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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 Anselmo GARCIA-DONIS,

11 Petitioner,

12 v.

13 Kristi NOEM, Secretary, U.S. Department of
14 Homeland Security; Pamela BONDI, U.S.
15 Attorney General; Todd LYONS, Acting
16 Director, Immigration and Customs
17 Enforcement; Daniel BRIGHTMAN, Director,
18 San Diego Field Office, Immigration and
19 Customs Enforcement, Enforcement and
20 Removal Operations; Christopher J. LAROSE,
21 Warden, Otay Mesa Detention Center;
22 U.S. DEPARTMENT OF HOMELAND
23 SECURITY; IMMIGRATION AND
24 CUSTOMS ENFORCEMENT; EXECUTIVE
25 OFFICE FOR IMMIGRATION REVIEW,

26 Respondents.

Case No. **3:25-cv-03281-BTM-BJW**

**PETITIONER'S NOTICE OF
SUPPLEMENTAL
AUTHORITY IN SUPPORT OF
ISSUANCE OF TEMPORARY
RESTRAINING ORDER**

1 Petitioner respectfully submits the following supplemental authority in support of his
2 application for temporary restraining order filed on November 24, 2025. ECF No. 2.

3 On November 25, 2025, the U.S. District Court for the Central District of California
4 granted nationwide class certification and partial summary judgment on behalf of the class
5 rejecting the Board of Immigration Appeals' interpretation of the detention statute in *Matter of*
6 *Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), and the predecessor ICE policy applying 8
7 U.S.C. § 1225(b)(2)(A) detention without bond to all persons who entered without
8 admission/inspection, and granted declaratory relief to the class members, ruling that they are
9 detained under § 1226, and are entitled to be considered for release on bond. *Lazaro*
10 *Maldonado Bautista et al v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873-SSS-BFM, --- F. Supp.
11 3d ----, 2025 WL 3288403 at *9 (C.D. Cal. Nov. 25, 2025); *see also* Ex. A, *Lazaro Maldonado*
12 *Bautista et al v. Ernesto Santacruz Jr et al.*, 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20,
13 2025), Order Granting Motion for Partial Summary Judgment, Dkt. 81.

14 On November 20, 2025, the U.S. District Court for the Central District of California
15 granted partial summary judgment rejecting the Board of Immigration Appeals' interpretation of
16 the detention statute in *Yajure Hurtado* and the predecessor ICE policy. *See* Ex. A. The Court
17 found the statutory provisions at 8 U.S.C. §§ 1225 and 1226 "to be unambiguous and consistent
18 with only Petitioners' interpretation." *Id.* at p. 17.

19 On November 25, 2025, the *Maldonado Bautista* Court granted nationwide class
20 certification and partial summary judgment on behalf of the class, which encompasses the
21 following "Bond Eligible Class: All noncitizens in the United States without lawful status who
22 (1) have entered or will enter the United States without inspection; (2) were not or will not be
23 apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. §
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1 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an
2 initial custody determination.” *Maldonado Bautista*, 2025 WL 3288403, at *9. The effect of
3 the class certification order is that class members across the country now have a binding
4 judgment declaring they are detained under 8 U.S.C. § 1226, and are entitled to be considered
5 for release on bond. The certification order expressly states: “When considering this
6 determination with the MSJ Order, the Court extends the same declaratory relief granted to
7 Petitioners to the Bond Eligible Class as a whole.” *Id.*

9
10 Petitioner is a member of the Bond Eligible Class as evidenced by the government’s
11 records submitted by Petitioner. *See* Petitioner’s Exhibits in Support of Application for
12 Temporary Restraining Order, ECF No. 2, Ex. A, Form I-862, Notice to Appear, Anselmo
13 Garcia-Donis and Ex. B, DHS Form I-213, Record of Deportable/Inadmissible Alien.

14
15 Dated: November 30, 2025

Respectfully submitted,

17 s/ Jan Joseph Bejar
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