

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

VELIC YALIC

PETITIONER

V.

CIVIL ACTION NO. 5:25-cv-00133-DCB-BWR

RAFAEL VERGARA, WARDEN,
ADAMS COUNTY CORRECTIONAL CENTER

RESPONDENT

RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY

Respondent Rafael Vergara, Warden of Adams County Correctional Center, by and through the United States Attorney for the Southern District of Mississippi, and the undersigned Assistant United States Attorney, submits this response to Petitioner Velic Yalic's Notice of Supplemental Authority [8]. The Notice advises the Court of the Judgment entered in the class action *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025) (Dkt. No. 94) (on appeal) and asserts the Judgment is "critical to the instant Petition," in part, because Yalic is a member of the Bond Class. Dkt. No. 8, at 2.

As set forth below, the December 18, 2025, partial final judgment in *Bautista* is neither binding nor applicable here and presents no basis for granting the petition. First, the *Bautista* declaratory judgment is void with respect to petitioners and custodians outside the Central District of California because it was issued despite a palpable lack of jurisdiction. Second, the Court should not give preclusive effect to the declaratory judgment because it is on

appeal, creating a serious risk of inconsistent judgments and unfair results if the *Bautista* judgment is reversed or vacated on appeal. Third, issue preclusion is inapplicable here, particularly as preclusion principles apply with less force both against the government and in habeas corpus proceedings. And finally, the Court need not await a ruling staying or vacating the *Bautista* declaratory judgment before declining to give it preclusive effect.

I. Under black-letter principles of habeas jurisdiction, the *Bautista* declaratory judgment has no preclusive effect outside the Central District of California and over custodians who are located outside that District.

The *Bautista* class sought a declaratory judgment that class members were unlawfully detained under 8 U.S.C. § 1225(b)(2), rather than § 1226(a). This is core habeas relief that must be brought as a habeas claim alone. As the Supreme Court made clear just this year, “[r]egardless of whether [] detainees formally request release from confinement,” if “their claims for relief necessarily imply the invalidity of their confinement[], their claims fall within the core of the writ of habeas corpus and thus must be brought in habeas.” *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (internal quotations omitted).

The Supreme Court has imposed two fundamental limits on federal court jurisdiction over core habeas claims. *First*, “jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also* *J.G.G.*, 604 U.S. at 672. *Second*, a habeas petitioner must name the petitioner’s *immediate* custodian—*i.e.*, the custodian who has actual custody over the petitioner and can produce the “corpus.” *Padilla*, 542 U.S. at 435. “Failure to name the petitioner’s custodian as a respondent deprives federal

courts of personal jurisdiction” needed to issue relief. *Stanley v. Cal. Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994); *Padilla*, 542 U.S. at 444. Thus, a federal district court is wholly without authority to issue the writ in favor of a habeas petitioner who seeks habeas relief in a judicial district in which he is not confined and the immediate custodian is not located. See *Padilla*, 542 U.S. at 442-43. And a “judgment entered without personal jurisdiction over a defendant is void as to that defendant.” *Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C. Cir. 1987).

Given that a challenge to the legality of detention is a core habeas claim, class-wide declaratory relief is inappropriate in the habeas context. *Calderon v. Ashmus*, 523 U.S. 740, 747 (1998) (declaratory judgment action not appropriate to address “validity of a defense the State may, or may not, raise in a habeas proceeding” in part because “the underlying claim must be adjudicated in a federal habeas proceeding”); *Fusco v. Grondolsky*, No. 17-1062, 2019 WL 13112044, at *1 (1st Cir. June 18, 2019) (declaratory judgment action must be dismissed when habeas available). Indeed, a class-wide declaratory judgment imposed from outside the district of confinement cannot be squared with the district-of-confinement requirement of habeas, where the relief is an order of release, 28 U.S.C. § 2241(a), not a declaration of legal rights that can later be enforced. See *Calderon*, 523 U.S. at 747 (1998); *Fusco*, 2019 WL 13112044, at *1; *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996) (holding that the “availability of a habeas remedy in another district ousted us of jurisdiction over an alien’s effort to pose a constitutional attack . . . by means of a suit for declaratory

judgment”); *Monk v. Sec. of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) (“In adopting the federal habeas corpus statute, Congress determined that habeas corpus is the appropriate federal remedy for a prisoner who claims that he is ‘in custody in violation of the Constitution . . . of the United States,’ This specific determination must override the general terms of the declaratory judgment . . . statutes.”).

