

District Judge Tiffany M. Cartwright

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

SAMUEL RAMIREZ VILLAGOMEZ,

Petitioner,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:26-cv-00188-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
February 9, 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 Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025).

FEDERAL RESPONDENTS' RETURN MEMORANDUM
[Case No. 2:26-cv-00188-TMC] - 1

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1 **A. 8 U.S.C. § 1225(b)**

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

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

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

23 Congress has determined that all noncitizens subject to Section 1225(b) are subject to
24 mandatory detention. 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); 8 U.S.C. § 1225(b)(2)(A); *see also*

Jennings, 583 U.S. at 299 (interpreting the “plain meaning” of sections 235(b)(1) and (2) to mean that applicants for admission be mandatorily detained for the duration of their immigration proceedings). 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 Denial Class in *Rodriguez Vazquez*.¹ While Federal Respondents do not agree with the *Rodriguez Vazquez* and *Maldonado Bautista* decisions, Federal Respondents do not oppose Petitioner being considered a member of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation.²

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

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¹ “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.

² Petitioner does not currently have status under Deferred Action for Childhood Arrivals. Bolof Decl., ¶¶ 6, 7.

1 DATED this 3rd day of February, 2026.

2 Respectfully submitted,

3 s/ Michelle R. Lambert

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13 *I certify that this memorandum contains 714*
14 *words, in compliance with the Local Civil Rules.*