

United States District Court  
Eastern District of Michigan

Jesus Andres Castaneda Rosas,

Petitioner,

Civil No. 25-13876

v.

Honorable Matthew F. Leitman  
Mag. Judge Patricia T. Morris

Kevin Raycraft, Acting Field Office  
Director of Enforcement and Removal  
Operations, Detroit Field Office,  
Immigration and Customs  
Enforcement; et al.,

Respondents.

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**Respondents' Supplemental Brief**

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**Issues Presented**

- I. Should the Court dismiss this case because petitioner is now a class member in *Maldonado Bautista v. Santacruz*, 25-01873 (C.D. Cal.)?
- II. At the time of his arrest, was petitioner an applicant for admission seeking admission when he was arrested by customs officials at a port of entry while trying to enter the United States?

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## **Introduction**

On December 23, 2025, the Court held a status conference and, at that conference, the Court asked the parties to submit supplemental briefing on the status of a class action in the Central District of California, *Maldonado Bautista v. Santacruz*, 25-01873 (C.D. Cal.), and to provide additional facts regarding petitioner's initial arrest and detention at the Blue Water Bridge. Respondents submit this supplemental brief in response to the Court's request and respectfully request that the Court dismiss this action because petitioner is a class member in *Maldonado Bautista*. However, if the Court considers the merits, the Court should find that petitioner is lawfully detained because at the time of his arrest he was an applicant for admission seeking admission to the United States, but not clearly and beyond doubt entitled to admission.

### **I. The Court Should Dismiss this Suit Because Petitioner is a Class Member in *Maldonado Bautista***

On November 25, 2025, a district court in the Central District of California certified a class of petitioners detained under 8 U.S.C. § 1225(b)(2). *Maldonado Bautista v. Santacruz*, No. 25-01873, 2025 WL 3288403, at \*9 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the *Maldonado Bautista* court issued a final judgment declaring that class members were not subject to mandatory detention under § 1225(b)(2) and were instead detained under § 1226(a), which would grant them the right to seek release at a bond hearing. *Maldonado Bautista v. Noem*, No.

25-01873, 2025 WL 3678485, at \*1 (C.D. Cal. Dec. 18, 2025). Respondents appealed the judgment the same day. (See *Maldonado Bautista v. Santacruz*, 25-01873 (C.D. Cal.), ECF No. 95). The *Maldonado Bautista* court's final judgment has not been stayed or reversed at this time.

Petitioner argues that he is a member of the *Maldonado Bautista* class. (See Pet. Supp. Brief, ECF No. 9, PageID.370). It is well settled that certification of a 23(b)(2) class precludes individual suits for the same relief. See *U.S. v. Sanchez-Gomez*, 584 U.S. 381, 387 (2018) (noting that “[t]he certification of a suit as a class action has important consequences for the unnamed members of the class, including being “bound by the judgment”) (cleaned up); *Groseclose v. Dutton*, 829 F.2d 581, 584 (6th Cir. 1987) (holding that individual class member could not proceed in individual case); see *Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (“To allow individual suits would interfere with the orderly administration of the class action and risk inconsistent adjudications.”).

If petitioner is a member of the *Maldonado Bautista* class, the Court should dismiss this case. In this suit, petitioner seeks an order granting him a bond hearing under 8 U.S.C. § 1226(a). (See Pet., ECF No. 1, PageID.24). Under *Maldonado Bautista*, petitioner may request a bond hearing in immigration court and seek release based on the *Maldonado Bautista* court's final declaratory judgment. See 8 C.F.R. §§ 1003.19(b), (e); *Maldonado Bautista*, 2025 WL 3678485, at \*1. And, if

the immigration court does not honor the *Maldonado Bautista* court's final judgment, petitioner may immediately appeal the bond decision to the Board of Immigration Appeals, 8 C.F.R. § 1236.1(d)(3), or seek relief from the *Maldonado Bautista* court through class counsel, see *Maldonado Bautista v. Santacruz*, 2025 WL 3713987, at \*26 (C.D. Cal. Dec. 18, 2025) (appointing class counsel). Petitioner may not seek an advisory opinion from this Court that merely restates the final declaratory judgment issued in *Maldonado Bautista*. *Fialka-Feldman v. Oakland Univ. Bd. of Trs.*, 639 F.3d 711, 715 (6th Cir. 2011) ("The 'case or controversy' requirement prohibits all advisory opinions, not just some advisory opinions . . .").

