

Magistrate Judge Michelle L. Peterson

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

CRISTIAN ALEXIS MORAN CORADO,

Petitioner,

v.

TODD BLANCHE, *et al.*,

Respondents.

Case No. 2:26-cv-01081-MLP

FEDERAL RESPONDENTS'¹
RETURN MEMORANDUM

Noted for consideration on:
April 20, 2026

I. INTRODUCTION

U.S. Immigration and Customs Enforcement ("ICE") lawfully detains Petitioner Cristian Alexis Moran Corado at the Northwest ICE Processing Center ("NWIPC") pursuant to 8 U.S.C. § 1225(b). Petitioner had previously been in removal proceedings and subject to conditional release. However, those proceedings along with the conditional release were dismissed in 2022. In 2026, ICE took Petitioner into custody and initiated new removal proceedings. Accordingly, Petitioner's sole procedural due process claim concerning constitutionally adequate procedures for the revocation of conditional release fails. *Pet.*, ¶¶ 46-48.

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by undersigned counsel.

Petitioner further asks this Court to “permanently enjoin his re-detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that Petitioner is a flight risk or danger to the community and that no alternatives to detention would mitigate those risks.” Pet., Prayer for Relief, ¶ 3. In addition, he seeks to prohibit ICE from utilizing a “GPS ankle monitor” as a condition of release unless certain conditions are met. *Id.*, ¶ 4. But Petitioner fails to allege that re-detention is likely to occur without proper notice and an opportunity to be heard. Even if he did, such an assertion would be speculative at best, and certainly could not encompass every circumstance leading to re-detention, such as re-detention after a final order of removal is issued. Furthermore, Petitioner’s request for this Court to impose restrictions on its discretionary implementation of conditions of release is unwarranted. Accordingly, this Court should deny Petitioner’s request for permanent injunctive relief. *Torres v. Hermosillo*, No. 2:25-cv-02687-LK, 2026 WL 145715, at *8 (W.D. Wash. Jan. 20, 2026).

II. LEGAL BACKGROUND

A. Section 1225(b) Detention

Section 1225 applies to “applicants for admission” to the United States, who are defined as “alien[s] present in the United States who [have] not been admitted” or noncitizens “who arrive[] in the United States,” whether or not at a designated port of arrival. 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2),” both of which are subject to mandatory detention. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018) (“[R]ead most naturally, §§ 1225(b)(1) and (b)(2) mandate detention for applicants for admission until certain proceedings have concluded.”).

Relevant here, Section 1225(b)(2) is “broader” and “serves as a catchall provision.” *Jennings*, 583 U.S. at 287. It “applies to all applicants for admission not covered by § 1225(b)(1).” *Id.* Under Section 1225(b)(2), a noncitizen “who is an applicant for admission” is

1 subject to mandatory detention pending full removal proceedings “if the examining immigration
2 officer determines that [the] alien seeking admission is not clearly and beyond a doubt entitled to
3 be admitted.” 8 U.S.C. § 1225(b)(2)(A); *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 498 (5th
4 Cir. 2026) (affirming the government’s position that aliens who have not been admitted or are not
5 entitled to be admitted to the United States are “applicants for admission” who are subject to
6 mandatory detention under Section 1225(b)(2)(A)); *but see Rodriguez Vazquez v. Bostock*, 802
7 F. Supp. 3d 1297 (W.D. Wash. 2025) (finding that detention pursuant to 8 U.S.C. § 1225(b)(2) of
8 the Bond Denial Class is unlawful).

9 As the Fifth Circuit found, aliens who are present without admission in the United States
10 are “applicants for admission” as defined in Section 1225(a)(1). *Buenrostro-Mendez*, 166 F.4th
11 at 502-04. The court clarified that an “applicant for admission” is a person “seeking admission”
12 regardless of whether that person is actively engaged in admissions procedures when detained.
13 *Id.*, at 502-03.

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

21 **B. Discretionary Release**

22 The sole means of release from detention pursuant to Section 1225(b) is temporary parole
23 ‘for urgent humanitarian reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583
24 U.S. at 283. Parole automatically terminates if the noncitizen departs from the United States or

“at the expiration of the time for which parole was authorized,” and “no written notice shall be required” for automatic termination. 8 C.F.R. § 212.5(e)(1). In all other cases, parole is terminated when the purpose for which parole was authorized has been accomplished or an authorized DHS official decides that “neither humanitarian reasons nor public benefit warrants the continued presence of the alien in the United States.” 8 C.F.R. § 212.5(e)(2)(i); *see also* 8 U.S.C. § 1182(d)(5)(A) (“[W]hen the purposes of such parole shall, in the opinion of the Secretary of Homeland Security, have been served the alien shall forthwith return or be returned to the custody from which he was paroled[.]”). In these circumstances, written notice of the termination is required. When a charging document is served on the alien, the charging document serves as the notice of termination of parole. 8 C.F.R. § 212.5(e)(2)(i). Upon termination of parole, the applicant reverts to the status that he or she had at the time of parole. 8 C.F.R. § 212.5(e).

