

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Angel Romulo DEL VALLE CASTILLO, Jose
Antonio DE LA CRUZ GONZALEZ, Marta
ESCALANTE PEREZ, Rebeca Esther
MORALES FUENMAYOR, Edwin Ramiro
MATIAS CALMO,

Petitioners,

v.

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

Respondents.

Case No. 2:25-cv-2054

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioners Angel Romulo Del Valle Castillo, Jose Antonio De La Cruz Gonzalez, Marta Escalante Perez, Rebeca Esther Morales Fuenmayor, Edvin Ramiro Matias Calmo, and Hector Ramirez Garcia are in the physical custody of Respondents at the Northwest Immigration and Customs Enforcement (ICE) Processing Center (NWIPC).

2. All six petitioners are unlawfully detained pursuant to mandatory detention policies recently adopted by the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR).

3. Four of the six petitioners first entered as children before later being released with family or to sponsors.

4. All Petitioners are individuals who initially entered without admission or parole, were apprehended, and were then released. They all subsequently have lived in this country for years prior to their most recent arrest. Despite that fact, DHS and EOIR deem Petitioners subject to mandatory detention as “applicants for admission” who are “seeking admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

5. As a result of ICE’s and EOIR’s policies, Petitioners have been denied release on bond.

6. In a certified class action pending before this Court, this Court has already declared Respondents’ bond denial policy unlawful and issued a final declaratory judgment against Defendants in that case. *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Respondents in this case are all Defendants in *Rodriguez Vazquez*. Yet despite the declaratory judgment in *Rodriguez Vazquez*, Respondents are continuing to apply *Matter of Yajure Hurtado* to class members.

7. Petitioners are class members of the certified class in *Rodriguez Vazquez* because their most recent apprehension did not occur upon arrival in the United States, but instead years later. *See Rodriguez Vazquez v. Bostock*, 349 F.R.D. 333, 365 (W.D. Wash. 2025) (certifying class of individuals who were not “apprehended upon arrival,” among other requirements).

8. Even if Petitioners are not considered class members in *Rodriguez Vazquez*, their detention based on § 1225(b)(2) violates the plain language of the Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioners, who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. Indeed, § 1226(a) expressly applies to people who, like Petitioners, are charged as inadmissible for having entered the United States without admission or parole.

9. Accordingly, Petitioners seek a writ of habeas corpus. For the two petitioners for whom the Tacoma immigration judges (IJs) set an “alternative bond” amount after denying bond based on § 1225(b)(2)(A), Petitioners seek an order requiring DHS to immediately release them once bond is posted. The remaining two Petitioners seek an order requiring their release unless Respondents provide a bond hearing under § 1226(a) within seven days.

JURISDICTION

10. Petitioners are in the physical custody of Respondents. Petitioners are detained at the NWIPC.

11. 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).

12. This 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.

VENUE

13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Western District of Washington, the judicial district in which Petitioners are currently detained.

14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Western District of Washington.

REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

16. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

17. Petitioner Angel Romulo Del Valle Castillo is a 19-year-old noncitizen from Guatemala who was arrested by ICE on August 8, 2025. He is detained at NWIPC.

18. Petitioner Jose Antonio De La Cruz Gonzalez is a 20-year-old noncitizen from Mexico who was arrested by ICE on August 22, 2025. He is detained at NWIPC.

1 19. Petitioner Marta Escalante Perez is a 28-year-old noncitizen from Guatemala who
2 was arrested by ICE on August 7, 2025. She is detained at NWIPC.

3 20. Petitioner Rebeca Esther Morales Fuenmayor is 32-year-old noncitizen from
4 Venezuela who was arrested by ICE on July 18, 2025. She is detained at NWIPC.

5 21. Petitioner Edwin Ramiro Matias Calmo is a 24-year-old noncitizen from
6 Guatemala who was arrested by ICE on October 4, 2025. He is detained at NWIPC.

7 22. Petitioner Hector Ramirez Garcia is a 23-year-old noncitizen from Guatemala
8 who was arrested by Customs and Border Protection (CBP) on October 6, 2025. He is detained at
9 NWIPC.

10 23. Respondent Cammilla Wamsley is the Director of the Seattle Field Office of
11 ICE's Enforcement and Removal Operations division. As such, Ms. Wamsley is Petitioners'
12 immediate custodian and is responsible for their detention and removal. She is named in her
13 official capacity.

