

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVANGELINA MORALES,
Individually and on behalf of all others
Similarly situated,

Petitioner,

Case No. 1:25-cv-01472

Hon. Hala Y. Jarbou
Chief U.S. District Judge

v.

Hon. Phillip J. Green
U.S. Magistrate Judge

PAMELA BONDI, in her official capacity as
Attorney General of the United States;
SIRCE E. OWEN, in her official capacity as
Acting Director of the Executive Office for
Immigration Review;
KRISTI NOEM, in her official capacity as
Secretary of the U.S. Department of Homeland
Security;
TODD LYONS, Acting Director of U.S.
Immigration and Customs Enforcement, in his
official capacity; and
KEVIN RAYCRAFT, in his official capacity
as Acting Field Office Director of
Enforcement and Removal Operations, Detroit
Field Office, U.S. Immigration and Customs
Enforcement,

Respondents.

**RESPONDENTS' COMBINED RESPONSE IN OPPOSITION TO
PETITIONER'S MOTION FOR PARTIAL SUMMARY JUDGMENT, MOTION FOR
DECLARATORY JUDGMENT, AND MOTION FOR A PRELIMINARY INJUNCTION**

INTRODUCTION

Petitioner seeks extraordinary relief through a procedurally improper combination of habeas, class certification, declaratory judgment, summary judgment, and preliminary injunction. That relief fails at the threshold. First, Petitioner's individual habeas claim is moot, and the Court lacks jurisdiction to entertain classwide challenges to detention under 8 U.S.C. § 1225(b)(2)

pending removal proceedings. Second, even if jurisdiction existed, Congress has expressly foreclosed the classwide declaratory and injunctive relief Petitioner seeks, and habeas corpus petition remains the exclusive vehicle for challenging immigration detention.

Third, Petitioner cannot satisfy the demanding standard for preliminary injunctive relief. She cannot show a likelihood of success on the merits because § 1225(b)(2), mandates detention of applicants for admission like Petitioner, her due process claim fails as a matter of law, and her attempt to repackage this habeas action as an APA challenge is foreclosed by controlling precedent. Nor can Petitioner establish irreparable harm, and the balance of equities and the public interest weigh strongly against judicial interference with the Executive's administration of the immigration laws.

Finally, partial summary judgment is improper. Summary judgment and declaratory relief are not appropriate vehicles for resolving detention challenges that lie at the core of a habeas action, particularly on a classwide basis. Petitioner's reliance on *Bautista* is misplaced: that out-of-circuit, nonbinding decision rests on an erroneous factual premise—that no immigration officer made a determination of inadmissibility—conflicts with Sixth Circuit law, and reads into the statute a temporal requirement that does not exist. Because individual habeas petitions provide a complete and exclusive remedy, and because Congress has barred classwide relief under both 8 U.S.C. §§ 1252(f)(1) and 1252(e) and that would restrain the operation of the detention statutes. As such, all three motions should be denied.

FACTUAL AND PROCEDURAL BACKGROUND

Petitioner is a citizen of Mexico, who entered the United States in 2001. (Pet. ¶ 18, PageID.44.) ICE encountered and detained Petitioner on October 28, 2025. (Pet. ¶ 20, PageID.45.) ICE issued Petitioner a Form I-862, Notice to Appear (NTA) on the same day, charging her as an

alien present in the United States who has not been admitted or paroled. (NTA, PageID.187–90.) ICE served Petitioner with a Form I-261, Additional Charges of Inadmissibility/Deportability, on November 19, 2025, charging her as inadmissible under 8 U.S.C. § 1182(a)(7)(A)(i)(I). (Pet. ¶ 21, PageID.45; I-213, PageID.191–93.)

On November 17, 2025, Petitioner filed a petition in federal court seeking a writ of habeas corpus and a class action complaint asking the Court to order Respondents to release Petitioner or provide her with a bond hearing. At the time she filed the Petition, Petitioner was detained at the North Lake Correctional Facility in Baldwin, Michigan. (Pet. ¶ 21, PageID.45.)

Petitioner filed a motion for class certification on November 23, 2025. (ECF Nos. 5, 6.)

Her petition seeks certification of the following class:

All current and future noncitizens detained at the North Lake Processing Center, the Calhoun County Correctional Center, or any other immigration detention facility within the Western District of Michigan who: (1) entered the United States without inspection; (2) have been placed in removal proceedings under 8 U.S.C. § 1229a; (3) are not subject to mandatory detention under 8 U.S.C. § 1226(c) or post-order detention under 8 U.S.C. § 1231; and (4) are or will be detained without an individualized bond hearing pursuant to 8 U.S.C. § 1225(b)(2)(A).

(Pet. Br. Class Cert., PageID.94.) Petitioner excludes from the class “individuals subject to expedited removal under 8 U.S.C. § 1225(b)(1), mandatory detention under § 1226(c), or post-order detention under § 1231. (*Id.*)

On November 30, 2025, Petitioner also filed a motion for partial summary judgment and a motion for a declaratory judgment. (ECF Nos. 13–18.) She filed a motion for a temporary restraining order and preliminary injunction on December 1, 2025. (ECF Nos. 21, 22.)

The Court granted Petitioner’s individual habeas petition on December 9, 2025. (Order, PageID.442–43.) Petitioner appeared for a bond hearing on December 17, 2025, and bond was granted. (Status Report, PageID.452–53.)

The Court issued an Order requesting supplemental briefing in support of Petitioner pending motions, specifically requesting that Petitioner provide supplemental briefing on nine issues related to the class certification. (Order, PageID.444–47.) Petitioner filed a supplemental brief on December 23, 2025. (Pet. Supp. Br., PageID.454–83.)

LEGAL BACKGROUND ON IMMIGRATION DETENTION

The Immigration and Nationality Act (INA), as amended, contains a comprehensive framework governing the regulation of aliens, including the creation of proceedings for the removal of aliens unlawfully in the United States and requirements for when the government is obligated to detain aliens pending removal.

The INA provides that all “alien[s] present in the United States who [have] not been admitted” or “who arrive[] in the United States” are “applicants for admission.” 8 U.S.C. § 1225(a)(1). Applicants for admission must be inspected by immigration officers, § 1225(a)(3), and “fall into one of two categories, those covered by § 1225(b)(1) and those covered by § 1225(b)(2).” *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Section 1225(b)(1) governs a defined subset of applicants for admission—those who arrive in the United States and certain other aliens initially determined to be inadmissible due to fraud, misrepresentation, or lack of valid documentation. 8 U.S.C. § 1225(b)(1)(A)(i), (iii). This category also includes aliens designated by the Secretary who have been continuously physically present in the United States for up to two years before the date of their inadmissibility determination. *Id.* § 1225(b)(1)(A)(iii). Aliens subject to § 1225(b)(1) are generally placed in expedited removal proceedings, which may include referral for a credible-fear interview. If the alien does not express a fear of persecution or is found not to have a credible fear, the statute requires detention until removal. *Id.* § 1225(b)(1)(B)(iii)(IV). If the alien establishes a credible fear, the statute likewise

provides that the alien “shall be detained” pending further consideration of an asylum application. *Id.* § 1225(b)(1)(B)(ii).

