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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Karen Johana Maldonado-Caceres,

Petitioner,

vs.

v.

Scotty Rhoden, *et al.*,

Respondents.

No. CV-25-04598-PHX-KML (MTM)

**RESPONSE TO ORDER
TO SHOW CAUSE AND
PETITION FOR WRIT OF HABEAS
CORPUS**

I. INTRODUCTION AND RELEVANT FACTS.

Respondents hereby respond to the Court’s Order to Show Cause (Doc. 21), and thus to the Amended Petition for a Writ of Habeas Corpus (Doc. 12). Petitioner Karen Johana Maldonado-Caceres is a native and citizen of Honduras. Doc. 1. She entered the United States without inspection, admission or parole and was released on an order of recognizance in 2013. *Id.* She has resided in the United States since. *Id.* On October 3, 2025, Petitioner was taken into immigration custody by U.S. Immigration and Customs Enforcement (“ICE”) and is currently detained at the Eloy Detention Center. *Id.* Petitioner filed a petition for writ of habeas corpus in the District Court for the Middle District of Florida, but that court transferred the petition to this Court once it determined that Petitioner was being detained in Arizona.

1 See Doc. 21.

2 **II. NO PROPER RESPONDENT IS NAMED.**

3 The Respondents named in this case are Scotty Rhoden (Sheriff of Baker County, FL),
4 Kristi Noem (Secretary of Homeland Security), Todd Lyons (Acting Director of ICE), Garrett
5 Ripa (Field Office Director in Miami for ICE), and Pam Bondi (United States Attorney
6 General). None are proper respondents. *See Doe v. Garland*, 109 F.4th 1188, 1195–96 (9th
7 Cir. 2024) (holding that neither an ICE Field Office Director nor the Attorney General are
8 proper respondents in an immigration habeas petition); *see also Rumsfeld v. Padilla*, 542 U.S.
9 426, 439–40 & n.13 (2004) (“In challenges to present physical confinement, we reaffirm that
10 the immediate custodian, not a supervisory official who exercises legal control, is the proper
11 respondent.”). Moreover, it is never permissible for a habeas petition to have multiple
12 respondents, because the only “proper respondent is the warden of the facility where the
13 prisoner is being held, not the Attorney General or some other remote supervisory official.”
14 *See Doe*, 109 F.4th at 1195 (quoting *Padilla*, 542 U.S. at 435). Petitioner is allegedly detained
15 at the Eloy Detention Center, *see* Doc. 17 at 1, so the only proper respondent is the warden at
16 Eloy. The Court has no jurisdiction to hear a habeas petition where the proper respondent is
17 not named. *Doe*, 109 F.4th at 117.

18 **III. RESPONDENTS’ PRESERVE THEIR LEGAL POSITION.**

19 Respondents respectfully preserve their legal position that Petitioner is an applicant
20 for admission as defined by 8 U.S.C. § 1225(a)(1) because she has never been lawfully
21 admitted to the United States, and that because she is in section 240 proceedings, she is
22 therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *See Rojas v. Olson*,
23 No. 25-CV-1437-BHL, 2025 WL 3033967, at *1 (E.D. Wis. Oct. 30, 2025); *Sandoval v.*
24 *Acuna*, No. 6:25-CV-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Oliveira v.*
25 *Patterson*, No. 6:25-CV-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde*
26 *v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-*
27 *Robledo v. Noem*, 1:25-cv-00177 (N.D. Tex. 2025); *Cabanas v. Bondi*, No. 4:25-CV-04830,
28 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, No. 2:25-CV-

1 09785-SVW-AJR, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Alonzo v. Noem*, No. 1:25-
2 CV-01519 WBS SCR, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025). Respondents,
3 however, also acknowledge that its legal position has been squarely rejected in *Echevarria v.*
4 *Bondi*, 2025 WL 2821282 (D. Ariz. 2025).

5 **IV. BAUTISTA AND CASTANON-NAVA.**

6 Respondents acknowledge that on December 11, 2025, the Seventh Circuit concluded
7 the Government was “not likely to succeed on the merits of their argument” regarding
8 “mandatory detention under § 1225(b)(2)(A)” —the same argument Respondents respectfully
9 maintain here. *Castanon-Nava v. U.S. Dep’t of Homeland Sec.*, No. 25-3050, 2025 WL
10 3552514, at *9 (7th Cir. Dec. 11, 2025).¹

11 Respondents further concede that Petitioner is a member of the Bond Eligible Class
12 certified in *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025 WL
13 3288403, at *9 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the Bautista Court entered
14 final judgment finding that section 1226(a), not section 1225(b)(2) governs the detention of
15 the Bond Eligible Class. *See Bautista*, ECF No. 94. A notice of appeal was then filed by the
16 *Bautista* respondents on December 18, 2025. *See Bautista*, ECF No. 95.

17
18 Critically, however, the *Bautista* Court has not granted anything beyond declaratory
19 relief, such as ordering bond hearings for the certified class members. It has only extended its
20 previous finding that section 1226(a) rather than section 1225(b)(2) governs the named
21 Plaintiffs’ claims to the entire class, entering a final judgment from which the Government

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23
24 ¹ Because it is a decision from the Seventh Circuit, *Castanon-Nava* is not binding on the
25 Court. *Cf. Hart v. Massanari*, 266 F.3d 1155, 1172–73 (holding that a decision of the Ninth
26 Circuit “is binding within our circuit, not elsewhere in the country.”) Moreover, the issue
27 presented to the Seventh Circuit in *Castanon-Nava* was whether the district court abused its
28 discretion in finding that the defendants had violated 8 U.S.C. § 1357(a)(2). *Castanon-Nava*,
2025 U.S. App. LEXIS 32488 at *2–3. The Section 1225 issue was thus not essential to the
holding in *Castanon-Nava*—indeed, ICE prevailed on the underlying issue in support of
which the Section 1225 issue was presented. *See id.* at *26.

1 has appealed.

2 Therefore, if the Court determines that a bond hearing is warranted under section
3 1226(a), consistent with the reasoning in *Bautista* and *Castanon-Nava*, the Court will still
4 need to enter an order that a bond hearing be provided under 8 U.S.C. § 1226(a).

5 **V. CONCLUSION.**

6 In light of the above, Respondents respectfully request the Court deny Petitioner's
7 Petition for Writ of Habeas Corpus. If the Court grants the Petition, the Court should order
8 that Petitioner be given a bond hearing by the immigration court under 8 U.S.C. § 1226(a),
9 not direct Petitioner's immediate release from immigration detention.

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RESPECTFULLY SUBMITTED this 30th day of December, 2025.

TIMOTHY COURCHINE
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District of Arizona

s/Brooks Chupp
BROOKS CHUPP
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Attorneys for Respondents