner had a credible fear of persecution, and on November 8, 2024, DHS issued and personally served Petitioner with a Notice to Appear (“NTA”) charging him as inadmissible under both 8 U.S.C. §§ 1182(a)(6)(A)(i), (a)(7)(A)(i)(I). Andrade Decl., Ex. C, NTA; Dumo Decl., ¶ 7. Thus, Petitioner’s prior expedited removal order was vacated, and he was placed into removal proceedings and scheduled for a hearing at the

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<sup>2</sup> Many of the documents in the administrative record identify Petitioner by the name “Erick Rigoberto Mejia Chavez.” *See, e.g.*, Andrade Decl., Ex. G, Warrant and Translation; Ex. D at 5-8, ICE Significant Incident Report.

1 Florence Immigration Court on December 5, 2024. Andrade Decl., Ex. C, NTA. Thereafter, he  
2 was transferred and booked into the NWIPC. Dumo Decl., ¶ 7.

3 On December 5, 2024, Petitioner appeared *pro se* for a master calendar hearing, during  
4 which he indicated he intended to file Form I-589. Dumo Decl., ¶ 8. The Immigration Judge found  
5 Petitioner was a native and citizen of El Salvador and permanent resident of Mexico. Dumo Decl.,  
6 ¶ 8. The Immigration Judge directed El Salvador as the prospective country of removal and  
7 designated Mexico as an alternative country of removal. Dumo Decl., ¶ 8. On January 6, 2025,  
8 Petitioner filed his Form I-589 with the Immigration Court. Dumo Decl., ¶ 9.

9 On June 13, 2025, after a full evidentiary hearing at the Tacoma Immigration Court, the  
10 Immigration Judge denied Petitioner's applications for relief and ordered him removed. Dumo  
11 Decl., ¶ 10; Andrade Decl., Ex. E at 4-7, Order of the Immigration Judge. Petitioner filed a timely  
12 appeal to the Board of Immigration Appeals ("BIA"), and on October 27, 2025, the BIA dismissed  
13 Petitioner's appeal. Dumo Decl., ¶¶ 11, 14; Andrade Decl., Ex. E at 1-3, Order of the BIA.

14 On November 25, 2025, Petitioner filed a Petition for Review ("PFR") with the Ninth  
15 Circuit Court of Appeals. Dumo Decl., ¶ 15. The Ninth Circuit entered a temporary stay of  
16 removal under General Order 6.4. *See Mejia-Chavez v. Bondi*, No. 25-7436 (9th Cir. Nov. 25,  
17 2025), Dkt. 6.

18 On January 21, 2026, Petitioner appeared for a bond hearing at the Tacoma Immigration  
19 Court, which he had previously requested. Dumo Decl., ¶ 16. The Immigration Judge concluded  
20 that DHS demonstrated that Petitioner presents both a flight risk and danger to the community  
21 and denied his bond request. Dumo Decl., ¶ 16; Andrade Decl., Ex. F, Bond Order. Petitioner was  
22 advised of his right to appeal the Immigration Judge's decision denying bond. Andrade Decl., Ex.  
23 F at 2, Bond Order. As of February 20, 2026, Petitioner has not filed an appeal of that decision.  
24 Dumo Decl., ¶ 17.

### III. LEGAL STANDARD

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 habeas corpus, the burden is on the petitioner to prove that his or her custody is in violation of the Constitution, laws, or treaties 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).

### IV. ARGUMENT

#### A. Petitioner’s continued detention is authorized by statute and comports with Due Process.

“Due process is flexible and calls for such procedural protections as the particular situation demands.” *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). Petitioner is subject to mandatory detention under § 1225(b)(1) due to his entry without inspection or parole. *See Jennings*, 583 U.S. at 300 (concluding §§ 1225(b)(1) and (b)(2) “unequivocally” require the detention of noncitizens falling within their scope). Petitioner has been in ICE detention since approximately October 7, 2024. Although Federal Respondent acknowledges his detention is now prolonged, on January 21, 2026, an Immigration Judge held an individualized bond hearing during which DHS bore the burden to justify Petitioner’s continued detention. When as here, a petitioner has already had a bond hearing, courts apply the test set forth in *Mathews* to determine whether an additional bond hearing is required. *See, e.g., Ortuno-Perez v. ICE Field Off. Dir.*, No. 23-cv-344, 2023 WL

1 5807305, at \*4 (W.D. Wash. Aug. 1, 2023), *report and recommendation adopted*, 2023 WL  
2 5802516 (W.D. Wash. Sept. 7, 2023).

