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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF ARIZONA**

11 **Kenedy Junior Bellorin Diaz,**  
12 **Petitioner,**

13 **v**

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

16 **Case No. 25-cv-04877-KML**

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 Kenedy Junior Bellorin Diaz files this reply to Respondents' Response to  
24 his Petition for a Writ of Habeas Corpus and the Court's Order to Show Cause [doc 7].  
25 Respondents argue that this Court should not follow the decision in *Echevarria v. Bondi, et*  
26 *al.*, No. 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025). However,  
27 every decision entered in the U.S. District Court for the District of Arizona which has  
28 analyzed this issue over the last three months has followed *Echevarria*.

Respondents cite to a number of cases from other states which they argue support  
their position. See, Response at 2. 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 on 12/18/2025 in *Maldonado Bautista v. Santacruz*, Case No. 5:25-CV-  
3 01873-SSS-BFM, -- F.R.D. --, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)<sup>1</sup>:  
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 Policy<sup>2</sup> 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).

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

<sup>2</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

**CONCLUSION**

Petitioner Kenedy Junior Bellorin Diaz 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: January 2, 2026

Attorney for Respondent

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