

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

**HECTOR MANUEL AGUILAR
ROSADO,**

Petitioner,

v.

**Warden, in his or her official capacity as
Warden of Camp East Montana Detention
Facility, U.S. Immigration & Customs
Enforcement, et al.,
Respondents.**

EP-25-CV-00652-DB

**PETITIONER'S BRIEF REGARDING THE NATIONALLY CERTIFIED BOND
ELIGIBLE CLASS IN *MALDONADO BAUTISTA V. SANTACRUZ***

On December 18, 2025, the U.S. District Court for the Central District of California entered Final Judgment in the nationwide class action of *Maldonado Bautista et. al. v. Santacruz et. al.*, 5:25-cv-01873-SSS-BFM [Doc.92]. In doing so, the district court rejected the government's argument that its prior class certification was merely interlocutory, declared the policy unlawful, and certified the class by entering Final Judgment on Counts I-III. *Id.*

This Final Judgment follows the prior certification by the same district court, on November 25, 2025, of a nationwide class and which extended declaratory judgment to the nationally certified class after having previously granted partial summary judgment to the individual plaintiffs. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL

3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment). The declaratory judgment held that the class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

Members of the nationwide bond-eligible class are as follows: All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination. *Maldonado Bautista*, 2025 WL 3288403, at *1.

Petitioner is a member of the nationally certified bond eligible class in Maldonado Bautista

Mr. Aguilar Rosado is a member of the nationally certified bond-eligible class in *Maldonado Bautista* as defined above. Mr. Aguilar Rosado is not a citizen of the United States and does not have lawful status in the United States. ECF Nos. 1-1, 1-2, 1-3, 1-7. Mr. Aguilar Rosado entered without inspection. *Id.* Mr. Aguilar Rosado was not apprehended upon arrival. ECF Nos. 1-3, 1-7. Mr. Aguilar Rosado was not subject to mandatory detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security made its initial custody determination. 8 U.S.C. § 1226(c)(mandating the detention of certain criminal

aliens); 8 U.S.C. § 1225(b)(1)(regarding certain applicants for admission including arriving aliens and certain aliens who have not been admitted or paroled and who cannot demonstrate physical presence for two years before the determination of inadmissibility date); 8 U.S.C. § 1231 (regarding the detention and removal or aliens ordered removed); *Id.*

As Petitioner is a member of the nationally certified bond eligible class, with the recent Final Judgment in Maldonado Bautista, Petitioner's rights are adjudicated and the Government is collaterally estopped from relitigating his detention status

On December 18, 2025, the U.S. District Court for the Central District of California in *Maldonado Bautista* entered a final judgment in this matter under Rule 54(b). *Maldonado Bautista et. al. v. Santacruz et. al.*, 5:25-cv-01873-SSS-BFM [Doc.92]. On November 25, 2025, the Court extended declaratory judgment to the nationally certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (incorporating and extending declaratory judgment and certifying the proposed bond-eligible nationwide class).

These cases followed the government's recent reclassification of all undocumented aliens in the United States to that of "applicant[s] for admission" at the border subject to mandatory immigration detention without bond pending the entirety of their removal proceedings. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025)(declaring that any noncitizen who is present in the United States without having been inspected and admitted is now subject to detention under 8 U.S.C. § 1225(b)(2), which applies only to "arriving aliens," rather than 8 U.S.C. § 1226(a), which applies to "aliens already in the country," a decision which was based on a new strained reading of Section 1225, previously adopted by DHS on July 8, 2025 in *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025)).

Even after that declaratory judgment issued by the U.S. District Court for the Central District of California on November 25, 2025, the government has continued to disregard the Court's orders and has posited "...that *Yajure-Hurtado* remains good law." *Maldonado Bautista et. al. v. Santacruz et. al.*, 5:25-cv-01873-SSS-BFM [Doc.92]; ECF No.1-11.

Due to the government's blatant disregard for the declaratory judgment of *Maldonado Bautista*, the Court entered a final judgment in the case, rejected the government's argument that its prior class certification was merely interlocutory, declared the policy unlawful, and certified the class. *Maldonado Bautista et. al. v. Santacruz et. al.*, 5:25-cv-01873-SSS-BFM [Doc.92]. The Court also held that the legal conclusion underlying the decision in *Yajure Hurtado* was no longer tenable and that therefore *Yajure Hurtado* was no longer controlling. *Id.*

Under the Declaratory Judgment Act, "In a case of actual controversy within its jurisdiction...any court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such." 28 USC 2201(a); *see also Braidwood Mgmt., Inc. v. EEOC*, 70 F.4th 914, 926 (5th Cir. 2023)(finding that the purpose of a declaratory judgment is to settle actual controversies before they become a claim based on unlawful practices).

The essence of declaratory judgement as a resolution of a case or controversy is in the settling of some dispute which affects the behavior of the Defendant towards the Plaintiff. *Hewitt v. Helms*, 482 U.S. 755, 761 (1987).

As demonstrated by the evidence, Mr. Aguilar is a member of the class in *Maldonado Bautista*. The government, as Respondents in *Maldonado Bautista*, were bound by the

declaratory judgment and should have abandoned the policy and practice that *Maldonado Bautista* declared to be unlawful. Since the declaratory relief was extended to the class on November 25, 2025, the agency has failed to act, requiring Petitioner to file a second motion for a bond hearing before the Immigration Court, which was subsequently denied. ECF No. 1-11. As a result, Petitioner was compelled to submit this habeas petition to the Court. *See Calderon v. Ashmus*, 523 US 740 (1998).

To date, the government has not appealed the final judgment in *Maldonado Bautista*. Even if the government appeals, this Court has the authority to preclude the issues that are the same in both claims. *Royal Ins. Co. of America v. Quinn-L Capital Corp.*, 3 F.3d 877 (5th Cir. 1993). At a minimum, *Maldonado Bautista* provides persuasive authority to indicate that the government is holding Petitioner unlawfully, and that he should be released from detention as soon as possible.

Date: December 22, 2025

Respectfully submitted,

THE RUIZ LAW FIRM, PLLC

By: /s/ Elisabeth Ruiz
ELISABETH RUIZ, ESQ.
Ga. Bar. No. 557890
6817 Southpoint Pkwy., Suite 1701
Jacksonville, FL 32216
Tele: (904) 625-7512
Email: lisa@ruizlaw.net
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on December 22, 2025, the foregoing was electronically filed with the Clerk of Court by causing a copy to be electronically filed via the CM/ECF system, which will send notice of the filing to all attorneys of record.

/s/ Elisabeth Ruiz
ELISABETH RUIZ, ESQ.
Attorney for Plaintiff-Petitioner