

District Judge James L. Robart

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

ESTEFANY TRIMINIO MARTINEZ,

Petitioner,

v.

ICE FIELD OFFICE DIRECTOR,

Respondent.

Case No. 2:26-cv-00748-JLR

FEDERAL RESPONDENT'S
RETURN MEMORANDUM

Noted for Consideration:
March 24, 2026.

I. INTRODUCTION

Petitioner Estefany Triminio Martinez seeks habeas relief under 28 U.S.C. § 2241, challenging her continued immigration detention as unlawful and unconstitutional. *See* Dkt. 4 (“Pet.”). Her claim fails as a matter of law. Petitioner is detained pursuant to 8 U.S.C. § 1225(b), which mandates detention of applicants for admission during the pendency of their removal proceedings. The governing statute does not provide for release on bond, and controlling Supreme Court precedent confirms that courts may not read such a requirement into the statute. *See Jennings v. Rodriguez*, 583 U.S. 281 (2018).

Nor has Petitioner established that her detention violates the Due Process Clause. Although immigration detention may, in certain circumstances, become unreasonably prolonged,

1 Petitioner's period of detention, considered in light of the relevant *Banda* factors applied by courts
2 in this Circuit, does not rise to the level of a constitutional violation. Her continued custody is
3 directly tied to her own appeal before the Board of Immigration Appeals challenging her final
4 order of removal.

5 In short, Petitioner has not met her burden of demonstrating that her detention is in
6 violation of the Constitution or laws or treaties of the United States. 28 U.S.C. § 2241(c)(3).
7 Because her detention is authorized by statute and consistent with due process, the Petition should
8 be denied.

9 II. DETENTION AUTHORITY

10 A. Section 1225(b) Detention

11 Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the
12 Executive could "expedite removal of aliens lacking a legal basis to remain in the United States."
13 *Kucana v. Holder*, 558 U.S. 233, 249 (2010); see also *Dep't of Homeland Sec. v. Thuraissigiam*,
14 591 U.S. 103, 106 (2020) ("[Congress] crafted a system for weeding out patently meritless claims
15 and expeditiously removing the aliens making such claims from the country."). Section 1225
16 applies to "applicants for admission" to the United States, who are defined as "alien[s] present in
17 the United States who [have] not been admitted" or noncitizens "who arrive[] in the United
18 States," whether or not at a designated port of arrival. 8 U.S.C. § 1225(a)(1). Applicants for
19 admission "fall into one of two categories, those covered by § 1225(b)(1) and those covered by
20 § 1225(b)(2)," both of which are subject to mandatory detention. *Jennings v. Rodriguez*, 583 U.S.
21 281, 287 (2018) ("[R]ead most naturally, §§ 1225(b)(1) and (b)(2) mandate detention for
22 applicants for admission until certain proceedings have concluded.").

23 1. Section 1225(b)(1)

24 Section 1225(b)(1) applies to "arriving aliens" and "certain other" noncitizens "initially

1 determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.”
2 *Id.*; 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii). Section 1225(b)(1) allows for the expedited removal of
3 any noncitizen “described in” Section 1225(b)(1)(A)(iii)(II), as designated by the Attorney
4 General or Secretary of Homeland Security – that is, any noncitizen not “admitted or paroled into
5 the United States” and “physically present” fewer than two years – who is inadmissible under
6 Section 1182(a)(7) at the time of “inspection.” *See* 8 U.S.C. § 1182(a)(7) (categorizing as
7 inadmissible noncitizens without valid entry documents). Whether that happens at a port of entry
8 or after illegal entry is not relevant; what matters is whether, when an officer inspects a noncitizen
9 for admission under § 1225(a)(3), that noncitizen lacks entry documents and so is subject to
10 § 1182(a)(7). The Attorney General’s or Secretary’s authority to “designate” classes of
11 noncitizens as subject to expedited removal is subject to his or her “sole and unreviewable
12 discretion.” 8 U.S.C. § 1225(b)(1)(A)(iii); *see also Am. Immigr. Laws. Ass’n v. Reno*, 199 F.3d
13 1352 (D.C. Cir. 2000) (upholding the expedited removal statute).

