IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
OWENSBORO DIVISION

MICAELA DE CORRAL, Petitioner, v. JASON WOOSELEY, Grayson County Jailer, et al., Respondents.	)	Case No. 4:25-CV-00145-BJB-HBB

PETITIONER'S REPLY IN SUPPORT OF ISSUE PRECLUSION AND HABEAS CORPUS RELIEF

Petitioner files the instant Reply consistent with the Court's order dated February 2, 2026. For the reasons below, Petitioner agrees with the Court's assessment that Respondents are precluded from relying on 8 U.S.C. §1225(b) as a legal basis to subject Mrs. De Corral to mandatory detention and, thus, her immediate release is warranted. Additionally, the Court may also order Mrs. De Corral's immediate release based on the merits of her habeas petition including her due process claim.

A. The Federal Respondents Are Precluded from Relitigating an Issue Which Was Decided Against Them by the *Bautista* Final Judgement.

The Federal Respondents are parties to the final judgement in *Bautista et al v. Santacruz Jr et al.*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), which decides the underlying legal issue presented in this case and, thus, precludes them from relitigating it.

The doctrine of collateral estoppel precludes successive litigation of an issue when the following circumstances are met:

> (1) the precise issue raised in the present case must have been raised and actually litigated in the prior proceeding; (2) determination of the issue must have been necessary to the outcome of the prior proceeding; (3) the prior proceeding must have resulted in a final judgment on the merits; and (4) the party against whom estoppel is sought must have had a full and fair opportunity to litigate the issue in the prior proceeding.

Kosinski v. Comm'r, 541 F.3d 671, 675 (6th Cir. 2008)(citing to *United States v. Cinemark USA, Inc.*, 348 F.3d 569, 583 (6th Cir.2003). These conditions are met here as noted in this Court's preliminary opinion.

On November 20, 2025, the U.S. District Court for the Central District of California presiding over the *Bautista* class action partially granted Petitioners' Motion for Summary Judgement thereby rejecting Respondents' unlawful mandatory detention policy and *Matter of Yajure Hurtado*. *See Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). In so doing, the *Bautista* Court granted declaratory judgement finding that Petitioners were entitled to be considered for release under Section 1226(a). On November 25, 2025, the *Bautista* Court certified the following nationwide class: "All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). Mrs. De Corral is a member of this class because: (1) she entered without inspection: (2) she was not apprehended upon arrival but decades later; and (3) she is not otherwise subject to mandatory detention under

the aforementioned provisions. There is no factual dispute that Mrs. De Corral falls within the purview of this class. "When considering this determination with the MSJ Order, the Court extend[ed] the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *Id.* at *14.

On December 18, 2025, the *Bautista* Court issued a Clarifying Order and Final Judgment due to evidence that immigration judges were not abiding by the class-wide declaratory relief. *See Bautista et al v. Santacruz Jr et al.*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987, at *3 (C.D. Cal. Dec. 18, 2025) (Noting how Respondents have "persisted in denying class members bond hearings. . ."). Accordingly, the Court vacated the "DHS Policy under the APA" and clarified that "all members of the Bond Eligible Class are entitled to relief in the form of declaratory relief, which declares the DHS Policy unlawful, and grants vacatur under the APA, which sets aside the DHS Policy." *Id.* at *22, 32. "The declaratory relief requested—a ruling that the policy violates Petitioners' and putative class members' statutory and constitutional rights—would provide the entire class with relief from continued deprivation of their rights" and, thus, an "individualized bond hearing." *Id.* at *8.

