

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Santiago ORTIZ MARTINEZ, Josefina
ROJAS, Horacio ROMERO LEAL, Adolfo
BARAJAS CANO, Pepe LOPEZ LOPEZ,

Petitioners,

v.

Cammilla WAMSLEY, Field Office Director of
Enforcement and Removal Operations, Seattle
Field Office, Immigration and Customs
Enforcement (ICE); Bruce SCOTT, Warden,
Northwest ICE Processing Center; Kristi
NOEM, Secretary, U.S. Department of
Homeland Security; Pamela BONDI, U.S.
Attorney General; U.S. DEPARTMENT OF
HOMELAND SECURITY; EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 2:25-cv-1822

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioners Sergio Ortiz Martinez, Josefina Rojas, Horacio Romero Leal, Adolfo Barajas Cano, and Pepe Lopez Lopez are in the physical custody of Respondents at the Northwest Immigration and Customs Enforcement (ICE) Processing Center (NWIPC). They are unlawfully detained pursuant mandatory detention policies recently adopted by the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR).

2. Petitioners are charged with having entered the United States without admission or parole at an unknown time and unknown place years ago. *See* 8 U.S.C. § 1182(a)(6)(A)(i). Based on this allegation, DHS and EOIR deem Petitioners subject to mandatory detention as “applicants for admission” who are “seeking admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore subject to mandatory detention.

3. DHS and EOIR each have nationwide policies mandating the detention of all persons who entered without admission or parole, regardless of whether that person was apprehended upon arrival. Most recently, on September 5, 2025, in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), the Board of Immigration Appeals (BIA) held that all persons who have entered the United States without admission or parole are now subject to mandatory detention under § 1225(b)(2)(A).

4. Petitioners have each sought, or will categorically denied, bond under DHS’s and EOIR’s nationwide policy of denying bond to persons like Petitioners.

5. In a certified class action pending before this Court, this Court has already declared Respondents’ bond denial policy likely unlawful. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025). A motion for summary judgment is pending in that case. However, because of the limitations on injunctive relief at 8 U.S.C. § 1252(f)(1), Petitioners—

1 who are members of the Bond Denial Class in *Rodriguez Vazquez*—file this case to seek relief in
2 their individual capacities and to ensure that they receive benefit of any declaratory relief that
3 may be issued in *Rodriguez Vazquez*, should Defendants fail to implement such relief with
4 respect to them.

5 6. Petitioners’ detention based on § 1225(b)(2) violates the plain language of the
6 Immigration and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like
7 Petitioners, who previously entered and are now residing in the United States. Instead, such
8 individuals are subject to a different statute, § 1226(a), that allows for release on conditional
9 parole or bond. Indeed, § 1226(a) expressly applies to people who, like Petitioners, are charged
10 as inadmissible for having entered the United States without admission or parole.

11 7. Respondents’ new legal interpretation is also plainly contrary to the statutory
12 framework and contrary to decades of agency practice applying § 1226(a) to people like
13 Petitioners.

14 8. Accordingly, Petitioners seek a writ of habeas corpus. For those Petitioners who
15 already received a bond hearing where the IJ denied bond under § 1225(b)(2) but set a bond
16 amount in the alternative, Petitioners seek an order requiring DHS to immediately release them
17 once bond is posted. For those Petitioners who have not yet received a hearing, Petitioners
18 request an order requiring their release unless Respondents provide a bond hearing under
19 § 1226(a) within fourteen days.

20 JURISDICTION

21 9. Petitioners are in the physical custody of Respondents. Petitioners are detained at
22 the NWIPC.

1 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
2 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3 PARTIES

4 16. Petitioner Sergio Ortiz Martinez was arrested by ICE on August 11, 2025, and
5 has been detained at NWIPC since that date. He has resided in the United States since at least
6 2015.

7 17. Petitioner Josefina Rojas was arrested by ICE on August 13, 2025, and has been
8 detained at NWIPC since that date. She has resided in the United States since at least 1986.

9 18. Petitioner Horacio Romero Leal was arrested by ICE on April 28, 2025, and has
10 been detained at NWIPC since that date. He has resided in the United States since at least 1998.

11 19. Adolfo Barajas Cano was arrested by ICE on June 9, 2025, and has been detained
12 at NWIPC since that date. He has resided in the United State since at least 2007.

13 20. Petitioner Pepe Lopez Lopez was arrested by ICE on September 11, 2025, and has
14 been detained at NWIPC since that date. He has resided in the United State since at least 1989.

15 21. Respondent Cammilla Wamsley is the Director of the Seattle Field Office of
16 ICE’s Enforcement and Removal Operations division. As such, Ms. Wamsley is Petitioners’
17 immediate custodian and is responsible for their detention and removal. She is named in her
18 official capacity.