14 The Secretary (and earlier, the Attorney General) has designated categories of noncitizens
15 for expedited removal under Section 1225(b)(1)(A)(iii) on five occasions; most recently, restoring
16 the expedited removal scope to “the fullest extent authorized by Congress.” *Designating Aliens*
17 *for Expedited Removal*, 90 Fed. Reg. 8139 (Jan. 24, 2025). The notice thus enables DHS “to place
18 in expedited removal, with limited exceptions, aliens determined to be inadmissible under
19 8 U.S.C. § 1182(a)(6)(C) or (a)(7)] who have not been admitted or paroled into the United States
20 and who have not affirmatively shown, to the satisfaction of an immigration officer, that they
21 have been physically present in the United States continuously for the two-year period
22 immediately preceding the date of the determination of inadmissibility,” who were not otherwise
23 covered by prior designations. *Id.* at 8139-40.

1 Expedited removal proceedings under Section 1225(b)(1) include additional procedures
 2 if a noncitizen indicates an intention to apply for asylum¹ or expresses a fear of persecution,
 3 torture, or return to the noncitizen's country. *See* 8 U.S.C. § 1225(b)(1)(A)(ii); 8 C.F.R. §
 4 235.3(b)(4). If the asylum officer or immigration judge does not find a credible fear, the
 5 noncitizen is "removed from the United States without further hearing or review." 8 U.S.C.
 6 §§ 1225(b)(1)(B)(iii)(I), (b)(1)(C); 1252(a)(2)(A)(iii), (e)(2); 8 C.F.R. §§ 1003.42(f),
 7 1208.30(g)(2)(iv)(A). If the asylum officer or immigration judge finds a credible fear, the
 8 noncitizen is generally placed in full removal proceedings under 8 U.S.C. § 1229a, but remains
 9 subject to mandatory detention. *See* 8 C.F.R. § 208.30(f); 8 U.S.C. § 1225(b)(1)(B)(iii)(IV).

10 Expedited removal under § 1225(b)(1) is a distinct statutory procedure from removal
 11 under Section 1229a. Section 1229(a) governs full removal proceedings initiated by a notice to
 12 appear and conducted before an immigration judge, during which the noncitizen may apply for
 13 relief or protection. By contrast, expedited removal under Section 1225(b)(1) applies in narrower,
 14 statutorily defined circumstances – typically to individuals apprehended at or near the border who
 15 lack valid entry documents or commit fraud upon entry – and allows for their removal without a
 16 hearing before an immigration judge, subject to limited exceptions. For these noncitizens, DHS
 17 has discretion to pursue expedited removal under Section 1225(b)(1) or Section 1229a. *Matter of*
 18 *E-R-M- & L-R-M-*, 25 I&N Dec. 520, 524 (BIA 2011).

19 2. Section 1225(b)(2)

20 Section 1225(b)(2) is "broader" and "serves as a catchall provision." *Jennings*, 583 U.S.
 21 at 287. It "applies to all applicants for admission not covered by § 1225(b)(1)." *Id.* Under Section

23 ¹ Noncitizens must apply for asylum within one year of arriving in the United States, 8 U.S.C. § 1558(a)(2)(B), except
 24 if the noncitizen can demonstrate "extraordinary circumstances" that justify moving that deadline. *Id.*
 § 1558(a)(2)(D).

1 1225(b)(2), a noncitizen “who is an applicant for admission” is subject to mandatory detention
2 pending full removal proceedings “if the examining immigration officer determines that [the]
3 alien seeking admission is not clearly and beyond a doubt entitled to be admitted.” 8 U.S.C.
4 § 1225(b)(2)(A); *Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th Cir.
5 Feb. 6, 2026) (affirming the government’s position that aliens who have not been admitted or are
6 not entitled to be admitted to the United States are “applicants for admission” who are subject to
7 mandatory detention under Section 1225(b)(2)(A)); *but see Rodriguez Vazquez v. Bostock*, 802 F.
8 Supp. 3d 1297 (W.D. Wash. 2025) (finding that detention pursuant to 8 U.S.C. § 1225(b)(2) of
9 the Bond Denial Class is unlawful).

