

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

Fermin YANEZ MENDOZA,

Petitioner,

v.

Tony NORMAND, Warden of Folkston ICE
Processing Center in his official capacity,

Respondent.

Case No. 5:25-cv-00202

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

Petitioner, by and through the undersigned counsel, respectfully submits this response in Opposition to Respondent's Motion to Dismiss, or in the Alternative, to Stay and Abbreviated Response to Petition and Response to Order to Show Cause, ECF No. 8.

I. INTRODUCTION

Respondent asks this Court to dismiss or stay the habeas petition because Petitioner is a member of the nationwide class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) (granting class certification). Resp't's Mot. 2-3. However, certification under Federal Rule of Civil Procedure 23(b)(2) of a class action in which the plaintiff class seeks and obtains only declaratory relief, *see Maldonado Bautista*, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) (granting plaintiffs partial summary judgment and issuing a declaratory judgment), does not extinguish an individual's fundamental right to petition for a writ of habeas corpus and seek immediate release from unlawful detention.

The government's position improperly conflates the class action remedy with the substantive, individual habeas remedy. The *Maldonado Bautista* decision, while a significant legal victory for the class and its members, does not and cannot provide the immediate, specific relief that habeas corpus is designed to afford: a judicial order compelling the release of a specific individual from unlawful custody. *See* 28 U.S.C. § 2241 *et seq.* Granting Respondent's motion would subordinate the Constitution's protection against unlawful detention to a procedural rule, leaving Petitioner and others like him in a state of legal limbo—recognized as being unlawfully detained by a declaratory judgment but with no direct mechanism for release.

Respondent's position creates a perverse legal paradox: the very class action victory that declared Petitioner's detention unlawful is now being weaponized to deny him the fundamental remedy of habeas corpus, leaving him in a worse position than before his detention was declared to be illegal. This Court should reject that outcome, deny the motion, and proceed to adjudicate the merits of the habeas petition pursuant to *Villa v. Normand*, No. 5:25-cv-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025), *report and recommendation adopted*, 2025 WL 3188406 (S.D. Ga. Nov. 14, 2025).

II. LEGAL FRAMEWORK FOR HABEAS CORPUS AND CLASS ACTIONS

Habeas corpus and class action litigation have distinct purposes such that the existence of a certified class should not preclude a class member from availing themselves of habeas relief. The writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action. Its constitutional protection, enshrined in the Suspension Clause, underscores its role as the essential remedy for challenging the legality of executive detention. *See Boumediene v. Bush*, 553 U.S. 723, 783 (2008). The writ's purpose is to provide a swift and focused judicial inquiry into the lawfulness of an individual's

confinement, with the ultimate remedy being immediate release if the detention is found to be unlawful. It is, at its core, an individual remedy.

In contrast, the class action, governed by Federal Rule of Civil Procedure 23, is a procedural device designed for efficiency in resolving claims where “questions of law or fact [are] common to the class.” A class certified under Rule 23(b)(2) is appropriate where “the party opposing the class has acted or refused to act on grounds that apply generally to the class, so that final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole.” The key to a (b)(2) class is the “indivisible nature of the injunctive or declaratory remedy warranted.”

This procedural framework is further constrained by statutory limitations such as 8 U.S.C. § 1252(f)(1), which prohibits lower federal courts from granting class-wide injunctive relief that would “enjoin or restrain the operation” of certain provisions of the Immigration and Nationality Act. *See Garland v. Aleman Gonzalez*, 596 U.S. 543 (2022) (holding §1252(f)(1) deprives district courts of authority to award class-wide injunctive relief). Courts prior to *Aleman Gonzalez* treated § 1252(f)(1) as a remedial limitation that does not necessarily preclude class certification or class-wide declaratory relief in all circumstances. *See Alli v. Decker*, 650 F.3d 1007, 1013–16 (3d Cir. 2011) (permitting class-wide declaratory relief). This distinction is critical, as the declaratory relief granted in *Maldonado Bautista* establishes the illegality of a government policy (to detain noncitizens apprehended in the interior of the country without bond) but does not, by itself, compel the release of any specific individual. *See Maldonado Bautista*, 2025 WL 3289861.

