District Judge Kimberly K. Evanson
Chief Magistrate Judge Theresa L. Fricke

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAIXON JOSE RAMIREZ TESARA,

Petitioner,

v.

CAMILLA WAMSLEY, Seattle Field Office Director, Enforcement and Removal Operations, United States Immigration and Customs Enforcement (ICE); BRUCE SCOTT, Warden, Northwest ICE Processing Center; KRISTI NOEM, Secretary, United States Department of Homeland Security; PAMELA BONDI, United States Attorney General; UNITED STATES DEPARTMENT OF HOMELAND SECURITY,

Respondents.

Case No. 2:25-cv-01723-KKE-TLF

FEDERAL RESPONDENTS'[1] RETURN MEMORANDUM

Noted for consideration on:
November 17, 2025

I. INTRODUCTION

While the circumstances surrounding Petitioner Daixon Jose Ramirez Tesara's departure from Venezuela are tragic, they do not alter the controlling legal framework that governs ICE's lawful authority to detain him. The law is unequivocal: noncitizens apprehended at the border and placed in removal proceedings under 8 U.S.C. § 1225(b)(1) "shall be detained" for the duration of

[1] Respondent Bruce Scott is not a Federal Respondent and is not represented by the U.S. Attorney's Office.

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those proceedings. Despite this command, U.S. Immigration and Customs Enforcement (ICE) exercised its discretion in February 2024 to grant Petitioner parole for 12 months. That parole expired in early 2025, months before his re-detention. Once that parole lapsed, the government's statutory obligation to detain him revived, and he has now lawfully been held under mandatory detention provisions for approximately three weeks.

Petitioner's habeas petition should be denied. None of the cases Petitioner cites regarding notice address a situation: (1) where petitioner's parole had indisputably expired, (2) where forty violations of parole had occurred, (3) where Petitioner was told to report to ICE the next day following a parole violation (providing Petitioner nearly twenty hours of notice), and (4) where Petitioner voluntarily appeared to ICE following a parole violation. Under these facts, Petitioner *was* provided notice—both that his parole had expired and that his parole violations resulted in the need for him to report to ICE— thus his authorities provide no support for the relief he seeks. Indeed, Congress has mandated detention under §1225(b) and denied notice for parole revocation or expiration, expressly foreclosing Petitioner's alleged right to notice here.

II. BACKGROUND

A. 8 U.S.C. § 1225(b)

Petitioner is an applicant for admission who is subject to mandatory detention pursuant to 8 U.S.C. § 1225(b). *See Matter of Yajure Hurado*, 29 I&N Dec. 216 (BIA 2025). Applicants for admission fall into one of two categories. Section 1225(b)(1) covers noncitizens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and certain other aliens designated by the Attorney General in her discretion. Separately, section 1225(b)(2) serves as a catchall provision that applies to all applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

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Congress has determined that all aliens subject to section 1225(b) are subject to mandatory detention. Regardless of whether an alien falls under Section 1225(b)(1) or (b)(2), the sole means of release is "temporary parole from § 1225(b) detention 'for urgent humanitarian reasons or significant public benefit,' § 1182(d)(5)(A)." *Jennings*, 583 U.S. at 283.

B. Interim Parole under 8 U.S.C. § 1182(d)(5)(A)

While all noncitizens detained pursuant to 8 U.S.C. § 1225(b) are subject to mandatory detention, they may be subject to parole by the Attorney General or Department of Homeland Security (DHS), and that is not an issue that the Immigration Judge has authority to consider. *See* INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. 212.5(a) (2025) (designating who may exercise authority to grant parole); *see also Jennings*, 583 U.S. at 300 (noting that the Attorney General may grant aliens detained under section 235(b)(1) temporary parole into the United States "for urgent humanitarian reasons or significant public benefit" (quoting INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A)). This discretionary parole is statutorily required to be "temporary parole" under 8 U.S.C. § 1182(d)(5)(A), and the statute does not grant the Attorney General or DHS the discretion to grant indefinite parole to those subject to mandatory detention.

Federal regulations govern the expiration of parole and state that where the parole has expired, "no written notice shall be required." 8 C.F.R. § 212.5(e)(1).

