The Honorable Tiffany M. Cartwright

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-TMC

PETITIONERS' REPLY IN SUPPORT OF WRIT OF HABEAS CORPUS

INTRODUCTION

The Bond Denial Class definition, by its plain language, looks to the operative, present detention to determine whether its members "*are* . . . apprehended upon arrival" and subject to another detention authority "*at the time* the noncitizen is scheduled for or requests a bond hearing." *Rodriguez Vazquez v. Bostock*, 349 F.R.D. 333, 365 (W.D. Wash. 2025) (emphases added). Respondents' insistence on focusing on Petitioners' initial, years-old apprehension as the operative event for determining their current detention authority unnecessarily limits the class. The question is not whether they were subject to detention under 8 U.S.C. § 1225(b)(2)(a) at the time they were initially detained after entering without admission, but rather, whether they were seeking admission (and thus subject to § 1225(b)(2)(a)) at the time of their re-detention years

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later. And even apart from class status, the same statutory analysis confirms § 1226(a) governs Petitioners' current custody and entitles them to bond consideration.

Additionally, meaningful relief for Petitioner Hector Ramirez Garcia requires restoring the status quo ante. If the Court grants a writ of habeas corpus for Petitioners, the order should also direct Mr. Ramirez Garcia's return to the Northwest ICE Processing Center (NWIPC) so that he can work with his counsel and meaningfully access his right to a bond hearing under § 1226(a).

ARGUMENT

I. Petitioners Del Valle Castillo, Morales Fuenmayor, Matias Calmo, and Ramirez Garcia are entitled to relief under *Rodriguez Vazquez* as members of the Bond Denial Class.

The plain language of the Bond Denial Class definition uses the present tense—"*are* not apprehended upon arrival"—and looks to the detention authority "*at the time* the noncitizen is scheduled for or requests a bond hearing." *Rodriguez Vazquez*, 349 F.R.D. at 365 (emphases added). Read together, those phrases necessarily tie the question of detention authority to the Petitioners' present detention. That construction follows directly from the text and posture of these cases: Petitioners seek to be released on bond from their current detention—they are not challenging their initial apprehensions years ago. Respondents' approach departs from a "strict[]" or "precise" construction of the class definition, urging the Court to "only consider Petitioners' apprehension when entering the United States" to determine class membership. Dkt. 16 at 13 (citation omitted).

The Court's statutory analysis in the *Rodriguez Vazquez* judgment further supports looking to Petitioners' present detention as the operative trigger for purposes of class membership. In analyzing the phrase "seeking admission" in 8 U.S.C. § 1225(b)(2)(A), the Court reasoned "that a noncitizen must be engaged in an 'ongoing process'—or any affirmative act for

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that matter—towards 'admission' to trigger the provision's mandatory detention scheme." *Rodriguez Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, --- F. Supp. 3d ----, 2025 WL 2782499 at *22 (W.D. Wash. Sept. 30, 2025). While Petitioners may have been "seeking admission" when apprehended upon their initial entry, they were all released thereafter and were living in the United States at the time of re-detention. *See* Dkt. 1 ¶¶ 55–95. With respect to their *current* detention, none of them were apprehended at or near the border shortly after arriving. *Id.* In other words, at the time of the detention that gave rise to their bond requests, they "made no attempts to be admitted." *Rodriguez Vazquez*, 2025 WL 2782499 at *22. To consider only initial apprehensions at the border would require the Court to construe Petitioners to be in a "perpetual state of 'seeking admission'"—a notion it has already correctly rejected. *Id.*

With the exception of Mr. De La Cruz Gonzalez, Respondents do not contest that the Bond Denial Class would encompass Petitioners if the Court were to examine their *present* detention and not only their initial apprehension at or near the border. *See* Dkt. 16 at 12–13. Indeed, their submissions confirm that the four Petitioners were initially detained after entering without inspection, released from detention years ago, and that none of them are *presently* detained as a result of being "apprehended upon arrival." *See* Dkt. 17 ¶¶ 5–6 (Del Valle Castillo); *id.* ¶¶ 24, 26 (Escalante Perez); *id.* ¶¶ 30, 34 (Morales Fuenmayor); *id.* ¶¶ 37–38, 44 (Matias Calmo); *id.* ¶¶ 47, 49, 53 (Ramirez Garcia).