The Court should reject petitioner's argument that, although he is a class member in *Maldonado Bautista*, this Court should issue an injunction to enforce the *Maldonado Bautista* court's declaratory judgment because that argument is not ripe. It is true that the *Maldonado Bautista* court did not issue class-wide injunctive relief (and instead only issued declaratory relief) because Congress prohibited federal courts from granting class-wide injunctive relief in most immigration cases. See 8 U.S.C. § 1252(f)(1); *Maldonado Bautista*, 2025 WL 3713987, at \*27. However, petitioner has not offered any evidence indicating that an injunction is necessary or appropriate in this case. The *Maldonado Bautista* court's declaratory judgment is directed to the agency and the immigration court; not other federal courts. *Maldonado Bautista*, 2025 WL 3678485, at \*1. Therefore, to pursue the rights

granted by the *Maldonado Bautista* court's order, petitioner must request a bond hearing in immigration court and seek release under *Maldonado Bautista*. See 8 C.F.R. §§ 1003.19(b), (e); *Maldonado Bautista*, 2025 WL 3678485, at \*1. However, petitioner has never requested a bond hearing in immigration court. (See Pet., ECF No. 1, PageID.6). And, while petitioner offers the unsupported argument that immigration courts are not complying with *Maldonado Bautista*, he offers no evidence indicating that immigration courts have continued to do so since the *Maldonado Bautista* court issued its final judgment on December 18, 2025. (See Pet. Supp. Brief, ECF No. 9, PageID.369). Accordingly, until petitioner demonstrates that he has at least attempted to obtain the relief he claims he is entitled to by the *Maldonado Bautista* court's final declaratory judgment from the immigration court, this Court need not consider whether it should grant injunctive relief that grants petitioner the same rights that the *Maldonado Bautista* court ostensibly granted him.

## **II. Petitioner is Properly Detained Under § 1225(b)(2)**

Under 8 U.S.C. § 1225(b)(2), “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title.” 8 U.S.C. § 1225(b)(2)(A). The statute deems any noncitizen “present in the United States who has not been admitted” to be an “applicant for admission.” 8 U.S.C. § 1225(a)(1). A

noncitizen is “seeking admission” if they are seeking a “lawful entry.” 8 U.S.C. § 1101(a)(13)(A). The law presumes that a noncitizen is seeking a lawful entry if they are attempting to physically enter or remain in the country unless they agree to withdraw their application for admission, voluntarily depart, or accept removal. *See* 8 U.S.C. §§ 1101(a)(13), 1182(a)(6), 1225(a)(1), (3), (4), 1229a(d), 1229c(a)(1).

Here, petitioner falls within the scope of § 1225(b)(2). Beginning in 2021, petitioner entered the United States unlawfully five times. (Exhibit 1 – I-213 at 3). After each unlawful entry, immigration officials apprehended him and permitted him to voluntarily depart. (*See id.*). On some date before September 2023, he unlawfully re-entered the United States without admission or inspection by an immigration official. (*See id.*). In September 2023, he was convicted of driving without a license in Georgia. (*See id.*). On November 5, 2025, petitioner traveled to the Canadian border on the Blue Water bridge, but he was not granted entry by Canadian officials. (*See id.* at 2). After being refused by Canadian officials, petitioner returned to the United States’ side of the bridge where he was arrested and detained by immigration officials when he attempted to pass through customs into the United States. (*See id.*). After his arrest, immigration officials charged petitioner with inadmissibility under 8 U.S.C. § 1182 because he had not entered lawfully, he did not possess a valid immigration document, and because he lied about his citizenship. (*See* Exhibit 1 – I-213 at 2; Exhibit 2 – Castaneda Rosas Decl. at 1–4). Accordingly, petitioner is

properly detained under 8 U.S.C. § 1225(b)(2) because, at the time of his arrest, he was an applicant for admission seeking admission from customs officers at a port of entry, but not clearly and beyond doubt entitled to admission.

Recent district court cases holding that § 1225(b)(2) did not apply to certain noncitizens do not dictate a different outcome in this case. Numerous district courts have recently held that § 1225(b)(2) does not apply to noncitizens who are encountered far from the border after they have lived in the United States for many years. *See, e.g., Hurtado-Medina v. Raycraft*, No. 25-CV-13248, 2025 WL 3268896 (E.D. Mich. Nov. 24, 2025) (Leitman, J.). The key fact in these cases is that the petitioners “were not actively seeking any sort of relief or permission from ICE or any other government agency.” *See id.* at \*9. However, in this case, petitioner was first encountered by immigration officers while he was seeking admission to the United States from a customs official at a port of entry. (*See Pet.*, ECF No. 1, PageID.1). Therefore, none of the reasoning supporting the decisions in the other recent § 1225(b)(2) cases would remove petitioner from the scope of § 1225(b)(2).

### **Conclusion**

Respondents respectfully request that the Court either dismiss this action because petitioner is a class member in *Maldonado Bautista* or deny petitioner’s petition for a writ of habeas corpus because he is not detained in violation of federal

law or the Constitution.

Respectfully submitted,

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Date: January 13, 2026

**Certificate of Service**

I hereby certify that on January 13, 2026, I electronically filed the foregoing paper with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the parties of record.

*/s/ Zak Toomey*

**Zak Toomey**

Assistant U.S. Attorney