

The Honorable Lauren King

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

ERLIN FRANCISCO CASTRO ESPINAL,

Petitioner,

v.

WARDEN, NORTHWEST ICE PROCESSING
CENTER,¹ *et al.*,

Respondents.

Case No. 2:26-cv-00946-LK

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
April 8, 2026

U.S. Immigration and Customs Enforcement ("ICE") detains Petitioner pursuant to 8 U.S.C. § 1225(b). Petitioner challenges his mandatory detention as unlawful as violative of the Due Process Clause of the Fifth Amendment. Dkt. 1, Petition ("Pet."), pg. 2. As described below, Federal Respondents believe that Petitioner falls within the Bond Denial class definition as a member of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. Mar. 20, 2025).²

¹ The Warden of Northwest ICE Processing Center, presently Bruce Scott, is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

² "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 Petitioner is mandatorily detained pursuant to
3 8 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 his 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*, this Court granted
17 summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the Bond Denial
18 Class is unlawful. *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1336 (W.D. Wash. 2025). That
19 decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, Dkt. 71.
20 Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the same and extended
21 declaratory relief to a similarly defined and certified nationwide Bond Eligible Class. *See*
22 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal.
23 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-Mendez*,
4 166 F.4th at 502. The court clarified that an “applicant for admission” is a person “seeking
5 admission” regardless of whether that person is actively engaged in admissions procedures when
6 detained. *Id.* at 502-06.

7 The Eighth Circuit has agreed that the two terms are the same. *Avila v. Bondi*, No. 25-3248,
8 2026 WL 819258, at *3 (8th Cir. Mar. 25, 2026) (“Here, we agree with the Fifth Circuit that the
9 ordinary meanings of the phrases ‘applicant for admission’ and ‘seeking admission’ are the
10 same.”). “[W]hile an alien remains an ‘applicant for admission’ so long as he is ‘present in the
11 United States [and] has not been admitted,’ 8 U.S.C. § 1225(a)(1), he is also ‘presently seeking
12 admission’ during this time, regardless of whether he takes ‘any further affirmative steps to gain
13 admittance,’ *Buenrostro-Mendez*, 166 F.4th at 402.” *Id.* at *3.

14 While Federal Respondents do not concede that *Rodriguez Vasquez* was correctly decided,
15 Federal Respondents do not oppose Petitioner being considered a member of the *Rodriguez*
16 *Vazquez* Bond Denial Class for purposes of this litigation.

17 **B. Petitioner Erlin Francisco Castro Espinal**

18 Petitioner has not yet had bond determination hearings pursuant to 8 U.S.C. § 1226(a). If
19 this Court were to grant his habeas petition, the appropriate relief is not release from detention.
20 Instead, this Court should order the immigration court to provide Petitioner with a bond hearing
21 pursuant to 8 U.S.C. §1226(a), consistent with the Court’s judgment in *Rodriguez Vasquez*.
22 *Castulo-Cerro v. Hermosillo*, No. 2:26-CV-00437-TMC, 2026 WL 395324, at *3 (W.D. Wash.
23 Feb. 12, 2026) (ordering Section 1226(a) bond hearings for Bond Denial Class petitioners who
24 have not yet had bond hearings).

1 DATED this 3rd day of April, 2026.

2 Respectfully submitted,

3 s/ Alixandria K. Morris

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9 *Attorneys for Federal Respondents*

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 that on this date, I electronically filed the foregoing 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 that on this date, I arranged for service of the aforementioned documents on the following non-CM/ECF participant via Certified Mail with return receipt, postage prepaid, addressed as follows:

Erlin Francisco Castro Espinal, *Pro Se* Petitioner
A# 
NW ICE Processing Center
1623 E. J Street, Suite 5
Tacoma, WA 98421-1615

DATED this 3rd day of April, 2026.

s/ Caitlin Froelich
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