This individual habeas petition seeks the quintessential habeas remedy: immediate release from unlawful custody. Even the alternative relief sought—a judicial order for a bond

hearing—is a traditional remedy in habeas cases challenging the legality of civil detention. It is not the sort of systemic, managerial injunction barred in the case Respondent relies on—*Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir. 1988) (en banc). As the Supreme Court’s decision in *Aleman Gonzalez* makes clear, the statutory scheme of 8 U.S.C. § 1252(f)(1) deliberately severs broad, class-wide declaratory relief from coercive individual remedies. The *Maldonado Bautista* declaratory order establishes the legal right; this individual habeas petition is the proper and necessary vehicle to enforce it.

Federal courts have affirmed that § 1252(f)(1) does not bar habeas class actions because it lacks a clear statement repealing the court’s habeas jurisdiction. *Hamama v. Adducci*, 912 F.3d 869, 879 (6th Cir. 2018), further distinguishes habeas from injunctive relief, noting that “there is nothing barring a class from seeking a traditional writ of habeas corpus (which is distinct from injunctive relief).” The Supreme Court has also stated that the Suspension Clause protects only the “Privilege of the Writ of Habeas Corpus,” not requests for injunctive relief. *Jennings v. Rodriguez*, 583 U.S. 281, 309 (2018).

The ruling in *Aleman Gonzalez* explains why the *Maldonado Bautista* class action, which granted only declaratory relief, cannot provide Petitioner with a complete remedy. Because *Aleman Gonzalez* bars class-wide *injunctive* relief, the *Maldonado Bautista* court could only declare that the government’s detention policy is unlawful; it could not order the release of any class member. This creates a “right without a remedy” at the class level. The individual habeas petition is the necessary next step to enforce the right declared in the class action and secure the Petitioner’s release or bond hearing. The existence of the class action makes the need for individual habeas petitions more acute, not redundant.

III. THE NATURE OF THE *MALDONADO BAUTISTA* DECISION AND ITS BINDING EFFECT

Respondent's argument for dismissal hinges on a mischaracterization of the *Maldonado Bautista* decision and its legal effect. While the government correctly notes that the court granted only partial summary judgment and has not yet entered a final, appealable judgment under Federal Rule of Civil Procedure 54(b), this argument conflates finality for purposes of appeal with the binding nature of a declaratory order on the parties to the litigation.

The court in *Maldonado Bautista* was unequivocal in its order: it certified a nationwide class and explicitly extended "the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole." *Maldonado Bautista*, 2025 WL 3288403, at *7. This declaratory relief established that class members are detained under the discretionary framework of 8 U.S.C. § 1226(a), not the mandatory detention provision of 8 U.S.C. § 1225(b)(2) as the government would have them detained under. A declaratory judgment, by its nature, has the "force and effect of a final judgment" as to the rights it declares. *See* 28 U.S.C. § 2201(a). It is not, as Respondent suggests, a mere "advisory opinion." Resp't's Mot. 9.

Crucially, however, a declaratory judgment is not self-executing. It declares a legal right but does not, in itself, provide a coercive remedy like an injunction or a writ of habeas corpus ordering release. The government's own conduct proves this distinction. As attested in related proceedings, Respondent has instructed immigration judges across the country not to apply the *Maldonado Bautista* ruling to class members, arguing that the relief was "only declaratory." This position, while frustrating, is a tacit admission that the class action has not provided a complete or effective remedy for individuals who remain in custody. The decision establishes that Petitioner's detention is unlawful, but it does not provide the key to unlock his cell. That is the exclusive province of the writ of habeas corpus.

IV. LEGAL AND POLICY ARGUMENTS AGAINST DISMISSAL BASED ON CLASS CERTIFICATION

The government's motion to dismiss presents a dangerous proposition: that a procedural device, Rule 23, can be used to effectively suspend the Writ of Habeas for an entire class of individuals. Respondent asserts that Petitioner's individual lawsuit for injunctive or declaratory relief is barred because he is a member of the *Maldonado* class, a certified Rule 23(b)(2) class action seeking similar equitable relief. *See* Resp't's Mot. 2-9. This argument misinterprets the law and ignores the fundamental purpose of habeas corpus. While Respondent cites cases holding that class members may be barred from pursuing separate equitable actions, Resp't's Mot. 7-8, those cases are inapposite. In cases like *Gillespie*, 858 F.2d at 1103, the existing class action provided a viable pathway for class members to obtain the relief they sought. Here, the opposite is true. The government's refusal to give effect to the *Maldonado Bautista* declaratory judgment means the class action provides no actual relief, leaving the individual habeas petition as the only effective remedy.