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

The release of a noncitizen on OREC prior to July 2025 should not be determinative of whether that person’s detention authority is currently governed by Section 1225(b) or Section

² Being “conditionally paroled under the authority of § 1226(a)” is distinct from being “paroled into the United States 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 1226(a). On July 8, 2025, DHS issued a memorandum to ICE employees explaining that DHS
2 had revisited its legal position on detention and release authorities. *Rodriguez v. Bostock*, 802 F.
3 Supp. 3d 1297, 1308 (W.D. Wash. 2025). The memorandum defined an “applicant for admission”
4 as “an alien present in the United States who has not been admitted or who arrives in the United
5 States, whether at a designated port of arrival. *Id.* (citing 8 U.S.C. § 1225(a)(1)). Prior to July
6 2025, DHS allowed discretionary releases of aliens that fit the definition of an applicant for
7 admission pursuant to 8 C.F.R. § 1236.1(c)(8), instead of only utilizing parole. But the
8 memorandum clarified, “Effective immediately, it is the position of DHS that such aliens are
9 subject to detention under [8 U.S.C. § 1225(b)] and may not be released from ICE custody except
10 by [8 U.S.C. § 1182(d)(5)].” *Rodriguez*, 802 F. Supp. 3d at 1308.

11 Accordingly, DHS’s prior practice of OREC releases for applicants for admission does
12 not mean that those aliens are no longer applicants for admissions. *Buenrostro-Mendez*, 166 F.4th
13 at 506 (“While that is true, the government's past practice has little to do with the statute's text.
14 The text says what it says, regardless of the decisions of prior Administrations. Years of consistent
15 practice cannot vindicate an interpretation that is inconsistent with a statute's plain text.”); *Avila*,
16 2026 WL 819258, at *5 (“[N]either *Jennings* nor the Government's history of enforcing § 1225
17 confines the Government's authority to detain aliens under § 1225(b)(2)(A) to the border.”).

18 III. FACTUAL BACKGROUND

19 Petitioner is a native and citizen of Guatemala, who unlawfully entered the United States,
20 along with family members, in May 2019. Benjamin Decl., ¶ 3. Immigration officers
21 apprehended Petitioner near Yuma, Arizona. Benjamin Decl., ¶ 3; Lambert Decl., Ex. A, Warrant
22 for Arrest. U.S. Border Patrol issued Petitioner a Notice to Appear charging him as removable
23
24

under 8 U.S.C. § 1182(a)(6)(A)(i), which placed him in removal proceedings.³ Benjamin Decl., ¶ 4; Lambert Decl., Ex. B, Notice to Appear. Petitioner and his family were released on OREC with reporting requirements. Benjamin Decl., ¶ 5; Lambert Decl., Ex. C, OREC.

On September 16, 2022, an immigration judge granted DHS's unopposed motion and dismissed Petitioner's removal proceedings without prejudice. Benjamin Decl., ¶ 7; Lambert Decl., Ex. D, Order. Shortly thereafter, ICE deactivated Petitioner from the Alternatives to Detention program and closed his supervision case because of his removal proceedings being dismissed. Benjamin Decl., ¶ 8.

In December 2025, ICE's Homeland Security Investigations learned of a child services report filed by the Anchorage Police Department that referenced Petitioner's name in relation to his purported intimate relationship with a minor. Benjamin Decl., ¶ 9. Based on the seriousness of the allegations, ICE decided to arrest Petitioner and place him in removal proceedings. Benjamin Decl., ¶ 9.

On January 31, 2026, ICE took Petitioner into custody. Benjamin Decl., ¶ 10; Lambert Decl., Ex. E, Form I-213; Ex. F, Warrant for Arrest. ICE served Petitioner with a notice to appear charging him as inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(A)(i), which placed him in new removal proceedings. Benjamin Decl., ¶ 10; Lambert Decl., Ex. G, Notice to Appear.