Here, the vast majority of *Bautista* class members are confined *outside* of the Central District of California by immediate custodians who are also *outside* the Central District of California and have not been named in the lawsuit. Therefore, the *Bautista* court lacked jurisdiction to issue habeas relief to all class members who are confined outside the Central District of California by immediate custodians outside that District, and a court’s judgment cannot be binding and preclusive against a party over which it lacked jurisdiction. *Burnham v. Superior Court of Cali.*, 495 U.S. 604, 618 (1990). Indeed, another federal district court has already held that the *Bautista* declaratory judgment does not have preclusive effect. *See Lopez v. Lyons*, No. 1:25-CV-226-H, 2025 WL 3683918 (N.D. Tex. Dec. 19, 2025).

In sum, the *Bautista* court’s declaratory judgment purporting to grant relief that at its core sounds in habeas is a legal nullity outside that District. At the time of filing this habeas petition, Yalic was detained at the Adams County Correctional Center, which is outside the Central District of California. That ends the matter. But if more were needed, Yalic’s immediate custodian is Rafael Vergara, Warden of Adams County Correctional Center, who also is not in the Central District of California. Subjecting the immediate custodian to the

judgment of the Central District of California would be inconsistent with the immediate custodian rule. *Padilla*, 542 U.S. at 439-40; *see also Doe v. Garland*, 109 F.4th 1188, 1196 (9th Cir. 2024) (holding immediate custodian and not supervisory ICE Field Office Director should be named in habeas petition).

II. The Court should not give preclusive effect to a declaratory judgment that is on appeal.

Even if the *Bautista* declaratory judgment could have preclusive effect outside the Central District of California, that judgment has been appealed to the Ninth Circuit, *Bautista, et al. v. United States Department of Homeland Security, et al.*, No. 25-7958 (9th Cir.), and this Court should not afford preclusive effect to that judgment or to any underlying legal issues in deciding whether to grant habeas relief in this case.

Courts must exercise significant caution before giving preclusive effect to declaratory judgments that are on appeal. Reflexively granting preclusive effect to such judgments could lead to subsequent judgment “from which it may be impossible to obtain relief” even if the first judgment is reversed on appeal. 9 A.L.R.2d 984. Courts should strive to avoid this “evil result[.]” *Id.* (“both the rule under which the operation of a judgment as res judicata is, and the one under which it is not, affected by the pendency of an appeal, have very unfortunate consequences”); *see also* 18 Fed. Prac. & Prod. Juris. § 4404 (“Awkward problems can result from the rule that preclusive effects attach to the first judgment” while that judgment is subject to an appeal); 18A Fed. Prac. & Proc. Juris. § 4433 (the rule that a

decision is final for the purposes of preclusion while that decision is pending appeal creates “[s]ubstantial difficulties”).

This problem can be “avoided . . . by delaying further proceedings in the second action pending conclusion of the appeal in the first action.” *Collins v. D.R. Horton, Inc.*, 505 F.3d 874, 882–83 (9th Cir. 2007) (citing Wright & Miller § 4433). In the circumstances here it would not be proper to impose res judicata effect on a class-wide basis while the declaratory judgment is pending on appeal. *See* 9 A.L.R.2d 984 (the “only one safe way of avoiding conflicting judgments on the same cause . . . [is for] the final decision on the merits of the second suit [to] be delayed until the decision on appeal has been rendered”).

III. Giving preclusive effect to the *Bautista* declaratory judgment contravenes other principles of preclusion.

Beyond the two most serious problems with giving effect to the *Bautista* declaratory judgment in this case, three more reasons counsel strongly against doing so.

First, under 28 U.S.C. § 2202, “[f]urther necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment.” To the extent this Court considers whether to award “further” relief than what the *Bautista* court purported to grant to class members outside the Central District of California, such further relief is neither “necessary [n]or proper.” Indeed, the Ninth Circuit — which of course has appellate jurisdiction over the Central District of California — has rejected waiving the district of confinement rule on prudential considerations given the clear congressional

mandate limiting habeas jurisdiction to the district of confinement as provided by statute. *Doe*, 109 F.4th at 1199.

