

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

OSCAR JUSTO ANICASIO,

Petitioner,

v.

TONY NORMAND, WARDEN,
FOLKSTON ICE PROCESSING
CENTER,

Respondent.

Civil Action No.: 5:25-cv-00193-LGW-BWC

**PETITIONER'S OPPOSITION TO MOTION TO DISMISS OR, IN THE
ALTERNATIVE, TO STAY RESPONSE TO PETITION AND RESPONSE
TO SHOW CAUSE ORDER**

I. INTRODUCTION

Petitioner Oscar Justo Anicasio hereby submits his response in opposition to Respondent's motion. Doc. 3, Motion. The government argues that because Petitioner is a member of the nationwide class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873, 2025 U.S. Dist. LEXIS 231977, (C.D. Cal. Nov. 4, 2025), his individual habeas petition should be dismissed or stayed. This argument fails because it conflates the procedural mechanism of class certification with the core remedy available in habeas actions. As an initial matter, Petitioner referenced *Maldonado Bautista* only to apprise the Court of a recent development on this statutory issue, not as a basis for habeas relief. Petitioner's claims are wholly

independent of the class and rest on his assertion that his detention is governed by 8 U.S.C. § 1226(a). *See* Doc. 1, Petition.

Critically, an Immigration Judge already determined on July 9, 2025, that Petitioner should be released on bond. Despite being granted release on bond, Petitioner remains detained because the government chooses to assert a position that this Court has expressly rejected. *See, e.g., Aguirre Villa v. Normand*, No. 5:25-cv-89, 2025 U.S. Dist. LEXIS 217348 (S.D. Ga. Nov. 4, 2025), *report and recommendation adopted*, 2025 U.S. Dist. LEXIS 224656 (S.D. Ga. Nov. 14, 2025). *Maldonado Bautista* does not and cannot afford the specific relief Petitioner seeks here. Accordingly, the Court should deny Respondent's motion and order Petitioner's immediate release on bond consistent with the Immigration Judge's July 9, 2025, order. *See* Docs. 1-1, 1-3, Exs. A, C.

II. DISCUSSION

A. The Government Cannot Use Class Certification as Both Sword and Shield

The government's motion contains a fatal internal contradiction that defeats its own argument. The government first argues this case must be dismissed because Petitioner is a *Maldonado Bautista* class member and "certification of a 23(b)(2) class precludes individual suits for the same injunctive or declaratory relief." Mot. at 2. But the government then dedicates the second half of its brief to arguing that *Maldonado Bautista* "does not have preclusive effect" because the court "did not

enter a final judgment” and therefore “there is currently no declaratory relief, let alone relief with preclusive effect on *Maldonado* class members’ claims.” *Id.* at 8–9.

At the threshold, the government appears to mischaracterizes the class-wide declaration in *Maldonado Bautista* as a preliminary declaration. *Id.* at 9 (citing cases discussing preliminary relief). The declaration in *Maldonado Bautista* was not a preliminary declaration, it was based on the court’s summary judgment order granting relief in part. *See* Fed. R. Civ. P. 56(b) (permitting a court to order a final judgment even if the court has not yet resolved all claims); *Maldonado Bautista*, 2025 U.S. Dist. LEXIS 231977, at *26. But even assuming the government is correct, it cannot have it both ways. If there is “no declaratory relief” and “no class-wide judgment” with “preclusive effect” as the government claims, then the class action cannot possibly bar this individual habeas petition. By the government’s own logic, the *Maldonado Bautista* decision is simultaneously powerful enough to extinguish a constitutional writ yet too preliminary to have any binding authority.

The government’s alternative argument for a stay based on its claim of lack of final judgment also fails. Petitioner has already been unlawfully detained for months. He should not be required to wait for all the claims in *Maldonado Bautista* to be resolved, a process that could take many more months and will not provide Petitioner with the habeas relief he seeks. *See Sanchez v. Noem*, No. 5:25-CV-00104,

2025 U.S. Dist. LEXIS 205572, at *22 (S.D. Tex. Oct. 2, 2025) (finding that dismissal to wait on subsequent class relief would “effectively preclude [petitioner] from the relief he seeks entirely.”) The government’s contradictions warrant denial of Respondent’s motion.

