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 8 **UNITED STATES DISTRICT COURT**

9  
 10 **SOUTHERN DISTRICT OF CALIFORNIA**

11 YALFRISON ENRIQUE DURAN-  
 12 RODRIGUEZ,

Case No.: 25-cv-3096-CAB-DEB

**SUPPLEMENTAL BRIEF**

13 Petitioner,

14 v.

15 KRISTI NOEM; et al.,

16 Respondents.  
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 18  
 19  
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21 Pursuant to the Court’s December 4, 2025 order, ECF No. 8, Respondents provide  
 22 this supplemental brief.

23 The court in *Bautista* granted class certification and partial summary judgment for  
 24 the plaintiffs in that case, but the court’s orders did not enter any declaratory judgment as  
 25 to the nationwide class. *See* Partial MSJ Ruling at 17 (granting motion for partial summary  
 26 judgment but not ordering any relief); *see also* Class Cert. Ruling at 15 (granting motion  
 27 for class certification but ordering only that class be certified, Petitioners be appointed class  
 28

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

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

16 To be proper, a declaratory judgment must have preclusive effect: “Without  
17 preclusive effect, a declaratory judgment is little more than an advisory opinion.” *Haaland*  
18 *v. Brackeen*, 599 U.S. 255, 293 (2023); *see also Wells v. Johnson*, 150 F.4th 289, 301 (4th  
19 Cir. 2025) (stating that the only reason a proper declaratory judgment does not violate  
20 Article III’s requirements is because it has preclusive effect between the parties);  
21 *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1051 (9th Cir. 2005). And preclusive  
22 effect cannot be obtained without sufficient finality. *B & B Hardware, Inc. v. Hargis*  
23 *Indus., Inc.*, 575 U.S. 138, 148 (2015) (citing Restatement (Second) of Judgments § 27, p.  
24 250 (1980), for the general rule that an issue must be determined by a “valid and final

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

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

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

17  
18 DATED: December 10, 2025

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