

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Uriel MENDOZA ARAIZA,

Petitioner,

v.

Cammilla WAMSLEY, Seattle Field
Office Director, Enforcement and
Removal Operations, U.S. Immigration
and Customs Enforcement (ICE); U.S.
DEPARTMENT OF HOMELAND
SECURITY; EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Bruce
SCOTT, Warden, Northwest ICE
Processing Center,

Respondents.

Case No. 2:25-cv-2139

**PETITION FOR WRIT OF
HABEAS CORPUS**

**INDIVIDUAL
ENFORCEMENT OF
RODRIGUEZ VAZQUEZ BOND
DENIAL CLASS JUDGMENT**

FACTS & BASIS FOR RELIEF

1. Petitioner Uriel Mendoza Araiza brings this petition for a writ of habeas corpus to seek enforcement of his rights as a member of the Bond Denial Class certified in *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. filed Mar. 20, 2025).¹

2. On September 30, 2025, this Court issued a final judgment “declar[ing] that Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2).” *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at *27 (W.D. Wash. Sept. 30, 2025).

3. The Court further declared “that the Tacoma Immigration Court’s practice of denying bond to Bond Denial Class members on the basis of § 1225(b)(2) violates the Immigration and Nationality Act.” *Id.*

4. Petitioner Uriel Mendoza Araiza is a member of the Bond Denial Class, as he:

- (a) does not have lawful status in the United States and is currently detained at NWIPC after being apprehended by U.S. Immigration and Customs Enforcement (ICE) on September 29, 2025, *see* Ex. A;²
- (b) entered the United States without inspection over twenty years ago and was not apprehended upon arrival; *see id.*; and
- (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

5. After apprehending Mr. Mendoza on September 29, the Department of Homeland Security (DHS) placed Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection. *See* Ex. B.

¹ The Bond Denial Class is comprised of “[a]ll noncitizens without lawful status detained at the Northwest ICE Processing Center [NWIPC] 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 Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499, at *6 (W.D. Wash. Sept. 30, 2025).

² All exhibit citations are to the authenticating declaration of Sydney Maltese filed contemporaneously with this petition.

1 6. On October 24, 2025, an IJ denied Petitioner’s bond request based on lack of
2 jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C.
3 § 1225(b)(2)(A). Ex. C.

4 7. In addition, the IJ ruled that Mr. Mendoza is not a *Rodriguez Vazquez* class
5 member because he is subject to mandatory detention under the Laken Riley Act and 8 U.S.C.
6 § 1226(c)(2). *See id.* The reference in the IJ’s bond order to § 1226(c)(2) is really a reference to
7 § 1226(c)(1)(E), as § 1226(c)(2) simply defines the terms referenced in § 1226(c)(1)(E).
8 Subparagraph (c)(1)(E) and paragraph (c)(2) were both added to subsection (c) of § 1226 earlier
9 this year as part of the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025) (LRA or Act).

10 8. The relevant text of the LRA provides that a person who “is inadmissible under
11 paragraph (6)(A), (6)(C), or (7) of section 1182(a) of this title” *and* who “is charged with, is
12 arrested for, is convicted of, admits having committed, or admits committing acts which
13 constitute the essential elements . . . shoplifting” is subject to mandatory detention. 8 U.S.C. §
14 1226(c)(1)(E).

15 9. Mr. Mendoza has a 2006 conviction for shoplifting from Monterey County,
16 California.

17 10. Based on this offense, the IJ concluded § 1226(c)(1)(E) applies.

18 11. That conclusion is contrary to law. Nothing about the LRA indicates that the Act
19 is retroactive, and well-established principles demonstrate it is not.

20 12. The Supreme Court has repeatedly held—including in the immigration context—
21 that “courts read laws as prospective in application unless Congress has unambiguously
22 instructed retroactivity.” *Vartelas v. Holder*, 566 U.S. 257, 266 (2012); *see also I.N.S. v. St. Cyr*,
23 533 U.S. 289, 315–26 (2001) (finding that 1996 amendments to INA did not retroactively
24 eliminate a form of relief from removal for certain lawful permanent residents). A strong
25 presumption against retroactivity exists, because “[e]lementary considerations of fairness dictate
26 that individuals should have an opportunity to know what the law is and to conform their conduct
27 accordingly; settled expectations should not be lightly disrupted.” *Reyes v. Garland*, 11 F.4th

985, 990 (9th Cir. 2021) (quoting *Landgraf v. USI Film Prods.*, 511 U.S. 244, 265 (1994)); *see also id.* (noting the Supreme Court has applied these principles in “several immigration cases”).