10 As the Fifth Circuit recently found, aliens who are present without admission in the United
11 States are “applicants for admission” as defined in Section 1225(a)(1). *Buenrostro-Mendez*,
12 2026 WL 323330, at *4. The court clarified that an “applicant for admission” is a person “seeking
13 admission” regardless of whether that person is actively engaged in admissions procedures when
14 detained. *Id.* at 5-6.

15 **B. Discretionary Release**

16 The sole means of release from detention pursuant to Section 1225(b) is temporary parole
17 “for urgent humanitarian reasons or significant public benefit,” § 1182(d)(5)(A).” *Jennings*,
18 583 U.S. at 283. Parole automatically terminates if the noncitizen departs from the United States
19 or “at the expiration of the time for which parole was authorized,” and “no written notice shall be
20 required” for automatic termination. 8 C.F.R. § 212.5(e)(1). In all other cases, parole is terminated
21 when the purpose for which parole was authorized has been accomplished or an authorized DHS
22 official decides that “neither humanitarian reasons nor public benefit warrants the continued
23 presence of the alien in the United States.” 8 C.F.R. § 212.5(e)(2)(i); *see also* 8 U.S.C.
24 § 1182(d)(5)(A) (“[W]hen the purposes of such parole shall, in the opinion of the Secretary of

1 Homeland Security, have been served the alien shall forthwith return or be returned to the custody
2 from which he was paroled[.]”). In these circumstances, written notice of the termination is
3 required. When a charging document is served on the alien, the charging document serves as the
4 notice of termination of parole. 8 C.F.R. § 212.5(e)(2)(i). Upon termination of parole, the
5 applicant reverts to the status that he or she had at the time of parole. 8 C.F.R. § 212.5(e).

6 Section 1226(a) provides for the arrest and detention of noncitizens “pending a decision
7 on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). Under
8 Section 1226(a), DHS may, in its discretion, detain a noncitizen during his removal proceedings,
9 release him on bond, or release him on conditional parole.² By regulation, immigration officers
10 can release a noncitizen if he demonstrates that he “would not pose a danger to property or
11 persons” and “is likely to appear for any future proceeding.” 8 C.F.R. § 236.1(c)(8). This
12 discretionary release is done with the issuance of an order of release on recognizance (“OREC”)
13 issued by DHS.

14 A noncitizen can also request a custody redetermination (i.e., a bond hearing) by an
15 immigration judge at any time before a final order of removal is issued. *See* 8 U.S.C. § 1226(a);
16 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), 1003.19. At a custody redetermination, the immigration
17 judge may continue detention or release the noncitizen on bond or conditional parole. 8 U.S.C.
18 § 1226(a); 8 C.F.R. § 1236.1(d)(1). Immigration judges have broad discretion in deciding whether
19 to release a noncitizen on bond. *In re Guerra*, 24 I. & N. Dec. 37, 39-40 (BIA 2006) (listing nine
20 factors for immigration judges to consider).

21 However, the release of a noncitizen on OREC prior to July 2025 should not determine
22

23 ² Being “conditionally paroled under the authority of § 1226(a)” is distinct from being “paroled into the United States
24 under the authority of § 1182(d)(5)(A).” *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1116 (9th Cir. 2007) (holding
that because release on “conditional parole” under § 1226(a) is not a parole, the alien was not eligible for adjustment
of status under § 1255(a)).

1 whether that person's detention authority is currently governed by Section 1225(b) or
2 Section 1226(a). On July 8, 2025, DHS issued a memorandum to ICE employees explaining that
3 DHS had revisited its legal position on detention and release authorities. *Rodriguez v. Bostock*,
4 802 F. Supp. 3d 1297, 1308 (W.D. Wash. 2025). The memorandum defined an "applicant for
5 admission" as "an alien present in the United States who has not been admitted or who arrives in
6 the United States, whether or not at a designated port of arrival. *Id.* (citing 8 U.S.C. § 1225(a)(1)).
7 Prior to July 2025, DHS allowed discretionary releases of aliens that fit the definition of an
8 applicant for admission pursuant to 8 C.F.R. § 1236.1(c)(8), instead of only utilizing parole.

