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9 UNITED STATES DISTRICT COURT  
10 DISTRICT OF ARIZONA

11 **Gustavo Castaneda Hernandez,**  
12 **Petitioner,**

13 **v**

14 **Kristi Noem, et al,**  
15 **Respondents.**

16 **Case No. 25-cv-04786-KML**

17 **A No.** 

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

21 **INTRODUCTION**

22 Petitioner Gustavo Castaneda Hernandez files this reply to Respondents'  
23 Response to the Petition for Habeas Corpus [dkt. 6]. Respondents appear to concede  
24 that Petitioner is entitled to a bond hearing as a result of orders entered on 12/18/2025 in  
25 *Maldonado Bautista v. Santacruz*, Case No. 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025  
26 WL 3288403 (C.D. Cal. Nov. 25, 2025). Those orders were:

- 27 1. Order Granting In Part And Denying In Part Petitioners'  
28 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).

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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 requested 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).

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

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

Because vacatur is a necessary consequence of declaring an agency action unlawful, vacatur of the DHS Policy<sup>1</sup> is within the scope of the MSJ Order. Detailed reasoning and discussion of potential jurisdictional issues are discussed in the Amended Consolidated Order to be issued shortly after this Order. Accordingly, the Court GRANTS Petitioners' Application to clarify that the MSJ Order encompassed Count III of the Amended Class Complaint and **granted classwide vacatur of the unlawful DHS policy.**

Clarification Order at page 6 (emphasis added).

Thus, although Petitioner does not concede his membership in the Bond Eligible Class certified in *Maldonado Bautista* at this juncture, the holdings in the Certification Order certainly support granting him habeas relief. Obviously, he filed this habeas petition to pursue his individual remedies.

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<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']".

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Although Respondents did not address *Echevarria v. Bondi, et al.*, No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025), *Maldonado Bautista* is consistent with the holdings in *Echevarria*.

**CONCLUSION**

Petitioner Gustavo Castaneda Hernandez requests the Court grant his petition for habeas and require Respondents to immediately release him or, in the alternative, schedule him for a bond hearing within seven (7) days under 8 U.S.C. § 1226, without regard to the holding of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (B.I.A. 2025).

Dated: December 31, 2025, 2025

Attorney for Respondent

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