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9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
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12 MIGUEL ANGEL GARCIA-MORALES,

13 Petitioner,

14 v.

15 KRISTI NOEM, et al.,

16 Respondents.
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Case No.: 25-cv-3254 CAB BLM

SUPPLEMENTAL BRIEF

1 At the present time, the *Bautista* court has not issued a class-wide declaratory
2 judgment that would permit Petitioner to obtain relief from this Court.

3 Although the *Bautista* court granted partial summary judgment and certified a
4 class, the *Bautista* court did not enter any class-wide declaratory judgment. *See*
5 *Bautista*, ECF No. 81 at 17 (granting motion for partial summary judgment but
6 specifically declining to enter final judgment); ECF No. 82 at 15 (granting motion for
7 class certification and ordering status conference to determine “how the parties will
8 proceed”); *see also* ECF Nos. 41-1 & 42-1 (proposed orders submitted by *Bautista*
9 petitioners seeking specific relief that the court did not enter). Notably, the *Bautista*
10 court declined petitioners’ request to enter final judgment under Federal Rule of Civil
11 Procedure 54(b). *Id.*, ECF No. 81 at 17. Instead, the court scheduled a status conference
12 for January 16, 2026, indicating that the court intends to address the question of class-
13 wide relief at some future date.¹

14 Absent entry of final judgment with respect to the entire case, or a certification
15 of partial final judgment under Federal Rule of Civil Procedure 54(b), there is no
16 enforceable declaratory judgment with respect to Petitioner in this case. The *Bautista*
17 court’s partial summary judgment ruling does not operate as a “judgment” because it is
18 not an appealable order and “may be revised at any time before the entry of a judgment
19 adjudicating all the claims and all the parties’ rights and liabilities.” Fed. R. Civ. P. 54(a),
20 (b). In other words, at the present time, there is no class-wide judgment that could have
21 preclusive effect as to Petitioner.

22 To be enforceable, a declaratory judgment must have preclusive effect. *See*
23 *Haaland v. Brackeen*, 599 U.S. 255, 293 (2023) (“Without preclusive effect, a
24 declaratory judgment is little more than an advisory opinion.”); *see also Wells v.*
25 *Johnson*, 150 F.4th 289, 301 (4th Cir. 2025); *Headwaters Inc. v. U.S. Forest Serv.*, 399
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27 ¹ Respondents acknowledge that in granting class certification, the *Bautista* court
28 stated, yet did not order, that “[w]hen considering this determination with the MSJ
Order, the [c]ourt extends the same declaratory relief granted to Petitioners to the
Bond Eligible Class as a whole.” *Bautista*, ECF No. 82 at 14.

1 F.3d 1047, 1051 (9th Cir. 2005). And preclusive effect cannot be obtained without
2 finality. *B & B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 148 (2015) (noting
3 the general rule that an issue must be determined by a “valid and final judgment” for
4 preclusion to apply); *Luben Indus., Inc. v. United States*, 707 F.2d 1037, 1040 (9th Cir.
5 1983) (affirming district court’s decision not to apply preclusive effect to an
6 interlocutory decision that “could not have been the subject of an appeal at the time”).

7 Accordingly, as the *Bautista* court has declined to enter a class-wide judgment,
8 there is currently no declaratory relief, let alone relief with preclusive effect that would
9 permit Petitioner to obtain relief from this Court at this stage.

10 Respondents note, however, that circumstances could soon change. On December
11 4, 2025, the *Bautista* petitioners submitted a filing seeking reconsideration and
12 clarification from the *Bautista* court. As of the time of the filing of this brief, the
13 *Bautista* court has not issued a reconsideration or clarification order.²

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15 DATED: December 17, 2025

Respectfully submitted,

16 ADAM GORDON
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18 s/ Michael Garabed
19 MICHAEL A. GARABED
20 Assistant United States Attorney
21 Attorneys for Respondents
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26 ² In the event this Court is nevertheless inclined to grant Petitioner relief based on
27 *Bautista*, Respondents contend the proper remedy would be to require Petitioner
28 receives a bond hearing, not order his immediate release. *See Bautista*, ECF No. 14 at
13 (ordering respondents to provide named petitioners with “an individualized bond
hearing before an immigration judge”).