B. *Maldonado Bautista* Does Not Provide Complete Relief

The class-wide relief in *Maldonado Bautista* cannot provide what Petitioner properly seeks in habeas: immediate release from unlawful detention based on an Immigration Judge’s finding that his detention is governed by § 1226(a) and that he is neither dangerous nor a flight risk. Doc. 1-3, Ex. C. The *Maldonado Bautista* court certified a nationwide class and declared that class members are detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A), and are entitled to bond hearings. *Maldonado Bautista*, 2025 U.S. Dist. LEXIS 231977 at *4, 26. However, declaratory relief establishes legal rights but does not, by itself, provide coercive remedies like a writ of habeas corpus ordering release. 28 U.S.C. § 2201(a); *Steffel v. Thompson*, 415 U.S. 452, 471 (1974) (explaining that declaratory judgment “is not ultimately coercive; noncompliance with it may be inappropriate, but is not contempt.”)

This distinction matters. As *Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022), makes clear, 8 U.S.C. § 1252(f)(1) bars class-wide injunctive relief that would “enjoin or restrain the operation” of certain provisions of the Immigration and Nationality Act. This bar applies directly to *Maldonado Bautista* because §

1252(f)(1) specifically prohibits class-wide injunctions concerning §§ 1225 and 1226—the precise statutes at issue in that case. The *Maldonado Bautista* court could declare the government’s detention policy unlawful but could not order release on a class-wide basis. This creates the present scenario where Petitioner has a right declared at the class level with no mechanism for individual enforcement. The individual habeas petition is therefore necessary to secure actual release and is compelling here where an Immigration Judge granted Petitioner bond in July.

Although the government is wrong that *Maldonado Bautista* is not a binding, final judgment, that position has resulted in Immigration Judges declining to recognize declaratory relief for *Maldonado* class members. Thus, the government seeks to block *Maldonado* at the administrative level while simultaneously preventing habeas relief for unlawful detention under the incorrect statutory authority. Permitting the government to proceed in this manner would place individuals like Petitioner back in the position they were in before this Court and others across the country declared that §1226(a), not § 1225(b)(2), governs their detention. *See, e.g., Aguirre Villa*, 2025 U.S. Dist. LEXIS 217348 at *29 (holding that § 1225(b)(2) does not govern petitioner’s detention). The class declaration established that the government’s policy of applying § 1225(b)(2)(A) detention to class members is unlawful, but only a writ of habeas corpus can secure individual relief. Even still, Petitioner’s situation is distinct because he was granted bond and

his habeas claims are wholly independent of *Maldonado Bautista*. See generally Doc. 1, Petition.

C. Membership in Maldonado Bautista Does Not Preclude Individual Habeas Actions

The government mischaracterizes the relationship between class actions and habeas corpus. Habeas corpus is a constitutionally protected individual right to challenge physical confinement, with release as the ultimate, but not exclusive, remedy. *Boumediene v. Bush*, 553 U.S. 723, 779 (2008). A Rule 23(b)(2) class action is a procedural device for resolving common legal questions. See Fed. R. Civ. P. 23(b)(2); see also *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 365 (2011) (“the validity of a (b)(2) class depends on whether “final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.”) (internal quotations omitted). The two serve fundamentally different purposes and provide different remedies.

The government cites *United States v. Sanchez-Gomez*, 584 U.S. 381 (2018), and *Gillespie v. Crawford*, 858 F.2d 1101 (5th Cir. 1988) (en banc), but both cases are inapposite. *Sanchez-Gomez* addressed whether lower courts could apply class action mootness exceptions to individual actions. 584 U.S. at 385. The Supreme Court discussed class members being “bound by the judgment” to explain why formal certification is important for avoiding mootness, not to establish that certification bars individual habeas petitions seeking relief unavailable on a class-

wide basis. *See id.* at 387–88. The case concerned jurisdictional mootness, not preclusion of individual constitutional remedies.

In *Gillespie*, the Fifth Circuit barred individual prison conditions suits where a class action provided ongoing judicial oversight through a Special Master with “continuing oversight” of systemic prison reforms established by court decrees. 858 F.2d at 1102. The court was concerned that multiple courts issuing equitable orders would “interfere with the orderly administration of the class action” and the district court’s management of institutional reform. *Id.* at 1103. Critically, *Gillespie* was premised on class members having effective avenues for relief, such as “seek[ing] contempt proceedings, or by intervention in the class action.” *Id.* Here, the opposite is true, *Maldonado Bautista* involves no ongoing oversight or coercive remedies, and the government’s refusal to adhere to the declaratory judgment eliminates any effective class remedy. Moreover, *Gillespie* permitted individual damage actions to proceed because such relief was unavailable in the class action. 858 F.2d at 1103. Similarly, Petitioner seeks a writ of habeas corpus ordering release—relief the *Maldonado Bautista* class action cannot provide under § 1252(f)(1)’s prohibition on class-wide injunctive relief in this context.