This class-wide declaratory relief applies to Mrs. De Corral as a member of the Bond Eligible Class. Nonetheless, the Executive continues to disavow by judicial orders, most recently by sending an email to immigration judges instructing them to ignore the *Bautista* final judgement.[1] As a result, habeas litigation on individual cases has continued to proliferate. *See Baltazar v. Janecka, et al.*, Case No. 5:26-CV-00019-SSS-BFM, at *1-2 (C.D. Ca. Jan.16, 2026)(noting "the current volume of habeas petitions and temporary restraining orders being filed

[1] https://www.aila.org/library/practice-alert-eoir-issues-nationwide-guidance-on-maldonado-bautista (last visited Feb. 4, 2026).

can be attributed to Respondents' deliberate choice to continue defying the final judgement entered in *Bautista*"), attached hereto as Exhibit "A." However, the Federal Respondents are precluded from relitigating this issue. *Id.* at *3 (finding that "[d]espite the clarity of the Court's previous orders and legal doctrines that preclude Respondents from relitigating issues at the heart of these requests, Respondents continue to manufacture arguments for sake of opposition."); *see also Joaquin Beltran Orduno et al. v. Kristi Noem et al.*, Case No. 5:25-cv-03332-SSS-BFM (C.D. Cal. Dec. 11,2025); *Martin Carisino Mena Enriquez v. Ernesto Santacruz Jr et al.*, Case No. 2:25-cv-11649-SSS-BFM; *Jose Gonzalez Giron et al. v. Kristi Noem et al.*, Case No. 5:25-cv-03395-SSS-BFM (C.D. Cal. Dec. 19, 2025).

The *Baltazar* Court found that "[g]iven the nature of *Bautista*'s final judgment, it satisfies the requirement that a final judgment be had on the merits prior to the doctrine of issue preclusion being invoked as well as the requirement that the issue be a critical and necessary part of the judgment" because "none of the facts in *Bautista* were disputed, and all conclusions made by the Court underlying the final judgments were questions of law." *Baltazar*, at *5. Other district courts have similarly recognized that they are bound by *Bautista*'s preclusive effect as follows: "*Bautista*'s final judgment, entered on December 18, 2025, declared the proper section of the Immigration and Nationality Act ("INA") governing the detention of Bond Eligible Class members was 8 U.S.C. § 1226(a), not the mandatory detention provision of § 1225(b)." *Sosa Inzuna v. Warden of Adelanto Det. Facility*, No. 5:26-CV-00078-SSS-BFM, 2026 WL 233211, at *3 (C.D. Cal. Jan. 27, 2026)(internal citations omitted). As relating to the governing authority, the *Bautista* Court expressly declared that Bond Eligible Class members were "entitled to consideration for release on bond by immigration officers and, if not released, a custody redetermination hearing before an immigration judge" pursuant to § 1226(a). *Id.*

The non-binding *Lopez* decision cited by the Government fails because it is premised on mere disagreement with *Bautista*. However, mere disagreement does nothing to curtail the preclusive effect of the *Bautista* final judgement nor does it render it "advisory" in nature. For purposes of preclusion, it does not matter whether Federal Respondents or other district courts disagree with the final judgment in *Bautista*. Rather, as this Court properly notes, the Court's "role is to consider the *effect* of a final judgment running between the plaintiffs and defendants now before us. . . And longstanding federal law concerning the preclusive effect of judgments—rightly or wrongly—sharply limits one judge's authority to question the force or accuracy of another judge's judgment. . . Whether the judgment is correct makes no difference." *De Corral*, at *2.[2]

In sum, "unless and until the *Bautista* judgment is vacated or stayed by a court with appellate jurisdiction—the Government remains a party to a final judgment that precludes it from relitigating the issues decided, and this Court must honor that judgment so long as it has not been vacated." *Id.* Accordingly, the Government cannot carry its burden "to show cause why the writ should not be granted," 28 U.S.C. § 2243, by relying to the mandatory-detention argument that *Bautista* rejected.

B. Because Federal Respondents Do Not Assert Any Lawful Basis for Mrs. Corral's Detention and They Are Precluded from Detaining Her Under 8 U.S.C §1225(b)(2), Immediate Release is the Proper Relief.