By contrast, § 1225(b)(2) is broader and functions as a catchall provision, applying to all other applicants for admission not covered by § 1225(b)(1). *Jennings*, 583 U.S. at 287. Under § 1225(b)(2)(A), an applicant for admission must be detained and placed in removal proceedings under 8 U.S.C. § 1229a if the examining immigration officer determines that the alien is not clearly and beyond a doubt entitled to admission. The Board of Immigration Appeals has confirmed that, for such applicants placed directly into full removal proceedings, § 1225(b)(2)(A) mandates detention until those proceedings conclude. *Matter of Q. Li*, 29 I. & N. Dec. 66, 68 (BIA 2025) (citing *Jennings*, 583 U.S. at 299). Notwithstanding this mandatory detention framework, Congress has vested DHS with limited discretion to grant temporary parole, on a case-by-case basis, to any alien applying for admission for urgent humanitarian reasons or significant public benefit. 8 U.S.C. § 1182(d)(5)(A).

Section 1226 provides for arrest and detention “pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). This section thus provides authority to detain aliens who do not fall under § 1225(b)(2) because they were previously admitted, but who are placed in removal proceedings under § 1229a for various reasons, including but not limited to, a violation of their nonimmigrant status or conditions of entry, overstaying or revocation of their visas, or being convicted of certain crimes. *See* 8 U.S.C. § 1227(a). Under § 1226(a), the government may detain an alien during 1229(a) removal proceedings, release the alien on bond, or on conditional parole. By regulation, immigration officers can release an alien detained under §1226(a) if the alien demonstrates that he “would not pose a danger to property or persons” and “is likely to appear for any future proceeding.” 8 C.F.R. § 236.1(c)(8).

ARGUMENT

I. Threshold defects preclude Petitioner's requested relief.

A. Petitioner received her requested relief, and her habeas petition is moot.

For a court to have subject matter jurisdiction over a case, the litigation must present an actual case or controversy sufficient to satisfy Article III of the United States Constitution. U.S. Const. art. III, § 2; *Gottfried v. Med. Plan. Servs., Inc.*, 280 F.3d 684, 691 (6th Cir. 2002) (citing *Honig v. Doe*, 484 U.S. 305, 317 (1988)). The doctrine of mootness derives directly from the case or controversy limitation. *Friends of the Earth, Inc. v. Laidlaw Env't. Servs. (TOC), Inc.*, 528 U.S. 167, 180 (2000) (“The Constitution’s case-or-controversy limitation on federal judicial authority, Art. III, § 2, underpins ... both standing and mootness doctrine.”). The mootness inquiry must be made at every stage of the case. *Id.* at 179. When a case becomes moot, an Article III case or controversy no longer exists. *Id.*

Federal courts have habeas jurisdiction when a petitioner is “in custody” of the respondent in violation of federal law. 28 U.S.C. § 2241(c)(3); *Prieto v. Gluch*, 913 F.2d 1159, 1162 (6th Cir. 1990) (“for the District Court to have jurisdiction over petitioners’ habeas claims, petitioners must be in the custody of the INS.”). As a threshold matter, therefore, Petitioner’s release from custody moots her habeas claim and eliminates any live controversy as to her individual entitlement to relief. The Court has already granted Petitioner relief under 28 U.S.C. § 2241, and she has since received an individualized bond hearing at which bond was granted. (ECF Nos. 25, 26, 29.) Petitioner is no longer detained under § 1225(b)(2) and no longer experiences the alleged injury underlying her constitutional or APA claims. (See ECF No. 29.) Petitioner’s release from custody materially alters the posture of this case and forecloses her ability to proceed on behalf of others. Having obtained the only relief available through habeas—a bond hearing and release—she no longer has a personal stake in detention-based claims and instead seeks prospective, programmatic

relief directed at the custody of nonparties. Article III, however, requires a live and redressable controversy as to the party invoking federal jurisdiction. *See Rosales v. ICE*, 322 F.3d 386, 395–96 (6th Cir. 2003). Once Petitioner obtained the individualized relief she sought, her habeas claim became moot.

B. The Court lacks jurisdiction over class challenges to § 1225(b)(2) detention pending removal proceedings.

Congress has withdrawn district court jurisdiction over classwide challenges to detention decisions arising from the government’s application of 8 U.S.C. § 1225(b)(2) during removal proceedings. Under the INA’s channeling provisions, claims “arising from any action taken or proceeding brought to remove an alien from the United States” must be reviewed, if at all, through the petition-for-review process in the courts of appeals. 8 U.S.C. § 1252(b)(9). The Supreme Court has described § 1252(b)(9) as a “zipper clause” that consolidates judicial review of removal-related questions—including questions of statutory interpretation and application—into a single, exclusive mechanism. *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 483 (1999). Detention under § 1225(b)(2) is an integral component of the removal process, and challenges to that detention therefore fall within § 1252(b)(9)’s jurisdictional bar.

Section 1252(g) reinforces that conclusion. That provision strips jurisdiction over “any cause or claim” arising from the government’s decision to “commence proceedings” or “adjudicate cases.” 8 U.S.C. § 1252(g). As the Supreme Court has explained, § 1252(g) forecloses lower-court review of claims that seek to second-guess discretionary decisions made in the course of removal proceedings, including decisions that result in detention pending those proceedings. *Jennings*, 583 U.S. at 294. Petitioner’s class claims—which challenge DHS’s authority to detain applicants for admission while removal proceedings are ongoing—fall squarely within that prohibition.

Congress has also provided a narrow and exclusive mechanism for systemic challenges to the implementation of § 1225(b). Under 8 U.S.C. § 1252(e)(1)(B) and (e)(3), challenges to written policies or practices governing the application of § 1225(b) may be brought only in the U.S. District Court for the District of Columbia and only within sixty days of the policy's implementation. Outside that channel, class certification is expressly barred. Because Petitioner's claims seek classwide relief predicated on DHS's application of § 1225(b)(2), they fall within § 1252(e)'s jurisdictional limitation.

Taken together, these provisions reflect Congress's deliberate decision to foreclose classwide district-court review of detention decisions arising in the course of removal proceedings. The Court therefore lacks subject-matter jurisdiction to adjudicate Petitioner's class challenge to detention under § 1225(b)(2).