Second, the circumstances of this case also counsel against applying issue preclusion against the government. The Supreme Court has “long recognized that ‘the Government is not in a position identical to that of a private litigant,’ *INS v. Hibi*, 414 U.S. 5, 8 (1973) (per curiam), both because of the geographic breadth of government litigation and also, most importantly, because of the nature of the issues the government litigates.” *United States v. Mendoza*, 464 U.S. 154, 159 (1984). “Government litigation frequently involves legal questions of substantial public importance.” *Id.* at 160. Thus, although the Supreme Court has held the federal government “may be estopped . . . from relitigating a question” when “the parties to the two lawsuits are the same,” *id.* at 163, it is not so precluded in cases where the party seeking to offensively use preclusion was “not a party to the earlier litigation.” *Id.* at 162. This is because allowing “nonmutual collateral estoppel against the government . . . would substantially thwart the development of important questions of law by freezing the first final decision rendered on a particular legal issue.” *Id.* at 160.

For similar reasons, the government should not be precluded from litigating the issue of the proper detention authority here, where Yalic was not a named party to the prior *Bautista* litigation, but instead merely a member of a fundamentally flawed nationwide class. In such a circumstance, applying preclusion against the government raises the same concern raised in *Mendoza*—it allows the *Bautista* court’s decision to freeze the law for all district

courts nationwide, and stymies development of the law. This is particularly so because the *Bautista* court could never grant complete habeas relief to all class members as a result of § 1252(f)(1)—instead, the *Bautista* class action was merely a vehicle for seeking to use the judgment in individual habeas matters such as this one. At minimum, the court should exercise its discretion to decline to employ offensive issue preclusion, as it does in cases where a non-party seeks to invoke preclusion against a private party. See *Syverson v. Int'l Bus. Machines Corp.*, 472 F.3d 1072, 1078 (9th Cir. 2007) (citing *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 331 (1979)).

The court should also decline to give the *Bautista* declaratory judgment preclusive effect given the existence of several inconsistent judgments from district courts around the country, suggesting that reliance on the adverse judgment in *Bautista* would be unfair. See *Parklane Hosiery*, 439 U.S. at 330 (citing the existence of prior inconsistent judgments as indicium of unfairness of applying issue preclusion); see, e.g., *Coronado v. Sec'y, DHS*, No. 1:25-CV-831, 2025 WL 3628229, at *10 (S.D. Ohio Dec. 15, 2025); *Ferreira Candido v. Bondi, et al.*, No. 1:25-cv-000867-JLS, 2025 WL 3484932, at *2 (W.D.N.Y. Dec. 4, 2025) *Suarez v. Noem*, No. 1:25-cv-00202, 2025 WL 3312168, at *2 (E.D. Mo. Nov. 28, 2025); *Maceda Jimenez v. Thompson*, No. 4:25-cv-05026, 2025 WL 3265493, at *1 (S.D. Tex. Nov. 24, 2025); *Valencia v. Chestnut, et. al.*, No. 1:25-cv-01550-WBS-JDP, 2025 WL 3205133, at *3 (E.D. Cal. Nov. 17, 2025).

Third, it is doubtful that issue preclusion is ever appropriate in the habeas context. For instance, in *Griffin v. Gomez*, the Ninth Circuit held that a prior “class action has no

preclusive effect in habeas proceedings.” *Griffin v. Gomez*, 139 F.3d 905, 1998 WL 81336, at *2 (9th Cir. 1998). The court later explained that res judicata and collateral estoppel do not apply to habeas proceedings. See *Clifton v. Att’y Gen.*, 997 F.2d 660, 662 n.3 (9th Cir. 1993) (recognizing that because “conventional notions of finality of litigation have no place” in habeas and the inapplicability of res judicata to habeas is “inherent in the very role and function of the writ.”) (quoting *Sanders v. United States*, 373 U.S. 1, 8 (1963)). The Fifth Circuit, in *Hardwick v. Doolittle*, similarly stated that “[t]he doctrines of res judicata and collateral estoppel are not applicable in habeas proceedings.” *Hardwick v. Doolittle*, 558 F.2d 292, 295 (5th Cir. 1977); see also *Heirens v. Mizell*, 729 F.2d 449, 456 (7th Cir. 1984) (“a decision in another case is not res judicata as to a habeas proceeding.”).

In sum, the *Bautista* declaratory judgment has no preclusive effect on this case.

IV. The Court need not await a ruling staying or vacating the *Bautista* declaratory judgment before declining to give it preclusive effect.

