

**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