II. The Court lacks authority to grant classwide injunctive or declaratory relief.

A. Section 1252(f)(1) forecloses classwide relief regardless of framing.

A declaratory judgment that would require DHS to alter or conform its detention practices would violate 8 U.S.C. § 1252(f)(1). That provision prohibits lower courts from granting classwide relief that restrains or effectively dictates the operation of the immigration detention statutes. As the Supreme Court has made clear, § 1252(f)(1) bars not only classwide injunctions, but also any form of classwide relief that has the practical effect of compelling government compliance with a particular interpretation of the INA. *Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022). Accordingly, even if the Court were to reach the merits, it should decline to issue class-wide declaratory relief. The Supreme Court did not expressly address whether § 1252(f)(1) permits relief that is “practically similar to an injunction, including class-wide declaratory relief,” *id.* at 551 n.2, but the Court's decisions strongly suggest it precludes a class-wide declaratory judgment like the one sought here. For example, the Court defined the word “restrain” as having “a ‘broad meaning’

that refers to judicial orders that ‘inhibit’ particular actions.” *Id.* at 549 (quoting *Direct Mktg. Ass’n v. Brohl*, 575 U.S. 1, 12–13 (2015)). The Court has also held that language very similar to the text of § 1252(f)(1) prohibits declaratory relief. Thus, the Tax Injunction Act—which provides in relevant part that “district courts shall not enjoin, suspend or restrain the assessment, levy or collection of any tax under State law,” 28 U.S.C. § 1341—bars declaratory relief when such a declaratory judgment “in every practical sense operate[s]” like an injunction. *California v. Grace Brethren Church*, 457 U.S. 393, 408 (1982). Likewise, 28 U.S.C. § 1292(a)(1)—which gives the courts of appeals jurisdiction over interlocutory appeals from certain orders pertaining to “injunctions”—also confers appellate jurisdiction over other orders having the “practical effect” of an injunction, in cases that further the statute’s purpose of allowing appeals from orders “of serious, perhaps irreparable, consequence.” *Carson v. American Brands, Inc.*, 450 U.S. 79, 84 (1981). This is consistent with the Sixth Circuit view that § 1252(f)(1) likely prohibits declaratory relief that is the “functional equivalent” and has the “practical effect” of a class-wide injunction. *Hamama v. Adducci*, 912 F.3d 869, 880 n.8 (6th Cir. 2018).

The declaratory judgment sought here would operate to restrain the operation of the relevant provisions on a class-wide basis—indeed, that is the entire purpose of this lawsuit proceeding as a class action. Petitioner has been quite clear that she intends to rely on any class-wide declaratory judgment to restrain the operations of DHS. But this class-wide preclusive effect is among the restraints that § 1252(f)(1) is designed to prevent: a single district court imposing its view of the law on the government with respect to an entire class of aliens subject to the covered statutory provisions. *See Aleman Gonzalez*, 596 U.S. at 549 (“restrain” means to “check, hold back, or prevent (a person or thing) from some course of action”). Thus, this Court lacks jurisdiction or authority to issue the class-wide declaratory relief sought by Petitioner. However, if the Court were

to enter relief for either Petitioner or the class, Respondents agree that the judgment should be entered as a partial final judgment under Rule 54(b).

B. Declaratory relief would be coercive in effect and function as a prohibited injunction.

Even when styled as declaratory, the relief Petitioner seeks would be coercive in effect. A class-wide declaration that DHS is applying the wrong detention statute would necessarily restrain the Government's operation of the detention provisions and dictate future custody determinations. The Supreme Court has instructed that courts must look to the practical effect of relief, not its label. *Aleman Gonzalez*, 596 U.S. at 549–51.

The Sixth Circuit has likewise recognized that declaratory relief may be barred where it functions as the equivalent of a prohibited class-wide injunction. *Hamama*, 912 F.3d at 880 n.8. Because the declaration sought here would operate to restrain DHS's administration of the detention statutes on a class-wide basis, it is foreclosed by § 1252(f)(1).

III. Petitioner cannot satisfy the standard for a preliminary injunction.

Under Federal Rule of Civil Procedure 65, a district court may issue a preliminary injunction. An “injunction is an extraordinary remedy which should be granted only if the movant carries his or her burden of proving that the circumstances clearly demand it.” *Overstreet v. Lexington-Fayette Urban Cnty. Gov't*, 305 F.3d 566, 573 (6th Cir. 2002). The purpose of an injunction under Rule 65 “is to preserve the status quo so that a reasoned resolution of dispute may be had.” *Proctor & Gamble Co. v. Bankers Tr. Co.*, 78 F.3d 219, 226 (6th Cir. 1996). District courts consider the following factors when deciding whether to issue injunctive relief: (1) whether the movant has a strong likelihood of success on the merits, (2) whether the movant would suffer irreparable injury absent an injunction. (3) whether issuing an injunction would cause substantial harm to others, and (4) whether issuing an injunction serves the public interest. *Ne. Ohio Coal. for*

the Homeless & Serv. Emp. Int'l Union, Local 1199 v. Blackwell, 467 F.3d 999, 1009 (6th Cir. 2006). “These factors are not prerequisites that must be met but are interrelated considerations that must be balanced together.” *Id.* (quotation omitted)).

A. Petitioner fails to demonstrate a likelihood of success on the merits.

Petitioner cannot satisfy the most important factor governing preliminary injunctive relief: a likelihood of success on the merits. *See Gonzales v. Nat'l Bd. of Med. Exam'rs*, 225 F.3d 620, 625 (6th Cir. 2000) (likelihood of success is “the most important factor” in the preliminary-injunction analysis); *see also Overstreet*, 305 F.3d at 573. Where a plaintiff cannot establish a strong likelihood of success, a preliminary injunction is unwarranted regardless of the remaining factors. *Gonzales*, 225 F.3d at 625.

Petitioner’s claims fail at the threshold because the governing statute mandates detention without bond, and her constitutional challenge rests on a misreading of both the statute and controlling precedent.

1. Petitioner, and the potential class, are subject to mandatory detention without bond under the plain text of § 1252(b)(2).

Petitioner cannot demonstrate a likelihood of success because § 1225(b)(2)(A) mandates detention of applicants for admission who are not “clearly and beyond a doubt entitled to be admitted” pending the conclusion of removal proceedings. 8 U.S.C. § 1225(b)(2)(A). As explained in Respondents’ opposition to the habeas petition, Petitioner—who is present in the United States without having been lawfully admitted—is an “applicant for admission” within the statute’s plain terms and therefore subject to mandatory detention without bond. (*See Resp. Br.*, PageID.169–74.)

