District Judge Tiffany M. Cartwright

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

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| MANUEL FLORES GUADARRAMA, *et al.*,<br><br>Petitioners,<br><br>v.<br><br>BRUCE SCOTT, *et al.*,<br><br>Respondents. | Case No. 2:26-cv-00193-TMC<br><br>FEDERAL RESPONDENT'S RETURN MEMORANDUM<br><br>Noted for Consideration:<br>February 9, 2026 |

Petitioners seek habeas relief from their mandatory immigration detention, claiming that their detention is unlawful and they are part of the Bond Denial Class[1] as certified in *Rodriguez Vasquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Federal Respondents acknowledge the Court's decision in *Rodriguez Vazquez v. Bostock* and respectfully maintain that U.S. Immigration and Customs Enforcement ("ICE") detains

[1] The Court defined the Bond Denial Class to include the following individuals:

All noncitizens without lawful status detained at [NWIPC] 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.

*Id.*, at *6.



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Petitioners pursuant to 8 U.S.C. § 1225(b). ICE has reviewed Petitioners' immigration histories, and while Federal Respondents do not agree with the *Rodriguez Vazquez* decision, they do not oppose Petitioner Flores Guadarrama being considered a member of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation. If the Court were to grant Petitioner Flores's habeas petition, the appropriate relief would not be release. Rather, this Court should order the Immigration Judge to provide Petitioner a bond hearing pursuant to 8 U.S.C. §1226(a), consistent with the Court's judgement in *Rodriguez*, 2025 WL 2782499, at *27.

In contrast, Petitioner Carlos Navarro Ceja is not a member of the Bond Denial Class. He was apprehended upon arrival when he returned to the United States. He is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2) as "arriving alien[] placed in proceedings under section 240 of the Act." 8 C.F.R. § 235.3(c).

## I. LEGAL AND FACTUAL BACKGROUND

### A. U.S.C. § 1225(b)

The inspection, detention, and removal of aliens who have not been admitted is governed by 8 U.S.C. § 1225. Section 1225 defines an applicant for admission as "[a]n alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters)." 8 U.S.C. § 1225(a)(1). Applicants for admission fall into one of two categories. Section 1225(b)(1) covers 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).



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Congress has determined that all noncitizens subject to Section 1225(b) are subject to 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. Petitioner Carlos Navarro Ceja Immigration History**

Petitioner is a native and citizen of Mexico, who initially entered the United States without inspection or parole at an unknown date and place. Benjamin Decl., ¶¶ 3, 4. In November 2021, Petitioner filed multiple immigration benefit applications, including a Form I-131, Application for Advance Parole. Benjamin Decl., ¶ 6. "Advance parole is an administrative procedure derived from application of 8 U.S.C. § 1182(d)(5)." *Navarro-Aispura v. I.N.S.*, 53 F.3d 233, 235 (9th Cir. 1995). In April 2022, Petitioner's application for advance parole was granted. Benjamin Decl., ¶ 7; Lambert Decl., Ex. A, Approval Notice. He again applied for advance parole in November 2023, which was granted in May 2024. Benjamin Decl., ¶ 8; Lambert Decl., Ex. B, Approval Notice.

On November 20, 2024, Petitioner departed the United States to go to Mexico. Benjamin Decl., ¶ 9. He returned to SeaTac International Airport on December 14, 2024. Benjamin Decl., ¶ 10. He was paroled into the United States as an arriving alien for one year on his advance parole. Benjamin Decl., ¶ 10. Later that month, USCIS approved Petitioner's Form I-360 Petition and granted him deferred action for a period of 15 months. Benjamin Decl., ¶ 11; Lambert Decl., Ex. C, Notice. USCIS denied his application to adjust status in October 2025. Benjamin Decl., ¶ 12.



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On or about December 3, 2025, immigration officers took Petitioner into custody in Auburn, Washington, and subsequently transferred him to the Northwest ICE Processing Center. Benjamin Decl., ¶¶ 13, 14; Lambert Decl., Ex. D, Form I-213; Ex. E, Warrant for Arrest. ICE issued Petitioner a notice to appear charging him as inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). Benjamin Decl., ¶ 15; Lambert Decl., Ex. F, Notice to Appear. On December 23, 2025, Petitioner conceded removability under 8 U.S.C. § 1182(a)(6)(A)(i). Benjamin Decl., ¶ 16.

On January 14, 2026, an immigration judge denied Petitioner's request for release on bond after finding that Petitioner is an arriving alien subject to mandatory detention. Benjamin Decl., ¶ 17; Lambert Decl., Ex. G, Order.

On January 27, 2026, U.S. Department of Homeland Security ("DHS") amended the charge of inadmissibility to 8 U.S.C. § 1182(a)(7)(A)(i)(I) because he had last entered on advance parole as an arriving alien. Benjamin Decl., ¶ 18; Lambert Decl., Ex. G, Notice of I-261.

A hearing is scheduled for February 10, 2026. Benjamin Decl., ¶ 18.

## II. CONCLUSION

Accordingly, this Court should deny Petitioner Navarro Ceja's habeas petition as he is an arriving alien. If the Court were to grant Petitioner Flores's habeas petition, the appropriate relief would be for this Court to order the immigration court to provide him with a bond hearing pursuant to 8 U.S.C. §1226(a).

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DATED this 3rd day of February, 2026.

Respectfully submitted,

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*I certify that this memorandum contains 993 words, in compliance with the Local Civil Rules.*