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9 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

10 Antony REYES-LOPEZ,  
11  
12 Petitioner,  
v.

Case No. 3:25-cv-00697-ART-CSD

**Federal Respondents' Response to  
Petitioner's Petition for Writ of Habeas  
Corpus, ECF No. 1**

13 Kristi NOEM, in her Official Capacity,  
Secretary, U.S. Department of Homeland  
14 Security; Pamela BONDI, in her Official  
Capacity, Attorney General of the United  
15 States; Todd M. LYONS, Acting Director,  
Immigration and Customs Enforcement,  
16 U.S. Department of Homeland Security;  
Jason KNIGHT, Salt Lake City Field Office  
17 Director for Detention and Removal, U.S.  
Immigration and Customs Enforcement,  
18 Department of Homeland Security; and  
Darin BALAAM, Sherriff, Washoe County  
19 Detention Center,

20 Respondents.  
21

22  
23 **I. Introduction**

24 Petitioner filed this habeas petition alleging that he is being wrongly detained under  
25 8 U.S.C. § 1225(b)(2) and that he is a member of the class certified in *Bautista Maldonado v.*  
26 *Salazar*, No. 5:25-cv-01873 (C.D. Cal.), a case that involves the application of 8 U.S.C. §  
27 1225(b)(2). In that case, the court certified the following class:  
28

1 “Bond Eligible Class: All noncitizens in the United States without lawful status  
2 who (1) have entered or will enter the United States without inspection; (2) were not or  
3 will not be apprehended upon arrival; and (3) are not or will not be subject to detention  
4 under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland  
5 Security makes an initial custody determination.”

6 Maldonado Bautista, 2025 WL 3288403, at \*9.

7 As a result, it appears that Petitioner qualifies as a member of the class certified by  
8 the Court in *Bautista*. Federal Respondents, however, urge the Court not to apply *Bautista*  
9 to the Petitioner in the instant matter for the following reasons: First, the *Bautista* declaratory  
10 judgement is void with respect to petitioners and custodians outside the Central District of  
11 California because it was issued despite a palpable lack of jurisdiction. Second, the Court  
12 should not give preclusive effect to the declaratory judgment because it is on appeal, creating  
13 a serious risk of inconsistent judgments and unfair results if the *Bautista* judgment is reversed  
14 or vacated on appeal. Finally, issue preclusion is inapplicable here, particularly as  
15 preclusion principles apply with less force both against the government and in habeas corpus  
16 proceedings.

17 Federal Respondents waive oral argument with respect to Petitioner’s Petition.

## 18 II. Argument

### 19 A. Under black-letter principles of habeas jurisdiction, the *Bautista* declaratory 20 judgement has no preclusive effect outside the Central District of California and over custodians who are located outside that District.

21 The *Bautista* class sought a declaratory judgment that class members such as  
22 Petitioner were unlawfully detained under 8 U.S.C. § 1225(b)(2), rather than § 1226(a). This  
23 is core habeas relief that must be brought as a habeas claim alone. As the Supreme Court  
24 made clear just this year, “[r]egardless of whether [] detainees formally request release from  
25 confinement,” if “their claims for relief necessarily imply the invalidity of their  
26 confinement[], their claims fall within the core of the writ of habeas corpus and thus must be  
27 brought in habeas.” *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (internal quotations omitted).

1 The Supreme Court has imposed two fundamental limits on federal court jurisdiction  
2 over core habeas claims. *First*, “jurisdiction lies in only one district: the district of  
3 confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also J.G.G.*, 604 U.S. at 672.  
4 *Second*, a habeas petitioner must name the petitioner’s *immediate* custodian—*i.e.*, the  
5 custodian who has actual custody over the petitioner and can produce the “corpus.” *Padilla*,  
6 542 U.S. at 435. “Failure to name the petitioner’s custodian as a respondent deprives federal  
7 courts of personal jurisdiction” needed to issue relief. *Stanley v. Cal. Supreme Court*, 21 F.3d  
8 359, 360 (9th Cir. 1994); *Padilla*, 542 U.S. at 444. Thus, a federal district court is wholly  
9 without authority to issue the writ in favor of a habeas petitioner who seeks habeas relief in  
10 a judicial district in which he is not confined, and the immediate custodian is not located.  
11 *Padilla*, 542 U.S. at 442-43. And a “judgment entered without personal jurisdiction over a  
12 defendant is void as to that defendant.” *Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C.  
13 Cir. 1987).