Petitioner’s reliance on *Bautista*, does not alter this statutory framework. That decision rested on the premise that the record failed to show an inspection by an immigration officer or a determination of inadmissibility as required by § 1225. No. 5:25-cv-01873-SSS-BFM (C.D. Cal.).

But that premise is inapplicable here. In this case, as in routine immigration enforcement, Petitioner was encountered and inspected by an immigration officer—whether CBP, ERO, or an asylum officer—who investigated suspected alienage and made a determination of inadmissibility, as reflected in the Notice to Appear (NTA) and the subsequently issued Form I-261. (*See* NTA, PageID.188–90; I-261, PageID.192–93.) The entirety of *Bautista*’s analysis flows from its contrary factual assumption, which is incorrect on its face in this case. Nothing in the INA imposes a temporal requirement governing when inspection or a determination of inadmissibility must occur, and *Bautista*’s reasoning cannot be reconciled with the statutory text or controlling Supreme Court precedent.

The statutory text forecloses Petitioner’s effort to reclassify her detention under § 1226(a). Section 1226 governs a different category of aliens—those who have been admitted to the United States and are later found removable. By contrast, Congress expressly directed that aliens present without admission “shall be detained” under § 1225(b)(2). *See Jennings*, 583 U.S. at 300 (rejecting the argument that courts may imply bond hearings into § 1225(b) and emphasizing the statute’s mandatory language).

Because the statute mandates detention and provides no bond-hearing entitlement, Petitioner cannot show any likelihood—much less a strong one—of prevailing on her statutory claim. That failure alone defeats her request for preliminary injunctive relief.

2. Petitioner’s due process challenge fails on the merits.

Petitioner’s constitutional claim fares no better. The Supreme Court has repeatedly held that, in the immigration context, due process is defined by—and coextensive with—the procedures Congress has prescribed. *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 138–40 (2020); *Demore v. Kim*, 538 U.S. 510, 531 (2003). Mandatory detention of applicants for admission

pending removal proceedings is a constitutionally permissible component of the immigration system Congress enacted.

Consistent with that precedent, the Sixth Circuit has rejected due-process challenges to immigration detention where detention is authorized by statute and serves the Government's legitimate interests in effectuating removal and ensuring appearance at proceedings. *See Hamama*, 912 F.3d at 878–80; *Hamama v. Adducci*, 946 F.3d 875 878–79 (6th Cir. 2020). Courts may not second-guess Congress's detention scheme by grafting additional procedural requirements—such as bond hearings—onto statutes that do not provide them.

Petitioner's due process argument ultimately depends on the premise that § 1225(b)(2) does not apply to her. Because that premise is wrong, her constitutional claim collapses with it, as do the claims of putative class members. At minimum, controlling precedent forecloses any conclusion that Petitioner is likely to succeed on the merits of a due-process challenge to detention expressly mandated by statute.

3. There is no APA violation.

Petitioner's APA claim also fails as a matter of law. Where a claim necessarily implies the invalidity of detention and seeks relief affecting custody, habeas—not the APA—is the exclusive vehicle. *Trump v. J.G.G.*, 145 S. Ct. 1003, 1005 (2025); *Hamama*, 912 F.3d at 874–75. Because habeas provides an adequate remedy, APA review is foreclosed under 5 U.S.C. § 704. Petitioner and putative class members, therefore, cannot establish a likelihood of success on this claim.

B. Petitioner cannot show irreparable injury.

Because Petitioner cannot demonstrate a likelihood of success on the merits, her request for preliminary injunctive relief fails at the threshold—and she likewise cannot establish irreparable harm warranting the extraordinary remedy she and the putative class members seek. A “plaintiff's harm from the denial of a preliminary injunction is irreparable if it not fully

compensable by monetary damages.” *Overstreet*, 305 F.3d at 572. To warrant such relief, the alleged injury must be both imminent and incapable of being remedied through the ordinary course of litigation. *Id.* Where adequate legal remedies exist or the asserted harm is speculative or indirect, irreparable injury is not established.

Here, Petitioner has already received the only custody-based relief available through habeas—a bond hearing and release. Because she is no longer detained, she cannot demonstrate any ongoing or imminent injury traceable to her own detention status. Any asserted harm is therefore abstract and derivative of claims concerning others, which is insufficient to support extraordinary injunctive relief. *See Los Angeles v. Lyons*, 461 U.S. 95, 102–03 (1983).

Nor do Petitioner’s asserted collateral harms supply the requisite showing of irreparable injury. Since her release from custody, Petitioner has not sought any form of immigration relief or applied for any lawful status, despite claiming to have resided in the United States for more than twenty years and to have entered as a child. These circumstances underscore that any asserted risk of future detention or attendant hardship is speculative and self-attenuating, not the product of ongoing government action. Equitable relief is not warranted where the alleged harm depends on contingencies of the petitioner’s own making rather than a concrete, imminent injury. *See Lyons*, 461 U.S. at 111. Granting equitable relief here would contravene Congress’s deliberate choice in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) to withhold preferential treatment from noncitizens who entered unlawfully and remained without seeking lawful status. Any suggestion of irreparable harm premised on the possibility of future detention is too speculative to support equitable relief, as it depends on a chain of contingent events—including future enforcement decisions and Petitioner’s own choices—rather than a concrete or imminent injury. *See id.* at 108–11.

Petitioner also fails to establish irreparable harm on behalf of the proposed class. Allegations of unlawful detention, without more, do not automatically establish irreparable injury warranting injunctive relief—particularly where individualized judicial review remains available. *See Nken v. Holder*, 556 U.S. 418, 435–36 (2009) (rejecting presumption of irreparable harm in immigration cases). Because Petitioner has not shown a concrete, non-speculative injury that would be remedied by an injunction, this factor weighs strongly against relief. Although Petitioner alludes to the possibility of removal as a source of harm, this action has no effect on ongoing removal proceedings under 8 U.S.C. § 1229a and therefore bears no relationship to immigration benefits, status, or relief. In any event, upon entry of a final order of removal, putative class members would no longer fall within the proposed class and would either be detained under a different statutory authority, or removed from the United States altogether. *See* 8 U.S.C. § 1231. Because Petitioner has not shown a concrete, non-speculative injury that would be prevented or remedied by the requested injunction, this factor weighs strongly against relief.

