

District Judge Tiffany M. Cartwright

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

JOSE VALADEZ HERNANDEZ, *et al.*,

Petitioners,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:26-cv-00165-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
January 22, 2026

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
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1 **A. 8 U.S.C. § 1255(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

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

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

1. Petitioner Jose Valadez Hernandez

On January 15, 2026, the Immigration Judge denied Petitioner Jose Valadez Hernandez’s request for bond due to lack of jurisdiction after determining that Petitioner is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b). Petitioner was also issued an alternate bond

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 order. If the Court were to grant the habeas petition with respect to Petitioner Valadez Hernandez,
2 the appropriate relief would be for the Immigration Judge's alternate order to be put into effect.
3 Accordingly, Petitioner Valadez Hernandez should be released upon payment of the bond amount
4 (\$12,000), as alternately ordered by the Immigration Judge.

5 **2. Petitioner Alexi Velazquez Muñoz**

6 On January 9, 2026, the Immigration Judge denied Petitioner Alexi Velazquez Muñoz's
7 request for bond due to lack of jurisdiction after determining that Petitioner is subject to
8 mandatory detention pursuant to 8 U.S.C. § 1225(b). Petitioner was also issued an alternate bond
9 order. If the Court were to grant the habeas petition with respect to Petitioner Velazquez Muñoz,
10 the appropriate relief would be for the Immigration Judge's alternate order to be put into effect.
11 Accordingly, Petitioner Velazquez Muñoz should be released upon payment of the bond amount
12 (\$10,000), as alternately ordered by the Immigration Judge.

13 **3. Petitioner Guillermina Alonso Hernandez**

14 On January 21, 2026, the Immigration Judge denied Petitioner Guillermina Alonso
15 Hernandez's request for bond due to lack of jurisdiction after determining that Petitioner is subject
16 to mandatory detention pursuant to 8 U.S.C. § 1225(b). Petitioner was also issued an alternate
17 bond order. If the Court were to grant the habeas petition with respect to Petitioner Alonso
18 Hernandez, the appropriate relief would be for the Immigration Judge's alternate order to be put
19 into effect. Accordingly, Petitioner Alonso Hernandez should be released upon payment of the
20 bond amount (\$5,000), as alternately ordered by the Immigration Judge.

21 **4. Petitioners Wenseslao Escamilla Marquez, Miguel Gonzalez Legoretta,**
22 **Rosalba Pineda de Jesus, Eric Pineda De Jesus, and Guillermo Ruiz Arredondo**

23 For Petitioners who have not yet had a bond hearing, or were found mandatorily detained
24 under 8 U.S.C. § 1225(b) and not given an alternate bond order, if the Court were to grant the

1 habeas petitions, the appropriate relief is not release. Rather, this Court should order the
2 Immigration Judge to provide Petitioners a bond hearing pursuant to 8 U.S.C. §1226(a), consistent
3 with the Court's judgement in *Rodriguez*, 2025 WL 2782499, at *27. As of the date of this filing,
4 the following Petitioners have not yet had a bond hearing: Wenseslao Escamilla Marquez, Miguel
5 Gonzalez Legoretta, Rosalba Pineda de Jesus, Eric Pineda De Jesus, and Guillermo Ruiz
6 Arredondo.

7
8 DATED this 21st day of January, 2026.

9 Respectfully submitted,

10 CHARLES NEIL FLOYD
11 United States Attorney

12 s/ Katherine G. Collins

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17 *Attorneys for Federal Respondents*

18 *I certify that this memorandum contains 1,080*
19 *words, in compliance with Local Civil Rules*