

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

MIGUEL ANGEL OCEGUEDA
GONZALEZ,

Case No. 2:25-cv-62261-DMM

Plaintiff,

v.

SECRETARY, KRISTI NOEM, et al.,

Defendants,

PETITIONER'S SUPPLEMENTAL BRIEF ON
MALDONADO BAUTISTA

The Petitioner files this memorandum addressing the effect of the class action certification and orders in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, (C.D. Cal. Nov. 25, 2025). The Petitioner states as follows:

- I. **The Department of Homeland Security (“DHS”) and the Executive Office for Immigration Review (“EOIR”) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.**

On November 20, 2025, the district court 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. *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). The declaratory

judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

Nonetheless, the Executive Office for Immigration Review and its subagency, the Immigration Court and the DHS have blatantly refused to abide by the declaratory relief and have unlawfully ordered that class members established by the California Court be denied the opportunity to be released on bond.

Immigration Judges (IJs) have informed class members in bond hearings that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). (See **Exhibit A** - Bond Order Denials, Immigration Judge).

In most of these orders, the Judges are writing “[u]ntil 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. See, e.g., Fed. R. Civ. P. 54(b) (second sentence).”

Even should the Court agree that Petitioner is a class member of *Maldonado Bautista*, the class-wide declaratory judgement in that case does not moot his claims. He remains detained, which is indisputably an injury sufficient to create a case or controversy. *Spencer v. Kemna*, 523 U.S. 1, 7

(1998). Even with Maldonado Bautista in place, the Petitioner cannot actually obtain a bond hearing absent an order from this court because Respondents have not interpreted the case to bind immigration judges.

II. Neither 8 U.S.C. § 1252(f)(1) nor Rule 23(b)(2) Prevents Classwide Declaratory Relief.

The Defendants contend that the Maldonado Court ‘did not issue a class-wide injunction, which would not be permitted by law; however, they fail to provide any citation for this legal proposition. Petitioner notes that this argument appears to reference 8 U.S.C. §1252(f)(1). Section 1252(f)(1) of INA provides that “no court (other than the Supreme Court) shall have jurisdiction or authority to enjoin or restrain the operation of the provisions” of certain portions of INA. Section 1252(f)(1) prohibits federal courts from granting class-wide injunctive relief but does not explicitly bar class-wide declaratory relief.

In *Garland v. Aleman Gonzalez*, the Supreme Court noted that at oral argument, the Government asserted that § 1252(f)(1) not only bars class-wide injunctive relief but also any relief “practically similar to an injunction,” such as class-wide declaratory relief, analogizing the provision to the Tax Injunction Act; the Court declined to address this argument because only injunctive relief was at issue. 596 U.S. 543, 551 n.3 (2022).

Supreme Court precedent also supports the availability of declaratory relief. In *Nielsen v. Preap*, 586 U.S. 392 (2019), the Court confronted a case that implicated §1226 and the limitations of §1252(f)(1). The district court in that case had issued an injunction, but the Court sidestepped the question of whether such an injunction was barred by §1252(f)(1), explaining that “[w]hether the Preap court had jurisdiction to enter such an injunction is irrelevant because the District Court had jurisdiction to entertain the plaintiffs’ request for declaratory relief.” 586 U.S. at 402 (plurality opinion). The Maldonado Court’s grant of class certification and partial summary judgment constitutes declaratory relief, which is not barred by §1252(f)(1) under current precedent.

Defendants also argue that Certification of a 23(b)(2) class precludes individual suits for the same injunctive or declaratory relief. However, courts have understood the interaction between § 1252(f)(1) and Rule 23(b)(2) to permit “class members [to] pursue individual injunctions after issuance of a classwide declaration,” *Alli v. Decker*, 650 F.3d 1007, 1015 (3d Cir. 2011); see also *id.* at 1020 n.2 (Fuentes, J., dissenting) (“[E]very single member of the class can, and will immediately seek an injunction grounded on the authority of the declaratory judgment.”); *J.E.F.M. v. Holder*, 107 F. Supp. 3d 1119, 1143–44 (W.D. Wash. 2015) (“[A]fter securing a declaratory judgment, each individual class member would have to separately invoke it as a ground for

individual injunctive relief, which ‘is expressly permitted under § 1252(f)(1).’” (quoting *Alli*, 650 F.3d at 1015)), *aff’d in part, rev’d in part on other grounds sub nom. J.E.F.M. v. Lynch*, 837 F.3d 1026 (9th Cir. 2016).

Notably, the Defendants’ reliance on *Gillespie* is particularly mistaken. Defendants cite to *Gillespie* to support the notion that “an individual class member should be barred from pursuing his own individual lawsuit that seeks equitable relief within the subject matter of the class action.” *Gillespie*, 858 F.2d at 1102–03 (quoting *Green v. McKaskle*, 770 F.2d 445, 44647 (5th Cir. 1985)). *Gillespie* is distinguishable as the Fifth Circuit barred individual litigation only because it occurred before judges who were not presiding over the parallel class action. In contrast, the Fifth Circuit permitted a separate individual case when the judge presiding over it also had supervisory authority over the parallel class action. *Gates v. Cook*, 376 F.3d 323, 328 (5th Cir. 2004).