C. The balance equities and public interest support denying injunctive relief.

The third and fourth factors “merge when the Government is the opposing party.” *Id.* at 435. The Supreme Court has acknowledged that the public has a valid interest in the efficient functioning of the immigration system and held that courts cannot presume that plaintiffs establish the third and fourth TRO factors simply by alleging they are being denied immigration rights. *Id.* at 435–36. Here, the public interest weighs in favor of denying the motion for a temporary restraining order and preliminary injunction. “[C]ontrol over matters of immigration is a sovereign prerogative[.]” *Landon v. Plasencia*, 459 U.S. 21, 34 (1982). The public interest strongly favors preserving the Executive Branch’s ability to enforce the immigration laws as Congress enacted them, through uniform and consistent application across similarly situated noncitizens. Congress

has established a comprehensive statutory framework governing inspection, detention, and removal, and the public has a substantial interest in ensuring that this framework is administered in a predictable and evenhanded manner, rather than through ad hoc or classwide judicial intervention. *See Nken*, 556 U.S. at 436 (“[T]here is always a public interest in prompt execution of removal orders[.]”); *Arizona v. United States*, 567 U.S. 387, 394–95 (2012) (recognizing the Executive’s primary responsibility for the enforcement of immigration laws). Disrupting that framework through extraordinary relief would undermine the orderly administration of the immigration system, create inconsistent treatment among noncitizens based on litigation posture, and interfere with the Executive’s responsibility to carry out the Nation’s immigration laws. *See INS v. Chadha*, 462 U.S. 919, 940–41 (1983) (emphasizing Congress’s plenary authority over immigration and the Executive’s role in implementing that scheme). Accordingly, the public interest weighs against injunctive relief that would restrain or reconfigure the statutory detention and removal framework.

By contrast, Petitioner has not identified any countervailing equities that would justify such an intrusion—particularly where she herself is no longer detained and seeks relief that would operate prospectively and programmatically. Issuing an injunction under these circumstances would disserve the public interest by imposing judicial control over detention decisions Congress entrusted to the political branches and by encouraging piecemeal interference with the removal process. The balance of equities and the public interest therefore strongly favor denying preliminary injunctive relief.

IV. Partial summary judgment is improper.

The same defects that foreclose preliminary injunctive relief also defeat Petitioner’s motion for partial summary judgment. Petitioner’s failure to establish a likelihood of success on the merits, the absence of irreparable harm, and the availability of individualized habeas relief are not merely

deficiencies under Rule 56; they reflect fundamental legal and procedural barriers to the relief she seeks. Partial summary judgment would require this Court to resolve, on a classwide basis and outside the habeas framework, abstract questions concerning the legality of immigration detention—precisely the type of adjudication Congress has foreclosed and the Supreme Court has cautioned against. Accordingly, even apart from the heightened standard governing preliminary injunctions, Petitioner’s claims cannot be resolved through Rule 56, and her motion for partial summary judgment should be denied for the reasons set forth below.

A. Standard for summary judgment motions.

Under Federal Rule of Civil Procedure 56, the Court should grant summary judgment if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(a), (c); *see also Wright v. Murray Guard, Inc.*, 455 F.3d 702, 706 (6th Cir. 2006). The rule “isolate[s] and dispose[s] of factually unsupported claims or defenses,” and it “should be interpreted . . . to accomplish this purpose.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 323–24 (1986).

A party confronted with a summary judgment motion must support the assertion that a genuine dispute exists by citing to record materials. Fed. R. Civ. P. 56(c)(1). The party must put forth “significant probative evidence in favor of [her] position” that raises a genuine issue of material fact. *See Wright*, 455 F.3d at 706 (quotations omitted). A factual dispute is “material” if its resolution is determinative of an essential element of the non-moving party’s case. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A genuine dispute is one where the non-moving party comes forward with evidence showing that the trier of fact could find in its favor at trial; if

it does not, summary judgment must issue. *See Liberty Lobby*, 477 U.S. at 249; *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986).

B. Potential class members are properly detained under § 1225(b)(2).

The Court should deny partial summary judgment to Petitioner because putative class members are mandatorily detained under § 1225(b)(2)(A) and therefore are not entitled to a bond hearing under the separate detention provision at § 1226(a). The plain text of § 1225(b)(2)(A) requires DHS to detain aliens who are present in the United States without admission pending removal proceedings—without regard to the duration of their presence or the location of apprehension. In seeking to avoid this conclusion, Petitioner’s motion conflates distinct statutory concepts by asserting that treating class members as properly detained under § 1225(b) renders them “arriving aliens,” and then advancing arguments based on that term. But “arriving alien” is a narrow term of art that applies primarily to individuals apprehended at a port of entry or otherwise defined by regulation, whereas “applicant for admission” is a broader statutory category that expressly includes aliens present in the United States without having been admitted. *See* 8 U.S.C. § 1225(a)(1). The two terms are not interchangeable, and nothing in § 1225(b)(2)(A) limits its mandatory detention rule to “arriving aliens” as Petitioner suggests.

Respectfully, the Court erred in preliminarily ruling that § 1226(a), not § 1225(b)(2)(A), governs aliens, like Petitioner “who have resided in the United States and were already within the United States when apprehended and arrested.” (Op., PageID.435.) As a growing number of district courts have recognized, that reading disregards the statutory text and subverts Congress’s manifest purposes in adopting § 1225(b)(2)(A). *See, e.g., Chavez v. Noem*, No. 25-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Vargas Lopez v. Trump*, No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Cirrus Rojas v. Olson*, No. 25-cv-1437, 2025 WL 3033967, at *1 (E.D.

Wis. Oct. 30, 2025); *Barrios Sandoval v. Acuna*, No. 25-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Silva Oliveira v. Patterson*, No. 25-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 25-00168, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-Robledo v. Noem*, 1:25-cv-00177 (N.D. Tex. 2025); *Montoya Cabanas v. Bondi*, 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamiro Ramos v. Lyons*, 2:25-cv-09785, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Cortes Alonzo v. Noem*, No. 1:25-cv-01519, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025).

1. Section 1225(b)(2) mandates detention of aliens like Petitioner who are present in the United States without having been lawfully admitted.

Under the plain language of Section 1225(b)(2), DHS is required to detain all aliens, like Petitioner, who are present in the United States without admission and are subject to removal proceedings—regardless of how long the alien has been in the United States or how far from the border they ventured. “As with any question of statutory interpretation, [the] analysis begins with the plain language of the statute.” *Jimenez v. Quarterman*, 555 U.S. 113, 118 (2009) (citing *Lamie v. U.S. Tr.*, 540 U.S. 526, 534 (2004)).

a. Applicant for admission.