To accept the government's position would be to create a legal absurdity. A petitioner would be deemed a member of a class whose detention has been declared unlawful, yet would be barred from seeking the only remedy—release—that can vindicate that declared right. This creates a right without a remedy, a concept abhorrent to our legal system, particularly where fundamental liberty interests are at stake. The purpose of a class action is to promote judicial efficiency and consistent outcomes, not to erect a procedural wall that prevents individuals from challenging their unlawful confinement.

Petitioner's action is a petition for a writ of habeas corpus, a distinct and fundamental remedy challenging the legality of his individual detention, not merely a suit for general injunctive or declaratory relief. The Supreme Court has consistently recognized the unique and

paramount nature of habeas corpus, which provides a specific and expedited avenue for individuals to challenge their confinement. For instance, in *Trump v. J.G.G.*, the Court underscored that challenges to removal under statutes that largely preclude judicial review must be brought in habeas, emphasizing its role in vindicating due process rights. *See* 604 U.S. 670, 672 (2025). This highlights that habeas is not merely another form of injunctive relief but a constitutionally enshrined mechanism for reviewing the lawfulness of physical restraint.

While Rule 23(b)(2) class actions are designed for situations where “final injunctive relief or corresponding declaratory relief is appropriate respecting the class as a whole,” Fed. R. Civ. P. 23(b)(2), the key to the (b)(2) class is the indivisible nature of the injunctive or declaratory remedy warranted. This means the relief must apply uniformly to all class members, addressing a systemic issue “in one stroke.” *O.A. v. Trump*, 404 F. Supp. 3d 109, 157 (D.D.C. 2019). However, Petitioner’s habeas claim, seeking immediate release or an individualized bond hearing, is inherently personal and fact specific. It focuses on the particular circumstances of his unlawful detention, his lack of criminal history, his family ties, and his due process right to a bond hearing. Such individualized relief cannot be adequately addressed by a broad class-wide injunction that applies generally to a class, as it requires a specific determination regarding Petitioner’s unique situation.

Indeed, courts have expressed significant concern that certifying a class in a habeas action could harm unnamed class members by precluding future individual claims under principles of res judicata and collateral estoppel, especially if the class action does not fully litigate all potential individual grounds for relief. Courts are reluctant to certify habeas class actions precisely because of the individualized nature of the claims and the potential for prejudice, which underscores that individual habeas petitions are distinct and not necessarily

subsumed by broader class litigation. Furthermore, the Supreme Court has clarified that challenges to an unlawful, nationwide detention policy may coexist under both Administrative Procedure Act and habeas review, indicating that these remedies are not mutually exclusive and serve different purposes. *J.G.G.*, 772 F. Supp. 3d at 31. Petitioner’s claim is centered on his fundamental liberty interest and the due process requirements for his continued detention, which is a core function of habeas corpus. The government’s reliance on *United States v. Sanchez-Gomez*, 584 U.S. 381, 387 (2018) and *Gillespie* is therefore misplaced. None of the decisions Respondent cites involve a petition for a writ of habeas corpus. Those cases generally address the preclusive effect of class actions on similar injunctive or declaratory relief, not on the distinct and individualized remedy of habeas corpus, which includes individual release from detention.

In fact, *Sanchez-Gomez* addresses the opposite factual scenario. The Supreme Court’s decision in *Sanchez-Gomez* is predicated on the fact that the defendants were individual litigants who had not availed themselves of Rule 23’s procedural mechanism. The current situation is the exact opposite: the Petitioner is a member of a formally certified class in *Maldonado Bautista*. The government is therefore attempting to use the *presence* of a class action to bar an individual suit, a question on which *Sanchez-Gomez* is silent. The legal issue in *Sanchez-Gomez* is Article III jurisdiction and the doctrine of mootness—that is, when a court loses its power to hear a case because there is no longer a live controversy. It provides no rules or analysis regarding the distinct legal doctrine of preclusion, which is what the government’s motion to dismiss actually relies upon.