14 Given that a challenge to the legality of detention is a core habeas claim, class-wide  
15 declaratory relief is inappropriate in the habeas context. *Calderon v. Ashmus*, 523 U.S. 740,  
16 747 (1998) (declaratory judgment action not appropriate to address “validity of a defense the  
17 State may, or may not, raise in a habeas proceeding” in part because “the underlying claim  
18 must be adjudicated in a federal habeas proceeding”); *Fusco v. Grondolsky*, No. 17-1062, 2019  
19 WL 13112044, at \*1 (1st Cir. June 18, 2019) (declaratory judgment action must be dismissed  
20 when habeas available). Indeed, a class-wide declaratory judgment imposed from outside the  
21 district of confinement cannot be squared with the district-of-confinement requirement of  
22 habeas, where the relief is an order of release, 28 U.S.C. § 2241(a), not a declaration of legal  
23 rights that can later be enforced. *See Calderon*, 523 U.S. at 747 (1998); *Fusco*, 2019 WL  
24 13112044, at \*1; *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996) (holding that the  
25 “availability of a habeas remedy in another district ousted us of jurisdiction over an alien’s  
26 effort to pose a constitutional attack . . . by means of a suit for declaratory judgment”); *Monk*  
27 *v. Sec. of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) (“In adopting the federal habeas corpus  
28 statute, Congress determined that habeas corpus is the appropriate federal remedy for a

1 prisoner who claims that he is ‘in custody in violation of the Constitution . . . of the United  
2 States,’ . . . . This specific determination must override the general terms of the declaratory  
3 judgment . . . statute.”).

4 Here, the vast majority of *Bautista* class members are confined *outside* of the Central  
5 District of California by immediate custodians who are also *outside* the Central District of  
6 California and have not been named in the lawsuit. Therefore, the *Bautista* court lacked  
7 jurisdiction to issue habeas relief to all class members who are confined outside the Central  
8 District of California by immediate custodians outside that District, and a court’s judgment  
9 cannot be binding and preclusive against a party over which it lacked jurisdiction. *Burnham*  
10 *v. Superior Court of Cali.*, 495 U.S. 604, 608 (1990). Indeed, another federal district court has  
11 already held that the *Bautista* declaratory judgment does not have preclusive effect. Order,  
12 *Calderon Lopez v. Lyons*, No. 25-cv-00226 (N.D. Tex. Dec. 19, 2025), ECF No. 12.

13 In sum, the *Bautista* court’s declaratory judgment purporting to grant relief that at its  
14 core sounds in habeas is a legal nullity outside that District. Petitioner’s immediate custodian  
15 is Darin Ballam, and that individual was not a party in the Central District of California;  
16 subjecting the immediate custodian to the judgment of the Central District of California  
17 would be inconsistent with the immediate custodian rule. *Padilla*, 542 U.S. at 439-40; *see also*  
18 *Doe v. Garland*, 109 F.4th 1188, 1196 (9th Cir. 2024) (holding immediate custodian and not  
19 supervisory ICE Field Office Director should be named in habeas petition).

20 **B. The Court should not give preclusive effect to a declaratory judgment that**  
21 **is on appeal.**

22 Even if the *Bautista* declaratory judgment could have preclusive effect outside the  
23 Central District of California, that judgment has been appealed to the Ninth Circuit, *Bautista*,  
24 *et al. v. United States Department of Homeland Security, et al.*, No. 25-7958 (9th Cir.), and this  
25 Court should not afford preclusive effect to that judgment or to any underlying legal issues  
26 in deciding whether to grant habeas relief in this case.

