

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
SAN ANGELO DIVISION

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JESUS EDUARDO JANDRES-  
ORDONEZ,

Petitioner,

v.

PAMELA BONDI, et al.,

Respondents.

Civil Action No. 6:25-CV-084-H

**BRIEF IN SUPPORT OF RESPONDENTS' RESPONSE TO  
PETITIONER'S MOTION FOR SUMMARY JUDGMENT**

Ryan Raybould  
United States Attorney

Brian W. Stoltz  
Assistant United States Attorney  
Texas Bar No. 24060668  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8626  
Facsimile: 214-659-8807  
brian.stoltz@usdoj.gov

Attorneys for Respondents

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## I. Summary

This is a habeas corpus proceeding filed by an immigration detainee, Petitioner Jesus Eduardo Jandres-Ordonez, to challenge his detention without a bond hearing under 8 U.S.C. § 1225 pending the completion of his removal proceedings. (*See* Dkt. No. 1.) The government previously responded to the petition, (Dkt. No. 11), but Petitioner has now also filed a motion for summary judgment in which he asserts that recent decisions in a class action suit in the Central District of California render his detention unlawful and require that he receive a bond hearing in immigration court. (Dkt. No. 13.) As explained herein, though, Petitioner is not entitled to summary judgment in his favor, and instead his motion should be denied—as should his petition for habeas corpus, for the reasons already explained by the government.

## II. Background

Petitioner is a native and citizen of El Salvador. (Dkt. No. 12 at App. 002.<sup>1</sup>) He previously entered the United States without inspection (i.e., illegally) in South Texas, and was arrested by U.S. Immigration and Customs Enforcement (ICE) in August 2025. (Dkt. No. 2 at 4; Dkt. No. 12 at App. 002.)

After his arrest, Petitioner was placed in removal proceedings through the issuance of a notice to appear. (Dkt. No. 12 at App. 002.) The notice to appear charged that Petitioner is “an alien present in the United States who has not been admitted and

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<sup>1</sup> The government previously submitted an appendix of documentary materials in support of its response to the petition. (*See* Dkt. No. 12.) The government continues to rely on these materials to oppose summary judgment and, as they are already in the record, will simply cite to the appendix that is already on file rather than submit a second appendix.

paroled.” (Dkt. No. 12 at App. 002.) Petitioner was placed in immigration detention, but he requested a custody redetermination (i.e., a release on bond) from the immigration court. (Dkt. No. 12 at App. 007.) The immigration court denied this request, finding that it lacked jurisdiction to order a release on bond due to a precedential decision of the Board of Immigration Appeals (BIA) known as *Matter of Yajure Hurtado*, 29 I. & N. Dec. 2016 (BIA 2025). (See Dkt. No. 12 at App. 007 (“NO JURISDICTION – PER HURTADO”).) In *Hurtado*, the BIA explained that the immigration courts lack authority to grant bond to aliens who have entered the country without inspection because 8 U.S.C. § 1225 requires mandatory detention. See *Yajure Hurtado*, 29 I. & N. Dec. at 228–29.

Petitioner thereafter filed his petition for a writ of habeas corpus in this Court. (Dkt. No. 2.) In the petition, he argues that his detention is properly understood to arise under 8 U.S.C. § 1226 (which allows for the immigration court to grant bond), rather than § 1225 (as the government contends and as *Hurtado* holds), and also that the Due Process Clause prohibits his detention without a bond hearing. (See Dkt. No. 2.) The government filed a response, (Dkt. No. 11), and the matter remains pending.

Meanwhile, though, Petitioner has also filed a motion for summary judgment in which he argues that recent decisions out of the *Maldonado Bautista* class action in the Central District of California hold that he is subject to detention under § 1226 (not § 1225) and require him to receive a bond hearing in immigration court within seven days. (Dkt. No. 13 (relying throughout on *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.)).) The government now responds and explains why Petitioner’s motion should be denied.

### III. Standard of Review

Summary judgment is appropriate only if there is no dispute of material fact and the movant is entitled to judgment as a matter of law. *See* Fed. R. Civ. P. 56.

### IV. Argument and Authorities

Petitioner's motion for summary judgment should be denied because (a) aliens like Petitioner who have entered the country illegally are properly subject to mandatory detention under 8 U.S.C. § 1225 and are not entitled to a bond hearing in immigration court as would be available if they were detained under 8 U.S.C. § 1226, and (b) any rulings in the *Maldonado Bautista* lawsuit in the Central District of California are not binding in this Court and do not entitle Petitioner to any relief here.

