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9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**
12

13 MIGUEL ANGEL GARCIA-MORALES,)

14 Petitioner,)

15 v.)

16 Kristi NOEM; et al.,)

17 Respondents.)
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Case No.:
25-cv-3096-CAB-DEB

**SUPPLEMENTAL
BRIEF**

19 Pursuant to the Court’s December 10, 2025 order, ECF No. 6, Petitioner
20 submits this supplemental brief.

21 The Court in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D.
22 Cal. Nov. 25, 2025), granted class certification and a partial summary judgment
23 for the petitioners on that class and certified a class as “Bond Eligible Class.” *See*
24 *Bautista* ECF No. 81 at 17 (granting motion for partial summary judgment but
25 denying petitioners’ request for final judgment); *see also* ECF No. 82 at 15
26 (granting motion for class certification and ordering a status conference to
27 determine “how the parties will proceed”).

28 At the present time, the *Bautista* Court has not issued a class-wide

1 declaratory judgment. However, the Court set a January 9, 2026, joint status
2 report deadline and a January 16, 2026, status conference indicating that the
3 Court intends to address the question of the final relief at a later date. *Id.*, ECF
4 No. 81 at 17.

5 Importantly, the *Bautista* Court certified the Bond Eligible Class, finding
6 that Petitioners' claims under the INA and Due Process were suitable for class-
7 wide adjudication. Despite the *Bautista* Court's certification of the Bond Eligible
8 Class and its grant of partial summary judgment, DHS and immigration courts in
9 San Diego continue to deny bond based on jurisdictional arguments that have been
10 rejected. As reflected in a recent custody redetermination order, DHS assert that
11 *Bautista* is non-binding due to the absence of a final judgment. *See* Exhibit of
Immigration Judge Order.

12 This position misrepresents the legal effect of the class certification and
13 summary judgment, which are operative ruling with immediate consequence for
14 class members. DHS's unlawful detention practices continue to be in violation of
15 the INA and Due Process.

16 The *Bautista* Court ruled on the class certification of the Bond Eligible
17 Class and partial summary judgment on INA and Due Process claims, providing
18 persuasive authority directly supporting Petitioner's request. Despite *Bautista's*
19 ruling, DHS's continues to demonstrate noncompliance with judicial authority.

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22 Respectfully submitted this 17th day of December, 2025.

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24 /s/ Murray D. Hilts
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