13. The LRA contains no text that indicates the Act has a retroactive effect. Moreover, due process strongly weighs against retractive application, given the significant reliance interests individuals like Mr. Mendoza have in not having new consequences attach to their past conduct or to a past decision to reach a plea agreement.

14. Notably, at the October 24 bond hearing, DHS agreed with counsel for Mr. Mendoza that the LRA contains no retroactivity language. *See* Decl. of Stephen Robbins ¶ 12. This is consistent with position that the Department of Justice and DHS have taken in litigation in federal court in other cases. *See* Gov’t’s Supp. Br., *Khamba v. Albarran*, No. 1:25-CV-01227-JLT-SKO (E.D. Cal. Oct. 9, 2025), Dkt. 13 at 1 (“The government does not believe that the LRA applies because it does not include an expressed effective date and therefore is not retroactive.”)

15. Ignoring the caselaw cited above, and despite the Department of Justice’s own position on this matter, the IJ concluded that Mr. Mendoza is subject to § 1226(c)(1)(E). The IJ provided no analysis or reasoning. Robbins Decl. ¶ 13. That conclusion is contrary to law.

16. Because the IJ’s conclusion as to the LRA’s retroactivity has no basis in law, Mr. Mendoza is not subject to detention under § 1226(c)(1)(E) and is a *Rodriguez Vazquez* class member. Respondents are therefore bound by the judgment in *Rodriguez Vazquez*, as it has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).

17. Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioners to unlawful detention despite their clear entitlement to consideration for release on bond as Bond Denial Class members.

18. The Court should expeditiously grant this petition and order that Respondents must release Mr. Mendoza unless he receives a new bond hearing under § 1226(a) within seven days of the Court’s order.

JURISDICTION & VENUE

19. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause). The Court may grant relief pursuant to 28 U.S.C. § 2241; the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*; and the All Writs Act, 28 U.S.C. § 1651.

20. Venue is proper in this District because Petitioner is detained at the Northwest ICE Processing Center (NWIPC) in Tacoma, Washington. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and a substantial part of the events or omissions giving rise to the claims occurred in this District.

PARTIES

21. Petitioner Uriel Mendoza Araiza was apprehended by immigration officers on September 29, 2025, and is currently detained at NWIPC. He is a member of the Bond Denial Class certified in *Rodriguez Vazquez*.

22. Respondent Cammilla Wamsley is the Seattle Field Office Director of ICE's Enforcement and Removal Operation division. As Petitioners' immediate custodian, she is responsible for Petitioners' detention and removal. She is named in her official capacity.

23. Respondent U.S. Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the Immigration and Nationality Act (INA), including the detention and removal of noncitizens.

24. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

25. Respondent Bruce Scott is employed by The Geo Group, Inc., as Warden of the NWIPC, where Petitioners are detained. He has immediate physical custody of Petitioners. He is sued in his official capacity.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Rodriguez Vazquez*

26. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

27. As a member of the Bond Denial Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

28. The judgment in *Rodriguez Vazquez* makes clear that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

29. Respondents are parties to *Rodriguez Vazquez* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

30. By denying Petitioner a bond hearing under § 1226(a) and asserting that Petitioner is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's rights under the INA and this Court's judgment in *Rodriguez Vazquez*.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus and order that Respondents must release Petitioner unless within seven days of the Court's order they administer a bond hearing under 8 U.S.C. § 1226(a). At that hearing, the IJ may not conclude that Mr. Mendoza is subject to 8 U.S.C. § 1226(c) or § 1225(b)(2);
- c. Award Petitioner's attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- d. Grant any other and further relief that this Court deems just and proper.

1 DATED this 30th of October, 2025.

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