

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 25-CV-2720-RMR

NESTOR ESAI MENDOZA GUTIERREZ, for himself and on behalf of themselves and others similarly situated,

Petitioners-Plaintiffs,

v.

JUAN BALTASAR, Warden, Denver Contract Detention Facility, Aurora, Colorado, in his official capacity;

ROBERT GUADIAN, Director of the Denver Field Office for U.S. Immigration and Customs Enforcement, in his official capacity;

KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, in her official capacity;

TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity;

PAMELA BONDI, Attorney General of the United States, in her official capacity;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;

SIRCE OWEN, Acting Director for Executive Office of Immigration Review, in her official capacity;

U.S. DEPARTMENT OF HOMELAND SECURITY;

AURORA IMMIGRATION COURT; and,

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents-Defendants.

PETITIONER-PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

Petitioner-Plaintiff and the putative class advise the Court of relevant supplemental authority. The Western District of Washington granted summary judgment to a near-identical regional class of detained noncitizens at the ICE detention center in Tacoma, Washington in *Rodriguez Vazquez v. Bostock*, 3:25-CV-05240, --- F.Supp.3d ----, 2025

WL 2782499 (W.D. Wash. Sept. 30, 2025) shortly after Petitioner-Plaintiff filed his Consolidated Reply brief (ECF 29, filed September 26, 2025).

The Western District of Washington held “members of the [class] are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2), and [the government’s] practice of denying bond hearings to class members based on that provision violates the [Immigration and Nationality Act].” *Id.* at p. 4. The court then addressed many of the same arguments Defendants make here (see *id.* at pp. 37-57) and rejected them.

The court also considered and rejected the government’s arguments that district courts lack jurisdiction to hear these claims under 8 U.S.C. § 1252(b)(9) and (g)’s channeling provisions, and cannot issue Rule 23(b)(2) classwide declaratory relief pursuant to § 1252(f)(1). *Id.* at pp. 17-27.

Likewise, other district courts also continue to grant relief in individuals’ *habeas* cases. See, e.g., *Alves de Silva v. U.S. Immig. & Customs Enft*, No. 25-cv-284, 2025 WL 2778083 (D. N.H. Sept. 29, 2025); Ex. 1, *Santiago Flores v. Noem*, No. 5:25-cv-02490 (C.D. Cal. Sept. 29, 2025).

Dated: October 1, 2025.

Respectfully submitted,

s/ *Scott Medlock*

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CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notifications of such filing to all counsel of record.

/s/ Scott Medlock

Scott Medlock