The government also cites *Wynn v. Vilsack*, No. 3:21-cv-514-MMH-LLL, 2021 U.S. Dist. LEXIS 255100 (M.D. Fla. Dec. 7, 2021) and *I.V.I. v. Baker*, No. JKB-25-1572, 2025 U.S. Dist. LEXIS 101188 (D. Md. May 27, 2025). Both

decisions actually undermine the government's position. *Wynn* applied the first-filed rule to avoid duplicative constitutional litigation where multiple cases challenged the same statute. 2021 U.S. Dist. LEXIS 255100 at *6. Here, Petitioner does not seek duplicative litigation, he seeks habeas relief challenging his detention under § 1225(b)(2) and release based upon an Immigration Judge's order granting him bond. The remedy Petitioner seeks is fundamentally different from the declaratory relief the *Maldonado* class obtained.

Moreover, *I.V.I.* recognized that even where a parallel class action exists, individual habeas jurisdiction remains appropriate for claims seeking relief "distinct enough from the class claims" and concerning "the legality of Petitioner's detention." 2025 U.S. Dist. LEXIS 101188, at *6–7 (dismissing removal-process claims covered by class action but retaining jurisdiction over detention claims seeking different relief); see *Sanchez v. Noem*, 2025 U.S. Dist. LEXIS 205572, at *19 n.3 (noting a split of authority on individual injunctive relief in the same context as *I.V.I.* and declining to dismiss petitioner's claims because available individual relief "is not identical to the relief in question" in the class litigation).

Here, Petitioner seeks immediate release—relief the class action cannot provide—making individual habeas actions necessary rather than duplicative. As such, this petition does not seek the same relief as the class action. And most fundamentally, habeas corpus is constitutionally distinct. The Suspension Clause

protects “the Privilege of the Writ of Habeas Corpus,” not requests for general injunctive relief. *Jennings v. Rodriguez*, 583 U.S. 281, 309 (2018). *Maldonado Bautista* obtained a declaration of rights, but Petitioner seeks immediate release, a habeas remedy *Maldonado* could not provide under *Aleman Gonzalez*’s restrictions on class-wide injunctive relief that “enjoin or restrain the operation” of certain provisions of the Immigration and Nationality Act. Claim preclusion does not bar subsequent actions when the petitioner was unable to seek particular remedies in the first action due to statutory limitations. *Cf. Lozman v. City of Riviera Beach*, 713 F.3d 1066, 1080 (11th Cir. 2013) (claim preclusion requires an identical issue that was actually litigated and decided in a prior proceeding).

Accordingly, Petitioner’s habeas claims do not warrant dismissal or a stay simply because the court in *Maldonado Bautista* issued a class-wide declaration that § 1225(b)(2)(A) does not govern detention of individuals like Petitioner. Petitioner is entitled to immediate release, which is relief that would not be permitted on a class-wide basis, and a stay would subject Petitioner to many more months of unlawful detention without any review at the administrative or judicial levels.

D. The Government’s Arguments on Jurisdiction and § 1225(b)(2)(A) are Unavailing

This Court recently addressed and rejected the government’s jurisdictional and statutory interpretation arguments in *Aguirre Villa* which presented the exact issue Petitioner raises here. The government does not distinguish *Villa* or provide

any basis for this Court to reconsider its reasoning. For the same reasons this Court explained in *Aguirre Villa*, the Court should reject the government's arguments on jurisdiction and interpretation of § 1225. "Because Petitioner was already granted bond, only for it to be retracted by the [Immigration Judge] in reliance on the erroneous Yajure Hurtado decision, he is entitled to be released." *Aguirre Villa*, 2025 U.S. Dist. LEXIS 217348, at *30. The government has not identified any factual or legal distinction that would warrant a different result. *Villa* controls, and both arguments fail.

III. CONCLUSION

The government's motion depends on an untenable premise that a class action can extinguish the constitutional right to habeas corpus. It cannot. The government's continued insistence that Petitioner's claims lack merit, even despite this Court's ruling in *Aguirre Villa* that 8 U.S.C. § 1226(a) governs detention of similarly situated individuals, highlights the urgent need for this Court's intervention. Petitioner was granted bond by an Immigration Judge, yet he remains unlawfully detained for over five months solely because of the government's erroneous position.

For the foregoing reasons, the government's motion to dismiss or stay should be denied, and Petitioner respectfully requests that the Court grant his Writ of Habeas Corpus ordering his immediate release.

Date: December 12, 2025

Respectfully Submitted,

/s/ Alexis Ruiz

Alexis Ruiz (GA 419757)

Ruiz Immigration Law

2100 RiverEdge Pkwy, Suite 725

Atlanta, GA 30328

Email: aruiz@ruizimmigrationlaw.com

Phone: (770) 769-5822

Attorney for Petitioner