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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Julio Armando Laurean-Ayala,
Petitioner,
v.
Kristi Noem, *et al.*,
Respondents.

No. 2:25-cv-04425-KML (JFM)

RESPONSE TO ORDER TO SHOW CAUSE

I. INTRODUCTION

Respondents, by and through counsel, respond to the Court's Order to Show Cause (Doc. 8), and hence to the Petition for a Writ of Habeas Corpus (Doc. 5). Petitioner Julio Armando Laurean-Ayala is a citizen and national of Mexico who allegedly entered the United States without inspection. *See* Petition at ¶ 18. He is currently detained pending his removal proceedings. *Id.*; Declaration of David Sandoval, Deportation Officer, attached as Exhibit A, at ¶ 6. In this habeas petition, Petitioner seeks an order directing Respondents to immediately release him from immigration detention or to provide him with a bond hearing. However, this case presents no case or controversy because Petitioner has been denied bond based on an individualized finding by an immigration judge that he presents a danger to others, this Court can order no further relief. This habeas petition should be dismissed as moot.

II. FACTUAL BACKGROUND.

Petitioner was first taken into immigration custody on June 13, 2025. Exhibit A at ¶ 6. Petitioner twice requested a bond hearing, but he withdrew both requests before an immigration judge could rule on them. *See id.* at ¶¶ 9, 11; *see also* Petition at ¶ 25–26. On December 3, 2025, an immigration judge denied Petitioner's motion for bond on the grounds that the court lacked jurisdiction under 8 U.S.C. § 1225(b)(2). *Id.* at ¶ 15. The immigration judge alternatively found that, if Petitioner were eligible for bond, his motion would be denied because Petitioner is a danger to others. *Id.*

III. STATUTORY FRAMEWORK.

A. Petitioner's claim is not a "case or controversy."

Petitioner has already been granted a bond hearing with individualized findings. Indeed, the immigration judge in this case made an individualized finding that Petitioner is not entitled to bond because of the danger he presents to the community. Exhibit A at ¶ 15. Because the only relief Petitioner is entitled to, a bond hearing, has taken place, there is no further relief this Court can order. This Petition is moot.

Federal courts have jurisdiction only over "Cases and Controversies." *United States Parole Comm'n v. Geraghty*, 445 U.S. 388, 395 (1980) (internal quotation marks omitted). "The case or controversy requirement of Article III admonishes federal courts to avoid premature adjudication and to abstain from entangling themselves in abstract disagreements." *Cardenas-Leal v. Lucero*, 2017 U.S. Dist. LEXIS 168043 at *7–8 (D. Ariz. Sept. 7, 2017) (quoting *U.S. West, Inc. v. Tristani*, 182 F.3d 1202, 1208 (10th Cir. 1999)). To present a court with a case or controversy, a party "must demonstrate an invasion of a legally protected interest which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical." *Bishop Paiute Tribe v. Inyo Cty.*, 863 F.3d 1144, 1153 (9th Cir. 2017) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992)) (internal quotation marks omitted). When a habeas petitioner has already received the "primary relief sought in his habeas corpus petition," the petitioner's case no longer presents a justiciable case or controversy. *Munoz v. Rowland*, 104 F.3d 1096, 1097–98 (9th

Cir. 1997). Specifically, an immigration detainee who seeks a bond hearing and has already been granted one no longer has a justiciable claim. *Flores-Torres v. Mukasey*, 548 F.3d 708, 710 & n. 3 (9th Cir. 2008); *Mendez-Galdamez v. Gurule*, 2018 U.S. Dist. LEXIS 223610 at *3–4 (D. Ariz. May 22, 2018).

At any stage of the proceeding a case becomes moot when "it no longer present[s] a case or controversy under Article III, § 2 of the Constitution." *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). A case is moot when the court can give a party any effective relief if it decides the matter on the merits in their favor. *Reimers v. Oregon*, 863 F.2d 630, 632 (9th Cir. 1989). A case loses its quality as a live controversy and becomes moot when the court can no longer issue effective relief. *Feldman v. Bomar*, 518 F.3d 637, 642-43 (9th Cir. 2008); *see also Picrin-Peron v. Rison*, 930 F.2d 773, 775 (9th Cir. 1991) ("if it appears that [the court is] without power to grant the relief requested, then the case is moot.").