9 But the memorandum clarified, "Effective immediately, it is the position of DHS that such
10 aliens are subject to detention under [8 U.S.C. § 1225(b)] and may not be released from ICE
11 custody except by [8 U.S.C. § 1182(d)(5)]." *Rodriguez*, 802 F. Supp. 3d at 1308. However, DHS's
12 prior practice of OREC releases for applicants for admission does not mean that those aliens are
13 no longer applicants for admissions. *Buenrostro-Mendez*, 2026 WL 323330, at *8 ("While that is
14 true, the government's past practice has little to do with the statute's text. The text says what it
15 says, regardless of the decisions of prior Administrations. Years of consistent practice cannot
16 vindicate an interpretation that is inconsistent with a statute's plain text.").

17 While Federal Respondent acknowledges that courts in this District, including this Court,
18 have found a person released on OREC to not be detained under Section 1225(b), Petitioner's
19 claim in this litigation only concerns the legality of Petitioners' re-detentions. *See, e.g., Aslan v.*
20 *Wamsley*, No. 2:25-cv-02698-JNW, 2026 WL 238675, at *2 (W.D. Wash. Jan. 29, 2026) (finding
21 that the detention of a petitioner previously released on OREC is governed by Section 1226(a)).

22 III. FACTUAL BACKGROUND

23 On February 1, 2022, Petitioner Estefany Triminio Martinez, a native and citizen of
24 Honduras, entered the United States without being admitted or inspected near the Eagle Pass,

1 Texas port of entry. Declaration of Rita Soraghan ("Soraghan Decl.") ¶ 3. Petitioner was
2 encountered by the United States Customs and Border Patrol near Eagle Pass, Texas, and
3 transported to the Uvalde, Texas, Border Patrol Station for processing. *Id.* Petitioner did request
4 a custody determination, but none was provided prior to eventual release. *Id.* On February 25,
5 2022, CBP served Petitioner with a Notice to Appear pursuant to Section 212(a)(6)(A)(i) of the
6 Immigration and Nationality Act ("INA"). *Id.*; Declaration of Alixandria K. Morris ("Morris
7 Decl."), Exs. 1-2 (NTA; I-213).

8 On April 8, 2022, Petitioner was released from CBP custody on an Order of Recognizance
9 that required Petitioner to abide by all laws, report to ICE as assigned, report change of address,
10 among other requirements. Soraghan Decl. ¶ 4. Petitioner was placed on an Alternative to
11 Detention program. *Id.* On June 30, 2022, Petitioner filed Form I-589 Application for Asylum
12 and Withholding of Removal, including Convention against Torture. *Id.* ¶ 5. On March 27, 2025,
13 Petitioner filed a Motion for Continuance with the Dallas Immigration Court. *Id.* ¶ 6. On April 4,
14 2025, an Immigration Judge with the Dallas Immigration Court denied the Motion for
15 Continuance. *Id.*

16 On April 21, 2025, an Immigration Judge at the Dallas Immigration Court denied all of
17 Petitioner's relief claims and ordered her removed to Honduras. *Id.* ¶ 7. Petitioner appealed. *Id.*
18 On May 8, 2025, the Board of Immigration Appeals ("BIA") acknowledge receipt of Petitioner's
19 appeal. *Id.* On September 12, 2025, ERO Dallas took Petitioner into custody at the ERO Dallas
20 Field Office after a check of systems revealed that Petitioner had a Final Order of Removal. *Id.*
21 ¶ 8. Dallas ERO served Petitioner with a Warrant for Arrest pursuant to Sections 236 and 287 of
22 the INA based on the pendency of ongoing removal proceedings against the Petitioner and lack
23 of Petitioner's immigration status. *Id.*; *see also* 8 U.S.C. § 1357. On or about October 4, 2025,
24 Petitioner was transferred to and booked into NWIPC. Soraghan Decl. ¶ 8.

On December 3, 2025, Petitioner submitted a Motion for Bond Redetermination with the Tacoma, Washington, Immigration Court. *Id.* ¶ 9. On December 9, 2025, an Immigration Judge at the Tacoma Immigration Court ordered mandatory detention of the Petitioner pursuant to the *Matter of M-S* and *Matter of Q.Li*, as well as Sections 235(b)(1) and 235(b)(2) of the INA. *Id.*; see 8 U.S.C. § 1225(b). Both parties waived appeal. Soraghan Decl. ¶ 9. On March 4, 2026, ERO responded to Petitioner's communication requesting to be removed by letting her know that there is still an appeal before the BIA that prevents ERO from removing her. *Id.* ¶ 10. When her removal order becomes administratively final, ERO plans to remove Petitioner to Honduras. *Id.*

IV. 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." *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 125 n. 20 (2020). 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).

