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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Vladislav Iylmaz,

Petitioner,

v.
John Cantu, *et al.*,

Respondents.

Case No.: CV-25-03331-PHX-DJH-MTM

**Petitioner's Reply to
Respondents' Response to
Petitioner's
Motion For Temporary
Restraining Order (Dkt. 21).**

Respondents' Response to the Motion for Temporary Restraining Order (Dkt. 21) should be rejected. Respondents' opposition is premised on factual assertions and legal positions that are directly contradicted by Respondents' own submissions in *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.), acknowledging that the district court extended declaratory relief to the certified class, while arguing that such relief "may be persuasive" but is "not ultimately coercive." (Ex. A at 2–3 (*quoting* Class Certification Order at 12, 14). In short,

Respondents' own *Bautista* filings confirm that they are resisting the legal consequences of an adverse merits ruling while continuing to detain affected individuals without the process that ruling contemplates. (Ex. A at 2, 6–8).

**I. RESPONDENTS MISREPRESENT THE EFFECT OF THE
BAUTISTA ORDERS AND CONTRADICT THEIR OWN POSITIONS
TAKEN BEFORE THE BAUTISTA COURT**

Respondents' central assertion is that *Maldonado Bautista* has produced “no relief,” no operative declaratory judgment, and no legal effect on the government's detention authority. *See* Dkt. 21 at 5-7. That assertion is demonstrably false and directly contradicted by Respondents' own representations to the *Bautista* court.

In *Bautista*, Respondents repeatedly acknowledged that the district court granted declaratory relief on the merits of the statutory question and expressly extended that relief to the certified nationwide class. *See* Ex. A at 2-3. In their opposition to Plaintiffs' application for reconsideration and clarification, Respondents stated that the court's class certification order “extended the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole,” while arguing only that such declaratory relief was “not ultimately coercive.” Ex. A at 2, 6–8.

That position is irreconcilable with the one advanced here. Respondents cannot maintain in one federal court that declaratory relief has been entered but lacks coercive force, while asserting in another federal court that no declaratory relief exists at all. Federal courts do not permit litigants to adopt inconsistent positions in parallel proceedings to avoid the consequences of an adverse ruling. *See New Hampshire v. Maine*, 532 U.S. 742, 749–51 (2001) (holding that the principles of judicial estoppel inherently discourage inconsistent positions across related legal contexts to maintain the integrity of the judicial process).

The inconsistency is not purely technical. In *Bautista*, Plaintiffs demonstrated, and Respondents did not meaningfully dispute, that DHS and EOIR issued instructions to immigration judges nationwide directing them to disregard the *Bautista* declaratory ruling on the ground that no “final judgment” had issued. Respondents’ position in this case is part of the same strategy: to deny any operative effect to a merits determination they lost.

II. RESPONDENTS’ FINALITY ARGUMENT MISSTATES THE LAW GOVERNING DECLARATORY RELIEF AND INTERIM EQUITABLE RELIEF

Respondents argue that *Bautista* has no relevance because the court declined to enter a Rule 54(b) final judgment and therefore issued no declaratory judgment with preclusive effect. That argument misunderstands both the nature of declaratory relief and the standard governing temporary restraining orders.

First, the absence of a Rule 54(b) certification does not erase a court’s merits determination or render it legally irrelevant. Declaratory relief does not become invisible until reduced to a separate judgment document; rather, it reflects the court’s resolution of a concrete legal dispute. Indeed, Respondents themselves acknowledged in *Bautista* that the declaratory ruling “may be persuasive,” even while contending that it was not coercive. Ex. A at 2.

Second, the TRO inquiry does not require this Court to determine whether *Bautista* has full claim-preclusive effect. It requires the Court to assess likelihood of success on the merits and the risk of irreparable harm. A reasoned merits ruling by another federal court on the same statutory question, particularly one the government concedes exists, strongly supports a finding that Petitioner is likely to succeed.

Respondents' insistence that this Court must treat *Bautista* as a legal nullity unless and until a final judgment issues is unsupported by authority and would improperly elevate form over substance in the TRO context.

