

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
MONROE DIVISION

SIRLEY JULISSA GUTIERREZ ) CIVIL ACTION NO: 3:25-cv-01777  
VILLARREAL )  
VERSUS ) JUDGE DOUGHTY  
KEITH DEVILLE, *ET AL.* ) MAGISTRATE JUDGE MCCLUSKY

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**RESPONSE TO PETITIONER'S  
NOTICE OF AUTHORITY**

Respondents file this response to Petitioner's Notice of Authority (ECF No. 10) and ask the Court to decline to grant Petitioner's habeas petition based upon her alleged membership in the *Maldonado Bautista* class.

Petitioner asks this Court to grant Petitioner's pending Petition for Writ of Habeas Corpus, prior to a response being filed by Respondents, should the Court determine she falls within the class definition in *Maldonado Bautista*. However, the court in *Bautista* granted class certification and partial summary judgment for the plaintiffs in that case, but did not issue a class-wide declaratory judgment. (ECF No. 10-1). 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. (ECF No. 10-2). 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, including the instant case. Rather, there is currently no declaratory relief with respect to other cases raising claims concerning the proper interpretation of the mandatory detention provisions filed by individuals who are now *Bautista* class members.

For these reasons, Respondents respectfully request that the Court decline to grant Petitioner's habeas petition prior to Respondents having an opportunity to file a response.

Respectfully submitted,

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