

District Judge Ricardo S. Martinez

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

JIANJIANG SU, *et al.*,

Petitioners,

v.

JULIO HERNANDEZ, *et al.*,

Respondents.

Case No. 2:26-cv-00765-RSM

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
March 25, 2026

U.S. Immigration and Customs Enforcement (“ICE”) detains Petitioners pursuant to 8 U.S.C. § 1225(b). Petitioners challenge their mandatory detention as unlawful and “seek enforcement of their rights as members of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. Filed Mar. 20, 2025).” Pet., ¶ 1. As described below, Federal Respondents agree that Petitioners fall within the Bond Denial class definition.¹

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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 v. Bostock*, 802 F. Supp. 3d 1297, 1309 (W.D. Wash. 2025)

1 **A. 8 U.S.C. § 1225(b)**

2 Federal Respondents' position is that Petitioners are mandatorily detained pursuant to 8
3 U.S.C. § 1225(b)(2)(A). *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 498 (5th Cir. 2026)
4 (affirming the government's position that aliens who have not been admitted or are not entitled to
5 be admitted to the United States are "applicants for admission" who are subject to mandatory
6 detention under Section 1225(b)(2)(A)). Applicants for admission fall into one of two categories.
7 Section 1225(b)(1) covers noncitizens initially determined to be inadmissible due to fraud,
8 misrepresentation, or lack of valid documentation, and certain other noncitizens designated by the
9 Attorney General in her discretion. Separately, Section 1225(b)(2) serves as a catchall provision
10 that applies to all applicants for admission not covered by Section 1225(b)(1) (with specific
11 exceptions not relevant here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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

16 Federal Respondents acknowledge that in *Rodriguez Vazquez v. Bostock*, the district court
17 granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the Bond
18 Denial Class is unlawful. *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1336 (W.D. Wash. 2025).
19 That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC,
20 Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the same and
21 extended declaratory relief to a similarly defined and certified nationwide Bond Eligible Class.
22 *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D.
23 Cal. Nov. 25, 2025).

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*, 166 F.4th at 502. 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 502-06. While Federal Respondents do not concede that
7 *Rodriguez Vasquez* was correctly decided and continue to preserve the arguments set forth by the
8 Government in *Rodriguez Vasquez* for purposes of appeal, Federal Respondents do not oppose
9 Petitioners being considered members of the *Rodriguez Vazquez* Bond Denial Class for purposes
10 of this litigation.

11 **B. Petitioners**

12 Petitioners have not had bond determination hearings or an alternative bond finding.² If
13 this Court were to grant their habeas petitions, the appropriate relief is not release. Rather, this
14 Court should order the immigration court to provide Petitioners with bond hearings pursuant to 8
15 U.S.C. § 1226(a), consistent with the district court’s decision in *Rodriguez Vasquez*. *Castulo-*
16 *Cerro v. Hermosillo*, No. 2:26-CV-00437-TMC, 2026 WL 395324, at *3 (W.D. Wash. Feb. 12,
17 2026) (ordering Section 1226(a) bond hearings for Bond Denial Class petitioners who have not
18 yet had bond hearings).

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24 ² Petitioner Jianjiang Su had a bond hearing on February 3, 2026, but the immigration judge did not issue an
alternative finding at Petitioner’s counsel’s request. Ex. A, Order, *attached hereto*.

1 DATED this 9th day of March, 2026.

2 Respectfully submitted,

3 s/ Michelle R. Lambert

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14 *I certify that this memorandum contains 678 words,*
15 *in compliance with Local Civil Rules*