

Petitioner, by and through undersigned counsel, respectfully submits Petitioner's Supplemental Brief, pursuant to the Federal Rules of Civil Procedure and Local Rules of the Western District of Oklahoma, LCvR7.1(l) and pursuant to the November 18, 2025 status conference and order (Dkt Nos. 25, 26) to provide this Court with additional briefing regarding newly discovered legal authority that is directly relevant to Petitioner's pending Petition for Writ of Habeas Corpus and for an Order to Show Cause and Preliminary Restraining Order.

I. INTRODUCTION

Petitioner respectfully submits this Supplemental Brief addressing the Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241(c)(3) and accompanying request for a Temporary Restraining Order and Preliminary Injunction.

Since filing the initial petition, two major federal court decisions have been issued that directly establish the illegality of Petitioner's arrest, detention, and ongoing incarceration:

On November 20, 2025, United States District Court for the Central District of California, the Hon. Sunshine S. Sykes, granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class, in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment) [hereinafter the "Maldonado Bautista Orders"].

The Court held that noncitizens arrested in the interior without detention at entry, placed in 8 U.S.C. § 1229(a) proceedings, and not subject to § 1226(c) criminal grounds are detained under 8 U.S.C. § 1226(a) discretionary detention with mandatory bond-hearing rights, and not under § 1225(b)(2)(A) mandatory detention.

In addition, on November 13, 2025, in *Castañon Nava v. Department of Homeland Security*, No. 1:18-cv-03757 (N.D. Ill, Nov. 13, 2025), [hereinafter “Nava Order”], Judge Jeffrey I. Cummings, issued an enforcement order finding that DHS/CBP’s warrantless interior arrests without probable cause for immigration violation and without probable cause that the arrestee is “likely to escape” violated the Nava settlement consent decree and applicable federal law. Judge Cummings ordered release of 600+ class members, explicitly including those transferred out of state. However, Judge Cummings’ Nava Order has been stayed by the 7th Circuit Court of Appeals. And to date, the Nava Order remains stayed.

III. BRIEF FACTUAL BACKGROUND

Petitioner is a native and citizen of Mexico and last entered the United States without inspection at the U.S.-Mexico border, in Arizona, in 2001.

Petitioner is married, works as a landscaper, has paid his taxes and has a US citizen son and no criminal history. Petitioner is not a flight risk nor a danger to the community.

On September 10, 2025, Petitioner was detained and arrested at ORD airport, in Chicago, Illinois, without a warrant or probable cause after passing through inspection, mistaken for another person, and intending to visit relatives in Texas.

Petitioner was transferred from Broadview detention facility in the outskirts of Chicago, and is currently being detained in Newkirk, Oklahoma.

IV. ARGUMENT

A. FULL FAITH AND CREDIT OBLIGATION UNDER THE NAVA ORDER

On November 13, 2025, United States District Court Judge Jeffrey Cummings, issued the Nava Order mandating the immediate release of 615 class members detained by ICE.

The Nava Order specifically applies to class members currently detained in multiple jurisdictions, including, in Oklahoma, in which Respondents have already acknowledged that Petitioner is such a class member.

On November 18-20, 2025, the United States Court of Appeals for the Seventh Circuit temporarily stayed enforcement of the Nava Order pending DHS's appeal [Case No. 25-3050]. The stay remains in effect through December 1, 2025.

Pursuant to 28 U.S.C. § 1738 requires this Court to give full faith and credit to Judge Cummings' federal judgment. Even if this Court is stayed by the United States Court of Appeals for the Seventh Circuit's stay order of release of Petitioner, this Court is bound to recognize that:

- (a) A lawful federal judgment has determined Petitioner's arrest was unlawful
- (b) Petitioner qualifies as a class member entitled to remedies under the decree
- (c) The factual predicate for detention—a lawful arrest—has been negated by Judge Cummings' findings

The stay suspends enforcement of the release remedy but does not overturn any of Judge Cummings' merits determinations. *See Nken v. Holder*, 556 U.S. 418, 427-29 (2009)(stay of enforcement is distinct from merits review; stay preserves status quo but does not overturn substantive legal findings).

Respondents have acknowledged Petitioner is a Nava Class Member.

Consequently, this Court should order that Petitioner be released or in the alternative

direct that an Immigration Judge hold a bond hearing promptly, within seven days.

B. FULL FAITH AND CREDIT OBLIGATION UNDER THE MALDONADO BAUTISTA ORDERS

On November 25, 2025, Judge Sunshine S. Sykes, in the *Maldonado Bautista* Orders granted nationwide class status and partial summary judgment to a class consisting of: “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 § 1241 at the time the Department of Homeland Security makes an initial custody determination (emphasis added).”

Pursuant to 28 U.S.C. § 1738, this Court is required to give full faith and credit to Judge Sykes' declaratory judgment granting nationwide class status and partial summary judgment and be given the same effect in every court across the United States, unless legitimate exceptions apply.