As discussed at length in Respondents’ opposition to Petitioner’s habeas petition (ECF No. 9), Section 1225(a)(1) defines an “applicant for admission” to include both (1) arriving aliens and (2) aliens present in the United States who have not been admitted. 8 U.S.C. § 1225(a)(1). The Supreme Court and the BIA have repeatedly confirmed that aliens who enter unlawfully and are later apprehended inside the country remain “applicants for admission” for purposes of the detention statutes. *See. Thuraissigiam*, 591 U.S. at 140; *Matter of Lemus*, 25 I&N Dec. 734, 743 (BIA 2012).

Petitioner falls squarely within that definition. She was present in the United States without having been admitted after inspection and therefore is an applicant for admission subject to § 1225(b). *See* 8 U.S.C. § 1225(a)(1); 8 C.F.R. §§ 1.2, 1001.1(q).

b. Seeking admission.

Section 1225(b)(2)(A) mandates detention of any “applicant for admission” who is “seeking admission” and not clearly entitled to be admitted. The statutory text and structure make clear that being an “applicant for admission” is itself a means of “seeking admission”; no additional affirmative act is required. *See* 8 U.S.C. § 1225(a)(3) (requiring inspection of “applicants for admission or otherwise seeking admission”); *Matter of Lemus-Losa*, 25 I&N Dec. 734, 743 (BIA 2012).

Congress’s use of the present participle “seeking” confirms that the inquiry concerns an alien’s current legal posture, not the manner or timing of entry. *See United States v. Wilson*, 503 U.S. 329, 333 (1992). Thus, an alien who remains present without lawful admission and has not agreed to depart necessarily continues to seek lawful admission through removal proceedings. *See Pena v. Hyde*, 2025 WL 2108913, at *1–2 (D. Mass. July 28, 2025); *Mejia Olalde v. Noem*, 2025 WL 3131942, at *1 (E.D. Mo. Nov. 10, 2025).

Here, Petitioner has neither been admitted nor agreed to immediate departure and instead remains in removal proceedings, where she may seek relief resulting in lawful status. She therefore is “seeking admission” within the meaning of § 1225(b)(2)(A) and subject to mandatory detention under that provision. Petitioner’s contrary argument referencing individuals “seeking admission” with those “who are already ‘present’ and facing removal proceedings” conflates the distinct statutory categories of inadmissible and deportable noncitizens (*See* Pet. Br., PageID.398). This interpretation, if accepted, would effectively read § 1225(b)(2) out of the statute altogether by

leaving no circumstance in which it could apply. Because Petitioner has not been admitted and remains an applicant for admission, she is subject to mandatory detention under § 1225(b)(2)(A).

2. Section 1226(c) does not support Petitioner’s interpretation of the statute.

Petitioner argues that applying § 1225(b)(2) to aliens like her would render § 1226 superfluous. That argument fails. Although § 1225(b)(2) and § 1226 overlap in limited circumstances, § 1226 continues to perform substantial independent work, and “[m]ere overlap” is no basis to rewrite clear statutory text. *Barton v. Barr*, 590 U.S. 222, 223 (2020). Section 1226(a) governs detention of a broad category of aliens who have been lawfully admitted but are later found removable, including visa overstayers, and authorizes discretionary release on bond. *See* 8 U.S.C. § 1226(a); *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 566 U.S. 639, 645 (2012) (the specific governs the general). By contrast, § 1225(b)(2) applies only to “applicants for admission” and has no application to admitted aliens.

Section 1226(c) likewise is not rendered superfluous. It mandates detention of certain criminal or terrorism-related aliens, including many who were lawfully admitted or admitted in error—categories not covered by § 1225(b)(2). *See* 8 U.S.C. §§ 1226(c)(1), 1227(a)(1)(A). Section 1226(c) also applies to aliens expressly excluded from § 1225(b)(2), such as crewmen and stowaways. *See* 8 U.S.C. § 1225(b)(2)(B)–(C).

Nor does § 1225(b)(2) render Congress’s recent amendments to § 1226(c) under the Laken Riley Act superfluous. Those provisions mandate detention of certain inadmissible criminal aliens, including some whose inadmissibility arises from erroneous admission—again, a category beyond § 1225(b)(2)’s reach. Any partial overlap does not create surplusage; redundancies are common in statutory drafting and defeat the canon against superfluity absent a competing interpretation that

gives effect to every provision. *Barton*, 590 U.S. at 223; *Microsoft Corp. v. i4i Ltd. P'ship*, 564 U.S. 91, 106 (2011).

Finally, § 1226(c) independently narrows DHS's parole authority. While § 1225(b)(2) permits temporary parole under § 1182(d)(5), § 1226(c) withdraws that discretion for covered criminal aliens, allowing release only in narrow witness-protection circumstances. *See* 8 U.S.C. § 1226(c)(4). Thus, even where the statutes intersect, § 1226(c) meaningfully constrains release authority and is not superfluous. *See also* Respondents' Opposition, ECF No. 9.

3. Congress intended for the detention of aliens like Petitioner and putative class members under § 1225(b)(2).

Petitioner's interpretation is not only unsupported by the statutory text; it directly undermines IIRIRA's express objective of eliminating preferential treatment for unlawful entrants. Courts may not adopt interpretations that yield results Congress "designed the Act to avoid." *King v. Burwell*, 576 U.S. 473, 492 (2015); *New York State Dep't of Soc. Servs. v. Dublino*, 413 U.S. 405, 419–20 (1973). Yet Petitioner's reading would afford more favorable detention treatment to aliens who evade inspection and remain unlawfully than to those who comply with the law and present themselves at the border—an outcome Congress expressly rejected. *See Matter of Yajure Hurtado*, 29 I&N Dec. 216, 228 (BIA 2025). Nothing in the INA provides that prolonged unlawful presence converts an "applicant for admission" into a non-applicant eligible for bond under § 1226(a). Accepting Petitioner's position would resurrect the pre-1996 regime IIRIRA was enacted to dismantle, under which unlawful entrants received procedural advantages unavailable to lawful border arrivals.

Respondents’ interpretation, by contrast, accords with the statutory text and the longstanding “entry fiction,” under which aliens who have not been lawfully admitted—including those apprehended in the interior—are treated as if stopped at the border for detention purposes. *See Thuraissigiam*, 591 U.S. at 139 (quoting *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 215 (1953)). Consistent with that principle, several courts have held that applicants for admission remain subject to mandatory detention under § 1225(b)(2). *See, e.g., Mejia Olalde v. Noem*, 2025 WL 3131942, at *1 (E.D. Mo. Nov. 10, 2025); *Vargas Lopez v. Trump*, 2025 WL 2780351, at *10 (D. Neb. Sept. 30, 2025); *Barrios Sandoval v. Acuna*, 2025 WL 3048926, at *5 (W.D. La. Oct. 31, 2025). Because the Sixth Circuit has not resolved this question, this Court must apply “all relevant interpretive tools,” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 400 (2024), which confirm that § 1225(b)(2) authorizes Petitioner’s detention. *See also*, Respondents’ Resp. in Opposition, ECF No. 9.

