

United States District Court
Eastern District of Michigan

Ignacio Borjas Rios,

Petitioner,

Civil No. 25-13726

v.

Honorable Laurie J. Michelson
Mag. Judge Anthony P. Patti

Kevin Raycraft, Acting Field Office
Director of Enforcement and Removal
Operations, Detroit Field Office,
Immigration and Customs
Enforcement; Todd M. Lyons, Acting
Director, Immigration and Customs
Enforcement; Kristi Noem, Secretary,
U.S. Department of Homeland
Security; U.S. Department of
Homeland Security; Sirce Owen,
Acting Director, Executive Office for
Immigration Review, and Pamela
Bondi, U.S. Attorney General,

Respondents.

**Respondents' Response to the Court's Order to Show Cause and
Petitioner's Emergency Motion for Writ of Habeas Corpus and
Immediate Release from Detention**

On November 26, 2025, petitioner filed an emergency motion arguing that he is entitled to immediate release based on an order in a class action *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). (ECF No. 6). On December 5, 2025, the Court issued an

order requiring the parties to submit supplemental briefing on the effect of *Maldonado Bautista*. (Order, ECF No. 7).

The *Maldonado Bautista* court granted class certification under Rule 23(b)(2) and partial summary judgment for the petitioners in that case but did not issue a class-wide declaratory judgment. 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. 2025 WL 3288403.

The *Maldonado Bautista* court defined the certified class as follows:

Bond Eligible 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.

Maldonado, 2025 WL 3288403 at *9.

Petitioner is a member of the *Maldonado Bautista* class. Petitioner entered the United States without inspection; he was not apprehended upon arrival; he is not subject to detention under § 1226(c) (criminal aliens), § 1225(b)(1) (arriving alien), or § 1231 (post final order of removal) at the time the Department of Homeland Security made their initial custody determination.

Because Petitioner is a member of the *Maldonado Bautista* class, the Court should dismiss or, in the alternative, stay this action. Certification of a 23(b)(2) class precludes individual suits for the same injunctive or declaratory relief. *See U.S. v. Sanchez-Gomez*, 584 U.S. 381, 387 (2018) (noting that “[t]he certification of a suit as a class action has important consequences for the unnamed members of the class, including being “bound by the judgment”) (cleaned up); *Groseclose v. Dutton*, 829 F.2d 581, 584 (6th Cir. 1987) (holding that individual class member could not proceed in individual case); *see Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (“To allow individual suits would interfere with the orderly administration of the class action and risk inconsistent adjudications.”). Thus, Petitioner, who is an individual class member cannot bring claims seeking equitable relief in this action and the habeas petition should be dismissed.

Assuming for the sake of argument that the Court finds that Petitioner is a member of the *Maldonado Bautista* class, but that dismissal is not warranted, the *Maldonado Bautista* court’s decision does not have preclusive effect in this matter. As noted above, the *Maldonado Bautista* court did not enter a final judgment with respect to the class. Although the court stated it was extending “the same declaratory relief” to the class, a court cannot grant declaratory relief prior to the entry of a final judgment, *i.e.*, a declaratory judgment. *See Doran v. Salem Inn, Inc.*, 422 U.S. 922, 931 (1975) (“prior to final judgment there is no established declaratory remedy

comparable to a preliminary injunction”). A pre-final judgment declaration is, by its nature, not a declaratory judgment “[b]ecause a preliminary declaration—unlike a final declaration—does not specifically bind anyone, it is more akin to an advisory opinion, which the Court is precluded from issuing by history and the implicit policies embodied in Article III.” *Vazquez Perez v. Decker*, No. 18-CV-10683 (AJN), 2019 WL 4784950, at *10 (S.D.N.Y. Sept. 30, 2019).

Absent an entry of final judgment with respect to the class, or a certification of partial final judgment under Rule 54(b), there is no declaratory judgment in *Maldonado Bautista*. The partial summary judgment ruling does not operate as a “judgment” because it is not an appealable order and “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(a), (b). Thus, there is no class-wide judgment, let alone any final judgment that could have preclusive effect as to class members.

In short, the *Maldonado Bautista* court did not enter a class-wide judgment. As such, there is currently no declaratory relief, let alone relief with preclusive effect on *Maldonado Bautista* class members’ claims concerning the proper interpretation of 8 U.S.C. § 1225(b)(2)(A)’s mandatory detention provision.

Respondents respectfully request that the Court deny petitioner’s motion because the court in California has not yet issued any class-wide relief.

Respectfully submitted,

Jerome F. Gorgon Jr.
United States Attorney

/s/ Zak Toomey
Zak Toomey (MO61618)
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226
(313) 226-9617
zak.toomey@usdoj.gov

Dated: December 5, 2025

Certificate of Service

I hereby certify that on December 5, 2025, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

/s/ Zak Toomey _____

Zak Toomey

Assistant U.S. Attorney