19 22. Respondent Bruce Scott is employed by The GEO Group, Inc., as Warden of the
20 NWIPC, where Petitioners are detained. He has immediate physical custody of Petitioners. He is
21 sued in his official capacity.

22 23. Respondent Kristi Noem is the Secretary of the Department of Homeland
23 Security. She is responsible for the implementation and enforcement of the Immigration and
24

1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioners' detention. Ms.
2 Noem has ultimate custodial authority over Petitioners and is sued in her official capacity.

3 24. Respondent Pamela Bondi is the Attorney General of the United States. She is
4 responsible for the Department of Justice, of which the Executive Office for Immigration Review
5 and the immigration court system it operates is a component agency. She is sued in her official
6 capacity.

7 25. Respondent Department of Homeland Security (DHS) is the federal agency
8 responsible for implementing and enforcing the INA, including the detention and removal of
9 noncitizens.

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

13 **LEGAL FRAMEWORK**

14 27. The INA prescribes three basic forms of detention for the vast majority of
15 noncitizens in removal proceedings.

16 28. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
17 proceedings before an Immigration Judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a)
18 detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R.
19 §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted
20 of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

21 29. Second, the INA provides for mandatory detention of noncitizens subject to
22 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
23 referred to under § 1225(b)(2).

1 30. Last, the INA also provides for detention of noncitizens who have been ordered
2 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

3 31. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

4 32. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
5 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
6 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section
7 1226 was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139
8 Stat. 3 (2025).

9 33. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
10 that, in general, people who entered the country without admission or parole were not considered
11 detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and
12 Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal
13 Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

14 34. Thus, in the decades that followed, most people who entered without admission or
15 parole and were placed in standard removal proceedings received bond hearings, unless their
16 criminal history rendered them ineligible. That practice was consistent with many more decades
17 of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a
18 custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also*
19 H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the
20 detention authority previously found at § 1252(a)).

21 35. On July 8, 2025, ICE, “in coordination with” the Department of Justice,
22 announced a new policy that rejected this well-established understanding of the statutory
23 framework and reversed decades of practice.

1 36. The new policy, entitled “Interim Guidance Regarding Detention Authority for
2 Applicants for Admission,” claims that all persons who entered the United States without
3 admission or parole shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and
4 therefore are subject to mandatory detention under § 1225(b)(2)(A). The policy applies
5 regardless of when a person is apprehended, and affects those who have resided in the United
6 States for months, years, and even decades.

7 37. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure*
8 *Hurtado*. There, the Board held that all noncitizens who entered the United States without
9 admission or parole are considered applicants for admission who are seeking admission and are
10 ineligible for IJ bond hearings.

11 38. Dozens of federal courts have rejected Respondents’ new interpretation of the
12 INA’s detention authorities.

13 39. Notably, long before ICE or the BIA changed its position nationwide, IJs in the
14 Tacoma, Washington, immigration court stopped providing bond hearings for persons who
15 entered the United States without admission or parole and who have since resided here. This
16 Court held that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b),
17 applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez*
18 *Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

19 40. Since the *Rodriguez Vazquez* preliminary injunction decision, court after court has
20 adopted the same reading of the INA’s detention authorities and rejected ICE’s new policy and
21 EOIR’s new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL
22 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp.
23 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157

1 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation*
 2 *adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025);
 3 *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13,
 4 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug.
 5 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285
 6 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass.
 7 Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug.
 8 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal.
 9 Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md.
 10 Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La.
 11 Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL
 12 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS,
 13 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-
 14 DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No.
 15 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v.*
 16 *Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*,
 17 No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma*
 18 *Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that
 19 “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v.*
 20 *Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same);
 21 *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14,
 22 2025) (same).
 23
 24

1 41. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it
2 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the
3 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like
4 Petitioners.

5 42. Subsection 1226(a) applies by default to all persons “pending a decision on
6 whether the [noncitizen] is to be removed from the United States.” These removal hearings are
7 held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

8 43. The text of § 1226 also explicitly applies to people charged as being inadmissible,
9 including those who entered without admission or parole. *See* 8 U.S.C. § 1226(c)(1)(E).
10 Subparagraph (E)’s reference to such people makes clear that, by default, such people are
11 afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained,
12 “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent
13 those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257
14 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

15 44. Section 1226 therefore leaves no doubt that it applies to people who face charges
16 of being inadmissible to the United States, including those who are present without admission or
17 parole.

