

District Judge Tiffany M. Cartwright

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

MARIO ALMONTE HERNANDEZ, *et al.*,

Petitioners,

v.

LAURA HERMOSILLO, *et al.*,¹

Respondents.

Case No. 2:25-cv-02464-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
December 15, 2025

Petitioners seek habeas relief from their mandatory immigration detention. U.S. Immigration and Customs Enforcement detains them pursuant to 8 U.S.C. § 1225(b). 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 Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, Dkt. 71. Additionally, in *Maldonado Bautista v. Santacruz*, the district court found the same, and extended declaratory relief to a similarly defined and certified

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

1 nationwide Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-
2 BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025).

3 A. 8 U.S.C. § 1225(b)

4 While acknowledging the decisions in *Rodriguez Vazquez* and *Maldonado*, Federal
5 Respondents continue to believe Petitioners are subject to mandatory detention pursuant to 8
6 U.S.C. § 1225(b). *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb.
7 Sept. 30, 2025) (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*,
8 --- F. Supp. 3d ---, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025) (same). Noncitizens who are
9 apprehended shortly after illegally crossing the border and who are determined to be inadmissible
10 due to lacking a visa or valid entry documentation, 8 U.S.C. § 1182(a)(7)(A), may be removed
11 pursuant to an expedited removal order unless they express an intention to apply for asylum or a
12 fear of persecution in their home country. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii)(II). “The purpose of
13 these provisions is to expedite the removal from the United States of aliens who indisputably have
14 no authorization to be admitted to the United States, while providing an opportunity for such an
15 alien who claims asylum to have the merits of his or her claim promptly assessed by officers with
16 full professional training in adjudicating asylum claims.” H.R. Conf. Rep. No. 828, 104th Cong.,
17 2d Sess. 209 (1996).

18 Applicants for admission fall into one of two categories. Section 1225(b)(1) covers
19 noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of
20 valid documentation, and certain other noncitizens designated by the Attorney General in her
21 discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all
22 applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant
23 here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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

5 Further, several provisions at 8 U.S.C. § 1252 preclude review. First, 8 U.S.C. § 1252(g)
 6 bars review of Petitioner’s claims because they arise from the government’s decision to
 7 commence removal proceedings. Second, 8 U.S.C. § 1252(b)(9) bars the Court from hearing
 8 Petitioner’s claims because his claims challenge the decision and action to detain him, which
 9 arises from the government’s decision to commence removal proceedings, thus an “action taken
 10 . . . to remove an alien from the United States.” Third and lastly, 8 U.S.C. § 1252(e)(3) applies
 11 and limits “[j]udicial review of determinations under section 1225(b) of this title and its
 12 implementation.” The plain language of the statute precludes judicial review for noncitizens
 13 determined to be detained pursuant to Section 1225(b)(2) and applies to a “determination under
 14 section 1225(b)” and to its implementation.

15 **B. *Rodriguez Vazquez* Bond Denial Class Membership**

16 Through this habeas action, Petitioners seek relief as members of the Bond Denial Class
 17 in *Rodriguez Vazquez*.² Again, Federal Respondents do not agree with the *Rodriguez Vazquez*
 18 decision and are still weighing their options on how to proceed. Alternatively, they do not oppose
 19 Petitioners in the instant action being considered members of the *Rodriguez Vazquez* Bond Denial
 20 Class for purposes of this litigation.

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 22
 23 ² “Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who
 24 (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*, 2025 WL 2782499, at *6.

1 **1. Petitioner Almonte-Hernandez**

2 On December 1, 2025, the Immigration Judge denied Petitioner Almonte-Hernandez's
3 request for bond due to lack of jurisdiction after determining that he is subject to mandatory
4 detention pursuant to 8 U.S.C. § 1225(b). Collins Decl., Exh. A (IJ Bond Order). Petitioner was
5 also issued an alternate bond order. *Id.* If the Court were to grant the habeas petition with respect
6 to Petitioner Almonte-Hernandez, the appropriate relief would be for the Immigration Judge's
7 alternate order to be put into effect. Accordingly, Petitioner Almonte-Hernandez should be
8 released upon payment of the bond amount (\$15,000), as found in the alternate order by the
9 Immigration Judge. *Id.*

10 **2. Petitioner Araujo-Lino**

11 On December 8, 2025, the Immigration Judge denied Petitioner Araujo-Lino's request for
12 bond due to lack of jurisdiction after determining that he is subject to mandatory detention
13 pursuant to 8 U.S.C. §1226(a). Collins Decl., Exh. B (IJ Bond Order). Petitioner was also issued
14 an alternate bond order. *Id.* If the Court were to grant the habeas petition with respect to Petitioner
15 Araujo-Lino, the appropriate relief would be for the Immigration Judge's alternate order to be put
16 into effect. Accordingly, Petitioner Araujo-Lino should be released upon payment of the bond
17 amount (\$5,000), as found in the alternate order by the Immigration Judge. *Id.*

18 **3. Petitioner Arzola-Ramirez**

19 On December 3, 2025, the Immigration Judge denied Petitioner Arzola-Ramirez's request
20 for bond due to lack of jurisdiction after determining that he is subject to mandatory detention
21 pursuant to 8 U.S.C. §1226(a). Collins Decl., Exh. C (IJ Bond Order). Petitioner was also issued
22 an alternate bond order. *Id.* If the Court were to grant the habeas petition with respect to Petitioner
23 Arzola-Ramirez, the appropriate relief would be for the Immigration Judge's alternate order to be
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1 put into effect. Accordingly, Petitioner Araujo-Lino should be released upon payment of the bond
2 amount (\$10,000), as found in the alternate order by the Immigration Judge. *Id.*

3 **4. Petitioners Luna Cortes, Ramos Froylan, and Palacios-Carreon**

4 If the Court were to grant the habeas petitions with respect to Petitioners Luna Cortes,
5 Ramos Froylan, and Palacios-Carreon, the appropriate relief is not release. Rather, this Court
6 should order the Immigration Judge to provide Petitioners a bond hearing pursuant to 8 U.S.C.
7 §1226(a), consistent with the Court's judgement in *Rodriguez*, 2025 WL 2782499, at *27.

8 DATED this 10th day of December, 2025

9 Respectfully submitted,

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