The government’s motion to dismiss misquotes *Sanchez-Gomez* for the general principle that class members are “bound by the judgment” to argue that this petition is barred. While the statement is correct as a general matter, its context in *Sanchez-Gomez* is entirely different. The

Supreme Court used this principle to explain *why* formal certification is so crucial for avoiding mootness: the fact that all class members will be bound is what gives the class its independent legal status. The Court was explaining the rationale for limiting the *Gerstein* exception to formal class actions, not establishing a rule that bars individual class members from seeking remedies—like the fundamental writ of habeas corpus—that are unavailable on a class-wide basis. A declaratory judgment, even if class-wide, does not moot or preclude individual habeas petitions, especially when it is not being implemented in practice and thus fails to provide an adequate remedy for ongoing detention.

Gillespie is likewise inapposite as it barred individual suits for “equitable relief” like injunctions that sought to manage prison conditions—relief that would directly conflict with the systemic orders in the *Ruiz* class action. The court was concerned with preventing “inconsistent adjudications” that would interfere with the “orderly administration” of the class decree. A petition for a writ of habeas corpus, however, seeks a unique and fundamental remedy: immediate release from unlawful custody. It is not an attempt to manage a government system but to secure individual liberty. *Gillespie* itself recognized that not all individual claims are barred, as it explicitly permitted individual suits for damages to proceed. The ruling in *Gillespie* was premised on the fact that the *Ruiz* class action provided a viable, ongoing mechanism for relief, complete with a Special Master and active court oversight. Class members could meaningfully pursue their claims through class counsel or intervention (and that suit dealt with conditions of incarceration not whether the petitioners should be detained in the first place). In the present context, the *Maldonado Bautista* class action, while granting a significant declaratory judgment, has not proven to be an effective vehicle for securing the release of detained individuals.

The Supreme Court has long held that habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted). Outside of statutory eligibility, there are no limitations to a detainee seeking habeas corpus relief for unlawful detention.

Moreover, dismissing this petition would create a perverse policy incentive. It would allow the government to consent to or acquiesce in class-wide declaratory judgments, knowing it can then weaponize the class certification to shield itself from individual habeas petitions that seek to enforce the very rights declared in the class action. This would render declaratory judgments in this context meaningless and undermine the judiciary’s role as a crucial check on unlawful executive detention. The Court’s duty to adjudicate the legality of an individual’s detention under the habeas statutes is a core constitutional function that cannot be displaced by a procedural rule, especially when that rule is being invoked to perpetuate an ongoing violation of the law.

This Court would not be the first to reject the government’s arguments. A growing consensus of federal courts has concluded that the proper remedy for a detention initiated under the wrong statute is immediate release, not remand for a bond hearing that cannot cure the initial constitutional violation. The U.S. District Court for the District of Rhode Island, in *Armando De Macedo Mendes v. Hyde*, confronted this exact scenario. C.A. No. 25-cv-627-JJM-AEM, 2025 WL 3274606 (D.R.I. Dec. 5, 2025). The court in *Macedo Mendes* explicitly found that the

petitioner was a member of the *Bautista* class but proceeded to grant his individual habeas petition, ordering his immediate release pending a bond hearing because the government had offered no evidence that he posed a flight risk or a danger to the community.

Therefore, Petitioner's membership in the *Maldonado* class does not preclude his individual habeas action.

V. THE ABSENCE OF A FINAL JUDGEMENT IN *MALDONADO* DOES NOT WARRANT A STAY OF PETITIONER'S INDIVIDUAL HABEAS

As an alternative argument for a stay, the government contends that because the *Maldonado* court has not entered a final judgment or certified a partial final judgment under Rule 54(b), there is no declaratory judgment in *Maldonado* with preclusive effect on class members' claims. The government argues that a partial summary judgment ruling does not operate as a "judgment" and may be revised, thus concluding there is no class-wide judgment or relief with preclusive effect. This argument, rather than supporting a stay, actually reinforces the necessity for Petitioner's individual habeas action to proceed without delay.

