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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF ARIZONA

11 Florencio Hernandez-Ixcamparis,
12 Petitioner,
13 v
14 Kristi Noem, et al,
15 Respondents.

16 Case No. 25-cv-04849-SHD
17 A No. 

18 PETITIONER'S REPLY TO
19 RESPONDENTS' RESPONSE TO
20 ORDER TO SHOW CAUSE [Doc 4]
21 AND HABEAS PETITION [Doc 1]

22 INTRODUCTION

23 Petitioner Florencio Hernandez-Ixcamparis files this reply to Respondents'
24 Response to Order To Show Cause and Habeas Petition [dkt. 7].

25 Respondents argue that this Court should not follow the decision in *Echevarria v.*
26 *Bondi, et al.*, No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025).
27 However, every decision entered in the U.S. District Court for the District of Arizona which
28 has analyzed this issue over the last six months has followed *Echevarria*.

Respondents cite to a number of cases from other states which they argue support
their position. See, Response at 4-5. Caselaw from other states is not binding on this
Court. Further, as the *Echevarria* Court itself commented [I]t is unsurprising that judges
across the country are not in full agreement on how this issue should be resolved—
indeed, the Court previously emphasized that “it views this issue as presenting a
complicated and debatable question.” *Echevarria*, 2025 WL 2821282 at *5.

1 Without conceding his class membership, Petitioner notes that 3 separate orders
2 were entered by the court on 12/18/2025 in *Maldonado Bautista v. Santacruz*, Case No.
3 5:25-CV-01873-SSS-BFM, -- F.R.D. --, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)¹:
4

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

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

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

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

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

Clarification Order at page 6 (emphasis added).

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

² 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

CONCLUSION

Petitioner Florencio Hernandez-Ixcamparis 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).

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Attorney for Respondent

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