C. Petitioner Ramirez Tesara

Petitioner is a native and citizen of Venezuela who illegally entered the United States without inspection near El Paso, Texas, on January 11, 2024. Compl. ¶ 23; Dkt. 3-1, pg. 2. He was apprehended and detained in El Paso. Dkt. 3-2, pgs. 2, 28. He was initially determined removable under 8 U.S.C. § 1225(b)(1) and found inadmissible under Immigration and Nationality Act (INA) section 212(a)(7)(A)(i)(I). Dkt. 3-1, pg. 2. Shortly thereafter, Petitioner notified ICE that he

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claimed fear of return to Venezuela. As a result, ICE referred his fear claim to U.S. Citizenship and Immigration Services (USCIS) for a credible fear interview. *See generally* Dkt. 3-2; 8 U.S.C. § 1225(b)(1)(A)(ii).

On January 26, 2024, an USCIS asylum officer interviewed Petitioner. The asylum officer found that he had not established a significant possibility of eligibility for asylum. Dkt. 3-2, pg. 6. Petitioner was then screened for whether he was eligible for statutory withholding of removal or relief under the Convention Against Torture (CAT). Dkt. 3-2, pg. 6; *see also Al Otro Lado v. Wolf*, 952 F.3d 999, 1009 (9th Cir. 2020); 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 208.16(c); *see also* 8 C.F.R. § 208.30 (if the applicant is ineligible for asylum under the Rule, asylum officers must still refer the case to an Immigration Judge (IJ) for consideration of withholding and CAT relief "if the alien establishes, respectively, a reasonable fear of persecution or torture"). The standards differ for asylum, withholding, and CAT relief, but they involve largely the same set of facts. *Al Otro Lado v. Wolf*, 952 F.3d at 1009.

The asylum officer found Petitioner credible, and he was referred to an IJ for consideration of withholding and CAT relief. His detention authority changed to § 1225(b)(2); he was issued a Notice to Appear; and he was placed in removal proceedings under 8 U.S.C. § 1229a. *See* Dkt. 2, pg. 3; Dkt. 3-3, pg. 2; Dkts. 14, 17 (Declaration of Daniel Strzelczyk "Strzelczyk Decl.") ¶¶ 5, 9, and Exhibit A.

As part of his interview with the asylum officer, Petitioner was asked about any then-existing medical conditions or health problems. Dkt. 3-2, pg. 11. He reported that his left leg had a prosthesis. *Id.* But he told the asylum officer that this prosthesis was unrelated to the harm he suffered in Venezuela. *Id.*

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On February 7, 2024, ICE granted Petitioner interim parole. Dkt. 3-4, pg. 2. The parole notice authorized parole for one year beginning from the date the notice was issued. *Id.* It stated parole would "automatically terminate . . . at the end of the one-year period unless ICE provides you with an extension at its discretion." *Id.* The parole notice further stated that the parole was entirely within ICE's discretion and could be terminated at any time and for any reason, and that parole was conditional on Ramirez Tesara's compliance with the terms and conditions of parole. *Id.*

Following his release on parole, Petitioner relocated to Portland, Oregon and reported to the ICE office in Portland. Strzelczyk Decl. ¶ 7; Dkt. 3-6, pgs. 2-3. Between February 7, 2025 and August 14, 2025, Petitioner had at least 40 violations of the terms of his release. Strzelczyk Decl. ¶ 7; Declaration of Alixandria K. Morris ("Morris Decl."), Ex. 1[2]; *but see* Dkt. 4 ¶ 4. Despite these violations, he was not detained. On August 14, 2025, Petitioner failed to attend a meeting with the Intensive Supervision Appearance Program ("ISAP").[3] At the time, he told ISAP that he missed the meeting because he "didn't have cellular data" on his phone, had "reloaded [his] line," and just seen the message 48 minutes past the meeting time. Dkt. 3-10, pg. 8; *but see* Dkt. 4 ¶ 6. Following this exchange, ISAP sent a message stating, "You should show up to the ISAP office tomorrow 8/15/2025 at 10:00." *Id.* He was then instructed to report to ICE. *Id.* Following this most recent violation, Petitioner voluntarily appeared to ICE next day. Dkt. 4 ¶ 8. After presenting himself to ICE following his parole violation, he was detained on August 18, 2025. *Id.*; Strzelczyk Decl. ¶ 7.