V. ARGUMENT

The pro se petition is ambiguous, and Federal Respondent cannot reasonably be expected to formulate a meaningful response to every conceivable argument it might imply. Nor is it the Court's role to construct or infer arguments on the petitioner's behalf that were never clearly presented. This Court has rejected such an approach in analogous contexts, recognizing that even pro se litigants must articulate their claims with sufficient clarity to permit a fair response. See,

1 *e.g., Isaacson v. Sec'y of Housing and Urb. Dev.*, No. 16-1254-JLR, 2017 WL 1364559, at *2
2 (W.D. Wash. Apr. 14, 2017) (holding that although pro se pleadings are held “to less stringent
3 standards than normal pleadings drafted by lawyers . . . this does not preclude dismissal where a
4 liberal construction does not remedy the palpable deficiencies in the complaint.”) (internal marks
5 and cites omitted). Although *Isaacson* arose in the civil pleading context, its reasoning applies
6 with equal, if not greater, force in habeas proceedings, where the need for precise claim
7 identification is essential.

8 As far as Federal Respondent can discern, pro se Petitioner asserts two claims (1) that her
9 detention has become unconstitutionally prolonged and (2) that she is entitled to a bond hearing
10 under 8 U.S.C. § 1226(a).

11 **A. Petitioner’s continued detention without a court-ordered bond hearing is**
12 **constitutional**

13 Petitioner has not shown that she is in immigration custody in violation of the
14 Constitution, law, or treaties of the United States. 28 U.S.C. § 2241. ICE lawfully detains her
15 pursuant to 8 U.S.C. § 1225(b), which mandates detention of arriving aliens. Individuals detained
16 under Section 1225(b), including Petitioner, are not entitled to an individualized bond hearing
17 simply due to the passage of time.

18 The Supreme Court has considered whether 8 U.S.C. § 1225(b) imposes a time-limit on
19 the length of detention and whether such aliens detained under this statutory authority have a
20 statutory right to a bond hearing. *See Jennings*, 583 U.S. at 297-303. The Court rejected both
21 arguments, holding that Section 1225(b) mandates detention during the pendency of removal
22 proceedings and provides no entitlement to a bond hearing. *See id.* at 303 (“Nothing in the
23 statutory text imposes any limit on the length of detention.”). While *Jennings* forecloses any
24 statutory or categorical constitutional right to a bond hearing under Section 1225(b), it did not

1 reach the issue of whether prolonged detention without such a hearing could, in individual cases,
2 raise a due process concern.

3 Petitioner's continued detention without a court-ordered bond hearing does not violate her
4 Fifth Amendment due process rights. Courts in this District analyze this issue using a multi-factor
5 test. *See Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1117-118 (W.D. Wash. 2019). In *Banda*,
6 the district court found that the petitioner's 17-month immigration detention pursuant to 8 U.S.C.
7 § 1225(b) had become unreasonable. *Id.* at 1117-121. To conduct this analysis, the court analyzed
8 six factors: (1) length of detention; (2) how long detention is likely to continue absent judicial
9 intervention; (3) conditions of detention; (4) the nature and extent of any delays in the removal
10 caused by the petitioner; (5) the nature and extent of any delays caused by the government; and
11 (6) the likelihood that the final proceedings will culminate in a final order of removal. *See id.*
12 Analysis of these factors demonstrates that Petitioner's detention, while prolonged, has not
13 become unreasonable.

14 The first *Banda* factor looks at the length of the petitioner's immigration detention.
15 Petitioner has been detained since September 12, 2025. While Federal Respondent acknowledges
16 that her detention is nearing the timeframe for become prolonged (six months as of March 25,
17 2026), this Court should note that the current length of her detention has not reached what most
18 courts consider the beginning of prolonged detention (six months) nor the length of what many
19 courts have found to be unreasonable. *See Hong v. Mayorkas*, No. 2:20-cv-1784, 2021 WL
20 8016749, at *5 (W.D. Wash. June 8, 2021), *report and recommendation adopted*, 2022 WL
21 1078627 (W.D. Wash. Apr. 11, 2022) (collecting cases finding prolonged detention from
22 13 months to 32 months without a court-ordered bond hearing to have become unreasonable).
23 Therefore, at worst, this factor should be neutral.