#### A. **Aliens who enter the country illegally are properly subject to mandatory detention—with no bond hearing available in immigration court—under 8 U.S.C. § 1225.**

The backdrop to Petitioner's motion is a pending dispute—playing out in numerous courts across the country right now—about whether aliens who enter the country illegally and are later detained by ICE for removal proceedings are subject to mandatory detention under § 1225, or instead are properly understood to be detained pursuant to § 1226 such that they are eligible to receive bond hearings in immigration court. As the BIA explained in the *Yajure Hurtado* decision issued earlier this year, “for years Immigration Judges have conducted bond hearings for aliens who entered the United States without inspection” (i.e., illegally), but the BIA did “not recall either DHS or its predecessor, the Immigration and Naturalization Service,” ever challenging that practice. 29 I. & N. Dec. at 225 n.6.

That changed in July 2025, though, with ICE’s issuance of a notice entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” See *Maldonado Vazquez v. Feeley*, \_\_\_ F. Supp. 3d \_\_\_, 2025 WL 2676082, at \*5 & n.2 (D. Nev. Sept. 17, 2025) (describing the leaked notice and noting that the government did not object to its authenticity). This notice advised that “section 235 of the Immigration and Nationality Act (INA), rather than section 236”—that is, the mandatory detention provision of 8 U.S.C. § 1225(b)(2), not the discretionary-detention provision of 8 U.S.C. § 1226—“is the applicable immigration detention authority for all applicants for admission.” ICE Memo: Interim Guidance Regarding Detention Authority for Applicants for Admission (July 8, 2025).<sup>2</sup>

Once ICE began challenging the authority of the immigration courts to grant bond to aliens that it believed were properly subject to mandatory detention under § 1225, the matter was teed up for the BIA (which sits as essentially an administrative court of appeals over the immigration court system). This resulted in the *Matter of Yajure Hurtado* decision. There, the BIA recounted the relevant statutory and regulatory background before ultimately agreeing with ICE that any alien present in the United States who has not been lawfully “admitted” remains an “applicant for admission” who is subject to mandatory detention under § 1225. *Yajure Hurtado*, 29 I. & N. Dec. at 228–29. Accordingly, in the aftermath of *Yajure Hurtado*, bond hearings were no longer available in immigration court for detainees in Petitioner’s position.

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<sup>2</sup> <https://perma.cc/5GKM-JYGX>

The BIA's decision has not proved to be the final word, though. Immigration detainees who were unable to obtain bond hearings in immigration court due to *Yajure Hurtado* began to file habeas petitions in federal court, typically based on arguments that, in their view, their detention is properly characterized as falling under § 1226, such that a bond hearing should be available, and that the Due Process Clause likewise requires bond hearings in immigration court. In Petitioner's case, the government has already responded to the petition and set forth its arguments for why no bond hearing is required for Petitioner (either by statute or under the Constitution), and the government refers to that prior filing and adopts those arguments by reference here. (*See* Dkt. No. 11.)

**B. The *Maldonado Bautista* orders are not binding in this Court and do not entitle Petitioner to any relief here.**

After the government filed its response to Petitioner's petition (to address, "on the merits," the question of whether § 1225 mandatory detention applies to Petitioner or if Petitioner is instead entitled to a bond hearing in immigration court), Petitioner filed his summary-judgment motion. (Dkt. No. 13.) In the motion, Petitioner essentially argues that this Court should forego any independent analysis of his case, because he claims that the relevant issues have now been conclusively resolved, in his favor, by orders issued in the *Maldonado Bautista* litigation. (*See* Dkt. No. 13 at 4 (arguing that "[t]his Court is obligated to apply the law to all class members, as determined in the binding, final judgment issued in *Maldonado Bautista*").)

Specifically, Petitioner points to (1) a partial summary judgment issued in *Maldonado Bautista* on November 20, 2025, holding that the government's mandatory-

detention policy under § 1225 for aliens who entered the country illegally is inconsistent with statute, and declaring that the *Maldonado Bautista* petitioners were instead properly subject to detention only under § 1226; and (2) a class certification order issued on November 25, 2025, that created a “Bond Eligible Class” (consisting of any aliens who entered the country without inspection, were not apprehended upon arrival, and are not subject to certain other mandatory-detention provisions) and extended the same declaratory relief to them. (Dkt. No. 13 at 2–4.)