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[2] Because of the expedited timeline of the TRO, the government was not able to submit the list of forty violations to the Court at that time. The government has since received the list of the violations and submits it here.

[3] ISAP is Alternatives to Detention (ATD) ICE program that monitors certain immigrants using electronic monitoring devices, check-ins, and a mobile app called SmartLINK to ensure compliance with immigration obligations, such as attending court hearings. *See* ICE's website at ice.gov, U.S. Immigration and Customs Enforcement Memorandum to Field Office Directors dated May 11, 2005, *available at*: https://www.ice.gov/doclib/foia/dro_policy_memos/dropolicymemoeligibilityfordroisapandemdprograms.pdf (last visited September 10, 2025).

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He was subsequently transferred to the Northwest ICE Processing Center in Tacoma, Washington, where was detained at the time of his habeas petition. Strzelczyk Decl. ¶ 8. On September 8, 2025, Petitioner filed a Motion for Temporary Restraining Order ("TRO") seeking his immediate release prior to the final habeas petitioner determination on the merits. Dkt. 2. Following an in-person hearing on September 11, 2025, the Court granted Petitioner's TRO for fourteen days on September 12, 2025, and ordered Petitioner's immediate release. Dkt. 19. On September 26, 2025, this Court extended that temporary relief until an order on the habeas petition is issued. Dkt. 24.

III. LEGAL STANDARD

Title 28 U.S.C. § 2241 provides district courts with jurisdiction to hear federal habeas petitions. To warrant a grant of habeas corpus, the petitioner must demonstrate that his or her custody is in violation of the Constitution, laws, or treaties of the United States. *See* 28 U.S.C. § 2241(c)(3).

IV. ARGUMENT

A. ICE lawfully detained Petitioner pursuant to 8 U.S.C. § 1225(b).

Congress enacted a multi-layered statutory scheme that provides for the civil detention of noncitizens pending removal. *See Prieto-Romero v. Clark*, 534 F.3d 1053, 1059 (9th Cir. 2008). Where an individual falls within this scheme affects whether his detention is discretionary or mandatory, as well as the kind of review process available. *Id*., at 1057.

Aliens who are apprehended shortly after illegally crossing the border and who are determined to be inadmissible due to lacking a visa or valid entry documentation, 8 U.S.C. § 1182(a)(7)(A), may be removed pursuant to an expedited removal order unless they express an intention to apply for asylum or a fear of persecution in their home country. 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii)(II). "The purpose of these provisions is to expedite the removal from the United States of aliens who indisputably have no authorization to be admitted to the United States,

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while providing an opportunity for such an alien who claims asylum to have the merits of his or her claim promptly assessed by officers with full professional training in adjudicating asylum claims." H.R. Conf. Rep. No. 828, 104th Cong., 2d Sess. 209 (1996).

Applicants for admission fall into one of two categories. Section 1225(b)(1) covers aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation, and certain other aliens designated by the Attorney General in her discretion. Separately, Section 1225(b)(2) serves as a catchall provision that applies to all applicants for admission not covered by Section 1225(b)(1) (with specific exceptions not relevant here). *See Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Congress has determined that all aliens subject to Section 1225(b) are subject to mandatory detention. Regardless of whether an alien falls under Section 1225(b)(1) or (b)(2), the sole means of release is "temporary parole from § 1225(b) detention 'for urgent humanitarian reasons or significant public benefit,' § 1182(d)(5)(A)." *Jennings,* 583 U.S. at 283.

Further, several provisions at 8 U.S.C. § 1252 preclude review. First, 8 U.S.C. § 1252(g) bars review of Petitioners' claims because they arise from the government's decision to commence removal proceedings. Second, 8 U.S.C. § 1252(b)(9) bars the Court from hearing Petitioners' claims because their claims challenge the decision and action to detain them, which arises from the government's decision to commence removal proceedings, thus an "action taken . . . to remove an alien from the United States." Third and lastly, 8 U.S.C. § 1252(e)(3) applies and limits "[j]udicial review of determinations under section 1225(b) of this title and its implementation." The plain language of the statute precludes judicial review for aliens determined to be detained pursuant to Section 1225(b)(2) and applies to a "determination under section 1225(b)" and to its implementation.

