

District Judge Tiffany M. Cartwright

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

CACIANO GARCIA MENDEZ, *et al.*,

Petitioners,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:25-cv-02560-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
December 19, 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 nationwide Bond Eligible Class. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025).

FEDERAL RESPONDENTS' RETURN MEMORANDUM
[Case No. 2:25-cv-02560-TMC] - 1

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1 **A. 8 U.S.C. § 1225(b)**

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

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

22 Congress has determined that all noncitizens subject to Section 1225(b) are subject to
23 mandatory detention. Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2),
24

1 the sole means of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian
2 reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

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

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

14 Through this habeas action, Petitioners seek relief as members of the Bond Denial Class
15 in *Rodriguez Vazquez*.¹ Again, Federal Respondents do not agree with the *Rodriguez Vazquez*
16 decision. Alternatively, they do not oppose the following Petitioners in the instant action being
17 considered members of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation:

18 Caciano Garcia Mendez; Pablo Guzman Santoyo; Pablo Lara Paredes; Oscar
19 Villatoro Monzon; Manuel Ruelas Garibay; Jose Armando Aguirre Bernabe; Jesus
20 Barajas Cano; Artemio Hernandez-Tapia; Ana Gabriela Martinez Torres; Gaspar
21 Mendoza Mendoza; Benito Orozco-Rodriguez; Oscar Rodriguez; Jose Ulises
22 Zambrano Vazquez; Cristino Zurita Paz; Julian Ortiz-Velazquez; and Roberto
23 Garcia Munive.

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 If the Court were to grant the habeas petitions, for the Petitioners who have been granted
 2 alternate bond orders, the appropriate relief would be for this Court to order that the Immigration
 3 Judge's alternate order to be put into effect. As of the date of this filing, ICE has advised that the
 4 following Petitioners have the following alternate bond orders in place:

5 Caciano Garcia Mendez (\$12,000); Pablo Guzman Santoyo (\$15,000); Pablo Lara
 6 Paredes (\$8,000); Oscar Villatoro Monzon (\$8,000); Manuel Ruelas Garibay
 7 (\$15,000); Jose Benito Orozco-Rodriguez (\$5,000); Cristino Zurita Paz (\$7,500);
 8 Julian Ortiz-Velazquez (\$15,000); Roberto Garcia Munive (\$15,000); and Jose
 9 Ulises Zambrano Vazquez (alternative bond order denying release on bond based
 10 on risk of flight).

11 For those Petitioners who have not yet had a bond hearing, if the Court were to grant the
 12 habeas petitions, the appropriate relief is not release, but rather this Court should order the
 13 Immigration Judge to provide Petitioners a bond hearing pursuant to 8 U.S.C. §1226(a), consistent
 14 with the Court's judgement in *Rodriguez*, 2025 WL 2782499, at *27. As of the date of this filing,
 15 the following Petitioners have not yet had a bond hearing: Armando Aguirre Bernabe; Jesus
 16 Barajas Cano; Artemio Hernandez-Tapia; Ana Gabriela Martinez Torres; Gaspar Mendoza
 17 Mendoza; Benito Orozco-Rodriguez; and Oscar Rodriguez.

18 **C. Petitioner Juan Arenas Martinez is not a *Rodriguez Vazquez* Class Member and**
 19 **Should be Dismissed from the Instant Petition.**

20 Upon currently available information and belief, Petitioner Juan Arenas Martinez is not a
 21 *Rodriguez Vazquez* class member. Undersigned counsel has conferred with Petitioners' counsel
 22 on this matter and Petitioners have agreed to dismissal without prejudice as to Mr. Arenas
 23 Martinez only.

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1 DATED this 18th day of December, 2025

2 Respectfully submitted,

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16 *I certify that this memorandum contains 972*
17 *words, in compliance with Local Civil Rules*