

District Judge Tiffany M. Cartwright

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

SEBASTIAN LUENGAS ALVARADO,

Petitioner,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:26-cv-00314-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
February 17, 2026

U.S. Immigration and Customs Enforcement ("ICE") detains Petitioner Sebastian Luengas Alvarado pursuant to 8 U.S.C. § 1225(b). Petitioner challenges his mandatory detention as unlawful and seeks either his release from immigration detention or a court-ordered bond hearing pursuant to 8 U.S.C. § 1226(a). Pet., Prayer for Relief. As described below, Federal Respondents believe that Petitioner falls within the definition of a Bond Denial Class member from *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Thus, Federal Respondents acknowledge that the declaratory relief granted in *Rodriguez Vazquez* applies to Petitioner.

While acknowledging the *Rodriguez Vazquez* decision and its controlling holding in this case, Federal Respondents believe that Petitioner's detention is properly governed by 8 U.S.C.

1 § 1225(b)(2)(A). *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th Cir.
2 Feb. 6, 2026) (affirming the government’s position that aliens who have not been admitted or are
3 not entitled to be admitted to the United States are “applicants for admission” who are subject to
4 mandatory detention under Section 1225(b)(2)(A)). Applicants for admission fall into one of two
5 categories. Section 1225(b)(1) covers noncitizens initially determined to be inadmissible due to
6 fraud, misrepresentation, or lack of valid documentation, and certain other noncitizens designated
7 by the Attorney General in her discretion. Separately, Section 1225(b)(2) serves as a catchall
8 provision that applies to all applicants for admission not covered by Section 1225(b)(1) (with
9 specific exceptions not relevant here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

10 Congress has determined that all noncitizens subject to Section 1225(b) are subject to
11 mandatory detention. Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2),
12 the sole means of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian
13 reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

14 Federal Respondents acknowledge that in *Rodriguez Vazquez v. Bostock*, the court granted
15 summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the Bond Denial
16 Class¹ is unlawful. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499
17 (W.D. Wash. Sept. 30, 2025). That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*,
18 No. 3:25-cv-05240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district
19 court found the same, and extended declaratory relief to a similarly defined and certified
20 nationwide Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-
21 BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025).

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23 ¹ “Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who (1)
24 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 Respectfully, Federal Respondents do not agree with the *Rodriguez Vazquez* or *Maldonado*
2 decisions. As the Fifth Circuit recently found, aliens who are present without admission in the
3 United States are “applicants for admission” as defined in Section 1225(a)(1). *Buenrostro-*
4 *Mendez*, 2026 WL 323330, at *4. The court clarified that an “applicant for admission” is a person
5 “seeking admission” regardless of whether that person is actively engaged in admissions
6 procedures when detained. *Id.*, at 5-6. While Federal Respondents do not concede that *Rodriguez*
7 *Vasquez* was correctly decided, Federal Respondents do not oppose Petitioner being considered a
8 member of the *Rodriguez Vazquez* Bond Denial class for purposes of this litigation.

9 Because Petitioner has not yet had a bond hearing, if this Court were to grant the habeas
10 petition, the appropriate relief is not release. Rather, this Court should order the Immigration Judge
11 to provide Petitioner with a bond hearing pursuant to 8 U.S.C. §1226(a), consistent with this
12 Court’s judgment in *Rodriguez*, 2025 WL 2782499, at *27.

13 Petitioner also alleges that his stop and arrest violate the Fourth and Fifth Amendments.
14 Pet., ¶¶ 59. Petitioner asks this Court to “find that Respondents’ detention without judicial process
15 or a warrant of arrest violates his rights.” Pet., ¶ 10. Federal Respondents do not concede that that
16 Petitioner was unlawfully arrested. However, even if Petitioner was unlawfully arrested, that is not
17 a basis for release from custody. If an individual is unlawfully arrested, the remedy is not release
18 from custody. *See INS v. Lopez-Mendoza*, 468 U.S. 1032, 1040-41 (1984); *Marroquin Salazar v.*
19 *Noem*, No. 5:25-CV-02367-FLA (JC), 2025 WL 3535050, at *1 (C.D. Cal. Dec. 8, 2025).
20 Petitioner’s request for release based on his arrest should be denied.

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1 DATED this 11th day of February, 2026.

2 Respectfully submitted,

3 s/ Jordan C. Steveson

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13 *I certify that this memorandum contains 751 words,*
14 *in compliance with the Local Civil Rules*