

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 25-CV-61898-DAMIAN/Valle

EDDY ROBERTO ESPINAL ENCARNACION,

Petitioner,

v.

MIAMI FIELD OFFICE DIRECTOR
Immigration and Customs Enforcement, *et. al.*

Respondents.

**RESPONDENTS' RESPONSE TO PETITIONER'S NOTICE OF CLASS
MEMBERSHIP IN *MALDONADO BAUTISTA ET AL V. SANTACRUZ JR. ET AL*
AND REQUEST FOR PROMPT DISPOSITION OF HABEAS PETITION**

Respondents¹, by and through the undersigned Assistant United States Attorney, responds to Petitioner's notice informing the Court of his class membership in *Maldonado Bautista et.al v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) and request for prompt disposition of his pending habeas petition. [ECF No. 17]. Respondents state as follows:

1. The *Maldonado Bautista* court granted class certification under Rule 23(b)(2). *Id.* Prior to class certification, the court entered partial summary judgment for the petitioners in that

¹ A writ of habeas corpus must "be directed to the person having custody of the person detained." 28 USC § 2243. In cases involving present physical confinement, the Supreme Court reaffirmed in *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), that "the immediate custodian, not a supervisory official who exercises legal control, is the proper respondent." *Rumsfeld v. Padilla*, 542 U.S. 426, 439 (2004). Petitioner is currently detained at Broward Transitional Center in Pompano Beach, Florida. His immediate custodian is Juan Gonzalez, Assistant Field Office Director. Accordingly, the proper Respondent in the instant case is Mr. Gonzalez, in his official capacity, and all other respondents should be dismissed.

case but denied the request to enter final judgment because there was a pending motion for class certification. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). Accordingly, the court has not issued final class-wide relief. Rather, the court set a January 9, 2026, joint status report deadline and January 16, 2026 status conference. 2025 WL 3288403, at *10.

2. 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, 2025 WL 3288403, at *9.

3. Petitioner concedes that he is a member of the *Maldonado Bautista* class. [ECF No. 17 at 2]. Petitioner entered the United States without inspection; he was not apprehended upon arrival; and he is not subject to detention under § 1226(c)(criminal aliens), § 1225(b)(1)(arriving alien), or § 1231(post final order of removal) at the time the Department of Homeland Security made their initial custody determination. [ECF No. 17 at 2-3].

4. Because Petitioner is a member of the *Maldonado Bautista* class, the Court should dismiss or, in the alternative, stay this action. Certification of a 23(b)(2) class precludes individual suits for the same injunctive or declaratory relief. *See U.S. v. Sanchez-Gomez*, 584 U.S. 381, 387 (2018)(noting that “[t]he certification of a suit as a class action has important consequences for the unnamed members of the class, including being “bound by the judgment”) (cleaned up); *Horns v. Whalen*, 922 F.2d 835 (4th Cir. 1991) (affirming district court’s decision to decline jurisdiction in a habeas mandamus action where the issue at bar was pending in a class action); *McNeil v. Guthrie*, 945 F.2d 1163, 1165-66 (10th Cir. 1991) (finding that “[i]ndividual suits for injunctive and

declaratory relief from alleged unconstitutional prison conditions cannot be brought where there is an existing class action. To permit them would allow interference with the ongoing class action”); *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (“To allow individual suits would interfere with the orderly administration of the class action and risk inconsistent adjudications”); *Rahman v. Blinken*, 2024 WL 4332603, at *8 (D.D.C. Sept. 27, 2024) (dismissing mandamus and APA claims where the same claims were being litigated in a class action of which the plaintiff was a member).

5. Should the Court find that Petitioner is a member of the *Maldonado Bautista* class, but that dismissal is not warranted, contrary to Petitioner’s assertion, the *Maldonado Bautista* court’s decision does not have preclusive effect in this matter. As noted above, the *Maldonado Bautista* court did not enter a final judgment with respect to the class. Although the court stated it was extending “the same declaratory relief” to the class, a court cannot grant declaratory relief prior to the entry of a final judgment, *i.e.*, a declaratory judgment. See *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 931 (1975) (“prior to final judgment there is no established declaratory remedy comparable to a preliminary injunction”). A pre-final judgment declaration is, by its nature, not a declaratory judgment “[b]ecause a preliminary declaration—unlike a final declaration—does not specifically bind anyone, it is more akin to an advisory opinion, which the Court is precluded from issuing by history and the implicit policies embodied in Article III.” *Vazquez Perez v. Decker*, No. 18-CV-10683 (AJN), 2019 WL 4784950, at *10 (S.D.N.Y. Sept. 30, 2019).

6. Absent an entry of final judgment with respect to the class, or a certification of partial final judgment under Rule 54(b), there is no declaratory judgment in *Maldonado Bautista*. The partial summary judgment ruling does not operate as a “judgment” because it is not an appealable order and “does not end the action as to any of the claims or parties and may be revised

at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities." Fed. R. Civ. P. 54(a), (b). Thus, there is no class-wide judgment, let alone any final judgment that could have preclusive effect as to class members.

7. Notably, on December 4, 2025, Plaintiffs-Petitioners ("Plaintiffs") in *Maldonado Bautista* filed the attached Ex Parte Application for Reconsideration and Clarification. *See Exhibit A*, hereto. Therein, Plaintiffs requested that the Court "reconsider and correct its inadvertent omission from its Order Certifying the Bond Eligible Class, extending declaratory relief to the class . . ." *Id.* at 3. More specifically, Plaintiffs asked that the court:

- (1) Reconsider its November 20 Order granting partial summary judgment and clarify that its November 25 Order certifying the class and extending declaratory to the class was intended to render the November 20 Order a final judgment binding on the Defendants' and their agents;
- (2) Direct entry of final judgment under Fed. R. Civ. P. 54(b) as to Counts I and II of the complaint and Count III insofar as the challenged agency actions are "not in accordance with the law . . .
- (3) Expressly confirm that the Court in its November 20 Order granting partial summary judgment not only declared the challenged agency actions to be in violation of the statute, but also vacated the challenged agency actions under the Administrative Procedure Act, 5 U.S.C. § 706(2)—namely, Defendants' July 8, 2025 "Interim Guidance Regarding Detention Authority for Applicants for Admission" and the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

Finally, Plaintiffs also ask the Court to reconsider and clarify its November 25, 2025 Order certifying the Bond Eligible Class and appointing class counsel . . .

Id. at 3-4.

8. On December 5, 2025, the *Maldonado Bautista* Court ordered Respondents to file an opposition to the Ex Parte Motion for Reconsideration or Clarification by December 10, 2025, at 12 PM. *See Exhibit B*, hereto.

9. In short, the *Maldonado Bautista* court did not enter a class-wide judgment. As such, there is currently no declaratory relief, let alone relief with preclusive effect on *Maldonado Bautista* class members' claims concerning the proper interpretation of 8 U.S.C. § 1225(b)(2)(A)'s mandatory detention provision.

Dated: December 9, 2025.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 9, 2025, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.