UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS LAREDO DIVISION

GERMAN RALDA CARRETO, *Petitioner*, v. NOEM, et al. *Respondents*.	Civil Action No. 5:25-cv-00242

PETITIONER'S SUPPLEMENTAL BRIEF

Petitioner respectfully submits this supplemental brief in response to the Court's request for clarification on: (1) whether he is a member of the class certified in *Maldonado Bautista v. Santacruz*, and (2) how that class action affects the issues in Petitioner's habeas petition. See ECF No. 9.

I. Petitioner Is a Member of the Class Certified in *Maldonado Bautista v. Santacruz*

On November 25, 2025, the federal district court in the Central District of California certified a nationwide Rule 23(b)(2) class in *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873. See Order Granting Class Certification at 10–11 (Nov. 25, 2025) (attached as Ex. A).

The class includes:

1. noncitizens who entered the United States without inspection;
2. who were not apprehended at or near the border; and
3. who are not subject to detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231.

Petitioner meets all three criteria: he entered without inspection in 2007, was arrested in Maryland on October 4, 2025 (hundreds of miles from the border), and DHS has not treated him as subject to detention under §§ 1226(c), 1225(b)(1), or 1231. See *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, Order Granting Partial Summary Judgment at 13–14 (Nov. 20, 2025) (attached as Ex. B).

Under Rule 23(b)(2), injunctive and declaratory relief issued on a classwide basis binds the defendant and governs its conduct toward all class members, not just the named plaintiffs. Fed. R. Civ. P. 23(b)(2), (c); see also Fed. R. Civ. P. 23 advisory committee's note to 1966 amendment (explaining that (b)(2) classes are intended for situations where "final relief of an injunctive nature or of a corresponding declaratory nature, settling the legality of the behavior with respect to the class as a whole, is appropriate"). The *Maldonado Bautista* court determined, as to the United States and its officers, that class members must be detained under 8 U.S.C. § 1226(a) and afforded individualized bond hearings.

II. The Immigration Judge's Refusal To Apply *Maldonado Bautista* Misconstrued Rule 54(b) and the Effect of Classwide Relief

The Laredo Immigration Court scheduled a custody redetermination hearing for December 4, 2025, after Petitioner invoked the classwide relief in *Maldonado Bautista* and requested a bond hearing under 8 U.S.C. § 1226(a). At the hearing, the Immigration Judge ("IJ") denied jurisdiction and refused to conduct any custody redetermination.

The IJ acknowledged that, on November 20, 2025, the Central District of California had granted partial summary judgment in *Maldonado Bautista*, finding the government's interpretation of 8 U.S.C. §§ 1225 and 1226 unlawful as to the named plaintiffs. The IJ reasoned that the *Maldonado Bautista* order was not a 'final judgment' under Rule 54(b). See IJ Order at 2–3 (Dec. 4, 2025) (attached as Ex. C). Citing *FDIC v. Massingill*, 24 F.3d 768 (5th Cir. 1994), the IJ concluded that the interlocutory order lacked res judicata effect and thus did not bind the government in Petitioner's case. On that basis, the IJ treated *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), as controlling and again held that she lacked jurisdiction to consider bond. That reasoning is wrong in several ways.

A. Rule 54(b) allows the issuing court to revise interlocutory orders; it does not make them optional for the government.

Rule 54(b) provides that an order resolving fewer than all claims "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(b). The rule simply confirms that a district court retains authority to revisit its own interlocutory orders while the case is ongoing. It does

not diminish the binding force of those orders, and it does not permit executive officers to disregard them until a "final" judgment issues.

The Fifth Circuit's decision in *FDIC v. Massingill*, which the IJ cited, underscores this distinction. There, the court described an order granting partial summary judgment as "a pre-trial adjudication that certain issues are established for trial of the case," "subject to revision by the district court," and having "no res judicata effect." 24 F.3d 768, 774 (5th Cir. 1994). *Massingill* thus explains that a partial summary judgment order does not have *preclusive* effect in later litigation until merged into a final judgment. It does **not** suggest that the order is non-binding in the case where it was entered, or that agencies can ignore it pending final judgment.

Here, the United States is a party to *Maldonado Bautista*, and the Department of Homeland Security ("DHS") and the Department of Justice ("DOJ") are bound by the district court's interpretation of §§ 1225 and 1226 and the class relief that court ordered, unless and until that court revises its order, stays it, or it is stayed or reversed on appeal. See, e.g., *Walker v. City of Birmingham*, 388 U.S. 307, 314–15 (1967) (parties must comply with federal court orders unless and until they are stayed or set aside). Rule 54(b) does not authorize the Immigration Court to declare those orders non-binding.