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Petitioner's detention here under Section 1225(b) without a pre-detention hearing was thus lawful. The fact that Petitioner had initially been released by ICE on conditional parole does not change this fact. There is no statutory or regulatory requirement that a noncitizen be provided with a pre-detention hearing before re-detention. ICE's authority to re-arrest is not limited to circumstances where a material change in circumstances has occurred. The facts here are simple: Petitioner was subject to mandatory detention, Petitioner was granted discretionary parole, Petitioner's parole expired, Petitioner also had forty violations while on parole, Petitioner presented himself to ICE, and ICE re-detained Petitioner.

B. ICE had cause to revoke Petitioner's release.

ICE's reliance on Petitioner's expired parole and forty ISAP violations as the basis for Petitioner's re-detention is lawful. There is no prohibition on ICE's use of hearsay when deciding whether a person's conditional parole may be revoked. In fact, ICE must be able to rely on its systems for such decisions.

Furthermore, Petitioner was on notice both that his parole expired after one year and on notice that "[f]ailure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention." Dkts 14, 17; Dkt. 3-4. In his declaration, Petitioner states that he always complied with his reporting requirements while on parole. Dkt. 4 ¶ 4. However, Petitioner's *own evidence* contradicts these statements. *Compare* Dkt. 4, Pet. Decl., ¶¶ 4-7 *with* Dkt. 3-10, pgs. 8-10. Petitioner admits he knew of an appointment at 2:00 p.m. *Id.*, pg. 10. Petitioner, in his own words at the time, states: "It's just that I didn't have cellular data just today I reloaded my line and I just saw it." *Id.* Petitioner provides no justification to the Court for missing this appointment other than to say he was unaware of the appointment. Dkt. 4 ¶ 7.

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Petitioner understood that he was reporting to ICE on August 15, 2025, following his parole violation on August 14, 2025. The direction to report to ICE the next day was following Petitioner's parole violation. Dkt. 3-10, pgs. 8-10. To the extent Petitioner claims he did not receive notice that he was reporting to ICE following a parole violation, those claims are simply not plausible. Dkt. 3-4; Dkt. 3-10, pgs. 8-10.

Thus, it is not reasonable to believe that the parole expiration or ISAP violations did not provide Petitioner notice of his re-detention. In addition, Petitioner's belief that he was successfully participating in the ISAP program is solely based on his own characterization that he complied with all parole requirements. Pet. 30-31; Dkt. 4, ¶¶ 4-7; *but see* Dkt. 3-10, pgs. 8-10. ICE does not have the resources to address ISAP violations when they are issued. Strzelczyk Decl. Thus, it is not unreasonable for them to have only noticed the violations when ISAP referred Petitioner to ICE. *Id*. In the same vein, Petitioner's assertion that he was unaware of the reason for his detention is not accurate. Pet. ¶¶ 39-41. Petitioner's own evidence demonstrates he signed to be released on parole with the express understanding that his parole expired after twelve months. *See* Dkt. 3-4. Petitioner was further aware that he was told to report to ICE the next day following a parole violation—failure to appear for an appointment. Dkt. 3-10, pgs. 8-10. Petitioner's stated reason for this failure to ISAP was his own failure to pay his phone bill and that he had just had his phone turned on—48 minutes after his appointment. *Id.* pg. 10.

Accordingly, the submitted evidence provides an overwhelmingly reasonable basis and cause for Petitioner's re-detention.

C. Petitioner's detention comports with due process.

Petitioner's detention does not violate his substantive and procedural due process rights. First, Petitioner alleges that there is no legitimate government interest in his detention. Pet. ¶ 4.

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Second, Petitioner inaccurately argues that the standard for parole under 8 C.F.R. § 212.5(b) is that Petitioner is a flight risk or danger to the community. *Id.* Instead, the default for mandatory detainees is no release. However, the Attorney General may provide parole only on a case-by-case basis for "urgent humanitarian reasons" or "significant public benefit." 8 C.F.R. § 212.5(b). Here, Petitioner's parole was granted for a limited and defined period of time—twelve months—and then he was subject to re-detention. ICE's allowance for Petitioner to continue on parole six months past Petitioner's expired parole date does not somehow negate his parole expiration. The fact that Petitioner had forty violations while on parole further substantiates and bolsters ICE's lawful authority to re-detain him. Petitioner was both on notice that his parole would expire *and* on notice on April 14, 2025, that he was reporting to ICE the following day *because of* his violations.

