

District Judge Tiffany M. Cartwright

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

RUBEN MENDEZ DOMINGUEZ, *et al.*,

Petitioners,

v.

LAURA HERMOSILLO, *et al.*,

Respondents.

Case No. 2:25-cv-02337-TMC

FEDERAL RESPONDENTS'
RETURN MEMORANDUM

Noted for Consideration:
December 9, 2025.

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).

1 **A. 8 U.S.C. § 1225(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 and are still weighing their options on how to proceed. 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 Mendez Dominguez

On June 11, 2025, the Immigration Judge denied Petitioner Mendez Dominguez’s request for bond due to lack of jurisdiction after determining that he is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b). *See* Dkt. 1, Petition, ¶ 3. Petitioner was also issued an

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 alternate bond order. *Id.* If the Court were to grant the habeas petition with respect to Petitioner
2 Mendez Dominguez, the appropriate relief would be for the Immigration Judge's alternate order
3 to be put into effect. Accordingly, Petitioner Mendez Dominguez should be released upon
4 payment of the bond amount (\$2,500), as found in the alternate order by the Immigration Judge.
5 *See id.*

6 **2. Petitioner DeLeon Siquina**

7 On November 24, 2025, the Immigration Judge denied Petitioner DeLeon Siquina's
8 request for bond due to lack of jurisdiction after determining that he is subject to mandatory
9 detention pursuant to 8 U.S.C. §1226(a). *See* Collins Decl., Exh. A (IJ Bond Order). In the
10 alternative, the Immigration ordered that Petitioner DeLeon Siquina's request for a change in
11 custody status be denied and no bond be set, based on the finding that Petitioner was a danger to
12 the community and/or a flight risk. *Id.* at 1. Both ICE and Petitioner reserved appeal of this
13 bond decision. *Id.* at 2. If the Court were to grant the habeas petition with respect to Petitioner
14 DeLeon Siquina, the appropriate relief would be for the Immigration Judge's alternative order
15 to be put into effect. Accordingly, Petitioner DeLeon Siquina should remain in custody with no
16 bond, as found in the alternate order by the Immigration Judge. *See id.*

17 **3. Petitioners Fernandez Paz; Gonzalez Hernandez; Sanchez Murillo; Torres**
18 **Orozco; Bernal Bernal; Santaella Vega; and Hernandez Martinez.**

19 If the Court were to grant the habeas petitions with respect to these Petitioners, the
20 appropriate relief is not release. Rather, this Court should order the Immigration Judge to provide
21 Petitioners a bond hearing pursuant to 8 U.S.C. §1226(a), consistent with the Court's judgement
22 in *Rodriguez*, 2025 WL 2782499, at *27.

1 DATED this 5th day of December, 2025

2 Respectfully submitted,

3 CHARLES NEIL FLOYD
4 United States Attorney

5 s/ Katherine G. Collins

6 KATHERINE G. COLLINS, CA #315903

7 Assistant United States Attorney

8 United States Attorney's Office

9 Western District of Washington

10 700 Stewart Street, Suite 5220

11 Seattle, Washington 98101-1271

12 Phone: 206-553-7970

13 Fax: 206-553-4067

14 Email: katherine.collins@usdoj.gov

15 *Attorneys for Federal Respondents*

16 *I certify that this memorandum contains 995*
17 *words, in complaint with the Local Civil Rules.*