Petitioners acknowledge that Respondents' submissions demonstrate that Mr. De La Cruz Gonzalez does not meet the first prong of the Bond Denial Class membership because he has not "entered without inspection." *Rodriguez Vazquez*, 349 F.R.D. at 365; *see* Dkt. 18-6 at 1 (alleging that he applied for admission at a port of entry). Respondents err, however, in contesting his class membership on the basis that he is currently detained under § 1225(b)(1). As explained below,

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Mr. De La Cruz Gonzalez should be deemed to be detained under § 1226(a) even if the Court finds that he is not a *Rodriguez Vazquez* class member. *See infra* p. 7.

Accordingly, Petitioners are members of the Bond Denial Class and entitled to seek enforcement of the summary judgment in *Rodriguez Vazquez*.

II. Irrespective of class status, Petitioners' detention is governed by 8 U.S.C. § 1226(a).

Even if the Court were to find that the Bond Denial Class should be read narrowly so that it does not encompass Petitioners, the same statutory analysis that produced the declaratory judgment in *Rodriguez Vazquez* requires treating their present custody as being governed by § 1226(a), not § 1225(b)(2)(A): "Section 1226 provides the general process for arresting and detaining noncitizens who are present in the United States and eligible for removal," while "[§ 1225] supplements § 1226's detention scheme" and "applies primarily to [noncitizens] seeking entry." *Rodriguez Vazquez*, 2025 WL 2782499, at *2–3 (internal quotation marks and citations omitted). Respondents' argument that "Petitioners are subject to detention under Section 1225(b) because they are applicants for admission," Dkt. 16 at 14, simply reasserts a position that *Rodriguez Vazquez* judgment has already rejected. *See Rodriguez Vazquez*, 2025 WL 2782499, at *20 (concluding that the government's interpretation would "render[] the phrase 'seeking admission' in section 1225(b)(2)(A) superfluous"). The judgment also expressly rejected the government's argument "that the 'asserted longstanding agency practice carries little, if any, weight under *Loper Bright*.'" *id.* at *26 (citing Defendants' briefing). The Court should apply the same treatment to Respondents' argument here. *See* Dkt. 16 at 14–15.

Nationwide, district courts have found § 1226(a), not § 1225(b), governs the detention of individuals in materially similar circumstances—those who entered without inspection, were apprehended and released, lived in the interior, and were later re-arrested. *See generally* Dkt. 1 ¶ 54 (collecting cases). Indeed, the *Rodriguez Vazquez* judgment cited many of these cases as

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part of the voluminous caselaw demonstrating "that the government's position belies the statutory text of the INA, canons of statutory interpretation, legislative history, and longstanding agency practice," *Rodriguez Vazquez*, 2025 WL 2782499, at *1 & n.3.[1]

District courts have found that § 1226(a) governs the detention of individuals who initially entered as unaccompanied children, were apprehended at or near the border, placed in the custody of Office of Refugee Resettlement (ORR), and subsequently released—like Petitioners Del Valle Castillo, Matias Calmo, and Ramirez Garcia. *See* Dkt. 1 ¶¶ 55–57, 82–84, 90–91. For example, a recent decision addressed the detention authority for an individual who "entered the United States without inspection [in May 2018]" as a child, was "released from custody [in July 2018] under an order of release on recognizance," "settled in Camden, New Jersey . . . since that time," and was apprehended by ICE at his workplace in September 2025. *Bethancourt Soto v. Soto*, --- F.Supp.3d ----, No. 25-cv-16200, 2025 WL 2976572, at *1 (D.N.J. Oct. 22, 2025). Irrespective of his initial entry at the border, the district court found that "§ 1225(b)(2)(A) applies only to noncitizens who are actively, *i.e.*, affirmatively, 'seeking admission' to the United States," not to "individuals like Petitioner, who has been residing in the United States 'for over seven years.'" *Id.* at *7 (citations omitted). Similarly, another district court also found that § 1226(a), not § 1225(b), governs the detention of an individual who was