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

17 25. Respondent Department of Homeland Security (DHS) is the federal agency
18 responsible for implementing and enforcing the INA, including the detention and removal of
19 noncitizens.

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

LEGAL FRAMEWORK

27. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

29. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission, as provided in § 1225(b)(2).

30. Last, the INA also provides for the detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

31. This case concerns DHS’s detention authority under § 1226(a) and § 1225(b)(2).

32. As an initial matter, Petitioners are class members of the certified class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240 (W.D. Wash.). As a result, they are considered detained under § 1226(a) as a matter of law.

33. The class in *Rodriguez Vazquez* is defined as “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 Vazquez*, 349 F.R.D. at 365.

1 34. Petitioners initially entered without inspection and are not subject to detention
2 under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

3 35. In each of their cases, Petitioners entered without admission or parole, and while
4 they were initially apprehended shortly after arrival, they were thereafter released. Given their
5 release following apprehension, they are not challenging the statutory authority of that initial
6 detention. Petitioners have since resided in the United States for years without formal legal
7 status.

8 36. Instead, Petitioners now contest Respondents’ application of § 1225(b)(2) to their
9 most recent arrest, after they have been residing for years in the United States.

10 37. Because Petitioners’ most recent detention was not “upon arrival,” they are
11 *Rodriguez Vazquez* class members. The relevant apprehension for class membership purposes is
12 the most recent apprehension. As many courts have recognized, those who enter without
13 admission or parole, are apprehended and released shortly thereafter, and are later re-arrested
14 after residing in the United States, are like all other class members in that § 1226(a)’s detention
15 authority plainly covers them and they cannot be said to be seeking admission. *See infra* ¶ 54.
16 Accordingly, the most recent apprehension determines whether a person can be lawfully detained
17 under § 1225(b)(2)(A). Because Petitioners were most recently detained years after their entry
18 and not upon arrival, they are class members and cannot be considered subject to
19 § 1225(b)(2)(A)’s authority.

20 38. Moreover, even if Petitioners were not *Rodriguez Vazquez* class members, they
21 would still be subject to detention under 8 U.S.C. § 1226(a), not § 1225(b)(2).

22 39. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
23 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
24 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section

1 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No.119-1, 139
2 Stat. 3 (2025).

3 40. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
4 that, in general, people who entered the country without admission or parole were not considered
5 detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and
6 Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
7 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

8 41. Thus, in the decades that followed, nearly everyone who entered without
9 admission or parole and were placed in standard removal proceedings received bond hearings,
10 unless their criminal history rendered them ineligible. That practice was consistent with many
11 more decades of prior practice, in which noncitizens who were not deemed “arriving” were
12 entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994);
13 *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
14 detention authority previously found at § 1252(a)).

15 42. In the last few months, Respondents have upended this decades-long practice.

16 43. On July 8, 2025, ICE issued a new policy entitled “Interim Guidance Regarding
17 Detention Authority for Applicants for Admission,” claiming that all persons who entered the
18 United States without admission or parole shall now be deemed “applicants for admission” under
19 8 U.S.C. § 1225, and therefore are subject to mandatory detention under § 1225(b)(2)(A).

20 44. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure*
21 *Hurtado*. There, the Board held that all noncitizens who entered the United States without
22 admission or parole are considered applicants for admission who are seeking admission and are
23 ineligible for IJ bond hearings.

1 45. Dozens of federal courts have rejected Respondents' new interpretation of the
2 INA's detention authorities.

3 46. Notably, long before ICE or the BIA changed its position nationwide, IJs in the
4 Tacoma, Washington, immigration court stopped providing bond hearings for persons who
5 entered the United States without admission or parole and who have since resided here. This
6 Court held that such a reading of the INA is unlawful and that § 1226(a), not § 1225(b), applies
7 to members of the Bond Denial Class in that case. *See Rodriguez Vazquez*, 2025 WL 2782499.

8 47. Court after court has adopted the same reading of the INA's detention authorities
9 and rejected ICE's new policy and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No.
10 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No.
11 CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v.*
12 *Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025),
13 *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133
14 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL
15 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025
16 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW
17 (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM,
18 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025
19 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF,
20 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-
21 JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-
22 KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051
23 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v.*
24 *Raycraft*, No. 2:25-cv-12486-BRM-EAS, --- F. Supp. 3d ----, 2025 WL 2496379 (E.D. Mich.

Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Jimenez v. FCI Berlin*, Warden, 25-CV-326-LM-AJ, --- F.Supp.3d ----, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Aceros v. Kaiser*, 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Pablo Sequen v. Kaiser*, No. 25-CV-06487-PCP, 2025 WL 2650637 (N.D. Cal. Sept. 16, 2025); *Maldonado Vazquez v. Feeley*, 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Hasan v. Crawford*, No. 1:25-CV-1408 (LMB/IDD), --- F. Supp. 3d. ----, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Choglllo Chafila v. Scott*, 2:25-CV-00437-SDN, 2025 WL 2688541 (D. Me. Sept. 21, 2025); *Belsai v. Bondi*, No. 25-CV-3682 (KMM/EMB), 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Cerritos Echevarria v. Bondi*, No. CV-25-03252-PHX-DWL (ESW), 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Buenrostro-Mendez v. Bondi*, No. CV H-25-3726, 2025 WL 2886346 (S.D. Tex. Oct. 7, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228 JLT SAB, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

48. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioners.

1 49. Subsection 1226(a) applies by default to all persons “pending a decision on
2 whether the [noncitizen] is to be removed from the United States.” These removal hearings are
3 held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

4 50. The text of § 1226 also explicitly applies to people charged as being inadmissible,
5 including those who entered without admission or parole. *See* 8 U.S.C. § 1226(c)(1)(E).
6 Subparagraph (E)’s reference to such people makes clear that, by default, such people are
7 afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained,
8 “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent
9 those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257
10 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

11 51. Section 1226 therefore leaves no doubt that it applies to people who face charges
12 of being inadmissible to the United States, including those who are present without admission or
13 parole.

14 52. By contrast, § 1225(b) applies only to people arriving at U.S. ports of entry or, at
15 most, to those who recently entered the United States. The statute’s entire framework is premised
16 on inspections at the border of people who are “seeking admission” to the United States. 8
17 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention
18 scheme applies “at the Nation’s borders and ports of entry, where the Government must
19 determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v.*
20 *Rodriguez*, 583 U.S. 281, 287 (2018).

21 53. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
22 people like Petitioners, who have already entered, were released, and have since been residing in
23 the United States at the time they were most recently apprehended.

54. Notably, many of the cases cited above involve facts similar to this one, where the noncitizens were initially apprehended, released soon thereafter, resided in the United States for many years, and have since be re-arrested. As those courts have explained, § 1226(a) remains the detention authority for such individuals. *See, e.g., Gomes*, 2025 WL 1869299; *Diaz Martinez*, 2025 WL 2084238; *Rosado*, 2025 WL 2337099; *Lopez Benitez*, 2025 WL 2371588; *Maldonado*, 2025 WL 2374411; *Romero*, 2025 WL 2403827; *Samb*, 2025 WL 2398831; *Ramirez Clavijo*, 2025 WL 2419263; *Jimenez*, 2025 WL 2639390; *Sampiao*, 2025 WL 2607924; *Aceros*, 2025 WL 2637503; *Pablo Sequen*, 2025 WL 2650637; *Hasan*, 2025 WL 2682255; *Ortiz Donis*, 2025 WL 2879514.

FACTS

Angel Romulo Del Valle Castillo

55. Petitioner Angel Romulo Del Valle Castillo initially entered the United States without being inspected or admitted on April 5, 2022, and was arrested by CBP. At the time, he was 15 years old and was processed as an unaccompanied minor. Ex. A.¹

56. Mr. Del Valle Castillo was transferred to the custody of the Office of Refugee Resettlement (ORR) and released shortly thereafter. Ex. B.

57. Since his release from ORR custody years ago, Mr. Del Valle Castillo has resided in the United States without lawful status.

58. After his initial apprehension, DHS never filed a Notice to Appear before EOIR commencing removal proceedings against Mr. Del Valle Castillo.

59. On August 8, 2025, DHS arrested Mr. Del Valle Castillo at his place of work. He is now detained at NWIPC. Ex. A.

¹ All exhibit citations are to the exhibits included with the declaration of Sydney Maltese, which Petitioners have filed concurrently with the petition for writ of habeas corpus.

1 60. ICE placed Mr. Del Valle Castillo in removal proceedings before the Tacoma
2 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible
3 under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission
4 or parole at an unknown place and an unknown time. Ex. C.

