

LAW OFFICE OF SHARA SVENDSEN PLLC
SHARA SVENDSEN, WSB: 38151
shara@svenlaw.com
16300 Mill Creek Blvd. Ste. 206
Mill Creek, WA 98012
425-361-1511

Attorney for Petitioner

UNITED STATES DISTRICT COURT
FEDERAL DISTRICT COURT OF WESTERN WASHINGTON

Sebastian LUENGAS ALVARADO,

Petitioner,

v.

Laura HERMOSILLO, *et al.*,

Respondents.

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

PETITIONER TRAVERSE

**Noted for Consideration:
February 17, 2026**

Petitioner hereby submits this reply to Federal Respondents' Return Memorandum. The core of Petitioner's habeas claim is that 8 U.S.C. § 1226 of the Immigration and Nationality Act ("INA"). Petitioner reiterates his requires that the Court order the Respondents to release him or at a minimum to provide a prompt bond hearing.

I. PETITIONER'S DETENTION IS GOVERNED BY §1226(a)

Respondents do not oppose that Petitioner be considered a member of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation. Respondents do not argue that Petitioner was apprehended at his arrival in the United States, or that he is subject to detention under 8 U.S.C. § 1225(b)(1), § 1226(c), or § 1231. Nor do they dispute that he is currently being detained and subjected to mandatory detention under § 1225(b)(2). *See Rodriguez Vazquez v. Bostock*, --- F.Supp.3d ----, No. 3:25-CV-05240-TMC, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025).

On November 25, 2025, the U.S. District Court of the Central District of California certified a nationwide class of noncitizens who are in immigration detention and have been denied access to a bond hearing based on the government's allegation that they entered without admission or inspection, like Mr. Luengas. *See, Maldonado Bautista et al v. Santacruz Jr. et al*, No. 5:25-cv-01873-SSS-BFM. Dkt. No. 41 (C.D. Cal. Nov. 25, 2025) (order granting plaintiff petitioners' motion for class certification).

Like the members of the *Rodriguez Vazquez* Bond Denial Class and the *Maldonado Bautista* Bond Eligible Class, Mr. Luengas is not "seeking admission" and thus cannot be subject to mandatory detention under § 1225(b)(2). *Rodriguez Vazquez v. Bostock* at *16-*27;

Maldonado Bautista v. Santacruz Jr. at page 1447. Instead, he is subject to detention under § 1226(a), which permits release on bond. *Rodriguez Vazquez v. Bostock* at *16-*27.

Respondents acknowledge the Courts' holdings in *Rodriguez Vazquez* and *Maldonado Bautista*. Furthermore, Respondents recognize Petitioner's membership in the *Rodriguez Vazquez* Bond Denial Class. *See*, Resp. Return Memo at 1. However, they continue to insist that Mr. Luengas is subject to mandatory detention, relying solely on a case out of the Fifth Circuit, *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026). Respondents' citation to *Buenrostro-Mendez* is immaterial to this habeas action. *Buenrostro-Mendez* concerned the reversal of two grants of individual habeas petitions in the U.S. District Court for the Southern District of Texas, 2026 WL 323330, at *3, *10, and has no effect on class actions outside of that circuit. Moreover, *Buenrostro-Mendez*'s interpretation of Sections 1225(a)(1) and 1225(b) remains an outlier among federal courts which have considered this issue. *See, e.g.*, 2026 WL 323330, at *10 (Douglas, J. dissenting) ("The overwhelming majority of courts in this circuit and elsewhere have recognized that the government's position is totally unsupported. Undeterred, the majority and the government distort the statutory text, abstract it from its context and history, ignore the Supreme Court's clearly stated understanding of the statutory scheme, and wave away the agency's previous failure to detain millions of noncitizens as if it were a rounding error.").

Respondents make no arguments regarding exhaustion. As Respondents are aware, the Tacoma Immigration Court continues to deny jurisdiction for bond hearings under *Matter of Yajure Hurtado*, in spite of district court orders to the contrary. Thus, requesting a bond determination before the Immigration Judge, without a habeas grant, would be an exercise in futility on the part of Petitioner.

Respondents believe that Petitioner is a member of the Bond Denial Class in *Rodriguez Vazquez*. Resp. Return Memo at 1. Respondents request that if the habeas petition is granted, that the Court order the Immigration Judge to provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a).

Petitioner continues to seek release from detention. Courts apply the balancing test in *Mathews v. Edlridge* to determine whether a noncitizen's detention violates the Due Process Clause. 424 U.S. 319, 335 (1976); see *E.A.T.-B. v. Wamsley*, 795 F. Supp. 3d 1316, 1321 (W.D. Wash. Aug. 19, 2025)(collecting cases applying *Mathews* to similar immigration detention contexts). Under *Mathews*, a court balances three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." 424 U.S. at 335. Here, the *Mathews* factors weigh in favor of Petitioner and support his release.