[1] Eight of the cases cited by the *Rodriguez Vazquez* court found that § 1226(a) was the correct detention authority for individuals with materially similar circumstances: *Aceros v. Kaiser,* No. 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Martinez v. Hyde*, No. CV 25-11613-BEM, --- F.Supp.3d ---, 2025 WL 2084238 (D. Mass. July 24, 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), report and recommendation adopted sub nom. *Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, 25 CIV. 5937 (DEH), --- F.Supp.3d ---, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Jimenez v. FCI Berlin, Warden*, 25-CV-326-LM-AJ, --- F.Supp.3d ---, 2025 WL 2639390 (D.N.H. Sept. 8, 2025).

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apprehended near the border as an unaccompanied child in 2016 and placed in ORR custody, was thereafter released to his parents, and then detained by ICE in June 2025 during a traffic stop. *Merino v. Ripa*, No. XX, 2025 WL 2941609, at *1 (S.D. Fla. Oct. 15, 2025); *see also, e.g.*, *Garcia Domingo v. Castro*, --- F.Supp.3d ----, No. 1:25-cv-00979-DHU-GJF, 2025 WL 2941217, at *4 (D.N.M. Oct. 15, 2025) (finding that petitioner is likely to succeed on the argument that he was detained under § 1226 because "[a]t the time that [he] was re-detained, he was not seeking entry to the United States," but was, instead, "in Homestead, Florida, on his way to work").

For similar reasons, district courts have interpreted § 1226(a) to apply to individuals who, like Petitioners Escalante Perez and Morales Fuenmayor, were re-detained years after being previously apprehended at the time of entry and released on their own recognizance. *See* Dkt. 1 ¶¶ 70–71, 73, 77, 79. Another court in this district recently found that § 1226(a), not § 1225(b), governs the detention of an individual who was apprehended upon arrival in the United States in December 2017, resided in the United States for years, and later "arrested while appearing for a routine ICE check-in in Eugene, Oregon—an act of compliance, not an attempt to gain admission." *Ledesma Gonzalez v. Bostock*, No. 2:25-cv-01404-JNW-GJL, 2025 WL 2841574, at *3 (W.D. Wash. Oct. 7, 2025). Notably, the court expressly relied on the judgment in *Rodriguez Vazquez* as instructive of "which statute governs noncitizens in circumstances like Ledesma Gonzalez's." *Id.* Another district court examining similar facts found that § 1226 applies to a petitioner who "had been residing in the United States for some time and was not 'seeking admission' when ICE detained him." *Doe v. Moniz*, No. 1:25-cv-12094-IT, --- F.Supp.3d ----, 2025 WL 2576819, at *5 (D. Mass. Sept. 5, 2025) (petitioner was detained near the border in

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2021, released on an order of release on recognizance in 2022, and detained by ICE in July 2025 upon release from police custody after being arrested for shoplifting).

Lastly, Respondents' contention that Petitioner De La Cruz Gonzalez's prior detention as an "arriving alien" subjects him to detention under § 1225(b)(1) is erroneous. The record of his most recent apprehension shows the arresting officers "had a warrant for his arrest" and relied on "[d]atabase checks" showing that he "possibly resides at [redacted address], Edmonds, WA 98026." Dkt. 3-5 at 5. Following his detention in August 2025, the Department of Homeland Security (DHS) placed him in standard removal proceedings under 8 U.S.C. § 1229a, charging him as being inadmissible under § 1182(a)(6)(A)(i). Dkt. 3-6 at 1. The immigration judge also denied his bond request based on this charge of inadmissibility, *not* because she deemed him to be an "arriving alien." Dkt. 3-7 at 1.

