UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Angel Romulo DEL VALLE CASTILLO et. al,

Petitioners,

v.

Cammilla WAMSLEY, et al.,

Respondents.

Case No. 2:25-cv-2054

EX PARTE MOTION TO ISSUE ORDER TO SHOW CAUSE

Note on Motion Calendar:
October 21, 2025

INTRODUCTION

Petitioners are six noncitizens who entered the United States without admission or parole, were arrested and released shortly thereafter. Four of the six petitioner were minors when they first entered this country and were later released to family or sponsors. All Petitioners have since resided in the United States for years. Each was recently re-apprehended, but each has been denied the opportunity to be considered for release on bond because Respondents consider them subject to the mandatory detention provisions of 8 U.S.C. § 1225(b)(2)(A). However, as this Court and as courts throughout the country have recognized in recent months, Petitioners are subject to detention under 8 U.S.C § 1226(a) and should be considered for release on bond. *See* Pet. ¶¶ 47, 54.

Petitioners are also members of the certified Bond Denial Class in *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash. filed Mar. 20, 2025). On September 30, 2025, this Court entered final judgment declaring all Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus entitled to a bond hearing before an immigration judge (IJ). *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025). Despite that ruling, Petitioners remain detained because of Respondents' outright refusal to comply with the judgment and continuation of a policy already found unlawful by the Court.

Respondents may contend that Petitioners are not class members of *Rodriguez Vazquez* because they were initially arrested shortly after entering the country. But that is not the detention at issue, as each Petitioner was released and has lived for years in the United States before being re-detained. Petitioners contest the statutory basis of their current detention—not the initial detention. Regardless, that question is a simple one to resolve. Moreover, even if they were found not to be class members, the question presented here is no different that the one in *Rodriguez Vazquez*, as court after court has acknowledged. Accordingly, Petitioners respectfully request that the Court issue an order to show cause requiring Respondents to explain, within seven days, why each Petitioner is not a member of the Bond Denial Class and even if not, why Petitioners should not be considered detained under § 1226(a).

ARGUMENT

I. The Court should issue an order to show cause requiring an expeditious return from Respondents.

Habeas "is a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963), *overruled on other grounds by Wainwright v. Sykes*, 433 U.S. 72 (1977). The requirement for an expeditious remedy is codified by statute: once the court entertains an application, it "shall forthwith award the writ or issue an order directing the respondent to show cause," set a prompt return, and hold a hearing no more than five days after the return. 28 U.S.C. § 2243. These requirements ensure that courts "summarily hear and

determine the facts, and dispose of the matter as law and justice require." *Id.* Indeed, the Supreme Court has criticized the use of "comparatively cumbersome and time consuming procedure[s]" to decide habeas petitions, emphasizing the "more expeditious method . . . prescribed by the statute." *Holiday v. Johnston*, 313 U.S. 342, 353 (1941).

Expeditious consideration is particularly appropriate here because the Court has already resolved the controlling legal issue for these parties: it has declared that § 1226(a) governs the detention of Bond Denial Class members and that Respondents' bond denial policy is unlawful. *Rodriguez Vazquez*, 2025 WL 2782499, at *27. Moreover, even if the Court concludes Petitioners are not class members, court after court has recognized that Petitioners' cases present the same legal analysis as that in *Rodriguez Vazquez*. Accordingly, Respondents should be required to file a return within seven days, upon which the Court should promptly issue a decision on the merits of the petition.

Consistent with this Court's longstanding practice and to facilitate expedited relief, Petitioner respectfully requests that the Court effectuate service of the petition on Respondents.[1] If the Court then determines that Petitioners are a Bond Denial Class member, it should grant the petition "forthwith." 28 U.S.C. § 2243.

