

District Judge Tiffany M. Cartwright

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

JHONY GONZALEZ-MERINO, *et al*,

Petitioners,

v.

JULIO HERNANDEZ, *et al*,

Respondents.

Case No. 2:26-cv-01130-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
April 9, 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. Mar. 20, 2025).” Pet., ¶ 1. As described below, Federal Respondents agree that Petitioners fall within the Bond Denial class definition.¹

//

//

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
 5 to 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
 9 the Attorney General in her discretion. Separately, Section 1225(b)(2) serves as a catchall
 10 provision that applies to all applicants for admission not covered by Section 1225(b)(1) (with
 11 specific 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
 17 granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the
 18 Bond Denial Class is unlawful. *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1336 (W.D. Wash.
 19 2025). That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-
 20 TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the
 21 same and extended declaratory relief to a similarly defined and certified nationwide Bond Eligible
 22 Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403
 23 (C.D. Cal. Nov. 25, 2025).

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

7 The Eighth Circuit has agreed that the two terms are the same. *Avila v. Bondi*, No. 25-
 8 3248, 2026 WL 819258, at *3 (8th Cir. Mar. 25, 2026) (“Here, we agree with the Fifth Circuit
 9 that the ordinary meanings of the phrases ‘applicant for admission’ and ‘seeking admission’ are
 10 the same.”). “[W]hile an alien remains an ‘applicant for admission’ so long as he is ‘present in
 11 the 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 Petitioners being considered members of the *Rodriguez*
 16 *Vazquez* Bond Denial Class for purposes of this litigation.

17 **B. Petitioners Jhony Gonzalez-Merino, Denner Galindo Amaro, and Kevin**
 18 **Galindo Amaro**

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

1 (ordering Section 1226(a) bond hearings for Bond Denial Class petitioners who have not yet had
2 bond hearings).

3 DATED this 8th day of April, 2026.

4 Respectfully submitted,

5 s/ Michelle R. Lambert

6 MICHELLE R. LAMBERT, NYS #4666657

7 Assistant United States Attorney

8 United States Attorney's Office

9 Western District of Washington

10 1201 Pacific Ave., Ste. 700

11 Tacoma, WA 98402

12 Phone: (253) 428-3824

13 Fax: (253) 428-3826

14 Email: michelle.lambert@usdoj.gov

15 *Attorney for Federal Respondents*

16 *I certify that this memorandum contains 739*
17 *words, in compliance with Local Civil Rules*