5 61. On October 8, 2025, a Tacoma IJ issued a decision holding that the court lacked
6 jurisdiction to conduct a bond redetermination hearing because Mr. Del Valle Castillo was an
7 applicant for admission seeking admission under § 1225(b)(2)(A). Ex. D.

8 62. As a result, Mr. Mr. Del Valle Castillo remains in detention. Without relief from
9 this court, he faces the prospect of months, or even years, in immigration custody.

10 **Jose Antonio De La Cruz Gonzalez**

11 63. Petitioner Jose Antonio De La Cruz Gonzalez initially entered the United States
12 without being inspected or admitted on August 6, 2017, with his family. He and his family were
13 processed through the expedited removal scheme at 8 U.S.C. § 1225(b)(1), found to have a
14 credible fear, and released from detention. They were released from detention within days of
15 their entry. Ex. E.

16 64. Since his release from DHS custody years ago, Mr. De La Cruz Gonzalez has
17 resided in the United States without lawful status.

18 65. In June 2024, an IJ dismissed Mr. De La Cruz Gonzalez's removal proceedings
19 without prejudice. Ex. E.

20 66. On August 22, 2025, ICE re-arrested Mr. De La Cruz Gonzalez. He is now
21 detained at NWIPC. Ex. E.

22 67. ICE placed Mr. De La Cruz Gonzalez in removal proceedings before the Tacoma
23 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible
24

1 under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission
2 or parole at an unknown place and an unknown time. Ex. F.

3 68. On October 6, 2025, a Tacoma IJ issued a decision holding that the court lacked
4 jurisdiction to conduct a bond redetermination hearing because Mr. De La Cruz Gonzalez was an
5 applicant for admission seeking admission under § 1225(b)(2)(A). The IJ set an alternative bond
6 amount of \$7,500. Ex. G.

7 69. As a result of the IJ's order, Mr. De La Cruz Gonzalez remains in detention.
8 Without relief from this court, he faces the prospect of months, or even years, in immigration
9 custody.

10 **Marta Escalante Perez**

11 70. Petitioner Marta Escalante Perez initially entered the United States without being
12 inspected or admitted on October 24, 2015. She was released shortly thereafter, after having been
13 placed in removal proceedings. Ex. H. At the time, she was 18 years.

14 71. Since her release from DHS custody years ago, Ms. Escalante Perez has resided in
15 the United States without lawful status.

16 72. In January 2023, an IJ dismissed Ms. Escalante Perez's removal proceedings
17 without prejudice. Ex. I.

18 73. On August 7, 2025, ICE re-arrested Ms. Escalante Perez. She is now detained at
19 NWIPC. Ex. I.

20 74. ICE placed Ms. Escalante Perez in removal proceedings before the Tacoma
21 Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged her with being inadmissible
22 under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission
23 or parole at an unknown place and an unknown time. Ex. J.

1 75. On October 8, 2025, a Tacoma IJ issued a decision holding that the court lacked
2 jurisdiction to conduct a bond redetermination hearing because Ms. Escalante Perez was an
3 applicant for admission seeking admission under § 1225(b)(2)(A). Ex. K.

4 76. As a result of the IJ's order, Ms. Escalante Perez remains in detention. Without
5 relief from this court, she faces the prospect of months, or even years, in immigration custody.

6 **Rebeca Esther Morales Fuenmayor**

7 77. Petitioner Rebeca Esther Morales Fuenmayor initially entered the United States
8 without being inspected or admitted on May 30, 2024. She was released shortly thereafter, after
9 having been placed in removal proceedings. Ex. L.

10 78. ICE placed Ms. Morales Fuenmayor in removal proceedings before the Portland
11 Immigration Court pursuant to 8 U.S.C. § 1229a. At the time, ICE has charged her with being
12 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States
13 without admission or parole. Ex. M.

14 79. On July 18, 2025, ICE re-arrested Ms. Morales Fuenmayor. She is now detained
15 at NWIPC and her removal proceedings have since been transferred to the Tacoma Immigration
16 Court. Ex. L.

17 80. On August 25, 2025, a Tacoma IJ issued a decision holding that the court lacked
18 jurisdiction to conduct a bond redetermination hearing because Ms. Morales Fuenmayor was an
19 applicant for admission seeking admission under § 1225(b)(2)(A). The IJ set an alternative bond
20 amount of \$7,500. Ex. N.