18 45. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
19 recently entered the United States. The statute’s entire framework is premised on inspections at
20 the border of people who are “seeking admission” to the United States. 8 U.S.C.
21 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme
22 applies “at the Nation’s borders and ports of entry, where the Government must determine
23
24

1 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
2 U.S. 281, 287 (2018).

3 46. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
4 people like Petitioners, who have already entered and were residing in the United States at the
5 time they were apprehended.

6 47. Petitioners are class members of the certified Bond Denial Class in *Rodriguez*
7 *Vazquez v. Bostock*, No. 3:25-cv-05240-TMC (W.D. Wash.). That class is defined as comprising:
8 “All noncitizens without lawful status detained at the Northwest ICE Processing Center who (1)
9 have entered or will enter the United States without inspection, (2) are not apprehended upon
10 arrival, (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or §
11 1231 at the time the noncitizen is scheduled for or requests a bond hearing.” *Rodriguez Vazquez*
12 *v. Bostock*, 349 F.R.D. 333, 365 (W.D. Wash. 2025).

13 48. However, 8 U.S.C. § 1252(f)(1) precludes the class from obtaining classwide
14 preliminary or final injunctive relief in *Rodriguez Vazquez*. The parties in that case are awaiting
15 the Court’s decision on the Bond Denial Class’s motion for summary judgment and request for
16 classwide declaratory relief.

17 49. Petitioners therefore seek individual habeas relief while that decision on final
18 declaratory relief on a classwide basis remains pending. In the alternative, should final
19 declaratory relief issue in *Rodriguez Vazquez*, and should Defendants fail to apply that ruling to
20 Petitioners, Petitioners seek enforcement of that ruling through the instant petition.

21 22 23 FACTS

Santiago Ortiz Martinez

50. Petitioner Santiago Ortiz Martinez is a long-time resident of the United States who has resided here since at least 2015.

51. On August 11, 2025, ICE arrested Mr. Ortiz Martinez. He is now detained at the NWIPC. Mr. Ortiz Martinez was previously arrested by ICE in 2019 and was ordered release on bond.

52. ICE placed Mr. Ortiz in removal proceedings before the Tacoma Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole at an unknown place and an unknown time.

53. Following Mr. Ortiz's arrest and transfer to NWIPC, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

54. Mr. Ortiz subsequently requested a bond redetermination hearing before an IJ.

55. On September 2, 2025, a Tacoma IJ issued a decision holding that the court lacked jurisdiction to conduct a bond redetermination hearing because Mr. Ortiz was an applicant for admission seeking admission under § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ would have set bond at \$10,000.

56. As a result, Mr. Ortiz remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody.

Josefina Rojas

1 57. Petitioner Josefina Rojas is a long-time resident of the United States who has
2 resided here since at least 1986.

3 58. On August 13, 2025, ICE arrested Ms. Rojas. She is now detained at NWIPC.

4 59. ICE placed Ms. Rojas in removal proceedings before the Tacoma Immigration
5 Court pursuant to 8 U.S.C. § 1229a. ICE has charged her with being inadmissible under 8 U.S.C.
6 § 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole at an
7 unknown place and an unknown time.

8 60. Ms. Rojas has not had a bond hearing. Pursuant to DHS policy and *Matter of*
9 *Yajure Hurtado*, Respondents consider her subject to mandatory detention.

10 61. As a result, Ms. Rojas remains in detention. Without relief from this court, she
11 faces the prospect of months, or even years, in immigration custody.

12 **Horacio Romero Leal**

13 62. Petitioner Horacio Romero Leal is a long-time resident of the United States who
14 has resided here since at least 1998.

15 63. In 2018, ICE arrested Mr. Romero and placed him in removal proceedings under
16 8 U.S.C. § 1229a. At that time, ICE charged him with being inadmissible under 8 U.S.C.
17 § 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole at an
18 unknown place and an unknown time. He was subsequently released on bond.

19 64. On April 28, 2025, ICE re-arrested Mr. Romero. He is now detained at NWIPC.

20 65. After arresting Mr. Romero, ICE continued his removal proceedings pursuant to
21 § 1229a.

1 66. Following Mr. Romero's arrest and transfer to NWIPC, ICE issued a custody
2 determination to continue his detention without an opportunity to post bond or be released on
3 other conditions.

4 67. Mr. Romero subsequently requested a bond redetermination hearing before an IJ.

5 68. On June 26, 2025, a Tacoma IJ issued a decision holding that the court lacked
6 jurisdiction to conduct a bond redetermination hearing because Mr. Romero was an applicant for
7 admission seeking admission under § 1225(b)(2)(A). The IJ ruled that, in the alternative, if
8 mandatory detention did not apply, the IJ would have set bond at \$7,500.

