

District Judge Tiffany M. Cartwright

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

PETRA ARIAS PEREZ,

Petitioner,

v.

BRUCE SCOTT, *et al.*,

Respondents.

Case No. 2:25-cv-02558-TMC

FEDERAL RESPONDENT'S
SUPPLEMENTAL BRIEFING

In Petitioner's reply, Petitioner for the first time articulates facts and legal argument in support of a claim for relief. Dkt. 8. Pursuant to the Court's Minute Order (Dkt. 10), Federal Respondents now submit the following supplemental briefing.

U.S. Immigration and Customs Enforcement detains Petitioner 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

1 and certified nationwide Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-
2 CV-01873-SSS-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 Petitioner is subject to mandatory detention pursuant to 8 U.S.C.
6 § 1225(b). *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sept. 30,
7 2025) (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, --- F.
8 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, Petitioner seeks relief as a member of the Bond Denial Class
17 in *Rodriguez Vazquez*.¹ Again, Federal Respondents do not agree with the *Rodriguez Vazquez*
18 decision. Alternatively, they do not oppose Petitioner being considered a member of the
19 *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation.

20 One January 6, 2026, Petitioner appeared at a bond hearing at the Tacoma Immigration
21 Court, where the Immigration Judge denied Petitioner’s request bond, finding lack of jurisdiction
22

23 ¹ “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 under 8 U.S.C. § 1225(b). Dkt. 8 at pp. 7-8. In the alternative, the Immigration Judge ordered
2 that if the court had jurisdiction, the court would grant a bond in the amount of \$8,000. *Id.* If the
3 Court were to grant the habeas, the appropriate relief would be for the Immigration Judge's
4 alternate order to be put into effect. Accordingly, Petitioner should be ordered released upon
5 payment of the bond amount of \$8,000, as ordered in the alternative the Immigration Judge.

6
7 DATED this 16th day of January, 2026.

8 Respectfully submitted,

9 CHARLES NEIL FLOYD
10 United States Attorney

11 s/ Katherine G. Collins

KATHERINE G. COLLINS, CA #315903

12 Assistant United States Attorney

United States Attorney's Office

13 Western District of Washington

700 Stewart Street, Suite 5220

14 Seattle, Washington 98101-1271

Phone: 206-553-7970

15 Fax: 206-553-4067

Email: katherine.collins@usdoj.gov

16 *Attorneys for Federal Respondent*

17 *I certify that this memorandum contains 787*
18 *words, in compliance with Local Civil Rules.*