

The Honorable Tiffany M. Cartwright

UNITED STATES DISTRICT COURT FOR THE
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-01980-TMC

FEDERAL RESPONDENTS'¹
RETURN MEMORANDUM

Noted for Consideration:
October 21, 2025

Three separate Petitioners seek habeas relief from their mandatory immigration
detentions. U.S. Immigration and Customs Enforcement detains the three Petitioners—Alberto
Garcia, Fernando Rangel-Saucedo, and Ismael Ortiz Montoya—pursuant to 8 U.S.C. § 1225(b).
Federal Respondents acknowledge that this Court granted summary judgment and found that

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

detention pursuant to 8 U.S.C. § 1225(b)(2) of the defined class in *Rodriguez Vasquez v. Bostock* is unlawful. *Rodriguez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sep. 30, 2025).

A. 8 U.S.C. § 1225(b)

While acknowledging the Court’s decision in *Rodriguez Vasquez*, Federal Respondents continue to believe Petitioners are subject to mandatory detention pursuant to 8 U.S.C. § 1225(b). *See Vargas Lopez v. Trump*, --- F. Supp. 3d ---, 2025 WL 2780351 (D. Neb. Sep. 30, 2025) (holding petitioner detained under 8 U.S.C. § 1225(b)(2)); *Sixtos Chavez v. Noem*, --- F. Supp. 3d ---, 2025 WL 2730228 (S.D. Cal. Sep. 24, 2025) (same). 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, 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).

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

5 Further, several provisions at 8 U.S.C. § 1252 preclude review. First, 8 U.S.C. § 1252(g)
 6 bars review of Petitioners’ claims because they arise from the government’s decision to
 7 commence removal proceedings. Second, 8 U.S.C. § 1252(b)(9) bars the Court from hearing
 8 Petitioners’ claims because their claims challenge the decision and action to detain them, which
 9 arises from the government’s decision to commence removal proceedings, thus an “action taken
 10 . . . to remove an alien from the United States.” Third and lastly, 8 U.S.C. § 1252(e)(3) applies
 11 and limits “[j]udicial review of determinations under section 1225(b) of this title and its
 12 implementation.” The plain language of the statute precludes judicial review for aliens determined
 13 to be detained pursuant to Section 1225(b)(2) and applies to a “determination under section
 14 1225(b)” and to its implementation.

15 **B. Petitioners Garcia, Rangel-Saucedo, and Ortiz Montoya**

16 While Federal Respondents do not agree with the *Rodriguez Vasquez* decision and are still
 17 weighing their options on how to proceed, they do not object to these three Petitioners being
 18 considered members of the Bond Denial Class² for purposes of this litigation. An Immigration
 19 Judge recently denied all three Petitioners’ requests for bond due to lack of jurisdiction after
 20 determining that they are subject to mandatory detention. *See* Declaration of Alixandria K.
 21 Morris, Exs. 1, 2, 3. All three Petitioners were also issued alternate bond orders. *Id.*

22
 23 ² “Bond Denial Class: All noncitizens without lawful status detained at the Northwest ICE Processing Center who
 24 (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*, 2025 WL 2782499, at *6.

1 If the Court were to grant the habeas petition with respect to these three Petitioners, the
2 appropriate relief would be for them to be released upon payment of the bond amount found in
3 the alternative by the Immigration Judge in their respective bond hearings.

4 DATED this 20th day of October, 2025.

5 Respectfully submitted,

6 CHARLES NEIL FLOYD
7 United States Attorney

8 s/ Alixandria K. Morris

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12 *Attorneys for Federal Respondents*

13 *I certify that this memorandum contains 756 words, in*
14 *compliance with the Local Civil Rules.*