III. RESPONDENTS' DUPLICATIVE-LITIGATION ARGUMENT IS INTERNALLY INCONSISTENT AND LEGALLY DEFECTIVE

Respondents contend that this Court should dismiss or stay the Petition because Petitioner's claims are "already being litigated" in *Bautista*. Dkt. 21 at 2–5. That argument collapses under its own logic.

If *Bautista* provides no operative relief and no enforceable declaration, as Respondents argue elsewhere, then this action is not duplicative at all. Conversely, if *Bautista* does provide meaningful declaratory relief, then Petitioner's reliance on that ruling to establish likelihood of success is entirely proper. Respondents invoke the doctrine of duplicative litigation, but their argument fails under the very standard they cite. In the Ninth Circuit, whether an action is duplicative turns on principles of claim preclusion specifically, whether the claims, parties, and relief are such that a final judgment in the first-filed action would preclude the later action. *Adams v. Cal. Dep't of Health Servs.*, 487 F.3d 684, 688–89 (9th Cir. 2007).

Here, however, Respondents repeatedly assert that *Maldonado Bautista* has produced no final judgment, no operative declaratory relief, and no preclusive effect. (Dkt. 21 at 5–7). Having taken that position, Respondents cannot simultaneously contend that *Bautista* is legally sufficient to bar this action as duplicative. If, as Respondents insist, *Bautista* will not yield a judgment with preclusive effect, then dismissal on duplicative-litigation grounds is unwarranted under *Adams*. Respondents cannot simultaneously invoke *Bautista* to block relief while denying that *Bautista* has any legal effect. Respondents' attempt to use *Bautista* as both a shield and a sword should be rejected.

IV. RESPONDENTS' RELIANCE ON 8 U.S.C. § 1252(f)(1) IS CONTRARY TO CONTROLLING LAW AND THEIR OWN CONCESSIONS

Respondents repeatedly invoke 8 U.S.C. § 1252(f)(1) to suggest that no relief may issue in this case. That argument is misplaced. Section 1252(f)(1) limits class-wide injunctive relief; it does not bar declaratory relief. *Garland v. Aleman Gonzalez*, 596 U.S. 543, 550 (2022). The Ninth Circuit affirmed that declaratory relief is not precluded by Section 1252(f)(1). *See Al Otro Lado v. Exec. Off. for Immigr. Review*, 120 F.4th 606 (9th Cir. 2024) (holding that declaratory relief remains available even when class-wide injunctive relief is barred).

Respondents expressly acknowledged this distinction in *Bautista*, arguing that declaratory relief was permissible but non-coercive. *See* Ex. A at 2, 7. Having taken that position, Respondents cannot now suggest that § 1252(f)(1) nullifies the relevance of *Bautista* or forecloses interim relief here.

V. RESPONDENTS FAIL TO REBUT IRREPARABLE HARM OR THE NEED FOR EMERGENCY RELIEF

Respondents' Response largely ignores the irreparable harm flowing from continued detention without a lawful custody determination. Meanwhile, the *Bautista* record demonstrates that Respondents are actively instructing adjudicators to disregard a merits ruling, ensuring that class members remain detained indefinitely while the government litigates procedural defenses.

That is precisely the circumstance in which temporary restraining relief is appropriate. The balance of equities favors preventing unlawful detention pending resolution of the legal issues, and the public interest is not served by permitting the Executive Branch to unilaterally suspend the effect of federal court rulings.

CONCLUSION

Respondents' Response is internally inconsistent, contradicted by their own filings, and legally unsound. Their attempt to deny any effect to *Maldonado Bautista* while simultaneously invoking it to block relief exemplifies the kind of strategic maneuvering that temporary restraining orders are designed to prevent. Petitioner has demonstrated a likelihood of success on the merits, irreparable harm, and that the balance of equities and public interest favor relief. The Motion for Temporary Restraining Order should be granted.

Dated: December 17, 2025

/s/ Eli Goldmann
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