

District Judge Ricardo S. Martinez

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

JUAN CARLOS JARAMILLO-CARDENAS,

Petitioner,

v.

MARKWAYNE MULLIN, *et al.*,¹

Respondents.

Case No. 2:26-cv-01734-RSM

FEDERAL RESPONDENT'S
RETURN MEMORANDUM

Noted for Consideration:
June 9, 2026

U.S. Immigration and Customs Enforcement ("ICE") detains Petitioner at the Northwest ICE Processing Center ("NWIPC") pursuant to 8 U.S.C. § 1225(b)(2) following his unlawful re-entry without inspection. As described below, Federal Respondents acknowledge that Petitioner falls within the Bond Denial Class as defined by *Rodriguez Vazquez*. While Federal Respondents do not concede that *Rodriguez Vasquez* was correctly decided, Federal Respondents do not oppose Petitioner being considered a member of the *Rodriguez Vazquez* Bond Denial class for purposes of this litigation.²

¹ Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

² "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(e), § 1225(b)(1), or § 1231 at the time the noncitizen is scheduled for or requests a bond hearing." *Rodriguez Vazquez v. Bostock*, 802 F. Supp. 3d 1297, 1309 (W.D. Wash. 2025).

unpersuasive”); *Hernandez Alvarez v. Warden*, No. 25-14065, 2026 WL 1243395, at *21 (11th Cir. May 6, 2026) (rejecting government’s interpretation of 1225(b)(2)(A)). The sole means of release from detention pursuant to Section 1225(b) is temporary parole ‘for urgent humanitarian reasons or significant public benefit,’ § 1182(d)(5)(A).” *Jennings*, 583 U.S. at 283.

Importantly, however, the release of a noncitizen on a bond prior to July 2025 should not determine whether that person’s current detention is governed by § 1225(b) or § 1226(a). On July 8, 2025, DHS issued a memorandum to ICE employees explaining that DHS had revisited its legal position on detention and release authorities. *Rodriguez*, 802 F. Supp. 3d at 1308. The memorandum defined an “applicant for admission” as “an 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.” *Id.* (citing 8 U.S.C. § 1225(a)(1)). Prior to July 2025, DHS allowed for the discretionary release of noncitizens that fit the definition of an applicant for admission pursuant to 8 C.F.R. § 236.1(c)(8), instead of only utilizing parole.

But the memorandum clarified, “[e]ffective immediately, it is the position of DHS that such aliens are subject to detention under [8 U.S.C. § 1225(b)] and may not be released from ICE custody except by [8 U.S.C. § 1182(d)(5)].” *Id.* Thus, DHS’s prior practice of release on bond for applicants for admission does not mean that those noncitizens are no longer applicants for admissions. *Buenrostro-Mendez*, 166 F.4th at 506 (“While that is true, the government’s past practice has little to do with the statute’s text. The text says what it says, regardless of the decisions of prior Administrations. Years of consistent practice cannot vindicate an interpretation that is inconsistent with a statute’s plain text.”).

Federal Respondents acknowledge that in *Rodriguez Vazquez v. Bostock*, the district 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*, 802 F. Supp. 3d at 1336. That decision is presently on

1 DATED this 4th day of June, 2026.

2 Respectfully submitted,

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15 *I certify that this memorandum contains 1,082*
16 *words, in compliance with Local Civil Rules*