1. Substantive Due Process

ICE has a legitimate interest in Petitioner's detention. For more than a century, the immigration laws have authorized immigration officials to charge aliens as removable from the country, to arrest aliens subject to removal, and to detain aliens for removal proceedings. *See Demore v. Kim*, 538 U.S. 510, 523-26 (2003); *Abel v. United States*, 362 U.S. 217, 232-37 (1960) (discussing longstanding administrative arrest procedures in deportation cases). "Detention during removal proceedings is a constitutionally valid aspect of the deportation process." *Velasco Lopez v. Decker*, 978 F.3d 842, 848 (2d Cir. 2020) (citing *Demore*, 538 U.S. at 523); *see Demore*, 538 U.S. at 523 n.7 ("prior to 1907 there was no provision permitting bail for any aliens during the pendency of their deportation proceedings"); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) ("Detention is necessarily a part of [the] deportation procedure."). Indeed, removal proceedings "'would be in vain if those accused could not be held in custody pending the inquiry into their true character.'" *Demore*, 538 U.S. at 523 (quoting *Wong Wing v. United States*, 163 U.S. 228, 235

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(1896)).

Congress has determined that all aliens subject to Section 1225(b) are subject to mandatory detention. Regardless of whether an alien falls under Section 1225(b)(1) or (b)(2), the sole means of release is "temporary parole from § 1225(b) detention 'for urgent humanitarian reasons or significant public benefit,' § 1182(d)(5)(A)." *Jennings,* 583 U.S. at 283.

Further, several provisions at 8 U.S.C. § 1252 preclude review. First, 8 U.S.C. § 1252(g) bars review of Petitioners' claims because they arise from the government's decision to commence removal proceedings. Second, 8 U.S.C. § 1252(b)(9) bars the Court from hearing Petitioners' claims because their claims challenge the decision and action to detain them, which arises from the government's decision to commence removal proceedings, thus an "action taken . . . to remove an alien from the United States." Third and lastly, 8 U.S.C. § 1252(e)(3) applies and limits "[j]udicial review of determinations under section 1225(b) of this title and its implementation." The plain language of the statute precludes judicial review for aliens determined to be detained pursuant to Section 1225(b)(2) and applies to a "determination under section 1225(b)" and to its implementation.

Petitioner's detention here under Section 1225(b) without a pre-detention hearing was thus lawful. Petitioner presents evidence demonstrating that he was aware his parole had expired after twelve months. Dkt. 3-4. This alone is sufficient justification—and notice—for ICE to re-detain Petitioner.

Further, the fact that ICE made an initial determination that Petitioner could be released on parole does not prevent ICE from later revoking that parole, especially where the parole term had expired. ICE has the clear discretionary authority to revoke conditional parole. 8 C.F.R. § 236.1(c)(9). ICE made an individual determination to revoke Petitioner's parole both because

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his parole had expired and after his *forty* ISAP violations came to ICE's attention. Strzelczyk Decl., ¶¶ 7-8. And as Petitioner was notified when he agreed to his conditional parole, violations of ISAP are a basis of such revocation. Dkt. 3-4. Thus, ICE had a legitimate, non-punitive interest in his detention.

2. Procedural Due Process

"Due process is flexible and calls for such procedural protections as the particular situation demands." *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976). The *Mathews* test demonstrates that Petitioner's detention is consistent with his due process rights. Under *Mathews*, "[t]he fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.*, at 333 (internal quotation marks omitted). This calls for an analysis of (1) "the private interest that will be affected by the official action," (2) "the risk of an erroneous deprivation of such interest through the procedures used, and probable value, if any, of additional or substitute procedural safeguards," and (3) the Government's interest. *Id.*, at 334-35.

a. Liberty Interest.

Respondents recognize the "weighty liberty interests implicated by the Government's detention of noncitizens." *Reyes v. King*, No. 19-cv-8674, 2021 WL 3727614, at *11 (S.D.N.Y. Aug. 20, 2021). However, Petitioner's interest in his liberty *generally* does not mean that he possesses a separate or heightened liberty interest in the continuation of his conditional release. Moreover, Petitioner does not have a liberty interest in participating in parole. Pet. ¶¶ 4 - 6.

