

District Judge Tiffany M. Cartwright

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

RODOLFO UDIAL VASQUEZ GARCIA,

Petitioner,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:25-cv-02597-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
January 7, 2026

Petitioner seeks habeas relief from his 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
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A. 8 U.S.C. § 1225(b)

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

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

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

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

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

B. *Rodriguez Vazquez* Bond Denial Class Membership

One June 18, 2025, Petitioner appeared with counsel at a bond hearing at the Tacoma Immigration Court, where the Immigration Judge denied Petitioner’s request bond, finding lack of jurisdiction under 8 U.S.C. § 1225(b). Declaration of Deportation Officer Paul Correa, ¶ 10. The Immigration Judge alternatively denied Petitioner bond based on finding that Petitioner was a danger to the community. *See id.*

Through this habeas action, Petitioner seeks relief as a member of the Bond Denial Class in *Rodriguez Vazquez*.¹ Again, Federal Respondents do not agree with the *Rodriguez Vazquez*

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*, 2025 WL 2782499, at *6.

1 decision. Alternatively, they do not oppose Petitioner being considered a member of the
2 *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation.

3 However, if the Court were to grant the habeas petition, the appropriate relief is not
4 release. Rather, the appropriate relief would be for this Court to order that the Immigration
5 Judge's alternate order to be put into effect. *See Rodriguez*, 2025 WL 2782499, at *27.
6 Accordingly, in this case, the Immigration Judge's alternative order denying Petitioner bond
7 should be applied and Petitioner's request for immediate release or another bond hearing must be
8 denied.

9 **C. T Visa Eligibility Does Not Change Petitioner's Detention Authority**

10 Petitioner claims that he is eligible for a T Visa. Pet. at ¶¶ 8. However, he makes no
11 argument relating to how potential T Visa eligibility impacts the lawfulness of his current
12 detention, and no claim for relief tied specifically this. Accordingly, any such argument should
13 be deemed waived. *See Martinez v. Ylst*, 951 F.2d 1153, 1156 (9th Cir.1991) (refusing to reach
14 argument raised for the first time in reply brief that petitioner's claim was not cognizable on
15 federal habeas corpus); *Romero-Aguilar v. Holder*, 397 Fed.Appx. 399, 2010 WL 3825644 (9th
16 Cir. Sept. 29, 2010) (issues raised for the first time in a reply brief are waived).

17 Nevertheless, Petitioner's mere assertion of T Visa eligibility has no bearing on the
18 detention authority that applies to him, and his detention remains mandatory and lawful. *See*
19 discussion *supra*. Therefore, the Court need not reach any hypothetical, underdeveloped claim
20 relating to Petitioner's T Visa eligibility, and such claim can be denied.

21 **D. Conclusion**

22 For the foregoing reasons, Petitioner's claims should be denied.
23
24

1 DATED this 2nd day of January, 2026

2 Respectfully submitted,

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16 *I certify that this memorandum contains 965*
17 *words, in compliance with Local Civil Rules*