3 Under *Mathews*, “[t]he fundamental requirement of due process is the opportunity to be  
4 heard at a meaningful time and in a meaningful manner.” *Id.* at 333 (internal quotation marks  
5 omitted). This calls for an analysis of (1) “the private interest that will be affected by the official  
6 action,” (2) “the risk of an erroneous deprivation of such interest through the procedures used,  
7 and probable value, if any, of additional or substitute procedural safeguards,” and (3) the  
8 Government’s interest. *Id.* at 334-35.

9 The *Mathews* test does not demonstrate that Petitioner’s continued detention violates his  
10 constitutional due process rights. With respect to the first factor – the private interest at stake –  
11 while it is true as a general matter that freedom from physical restraint “lies at the heart of the  
12 liberty that [the Due Process] Clause protects,” *Zadvydas*, 533 U.S. at 690 (internal quotation  
13 marks omitted), “Congress regularly makes rules that would be unacceptable if applied to  
14 citizens.” *Demore v. Kim*, 538 U.S. 510, 522 (2003). Accordingly, while the “Fifth Amendment  
15 entitles [noncitizens] to due process of law in deportation proceedings, detention during  
16 deportation proceedings [is] a constitutionally valid aspect of the deportation process.” *Id.* at 523.  
17 Any assessment of the private interests at stake must therefore account for the fact that the  
18 Supreme Court has never held that noncitizens have a constitutional right to be released from  
19 custody during the pendency of removal proceedings and has in fact held precisely the opposite.  
20 *Id.* at 530.

21 Moreover, the seriousness of Petitioner’s criminal history outside of the United States,  
22 including aggravated homicide and unlawful association, materially diminishes any interest he  
23 may have in freedom from physical restraint. Andrade Decl., Ex. G at 2, Warrant and Translation.  
24 According to the September 24, 2021, warrant from El Salvador, Petitioner was sentenced to a



total of twenty-three years of imprisonment by the Specialized Trial Court “B” of San Salvador. Andrade Decl., Ex. G at 2, Warrant and Translation. The conviction of “aggravated homicide” as opposed to “homicide” also implies the existence of aggravating circumstances to justify the enhancement. Andrade Decl., Ex. G at 2, Warrant and Translation. Critically, the gravity of these convictions bears directly on Petitioner’s dangerousness and further constrains his private liberty interests as a noncitizen.

Turning to the second *Mathews* factor, the risk of a constitutionally significant and erroneous deprivation of Petitioner’s liberty does not necessitate a second bond hearing. Petitioner has been detained for approximately sixteen months, and it has been approximately one month since his bond hearing. The Ninth Circuit has cautioned that “we cannot simply count [petitioner’s] months of detention and leave it at that.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1208 (9th Cir. 2022). Instead, a court must also consider the process petitioner received during the time he was detained, the further process available to him, and “the fact that his detention was prolonged due to his decision to challenge his removal order.” *Id.*

Here, Petitioner has received constitutionally adequate process. On January 21, 2026, the Immigration Judge held a *Casas* bond hearing, applying the burden of justifying Petitioner’s continued detention on the government.<sup>3</sup> This is a separate basis for the “legality of [his] custody.”

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<sup>3</sup> The bond order identifies the hearing as “CASAS.” Andrade Decl., Ex. F at 1, Bond Order. In *Casas-Castrillon v. Dep’t of Homeland Sec.*, 535 F.3d 942 (9th Cir. 2008) (“*Casas*”), *abrogated by Avilez v. Garland*, 69 F.4th 525, 537-38 (9th Cir. 2023), as later clarified by *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011), the Ninth Circuit articulated the procedural framework necessary for an individualized bond hearing to comport with due process: (1) the government must bear the burden of proof; (2) it must establish by clear and convincing evidence that continued detention is justified because the noncitizen poses either a danger to the community or a flight risk; (3) the Immigration Judge must consider the recency and seriousness of any criminal history; and (4) the government must provide contemporaneous records of *Casas* hearings sufficient for appellate review. *See also Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017) (concluding that due process also requires the consideration of a detainee’s ability to pay a bond and alternative conditions of release).



1 *Rivera Hernandez v. Hermosillo*, No. 2:26-cv-00341-TMC, 2026 WL 295709, at \*2 (W.D. Wash.  
2 Feb. 4, 2026).

