

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Marco CANTERO GARCIA, Jose
VILLALVOZO-BENITEZ, Armando
BENITEZ CHAVEZ, Kevin MUNOZ-
QUITERIO, Manuel VILLALBA
CORDOVA,

Petitioners,

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-2092

**PETITION FOR WRIT OF
HABEAS CORPUS**

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

FACTS

1. Petitioners Marco Cantero Garcia, Jose Villalvozo-Benitez, Armando Benitez Chavez, Kevin Munoz-Quiterio, and Manuel Villalba Cordova bring this petition for a writ of habeas corpus to seek enforcement of their rights as members 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.*

Petitioner Marco Cantero Garcia

4. Petitioner Cantero 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 May 19, 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. Cantero on May 19, the Department of Homeland Security (DHS) placed Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has

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 charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who
 2 entered the United States without inspection. *See* Ex. B.

3 6. On August 20, 2025, an IJ denied Petitioner's bond request based on lack of
 4 jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C.
 5 § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ
 6 would have set bond at \$10,000. Ex. C.

7 7. On October 7, 2025, Mr. Cantero filed a motion for reconsideration of his bond
 8 order based on his *Rodriguez Vazquez* class membership. The following day, and
 9 notwithstanding the *Rodriguez Vazquez* declaratory judgment, the IJ denied the motion for
 10 reconsideration, reasoning that there was "no order or injunction requiring the immigration court
 11 to conduct a bond hearing." Ex. D.

12 **Petitioner Jose Villalvozo-Benitez**

- 13 8. Petitioner Villalvozo-Benitez is a member of the Bond Denial Class, as
- 14 (a) does not have lawful status in the United States and is currently detained
 - 15 at NWIPC after being apprehended by U.S. Immigration and Customs
 - 16 Enforcement (ICE) on September 20, 2025, *see* Ex. E;
 - 17 (b) entered the United States without inspection around forty years ago and
 - 18 was not apprehended upon arrival; *see id.*; and
 - 19 (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

20 9. After apprehending Mr. Villalvozo-Benitez on September 20, DHS placed
 21 Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as
 22 being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
 without inspection. *See* Ex. F.

23 10. On October 20, 2025, an IJ denied Petitioner's bond request based on lack of
 24 jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C.
 25 § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ
 26 would have set bond at \$10,000. *See* Ex. G.

Petitioner Armando Benitez Chavez

11. Petitioner Benitez 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 ICE on September 29, 2025, *see* Ex. H;
- (b) entered the United States without inspection nearly twenty 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.

12. After apprehending Mr. Benitez on September 29, 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. I.

13. On October 20, 2025, an IJ denied Petitioner's bond request based on lack of jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ would have set bond at \$10,000. *See* Ex. J.

Petitioner Kevin Munoz-Quiterio

14. Petitioner Munoz-Quiterio 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 ICE on April 30, 2025, *see* Ex. K;
- (b) entered the United States without inspection over twenty-five 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.

15. Mr. Munoz-Quiterio was arrested and initially placed in removal proceedings in 2016. At that time, 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. L. As noted, he was re-arrested in April of this year, and his removal proceedings were transferred to the Tacoma Immigration Court.

16. On July 31, 2025, an IJ denied Petitioner's bond request based on lack of jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The IJ further ruled that Mr. Munoz-Quiterio is a danger to the community and should not be released for this additional reason. *See* Ex. M. Neither the IJ nor DHS argued or suggested that Mr. Munoz-Quiterio is subject to detention under 8 U.S.C. § 1226(c).

17. Mr. Munoz-Quiterio has since filed a notice of appeal to the Board of Immigration Appeals. That appeal remains pending. Ex. N.

Petitioner Manuel Villalba Cordova

18. Petitioner Villalba 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 ICE on July 4, 2025, *see* Ex. O;
- (b) was charged with and was found by the IJ to have 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

19. After apprehending Mr. Villalba on July 4, 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. P.

20. On October 21, 2025, an IJ denied Petitioner's bond request based on lack of jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ would have set bond at \$25,000. *See* Ex. Q.

21. For all Petitioners, Respondents are 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). 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.

22. The Court should expeditiously grant this petition. Because Respondents are not complying with the final declaratory judgment in *Rodriguez Vazquez*, it should order immediate release as to all Petitioners except for Mr. Munoz-Quiterio.

23. In the alternative, for those with alternative bond orders, the Court should order that within one day, Respondent Department of Homeland Security (DHS) must release Petitioners or allow for Petitioners' release upon payment of the alternative bond amount set by the IJs.

24. Finally, as for Mr. Munoz-Quiterio, the Court should order that Respondents must consider him detained under § 1226(a) and that they may not deny his bond appeal or affirm the IJ order on the basis that § 1225(b)(2) detention applies to him.

JURISDICTION & VENUE

25. 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.

26. Venue is proper in this District because Petitioners are 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

27. Petitioner Marco Cantero Garcia was apprehended by immigration officers on May 19, 2025, and is currently detained at NWIPC. He is a member of the Bond Denial Class certified in *Rodriguez Vazquez*.

28. Petitioner Jose Villalvozo-Benitez was apprehended by immigration officers on September 20, 2025, and is currently detained at NWIPC. He is a member of the Bond Denial Class certified in *Rodriguez Vazquez*.

29. Petitioner Armando Benitez Chavez 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*.

30. Petitioner Kevin Munoz-Quiterio was apprehended by immigration officers on April 23, 2025, and is currently detained at NWIPC. He is a member of the Bond Denial Class certified in *Rodriguez Vazquez*.

31. Petitioner Manuel Villalba Cordova was apprehended by immigration officers on July 4, 2025, and is currently detained at NWIPC. He is a member of the Bond Denial Class certified in *Rodriguez Vazquez*.

32. 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.

33. 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.

34. 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.

35. 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.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA:

Request for Relief Pursuant to *Rodriguez Vazquez*

36. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

37. As members of the Bond Denial Class, Petitioners are entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

38. 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.

39. 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).

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

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus and order the immediate release of Petitioners with alternative bond orders;
- c. Alternatively, issue a writ of habeas corpus requiring that within one day, Respondents release Petitioners with alternative bond orders unless they allow for those Petitioners' release upon payment of the alternative bond amount and any other conditions set by the IJs;
- d. Issue a writ of habeas corpus as to Petitioner Kevin Munoz-Quiterio requiring Respondents to consider him detained under 8 U.S.C. § 1226(a) and ordering that they may not deny his bond appeal or affirm the IJ order on the basis that 8 U.S.C. § 1225(b)(2) detention applies to him;
- e. Award Petitioners 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
- f. Grant any other and further relief that this Court deems just and proper.

1 DATED this 24th of October, 2025.

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