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7
8 **UNITED STATES DISTRICT COURT**

9
10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 RAMIRO PEREZ-VELAZQUEZ,
12
13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE; et al.,
16 Respondents.

Case No.: 25-cv-03073-CAB-MMP

SUPPLEMENTAL BRIEF

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21 Pursuant to the Court's December 3, 2025 order, ECF No. 8, Respondents provide
22 this supplemental brief.

23 Petitioner appears to be a class member of *Maldonado Bautista v. Santacruz*, No.
24 5:25-cv-01873-SSS-BFM (C.D. Cal.). The court in *Bautista* granted class certification and
25 partial summary judgment for the plaintiffs in that case, but the court's orders did not enter
26 any declaratory judgment as to the nationwide class. *See* Partial MSJ Ruling at 17 (granting
27 motion for partial summary judgment but not ordering any relief); *see also* Class Cert.
28

1 Ruling at 15 (granting motion for class certification but ordering only that class be certified,
2 Petitioners be appointed class representatives, Petitioners’ counsel be appointed class
3 counsel, ordering a joint status report and setting status conference);¹ Proposed Order
4 (proposing specific declaratory relief that the Court did not enter). The *Bautista* court also
5 expressly declined to enter final judgment as to the claims at issue in the motion for partial
6 summary judgment under Federal Rule of Civil Procedure 54(b). *See* Partial MSJ Ruling
7 at 17. Rather, the Court set a January 9, 2026, joint status report deadline and January 16,
8 2026, status conference indicating that the Court intends to address the question of final
9 relief at a later date. Class Cert. Ruling at 15.

10 Absent an entry of final judgment on the entire case, or a certification of partial final
11 judgment under Rule 54(b), there is no declaratory judgment. The partial summary
12 judgment ruling does not operate as a “judgment” because it is not an appealable order and
13 “does not end the action as to any of the claims or parties and may be revised at any time
14 before the entry of a judgment adjudicating all the claims and all the parties’ rights and
15 liabilities.” Fed. R. Civ. P. 54(a), (b). Thus, there is no class-wide judgment, let alone any
16 final judgment that could have preclusive effect as to class members.

17 To be proper, a declaratory judgment must have preclusive effect: “Without
18 preclusive effect, a declaratory judgment is little more than an advisory opinion.” *Haaland*
19 *v. Brackeen*, 599 U.S. 255, 293 (2023); *see also Wells v. Johnson*, 150 F.4th 289, 301 (4th
20 Cir. 2025) (stating that the only reason a proper declaratory judgment does not violate
21 Article III’s requirements is because it has preclusive effect between the parties);
22 *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1051 (9th Cir. 2005). And preclusive
23 effect cannot be obtained without sufficient finality. *B & B Hardware, Inc. v. Hargis*
24 *Indus., Inc.*, 575 U.S. 138, 148 (2015) (citing Restatement (Second) of Judgments § 27, p.

25
26 ¹ Respondents acknowledge that the *Bautista* court stated, but did not order, “When
27 considering this determination with the MSJ Order, the [c]ourt extends the same
28 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.” Class Cert.
Ruling at 14.

1 250 (1980), for the general rule that an issue must be determined by a “valid and final
2 judgment” for preclusion to apply); *Luben Indus., Inc. v. United States*, 707 F.2d 1037,
3 1040 (9th Cir. 1983) (affirming district court decision not to apply preclusive effect to an
4 interlocutory decision that “could not have been the subject of an appeal at the time”);
5 Restatement (Second) of Judgments § 28, p. 273 (1980) Restatement (Second) of
6 Judgments § 27, p. 250 (1980) (issue preclusion does not apply when the “party against
7 whom preclusion is sought could not, as a matter of law, have obtained review of the
8 judgment in the initial action”; *id.* at cmt. a (“[T]he availability of review for the correction
9 of errors has become critical to the application of preclusion doctrine.”)).

10 Accordingly, as the *Bautista* court has declined to enter a class-wide judgment, there
11 is currently no declaratory relief, let alone relief with preclusive effect on *Maldonado*
12 *Bautista* class members’ claims concerning the proper interpretation of 8 U.S.C.
13 § 1225(b)(2)(A)’s mandatory detention provision.

14 Respondents note, however, that the situation appears to be evolving. On December
15 4, 2025, the *Bautista* Petitioners submitted a filing seeking reconsideration and clarification
16 before the *Bautista* court. The government has been ordered to file a response by noon on
17 December 10, 2025.

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19 DATED: December 8, 2025

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