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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOLANY PADILLA, et al.,

Plaintiffs,

v.

U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT, et al.,

Defendants.

CASE NO. C18-928 MJP

ORDER DENYING MOTION FOR
RECONSIDERATION

The above-entitled Court, having received and reviewed Defendants’ Motion for Reconsideration (Dkt. No. 92), Plaintiffs’ Response to Defendants’ Motion for Reconsideration (Dkt. No. 98), all attached declarations and exhibits, and relevant portions of the record, rules as follows:

IT IS ORDERED that the motion is DENIED.

Discussion

Defendants seek reconsideration of the Court’s order granting in part and denying in part their motion to dismiss. (Dkt. No. 91.) Reconsideration is disfavored in this district, absent a

1 demonstration of “manifest error” in the prior ruling or “new facts or legal authority which could
2 not have been brought to [the Court’s] attention earlier with reasonable diligence.” Local Rule
3 7(h).

4 Defendants assign “manifest error” on two bases:

5 1. Judicial Review is Barred by 28 U.S.C. § 1252(a)(2)(A)(iv) and (e)(3)

6 Defendants assert that the Court ignored 28 U.S.C. § 1252(a)(2)(A)(iv), which bars
7 judicial review of “procedures and policies adopted by the [Secretary] to implement the
8 provisions of section 1225(b)(1).” (Motion at 3.) This argument misses the point of Plaintiffs’
9 legal theory and the rationale of the Court’s Order. The gravamen of Plaintiffs’ lawsuit is that
10 Defendants have not adopted any formal procedure or policy regarding when the credible fear
11 interviews or the bond hearings of which they complain will be held; hence the issue of
12 impermissible “indefinite detention.” The Court accepted this argument and finds no manifest
13 error in having done so.

14 Similarly, Defendants assert that the Court ignored § 1252(e)(3), which would restrict
15 any “permissible” challenge to the constitutionality of section 1225(b)(1) or the “procedures and
16 policies adopted by the [Secretary] to implement the provisions of section 1225(b)(1)” to
17 lawsuits filed in the District of Columbia. But again, what is being challenged here is *not* the
18 constitutionality of § 1225(b)(1), but rather Defendants’ *failure to implement the statute*. Were
19 the Court to adopt Defendants’ reasoning, the government could insulate itself from review
20 merely by declining to take any action or commit its policies to writing. In neither instance does
21 the Court find any manifest error in ruling that (on those causes of action which were permitted
22 to proceed) Plaintiffs have stated a plausible claim upon which relief may be granted.