3 The Immigration Judge considered the totality of the evidence presented and determined  
4 that the government had demonstrated that Petitioner presents both a danger to the community  
5 and a flight risk. Andrade Decl., Ex. F at 1, Bond Order. The Immigration Judge's order also  
6 indicates that she considered both Petitioner's ability to pay as well as alternative conditions of  
7 release. *Hernandez*, 872 F.3d at 990. The above reflects that the Immigration Judge conducted an  
8 individualized determination as to the necessity of detention which is consistent with Petitioner's  
9 due process rights. Petitioner has not, to date, filed an appeal of the Immigration Judge's decision  
10 with the BIA.<sup>4</sup> Dumo Decl., ¶ 17. Thus, even if Petitioner were treated as subject to the  
11 discretionary detention regime of Section 1226(a), Petitioner would remain lawfully in detention  
12 under the Immigration Judge's findings.

13 Regarding the third *Mathews* factor, the Ninth Circuit has emphasized that the *Mathews*  
14 test and procedural safeguards "must account for the heightened government interest in the  
15 immigration detention context." *Rodriguez Diaz*, 53 F.4th at 1206. The third *Mathews* factor  
16 carries exceptional weight in favor of the government in the instant case. Because the record  
17 contains credible and compelling evidence of Petitioner's criminal record abroad, the  
18 government's interest in Petitioner's continued detention is significantly enhanced. A conviction  
19 as serious as aggravated homicide bears directly on Petitioner's dangerousness, implicates the

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22 <sup>4</sup> Once a noncitizen has received a bond hearing before the Immigration Judge, the noncitizen may appeal the decision  
23 to the BIA. *Leonardo v. Crawford*, 646 F.3d 1157, 1160 (9th Cir. 2011) (citation omitted). If the noncitizen is  
24 dissatisfied with the BIA's decision, he may then file a habeas petition in the district court, challenging his continued  
detention. *Id.* Where a noncitizen does not follow this course, and thus does not exhaust his administrative remedies  
before pursuing habeas relief, "a district court ordinarily should either dismiss the petition without prejudice or stay  
the proceedings until the petitioner has exhausted [his] remedies, unless exhaustion is excused." *Id.* (citation omitted).

1 highest level of public-safety concern, and ultimately tips the balance of interests under *Matthews*  
2 in favor of the government.

3 Accordingly, due process does not require a second bond hearing in this case.

4 **B. Petitioner’s continued detention is not unconstitutionally indefinite.**

5 Petitioner has failed to demonstrate that his continued immigration detention has become  
6 indefinite or unconstitutional. *Zadvydas*, 533 U.S. at 701. Petitioner’s detention is neither  
7 indefinite nor permanent. The fact that Petitioner does not yet have a specific date of anticipated  
8 removal does not make his detention indefinite. *Diouf v. Mukasey*, 542 F.3d 1222, 1233 (9th Cir.  
9 2008).

10 There is nothing in the record suggesting Petitioner’s removal to either El Salvador or  
11 Mexico is not “reasonably foreseeable” if he is ultimately unsuccessful in his petition for review.  
12 *Zadvydas*, 533 U.S. at 699. On the contrary, the availability of an alternative country of removal  
13 increases the likelihood that Petitioner’s removal will be executed once judicial review has  
14 concluded. Finally, as discussed above, the seriousness of Petitioner’s criminal convictions in El  
15 Salvador constitute “a special justification” that outweighs his “constitutionally protected interest  
16 in avoiding physical restraint.” *Id.* at 690 (citation omitted).

17 Petitioner’s continued detention therefore fails to cross the threshold into constitutionally  
18 impermissible confinement, and this Court should not order that he be released.

19 **V. CONCLUSION**

20 For the foregoing reasons, Federal Respondent respectfully requests that this Court deny  
21 the Petition.

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24 //

1 DATED this 20th day of February, 2026.

2 Respectfully submitted,

3 s/ Barbara Andrade

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13 *Attorney for Respondent*

14 *I certify that this memorandum contains 2,590*  
15 *words, in compliance with 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 on today's date, I electronically filed the foregoing 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 on today's date, I arranged for service of the foregoing on the following non-CM/ECF participant(s), via Certified Mail with return receipt, postage prepaid, addressed as follows:

Eddy Mejia-Chavez, *Pro Se Petitioner*  
A#   
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DATED this 20th day of February, 2026.

s/ Katie Reed-Johnson

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