This case puts at issue under what conditions an alien who enters the United States without inspection is to be detained pending the conclusion of removal proceedings. *See* Petition at ¶¶ 30–34. Either the alien is subject to mandatory detention without bond under 8 U.S.C. § 1225(b)(2), or they are subject to detention under 8 U.S.C. § 1226(a), which explicitly permits release on bond. *Id.* at ¶ 34 (collecting cases). However, under both positions, it is indisputable that an alien, at a minimum, *may* be detained. *See* 8 U.S.C. § 1225(b)(2) (stating that an applicant for admission "shall be detained" pending removal proceedings); 8 U.S.C. § 1226(a) (stating that an alien "may be arrested and detained pending a decision on whether the alien is to be removed"). Indeed, Petitioner does not argue that he is entitled to release, merely that he was wrongly denied a bond hearing. *See* Petition at ¶ 43 (arguing that Petitioner is "entitled to be *considered* for release upon posting an appropriate bond") (emphasis added). Thus, Petitioner makes no claim that his detention is *per se* wrongful, merely that he is entitled to be considered for release on bond.

However, Petitioner has already received a bond hearing. On December 3, 2025, an immigration judge denied Petitioner's Bond Redetermination Request. Exhibit A at ¶ 15. The immigration judge denied bond based on Section 1225(b)(2), but the immigration

judge also found in the alternative that Petitioner would not be granted release on bond under Section 1226(a) based on an individualized finding that he presents a danger to his community. *Id.* In other words, Petitioner has already received the individualized determination that he seeks from the Court in this action, and the Court should therefore dismiss the Petition as moot.[1]

B. *Bautista v. Santacruz.*

In its Order to Show Cause, the Court directed Respondents to address how the *Bautista v. Santacruz*, 5:25-cv-1873-SSS-BFM (C.D. Cal.), class action suit affects this action. Specifically, the Court instructed Respondents to "state whether Petitioner is a class member" and "state whether they are obligated to provide him a bond hearing based on the *Bautista* orders or if an additional order" would be necessary. Order to Show Cause at 2. Although the factual record is scanty, Respondents think that it is likely that Petitioner is a member of the *Bautista* class, because he appears to be an alien who entered the United States without authorization "who (1) ha[s] entered . . . the United States without inspection; (2) w[as] not . . . apprehended upon arrival; and (3) [is] not . . . subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231[.]" *Bautista v. Santacruz*, 5:25-cv-1873-SSS-BFM (Doc. 82) (C.D. Cal. Nov. 25, 2025), 2025 WL 3288403 ("Class Certification Ruling").

[1] Petitioner never received a bond denial from an immigration judge because he functionally never requested one. *See* Exhibit A at ¶¶ 9, 11 (stating that Petitioner withdrew his motions requesting bond before an immigration judge could rule on them); Petition at ¶¶ 25–26. However, his situation shows why this Court may find it wise to hold that detainees must request bond determinations before filing habeas petitions based on bond denials. Here, the immigration judge denied Petitioner release on bond under both Section 1225 and Section 1226. When, as here, an immigration judge denies release on bond to a detainee under both sections, the detainee has no basis to bring a habeas claim, since their detention would continue regardless. Immigration judges can and do make bond determinations in the alternative under Section 1226 even when they elect to deny bond under Section 1225. Thus, it serves the goal of judicial efficiency to allow the immigration judges to rule on a bond motion prior to consideration of a habeas petition.

On November 20, 2025, Judge Sunshine Sykes of the United States District Court for the Central District of California granted partial summary judgment in favor of the four individual petitioners in the Maldonado Bautista case finding that the "Interim Guidance Regarding Detention Authority for Applicants for Admission" instituted by the Department of Homeland Security on July 8, 2025, was unlawful, but declining to enter final judgment. *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) ("Partial MSJ Ruling") ("Consistent with the discussion above, Petitioners' Motion for Partial Summary Judgment is GRANTED. The Court further DENIES Petitioners' Request to enter final judgment." (internal citations to docket omitted) (emphasis removed)).

In the Class Certification Ruling that followed, Judge Sykes certified a class in the *Bautista* case entitled "Bond Eligible Class" which is defined as "[a]ll 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." 2025 WL 3288403, at *9. Respondents aver that Petitioner is a member of Bond Eligible Class certified in *Bautista*.