In Petitioner’s view, as a result of these two orders from *Maldonado Bautista* there is now “binding court precedent” that essentially leaves this Court with nothing to do other than take certain ministerial acts to grant Petitioner relief in accordance with *Maldonado Bautista*, i.e., by ordering that he be given a bond hearing in immigration court. (Dkt. No. 13 at 6.) But this Court has already addressed “whether it is bound by the Central District’s orders” in *Maldonado Bautista*. See *Calderon Lopez v. Lyons*, \_\_\_ F. Supp. 3d \_\_\_, 2025 WL 3683918, at \*1 (N.D. Tex. Dec. 19, 2025). In *Calderon Lopez*, the petitioner was similarly arguing that *Maldonado Bautista* mandated the grant of habeas relief, but the Court explained that this was not the case, for three reasons:

First, precedent makes clear that the [*Maldonado Bautista*] orders are advisory opinions because they do not redress the alleged harm and are not preclusive. The vacatur order sets aside one policy, but it declined to set aside a broader, independent decision from the Board of Immigration Appeals. Thus, the orders do not change immigration judges’ obligations to deny bond hearings, and they afford no preclusive relief. Second, and independently, the plain language of the Immigration and Nationality Act demonstrates that the Central District lacked statutory authorization to extend declaratory and vacatur relief to a

nationwide class of detainees. Finally, the two necessary implications of the Central District's purported relief—reconstitution of all bond-hearing injunction claims in the Central District or the mandatory application of the Central District's reasoning in all district courts nationwide—would require this Court to violate Supreme Court precedent. Because the Central District's orders were unauthorized, the Court rejects the petitioner's assertion that they bind this Court and mandate the requested relief.

*Id.*

The Court's analysis in *Calderon Lopez* was correct and the government respectfully submits that the same outcome is appropriate here, for all the same reasons detailed in the *Calderon Lopez* opinion. Additionally, the government notes that denial of Petitioner's motion is also appropriate for the following other, related reasons:

- 1. Under black-letter principles of habeas jurisdiction, *Maldonado Bautista* has no preclusive effect outside the Central District of California and over custodians who are located outside that district.**

The *Maldonado Bautista* class sought a declaratory judgment that class members such as Petitioner were unlawfully detained under § 1225 and instead should be characterized as detained under § 1226(a). But this is core habeas relief that must be brought as a habeas claim alone. As the Supreme Court made clear just this year, “[r]egardless of whether [] detainees formally request release from confinement,” if “their claims for relief necessarily imply the invalidity of their confinement[], their claims fall within the core of the writ of habeas corpus and thus must be brought in habeas.” *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (internal quotation marks and citation omitted).

The Supreme Court has imposed two fundamental limits on federal court jurisdiction over core habeas claims. First, “jurisdiction lies in only one district: the

district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also J.G.G.*, 604 U.S. at 672. Second, a habeas petitioner must name the petitioner’s immediate custodian—i.e., the custodian who has actual custody over the petitioner and can produce the “corpus.” *Padilla*, 542 U.S. at 435. “Failure to name the petitioner’s custodian as a respondent deprives federal courts of personal jurisdiction” needed to issue relief. *Stanley v. Cal. Sup. Ct.*, 21 F.3d 359, 360 (9th Cir. 1994); *see also Padilla*, 542 U.S. at 444. Thus, a federal district court is wholly without authority to issue the writ in favor of a petitioner who seeks habeas relief in a district in which he is not confined and the immediate custodian is not located. *Padilla*, 542 U.S. at 442–43. And a “judgment entered without personal jurisdiction over a defendant is void as to that defendant.” *Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C. Cir. 1987).