Because Petitioner is being detained at the NWIPC (Pet., ¶ 1), Petitioner's immigration proceedings are under the jurisdiction of the Tacoma Immigration Court. On February 20, 2026, an immigration judge denied Petitioner's request for custody redetermination after finding that the immigration court lacks jurisdiction to grant bond as Petitioner is held pursuant to 8 U.S.C.

³ On August 15, 2019, ICE issued a superseding notice to appear with the same charges as the initial notice. Benjamin Decl., ¶ 6.

§ 1225(b). Benjamin Decl., ¶ 11; Lambert Decl., Ex. H, Order. Petitioner’s next hearing in immigration court is scheduled for May 5, 2026. Benjamin Decl., ¶ 13.

IV. LEGAL STANDARD

“The 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. Allopach 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

Petitioner’s sole claim is that his “conditional release” was unlawfully revoked without procedures required by due process before re-detention. His assertion that he was subject to “conditional release” is fatal to his claim. Petitioner was not subject to conditional release after his removal proceedings were dismissed in 2022. Lambert Decl., Ex. D. DHS’s grant of discretionary release ended when his removal proceedings ended.

As an applicant for admission, the only means of release should have been humanitarian parole under 8 U.S.C. § 1182(d)(5)(A). *But see supra* (explaining that DHS used OREC to release applicants for admission prior to July 2025). Here, Petitioner was released on his own recognizance or OREC. Lambert Decl., Ex. C. The phrase “release on recognizance” has been found to be another name for “conditional parole” under 8 U.S.C. § 1226(a). *Garcia Gabriel v. Hermosillo*, No. 2:25-cv-02594-DGE-GJL, 2026 WL 194233, at *3 (W.D. Wash. Jan. 26, 2026)

1 (finding that “release on recognizance is another name for conditional parole under § 1226(a)”).
2 “Conditional parole is only authorized ‘pending a decision on whether the alien is to be
3 removed.’” *Id.* (quoting 8 U.S.C. § 1226(a)). Accordingly, once Petitioner’s removal
4 proceedings were dismissed, his OREC or conditional release was also terminated. *Id.*; *see also*
5 Benjamin Decl., ¶ 8 (closing release supervision case).

6 Petitioner incorrectly claims that due process entitled him to notice and a pre-deprivation
7 hearing before his re-detention. Pet., ¶ 46. The facts here do not support this assertion. ICE took
8 Petitioner into custody with the issuance of an administrative warrant for arrest (Lambert Decl.,
9 Ex. F) and then issued him a new notice to appear as a charging document initiating removal
10 proceedings. Lambert Decl., Ex. G. Because Petitioner was no longer in active removal
11 proceedings or subject to conditional release, Petitioner is entitled to no more than what a
12 noncitizen would be entitled to upon their initial detention for removal proceedings. Petitioner
13 cites to inapposite cases involving noncitizens who were re-detained during the pendency of
14 active immigration proceedings or where their conditional releases are revoked. Pet., ¶¶ 7-8
15 (citing cases involving cancellation of conditional release during pendency of removal
16 proceedings). But neither circumstance is at issue here.

17 As detention is mandatory under 8 U.S.C § 1225(b), Petitioner was not entitled to custody
18 redetermination hearing upon arrest. And even if this Court were to agree with other district
19 courts that have found Section 1226(a) to be the operative detention authority in similar
20 circumstances, then the appropriate process would be to implement Section 1226(a)’s “substantial
21 procedural protections.” *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1194 (9th Cir. 2022); *see*
22 *Garcia Gabriel*, 2026 WL 194233, at *5-6 (finding Section 1226(a) as the governing detention
23 authority after the petitioner’s removal proceedings had been previously terminated and that
24 procedural due process did not require a pre-deprivation hearing).

1 In summary, Petitioner's sole procedural due process claim fails. Thus, Petitioner's
2 requests for relief should be denied.

3 **VI. CONCLUSION**

4 Accordingly, this Court should deny the Petition.

5 DATED this 14th day of April, 2026.

6 Respectfully submitted,

7 s/ Michelle R. Lambert

8 MICHELLE R. LAMBERT, NYS #4666657

9 Assistant United States Attorney

10 United States Attorney's Office

11 Western District of Washington

12 1201 Pacific Ave., Ste. 700

13 Tacoma, WA 98402

14 Phone: (253) 428-3824

15 Fax: (253) 428-3826

16 Email: michelle.lambert@usdoj.gov

17 *Attorney for Federal Respondents*

18 *I certify that this memorandum contains 2,357*
19 *words, in compliance with the Local Civil Rules.*