Neither the Partial MSJ Ruling nor the Class Certification Ruling entered declaratory judgment as to the nationwide class or otherwise provided for class-wide relief. See 2025 WL 3289861, at *11 (granting motion for partial summary judgment but expressly not ordering any relief) and 2025 WL 3288403, at *9-10 (granting motion for class certification but ordering only that class be certified, Petitioners be appointed class representatives, Petitioners' counsel be appointed class counsel, ordering a joint status report and setting status conference). In the Partial MSJ Ruling, the court also expressly declined to enter final judgment as to the claims at issue in the motion under Federal Rule of Civil Procedure 54(b). 2025 WL 3289861, at * 11. Rather, in the Class Certification Order, the court set a January 9, 2026, joint status report deadline and January 16, 2026,

status conference indicating that the court intends to address the question of final relief at a later date. 2025 WL 3288403, at *10.

To be proper, a declaratory judgment must have preclusive effect. "Without preclusive effect, a declaratory judgment is little more than an advisory opinion." *Haaland v. Brackeen*, 599 U.S. 255, 293 (2023); see also Wells v. Johnson, 150 F.4th 289, 301 (4th Cir. 2025) (stating that the only reason a proper declaratory judgment does not violate Article III's requirements is because it has preclusive effect between the parties). *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1051 (9th Cir. 2005). And preclusive effect cannot be obtained without sufficient finality. *B & B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 148 (2015) (citing Restatement (Second) of Judgments § 27, p. 250 (1980), for the general rule that an issue must be determined by a "valid and final judgment" for preclusion to apply); *Luben Indus., Inc. v. United States*, 707 F.2d 1037, 1040 (9th Cir. 1983) (affirming district court decision not to apply preclusive effect to an interlocutory decision that "could not have been the subject of an appeal at the time"); Restatement (Second) of Judgments § 28, p. 273 (1980) (issue preclusion does not apply when the "party against whom preclusion is sought could not, as a matter of law, have obtained review of the judgment in the initial action"; id. at cmt. a ("[T]he availability of review for the correction of errors has become critical to the application of preclusion doctrine.").

Absent an entry of final judgment on the entire case, or a certification of partial final judgment under Rule 54(b), there is no declaratory judgment. The Partial MSJ 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, there is currently no declaratory relief, let alone relief with preclusive effect on the *Bautista* class members' claims concerning the proper interpretation of 8 U.S.C. § 1225(b)(2)(A)'s mandatory detention

provision. As such, Respondents are not obligated to provide Respondent with a bond hearing based on the orders issued in *Maldonado Bautista*. If this Court orders Respondents to provide Petitioner with a bond hearing before an immigration judge, they will do so.[2]

Nevertheless, Respondents argue that the Bautista court has ordered no relief, so Petitioner is not entitled to a bond hearing because of that action. However, as discussed above, Petitioner has already received an individualized determination that he would be ineligible for bond under Section 1226, as he presents a danger to the community. Accordingly, even if this Court were to determine that Bautista ordered relief in the form of a bond hearing, Petitioner has already received that relief. Because this Court can order no further relief, it should deny the habeas petition as moot. *Picrin-Peron*, 930 F.2d at 775.

For the foregoing reasons, Respondents respectfully request that this Court deny the Petition for a Writ of Habeas Corpus (Doc. 1).

Respectfully submitted on December 9, 2025.

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s/*Brooks Chupp*
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[2] Respondents note that because the class certified in *Bautista* was certified pursuant to Fed. R. Civ. P. 23(b)(2), it is a non-opt out class, Petitioner will be entitled to and bound by the relief the *Bautista* court ultimately grants, and that this parallel action seeking the same relief sought in the *Bautista* class action is subject to dismissal. See, e.g., *Crawford v. Bell*, 599 F.2d 890, 892-93 (9th Cir. 1979) (holding that a district court may dismiss "those portions of [the] complaint which duplicate the [class action's] allegations and prayer for relief"); *McNeil v. Guthrie*, 945 F.2d 1163, 1165-66 (10th Cir. 1991) (finding that individual suits for injunctive and declaratory relief cannot be brought where a class action with the same claims exists); *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (once a class action has been certified, "[s]eparate individual suits may not be maintained for equitable relief"); *Goff v. Menke*, 672 F.2d 702, 704 (8th Cir. 1982) ("If a class member cannot relitigate issues raised in a class action after it has been resolved, a class member should not be able to prosecute a separate equitable action once his or her class has been certified").

Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of December, 2025, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing.

s/Mary Simeonoff
United States Attorney's Office