THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

YAINIER ARANDA GARCIA, Petitioner vs. PAMELA BONDI, in her official capacity As Attorney General of the United States, et. al. Respondents.	Case No.: 2:25-cv-1053-KCD-DNF

PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE

INTRODUCTION

Petitioner filed a Petition for Writ of Habeas Corpus and Request for Order to Show Cause on November 18, 2025. (Doc. 1). Respondents filed their Response (Doc. 9), and Petitioner filed his Reply (Doc. 11). On December 4, 2025, the Court directed the parties to show cause why this matter should not be dismissed as moot given the Central District of California's certification of a class action of noncitizens who have been denied an immigration bond hearing in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). (Doc. 10). Petitioner hereby files his Response. For the reasons set forth below, this action is not moot, and dismissal would be legally improper.

ARGUMENT

In *Bautista v. Santacruz*, the Central District of California certified a class of noncitizens who are in immigration detention and being denied access to a bond hearing based on the government's allegation that they entered the United States without admission or inspection. *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The Bond Eligible Class is defined as follows:

> 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.

Id. at *15. Notwithstanding the *Bautista* ruling, immigration judges across the country continue to deny bond for lack of jurisdiction, and the government continues to enforce the same mandatory detention framework nationwide. (Ex. 1-7).

According to the DOJ's own litigation position, although the *Bautista* court granted class certification and partial summary judgment, the government asserts that the court did not issue a class-wide declaratory judgment or a class-wide injunction. (Exh. 1) (Doc. 12). DOJ further points to the fact that the court set a January 9, 2026, joint status report deadline and a January 16, 2026, status conference, reflecting that the *Bautista* litigation remains procedurally ongoing and the relief phase has not yet concluded. *Id.*

Relying on DOJ's interpretation of Federal Rule of Civil Procedure 54(b), the government has taken the position that until and unless the *Bautista* court issues further relief, the partial summary judgment does not constitute a final judgment. (Exh. 2). Rule 54(b) provides:

> Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

Fed. R. Civ. P. 54(b). As a result of DOJ's own position that the *Bautista* ruling does not require compliance, class members have not secured relief and remain subject to the same unlawful detention scheme challenged in this case. (Exh. 1-7). DHS continues to apply the same detention policy nationwide.

This nationwide noncompliance independently defeats mootness. A case cannot be rendered moot where the government continues to enforce the exact policy being challenged and where the plaintiff remains exposed to the same detention authority. *Friends of the Earth, Inc. v. Laidlaw*, 528 U.S. 167, 189 (2000) (voluntary cessation does not moot a case unless it is "absolutely clear that the allegedly wrongful behavior could not reasonably be expected to recur"). Here, the government has not even attempted to cease its conduct. Rather, its actions are ongoing, and the controversy remains live.

Judicial economy likewise weighs strongly against dismissal. This case is fully briefed and ripe for decision. Dismissal at this stage would only result in prolonged detention, require duplicative litigation, and needlessly expend judicial and government resources.

Moreover, even assuming arguendo that *Bautista* ultimately provides relief to some class members, it remains unclear at this stage whether Petitioner falls within the precise parameters of the class definition, as the *Bautista* court did not define what constitutes "apprehended upon arrival". Accordingly, dismissal on mootness grounds would be improper where Petitioner's entitlement to relief under *Bautista* has not been conclusively established and the challenged detention policy remains fully in force.

In their response, Respondents now argue that *Duenas Garcia v. Immigration & Customs Enforcement Department of Homeland Security*, No. 2:25-CV-1004-KCD-NPM, 2025 WL 3277163 (M.D. Fla. Nov. 25, 2025) may be applicable here. Petitioner submits that his case is far more analogous to *Navarro Perera v. Attorney General of the United States*, No. 2:25-CV-01054-SPC-NPM, (M.D. Fla. Dec. 8, 2025), where this Court held that a noncitizen who was issued an arrest warrant the day after his initial entry, detained, released on his own recognizance, and re-apprehended years later, is now detained under section 1226(a) and is entitled to a bond hearing.

Respondents' reliance on *Duenas Garcia* is misplaced. That case is distinguishable because there is no indication that the petitioner there was processed in the same manner as Petitioner in this case. Here, DHS itself made an initial and operative custody determination under 8 U.S.C. § 1226 by issuing a § 236 warrant and releasing Petitioner on an Order of Recognizance. Once the Government invoked § 1226 as the governing detention statute, it became legally bound by that discretionary detention framework. DHS cannot retroactively discard its own custody determination and reclassify Petitioner as subject to § 1225 after release.

The Board of Immigration Appeals has squarely rejected precisely this type of post-hoc statutory manipulation. *Matter of Q. Li*, 29 I&N Dec. 66 n.4 (BIA 2025) ("Once an alien is detained under section 235(b), DHS cannot convert the statutory authority governing her detention from section 235(b) to section 236(a) through the post-hoc issuance of a warrant. The Supreme Court has recognized that it would make 'little sense' to read section 235(b) and section 236(a) as authorizing DHS to 'detain an alien without a warrant at the border' but then requiring DHS 'to issue an arrest warrant in order to continue detaining the alien' once removal proceedings have commenced) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018)). Although *Q. Li* addressed the converse scenario, its holding rests on the broader principle that DHS is bound by its initial statutory election and may not manipulate detention authority after custody has commenced.

As the Supreme Court likewise recognized in *Jennings*, §§ 1225 and 1226 operate at distinct procedural stages and cannot be interchanged after custody has commenced. *See Jennings*, 583 U.S. at 302. Detention authority is fixed at the moment of initial custody, not rewritten after the fact to impose mandatory detention.

If Respondents persist in arguing that Petitioner remained subject to § 1225 at all times despite DHS's documentation establishing the contrary, then as a matter of law that release could only have occurred through parole under 8 U.S.C. § 1182(d)(5). In that event, Petitioner respectfully requests that this Court make that parole finding expressly and in writing. DHS cannot simultaneously deny that Petitioner was paroled while relying on a legal theory that necessarily depends upon parole having occurred. If § 1225 governs, parole must be acknowledged; if parole is not acknowledged, § 1225 cannot govern.

Furthermore, as Petitioner argued in the habeas petition, by categorically revoking Petitioner's release without considering his individualized facts and circumstances, Respondents have violated Petitioner's due process rights and the APA. Respondents have already evaluated Petitioner's individual facts and circumstances and concluded that he does not pose a flight risk or a danger to the community. (Doc. 1). There have been no changes in those circumstances that would justify revoking his release on his own recognizance. *Id.* Petitioner complied with all reporting requirements, further undermining any claim of flight risk. *Id.*

ICE has not shown it considered any relevant facts when revoking Petitioner's prior release under 8 U.S.C. § 1226 and detaining him. Nor have the respondents offered any explanation, satisfactory or otherwise, for that decision. Their action is arbitrary, capricious, and unlawful.

In short, *Bautista* does not moot this case because DHS continues to enforce the challenged detention scheme nationwide, Petitioner has not received any relief, and his class membership is uncertain. Respondents' newly cited authority in *Duenas Garcia* is likewise inapplicable because DHS initially exercised § 1226 discretionary detention authority and may not retroactively alter that statutory basis.

CONCLUSION

For these reasons, and the reasons stated in the Petition, the Court should GRANT the Petition for Writ of Habeas Corpus and order Petitioner's immediate release or, in the alternative, a bond hearing.

Respectfully submitted,

/s/ *Liliana Gomez*
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