

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

HERIBERTO SALGADO FLORES, )  
)  
Petitioner, )  
)  
vs. )  
)  
KRISTI NOEM, Secretary of Homeland )  
Security, EXECUTIVE OFFICE FOR )  
IMMIGRATION REVIEW, SAMUEL )  
OLSON, Field Office Director, ICE, )  
PAMELA BONDI, Attorney General, and )  
JACOB WELSH, Warden, Chase County )  
Detention Center, )  
)  
Respondents. )  
\_\_\_\_\_ )

Case No. 25-cv-03244-JWL

**RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY**

On December 19, 2025, Petitioner filed a Notice of Supplemental Authority. Doc. 8. Pursuant to D. Kan. R. 7.1(f), Respondents submit that the Court should not give preclusive effect to the *Bautista* declaratory judgment because (1) the judgment is void with respect to petitioners and custodians outside the Central District of California because it was issued despite a lack of jurisdiction; and (2) it is on appeal, creating a serious risk of inconsistent judgments if the *Bautista* judgment is reversed or vacated on appeal.

The *Bautista* class sought a declaratory judgment that class members such as Petitioner were unlawfully detained under 8 U.S.C. § 1225(b)(2), rather than § 1226(a). This is core habeas relief that must be brought as a habeas claim alone. As the Supreme Court made clear, “[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 quotations omitted).

Because habeas jurisdiction lies only in the district of confinement and the petitioner must name the petitioner's immediate custodian, the *Bautista* court lacked jurisdiction to issue habeas relief to class members who are confined outside the Central District of California by immediate custodians outside that District. *Rumsfeld v. Padilla*, 542 U.S. 426, 435, 443 (2004); *see also J.G.G.*, 604 U.S. at 672. As such, the court's judgment cannot have binding and preclusive effect here. *Burnham v. Superior Court of Cal.*, 495 U.S. 604, 608 (1990). Indeed, the District Court for the Northern District of Texas highlighted the absurdity of a system in which "petitioners . . . will continue to sue in the district of their confinement, but the nationwide class requires that the local federal district judge accept the Central District's declarations of law as binding." *Calderon Lopez v. Lyons*, No. 25-cv-00226, slip op. at 25 (N.D. Tex. Dec. 19, 2025) (attached as Exhibit 1). The Court should independently analyze Petitioner's claim and deny Petitioner's requested relief.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 23, 2025, the foregoing document was electronically filed by using the CM/ECF System, which will send notification of such filing to the following ECF registrants:

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*/s/ Audrey D. Koehler* \_\_\_\_\_

Audrey D. Koehler