Assessing whether the *Bautista* declaratory judgment required granting an individual class member’s habeas petition, the U.S. District Court for the Northern District of Texas persuasively explained why the *Bautista* declaratory judgment need not be followed by other U.S. district courts, even before a court of appeal stays or vacates that order:

A dispute in this posture is unusual, but not unheard of. As Justice Story remarked, the traditional comity between courts “does not prevent an inquiry into the jurisdiction of the court in which the original judgment was given.” *Old Wayne Mut. Life Ass’n v. McDonough*, 204 U.S. 8, 16, 27 S.Ct. 236, 51 L.Ed. 345 (1907) (quoting Joseph Story, *Commentaries on the Constitution of the United States* § 1313 (1833)). It is “a subject [that] may be inquired into every other court, when the proceedings in the former are relied upon, and brought before the latter, by a party claiming the

benefit of such proceedings.” *Williamson v. Berry*, 49 U.S. (8 How.) 495, 540, 12 L.Ed. 1170 (1850); *Old Wayne*, 204 U.S. at 16–17, 27 S.Ct. 236 (same). Indeed, traditional habeas proceedings normally could only challenge “the power and authority of the court” or other detaining authority “to act.” *Brown v. Davenport*, 596 U.S. 118, 129, 142 S.Ct. 1510, 212 L.Ed.2d 463 (2022) (quotation omitted). While the conclusions of another court, when enforced onto a peer court, are generally “unassailable collaterally,” an exception has always existed for “lack of jurisdiction.” *Treinies v. Sunshine Mining Co.*, 308 U.S. 66, 78, 60 S. Ct. 44, 84 L.Ed. 85 (1939); *Ex parte Watkins*, 28 U.S. (3 Pet.) 193, 202–03, 7 L.Ed. 650 (1830) (Marshall, C.J.) (same).

When the issuing court lacks jurisdiction, “its judgments and orders are nullities; they are not voidable, but simply void, and form no bar to a recovery sought ... in opposition to them; they constitute no justification, and all persons concerned in executing such judgments ... are considered in law as trespassers.” *Williamson*, 49 U.S. at 541 (quoting *Elliott v. Piersol*, 26 U.S. (1 Pet.) 328, 329, 7 L.Ed. 164 (1828)); *Watkins*, 28 U.S. at 203 (“An imprisonment under a judgment cannot be unlawful, unless that judgment be an absolute nullity[.]”). Thus, this Court must consider the Central District’s authority to issue the November 20, November 25, and December 18, 2025 orders.

For several independent reasons, the Court concludes that it is not bound by the Central District’s purported relief. In light of longstanding jurisprudence and precedent, the three orders—including the December 18 vacatur order—are advisory opinions. In addition, given Supreme Court precedent and the plain language of the Immigration and Nationality Act, the Central District lacked authorization or jurisdiction to extend declaratory and vacatur relief to a nationwide class of similarly situated detainees. Finally, the two necessary implications of the Central District’s purported relief—reconstitution of all bond-hearing injunction claims in the Central District or the mandatory application of the Central District’s reasoning in all district courts nationwide—would require this Court to violate Supreme Court precedent.

...

The Court issues this Order with some reluctance. The business of another court is generally beyond this Court’s concern. But the petitioner seeks relief based on the Central District’s orders, leaving this Court no choice but to address their binding effect. Here, a fellow district judge purports to bind all pending and future cases involving the mandatory-detention issue to her reasoning in an advisory opinion, disrupting this Court’s extensive immigration docket and the dockets of fellow courts

across the Nation. But the Central District's orders are not binding because the Central District lacked authorization to issue them. The orders are unauthorized because they are advisory and because they violate the INA's limits on judicial review. Additionally, they would require this Court to act in defiance of Supreme Court precedent. Thus, the Court rejects the petitioner's assertion that it is bound by the Central District's orders and must grant relief as a result.

Lopez v. Lyons, No. 1:25-CV-226-H, 2025 WL 3683918, at *6 & 14 (N.D. Tex. Dec. 19, 2025).

Thus, because the *Bautista* declaratory judgment is void for the reasons discussed above, this Court is not required to wait for a court of appeals to stay or vacate that judgment before this Court declines to give it preclusive effect.

Regardless, even if the Court does not treat the *Bautista* judgment as void *now*, the blatant jurisdictional flaws and other points noted above counsel strongly in favor of the Court declining to give it preclusive effect.

Date: January 7, 2026

Respectfully submitted,

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