Given that a challenge to the legality of detention is a core habeas claim, class-wide declaratory relief is inappropriate in the habeas context. *See Calderon v. Ashmus*, 523 U.S. 740, 747 (1998) (declaratory judgment action not appropriate to address “validity of a defense the State may, or may not, raise in a habeas proceeding” in part because “the underlying claim must be adjudicated in a federal habeas proceeding”). Indeed, a class-wide declaratory judgment imposed from outside the district of confinement cannot be squared with the district-of-confinement requirement of habeas, nor is it a proper vehicle for obtaining an abstract declaration of legal rights with an eye toward later enforcement elsewhere. *See id.*; *see also LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996) (explaining that the “availability of a habeas remedy in another district ousted us of jurisdiction over an alien’s effort to pose a constitutional

attack . . . by means of a suit for declaratory judgment”); *Monk v. Sec’y of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) (“In adopting the federal habeas corpus statute, Congress determined that habeas corpus is the appropriate federal remedy for a prisoner who claims that he is ‘in custody in violation of the Constitution . . . of the United States.’ This specific determination must override the general terms of the declaratory judgment and federal question statutes.” (internal citation omitted)).

Here, the vast majority of *Maldonado Bautista* class members are confined outside of the Central District of California by immediate custodians who are also outside that district and have not been named in the lawsuit. Therefore, the *Maldonado Bautista* court lacked jurisdiction to issue habeas-type relief to all class members who are confined outside the Central District of California by immediate custodians outside that district, and a court’s judgment cannot be binding and preclusive against a party over which it lacked jurisdiction. *See Burnham v. Superior Ct. of Cal.*, 495 U.S. 604, 608 (1990).

In sum, the *Maldonado Bautista* court’s grant of purported nationwide relief to detainees at its core sounds in habeas and is a legal nullity outside the Central District of California (at a minimum—the government is also appealing the decision and does not believe it should be affirmed even within that district). And at the time this case was filed, Petitioner was detained in this district, and as such his immediate custodian also was not located in the Central District of California. (*See* Dkt. No. 2.) That means that *Maldonado Bautista* does not control here. *See Padilla*, 542 U.S. at 439–40; *see also Doe v. Garland*, 109 F.4th 1188, 1196 (9th Cir. 2024) (explaining that the immediate custodian and not a field office supervisor should be named in a habeas petition).

**2. This Court should not give preclusive effect to a declaratory judgment that is on appeal.**

Even if the *Maldonado Bautista* declaratory judgment could have preclusive effect outside the Central District of California, that judgment has been appealed to the Ninth Circuit, *see Bautista v. DHS*, No. 25-7958 (9th Cir.), and this Court should not afford preclusive effect to that judgment or to any underlying legal issues in deciding whether to grant habeas relief in this case.

Courts must exercise significant caution before giving preclusive effect to declaratory judgments that are on appeal. Reflexively granting preclusive effect to such judgments could lead to a subsequent judgment “from which it may be impossible to obtain relief” even if the first judgment is reversed on appeal. E. H. Schopler, *Judgment as Res Judicata Pending Appeal or Motion for a New Trial, or During the Time Allowed Therefor*, A.L.R.2d 984 § 2. Courts should strive to avoid this “evil result[.]” *See id.* (“both the rule under which the operation of a judgment as res judicata is, and the one under which it is not, affected by the pendency of an appeal, have very unfortunate consequences”); *see also* 18 Fed. Prac. & Prod. § 4404 (“Awkward problems can result from the rule that preclusive effects attach to the first judgment” while that judgment is subject to an appeal); 18A Fed. Prac. & Prod. § 4433 (the rule that a decision is final for the purposes of preclusion while that decision is pending appeal creates “[s]ubstantial difficulties”).

This problem can be “avoided . . . by delaying further proceedings in the second action pending conclusion of the appeal in the first action.” *Collins v. D.R. Horton, Inc.*,

505 F.3d 874, 882–83 (9th Cir. 2007) (internal quotation marks and citation omitted). In the circumstances here—and particularly given the constraints of 8 U.S.C. § 1252(f)(1)—it would not be proper to impose res judicata effect on a class-wide basis while the declaratory judgment is pending on appeal. *See* 9 A.L.R.2d 984 (explaining that “there is only one safe way of avoiding conflicting judgments on the same cause: the final decision on the merits of the second suit should be delayed until the decision on appeal has been rendered”).

**3. According preclusive effect to the *Maldonado Bautista* declaratory judgment would contravene other principles of preclusion.**

Beyond the two fundamental problems with giving effect to the *Maldonado Bautista* declaratory judgment in this case, three more reasons counsel strongly against doing so.

