

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Alberto GARCIA, Fernando
RANGEL-SAUCEDO, Ismael
ORTIZ MONTOYA,

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-1980

**PETITION FOR WRIT OF
HABEAS CORPUS**

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

FACTS

1. Petitioners Alberto Garcia, Fernando Rangel-Saucedo, and Ismael Ortiz Montoya bring this petition for a writ of habeas corpus to seek enforcement of their rights as a member 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 Alberto Garcia

4. Petitioner Garcia 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 August 11, 2025, *see* Ex. A;²
- (b) entered the United States without inspection over thirty 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. Garcia on August 11, DHS placed Petitioner in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible

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

3 6. On August 28, 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 \$5,000. Ex. C.

7 **Petitioner Fernando Rangel-Saucedo**

- 8 7. Petitioner Rangel-Saucedo is a member of the Bond Denial Class, as he
- 9 (a) does not have lawful status in the United States and is currently detained
10 at NWIPC after being apprehended by U.S. Immigration and Customs
Enforcement (ICE) on June 8, 2025, *see* Ex. D;
 - 11 (b) entered the United States without inspection approximately twenty years
12 ago and was not apprehended upon arrival; *see id.*; and
 - 13 (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

14 8. After apprehending Mr. Rangel-Saucedo on June 8, DHS placed Petitioner in
15 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
16 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
17 without inspection. *See* Ex. E.

18 9. On June 24, 2025, an IJ denied Petitioner's bond request based on lack of
19 jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C.
20 § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ
21 would have set bond at \$5,000. *See* Ex. F.

22 10. On October 10, 2025, a merits hearing was held in Mr. Rangel-Saucedo's removal
23 case. The IJ granted cancellation of removal, but DHS reserved appeal. As a result, Mr. Rangel-
24 Saucedo remains detained.

25 **Petitioner Ismael Ortiz Montoya**

- 26 11. Petitioner Ortiz Montoya is a member of the Bond Denial Class, as he
27

- 1 (a) does not have lawful status in the United States and is currently detained
2 at NWIPC after being apprehended by U.S. Immigration and Customs
3 Enforcement (ICE) on April 23, 2025, *see* Ex. G;
- 4 (b) entered the United States without inspection about 35 years ago and was
5 not apprehended upon arrival; *see id.*; and
- 6 (c) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

7 12. After apprehending Mr. Ortiz Montoya on April 23, DHS placed Petitioner in
8 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
9 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
10 without inspection. *See* Ex. H.

11 13. On May 22, 2025, an IJ denied Petitioner's bond request based on lack of
12 jurisdiction, finding that Petitioner is subject to mandatory detention under 8 U.S.C.
13 § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ
14 would have set bond at \$5,000. *See* Ex. I.

15 14. Mr. Ortiz-Montoya is scheduled for a October 24, 2025 hearing on the merits of
16 his removal case.

17 15. For all Petitioners, Respondents are bound by the judgment in *Rodriguez Vazquez*,
18 as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless,
19 Respondents continue to flagrantly defy the judgment and continue to subject Petitioners to
20 unlawful detention despite their clear entitlement to release on bond as Bond Denial Class
21 members.

22 16. The Court should expeditiously grant this petition and order that within one day,
23 Respondent Department of Homeland Security (DHS) must release Petitioners or allow for
24 Petitioners' release upon payment of the alternative bond amount set by the IJs.

25 JURISDICTION & VENUE

26 17. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. §
27 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the

1 Suspension Clause). The Court may grant relief pursuant to 28 U.S.C. § 2241; the Declaratory
2 Judgment Act, 28 U.S.C. § 2201 *et seq.*; and the All Writs Act, 28 U.S.C. § 1651.

3 18. Venue is proper in this District because Petitioners are detained at the Northwest
4 ICE Processing Center (NWIPC) in Tacoma, Washington. Venue is also proper under 28 U.S.C.
5 § 1391(e) because Respondents are employees, officers, and agencies of the United States, and a
6 substantial part of the events or omissions giving rise to the claims occurred in this District.

7 **PARTIES**

8 19. Petitioner Alberto Garcia is a noncitizen who was apprehended by immigration
9 officers on August 11, 2025, and is currently detained at NWIPC. He is a member of the Bond
10 Denial Class certified in *Rodriguez Vazquez*.

11 20. Petitioner Fernando Rangel-Saucedo is a noncitizen who was apprehended by
12 immigration officers on June 8, 2025, and is currently detained at NWIPC. He is a member of the
13 Bond Denial Class certified in *Rodriguez Vazquez*.

14 21. Petitioner Ismael Ortiz Montoya who was apprehended by immigration officers
15 on April 23, 2025, and is currently detained at NWIPC. He is a member of the Bond Denial
16 Class certified in *Rodriguez Vazquez*

17 22. Respondent Cammilla Wamsley is the Seattle Field Office Director of ICE's
18 Enforcement and Removal Operation division. As Petitioners' immediate custodian, she is
19 responsible for Petitioners' detention and removal. She is named in her official capacity.

20 23. Respondent U.S. Department of Homeland Security (DHS) is the federal agency
21 responsible for implementing and enforcing the Immigration and Nationality Act (INA),
22 including the detention and removal of noncitizens.

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

25. 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*

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

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

28. 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.

29. 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).

30. 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 requiring that within one day, Respondents release Petitioners or allow for Petitioners' release upon payment of the alternative bond amount set by the IJs.
- c. 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

d. Grant any other and further relief that this Court deems just and proper.

DATED this 13th of October, 2025.

s/ Matt Adams

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