27 Courts must exercise significant caution before giving preclusive effect to declaratory  
28 judgments that are on appeal. Reflexively granting preclusive effect to such judgments could

1 lead to subsequent judgment “from which it may be impossible to obtain relief” even if the  
2 first judgment is reversed on appeal. 9 A.L.R.2d 984. Courts should strive to avoid this “evil  
3 result[.]” *Id.* (“both the rule under which the operation of a judgment as res judicata is, and  
4 the one under which it is not, affected by the pendency of an appeal, have very unfortunate  
5 consequences”); *see also* 18A Fed. Prac. & Prod. § 4404 (“Awkward problems can result from  
6 the rule that preclusive effects attach to the first judgment” while that judgment is subject to  
7 an appeal); 18A Fed. Prac. & Proc. § 4433 (the rule that a decision is final for the purposes  
8 of preclusion while that decision is pending appeal creates “[s]ubstantial difficulties”).

9 This problem can be “avoided . . . by delaying further proceedings in the second action  
10 pending conclusion of the appeal in the first action.” *Collins v. D.R. Horton, Inc.*, 505 F.3d  
11 874, 882–83 (9th Cir. 2007) (citing Wright & Miller § 4433). In the circumstances here—and  
12 particularly given the constraints of 8 U.S.C. § 1252(f)(1)—it would not be proper to impose  
13 res judicata effect on a class-wide basis while the declaratory judgment is pending on appeal.  
14 *See* 9 A.L.R.2d 984 (the “only one safe way of avoiding conflicting judgments on the same  
15 cause . . . [is for] the final decision on the merits of the second suit should be delayed until  
16 the decision on appeal has been rendered”).

17 **C. Accordingly, the preclusive effect to the *Bautista* declaratory judgment**  
18 **contravenes other principles of preclusion.**

19 Beyond the two most serious problems with giving effect to the *Bautista* declaratory  
20 judgment in this case, three more reasons counsel strongly against doing so.

21 *First*, under 28 U.S.C. § 2202, “[f]urther necessary or proper relief based on a  
22 declaratory judgment or decree may be granted, after reasonable notice and hearing, against  
23 any adverse party whose rights have been determined by such judgment.” To the extent this  
24 Court considers whether to award “further” relief than what the *Bautista* court purported to  
25 grant to class members outside the Central District of California, such further relief is neither  
26 “necessary [n]or proper.” Indeed, the Ninth Circuit—which of course has appellate  
27 jurisdiction over the Central District of California—has rejected waiving the district of  
28 confinement rule on prudential considerations given the clear congressional mandate

1 limiting habeas jurisdiction to the district of confinement as provided by statute. *Doe*, 109  
2 F.4th at 1199.

3       **Second**, the circumstances of this case also counsel against applying issue preclusion  
4 against the government. The Supreme Court has “long recognized that ‘the Government is  
5 not in a position identical to that of a private litigant,’ *INS v. Hibi*, 414 U.S. 5, 8 (1973) (per  
6 curiam), both because of the geographic breadth of government litigation and also, most  
7 importantly, because of the nature of the issues the government litigates.” *United States v.*  
8 *Mendoza*, 464 U.S. 154, 159 (1984). “Government litigation frequently involves legal  
9 questions of substantial public importance.” *Id.* Thus, although the Supreme Court has held  
10 the federal government “may be estopped . . . from relitigating a question” when “the parties  
11 to the lawsuits are the same,” *id.* at 163, 164, it is not so precluded in cases where the party  
12 seeking to offensively use preclusion was not a party to the initial litigation, *see id.* at  
13 162. This is because allowing “nonmutual collateral estoppel against the government . . . .  
14 would substantially thwart the development of important questions of law by freezing the  
15 first final decision rendered on a particular legal issue.” *United States v. Mendoza*, 464 U.S.  
16 154, 160 (1984).