21 81. As a result of the IJ's order, Ms. Morales Fuenmayor remains in detention.
22 Without relief from this court, she faces the prospect of months, or even years, in immigration
23 custody.

Edvin Ramiro Matias Calmo

82. Petitioner Edvin Ramiro Matias Calmo initially entered the United States without being inspected or admitted in April 2018, and was arrested by CBP. At the time, he was 16 years old and was processed as an unaccompanied minor. Ex O. He was placed in removal proceedings.

83. Mr. Matias Calmo was transferred to the custody of the Office of Refugee Resettlement and released shortly thereafter. Ex. P.

84. Since his release from ORR custody years ago, Mr. Matias Calmo has resided in the United States without lawful status.

85. In January 2025, Mr. Matias Calmo's removal proceedings were dismissed. Ex. Q.

86. Nevertheless, on October 4, 2025, ICE re-arrested Mr. Matias Calmo. He is now detained at NWIPC. Ex. O.

87. Following his October 2025 arrest, ICE placed Mr. Matias Calmo in removal proceedings before the Tacoma Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole at an unknown place and an unknown time. Ex. R.

88. On October 17, 2025, a Tacoma IJ issued a decision holding that the court lacked jurisdiction to conduct a bond redetermination hearing because Mr. Matias Calmo was an applicant for admission seeking admission under § 1225(b)(2)(A). Ex. S.

89. As a result of the IJ's order, Mr. Matias Calmo remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody.

1 **Hector Ramirez Garcia**

2 90. Petitioner Hector Ramirez Garcia initially entered the United States without being
3 inspected or admitted in July 2018 and was arrested by CBP. At the time, he was 16 years old
4 and was processed as an unaccompanied minor. Ex. T. He was placed in removal proceedings.

5 91. Since his release from ORR custody years ago, Mr. Ramirez Garcia has resided in
6 the United States without lawful status. In 2021, he was granted Special Immigrant Juvenile
7 status, which provides a pathway to lawful permanent resident status.

8 92. In December 2021, Mr. Ramirez Garcia's removal proceedings were dismissed.
9 Ex. U.

10 93. Nevertheless, on October 6, 2025, CBP re-arrested Mr. Ramirez Garcia during a
11 traffic stop in Montana. He is now detained at NWIPC.

12 94. Following his October 2025 arrest, ICE placed Mr. Ramirez Garcia in removal
13 proceedings before the Tacoma Immigration Court pursuant to 8 U.S.C. § 1229a. Upon
14 information and belief, ICE has charged him with being inadmissible under 8 U.S.C. §
15 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole at an
16 unknown place and an unknown time. Ex. V.

17 95. Mr. Ramirez Garcia has not yet had a bond hearing. However, he will be denied
18 relief based on the decision in *Matter of Yajure Hurtado*. Without relief from this court, he faces
19 the prospect of months, or even years, in immigration custody.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

Request for Relief Pursuant to *Rodriguez Vazquez* Declaratory Judgment

96. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

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

98. 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.

99. 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).

100. 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 final judgment in *Rodriguez Vazquez*.

COUNT II

Violation of INA

Unlawful Detention under § 1225(b)(2)(A)

101. Petitioners incorporate by reference the allegations of fact set forth in paragraphs 1–95.

102. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by

Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

103. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates the INA.

COUNT III
Violation of Due Process

104. Petitioners incorporate by reference the allegations of fact set forth in paragraphs 1–95.

105. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

106. Petitioners have a fundamental interest in liberty and being free from official restraint.

107. The government’s detention of Petitioners without a bond redetermination hearing to determine whether they are a flight risk or danger to others violates their right to due process.

PRAYER FOR RELIEF

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

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus clarifying that the statutory basis for all Petitioners’ detention is 8 U.S.C. § 1226(a) and that 8 U.S.C. § 1225(b)(2)(A) does not apply to Petitioners;

- c. For the Petitioners who received a hearing where the IJ set an alternative bond amount, issue a writ of habeas corpus requiring Respondents to release those individuals immediately upon posting of that bond amount;
- d. For the Petitioners who have not yet received a hearing, issue a writ of habeas corpus requiring that Respondents release those Petitioners unless Respondents provide those Petitioners with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days;
- e. Declare ICE’s July 8 policy and the BIA’s *Matter of Yajure Hurtado* decisions unlawful;
- f. 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
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 21st of October, 2025.

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