Mrs. De Corral is unlawfully detained by the Department of Homeland Security ("DHS") pursuant to 8 U.S.C. § 1225(b)(2) and, given that Respondents are precluded from relying on that

[2] While Respondents have appealed the judgement in *Bautista*, that judgement has not been stayed much less vacated. In fact, Respondents have not even sought a stay before the district court or the Ninth Circuit. Rather, federal officials have resorted to unlawful measures to sidestep *Bautista*, such as ordering Immigration Judges to ignore that judicial order by email. If Respondents do not like the result in *Bautista*, they have a lawful recourse in the Ninth Circuit. But, for now, the *Bautista* judgement continues to have full preclusive effect.

basis for detention, immediate release is the proper relief. As this Court noted, "[t]he Government has yet to identify any other lawful reason for detention beyond the mandatory-detention argument from § 1225(b)(2)" and none were provided in its response. *De Corral*, at *6.

The Government's sole argument in this regard is that *Bautista* did not expressly vacate *Matter of Yahure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). Gov't Res. at 1. However, the Government wholly misapprehend the preclusive effect of the *Bautista* judgement and continues to obfuscate the source of DHS' statutory detention authority.

First, it is crucial to understand the preclusive effect of the *Bautista* final judgement as applied to this case. Simply put, "*Bautista*'s final judgment, entered on December 18, 2025, declared the proper section of the Immigration and Nationality Act ("INA") governing the detention of Bond Eligible Class members was 8 U.S.C. § 1226(a), not the mandatory detention provision of § 1225(b)." *Sosa Inzuna*, at *3. Thus, DHS may not rely on §1225(b) to continue to detain Mrs. De Corral.

Second, it is important to understand who detained Mrs. De Corral, how she was detained, and under who's custody she remains. Mrs. De Coral was *unlawfully*[3] detained by DHS. *See* Dkt. 1-1. DHS detained Mrs. De Corral "[o]n a warrant" prepared on the field, which provides that DHS "may . . . arres[t] and detai[n] [her] pending a decision on whether [she] is to

[3] As noted in her Habeas Petition, Mrs. Corral detention is unlawful for several reasons including that, at the time of her detention, DHS has not properly issued an administrative warrant. Dkt. 1 at 3. In *Nava v. Dep't of Homeland Sec.*, No. 18-CV-3757, 2025 WL 2842146, at *1 (N.D. Ill. Oct. 7, 2025), the Court held that the regulations implementing DHS's arrest authority under 8 U.S.C. § 1226 required DHS to issue a Notice to Appear either before or concurrently with the Form I-200 warrant when making a warrant-based arrest. 8 C.F.R. §§236.1(b) and 1236.1(b). Absent the NTA, the administrative warrant is an invalid basis for arrest, rendering the arrest warrantless. DHS unlawfully arrested Ms. Corral without valid warrant or NTA. Her I-200 warrant was prepared post-arrest and her NTA was prepared 1 day after her arrest. Dkt. 1-1, 1-2.

be removed from the United States. 8 U.S.C.A. § 1226 (a). Under this framework, DHS makes the initial determination whether the noncitizen should remain detained and, only after that determination, an immigration judge may redetermine whether the noncitizen "may be released" with the criminal exceptions set forth in §1226(c). While the I-200 warrant cites to DHS' detention authority under Section 236(a) of the Immigration and Nationality Act ("INA"), 8 U.S.C. § 1226(a), Respondents have maintained throughout this case and in related litigation that DHS is instead exercising its mandatory detention authority under §1225(b). Dkt. 1-1. Thus, DHS has *never* made a lawful determination on detention in the first instance because they continue to insist that Mrs. Corral is detained under §1225(b). Pursuant to the *Bautista* final judgement, DHS can no longer assert that its mandatory detention authority under §1225(b) applies to Mrs. Corral. *Yahure Hurtado* is inapposite to DHS's determination to detain Mrs. De Corral and the authority they are asserting to keep her in custody. Evidently, Mrs. De Corral is in custody of DHS, not the Board of Immigration Appeals. Moreover, *Yahure Hurtado* does not and cannot create a different detention authority not permitted by statute. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385, 144 S. Ct. 2244, 2257, 219 L. Ed. 2d 832 (2024)(emphasizing that "[w]hen the meaning of a statute [is] at issue, the judicial role was to 'interpret the act of Congress, in order to ascertain the rights of the parties."')(internal citations omitted).