The Immigration Judge's reliance on *Calpetco 1981 v. Marshall Exploration, Inc.*, 989 F.2d 1408, 1414 (5th Cir. 1993), underscores the same mistake. *Calpetco* addressed only how an appellate court reviews a district court's decision to revise its own interlocutory order. The Fifth Circuit stated: "Because a partial summary judgment is interlocutory in nature, the district court retains the discretion to revise it; and we

review only for abuse of that discretion." *Id*. Nothing in *Calpetco* suggests that an agency may disregard an operative federal court order or that interlocutory relief loses its binding force in the same case. The IJ thus extended *Calpetco* far beyond its narrow procedural holding.

B. The IJ conflated res judicata with the binding effect of Rule 23(b)(2) injunctive and declaratory relief.

The IJ further relied on *Massingill* and Rule 54(b) to say that the *Maldonado Bautista* order had "no res judicata effect" and therefore did not control Petitioner's detention. But res judicata is a doctrine that governs whether a *later* lawsuit is barred by a *prior* final judgment. It has nothing to do with whether the government must follow the orders entered in a case where it is currently a party.

Once the Central District of California certified a Rule 23(b)(2) class and entered partial summary judgment, DHS became obligated to conform its conduct to that order with respect to the class, including Petitioner. See Fed. R. Civ. P. 23(b)(2), (c); *Cooper v. Fed. Reserve Bank of Richmond*, 467 U.S. 867, 874 (1984) (judgment in a properly certified class action binds class members on the issues actually decided). Whether that judgment has "claim preclusion" effect in some future lawsuit is irrelevant to the present question: what statutory authority governs the detention of class members today.

The IJ's error is not merely technical. To illustrate: Suppose a district court issues an interlocutory order prohibiting the Government from demolishing a historic building while it reviews the legality of the project. The order is not final and carries no res judicata effect in future litigation, but it unquestionably binds the Government in the same case.

Under the IJ's logic, the Government could arrive the next morning with bulldozers, level the structure, and defend its conduct by saying: "The order was not final, so we were free to ignore it." Once the building is destroyed, the harm is irreversible. A non-final order remains operative unless the Government obtains a stay; the absence of res judicata affects only *future* litigation, not compliance in the ongoing case. The same is true here: every day a class member is denied the custody hearing that the district court has already ordered is its own irreversible harm.

The IJ's approach would mean that federal agencies are free to disregard any certified-class declaratory judgment or injunction until the very end of the case, even where the district court has expressly ordered prospective relief for a class. See, e.g., Fed. R. Civ. P. 23(b)(2); *Walker*, 388 U.S. at 314–15.

C. *Matter of Yajure Hurtado* cannot override an Article III court's construction of the statute.

Finally, the IJ erred by treating *Matter of Yajure Hurtado* as controlling despite the contrary statutory interpretation adopted by the district court in *Maldonado Bautista*. See *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024) (standing for the proposition that is the judiciary's role to interpret statutory language at issue to ascertain the rights of the parties). Administrative precedent cannot override a federal court's authoritative construction of a federal statute in a case where the United States is a party. See *Nat'l Cable & Telecomms. Ass'n v. Brand X Internet Servs.*, 545 U.S. 967, 982–83 (2005) (an agency may not adopt a construction of a statute that is foreclosed by prior judicial precedent).

Once *Maldonado Bautista* held that noncitizens who meet the class definition must be detained under § 1226(a) and afforded individualized bond hearings, any contrary reading of §§ 1225 and 1226 in *Yajure Hurtado* could not justify treating Petitioner as a mandatory-detention 'applicant for admission' under § 1225(b)(2). The IJ had jurisdiction under § 1226(a) and should have conducted the bond hearing that the class judgment requires.

D. The Class Action Does Not Replace Habeas as the Proper Vehicle for Petitioner's Claims

Petitioner's claims go to the lawfulness of his present confinement and the statutory basis for his detention. When a detainee's claims "necessarily imply the invalidity" of his confinement and removal, they "fall within the 'core' of the writ of habeas corpus and thus must be brought in habeas." *Trump v. J.G.G.*, 145 S. Ct. 1003, 1005 (2025) (per curiam). In the same decision, the Court reaffirmed that "immediate physical release [is not] the only remedy under the federal writ of habeas corpus" and that for "core habeas petitions" "jurisdiction lies in only one district: the district of confinement." Id. (quoting *Peyton v. Rowe,* 391 U.S. 54, 67, (1968) and *Rumsfeld v. Padilla,* 542 U. S. 426, 443, (2004)).