II. Petitioners are *Rodriguez Vazquez* Bond Denial Class members.

The Bond Denial 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 v. Bostock*, 349

[1] Service by the Court is also consistent with the practice in habeas proceedings under 28 U.S.C. §§ 2254 and 2255. *See* U.S. Courts, Rules Governing Section 2254 Cases and Section 2255 Proceedings (Dec. 1, 2019), at 3 ("In every case, the clerk must serve a copy of the petition and any order on the respondent . . . ."); *id.* at 9 ("The clerk must then deliver or serve a copy of the motion on the United States attorney in that district, together with a notice of its filing."). Furthermore, Federal Rule of Civil Procedure 4(c)(3) permits a plaintiff proceeding in forma pauperis to request service of a complaint and summons by a person appointed by the Court.

F.R.D. 333, 365 (W.D. Wash. 2025). Petitioners satisfy these requirements. Each entered the United States without inspection and each cannot be considered detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

Petitioners also satisfy the second requirement for class membership. The arrest and custody challenged by Petitioners is their subsequent arrest, after having long resided in the United States. Thus, all Petitioners were "not apprehended upon arrival" when most recently arrested. Like all other class members, each has been residing in the United States for years, often after removal proceedings were dismissed. They are thus similarly situated to all other class members in that they are not individuals who are "seeking admission" within the meaning of § 1225(b)(2); instead, they are individuals who entered without admission or parole, did not seek admission at that time, lack legal status, and have since built lives in this country.

Petitioners do not challenge the statutory basis for their detention when they initially entered the United States. The most recent apprehension is what matters for class membership purposes because of the structure of § 1225(b)(2) and who that statute encompasses. As the Bond Denial Class argued in *Rodriguez Vazquez*—and as the Court recognized—the Supreme Court has explained that § 1225(b)(2) detention is "part of a process that 'generally begins at the Nation's borders and ports of entry, where the Government must determine whether an alien seeking to enter the country is admissible.'" *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC, --- F. Supp. 3d. ----, 2025 WL 2782499, at *23 (W.D. Wash. Sept. 30, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018)). In addition, as the Court observed, § 1225(b)(2)'s language requires that "a noncitizen must be engaged in an ongoing process—or any affirmative act for that matter—towards admission to trigger the provision's mandatory detention scheme." *Id.* at *22 (citation modified). But for Petitioners, these requirements are not satisfied. Instead, Petitioners were briefly arrested and released after entry, did not seek formal admission, and were then allowed to enter the United States without lawful status. *See id.* at *21 (noting that Bond Denial Class members are those who "were not apprehended while arriving at the border, but rather were arrested while residing in the United States" (emphasis omitted)).

Indeed, in many cases, their proceedings were later dismissed, placing them in the exact same situation as any other person who entered without admission or parole and who were not apprehended.

Petitioners acknowledge the class definition excludes those who enter without inspection, are arrested upon arriving, and are placed in § 1229a proceedings while remaining detained. Those individuals fit within § 1225(b)'s processing and inspection scheme for people arriving at the border or ports of entry, and can properly be said to be in the "ongoing process," *id.* at *22, of "seeking admission," 8 U.S.C. § 1225(b)(2)(A). *See Rodriguez Vazquez*, 2025 WL 2782499, at *21 (discussing *Florida v. United States*, 660 F. Supp. 3d 1239 (N.D. Fla. 2023)). But where, as here, DHS releases a person following entry (and thus chooses not to invoke that detention authority), a subsequent re-detention is under the authority of § 1226(a) for persons who entered without admission or parole, *see* 8 U.S.C. § 1226(c)(1)(E); *Rodriguez Vazquez*, 2025 WL 2782499, at *17, and who are now "already in the country," *Jennings*, 583 U.S. at 289.

CONCLUSION

For the reasons above, and in light of the Court's final judgment in *Rodriguez Vazquez*, Petitioners respectfully request that the Court immediately effectuate service of the petition on Respondents and require Respondents' return within seven days.

Respectfully submitted this 21st day of October, 2025.

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I certify this motion contains 1,491 words in compliance with the Local Civil Rules.

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