

District Judge Kimberly K. Evanson  
Chief Magistrate Judge Theresa L. Fricke

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

DAIXON JOSE RAMIREZ TESARA,

Petitioner,

v.

CAMILLA WAMSLEY, Seattle Field Office  
Director, Enforcement and Removal Operations,  
United States Immigration and Customs  
Enforcement (ICE); BRUCE SCOTT, Warden,  
Northwest ICE Processing Center; KRISTI  
NOEM, Secretary, United States Department of  
Homeland Security; PAMELA BONDI, United  
States Attorney General; UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY,

Respondents.

Case No. 2:25-cv-01723-KKE-TLF

FEDERAL RESPONDENTS'<sup>1</sup>  
REPLY

Noted for consideration on:  
November 17, 2025

Nothing in Petitioner's traverse alters the dispositive fact that Petitioner's parole had expired prior to his re-detention and thus he had no constitutional right to a pre-deprivation hearing. Petitioner was detained pursuant to 8 U.S.C. § 1225(b)—a statutory framework the Supreme Court has repeatedly upheld as mandating detention of applicants for admission throughout their removal

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

1 proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 283 (2018); *Demore v. Kim*, 538 U.S. 510, 523  
2 (2003). His release was a discretionary, temporary grant of parole under 8 U.S.C. § 1182(d)(5)(A),  
3 not a continuing liberty entitlement. Petitioner signed paperwork acknowledging that parole would  
4 terminate after one year unless extended and was conditioned on compliance. Once parole expired,  
5 ICE's statutory obligation to re-detain him revived. No constitutional hearing was required.

6       Petitioner's due process theory fails at the threshold because he had no continuing protected  
7 liberty interest after the agreed period of conditional release ended. Conditional immigration  
8 release does not create a constitutionally protected expectation of freedom from custody. Nor are  
9 the present facts analogous to the Petitioner in *E.A.T-B*. See *E.A. T.-B. v. Wamsley*, --- F. Supp. 3d  
10 --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025).

12       In *E.A.T-B.*, the Petitioner was on an order of recognizance (not parole), and his order of  
13 recognizance remained ongoing. Here, parole had lapsed for six months, and Petitioner was  
14 repeatedly placed on notice of violations. Dkt. 3-4. Even setting aside Petitioner's violations,  
15 Petitioner's parole had already expired six months earlier—meaning his return to mandatory  
16 detention was lawful regardless of his compliance with the parole terms that were previously in  
17 place before the parole expired, and the Court need not reach the violation record at all.

19       If the Court wishes to reach the violations, Petitioner's claim that he was unaware of these  
20 violations is contradicted by his own evidence. Compare Dkt. 29-1 with Dkt. 3-10, pgs. 2–10,  
21 (Petitioner states: "It's just that I didn't have cellular data just today I reloaded my line and I just  
22 saw it."). Especially where, three days prior, Intensive Supervision Appearance Program (ISAP)  
23 had explained to Petitioner: "The ISAP office was not able to contact you due to the fact you  
24 weren't able to attend your virtual appointment on 08/11/2025." Further warning: "Ignoring the  
25 attempts at contact from the ISAP office will mean you will be expelled from ISAP and you'll be  
26  
27

1 considered a fugitive...” Dkt. 3-10, pgs. 2-10. These statements squarely refute Petitioner’s  
 2 contention.

3 Indeed, all three *Mathews* factors favor the Government here. The private interest is  
 4 diminished where parole has expired by its terms; the existing procedures are constitutionally  
 5 sufficient where Petitioner was provided notice that his parole was for a defined period; and the  
 6 Government’s interest is at its peak, as Congress foreclosed continued release except through  
 7 temporary parole. Adopting Petitioner’s theory would require hearings every time temporary  
 8 parole expires, destroying parole’s administrability and discouraging DHS from granting it in the  
 9 first instance.  
 10

11 Because Petitioner never possessed a continuing liberty entitlement to remain free where  
 12 his parole expired, and because the record shows he was repeatedly on notice of noncompliance,  
 13 the habeas petition should be denied.

14 DATED this 17th day of November, 2025.

15 Respectfully submitted,

16 CHARLES NEIL FLOYD  
 17 United States Attorney

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*Attorneys for Federal Respondents*

*I certify that this memorandum contains 519 words,  
 in compliance with the Local Civil Rules.*