

District Judge Tiffany M. Cartwright

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

MARIA LOYA-MEDINA,

Petitioner,

v.

KRISTI NOEM, *et al.*,

Respondents.

Case No. 2:26-cv-00125-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted For Consideration:
February 2, 2026

Petitioner seeks habeas relief from her mandatory immigration detention. 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 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).

1 **A. 8 U.S.C. § 1225(b)**

2 Congress established the expedited removal process in 8 U.S.C. § 1225 to ensure that the
3 Executive could “expedite removal of aliens lacking a legal basis to remain in the United States.”
4 *Kucana v. Holder*, 558 U.S. 233, 249 (2010); *see also Dep’t of Homeland Sec. v. Thuraissigiam*,
5 591 U.S. 103, 106 (2020) (“[Congress] crafted a system for weeding out patently meritless claims
6 and expeditiously removing the aliens making such claims from the country.”). The inspection,
7 detention, and removal of aliens who have not been admitted is governed by 8 U.S.C. § 1225.
8 Section 1225 defines an applicant for admission as “[a]n alien present in the United States who
9 has not been admitted or who arrives in the United States” whether or not at a designated port of
10 arrival. 8 U.S.C. § 1225(a)(1). Applicants for admission “fall into one of two categories, those
11 covered by § 1225(b)(1) and those covered by § 1225(b)(2)[.]” *Jennings v. Rodriguez*, 583 U.S.
12 281, 287 (2018).

13 Section 1225(b)(1) applies to “arriving aliens” and “certain other” noncitizens “initially
14 determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation.”
15 *Id.*; 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii). Separately, Section 1225(b)(2) is “broader” and “serves
16 as a catchall provision” that applies to all applicants for admission not covered by Section
17 1225(b)(1) (with specific exceptions not relevant here). *Jennings*, 583 U.S. at 287.

18 Congress has determined that all noncitizens subject to Section 1225(b) are subject to
19 mandatory detention. 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV); 8 U.S.C. § 1225(b)(2)(A); *see also*
20 *Jennings*, 583 U.S. at 299 (interpreting the “plain meaning” of sections 235(b)(1) and (2) to mean
21 that applicants for admission be mandatorily detained for the duration of their immigration
22 proceedings). Regardless of whether a noncitizen falls under Section 1225(b)(1) or (b)(2), the
23 sole means of release is “temporary parole from § 1225(b) detention ‘for urgent humanitarian
24 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

Through this habeas action, Petitioner seeks relief as a member of the Bond Denial Class in *Rodriguez Vazquez*,¹ and as a member of the nationwide Bond Eligible Class in *Maldonado Bautista*.² As mentioned above, the Bond Eligible Class in *Maldonado Bautista* is substantially similar to the Bond Denial Class in *Rodriguez Vazquez*, with *Rodriguez Vazquez* applying more narrowly to noncitizens detained at Northwest ICE Processing Center. Again, Federal Respondents do not agree with the *Rodriguez Vazquez* and *Maldonado Bautista* decisions. However, in the alternative, Federal Respondents do not oppose Petitioner being considered a member of the *Rodriguez Vazquez* Bond Denial Class for purposes of this litigation. Federal Respondents do not believe that

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.

² "**Bond Eligible Class:** All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (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 Department of Homeland Security makes an initial custody determination." *Maldonado Bautista*, 2025 WL 3288403, at *1.

1 Petitioner can be a member of both classes simultaneously, and treating Petitioner as a member of the
2 *Rodriguez Vazquez* Bond Denial Class will afford him the relief that he requests.

3 If the Court were to grant the habeas, the appropriate relief is not release. Rather, this
4 Court should order the Immigration Judge to provide Petitioner a bond hearing pursuant to 8
5 U.S.C. §1226(a), consistent with the Court's judgement in *Rodriguez*, 2025 WL 2782499, at
6 *27.

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8 DATED this 27th day of January, 2026.

9 Respectfully submitted,

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23 *I certify that this memorandum contains 772*
24 *words, in compliance with Local Civil Rules*