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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF ARIZONA

11 Sandra Patricia Villanueva-Rollo,
12 Petitioner,
13 v
14 Kristi Noem, et al,
15 Respondents.

16 Case No. 25-cv-04667-KML
17 A No. 

18 PETITIONER'S REPLY TO
19 RESPONDENTS' RESPONSE TO
20 HABEAS PETITION

21 INTRODUCTION

22 Petitioner Sandra Patricia Villanueva-Rollo files this reply to Respondents'
23 Response to her Petition for a Writ of Habeas Corpus [doc 8]. Without conceding her
24 class membership, Petitioner notes that 3 separate orders were entered by the court on
25 12/18/2025 in *Maldonado Bautista v. Santacruz*, Case No. 5:25-CV-01873-SSS-BFM, --
26 F.R.D. --, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)¹:

- 27 (1) Order Granting In Part And Denying In Part Petitioners' Ex
28 Parte Application For Reconsideration Or Clarification [dkt.
no. 92] (Clarification Order);
- (2) Amended Order Consolidating The Court's Orders On
Motion For Partial Summary Judgment, Class Certification,
And Application For Reconsideration Or Clarification [dkt.
no. 93] (Consolidation Order); and
- (3) Final Judgment [dkt. no. 94] (Final Order).

Although Respondents filed a Notice Of Appeal to the Ninth Circuit Court of Appeals of all three orders on 12/18/2025 [dkt. no. 95], no Motion for Stay has yet been

¹ Obviously, this habeas petition was not filed as part of the class action in *Maldonado Bautista*.

1 requested in either the Central District of California or the 9th Circuit Court of Appeals. "A
2 party must ordinarily move first in the district court for a stay of the judgment or order of a
3 district court pending appeal." Fed.R.App.Pro. 8(a)(1).

4 Accordingly, the following holdings of the Clarification Order are currently valid:

5 . . . Although the MSJ Order does not grant vacatur of *Yajure Hurtado*
6 under the APA, **Yajure Hurtado is no longer controlling; the legal**
7 **conclusion underlying the decision is no longer tenable.**

8 Because vacatur is a necessary consequence of declaring an agency
9 action unlawful, vacatur of the DHS Policy² is within the scope of the MSJ
10 Order. Detailed reasoning and discussion of potential jurisdictional issues
11 are discussed in the Amended Consolidated Order to be issued shortly
12 after this Order. Accordingly, the Court GRANTS Petitioners' Application to
13 clarify that the MSJ Order encompassed Count III of the Amended Class
14 Complaint and **granted classwide vacatur of the unlawful DHS policy.**

15 Clarification Order at page 6 (emphasis added).

16 **CONCLUSION**

17 Petitioner Sandra Patricia Villanueva-Rollo requests the Court grant her petition for
18 habeas and require Respondents to immediately release her or, in the alternative,
19 schedule her for a bond hearing within seven (7) days under 8 U.S.C. § 1226, without
20 regard to the holding of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).

21 Dated: December 12, 2025, 2025

22 Attorney for Respondent

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29 ² Previously defined in the 11/20/2025 Order Granting Petitioners' Motion For Partial Summary
30 Judgment And Denying Request To Enter Final Judgment [dkt. no. 81] as "July 8,
31 2025...Department of Homeland Security (DHS) instituted a notice titled 'Interim Guidance
32 Regarding Detention Authority for Applicants for Admission' ['DHS Guidance Notice" or 'DHS
33 Policy']".