"The recognized liberty interests of U.S. citizens and aliens are not coextensive: the Supreme Court has 'firmly and repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens.'" *Rodriguez Diaz*, 53 F.4th at 1206 (quoting *Demore v. Kim*, 538 U.S. 510, 522 (2003)). As the Supreme Court has explained, "[i]n

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the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens." *Mathews v. Diaz*, 426 U.S. 67, 79-80 (1976). Indeed, the Supreme Court has repeatedly "recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process." *Demore*, 538 U.S. at 523.

Petitioner's release was always subject *both* to expiration *and* to conditions of release. Petitioner knew that he could be re-detained either when the parole expired or if he violated the conditions of his parole. Dkt. 3-4, Dkt. 4. Accordingly, Petitioner cannot claim that the government promised him ongoing freedom.

b. The existing procedures are constitutionally sufficient.

Turning to the second *Mathews* factor, the risk of a constitutionally significant deprivation of Petitioner's liberty here is minimal. First, noncitizens have no right to a hearing before an immigration judge under Section 1225(b). Likewise, there is no requirement for such a hearing before re-detention after revocation of release. The Supreme Court has warned courts against reading additional procedural requirements into the INA. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 582 (2022) (declining to read a specific bond hearing requirement into 8 U.S.C. § 1231(a)(6) because "reviewing courts . . . are generally not free to impose [additional procedural rights] if the agencies have not chosen to grant them") (quoting *Vermont Yankee Nuclear Power Corp. v. Natural Resources Defense Council, Inc.*, 435 U.S. 519, 524 (1978) (cleaned up)).

Second, Petitioner had notice that ISAP violations could lead to his re-detention when he agreed to the program. Dkt. 3-4. Further, Petitioner's circumstances are vastly different than those presented in *E.A.T-B. See E.A. T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025). Here, Petitioner was aware he had violated his parole on

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August 14, 2025, by missing his check-in. Dkt. 3-10, pgs. 8-10; Dkt. 4 ¶¶ 4-7. Petitioner was ordered to self-report to ICE the following day *because of* his missed check in. This order gave Petitioner nearly twenty hours of notice that he was subject to re-detention. Dkt. 3-10; Dkt 4. He was then re-detained upon presenting himself to ICE. This case presents vastly different circumstances that that in *E.A.T-B*. Petitioner in this case admits he was detained shortly after unlawfully crossing the border near El Paso, Texas and is therefore undisputedly subject to mandatory detention under §1225(b). Dkt. 4 ¶ 2; Pet. ¶ 23. Petitioner's *sole* avenue for lawful release, therefore, is discretionary parole under 8 C.F.R. § 212.5(b). Petitioner's discretionary parole expired and he committed forty parole violations. Dkt. 3-4; Morris Decl., Ex. 1.

c. The Government has a strong interest in returning noncitizens to custody who violate conditions of release.

Turning to the third *Mathews* factor, the Ninth Circuit has emphasized that the *Mathews* test "must account for the heightened government interest in the immigration detention context." *Rodriguez Diaz*, 53 F.4th at 1206. Invoking the Supreme Court's 2003 *Demore* decision, the Ninth Circuit in *Rodriguez Diaz* recognized that "the government clearly has a strong interest in preventing aliens from 'remain[ing] in the United States in violation of our law.'" *Rodriguez Diaz*, 53 F.4th at 1208 (quoting *Demore*, 538 U.S. at 518). "This is especially true when it comes to determining whether removable aliens must be released on bond during the pendency of removal proceedings." *Rodriguez Diaz*, 53 F.4th at 1208. The government likewise has an interest in enforcing compliance with its orders of release on recognizance and returning individuals to custody who violate their terms.

In short, the three *Mathews* factors demonstrate that Petitioner's detention comports with procedural due process.

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V. CONCLUSION

For the foregoing reasons, Petitioner has not satisfied his high burden of establishing entitlement to mandatory injunctive relief, and his Motion should be denied.

DATED this 20th day of October, 2025.

Respectfully submitted,

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I certify that this memorandum contains 4,190 words, in compliance with the Local Civil Rules.