Respondents now contend, without submitting documentary evidence, that DHS amended Mr. De La Cruz Gonzalez's charging document on October 24, 2024—three days after the filing of the instant petition. Dkt. 17 ¶ 22. However, they do not dispute that his prior removal proceedings were terminated and that he was residing in the United States without lawful status at the time of his most recent detention. *See* Dkt. 16 at 8–9. In a case involving analogous facts—an individual who previously arrived at a port of entry, released on parole under 8 U.S.C. § 1182(d)(5), and later re-detained and placed in removal proceedings under 8 U.S.C. § 1229—a district court recently found that the detention authority for "arriving" noncitizens "plainly does not apply," and that § 1226(a) governs. *See, e.g.*, *J.S.H.M v. Wofford*, 2025 WL 2938808, at *11 (E.D. Cal. Oct. 16, 2025); *cf. Mejia v. Woosley*, No. 4:25-CV-82-RGJ, 2025 WL 2933852, at *4 (W.D. Ky. Oct. 15, 2025) (finding that individual who was previously paroled under § 1182(d)(5) and re-detained after residing in the United States for years could not be designated

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for expedited removal and that § 1226, not § 1225, governed her detention during § 1229a proceedings).

In sum, based on the reasoning in the *Rodriguez Vazquez* judgment and numerous district court decisions addressing similar circumstances, the Court should find that Petitioners' current detention falls under § 1226(a) irrespective of their class status.

III. The Court should order Petitioner Ramirez Garcia's transfer to NWIPC.

On November 5, 2025, this Court denied Petitioners' request for the return of Mr. Ramirez Garcia to NWIPC. Dkt. 19 at 6. Petitioners respectfully submit that the requested relief is not a mandatory injunction, but instead, requires Respondents to return Mr. Ramirez Garcia to the status quo—where he was detained at the time the petition was filed, and at the time the motion for a temporary restraining order was filed. *See* Dkt. 3 at 3–4. As the Ninth Circuit has held, the status quo ante litem "refers not simply to any situation before the filing of a lawsuit, but instead to 'the last uncontested status which preceded the pending controversy.'" *GoTo.com, Inc. v. Walt Disney Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000) (quoting *Tanner Motor Livery, Ltd. v. Avis, Inc.*, 316 F.2d 804, 809 (9th Cir. 1963); *see also, e.g.*, *Kumar v. Wamsley*, No. 2:25-CV-01772-JHC-BAT, 2025 WL 2677089, at *5 (W.D. Wash. Sept. 17, 2025); *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663, at *5 (W.D. Wash. Sept. 12, 2025); *Phetsadakone v. Scott*, No. 2:25-CV-01678-JNW, 2025 WL 2579569, at *5 (W.D. Wash. Sept. 5, 2025). Furthermore, Petitioners have now further demonstrated "that the law and facts clearly favor [their] position," Dkt. 19 at 6 (citation omitted).

Therefore, if the Court grants a writ of habeas corpus to Mr. Ramirez Garcia, the order should also require Respondents to return him to the NWIPC. Doing so would be the only way to ensure meaningful relief in this case by restoring his access to counsel and to his ability to move

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forward with a bond hearing. *See* Dkt. 12 ¶¶ 3–5 (noting counsel's inability to represent Mr. Ramirez Garcia in bond proceedings or his application for adjustment of status if transferred outside of Washington State). Any bond hearing afforded at a detention facility thousands of miles away without legal representation would be but an empty formality, with little to no chance of success. *See*, *e.g., Lahamendu v. Bondi*, No. 2:25-CV-02155-LK-SKV, 2025 WL 3066437, at *6 (W.D. Wash. Nov. 3, 2025) ("A court 'has the inherent authority and responsibility to protect the integrity of its proceedings which [are] undoubtedly impacted' when a habeas petitioner is transferred to a detention facility outside of the district." (quoting *Ozturk v. Trump*, 779 F. Supp. 3d 462, 496 (D. Vt. 2025), *aff'd in relevant part sub nom. Ozturk v. Hyde*, 136 F.4th 382, 394 (2d Cir. 2025))).

DATED this 7th day of November, 2025.

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I certify that this memorandum contains 2,609 words, in compliance with the Local Civil Rules.

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