

District Judge Tiffany M. Cartwright

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

M-A-C-C-,

Petitioner,

v.

JULIO HERNANDEZ, *et al.*,

Respondents.

Case No. 2:26-cv-00958-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
April 13, 2026

U.S. Immigration and Customs Enforcement ("ICE") detains Petitioners pursuant to 8 U.S.C. § 1225(b). Petitioner challenges his mandatory detention as unlawful and seeks enforcement of his rights as a member of the Bond Denial Class¹ certified in *Rodriguez Kazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. Mar. 20, 2025), and the nationwide Bond Eligible Class² certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM,

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(e), § 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).

² Bond Eligible Class: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(e), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL

(C.D. Cal. Dec. 18, 2025). Pet., ¶ 3. As described below, Federal Respondents agree that Petitioners fall within the Bond Denial and Bond Eligible class definitions.

A. 8 U.S.C. § 1225(b)

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

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

Federal Respondents acknowledge that in *Rodriguez Vazquez v. Bostock*, this Court granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the Bond Denial Class is unlawful. *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1336 (W.D. Wash.

3713987, at *32 (C.D. Cal. Dec. 18, 2025), judgment entered sub nom. *Maldonado Bautista v. Noem*, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

1 2025). That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-
2 05240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court
3 found the same and extended declaratory relief to a similarly defined and certified nationwide
4 Bond Eligible Class. See *Maldonado Bautista v. Santacruz*, 2025 WL 3713987, at *32 (C.D.
5 Cal. Dec. 18, 2025).

6 Respectfully, Federal Respondents do not agree with the *Rodriguez Vazquez* or
7 *Maldonado* decisions. As the Fifth Circuit held, aliens who are present without admission in the
8 United States are “applicants for admission” as defined in Section 1225(a)(1). *Buenrostro-*
9 *Mendez*, 166 F.4th at 502. The court clarified that an “applicant for admission” is a person
10 “seeking admission” regardless of whether that person is actively engaged in admissions
11 procedures when detained. *Id.*, at 502-06.

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

19 While Federal Respondents do not concede that *Rodriguez Vasquez* or *Maldonado*
20 *Bautista* were correctly decided, Federal Respondents do not oppose Petitioner being considered
21 a member of the *Rodriguez Vazquez* Bond Denial Class or the *Maldonado Bautista* Bond
22 Eligible Class for purposes of this litigation.

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1 **B. Petitioner M-A-C-C**

2 Petitioner has not yet had a bond determination hearings. If the Court were to grant the
3 habeas petition, the appropriate relief is not release from detention. Instead, this Court should
4 order the immigration court to provide Petitioner with a bond hearing pursuant to 8 U.S.C. §
5 1226(a), consistent with this Court's judgment in *Rodriguez Vasquez. Castulo-Cerro v.*
6 *Hermosillo*, No. 2:26-CV-00437-TMC, 2026 WL 395324, at *3 (W.D. Wash. Feb. 12, 2026)
7 (ordering Section 1226(a) bond hearings for Bond Denial Class petitioners who have not yet
8 had bond hearings).

9 In addition, an immigration judge issued an order of removal on April 2, 2026.
10 Petitioner reserved appeal. If no appeal is filed by May 4, 2026, Petitioner's removal order will
11 become administratively final, and his detention will shift to mandatory detention under 8
12 U.S.C. § 1231(a). If this occurs, Petitioner will no longer fall within either class definition.

13 DATED this 6th day of April, 2026.

14 Respectfully submitted,

15 s/ Michelle R. Lambert

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*I certify that this memorandum contains 924
words, in compliance with Local Civil Rules*