

District Judge Ricardo S. Martinez

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

LEANNET SOSA,

Petitioner,

v.

JULIO HERNANDEZ, *et al.*,

Respondents.

Case No. 2:26-cv-01142-RSM

FEDERAL RESPONDENTS' RETURN
MEMORANDUM

Noted for consideration on:
April 27, 2026

I. INTRODUCTION

U.S. Immigration and Customs Enforcement ("ICE") detains Petitioner Leannet Sosa at the Northwest ICE Processing Center ("NWIPC") pursuant to 8 U.S.C. § 1225(b).

In 2023, Petitioner presented to a port of entry without valid admission documents. Petitioner was charged with removal from the United States but released on temporary humanitarian parole. In 2025, Petitioner was arrested by local authorities in Florida related to domestic violence battery. Petitioner was detained by ICE upon her release by local authorities.

Petitioner asserts that the redemption by ICE violates the Due Process Clause of the Fifth Amendment. Dkt. 1, ¶¶ 65-68.

II. BACKGROUND

A. Petitioner Leannet Sosa

Petitioner is a citizen of Cuba. Dkt. 2, ¶ 3; Declaration of Deportation Officer Gary Ingram (“Ingram Decl.”), ¶ 3. On April 20, 2023, Petitioner applied for admission at the Nogales, Arizona, Port of Entry. Ingram Decl., ¶ 3. That same date, U.S. Customs and Border Patrol (“USCBP”) issued Petitioner a notice to appear. Dkt. 3-1. That same date, Petitioner was charged as removable pursuant to 8 U.S.C. § 1182(a)(7)(A)(i)(I). *Id.* On April 20, 2023, Petitioner was also temporarily paroled¹ out of custody pursuant to 8 U.S.C. § 1182(d)(5). Ingram Decl., ¶ 3.

On April 26, 2024, Petitioner filed an application to adjust status to a lawful permanent resident pursuant to the Cuban Adjustment Act with U.S. Citizenship and Immigration Services (“USCIS”). Ingram Decl., ¶ 4. That application remains pending. *Id.*

On August 6, 2025, Petitioner was arrested in Florida for Domestic Violence/Battery. Ingram, ¶ 6. On or about August 8, 2025, ICE learned of the criminal arrest and detained Petitioner upon her release from local custody. Dkt. 3-1, pg. 7-9. Petitioner’s criminal charge was subsequently dismissed on or about August 28, 2025. Ingram, ¶ 6.

On March 17, 2026, an immigration judge ordered Petitioner removed. Ingram, ¶ 10. On March 26, 2026, Petitioner filed a notice of appeal with the Board of Immigration Appeals. *Id.* That appeal remains pending. *Id.* The government of Cuba has notified ICE that it would accept Petitioner for repatriation. *Id.*, ¶ 12.

B. Detention Authority

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

¹ The undersigned does not have access a scan of the “A-file” for this case, only the “T-file” or “Temporary File” which has fewer available documents. In this instance, the parole documents are not in the T-file.

1 documentation, and certain other noncitizens designated by the Attorney General in her discretion.
2 Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for
3 admission not covered by Section 1225(b)(1) (with specific exceptions). *See Jennings v.*
4 *Rodriguez*, 583 U.S. 281, 287 (2018).

5 An arriving alien is an applicant for admission at a United States port-of-entry. 8 C.F.R. §
6 1.2 (“Arriving alien”). An alien that seeks entry into the United States, claims fear of persecution,
7 and is detained for consideration of an application for asylum will normally be subject to detention
8 pursuant to 8 U.S.C. § 1225(b)(1). *Jennings*, 583 U.S. at 297.

9 Congress has determined that all noncitizens subject to Section 1225(b) must be detained.
10 Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2), the sole means of
11 release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian reasons or
12 significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

13 Receiving humanitarian parole is not considered an admission into the United States. *Id.*
14 When the purpose of the temporary parole has been served, then the alien returns to custody and
15 “his case shall continue to be dealt with in the same manner as that of any other applicant for
16 admission to the United States.” *Id.* at 287, (quoting 8 U.S.C. § 1182(d)(5)). This parole terminates
17 automatically at the expiration of the time for which parole was authorized, or upon service of a
18 charging document for either expedited removal proceedings under Section 1225(b) or removal
19 proceedings under Section 1229a. 8 C.F.R. §§ 212.5(e)(1); (2)(i).

20 III. LEGAL STANDARD

21 “The district courts of the United States ... are courts of limited jurisdiction. They possess
22 only that power authorized by Constitution and statute.” *Exxon Mobil Corp. v. Allopach Servs.,*
23 *Inc.*, 545 U.S. 546, 552 (2005) (internal quotations omitted). “[T]he scope of habeas has been
24 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).

IV. ARGUMENT

A. Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(1) and he is not entitled to a redetention hearing.

Petitioner is not entitled to release. Federal Respondents' assert that Petitioner is mandatorily detained as an arriving alien pursuant to 8 U.S.C. § 1225(b)(1). *Jennings*, 583 U.S. at 297. "In sum, §§ 1225(b)(1) and (b)(2) mandate detention of aliens throughout the completion of applicable proceedings..." *Id.* at 281; *see also Buenrostro-Mendez v. Bondi*, 166 F.4th at 506-508; *Avila v. Bondi*, 2026 WL 819258 at *3.

Federal Respondents assert that due process does not compel Petitioner's release due to the circumstances of this case. "Due process is flexible and calls for such procedural protections as the particular situation demands." *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). *Mathews* calls for an analysis of (1) "the private interest that will be affected by the official action," (2) "the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional or substitute procedural safeguards," and (3) the Government's interest. *Id.*, at 334-35. Due process does not mandate a pre-detention hearing here.

