

District Judge Tiffany M. Cartwright

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

CELERINO MENDEZ-REYES,

Petitioner,

v.

BRUCE SCOTT, *et al.*,

Respondents.

Case No. 2:26-cv-01145-TMC

FEDERAL RESPONDENT'S
RETURN MEMORANDUM

Noted for Consideration:
April 27, 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 and claims to be 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). Pet., at 1. As described below, Federal Respondent agrees that Petitioner falls within the Bond Denial class definition.¹

A. 8 U.S.C. § 1225(b)

Federal Respondent's 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)

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

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

13 Federal Respondent acknowledges that in *Rodriguez Vazquez v. Bostock*, this Court
14 granted summary judgment and found that detention pursuant to 8 U.S.C. § 1225(b)(2) of the
15 Bond Denial Class is unlawful. *Rodriguez v. Bostock*, 802 F. Supp. 3d 1297, 1336 (W.D. Wash.
16 2025). That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-
17 TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the
18 same and extended declaratory relief to a similarly defined and certified nationwide Bond Eligible
19 Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403
20 (C.D. Cal. Nov. 25, 2025).

21 Respectfully, Federal Respondent does not agree with the *Rodriguez Vazquez* or
22 *Maldonado* decisions. As the Fifth Circuit recently found, aliens who are present without
23 admission in the United States are "applicants for admission" as defined in Section 1225(a)(1).
24 *Buenrostro-Mendez*, 166 F.4th at 502. The court clarified that an "applicant for admission" is a

1 person “seeking admission” regardless of whether that person is actively engaged in admissions
2 procedures when detained. *Id.*, at 502-06.

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

10 While Federal Respondent does not concede that *Rodriguez Vasquez* was correctly
11 decided, Federal Respondent does not oppose Petitioner being considered as a member of the
12 *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation.

13 **B. Petitioner Mendez-Reyes**

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

20 Petitioner also asserts that his detention has become unreasonably prolonged. Dkt. No. 2,
21 Am. Pet., at 7-11 (providing multi-factor analysis for prolonged Section 1225(b) analysis under
22 *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019). However, even if the *Banda*
23 factors were to demonstrate that Petitioner’s detention had become unreasonably prolonged –
24

1 which Federal Respondent does not concede, the appropriate relief would be for this Court to
2 order a bond hearing – not release.

3 DATED this 16th day of April, 2026.

4 Respectfully submitted,

5 s/ Michelle R. Lambert

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15 *Attorney for Federal Respondent*

16 *I certify that this memorandum contains 804*
17 *words, in compliance with Local Civil Rules*