*First*, under 28 U.S.C. § 2202, “[f]urther necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.” To the extent this Court considers whether to award “further” relief than what the *Maldonado Bautista* court purported to grant to class members outside the Central District of California, such further relief is neither “necessary [n]or proper.” Indeed, the Ninth Circuit—which of course has appellate jurisdiction over the Central District of California—has rejected waiving the district-of-confinement rule on prudential considerations given the clear congressional mandate limiting habeas jurisdiction to the district of confinement as provided by statute. *Doe*, 109 F.4th at 1199.

*Second*, the circumstances of this case also counsel against applying issue preclusion against the government. The Supreme Court has “long recognized that the Government is not in a position identical to that of a private litigant, both because of the geographic breadth of government litigation and also, most importantly, because of the nature of the issues the government litigates.” *United States v. Mendoza*, 464 U.S. 154, 159 (1984) (internal quotation marks and citation omitted). “Government litigation frequently involves legal questions of substantial public importance.” *Id.* Thus, although the Supreme Court has held that the government “may be estopped under certain circumstances from relitigating a question when the parties to the two lawsuits are the same,” *id.* at 163, it is not so precluded in cases where the party seeking to offensively use preclusion was not a party to the initial litigation, *see id.* at 162. This is because allowing “nonmutual collateral estoppel against the government . . . would substantially thwart the development of important questions of law by freezing the first final decision rendered on a particular legal issue.” *Id.* at 160.

For similar reasons, the government should not be precluded from litigating the issue of the proper detention authority here, where Petitioner was not a named party to the prior *Maldonado Bautista* litigation, but instead is merely a member of a (fundamentally flawed) nationwide class. In such a circumstance, applying preclusion against the government raises the same concern raised in *Mendoza*—it would allow the *Maldonado Bautista* court’s decisions to freeze the law for all district courts nationwide, and it would stymie development of the law. This is particularly so because the *Maldonado Bautista* court could never grant complete habeas relief to all class members

as a result of 8 U.S.C. § 1252(f)(1)—instead, the *Maldonado Bautista* class action was merely a vehicle for seeking to use the judgment in individual habeas matters such as this one. At minimum, the court should exercise its discretion to decline to employ offensive issue preclusion, as in cases where a non-party seeks to invoke preclusion against a private party. *See Syverson v. IBM Corp.*, 472 F.3d 1072, 1078 (9th Cir. 2007).

The Court should also decline to give the *Maldonado Bautista* declaratory judgment preclusive effect given the existence of several inconsistent judgments from district courts around the country on the issue of whether § 1225 or instead § 1226 applies to aliens in Petitioner’s position. *See Calderon Lopez*, 2025 WL 3683918, at \*2 (noting the conflicting decisions on this issue in the “flurry of litigation” that has followed *Yajure Hurtado*). In light of the still-percolating litigation on this issue and the existence of a numerous contrary decisions, reliance on the adverse judgment in *Maldonado Bautista* to effectively tie the hands of all courts nationwide would be unfair. *See Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 330 (1979) (citing the existence of prior inconsistent judgments—including some in favor of the party against whom collateral estoppel is being asserted—as an indicium of the unfairness of applying the doctrine).

*Third*, it is doubtful that issue preclusion is ever appropriate in the habeas context. *See Hardwick v. Doolittle*, 558 F.2d 292, 295 (5th Cir. 1977) (“The doctrines of res judicata and collateral estoppel are not applicable in habeas proceedings.”); *see also Griffin v. Gomez*, 139 F.3d 905, 1998 WL 81336, at \*2 (9th Cir. 1998) (explaining that a prior “class action has no preclusive affect in habeas proceedings”) (unpublished table

decision); *Hierens v. Mizell*, 729 F.2d 449, 456 (7th Cir. 1984) (explaining that “a decision in another case is not res judicata as to a habeas proceeding” (internal quotation marks and citation omitted)).

## V. Conclusion

Petitioner’s motion for summary judgment should be denied.

Respectfully submitted,

Ryan Raybould  
United States Attorney

/s/ Brian W. Stoltz  
Brian W. Stoltz  
Assistant United States Attorney  
Texas Bar No. 24060668  
1100 Commerce Street, Third Floor  
Dallas, Texas 75242-1699  
Telephone: 214-659-8626  
Facsimile: 214-659-8807  
brian.stoltz@usdoj.gov

Attorneys for Respondents

### Certificate of Service

On December 30, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz  
Brian W. Stoltz  
Assistant United States Attorney