

The Honorable Tiffany M. Cartwright

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

Y.M.M.,

Petitioner,

v.

CAMMILLA WAMSLEY, Seattle Field Office
Director, Enforcement and Removal Operations,
United States Immigration and Customs
Enforcement, *et al.*,

Respondents.

Case No. 2:25-cv-02075-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Pursuant to this Court's Order (Dkt. 8), Federal Respondents submit the following factual background as contained in the records of Petitioner Y.M.M.'s immigration case, as well as the relevant detention authority.

I. DETENTION AUTHORITIES

Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. To warrant a grant of habeas corpus, the petitioner must demonstrate that she is being held in custody in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3).

The apprehension, custody, and detention of individuals in removal proceedings are generally governed by 8 C.F.R. § 236.1, among other regulations. Section 236.1(c)(8) provides that “[a]ny officer authorized to issue a warrant of arrest may, in the officer’s discretion, release an alien . . . provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.” Section 236.1(c)(9) provides for the revocation of such release: “When an alien who, having been arrested and taken into custody, has been released, such release may be revoked at any time in the discretion of the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge (except foreign), in which event the alien may be taken into physical custody and detained.” As has long been recognized by the Board of Immigration Appeals, a senior immigration official’s exercise of discretion to revoke an individual’s release under 8 C.F.R. § 236.1(c)(9) is limited to situations in which there has been a “change in circumstance” since the non-citizen was initially released, *See Matter of Sugay*, 17 I. & N. Dec. 637, 640 (B.I.A. 1981); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. 2017).

II. FACTUAL BACKGROUND

Petitioner Y.M.M. is a native and citizen of Venezuela, who arrived in the United States at or near El Paso, Texas on or about December 30, 2023. Strong Decl., Ex. A (Notice to Appear). On January 2, 2024, the Department of Homeland Security issued her a Notice to Appear, charging her with inadmissibility pursuant to INA § 212(a)(6)(A)(i) as a noncitizen present in the United States without being admitted or paroled. *Id.* At that time, the Department released Petitioner from immigration custody on her recognizance. Dkt. 1, ¶ 24.

DHS arrested Petitioner on or around August 8, 2025, and detained her to the Northwest ICE Processing Center. Strong Decl., Ex. B (Notice of Custody Determination and Warrant for

1 Arrest). Petitioner did not request a bond hearing. *Id.* Petitioner is pursuing an asylum application
2 before the Tacoma Immigration Court. Dkt. 1, ¶ 32. According to the Executive Office of
3 Immigration Review, her next individual hearing is set for November 28, 2025. Strong Decl., Ex. C
4 (EOIR case information).

5 III. CONCLUSION

6 In further response to Dkt. 8, Federal Respondents do not believe that an evidentiary
7 hearing is necessary.

8 DATED this 4th day of November, 2025.

9 Respectfully submitted,

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12 s/ James C. Strong

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17 *Attorneys for Federal Respondents*

18 *I certify that this memorandum contains 501 words,*
19 *in compliance with the Local Civil Rules.*