Oklahoma federal courts must give full faith and credit to valid federal court judgments from other coordinate federal courts, including nationwide class action decisions.

This applies to judgments that declare substantive rights of class members decided by judge Sykes not limited to geographic boundaries, and should be recognized, in other courts, including in Oklahoma.

Judge Sykes in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners) and in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25,

2025) declared that noncitizens who entered the United States without inspection, who were not apprehended at the border, and not covered by specific mandatory detention statutes (for example, 8 U.S.C. §1226(c), §1225(b)(1) and §1241), are subject to discretionary detention under § 1226(a) rather than being subject to mandatory detention under § 1225(b)(2)(A) and eligible for bond hearings under 8 U.S.C. § 235(a).

Judge Syke's relief applies to all class members nationwide, no matter where they are geographically located, including in Oklahoma.

Consequently, a noncitizen like Petitioner, who entered the United States, without inspection and was unlawfully arrested and detained by ICE at ORD airport, in the interior of the United States, in September 2025, in Chicago, Ill and later transferred to Newkirk, OK where he is currently being detained, squarely falls within the protections of the Maldonado Bautista Orders and should be immediately released from detention or provided a bond hearing within seven days.

C. TRANSFER BY DHS/ICE TO ANOTHER JURISDICTION DOES NOT DEFEAT HABEAS JURISDICTION IN OKLAHOMA

In *Ex parte Endo*, 323 U.S. 283, 306 (1944) the Court found that “[a] prisoner’s transfer does not defeat habeas jurisdiction. Rather, it is the precise circumstance for which habeas corpus exists — to challenge unlawful custody wherever the prisoner is physically held.”

D. INDEPENDENT HABEAS JURISDICTION APPLIES TO BOTH THE NAVA ORDER AND MALDONADO BAUTISTA ORDERS

The Nava Order and the Maldonado Bautista Orders demonstrate that Petitioner's detention violates federal law (specifically, the Nava settlement Consent Decree and the grant of class certification and partial summary judgment motion in the Maldonado Bautista Orders).

This Court possesses independent habeas jurisdiction under 28 U.S.C. § 2241(c)(3) to grant relief from detention in violation of federal law, the Constitution or treaties of the United

States, even though the 7th Circuit Court of the United States has issued a stay order.

The stay of enforcement by the 7th Circuit does not affect this Court from recognizing the merits of class members in both litigations and must receive uniform treatment under the Full Faith and Credit.

In the Maldondo Baustia Orders there is presently no appeal or stay order and therefore, this Court has independent habeas authority to order release and in the alternative order a bond hearing before an immigration judge.

E. CLAIM AND ISSUE PRECLUSION, RES JUDICATA AND COMITY

Both the Nava Order and the Maldonado Bautista Orders found that ICE violated the law and that the noncitizens be released upon a bond hearing. In the Nava Order Judge Cummings has already found that ICE's warrantless Chicago arrests were in violation of the Consent Decree agreed to in 2022, under which the Petitioner was arrested and detained.

In both courts, ICE had a full and fair opportunity to litigate the issue of whether the noncitizens were unlawfully arrested and detained in violation of the Consent Decree (in the Nava Order) and mandatory detention theory under §1225(b)(2)(A) (in the Maldonado Bautista Orders) should be precluded from raising the same issue in this Court again in this habeas action and for a TRO.

Respondents have already acknowledged and agreed that Petitioner is a class member in the Nava Order.

Based on the foregoing, even if the stay order issued by the 7th Circuit Court of Appeals is still in effect, this Court has independent habeas jurisdiction to order release of the Petitioner on bond or order a bond hearing promptly before an Immigration Judge.

Principles and "notions of comity and federalism which require federal courts respect ['other sovereigns'] functions and the independent operation of ['other sovereigns'] legal systems" entails respecting findings in the Nava Order and Madonado Bautista Orders. *See Sanchez v. Wells Fargo Bank, N.A.*, 307 F. App'x 155 (10th Cir. 2009).

V. CONCLUSION

The Nava Order and subsequent stay order of the 7th Circuit Court of Appeals did not affect the merits of Petitioner's habeas petition, class membership status, and detention under § 1226(a). Both the Nava Order and the Maldonado Baustista Orders provide the Court with persuasive authority to immediately release Petitioner or direct a bond hearing.

Consequently, this Court should accordingly exercise its independent habeas jurisdiction taking into account the Nava Order and appeal and the Maldonado Bautista Orders and grant habeas relief, order Petitioner's immediate release from ICE custody or order a prompt bond hearing before an Immigration Judge.

Dated: December 1, 2025
New York, NY

Respectfully submitted,

/s/ Steven Lyons

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CERTIFICATE OF SERVICE

I, STEVEN LYONS, ESQ, declare under penalty of perjury that on November 26, 2025, I served the foregoing Notice of Supplemental Authority upon all counsel of record:

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Via the Court's ECF/CMS e-mail system

Dated: 12/01/2025
New York, NY

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