

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

MAMDOUH ABUGHALI,

Petitioner,

v.

Case No.: 3:25-cv-1086-WWB-SJH

RONNIE WOODALL, Warden of the North Florida Detention Center, in his official capacity; U.S. DEPARTMENT OF HOMELAND SECURITY; KRISTI NOEM, in her official capacity as Secretary of Department of Homeland Security; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; TODD M. LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement,

Respondents.

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**RESPONSE TO PETITIONER'S NOTICE OF SUPPLEMENTAL AUTHORITY AND EMERGENCY REQUEST FOR IMMEDIATE RELEASE**

Respondents, Kristi Noem, in her official capacity as Secretary of the Department of Homeland Security, the United States Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE), and Todd M. Lyons, in his official capacity as Acting Director of ICE ("Federal Respondents"), pursuant to the Court's direction (Doc. 9), respond to Petitioner Mamdouh Abughali's Notice of Supplemental Authority and Emergency Request for Immediate Release (Doc. 8) and request that the request for immediate release be denied.

**DISCUSSION**

Petitioner contends that he seeks to notify the Court of critical new authority, citing *Maldonado Bautista v. Garland*, which purportedly establishes that his continued

detention without bond is *ultra vires* and unlawful and rejects *Matter of Yajure Hurtado*. Doc. 8. Petitioner re-hashes many of the arguments he previously made in his initial Petition. See Doc 1 at 8-16. Further, Petitioner has also raised these same arguments in his motion for temporary restraining order and preliminary injunction, see Doc. 10, and reply brief, see Doc. 11. Thus, the Federal Respondents have already responded to most, if not all, of Plaintiff's arguments in their response to the Petition, see Doc. 7, and response to motion for TRO and preliminary injunction, see Doc. 13. As a result, the Federal Respondents will make a few brief points, showing that Petitioner is not entitled to the relief he seeks including immediate relief.

Contrary to Petitioner's assertions, the judgment in *Maldonado Bautista v. Noem*, Case No. 5:25-cv-1873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec 18, 2025), does not apply to his case and, thus, does not entitle him to the relief he requests.

First, the court in *Maldonado Bautista* declined to vacate the decision of the Board of Immigration Appeals (BIA) in *Matter of Yajure Hurtado*, 29 I&N Dec. 616 (BIA 2025). Further, *Hurtado* remains binding on ICE and immigration judges. See 8 U.S.C. § 1103(a)(1) ("determination and ruling by the Attorney General to all questions of law shall be controlling"). Thus, the judgment entered in the *Maldonado Bautista* court does not entitle Petitioner to an individualized hearing.

Second, even as Petitioner concedes, he does not fit within the defined class in *Maldonado Bautista*. See Doc. 11 at 4. The *Maldonado Bautista* court defined the certified class as follows:

**Bond Eligible Class.** All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

*Maldonado Bautista v. Santacruz*, Case No. 5:25-cv-1873-SSS-BFM, 2025 WL 3288403, at \*10 (C.D. Cal. Nov 25, 2025). Unlike the class members, Abughali asserts that he was “inspected and paroled into the United States at the San Ysidro Port of Entry on September 9, 2022.” Doc. 10 at p 2. Hence, Petitioner was inspected at a port of entry and apprehended upon arrival at the port of entry; thus, he does not meet elements one or two of the defined class. Further, Abughali resumed his status as an applicant for admission once his parole terminated on September 8, 2023. See Exhibit 1 (I-94); 8 C.F.R. § 212.5(e).

Third, even if Petitioner did fit within the class in *Maldonado Bautista*, it is not binding on this Court. The *Maldonado Bautista* case is on appeal as of December 18, 2025 (Doc. 95); hence, this Court should not give preclusive effect to the declaratory final judgment entered in *Maldonado Bautista* on December 18, 2025 (Doc. 94). Moreover, the declaratory judgment has no preclusive effect outside of the Central District of California and over custodians who are located outside of that District. See *Calderon v. Ashmus*, 523 U.S. 740, 747 (1998). See also *Burnham v. Superior Court of Cali.*, 495 U.S. 604, 608 (1990). Hence, the Court should not apply the declaratory final judgment entered in *Maldonado Bautista* to this case.

**CONCLUSION**

For the reasons the Federal Respondents have argued in their response to the Petition and the response to the TRO, Petitioner's request should be denied.

Dated: December 31, 2025

Respectfully submitted,

GREGORY W. KEHOE  
United States Attorney

/s/ Ronnie S. Carter

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 31, 2025, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system, which will send notice of filing and a downloadable copy of the filed document to the following CM/ECF participant listed below:

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