First, Mr. Luengas has a private interest under the *Mathews* test. "Freedom from imprisonment ... lies at the heart of the liberty [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Liberty is the norm in the United States; detention "is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987). The Ninth Circuit has confirmed that noncitizens retain liberty interests protected by the Fifth Amendment. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1205-07 (9th Cir. 2022). Here, Mr. Luengas has a substantial interest in being free from detention, arguably the "most elemental" liberty interest. *Hamdi v. Rumseld*, 542 U.S. 507, 529 (2004); see also *Padilla v. U.S. Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1172 (W.D. Wash. 2023)("The Supreme Court has consistently held that

non-punitive detention violates the Constitution unless it is strictly limited, and, typically, accompanied by a prompt individualized hearing before a neutral decisionmaker to ensure that the imprisonment serves the government's legitimate goals.").

Second, there is a high risk of erroneous deprivation of liberty. INA § 1226(a) provides procedures, including an individualized hearing by an Immigration Judge, that work to reduce the risk of erroneous deprivation of liberty. *See, Rodriguez Diaz*, 55 F.4th at 1210. However, here Respondents continue to claim that Petitioner is not held pursuant to § 1226; and continue to claim he is subject to mandatory detention in defiance of court orders arising from two separate class actions. By refusing to follow the court orders of *Rodriguez Vazquez* and *Maldonado Bautista*, Respondents erroneously deprive Petitioner of his liberty. The Due Process Clause protects Petitioner from this reckless abuse of authority.

The third *Mathews* factor also weights in Mr. Luengas's favor. While the Government has an interest in enforcing laws, including "protecting the public from dangerous criminal aliens" and "securing an alien's ultimate removal". *Rodriguez Diaz*, 53 F. 4th at 1208-09. However, these interests are best served by following the existing, well-established procedures provided in § 1226. Here, the Government has chosen to erroneously deny Petitioner the right to an individualized hearing, instead choosing to continue to follow a DHS policy of mandatory detention that has been specifically overruled by the *Maldonado Bautista* court. Petitioner questions whether his detention "is not to facilitate deportation, or to protect against risk of flight or dangerousness, but to incarcerate for other reasons." *Demore v. Kim*, 538 U.S. 510, 532-33 (2003)(Kennedy, J. concurring). "Detention for its own sake, to meet an administrative quota ... is not a legitimate government interest." *See, Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025).

The *Mathews* factors favor Mr. Luengas and support finding a violation of due process from his continue detention. In light of Respondents' deliberate choices to continue to subject Mr. Luengas to mandatory detention, the appropriate remedy is his release.

Many district courts faced with the same issue in this action have determined to order the immediate release of immigration habeas petitioners. *Pichard Medina v. Hermosilla* [sic], No. 3:25-cv-02233-MC (D. Or. Dec. 22, 2025); *B.D.A.A. v. Bostock*, No. 6:25-cv-02062-AA (D.Or. Dec. 4, 2025); *Santiago v. Noem*, No. EP-25-CV-361-KC, 2025 LX 473521, at *39 (W.D. Tex. Oct. 1, 2025) citing *J.U. v. Maldonado*, No. 25-cv-4836, 2025 U.S. Dist. LEXIS 191630, 2025 WL 2772765, at *10 (E.D.N.Y. Sept. 29, 2025); *Zumba v. Bondi*, No. 25-cv-14626, 2025 U.S. Dist. LEXIS 190052, 2025 WL 2753496, at *11 (D.N.J. Sept. 26, 2025); *Sampiao v. Hyde*, No. 25-cv-11981, 2025 U.S. Dist. LEXIS 175513, 2025 WL 2607924, at *12 (D. Mass. Sept. 9, 2025); *Rosado v. Figueroa*, No. 25-cv-2157, 2025 WL 2337099, at *19 (D. Ariz. Aug. 11, 2025); *M.S.L. v. Bostock*, No. 25-cv-1204, 2025 WL 2430267, at *15 (D. Or. Aug. 21, 2025). In the majority of these cases, the Court found that the government had no or an insignificant interest in detaining the petitioner. *Santiago*, 2025 LX473521 at *39 citing *J.U.*, 2025 U.S. Dist. LEXIS 191630, 2025 WL 2772765, at *10; *Zumba*, 2025 U.S. Dist. LEXIS 190052, 2025 WL 2753496, at *10; *Rosado*, 2025 WL 2337099, at *14, 18; *Sepulveda Ayala v. Bondi* ("*Sepulveda Ayala II*"), 25-cv-1063, 2025 WL 2209708, at *3 (W.D. Wash. Aug. 4, 2025).

Respondents have not argued that Mr. Luengas is a flight risk or that he presents a danger to society. Thus, Petitioner requests that he be released from detention or, at a minimum, granted a bond hearing within a short period of time.

II. CONCLUSION

Pursuant to the foregoing, Petitioner respectfully asks that the Court grant his requests for relief.

DATED this 13th day of February, 2026.

By: /s/ Shara Svendsen
Shara Svendsen
Law Office of Shara Svendsen PLLC

Attorney for Petitioner

*I certify that this memorandum contains
1,587 words, in compliance with the Local
Civil Rules.*