9 69. Since being detained in April 2025, Mr. Romero's case has proceeded to an
10 individual calendar hearing (ICH), or merits hearing. The IJ denied relief from removal. Mr.
11 Romero has since appealed. While his administrative appeal to the BIA remains pending, the
12 basis for his detention remains 8 U.S.C. § 1226(a).

13 70. As a result, Mr. Romero remains in detention. Without relief from this court, he
14 faces the prospect of months, or even years, in immigration custody.

15 **Adolfo Barajas Cano**

16 71. Adolfo Barajas Cano is a long-time resident of the United States who has resided
17 here since at least 2007.

18 72. On June 9, 2025, ICE arrested Mr. Barajas. He is now detained at NWIPC.

19 73. ICE placed Mr. Barajas in removal proceedings before the Tacoma Immigration
20 Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible under 8
21 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole
22 at an unknown place and an unknown time.

74. Following Mr. Barajas' arrest and transfer to NWIPC, ICE issued a custody determination to continue his detention without an opportunity to post bond or be released on other conditions.

75. Mr. Barajas subsequently requested a bond redetermination hearing before an IJ.

76. On June 23, 2025, a Tacoma IJ issued a decision holding that the court lacked jurisdiction to conduct a bond redetermination hearing because Mr. Barajas was an applicant for admission seeking admission under § 1225(b)(2)(A). The IJ ruled that, in the alternative, if mandatory detention did not apply, the IJ would have set bond at \$10,000.

77. Since being detained, Mr. Barajas' case has proceeded to an ICH. At the hearing, the IJ denied relief from removal. Mr. Barajas has since appealed. While his administrative appeal to the BIA remains pending, the basis for his detention remains 8 U.S.C. § 1226(a).

78. As a result, Mr. Barajas remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody.

Pepe Lopez

79. Pepe Lopez is a long-time resident of the United States who has resided here since at least 1989.

80. On September 11, 2025, ICE arrested Mr. Lopez. He is now detained at NWIPC.

81. ICE placed Ms. Lopez in removal proceedings before the Tacoma Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without admission or parole at an unknown place and an unknown time.

82. Mr. Lopez has not had a bond hearing. Pursuant to DHS policy and *Matter of Yajure Hurtado*, Respondents consider him subject to mandatory detention.

83. As a result, Mr. Lopez remains in detention. Without relief from this court, he faces the prospect of months, or even years, in immigration custody.

CLAIMS FOR RELIEF

COUNT I Violation of the INA

84. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

85. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

86. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates the INA.

COUNT II Request for Relief Pursuant to Declaratory Relief in *Rodriguez Vazquez*

87. Petitioners incorporate by reference the allegations of fact set forth in paragraphs 1–83.

88. In the alternative, should the Court in *Rodriguez Vazquez* issue final declaratory relief on behalf of the Bond Denial Class prior to a decision in this case, that ruling applies to Petitioners.

89. Accordingly, consistent with any *Rodriguez Vazquez* declaratory relief on behalf of the Bond Denial Class, the application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates the INA. Defendants are accordingly prohibited from

1 considering Petitioners detained under that section and must consider Petitioners subject to
2 detention under § 1226(a).

3 **COUNT III**
4 **Violation of Due Process**

5 90. Petitioners repeat, re-allege, and incorporate by reference each and every
6 allegation in paragraphs 1–83 as if fully set forth herein.

7 91. The government may not deprive a person of life, liberty, or property without due
8 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
9 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
10 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

11 92. Petitioners have a fundamental interest in liberty and being free from official
12 restraint.

13 93. The government’s detention of Petitioners without a bond redetermination hearing
14 to determine whether they are a flight risk or danger to others violates their right to due process.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Petitioners prays that this Court grant the following relief:

- 17 a. Assume jurisdiction over this matter;
- 18 b. Issue a writ of habeas corpus clarifying that the statutory basis for all Petitioners’
19 detention is 8 U.S.C. § 1226(a) and that 8 U.S.C. § 1225(b)(2)(A) does not apply
20 to Petitioners;
- 21 c. For the Petitioners who received a hearing where the IJ set an alternative bond
22 amount, issue a writ of habeas corpus requiring Respondents to release those
23 individuals immediately upon posting of that bond amount;
- 24

- d. For the Petitioners who have not yet received a hearing, issue a writ of habeas corpus requiring that Respondents release those Petitioners unless Respondents provide those Petitioners with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14 days;
- e. Declare ICE’s July 8 policy and the BIA’s *Matter of Yajure Hurtado* decisions unlawful;
- f. 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
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 19th of September, 2025.

s/ Matt Adams

Matt Adams, WSBA No. 28287
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s/ Leila Kang

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s/ Glenda M. Aldana Madrid

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