1 The second *Banda* factor assesses the length of future detention. Petitioner was ordered
2 removed but is awaiting determination by the BIA prior to becoming administratively final.
3 Soraghan Decl. ¶ 8. Any estimate of future pre-order detention would be speculative, at best.
4 Thus, this Court should find this factor to be neutral.

5 As for the third *Banda* factor – conditions of detention, Petitioner is detained at the
6 NWIPC.

7 The fourth *Banda* factor assesses delays caused by the petitioner. Because there is no
8 evidence that Petitioner has intentionally caused any delay, this factor likely favors Petitioner.
9 Likewise, because the government has not intentionally caused any delay, the fifth *Banda* factor
10 favors Federal Respondent.

11 The last *Banda* factor weighs the likelihood that removal proceedings will result in a final
12 order of removal. It is unknown whether Petitioner's appeal with the BIA on her final order of
13 removal will be granted or denied. As speculation would be necessary to evaluate this factor, this
14 factor should be deemed neutral at this time.

15 In total, the *Banda* factor analysis demonstrates that most factors are neutral. Without a
16 clear showing that her ongoing detention without a court-ordered bond hearing violates due
17 process, this Court should deny Petitioner's request for a bond hearing.

18 **B. Petitioner is lawfully detained pursuant to 8 U.S.C. § 1225(b)(1)**

19 Petitioner is an "arriving alien" subject to mandatory detention under 8 U.S.C. § 1225(b).
20 See *Thuraissigiam*, 591 U.S. at 109 n.2; 8 C.F.R. § 1.2. As relevant here, § 1225(b)(1) applies to
21 "arriving aliens" and certain other noncitizens who are initially determined to be inadmissible due
22 to fraud, misrepresentation, or lack of valid documentation. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii).

23 The record establishes that Petitioner entered the United States "at or near Eagle Pass,
24 Texas, on or about February 1, 2022." Morris Decl., Ex. 1 (NTA). Petitioner was apprehended

1 and detained no later than February 2, 2022, “at or near Eagle Pass, Texas.” Soraghan Decl. ¶ 3;
 2 Morris Decl., Ex. 3 (2022 Arrest Warrant). At the time of Petitioner’s entry, applicable regulations
 3 provided that individuals encountered within 14 days of entry without inspection and within
 4 100 air miles of an international land border were treated as applicants for admission. *See*
 5 *Thuraissigiam*, 591 U.S. at 109 n.2 (citing 69 Fed. Reg. 48,879 (Aug. 11, 2004)). Petitioner falls
 6 squarely within that framework.

7 Petitioner’s subsequent release on OREC in 2022 does not alter the statutory basis
 8 governing detention. As set forth above, the controlling inquiry is the manner of entry and initial
 9 classification, not a later discretionary release decision. *See supra* § II.B. Accordingly, Petitioner
 10 remains subject to detention under § 1225(b), and is not entitled to a bond hearing under § 1226(a).

11 For these reasons, the Court should deny Petitioner’s request for release from immigration
 12 detention. In the alternative, if the Court determines that a bond hearing is warranted, the
 13 appropriate remedy to order the immigration court to hold a bond hearing under 8 U.S.C.
 14 § 1226(a), rather than an order from this Court directing Petitioner’s release.

15 VI. CONCLUSION

16 For the foregoing reasons, Federal Respondent respectfully requests that this Court deny
 17 the Petition.

18 DATED this 19th day of March, 2026.

19 Respectfully submitted,

20 s/ Alixandria K. Morris

21 ALIXANDRIA K. MORRIS, TX No. 24095373

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Attorney for Federal Respondent

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 and the supporting declarations of Rita Soraghan and Alixandria K. Morris (with Exhibits 1-3) 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, marked "Legal Mail, Open in Presence of Detainee," addressed as follows:

Estefany Triminio Martinez, *Pro Se Petitioner*

A#

NW ICE Processing Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 19th day of March, 2026.

s/ Caitlin Froelich

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