

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
WAYCROSS DIVISION

GABRIEL SALDIERNA-CRUZ,

A#

Petitioner,

v.

Warden, FOLKSTON ICE
PROCESSING CENTER, *et al.*,

Respondents.

Case # 5:25-cv-00201-LGW-BWC

PETITIONER'S OPPOSITION IN RESPONSE TO RESPONDENT'S
MOTION TO DISMISS

I. INTRODUCTION

Respondents move to dismiss or stay based on *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal.) and the legal arguments they unsuccessfully lodged in *Villa v. Normand*, 5:25-cv-89 (consolidated cases). In immigration court, DHS and DOJ tell immigration judges that *Maldonado Bautista* has no operative effect on bond jurisdiction under 8 U.S.C. § 1226(a). **They cannot have it both ways while Petitioner remains detained without a neutral bond hearing.** On the habeas merits, the Government “recognizes this Court’s prior ruling in *Villa*... will control the result in this case.” (Mot. to Dismiss at 2–3.) Nothing

further is necessary on the merits. Petitioner respectfully requests this Court order he be provided with a bond redetermination hearing.

II. ARGUMENT

A. *Maldonado Bautista* does not bar this individual § 2241 custody petition—especially where DHS/EOIR are not providing the very class relief they invoke to block habeas.

Rule 23(b)(2) certification is not a jurisdiction-stripper for individual § 2241 custody challenges seeking prompt § 1226(a) bond process. The Respondents' positions are irreconcilable: in immigration court, it argues *Maldonado Bautista* provides no classwide relief requiring IJ bond hearings; here, it argues the class case precludes this habeas because class relief exists. If *Maldonado Bautista* relief is operative, DHS/EOIR must provide a bond hearing under § 1226(a) now; if, as they currently tell immigration judges, it is not operative, they cannot wield the same case to bar this habeas while continuing to deny bond jurisdiction. Either way, dismissal or an open-ended stay is improper. *See Jennings v. Rodriguez*, 583 U.S. 281, 292–94 (2018) (§ 1252(b)(9) does not channel or bar stand-alone detention habeas); *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) (§ 1252(g) is “much narrower” and does not reach custody classification); *Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (district-court jurisdiction over detention); *Madu v. U.S. Att’y Gen.*, 470 F.3d 1362, 1366–67 (11th Cir. 2006) (same). Courts addressing declaratory-class relief have recognized it does not foreclose subsequent individual

coercive relief to secure compliance. *See Orellana v. Moniz*, Civil Action No. 25-cv-12664-PBS, 2025 U.S. Dist. LEXIS 214095, at *33 (D. Mass. Oct. 30, 2025) (Rule 23(b)(2) declaratory relief may be followed by individualized enforcement; quoting the 1966 Advisory Committee Note that declaratory relief “serves as a basis for later injunctive relief”); *see also* 28 U.S.C. §§ 2201–2202 (declaration plus “further necessary or proper relief”). At minimum, the Court should deny the motion and proceed to final relief as in *Aguirre Villa v. Normand* (S.D. Ga. Nov. 4, 2025), which the Respondents concede controls.

B. The “Ninth Circuit / no-injunction” rejoinders fail: *Maldonado Bautista* binds the respondent agencies as parties, and declaratory relief is binding and enforceable.

This is not a vertical-stare-decisis issue; it is a party-binding federal class judgment. *Maldonado Bautista* names the Attorney General (responsible for DOJ/EOIR) and the Secretary of Homeland Security (responsible for DHS) as respondents. When a federal court extends declaratory relief to a certified Rule 23(b)(2) class, those agencies and their officers and employees are bound nationwide. *See* Fed. R. Civ. P. 65(d)(2); Fed. R. Civ. P. 23(b)(2). The absence of a separate injunction does not rescue Respondents: a judgment under 28 U.S.C. § 2201 fixes the parties’ rights and duties, and 28 U.S.C. § 2202 authorizes “further necessary or proper relief” to enforce it. If Respondents truly believed only “enforcement” remained, the answer is compliance or enforcement in the class

docket—not continued no-bond detention of class members while invoking *Maldonado Bautista* here to bar habeas and disavowing it before the immigration judges to block § 1226(a) bond jurisdiction. And even where classwide injunctions are constrained, individual injunctive relief remains available, underscoring why individual habeas cannot be dismissed. *See Garland v. Aleman Gonzalez*, 596 U.S. 543, 549–50 (2022) (§ 1252(f)(1) limits classwide injunctions, not individual relief).

III. PROFESSIONALISM NOTE

Petitioner respects the professionalism and workload of our DOJ colleagues, and empathize with their agency-clients' demands on them. But continuing to argue—sometimes in the same case—that *Maldonado Bautista* both precludes habeas and provides no operative bond-hearing relief, while people remain jailed far from their families and communities, runs against the duty of candor and needlessly drives up costs. *See* Fed. R. Civ. P. 11(b)(1)–(2) (no improper purpose; legal contentions must be warranted by existing law or a nonfrivolous extension). Petitioner does not seek sanctions here; we ask only for swift, lawful § 1226(a) bond process. Petitioner reserves all rights should the Government persist in these inconsistent positions.

IV. RELIEF REQUESTED

Deny Respondents' motion to dismiss or stay. Consistent with *Villa*, grant the writ and order DHS/EOIR to provide Petitioner an individualized bond hearing

under 8 U.S.C. § 1226(a) before an immigration judge within 7 days, with a no-transfer proviso until the hearing is completed, or release if a timely hearing cannot be provided.

Respectfully submitted this 12th day of December, 2025.

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CERTIFICATE OF SERVICE

I certify that on December 12, 2025, the foregoing document was served on all parties or their respective counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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