The government's assertion that *Maldonado* lacks a final judgment and thus, preclusive effect actually supports Petitioner's ability to proceed with his individual habeas action, rather than warranting a stay. If there is no final judgment, there is no basis for preclusion, and therefore no legitimate reason to delay Petitioner's pursuit of a fundamental remedy. Petitioner is not asserting that the *Maldonado* class action has a preclusive effect that benefits him in this case; rather, he is arguing that the existence of the *Maldonado* class action, regardless of its current stage, does not preclude or require a stay of his individual habeas petition.

The government's citation to *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 931 (1975) and *Vazquez Perez v. Decker*, No. 18-CV-10683, 2019 WL 4784950, at *10 (S.D.N.Y. Sept. 30, 2019) for the proposition that pre-final judgment declarations are advisory opinions is

inapposite. The court in *Vazquez Perez* denied the specific preliminary relief sought because it was either advisory in nature or directly conflicted with a statute. However, the decision implicitly and, as interpreted by other courts, explicitly preserved the court's authority to grant final, class-wide declaratory judgments in immigration cases, finding that § 1252(f)(1) does not bar such relief. Respondent's reliance on *Doran* and *Vazquez Perez* is misplaced because both cases are cited out of context to argue that the declaratory order in *Maldonado Bautista* is non-binding on them. The quote from *Doran*—that a declaratory remedy is not “comparable to a preliminary injunction” before a final judgment—was used by the Supreme Court to justify *granting* a preliminary injunction because a declaration alone offered insufficient protection against imminent prosecution; it was not a ruling that diminishes the legal force of a declaratory judgment itself. Similarly, the *Vazquez Perez* court's rejection of a “preliminary declaration” was a refusal to issue a novel and undefined form of interim relief that it deemed *advisory*, not a holding on the binding nature of a formally issued, class-wide declaratory order like the one in *Maldonado Bautista*. Indeed, other courts have cited *Vazquez Perez* for the opposite conclusion: that class-wide declaratory relief is permissible despite statutory restrictions on injunctions.

Petitioner is not seeking to enforce a pre-final judgment declaration from *Maldonado*; instead, he is seeking an independent determination of the legality of his own detention. The availability or status of a separate class action seeking broader declaratory or injunctive relief should not impede an individual's right to challenge their own detention.

Habeas corpus is a unique and expedited remedy designed to address unlawful detention. The Supreme Court has consistently emphasized the importance of prompt judicial review for individuals challenging their confinement, recognizing that “freedom from imprisonment—

from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 682 (2001). The liberty interest at stake for Petitioner, who has been detained at the Folkston ICE Processing Center and faces an imminent removal hearing, is immediate and substantial.

VI. RESPONDENT’S DEFIANCE RENDERS THE CLASS ACTION INEFFECTIVE AND THIS PETITION NECESSARY

The government’s contention that the summary judgment in *Maldonado Bautista* is not enforceable because it is not “final” for appeal is a legally incorrect red herring. Under federal law, a district court’s judgment is binding and enforceable upon entry, unless and until it is stayed by a court order. The mere possibility of an appeal does not automatically suspend a judgment’s effect. The Declaratory Judgment Act underscores this, stating that a court’s declaration of rights “shall have the force and effect of a final judgment.” 28 U.S.C. § 2201(a). This means the order is a binding adjudication, not an advisory opinion that can be ignored. If the government wished to postpone its obligation to comply, its proper recourse was to seek a stay. Having failed to obtain one, its refusal to comply constitutes defiance of a valid court order.

The declaratory judgment issued in *Maldonado Bautista* is not an advisory opinion; it is a binding federal court order with the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a). The judgment legally obligates Respondent to cease the unlawful policy of subjecting class members, including Petitioner, to mandatory detention under § 1225(b) and to instead provide them with individualized bond hearings under § 1226(a).

VII. CONCLUSION AND PRAYER FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court deny Respondent's Motion to Dismiss, grant the Habeas Petition, and order a bond hearing or Petitioner's immediate release from custody.

Dated: December 18, 2025

Respectfully Submitted,

/s/ Thomas Evans

Thomas Evans

GA Bar Number: 305649

Kuck Baxter LLC

365 Northridge Road, Suite 300

Atlanta, GA 30350

Phone: 404-949-8176

Fax: 404-816-8615

tevans@immigration.net