

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION**

Diego ROSAS DE LA ROSA,

Petitioner,

v.

WARDEN of Folkston ICE Processing Center
in their official capacity,

Respondent.

Case No.: 5:25-cv-00177-LGW-BWC

**PETITIONER'S REPLY TO THE RESPONDENTS' OPPOSITION TO PETITION AND
RESPONSE TO SHOW CAUSE ORDER**

Petitioner rests on the arguments made in his petition. *See* CM/ECF, Doc. 1. Petitioner agrees with Respondent's position that the outcome in this case is controlled by this Court's decision in *Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025), *report and recommendation adopted*, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025). *See* CM/ECF, Doc. 6 at 2.

Further, as the Respondent suggests, a district court in the Central District of California has certified a class of which Petitioner is a member:

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.

Ex. A, *Maldonado Bautista v. Santacruz Jr et al.*, No. 5:25-cv-01873-SSS-BFM, ECF No. 82 (C.D. Cal. Nov. 25, 2025) (granting petitioner's motion for class certification). The *Maldonado Bautista* court also held unlawful the Department of Homeland Security's ("DHS") policy treating

all inadmissible noncitizens arrested inside the United States as “applicants for admission” subject to mandatory detention under 8 U.S.C. § 1225(b)(2). *See* Ex. B, *Maldonado Bautista v. Santacruz Jr et al.*, No. 5:25-cv-01873-SSS-BFM, ECF No. 81 (C.D. Cal. Nov. 20, 2025) (granting petitioner’s motion for partial summary judgment). Because the *Maldonado Bautista* court certified a nationwide class of which Petitioner is a member, this Court must grant Petitioner’s habeas petition and order Respondent to consider him detained under 8 U.S.C. § 1226 and eligible for a bond hearing immediately.

Petitioner thus respectfully requests that this Court follow its previous decision in *Villa* and the class action lawsuit in *Maldonado Bautista* and grant his habeas petition so that he may pursue a bond hearing pursuant to 8 U.S.C. § 1226.

Dated: December 2, 2025

Respectfully submitted,

/s/ Thomas Evans

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