The INA provides detentions authority under three distinct sections: §1225(b), §1226(a), and §1226(c). If, for example, a non-citizen had a criminal conviction covered by §1226(c), DHS would be able to assert §1226(c) as a *lawful* reason to detain that person. However, in this case, Mrs. De Corral has no criminal record and, thus, DHS cannot assert that lawful reason for her detention.

Lastly, the proper relief under these circumstances is immediate release. Several courts in this district have ordered the immediate release of unlawfully detained noncitizens with a subsequent bond hearing before a neutral immigration judge, if necessary. *Orellana v. Noem*, No. 4:25-CV-112-RGJ, 2025 WL 3006763, at *6 (W.D. Ky. Oct. 27, 2025). Courts in other districts have come to the same conclusion. For example, in *Alejandro v. Olson et al*, 25 CV 020270-JPH-MKK, 2025 WL 2896348 (S.D. IN. Oct. 11, 2025), Judge Hanlon ordered Petitioner's immediate release to return the parties to the status quo before the unlawful detention, particularly given that Respondents did not argue Petitioner was a danger to the community or a flight risk. *Id.* at *9. Judge Hanlon explained that the purpose of granting injunctive relief was "to return the parties to the status quo ante, which 'does not mean the state of things the moment a party files suit; it means the 'last peaceable uncontested status existing between the parties before the dispute developed.'" *Id.* (internal citation omitted). Other courts have ordered an individualized bond hearing in which the Government bears the burden of proof. In so doing, the courts have underscored that "[a]lthough noncitizens typically bear the burden of proof at bond hearings before EOIR [Immigration Judges], see 8 C.F.R. § 236.1(c)(8), shifting the burden reflects the concern that a noncitizen 'should not have to share the risk of error equally' in the context of a due process violation and his 'loss of liberty.'" *Ochoa Ochoa v. Noem et al*, 25 C 10865 at *17-18. (citing to *German Santos v. Warden Pike Cnty. Corr. Facility*, 965 F.3d 203, 214 (3d Cir. 2020).

In conclusion, the Federal Respondents are precluded from relying on §1225(b) as lawful basis for detention and they have failed to assert any other. Therefore, consistent with this Court's February 2nd order, Mrs. Corral should be immediately released. Additionally, the Court

may also grant Mrs. De Corral's habeas petition on the merits or her due process claim, both of which warrant the same result.

Dated: February 12, 2026
Aurora, Illinois

Respectfully submitted,

/s/ Carla I. Espinoza
CARLA I. ESPINOZA
Attorney for Petitioner

CARLA I. ESPINOZA
Attorney at Law
Immigration Law Office of Moises L. Barraza, LLC
1981 West Downer Place
Aurora, Illinois 60506
carla@barraza-law.com
(779)379-2770
Atty No. 6308967 (Pro Hac Vice)

CERTIFICATE OF SERVICE

I hereby certify that on February 12, 2026, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Western District of Kentucky by using the CM/ECF system. All parties to this case are registered CM/ECF users and will be served through the CM/ECF system.

Dated: February 12, 2026
Aurora, Illinois

Respectfully submitted,

/s/ Carla I. Espinoza
CARLA I. ESPINOZA
Attorney for Petitioner

CARLA I. ESPINOZA
Attorney at Law
Immigration Law Office of Moises L. Barraza, LLC
1981 West Downer Place
Aurora, Illinois 60506
carla@barraza-law.com
(779)379-2770
Atty No. IL 6308967 (Pro Hac Vice)