

District Judge Tiffany M. Cartwright

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

NARCISO CRUZ-RODAS, *et al.*,

Petitioners,

v.

BRUCE SCOTT,¹ *et al.*,

Respondents.

Case No. 2:26-cv-00012-TMC

FEDERAL RESPONDENT'S
SUPPLEMENTAL MEMORANDUM

I. INTRODUCTION

Petitioners seek habeas relief from mandatory immigration detention claiming that their detention is unlawful because they are part of the Bond Denial Class as certified in *Rodriguez Vasquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). On January 20, 2026, Federal Respondents filed a Response Memorandum in which they argued that Petitioner "Miguel Antonio-Lopez," is mandatorily detained under 8 U.S.C. § 1231, and is therefore not a member of the Bond Denial Class certified in *Rodriguez Vasquez*. 2025 WL 2782499,

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office. Pursuant to Federal Rule of Civil Procedure 25(d), Federal Respondent's substitute Secretary for the Department of Homeland Security Kristi Noem for Alejandro Mayorkas.

at *6. Dkt. 12, Response, at pp. 3, 5-6. However, on in Petitioner's Reply, filed on January 26, 2026, Petitioner's Counsel clarified that the petitioner to which the habeas petition applied to was an individual named "Miguel Angel Lopez Esteban." Dkt. 15, Reply, at p. 3. Notably, despite it being *Petitioner's* burden of establishing he is entitled to habeas relief by a preponderance of the evidence, *Davis v. Woodford*, 384 F.3d 628, 638 (9th Cir. 2004), Petitioners' Counsel did not allege Petitioner's full name, nor allege any facts specific to Petitioner "Miguel Lopez," other than he was "issued an NTA on or about December 2025." Dkt. 1, Pet., at p. 4; Dkt. 15, Reply, at p. 3.

Upon further review, Federal Respondents acknowledge that their prior analysis contained in their Response applied to a different individual, not the petitioner that was intended to be named in this case. Federal Respondents therefore request that the Court rely on this Supplemental Memorandum for the relevant analysis as it pertains to Petitioner Miguel Angel Lopez Esteban.

II. DETENTION AUTHORITY AND ARGUMENT

a. Petitioner Miguel Angel Lopez Esteban is Lawfully Detained Pursuant to 8 U.S.C. § 1225(b)

In *Rodriguez Vazquez*, the court granted summary judgment to members of a certified Bond Denial Class, holding that their detention under § 1225(b)(2) was unlawful under the INA. 2025 WL 2782499, at *27. The Court defined the Bond Denial Class to include the following individuals:

All noncitizens without lawful status detained at [NWIPC] 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.

Id. at *6. That decision is presently on appeal. *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, Dkt. 71.

While acknowledging the Court's decision in *Rodriguez Vazquez*, Federal Respondents continue to believe Petitioner Miguel Angel Lopez Esteban 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).

Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the Executive could “expedite removal of aliens lacking a legal basis to remain in the United States.” *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 106 (2020) (“[Congress] crafted a system for weeding out patently meritless claims and expeditiously removing the aliens making such claims from the country.”). The inspection, detention, and removal of aliens who have not been admitted is governed by 8 U.S.C. § 1225. Section 1225 defines an applicant for admission as “[a]n alien present in the United States who has not been admitted or who arrives in the United States” whether or not at a designated port of arrival. 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2)[.]” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) applies to “arriving aliens” and “certain other” noncitizens “initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.” *Id.*; 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii). Separately, Section 1225(b)(2) is “broader” and “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). *Jennings*, 583 U.S. at 287.

Congress has determined that all noncitizens subject to Section 1225(b) are subject to mandatory detention. 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); 8 U.S.C. § 1225(b)(2)(A); *see also Jennings*, 583 U.S. at 299 (interpreting the “plain meaning” of sections 235(b)(1) and (2) to mean that applicants for admission be mandatorily detained for the duration of their immigration proceedings). Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2), the

1 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. Petitioner Miguel Angel Lopez Esteban’s *Rodriguez Vazquez* Bond Denial Class**
14 **Membership**

15 Petitioner Miguel Angel Lopez Esteban seeks habeas relief as members of the *Rodriguez*
16 *Vazquez* Bond Denial Class. Dkt. 1, Petition; Dkt. 15, Reply.

17 As an initial matter, it should be noted that in Petitioner’s Petition, and still in his Reply,
18 Petitioner’s Counsel fails to allege sufficient facts to support a claim of habeas relief. Petitioner
19 claims only that “Petitioner LOPEZ, Miguel was issued an NTA on or around December 2025[,]”
20 and that he is “a native and citizen of Mexico. . . [who] was issued a Notice to Appear on January
21 13, 2026, charging him as removable under INA § 212(a)(6)(A)(i). He has never been admitted
22 or paroled into the United States.” Dkt. 1, Pet., at 4; Dkt. 15, Reply, at p. 3. However, Petitioner’s
23 Counsel provides no other factual specifics or argument as it relates to how the facts she does
24 supply apply to his detention scheme, as a *Rodriguez Vazquez* class member, or otherwise.

1 Petitioner's Counsel thereafter asserts that Petitioner Miguel Angel Lopez Esteban is a *Rodriguez*
2 *Vazquez* class member. This is a conclusory allegation and does not suffice to meet his burden of
3 proof in this case. *See Oosthuizen v. Ashcroft*, 96 F. App'x 494, 495 (9th Cir. 2004) (quoting
4 *James v. Borg*, 24 F.3d 20, 26 (9th Cir. 1994) ("Conclusory allegations which are not supported
5 by a statement of specific facts do not warrant habeas relief.")).

6 Alternatively, while Federal Respondents do not agree with the *Rodriguez Vazquez*
7 decision, they do not oppose Petitioner Miguel Angel Lopez Esteban being considered a member
8 of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation. If the Court were to
9 grant Petitioner Miguel Angel Lopez Esteban's habeas petition, the appropriate relief is not release.
10 Rather, this Court should order the Immigration Judge to provide Petitioner Miguel Angel Lopez
11 Esteban a bond hearing pursuant to 8 U.S.C. §1226(a), consistent with the Court's judgement in
12 *Rodriguez*, 2025 WL 2782499, at *27.

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1 DATED this 28th day of January, 2026.

2 Respectfully submitted,

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15 *I certify that this memorandum contains 1,260*
16 *words, in compliance with the Local Civil Rules*