17       For similar reasons, the government should not be precluded from litigating the issue  
18 of the proper detention authority here, where the Petitioner was not a named party to the  
19 prior *Bautista* litigation, but instead merely a member of a fundamentally flawed nationwide  
20 class. In such a circumstance, applying preclusion against the government raises the same  
21 concern raised in *Mendoza*—it allows the *Bautista* court’s decision to freeze the law for all  
22 district courts nationwide, and stymies development of the law. This is particularly so  
23 because the *Bautista* court could never grant complete habeas relief to all class members as a  
24 result of § 1252(f)(1)—instead, the *Bautista* class action was merely a vehicle for seeking to  
25 use the judgment in individual habeas matters such as this one. At minimum, the court  
26 should exercise its discretion to decline to employ offensive issue preclusion, as it does in  
27 cases where a non-party seeks to invoke preclusion against a private party. *See Syverson v.*  
28

1 *Int'l Bus. Machines Corp.*, 472 F.3d 1072, 1078 (9th Cir. 2007) (citing *Parklane Hosiery Co. v.*  
2 *Shore*, 439 U.S. 322, 331 (1979)).

3 The court should also decline to give the *Bautista* declaratory judgment preclusive  
4 effect given the existence of several inconsistent judgments from district courts around the  
5 country, suggesting that reliance on the adverse judgment in *Bautista* would be unfair. *See*  
6 *Parklane Hosiery*, 439 U.S. at 330–31 (citing the existence of prior inconsistent judgments as  
7 indicium of unfairness of applying issue preclusion); *see, e.g., Altamirano Ramos v. Lyons*, – F.  
8 Supp. 3d –, 2025 WL 3199872, at \*4 (C.D. Cal. Nov. 12, 2025); *Mejia Olalde v. Noem*, No.  
9 1:25-cv-168, 2025 WL 3131942, at \*2–3 (E.D. Mo. Nov. 10, 2025); *Rojas v. Olson*, No. 25-cv-  
10 1437, 2025 WL 3033967, at \*6 (E.D. Wis. Oct. 30, 2025); *Cabanas v. Bondi*, 4:25-cv-04830,  
11 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Sandoval v. Acuna*, No. 6:25-cv-01467, 2025  
12 WL 3048926 (W.D. La. Oct. 31, 2025); *Topal v. Bondi*, No. 1:25-cv-01612, 2025 WL 3486894  
13 (W.D. La. Dec. 3, 2025); *Xiaoquan Chen v. Almodovar*, No. 1:25-cv-8350, 2025 WL 3484855  
14 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, No. 25-cv-867, 2025 WL 3484932 (W.D.N.Y.  
15 Dec. 4, 2025).

16 **Third**, it is doubtful that issue preclusion is ever appropriate in the habeas context.  
17 For instance, in *Griffin v. Gomez*, the Ninth Circuit held that a prior “class action has no  
18 preclusive affect in habeas proceedings.” *Griffin v. Gomez*, 139 F.3d 905 (9th Cir. 1998). The  
19 court later explained that res judicata and collateral estoppel do not apply to habeas  
20 proceedings. *See Clifton v. Attorney General*, 997 F.2d 660, 662 n.3 (9th Cir. 1993) (recognizing  
21 that because “conventional notions of finality of litigation have no place” in habeas and the  
22 inapplicability of res judicate to habeas is “inherent in the very role and function of the writ.”)  
23 (quoting *Sanders v. United States*, 373 U.S. 1, 8 (1963)); *see also Hardwick v. Doolittle*, 558 F.2d  
24 292, 295 (5th Cir. 1977) (“The doctrines of res judicate and collateral estoppel are not  
25 applicable in habeas proceedings.”); *Hierens v. Mizell*, 729 F.2d 449, 456 (7th Cir. 1984) (“a  
26 decision in another case is not res judicata as to a habeas proceeding.”).