4. Applicants for admission may only be released from detention on § 1182(d)(5) parole.

Importantly, applicants for admission may only be released from detention if DHS invokes its discretionary parole authority under 8 U.S.C. § 1182(d)(5). DHS has the exclusive authority to temporarily release on parole “any alien applying for admission to the United States” on a “case-by-case basis for urgent humanitarian reasons or significant public benefit.” 8 U.S.C. § 1182(d)(5); *see* 8 C.F.R. § 212.5(b). In *Jennings*, the Supreme Court placed significance on the fact that § 1182(d)(5) is the specific provision that authorizes release from detention under § 1225(b), at DHS’s discretion. *Jennings*, 583 U.S. at 300. Specifically, the Supreme Court emphasized that “[r]egardless of which of those two sections authorizes . . . detention, [8 U.S.C. § 1225(b)(1) or (b)(2)(A)], applicants for admission may be temporarily released on parole . . .” *Id.* at 288.

Parole, like an admission, is a factual occurrence. *See Hing Sum*, 602 F.3d at 1098; *Matter of Roque-Izada*, 29 I&N Dec. 106 (BIA 2025) (treating whether an alien was paroled as a question of fact). The parole authority under § 1182(d)(5) is “delegated solely to the Secretary of Homeland Security.” *Matter of Castillo-Padilla*, 25 I&N Dec. 257, 261 (BIA 2010); *see* 8 C.F.R. § 212.5(a). Thus, neither the BIA nor IJs have authority to parole an alien into the United States under § 1182(d)(5). *Castillo-Padilla*, 25 I&N Dec. at 261; *see also Matter of Arrabally and Yerrabelly*, 25 I&N Dec. 771, 777 n.5 (BIA 2002) (indicating that “parole authority [under 8 U.S.C. § 1182(d)(5)] is now exercised exclusively by the DHS” and “reference to the Attorney General in [8 U.S.C. § 1182(d)(5)] is thus deemed to refer to the Secretary of Homeland Security”); *Matter of Singh*, 21 I&N Dec. 427, 434 (BIA 1996) (providing that “neither the [IJ] nor th[e] Board has jurisdiction to exercise parole power”). Further, because DHS has exclusive jurisdiction to parole an alien into the United States, the manner in which DHS exercises its parole authority may not be reviewed by an IJ or the BIA. *Castillo-Padilla*, 25 I&N Dec. at 261; *see Matter of Castellon*, 17 I&N Dec. 616, 620 (BIA 1981) (noting that the BIA does not have authority to review the way DHS exercises its parole authority).

Importantly, parole does not constitute a lawful admission or a determination of admissibility, and an alien granted parole remains an applicant for admission, 8 U.S.C. §§ 1101(a)(13)(B), 1182(d)(5)(A); *see* 8 C.F.R. §§ 1.2 (providing that “[a]n arriving alien remains an arriving alien even if paroled pursuant to [8 U.S.C. § 1182(d)(5)], and even after any such parole is terminated or revoked”), 1001.1(q) (same). Parole does not place the alien “within the United States.” *Leng May Ma*, 357 U.S. at 190. An alien who has been paroled into the United States under § 1182(d)(5) “is not . . . ‘in’ this country for purposes of immigration law” *Abebe*, 16 I&N Dec. at 173 (citing, *inter alia*, *Leng May Ma*, 357 U.S. at 185; *Kaplan*, 267 U.S. at

228). Following parole, the alien “shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States,” including that they remain subject to detention pursuant to § 1225(b)(2). 8 U.S.C. § 1182(d)(5)(A).

Petitioner’s reliance on *Loper Bright Enterprises*, 603 U.S. 369, is misplaced. *Loper Bright* eliminated judicially created deference doctrines such as *Chevron*¹ and reaffirmed that courts must exercise independent judgment when interpreting statutes. *Id.* at 400. But it did not alter Congress’s authority to assign responsibility for the administration and enforcement of federal statutes to Executive Branch officials, nor did it invalidate statutes that expressly allocate legal decision-making authority. Here, Congress has done precisely that. The INA provides that the Secretary of Homeland Security is charged with the administration and enforcement of the immigration laws, *see* 8 U.S.C. § 1103(a)(1), and further specifies that determinations and rulings by the Attorney General on questions of law are controlling within the statutory scheme. *Id.* Those provisions reflect Congress’s considered allocation of authority, not an agency’s interpretive gloss. Under *Loper Bright*, courts must interpret and apply the statute as written—which includes giving effect to Congress’s express assignment of enforcement responsibility and legal authority—rather than substituting judicial preferences for the statutory framework Congress enacted.

C. Summary judgment is an inappropriate vehicle for habeas detention claims.

Summary judgment is not an appropriate vehicle for resolving detention challenges that lie at the core of habeas corpus. Challenges to the fact, duration, or statutory basis of detention must proceed through individualized habeas adjudication under § 2241. *Preiser v. Rodriguez*, 411 U.S. 475, 489–90 (1973). Petitioner’s attempt to resolve custody issues through summary judgment and

¹ *Chevron U.S.A., Inc. v. Nat’s Res. Defense Council, Inc.*, 467 U.S. 837, 842–43 (1984).

declaratory relief would circumvent habeas's individualized limits and is therefore procedurally improper.

D. *Bautista* does not provide a proper basis for summary judgment or classwide relief.

Petitioner's reliance on *Bautista v. Noem* does not provide a basis for partial summary judgment or classwide relief in this case. In *Bautista*, a district court granted partial summary judgment and later certified a class of detainees held under 8 U.S.C. § 1225(b)(2). No. 5:25-cv-01873-SSS-BFM (C.D. Cal.). That decision is nonbinding, out of circuit, and not final: judgment was entered only after reconsideration, and a notice of appeal has already been filed. More fundamentally, *Bautista* is distinguishable from—and does not support—Petitioner's argument here. The *Bautista* court did not hold that inspection cannot occur upon apprehension in the interior of the United States. Rather, its analysis rested on the premise that the record before it did not show the involvement of an immigration officer, or a determination of admissibility as required by § 1225(b)(2). The entirety of the court's reasoning flowed from that factual finding, which is incorrect on its face. Here, the record reflects that an immigration officer inspected Petitioner and made a determination of inadmissibility, as evidenced by the Notice to Appear and related charging documents. Because *Bautista* rests on a factual premise not present here—and on legal conclusions that are now subject to appellate review—it provides no support for the relief Petitioner seeks.

