

**The IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

JULIO IVAN VILLANUEVA)	
MACHADO,)	
Petitioner,)	
)	CIV-25-1315-PRW
v.)	
)	
SCARLET GRANT, et al.,)	
Respondents.)	

RESPONDENTS' MOTION TO DISMISS

Respondents seek immediate dismissal of the Petition given Petitioner's Notice of Supplemental Authority and Class Membership (Doc. 13).

Plaintiff's explanation of the *Bautista* case is incomplete, as that suit does not currently provide Petitioner any relief. However, given Petitioner's contention that *Bautista* governs his claims, his petition should be dismissed for impermissible claim splitting.

I. The *Bautista* Suit Does Not Currently Provide Petitioner Relief

Petitioner is correct that the court in *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.), granted class certification and partial summary judgment for the plaintiffs in that case. But the court did not issue class-wide declaratory judgment. The court also did not issue a class-wide injunction. Rather, the court set a January 9, 2026, joint status report deadline and a January 16, 2026, status conference. Until and unless the *Bautista* court issues a class-wide declaratory judgment or injunction, the *Bautista* court's opinion and partial grant of summary judgment does not constitute a judgment. Fed. R. Civ. P. 54(b).

As such, the case does not provide relief to Petitioner and does not preclusive effect with respect to this case.

Moreover, there is no basis for this Court to enforce another court's order. The *Bautista* case is the proper forum to seek enforcement of any *Bautista* orders—especially if Petitioner claims to be a participant in that case.

II. The Petition Should Be Dismissed for Impermissible Claim Splitting

Petitioner cannot maintain multiple suits against the same parties for the same relief. “The rule against claim-splitting requires a plaintiff to assert all of its causes of action arising from a common set of facts in one lawsuit. By spreading claims around in multiple lawsuits in other courts or before other judges, parties waste ‘scarce judicial resources’ and undermine ‘the efficient and comprehensive disposition of cases.’” *Katz v. Gerardi*, 655 F.3d 1212, 1217 (10th Cir. 2011) (citing *Hartsel Springs Ranch of Colo., Inc. v. Bluegreen Corp.*, 296 F.3d 982, 985 (10th Cir.2002)).

That same rule applies to class actions and habeas petitions. *Rector v. City and County of Denver*, 348 F.3d 935, 949 (10th Cir. 2003) (“[U]sual principles of both claim and issue preclusion apply in class actions”); *McNeil v. Guthrie*, 945 F.2d 1163, 1165–66 (10th Cir. 1991) (finding that individual suits for injunctive and declaratory relief cannot be brought where a class action with the same claims exists); *Bennett v. Blanchard*, 802 F.2d 456, 456 (6th Cir. 1986) (holding that the lower court was correct in dismissing a case when the plaintiff was also a member in a parallel class action); *Goff v. Menke*, 672 F.2d 702, 704 (8th Cir. 1982) (since class members generally “cannot relitigate issues raised in a class action after it has been resolved, a class member should not be able to prosecute a

separate equitable action once his or her class has been certified.”); *Horwitz v. Fox*, No. CIV-14-644-D, 2014 WL 3670537, at *1 (W.D. Okla. July 22, 2014) (dismissing duplicative habeas action).

“While it is correct that a final judgment is necessary for traditional claim preclusion analysis, it is not required for the purposes of claim splitting.” *Katz*, 655 F.3d at 1218. Rather, the proper inquiry is “whether, assuming the first suit was already final, the second suit would be precluded under *res judicata* analysis.” *Id.* at 1219. As a result, this Court does not have to wait for additional orders in the *Bautista* case to dismiss this case. Rather, the application of claim-splitting analysis is apparent from Petitioner’s own contentions.

Petitioner contends that he is a member of the *Bautista* class and that “the legal issues in this habeas case have been disposed of by the *Maldonado Bautista*” suit—which was filed prior to this suit. Doc. 13 at 3. As such, Petitioner asserts that he has two suits against the Respondents, based on the same facts and seeking the same relief. Thus, Petitioner has stated his position on the preclusive effect of *Bautista*. The current suit is therefore duplicative and should be dismissed pursuant to the bar on claim splitting.

Accordingly, the Respondents respectfully request immediate dismissal of the Petition.

Dated: December 8, 2025

Respectfully submitted,
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