Petitioner does not simply seek abstract declaratory or injunctive relief; he challenges DHS's authority to treat him as a § 1225(b)(2) "applicant for admission," to deny him a bond hearing under § 1226(a), and to continue detaining him without any individualized custody determination. Those claims necessarily call into question the legality of his current detention and the statutory framework the Government has

invoked to justify it. The existence of a nationwide Rule 23(b)(2) class action does not replace or extinguish that remedy.

Maldonado Bautista did not address habeas claims on behalf of class members. Petitioner therefore has the right to challenge his unlawful detention by the Government Respondents, whose actions flagrantly violate his fundamental liberty rights, and to demand his immediate release from custody.

III. Petitioner Remains Detained Without Any Custody Hearing

Because the Immigration Court declined to apply § 1226(a) and refused to conduct a bond hearing, Petitioner remains detained in the same posture he has been in since his October 4, 2025, arrest: confined without any individualized custody determination.

Petitioner's removal proceedings are still in their early stages. The Immigration Court has scheduled only a master calendar hearing for December 8, 2025. A master hearing is a preliminary procedural session; it does not adjudicate removability or any applications for relief. Merits hearings are typically scheduled only after pleadings are completed and often occur months later, depending on the court's docket. As of now, no individual merits hearing has been set. Petitioner therefore remains detained with no reasonably foreseeable date when the Immigration Court will resolve his case.

The Supreme Court has recognized that such open-ended civil confinement raises serious constitutional problems. In *Zadvydas v. Davis*, the Court held that interpreting 8 U.S.C. § 1231(a)(6) to allow indefinite post-order detention "would raise a serious constitutional problem," and emphasized that although Congress has broad authority

over immigration, "that power is subject to important constitutional limitations." 533 U.S. 678, 690, 695 (2001).

In *Demore v. Kim*, the Court upheld § 1226(c) mandatory detention only on the understanding that such detention is generally brief and has a definite end point tied to a swiftly moving removal proceeding. 538 U.S. 510, 527–31 (2003). Petitioner's circumstances are the opposite: his case is in its infancy, no merits hearing has been set, and his continued detention has no clear end point.

In *Jennings v. Rodriguez*, the Court held that §§ 1225(b), 1226(a), and 1226(c) do not themselves require periodic bond hearings as a matter of statutory interpretation, and remanded so that the lower courts could address the respondents' constitutional challenges directly. 583 U.S. 281, 298–303 (2018). *Jennings* confirms that constitutional limits on prolonged civil detention remain fully in play and must be evaluated on their own terms.

Here, the constitutional problem is even more basic: Petitioner has never received any bond hearing at all, despite being a member of a certified class entitled to adjudication under § 1226(a). He remains detained under a statutory theory (*Yajure Hurtado*'s reading of § 1225(b)(2)) that an Article III court has rejected for the class to which he belongs. That ongoing detention, without any lawful custody hearing and without a foreseeable end point in his removal proceedings, is not "reasonably related" to any permissible civil immigration purpose under the framework of *Zadvydas*, *Demore*, and *Jennings*.

Because Petitioner has not received the custody hearing required by § 1226(a) or by the classwide declaratory judgment in *Maldonado Bautista*, his constitutional due-process claim is not moot, and this Court retains jurisdiction over his habeas petition.

CONCLUSION

Petitioner is a confirmed member of the *Maldonado Bautista* class. Although the Immigration Court scheduled a bond hearing for December 4, 2025, the Immigration Judge refused to conduct it, reasoning that the *Maldonado Bautista* partial summary judgment order was not "final" under Rule 54(b) and therefore not binding, and that *Matter of Yajure Hurtado* remained controlling. That analysis misreads Rule 54(b), misunderstands the effect of Rule 23(b)(2) classwide declaratory relief, and improperly elevates administrative precedent over an Article III court's construction of the governing statutes. In short, the Immigration Court asserts that it may disregard an order of an Article III court even though it has no lawful authority to do so.

No individualized § 1226(a) custody determination has occurred, and Petitioner remains detained without any lawful bond hearing, notwithstanding the classwide judgment in *Maldonado Bautista*. Because civil immigration detention must remain reasonably related to its purposes and is "subject to important constitutional limitations," *Zadvydas*, 533 U.S. at 695, *Maldonado Bautista* did not cover habeas claims for class members. Petitioner retains the right to challenge his unlawful detention by the Government Respondents and to secure his immediate release. His habeas petition presents an ongoing, live controversy, and this Court should address the merits of his statutory and constitutional claims.

Respectfully submitted this 5th day of December 2025.

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CERTIFICATE OF SERVICE

I certify that on December 5, 2025, I served the foregoing document(s) electronically to the Clerk of the Court and all parties of record through the CM/ECF system.

/s/Charlie Carrillo
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