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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

**Fidencio Cordero Ramos**  
**Petitioner,**  
**v.**  
**Kristi Noem, et al.,**  
**Respondents.**

**Case No. 2:25-cv-04694-DWL.**  
**PETITIONER'S REPLY TO**  
**RESPONDENTS' RESPONSE**  
**TO HABEAS PETITION**

**INTRODUCTION**

Petitioner Fidencio Cordero Ramos respectfully files this Reply to Respondents' Response to his Petition for a Writ of Habeas Corpus [doc 6]. Petitioner notes that 3 separate orders were entered by the court on 12/18/2025 in *Bautista v. Santacruz*, Case No. 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025):

- (1) Order Granting In Part And Denying In Part Petitioners' Ex 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).

Respondents filed a Notice Of Appeal to the Ninth Circuit Court of Appeals of all three orders on 12/18/2025 [dkt. no. 95]. However, as of the filing of this Reply, no Motion to Stay has been filed in either the Central District of California or the 9th Circuit Court of Appeals. "A party must ordinarily move first in the district court for... a stay of the judgment or order of a district court pending appeal." Fed.R.App.Pro. 8(a)(1).

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

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

5 The Court now addresses the other relief at issue in the Application.  
6 Because vacatur is a necessary consequence of declaring an agency  
7 action unlawful, vacatur of the DHS Policy<sup>1</sup> is within the scope of the  
8 MSJ Order. Detailed reasoning and discussion of potential jurisdictional  
9 issues are discussed in the Amended Consolidated Order to be issued  
10 shortly after this Order. Accordingly, the Court GRANTS Petitioners'  
11 Application to clarify that the MSJ Order encompassed Count III of the  
12 Amended Class Complaint and granted classwide vacatur of the  
13 unlawful DHS policy.

14 Clarification Order at page 6.

15 **CONCLUSION**

16 Petitioner Fidencio Cordero Ramos respectfully requests the Court grant his petition  
17 for writ of habeas corpus and require Respondents to immediately release him from his  
18 unlawful detention at Florence Correctional Center in Florence, Arizona or, in the  
19 alternative, schedule him for a bond hearing within seven (7) days under 8 U.S.C. § 1226,  
20 without regard to the holding of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).

21 Dated: December 20, 2025,

Attorney for Respondent

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1 <sup>1</sup> Previously defined in the 11/20/2025 Order Granting Petitioners' Motion For Partial Summary Judgment And Denying Request To Enter Final Judgment [dkt. no. 81] as "July 8, 2025...Department of Homeland Security (DHS) instituted a notice titled 'Interim Guidance Regarding Detention Authority for Applicants for Admission' ['DHS Guidance Notice' or 'DHS Policy']".