As to the first *Mathews* factor, Federal Respondents recognize the "weighty liberty interests implicated by the Government's detention of noncitizens." *Reyes v. King*, No. 19-cv-8674, 2021 WL 3727614, at *11 (S.D.N.Y. Aug. 20, 2021). But while many courts have recognized that noncitizens released from immigration detention have a protected liberty interest in remaining out

1 of custody, the weight of that liberty must be considered in the broader picture of the immigration
2 system, which has long acknowledged that an alien has a lesser liberty interest than a citizen. After
3 all, “[t]he recognized liberty interests of U.S. citizens and aliens are not coextensive: the Supreme
4 Court has ‘firmly and repeatedly endorsed the proposition that Congress may make rules as to
5 aliens that would be unacceptable if applied to citizens.’” *Rodriguez Diaz v. Garland*, 53 F.4th
6 1189, 1206 (9th Cir. 2022) (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)). As the Supreme
7 Court has explained, “[i]n the exercise of its broad power over naturalization and immigration,
8 Congress regularly makes rules that would be unacceptable if applied to citizens.” *Mathews v.*
9 *Diaz*, 426 U.S. 67, 79-80 (1976). Indeed, the Supreme Court has repeatedly “recognized detention
10 during deportation proceedings as a constitutionally valid aspect of the deportation process.”
11 *Demore*, 538 U.S. at 523. Petitioner has never been admitted to the United States in any legal
12 status. She was only released on a temporary parole. She only arrived in 2023 and has already
13 been arrested on a serious criminal charge. Petitioner will still receive the benefit of an opportunity
14 to receive a decision on her applications for relief from removal. The proceedings are temporary,
15 and could potentially result in Petitioner’s release.

16 Turning to the second *Mathews* factor, the risk of a constitutionally significant and
17 erroneous deprivation of Petitioner’s liberty is minimal here. By default, individuals subject to
18 either Section 1225(b)(1) or 1225(b)(2) “shall be detained” for her immigration proceedings. 8
19 U.S.C. §§ 1225(b)(1)(B)(ii), 1225(b)(2)(A). Petitioner’s release on parole was only temporary. In
20 the alternative, Petitioner was arrested for criminal behavior before ICE took her into custody.
21 Should this Court determine that Petitioner is instead subject to 8 U.S.C. § 1226(a) instead, then
22 this Court should order a bond hearing under those provisions rather than ordering Petitioner’s
23 release. *See e.g. Bahwan v. Bondi*, No. 2:26-CV-00248-LK, 2026 WL 497098, at *10 (W.D. Wash.
24 Feb. 23, 2026).

Regarding the third *Mathews* factor, the Ninth Circuit has emphasized that the *Mathews* test and procedural safeguards “must account for the heightened government interest in the immigration detention context.” *Rodriguez Diaz*, 53 F.4th at 1206. Invoking the Supreme Court’s 2003 *Demore* decision, the Ninth Circuit in *Rodriguez Diaz* recognized that “the government clearly has a strong interest in preventing aliens from ‘remain[ing] in the United States in violation of our law.’” *Rodriguez Diaz*, 53 F.4th at 1208 (quoting *Demore*, 538 U.S. at 518). “This is especially true when it comes to determining whether removable aliens must be released on bond during the pendency of removal proceedings.” *Rodriguez Diaz*, 53 F.4th at 1208.

Federal Respondents’ have a great interest in ensuring that individuals temporarily released while in immigration proceedings do not commit criminal activity, which Petitioner was accused of at the time of her detention.

Accordingly, this Court should deny Petitioner’s request for release from immigration custody.

B. Enjoining potential future redetention is premature.

This Court should deny Petitioner’s request to “permanently enjoining her re-detention absent written notice and a hearing prior to re-detention where Respondents must prove by clear and convincing evidence that her is a flight risk or danger to the community and that no alternative to detention would mitigate those risks.” Dkt 1, Prayer for Relief, ¶ (2). This request is speculative and not ripe for review. *Torres v. Hermosillo*, No. 2:25-cv-02687-LK, 2026 WL 145715, at *8 (W.D. Wash. Jan. 20, 2026) (denying request for permanent injunctive relief). This request presumes that Petitioner will be released and then re-detained at some point.

This Court has no way to foresee what circumstances may lead to a purported redetention. For example, Petitioner could commit a criminal offense that makes his detention mandatory under the Laken Riley Act or he could be convicted of serious criminal offense that would subject him

1 to mandatory detention. 8 U.S.C. § 1226(c). A pre-deprivation hearing would not be necessary
2 under those circumstances. Where detention is mandatory, a pre-detention hearing would serve no
3 purpose because release is not legally available. *Calderon v. Noem*, No. 2:25-cv-2136, 2025 WL
4 3754042, at *8 (W.D. Wash. Dec. 29, 2025) (“The cases cited by Mr. Calderon are inapposite
5 because none of them involved mandatory detention (under the LRA or otherwise).”).
6 “Accordingly, a pre-detention hearing could only have one outcome: detention.” *Id.*

7 Additionally, Petitioner could eventually be subject to a final order of removal, pursuant to
8 8 U.S.C. § 1231(a)(2).

9 **V. CONCLUSION**

10 For the foregoing reasons, this Court should deny the Petition.

11 DATED this 20th day of April, 2026.

12 Respectfully submitted,

13 *s/ Jordan C. Steveson*

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23 *I certify that this memorandum contains 1,799*
24 *words, in compliance with the Local Civil Rules*