Importantly, *Bautista* conflicts with controlling Sixth Circuit law. The Sixth Circuit has squarely held that 8 U.S.C. § 1252(f)(1) strips lower courts of authority to issue classwide relief that restrains the operation of the immigration detention statutes, regardless of how that relief is framed. *Hamama*, 912 F.3d at 879–80; *Hamama*, 946 F.3d at 878–79. The Supreme Court has reinforced that limitation, holding that lower courts may not issue classwide orders that interfere with the Government's operation of the detention provisions, even when grounded in statutory

interpretation rather than explicit injunctions. *Aleman Gonzalez*, 596 U.S. at 550–51. To the extent *Bautista* permits or contemplates classwide declaratory or programmatic relief affecting detention authority, it is inconsistent with precedent in this Circuit.

In any event, Petitioner has already received the only individualized relief potentially available—a bond hearing—which further underscores why *Bautista* cannot justify additional relief here.

V. Declaratory relief is unavailable and improper.

Even if habeas were not an adequate and exclusive remedy, Congress has separately and independently foreclosed the classwide declaratory and injunctive relief Petitioner and the potential class request through 8 U.S.C. § 1252(f)(1). Declaratory relief is unavailable here for the same reasons that classwide injunctive relief is barred. The Declaratory Judgment Act is purely procedural and does not authorize courts to issue relief that Congress has otherwise withheld. *Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S. 667, 671 (1950). Where Congress has prescribed a specific remedial framework for immigration detention—and has expressly limited classwide relief—courts may not use declaratory judgments to circumvent those limits. *Calderon*, 523 U.S. at 746–47. Accordingly, even if Article III jurisdiction otherwise existed, the Court should decline to entertain Petitioner’s request for declaratory relief.

A. Habeas is the exclusive remedy for detention challenges.

Petitioner’s claims challenge the statutory authority for immigration detention and seek relief that would directly affect custody. Such claims fall at the core of habeas corpus and must proceed, if at all, through individualized petitions under 28 U.S.C. § 2241. Courts may not use declaratory relief to adjudicate detention claims outside that framework or to issue advance rulings that would govern future custody determinations.

The Supreme Court has squarely rejected attempts to employ the Declaratory Judgment Act as a substitute for habeas in detention cases. See *Calderon v. Ashmus*, 523 U.S. 740, 747 (1998). Where the legality of detention is at issue, the claim must be resolved through habeas, with its individualized procedures and remedies, rather than through abstract or programmatic declarations of law.

As explained further in Section VI, the availability of individual habeas relief is not merely adequate but exclusive. That availability independently forecloses declaratory relief and confirms that Petitioner may not bypass habeas's limits by repackaging detention claims as requests for declaratory or classwide relief.

B. Declaratory relief would prejudice absent detainees.

Even apart from the jurisdictional and remedial bars discussed above, declaratory relief would be improper because it would prejudice the interests of absent detainees. A classwide declaration concerning the legality of detention would not resolve detainees' claims in a manner that affords complete relief, yet it would carry significant preclusive consequences that could foreclose individualized habeas relief. This is precisely the type of prejudice Rule 23(b)(2) is designed to avoid.

First, this concern is particularly acute in a Rule 23(b)(2) class, where absent class members lack opt-out rights. Declaratory relief would expose absent class members to claim-preclusion and claim-splitting concerns without providing them the individualized remedy habeas affords. Once a court enters judgment in a class action, class members are generally bound by that judgment and may be precluded from relitigating claims arising from the same nucleus of operative facts. *Cooper v. Fed. Rsrv. Bank of Richmond*, 467 U.S. 867, 874 (1984). Here, a classwide declaration regarding detention authority could foreclose later individualized habeas petitions challenging the legality of

custody, even though declaratory relief alone cannot secure release or a bond hearing for absent detainees. The result would be to bind detainees to an incomplete and inadequate remedy.

Second, declaratory relief would effectively force absent detainees into a procedural posture that undermines their ability to seek prompt, individualized relief. Habeas proceedings are designed to address custody on a case-by-case basis, allowing courts to consider individualized circumstances and to order immediate relief where warranted. A classwide declaratory judgment would delay or complicate that process by interposing a generalized ruling that neither resolves custody nor permits detainees to opt out and pursue habeas independently. Because Rule 23(b)(2) classes do not afford opt-out rights, absent detainees would be bound without consent to a form of relief that does not adequately protect their liberty interests. *See Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 362 (2011).

Third, the declaratory relief sought would not be uniform or appropriate for all class members, further exacerbating the prejudice to absent detainees. Whether a particular alien is lawfully detained under § 1225(b)(2) depends on individualized facts concerning entry, inspection, and procedural posture. A single declaratory judgment cannot account for those differences. Binding detainees to a generalized declaration that may not accurately reflect their circumstances risks denying them meaningful review of their individual detention claims.

Finally, permitting declaratory relief in this context would invite an end-run around the limits Congress imposed on classwide detention relief. If a court were to issue a classwide declaration and then allow absent detainees to seek individualized relief based on that declaration, the practical effect would be indistinguishable from a prohibited classwide injunction. *See Hamama*, 912 F.3d at 880 n.8 (explaining that declaratory relief may be impermissible where it functions as the equivalent of an injunction). Such an approach would prejudice absent detainees

by entangling their liberty claims in an impermissible procedural framework and exposing them to preclusion risks without securing meaningful relief.

For these reasons, declaratory relief would not protect—indeed, it would prejudice—the interests of absent detainees, providing an additional and independent basis to deny Petitioner’s request for classwide declaratory relief.

CONCLUSION

All three forms of relief Petitioner seeks—partial summary judgment, declaratory relief, and a preliminary injunction—fail for the same threshold reason: individualized habeas petitions under 28 U.S.C. § 2241 provide a complete, adequate, and exclusive remedy for challenges to immigration detention. Petitioner’s individual habeas claim is moot, the Court lacks jurisdiction and authority to grant classwide relief restraining the operation of the detention statutes, and habeas corpus remains the exclusive vehicle for challenging immigration detention. Petitioner cannot satisfy the standard for preliminary injunctive relief, and summary judgment and declaratory relief are not appropriate mechanisms for resolving detention claims that lie at the core of habeas. Because individual habeas petitions provide a complete and adequate remedy, and because Congress has foreclosed the classwide relief Petitioner seeks, the Court should deny all requested relief.

Respectfully submitted,

TIMOTHY VERHEY

United States Attorney

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/s/ Carolyn A. Almassian
CAROLYN A. ALMASSIAN (P63229)
Assistant United States Attorney
The Law Building
330 Ionia Ave., NW, Ste. 501
Grand Rapids, Michigan 49503
(616) 456-2404
Carolyn.Almassian@usdoj.gov