27 In sum, the Court should rule that the *Bautista* declaratory judgment has no preclusive  
28 effect on this case.

1           **D. The Court need not await a ruling staying or vacating the *Bautista***  
2           **declaratory judgment before declining to give it preclusive effect.**

3           Although it is generally customary for a court to give effect to another court's  
4 judgments, Supreme Court precedent supports departing from that practice certain  
5 situations. This is one of those situations. Assessing whether the *Bautista* declaratory  
6 judgment required granting an individual class member's habeas petition, the U.S. District  
7 Court for the Northern District of Texas persuasively explained why the *Bautista* declaratory  
8 judgment need not be followed by other U.S. district courts, even before a court of appeal  
9 stays or vacates that order.

10           A dispute in this posture is unusual, but not unheard of. As Justice Story  
11 remarked, the traditional comity between courts "does not prevent an inquiry  
12 into the jurisdiction of the court in which the original judgment was given." *Old*  
13 *Wayne Mut. Life Ass'n v. McDonough*, 204 U.S. 8, 16 (1907) (quoting Joseph  
14 Story, Commentaries on the Constitution of the United States § 1313 (1833)).  
15 It is "a subject [that] may be inquired into every other court, when the  
16 proceedings in the former are relied upon, and brought before the latter, by a  
17 party claiming the benefit of such proceedings." *Williamson v. Berry*, 49 U.S. (8  
18 How.) 495, 540 (1850); *Old Wayne*, 204 U.S. at 16–17 (same). Indeed,  
19 traditional habeas proceedings normally could only challenge "the power and  
20 authority of the court" or other detaining authority "to act." *Brown v. Davenport*,  
21 596 U.S. 118, 129 (2022) (quotation omitted). While the conclusions of another  
22 court, when enforced onto a peer court, are generally "unassailable  
23 collaterally," an exception has always existed for "lack of jurisdiction." *Treinius*  
24 *v. Sunshine Mining Co.*, 308 U.S. 66, 78 (1939); *Ex parte Watkins*, 28 U.S. (3 Pet.)  
25 193, 202–03 (1830) (Marshall, C.J.) (same).

26           When the issuing court lacks jurisdiction, "its judgments and orders are  
27 nullities; they are not voidable, but simply void, and form no bar to a recovery  
28 sought . . . in opposition to them; they constitute no justification, and all  
persons concerned in executing such judgments . . . are considered in law as  
trespassers." *Williamson*, 49 U.S. at 541 (quoting *Elliott v. Piersol*, 26 U.S. (1  
Pet.) 328, 329 (1828)); *Watkins*, 28 U.S. at 203 ("An imprisonment under a  
judgment cannot be unlawful, unless that judgment be an absolute nullity[.]").

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29           The Court issues this Order with some reluctance. The business of another  
30 court is generally beyond this Court's concern. But the petitioner seeks relief  
31 based on the Central District's orders, leaving this Court no choice but to  
32 address their binding effect. Here, a fellow district judge purports to bind all  
33 pending and future cases involving the mandatory detention  
34 issue to her reasoning in an advisory opinion, disrupting this Court's extensive  
35 immigration docket and the dockets of fellow courts across the Nation. But the  
36 Central District's orders are not binding because the Central District lacked  
37 authorization to issue them. The orders are unauthorized because they are  
38 advisory and because they violate the INA's limits on judicial review.

1 Additionally, they would require this Court to act in defiance of Supreme Court  
2 precedent. Thus, the Court rejects the petitioner's assertion that it is bound by  
the Central District's orders and must grant relief as a result.

3 Order, *Calderon Lopez v. Lyons*, No. 25-cv-00226 (N.D. Tex. Dec. 19, 2025), ECF No.  
4 12, at 11 & 28. Thus, because the *Bautista* declaratory judgment is void for the reasons  
5 discussed above, this Court is not required to wait for a court of appeals to stay or vacate that  
6 judgment before this Court declines to give it preclusive effect.

7 Regardless, even if the Court does not treat the *Bautista* judgment as void *now*, the  
8 blatant jurisdictional flaws and other points noted above counsel strongly in favor of the  
9 Court declining to give it preclusive effect.

10 Respectfully submitted this 22nd day of December 2025.

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