Furthermore, the class in *Maldonado Bautista* is not a habeas class and cannot seek class wide injunctive relief. Under the plain terms of 28 U.S.C. § 2241, district courts can only provide habeas relief “within their respective jurisdictions.” Because the *Maldonado-Bautista*’s petition never named the Petitioner’s immediate custodian, the Court would lack jurisdiction to order this Petitioner’s individualized release. Therefore, nothing in the certification of *Maldonado-Bautista*’s petition for classwide declaratory relief would preclude members of the class from pursuing subsequent individual actions for

injunctive relief. *Cf. Brown v. R.J. Reynolds Tobacco Co.*, 611 F.3d 1324, 1333 (11th Cir. 2010) (noting that where classwide issues, but not causes of action, were decided in prior action, res judicata attaches to decided issues, not subsequent individual causes of action filed by class members). In sum, neither § 1252(f)(1) nor Rule 23(b)(2) prohibits declaratory relief in this case.

Assuming that the Court agrees he is a class member, Petitioner is now entitled to the benefit of the district court's conclusion in *Maldonado Bautista* that his custody is governed by § 1226(a), not 1225(b)(2). But even should the Court conclude he is not a class member, the same conclusion is dictated by the reasoning in the case as well as in countless others throughout Florida. *See Hinojosa Garcia v. Noem*, No. 2:25-cv-879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025) and *Vasquez Carcamo v. Noem*, 2:25-cv-922-SPC-NPM, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025).

Under that reasoning, Petitioner's detention is governed by § 1226(a). As a noncitizen detained under § 1226(a), the Petitioner here has a right to a bond hearing. *See Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) ("Federal regulations provide that aliens detained under § 1226(a) receive bond hearings at the outset of detention.") (citing 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1)).

In conclusion, the Court should grant the petition for writ of habeas corpus as the legal issues have already been resolved in *Hinojosa Garcia v. Noem*, and *Vasquez Carcamo v. Noem*. Placing a stay on the underlying habeas

corpus petition effectively permits Respondents to continue the unlawful civil detention of non-criminal noncitizens within the United States. Such a stay sanctions ongoing detention without lawful authority and undermines the fundamental purpose of habeas corpus, which is to provide prompt judicial review of unlawful custody.

Respectfully submitted this 8th day of December 2025.

/s/ Juliana G. Lamardo, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 8, 2025, I electronically filed the foregoing with the Clerk of Courts using the CM/ECF. I further certify that the foregoing was served on all counsel of record via CM/ECF.

/s/ Juliana G. Lamardo, Esq.

Exhibit A



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
MIAMI KROME IMMIGRATION COURT

Respondent Name:

[REDACTED]

To:

[REDACTED]

A-Number:

[REDACTED]

Riders:

In Custody Redetermination Proceedings

Date:

12/02/2025

ORDER OF THE IMMIGRATION JUDGE

RESPONDENT'S MOTION FOR BOND HEARING.

Order:

DENIED. 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 did not issue a class-wide declaratory judgment. The court also did not issue a class-wide injunction, which would not be permitted by law. Rather, the court set a January 9, 2026 joint status report deadline and 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. See, e.g., Fed. R. Civ. P. 54(b) (second sentence). As such, they do not have preclusive effect with respect to other cases. Rather, there is currently no declaratory relief with respect to other cases filed by people who are now *Bautista* class members raising claims concerning the proper interpretation of the mandatory detention provisions.



Immigration Judge: Mateo, Rene 12/02/2025

Appeal: Department of Homeland Security: waived reserved
 Respondent: waived reserved
 Appeal Due: 01/02/2026

Certificate of Service

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To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : [REDACTED] | A-Number : [REDACTED]

Riders:

Date: 12/02/2025 By: Murgado, Letty, Court Staff



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT**

Respondent Name:

[Redacted]

To:

[Redacted]

A-Number:

[Redacted]

Riders:

In Custody Redetermination Proceedings

Date:

12/01/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
No Jurisdiction. 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 did not issue a class-wide declaratory judgment. Rather, the court set a January 9, 2026, joint status report deadline and January 16, 2026, status conference.
- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:



Date:
11/28/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:

The Court has not been shown to have jurisdiction to set bond with respect to this Respondent. 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 did not issue a class-wide declaratory judgment. The court also did not issue a class-wide injunction, which would not be permitted by law. 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. See, e.g., Fed. R. Civ. P. 54(b)

Immigration Judge: HUDDLESTON, NATALIE 11/28/2025

Appeal:	Department of Homeland Security:	<input type="checkbox"/> waived	<input checked="" type="checkbox"/> reserved
	Respondent:	<input type="checkbox"/> waived	<input checked="" type="checkbox"/> reserved

Appeal Due: 12/30/2025



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LAREDO IMMIGRATION COURT

Respondent Name:

[REDACTED]

A-Number:

[REDACTED]

Riders:

In Custody Redetermination Proceedings

To:

[REDACTED]

Date:

12/02/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because
The respondent is ineligible for bond pursuant to Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), as an alien who is present in the United States without admission. The Central Court of California's granting of class certification as set out in Exh. 1 is neither injunctive nor declaratory relief.

Granted. It is ordered that Respondent be:
 released from custody on his own recognizance.
 released from custody under bond of \$
 other:

Other: