UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-00780-SRB-ECW

Wellington Stephen Pallo Freire,

Petitioner,

v.

Todd Lyons, et al.,

Respondents.

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

Wellington Stephen Pallo Freire ("Petitioner") filed a petition for writ of habeas corpus seeking immediate release from immigration detention or alternatively a bond hearing. Federal Respondents[1] submit this response to the petition. The Court should deny Petitioner's habeas petition for lack of subject matter jurisdiction, transfer the petition to the U.S. District Court for the Western District of Texas, or deny the petition on the merits because Petitioner's detention is mandatory under 8 U.S.C. § 1225—he is not eligible for a bond hearing.

I. BACKGROUND

The following facts are taken from the petition. See ECF No. 1. Petitioner is a citizen and national of Ecuador who entered the United States without inspection in 2023. On entry, Immigration officials issued him a Notice to Appear (NTA), commenced removal proceedings, and several days later released him on his own recognizance. Within a year he filed an application for asylum. ECF No. 1, ¶¶ 2, Parties, ¶ 1, Facts, ¶¶ 1, 2, 3. On

[1] This response is not submitted on behalf of any state authority.

January 13, 2026, Immigration officials detained him.[2] ICE immediately transferred him to and he is currently detained in the Karnes County Immigration Processing Center, Karnes City, Texas. ECF No. 1, ¶ 1. Petitioner filed this habeas petition on January 28, 2026, when he was then detained in Texas. Federal Respondents now submit their response.

II. LACK OF JURISDCITION

On the date Petitioner filed his petition, Petitioner was detained in Texas, not Minnesota. Therefore, this Court never obtained subject matter jurisdiction over this habeas case.

The appropriate venue for filing a habeas petition is the judicial district in which the detainee is confined. See *Wyatt v. United States*, 574 F.3d 455, 460 (7th Cir. 2009). For Petitioner, on the date of filing this petition in this case, January 28, 2026, Petitioner was and remains in Karnes City, Texas. The judicial district encompassing Karnes City, Texas, is the United States District Court for the Western District of Texas. This action should not have been filed in the District of Minnesota.

It is a basic rule of habeas litigation "that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). That rule does not go away just because this is an immigration-related case—regardless of the type of detention at issue, petitions brought under § 2241 must be brought in the district of

[2] Federal Respondents do not admit any of the alleged details surrounding, or Petitioner's characterization of, the arrest.

confinement. *See, e.g.*, *Fisenko K. v. Ray*, No. 25-cv-4654-PJS-DLM, ECF No. 17 (D. Minn. order filed Dec. 17, 2025) (transferring immigration detention petition filed in wrong district); *Garcia v. London*, 2025 U.S. Dist. LEXIS 261751, at *3 (D. Neb. Dec. 10, 2025) (transferring immigration detention petition filed in wrong district). Because this is a jurisdictional defect, *see Padilla*, 542 U.S. at 442, the Court cannot proceed to the merits of Petitioner's petition until the issue is resolved.

Since this petition in this case was filed on January 28, 2026, at a date and time when Petitioner was in El Paso, Texas, this Court should dismiss the petition for lack of subject matter jurisdiction, 28 U.S.C. § 1406(a) and Fed. R. Civ. P. 12(b)(1). "The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss…" 28 U.S.C. § 1406(a). Dismissal will not prejudice Petitioner as she can easily file with a minimal filing fee a petition tailored to Petitioner in the Western District of Texas.

In alternative, the Court may transfer the petition to the Western District of Texas which district encompasses El Paso, Texas. 28 U.S.C. § 1406(a).

The Court should dismiss this habeas action or transfer it to the Western District of Texas.

III. ARGUMENT

The parties' disagreement in this case comes down to whether Petitioner is detained under § 1225 or § 1226 of Title 8 of the U.S. Code. ICE says it's § 1225, which governs the detention of noncitizens who are "applicants for admission." 8 U.S.C. § 1225(a)(3). Congress says so as well, expressly directing that noncitizens like Petitioner "shall be

deemed for purposes of this chapter an applicant for admission" and then detained pursuant to § 1225(b)(1) or § 1225(b)(2). *Id.* § 1225(a)(1). Recently, Judge Magnuson agreed. *See Arturo v. Bondi,* No. 26-cv-00102 (PAM/SGE), ECF No. 6 (D. Minn. January 22, 2026; *Jose C. v. Bondi*, No. 26-cv- 135 (PAM/DTS), ECF No. 14 (D. Minn. January 20, 2026); *Bidye M. v. Kandiyohi County Jail, et al.*, Civ. No. 25-4791 PAM/EMB, ECF. No. 10 (D. Minn. January 16, 2016); *Abdirahmaan G. v. Noem*, No. 26-cv-34 (PAM/SGE), ECF No. 7 (D. Minn. Jan. 14, 2026). Based on a straightforward reading of these statutes, Petitioner is subject to mandatory detention under § 1225(b)(2).

A. Mandatory Detention under § 1225

Petitioner thinks she is subject to detention under § 1226 rather than under § 1225. The Court is familiar with this issue by now and has already rejected the government's arguments for holding that detention under these circumstances is appropriately characterized as mandatory detention pursuant to § 1225 *See, e.g.*, *Eliseo A.A. v. Olson,* No. 25-cv-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025) or *Mayamu K. v. Bondi*, No. 25-3035 (JWB/LIB), 2025 WL 3641819 (D. Minn. Oct. 20, 2025). Although the Eighth Circuit is poised to weigh in soon, *see Avila v. Bondi*, No. 25-3248 (8th Cir. docketed Nov. 10, 2025), Federal Respondents acknowledge this case presents similar legal and factual issues to prior habeas petitions.

Rather than belabor these proceedings further by re-arguing points the Court has already considered and rejected, Federal Respondents will summarize the legal basis for the government's interpretation. Federal Respondents request that the Court note the arguments made below and in the above-cited cases and hold that they are preserved for

appeal.

B. Additional Authority

Courts across the country have agreed with the government's interpretation of § 1225 in dozens of factually similar cases. *See, e.g.*, *Arturo v. Bondi,* No. 26-cv-00102 (PAM/SGE), ECF No. 6 (D. Minn. January 22, 2026; *Jose C. v. Bondi*, No. 26-cv-135 (PAM/DTS), ECF No. 14 (D. Minn. January 20, 2026); *Bidye M. v. Kandiyohi County Jail, et al.*, Civ. No. 25-4791 PAM/EMB, ECF. No. 10 (D. Minn. January 16, 2016); *Abdirahmaan G. v. Noem*, No. 26-cv-34 (PAM/SGE), ECF No. 7 (D. Minn. Jan. 14, 2026); *Cruz Rodriguez v. Olson*, --- F. Supp. 3d ----, 2026 WL 63613, *2, *5-8 (N.D. Ill. 2026); *Singh v. Noem*, 2026 WL 74558, *1-6 (E.D. Ky. Jan. 9, 2026); *Naikpay v. Sukkar*, No. 2:25-cv-1167-KCD-DNF, 2026 WL 44820, *1 (M.D. Fla. Jan. 7, 2026); *Zakinyan v. Warden*, No. 25-CV-3717 JLS (MMP), 2026 WL 36081, *3 (S.D. Cal. Jan. 6, 2026); *Gomez Hernadez v. Lyons*, 2026 WL 31775, *1-5 (N.D. Tex. Jan. 6, 2026); *Alfonso Parra v. Secretary, Department of Homeland Security*, No. 2:25-cv-1116-KCD-DNF, 2026 WL 21243, * (M.D. Fla. Jan. 5, 2026); *Calderon Lopez v. Lyons*, --- F. Supp. 3d ----, 2026 WL 44683, *1, *4-8 (N.D. Tex. 2026); *Lopez v. Ladwig*, No. 6:25-cv-01884, 2026 WL 19095, *4 (W.D. La. Jan. 2, 2026); *Zuniga v. Lyons*, --- F. Supp. 3d ----, No. 1:25-CV-221-H, 2025 WL 3755126, *1, *3-7 (N.D. Tex. 2025); *Rodriguez v. Jeffreys*, 8:25CV714, 2025 WL 3754411, *11-14 (D. Neb. Dec. 29, 2025); *Montoya v. Holt*, CIV-25-01231-JD, 2025 WL 3733302, *6-10 (W.D. Okla. Dec. 26, 2025); *Lucero v. Field Office Director of*

Enforcement and Removal Operations, No. 1:25-cv-823, 2025 WL 3718730, 2025 WL 3718730, *1-6 (S.D. Ohio Dec. 23, 2025); *A.M. v. Joyce*, No. 2:25-cv-00615-LEW, 2025 WL 3706922, *1,*4-5 (D. Me. Dec. 22, 2025); *De La Torre v. Lyons*, No. 1:25-cv-01516-DJC-CSK, 2025 WL 3704448, *2 (E.D. Cal. Dec. 22, 2025); *Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, 2025 WL 3683918 (N.D. Tex. Dec. 19, 2025); *Urbina Zapata v. Chestnut*, No. 1:25-cv-01922-WBS-CKD, 2025 WL 3687643 (E.D. Cal. Dec. 19, 2025); *E.R.J.B. v. Wofford*, No. 1:25-cv-01843-WBS-SCR, 2025 WL 3683118 (E.D. Cal. Dec. 18, 2025); *Romero Rebolledo v. Chestnut*, No. 1:25-cv-01904-WS-CKD, 2025 WL 3683122 (E.D. Cal. Dec. 18, 2025); *Liang v. Almodovar*, No. 1:25-cv-09322-MKV, 2025 WL 3641512 (S.D.N.Y. Dec. 15, 2025); *Pablo Coronado v. Secretary, DHS*, No. 1:25-cv-831, 2025 WL 3628229 (S.D. Ohio Dec. 15, 2025); *P.B. v. Bergami*, No. 3:25-cv-02978-O, 2025 WL 3632752 (N.D. Tex. Dec. 13, 2025); *Yanyun Mo v. Chestnut*, No. 1:25-cv-01789 WBS CSK, 2025 WL 3539063 (E.D. Cal. Dec. 10, 2025); *Ugarte-Arenas v. Olson*, No. 25-C-1721, 2025 WL 3514451 (E.D. Wis. Dec. 8, 2025); *Melgar v. Bondi, et al.*, No. 8:25CV555, 2025 WL 3496721 (D. Neb. Dec. 5, 2025); *Chen v. Almodovar*, No. 1:25-cv-8350, 2025 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, No. 25-CV-867 (JLS), 2025 WL 7484932, (W.D.N.Y. Dec. 4, 2025); *Topal v. Bondi*, No. 1:25-CV-01612 (SEC P), 2025 WL 3486894 (W.D. La. Dec. 3, 2025); *Hernandez Cruz v. Noem*, No. 8:2-cv-02566-SB-MAA, 2025 WL 3482630 (C.D. Cal. Dec. 2, 2025); *Suarez v. Noem*, No. 1:25-cv-202-JMD, 2025 WL 3312168 (E.D.

Mo. Nov. 28, 2025); *Maceda Jimenez v. Thompson*, No. 4:25-cv-05025, 2025 WL 3265493 (S.D. Tex. Nov. 24, 2025); *Alves De Andrade v. Patterson*, No. 6:25-cv-01695, 2025 WL 3252707 (W.D. La. Nov. 21, 2025); *Valencia v. Chestnut*, No. 1:25-CV-01550 WBS JDP, 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025); *Alonzo v. Noem*, No. 1:25-cv-01519 WBS SCR, 2025 WL 3208284 (E.D. Cal. Nov. 17, 2025); *Cabanas v. Bondi*, No. 4:25-cv-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Ramos v. Lyons*, No. 2:25-cv-09785-SVW-AJR, 2025 WL 3199872, 2025 LX 568700 (C.D. Cal. Nov. 12, 2025); *Mejia Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Oliveira v. Patterson*, No. 6:25-CV-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025);*Sandoval v. Acuna*, No. 6:25-cv-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Rojas v. Olson*, No. 25-cv-1437, 2025 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Garibay-Robledo v. Noem*, No. 1:25-CV-177, 2025 WL 3264478 (N.D. Tex. Oct. 24, 2025); *Vargas Lopez v. Trump*, --- F.Supp.3d ---, 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Chavez v. Noem*, No. 3:25-CV-02325, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025); *Pipa-Aquise v. Bondi*, No. 1:25-cv-01094-MSN-WBP, 2025 WL 2490657 (E.D. Va. Aug. 5, 2025).

As noted, Judge Magnuson agreed. *See Arturo v. Bondi,* No. 26-cv-00102 (PAM/SGE), ECF No. 6 (D. Minn. January 22, 2026; *Jose C. v. Bondi*, No. 26-cv- 135 (PAM/DTS), ECF No. 14 (D. Minn. January 20, 2026); *Bidye M. v. Kandiyohi County Jail, et al.*, Civ. No. 25-4791 PAM/EMB, ECF. No. 10 (D. Minn. January 16, 2016);

Abdirahman G v. Noem, Civ. No. 26-cv-34 PAM/SGE, ECF No. 7 (D. Minn. January 14, 2026). In those cases, Judge Magnuson denied habeas petitions in similar cases under the clear statutory text and largely based on the position advocated by the Government. And, Judge Tostrud recently observed there are "reasons to question" the majority view, that the "statutory-interpretation issue is difficult and close," and that courts reaching the opposite conclusion have done so "reasonably." *Ahmed M. v. Bondi*, No. 25-cv-4711 (ECT/SGE), Doc. No. 8 at 2, 2026 WL 25627, *1 (Jan. 5, 2026); *see also Hector G. v. Lyons*, No. 25-cv-4710 (PJS/EMB), Doc. No. 9 (Dec. 30, 2025 Order) ("Respondents' argument has some force."). The Government understands that taking a fresh look at this statutory scheme is no small task. "The complex provisions of the INA have provoked comparisons to a morass, a Gordian knot, and King Minos's labyrinth in ancient Crete. . . Divining its meaning is ordinarily not for the faint of heart." *Torres v. Barr*, 976 F.3d 918, 923 (9th Cir. 2020) (en banc) (cleaned up).

Given the importance of the question and recent developments in the caselaw, the United States again respectfully urges this Court to revisit the majority approach and give serious consideration to the Government's view of the law as set forth in this response, Judge Magnuson's decisions, and in other recent cases such as *Hector G.* where more complete briefing has been presented. *See Sandoval*, 2025 WL 3048926, at *6 (noting "many of the[] cases" taking the majority position did so "before—or soon after—the BIA issued its opinion in" *Hurtado*). Respondents also emphasize that courts within the Eighth Circuit agree with the government's arguments. *See, e.g., Melgar v. Bondi, et al.*, 2025 WL 3496721 (D. Neb. Dec. 5, 2025); *Suarez v. Noem*, 2025 WL 3312168 (E.D. Mo. Nov.

28, 2025); *Mejia Olalde v. Noem*, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Vargas Lopez v. Trump*, 2025 WL 2780351 (D. Neb. Sept. 30, 2025). In particular, the District of Nebraska's decision in *Melgar* comprehensively and persuasively analyzes the text of § 1225 and § 1226 before concluding that a habeas petition like the one filed in this case failed on the merits because the petitioner was properly detained under § 1225. Federal Respondents contend that this authority justifies revisiting the Court's earlier decisions on the § 1225/1226 issue presented in this petition.

C. Mandatory Detention under § 1225

The Court should uphold Petitioner's mandatory detention under § 1225(b)(2). Petitioner is a noncitizen present in the United States who is in removal proceedings. He is "deemed" to be an "applicant for admission" under § 1225(a)(1). He falls under the statute's "catchall provision"—paragraph (b)(2)—a noncitizen like Petitioner who is deemed an applicant for admission and who is not subject to paragraph (b)(1) must be detained during removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

Petitioner claims that, because she has remained in the United States since 2023, she cannot be "seeking admission," and thus she is not subject to § 1225(b)(2)(A)'s requirements. While a number courts have adopted this view, the Court should reject it for the same reasons Judge Magnuson rejected it. *See, e.g., Jose C. v. Bondi*, No. 26-cv-135 (PAM/DTS). Judge Magnuson observed, "[t]he text of § 1225(b)(2)(A) is clear that a noncitizen who is an "applicant for admission" is necessarily "seeking admission." *Id.*, ECF No. 14, Slip Op. at 3, citing *Vargas Lopez v. Trump*, No. 8:25CV526, 2025 WL 2780351, at *9 (D. Neb. Sept. 30, 2025). Judge Magnuson also observed, "the law dictates

that an alien's mere presence in the United States without lawful admission means that he or she is seeking admission 'by operation of law.'" *Id.*, ECF No. 14, Slip Op. at 4, citing *Matter of Lemus-Losa*, 25 I & N Dec. 734, 743 n. 6 (BIA 2012). Therefore, Judge Magnuson concluded that, "Respondents may lawfully detain Petitioner under § 1225(b)(2)…as a matter of law, Petitioner is not entitled to a bond hearing." *Id.*, ECF No. 14, Slip Op. at 4-5.

If that were not enough, Judge Magnuson added, "as a practical matter, the act of evading removal from the United States, rather than voluntarily deporting, is an affirmative act that the alien is 'seeking admission.'" *Id.*, ECF No. 14, Slip Op. at 5, citing *Chen*, 2025 WL 3484855, at *6 ("If actively 'seeking admission' is a distinct requirement for mandatory detention pursuant to § 1225, seeking asylum is 'seeking admission,' within the meaning of the statute, since 'admission' is defined in terms of 'lawful' status, 8 U.S.C. § 1101(a)(13)(A), not physical presence on U.S. soil."); 8 U.S.C § 1101(a)(13)(A))("The terms 'admission' and 'admitted' mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer."). *Id.*, ECF No. 14, Slip Op. at 5.

Judge Magnuson determined "that the growing minority of district courts to reject Petitioner's argument are correct." *Id.*, ECF No. 14, Slip Op. at 4, citing *Lopez v. Ladwig*, No. 6:25-CV-01884, 2026 WL 19095, (W.D. La. Jan. 2, 2026); *Melgar v. Bondi*, No. 8:25CV555, 2025 WL 3496721, (D. Neb. Dec. 5, 2025); *Chen v. Almodovar*, No. 1:25-CV-8350-MKV, 2025 WL 3484855, (S.D.N.Y. Dec. 4, 2025); *Mejia Olalde*, 2025 WL

3131942; *Chavez v. Noem*, No. 3:25-CV-02325-CAB-SBC, 2025 WL 2730228, (S.D. Cal. Sept. 24, 2025).

For these and other reasons, this Court should follow Judge Magnuson's lead, adopt his reading of the statute, and join the growing minority of the courts that have held detention under § 1225(b)(2) is appropriate under the circumstances of Petitioner's case.

The Court should reject Petitioner's request to recast his detention as arising under § 1226, for reasons that are evident from the text, context, and structure of the statutes at issue.

First, Petitioner's argument is contrary to § 1225's plain text, which "deem[s]" people who are already "present in the United States" without admission to be applicants for admission. *See* 8 U.S.C. § 1225(a)(1). Although paragraph (b)(1) applies to those "arriving" in the United States and other more recent arrivals, paragraph (b)(2) is not so limited and applies instead to any "other" noncitizen "who is an applicant for admission." *Compare id.* § 1225(b)(1)(A)(i), *with id.* § 1225(b)(2)(A); *accord Jennings*, 583 U.S. at 287. The term "seeking admission" does not implicitly narrow this provision to just those applicants for admission who are "arriving" at the border. Such an interpretation would render paragraph (b)(2) essentially redundant of (b)(1). Rather, (b)(2) includes all people deemed to be applicants for admission who are not already covered by paragraph (b)(1).

Second, the context of § 1225's passage in a 1996 reform package shows Congress intended to place noncitizens who are present without admission on equal footing with those who are apprehended upon arrival. Before the current version of § 1225 was enacted, under the entry doctrine, inadmissible noncitizens who successfully evaded apprehension

and gained entry enjoyed greater rights than those who were found inadmissible after appearing for inspection. *Torres v. Barr*, 976 F.3d 918, 928 (9th Cir. 2020) (en banc) (explaining history of § 1225), *declined to extend by United States v. Gambino-Ruiz*, 91 F.4th 981 (9th Cir. 2024). But Congress did away with the distinction by, among other changes, deeming both categories to be treated as applicants for admission in § 1225(a) and treating them similarly in § 1225(b). Interpreting § 1225(b) to turn on physical entry rather than lawful admission after inspection would reinvigorate the entry doctrine, contrary to Congress's legislative efforts.

Third, Petitioner's approach contradicts the structure of the statute, both within § 1225 itself and between § 1225 and § 1226. Section 1225(b) divides applicants for admission between two subparagraphs: (b)(1) for those applicants for admission who are arriving, and (b)(2) for "other" applicants for admission. Section 1225(b) treats all "applicants for admission"—whether arriving or already present—as mandatory detainees under either (b)(1) or (b)(2), unlike admitted noncitizens who are subject to discretionary detention and allowed bond under § 1226.

The Court should uphold Petitioner's mandatory detention under § 1225(b)(2). Petitioner is a noncitizen present in the United States who is in removal proceedings. He is "deemed" to be an "applicant for admission" under § 1225(a)(1). He falls under the statute's "catchall provision"—paragraph (b)(2)—a noncitizen like Petitioner who is deemed an applicant for admission and who is not subject to paragraph (b)(1) must be detained during removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

The Court should reject Petitioner's argument that "relief from removal" is not the same as an admission. This misses the point. As Judge Magnuson observed, "the act of evading removal from the United States, rather than voluntarily deporting, is an affirmative act that the alien is "seeking admission."" *Jose C.*, No. 26-cv- 135 (PAM/DTS), ECF No. 14, at 5.

Based on § 1225's plain text, context, and structure, the Court should hold Petitioner is properly subject to mandatory detention under § 1225(b)(2).

The Court should summarily reject Petitioner's argument that Respondents' failure to produce a warrant should result in outright release. Petitioner is *prima facie* not entitled to remain in the country and she has been charged with removability. If the lack of a warrant is important, than Petitioner can bring that issue up with the Immigration Court. Indeed, she apparently is seeking bond from the Immigration Court in Texas. Under Petitioner's theory, no-one could be detained, under any theory or INA section. But, arriving aliens are routinely detained under 1225(b)(1). Other applicants for admission may be detained under 125(b)(2). Criminal aliens are detained under 1226(c).

Additionally, ICE agents are federal law enforcement officials, authorized to make arrests, and specifically authorized to make arrests with warrants. See 8 U.S.C. § 1357. Any argument regarding the alleged illegality of the arrest is not cognizable in habeas. "The 'body' or identity of a defendant or respondent in a criminal or civil proceeding is never itself suppressible as a fruit of an unlawful arrest, even if it is conceded that an unlawful arrest . . . occurred." *I.N.S. v. Lopez-Mendoza*, 468 U.S. 1032, 1039 (1984). One court recently addressing this in a similar context explained, "Thus, even if Petitioner's

initial arrest was unlawful, her detention pending removal may stand." *Rodrigues De Oliveira v. Joyce*, No. 2:25-CV-00291-LEW, 2025 WL 1826118, at *5 (D. Me. July 2, 2025). Again, if the Court finds that section 1226 applies, the appropriate remedy is to allow the Immigration Court decide whether detention is or is not appropriate.

D. Being a class member in *Maldonado Bautista* does not matter.

Petitioner alleges he is a member of the class of plaintiffs in the Central District of California case, *Bautista v. Santacruz,*[3] and argues that the decisions issued by that Court are dispositive of his habeas petition. Pet. ¶¶ 21-22. Respondents agree she appears to be a class member. However, the December 18, 2025, partial final judgment in *Bautista*, *see Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 262265 (C.D. Cal. Dec. 18, 2025), is neither binding nor applicable here for several reasons.

First, the *Bautista* court's jurisdiction does not extend to habeas relief for individuals detained in Minnesota. The *Bautista* class sought a declaratory judgment that class members were unlawfully detained under 8 U.S.C. § 1225(b)(2). That is core habeas relief that must be brought as a habeas claim in the district of confinement. The Supreme Court has made clear that, "[r]egardless of whether [] detainees formally request release from confinement," if "their claims for relief necessarily imply the invalidity of their confinement[], their claims fall within the core of the writ of habeas corpus and thus must be brought in habeas." *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025)

[3] *See Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 U.S. Dist. LEXIS 231977 (C.D. Cal. Nov. 25, 2025).

(internal quotations omitted); *see also Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("jurisdiction lies in only one district: the district of confinement.").

Moreover, a "judgment entered without personal jurisdiction over a defendant is void as to that defendant." *Combs v. Nick Garin Trucking*, 825 F.2d 437, 442 (D.C. Cir. 1987). Class-wide declaratory relief is inappropriate in the habeas context. *Calderon v. Ashmus*, 523 U.S. 740, 747 (1998) (declaratory judgment action not appropriate to address "validity of a defense the State may, or may not, raise in a habeas proceeding" in part because "the underlying claim must be adjudicated in a federal habeas proceeding"); *Fusco v. Grondolsky*, No. 17-1062, 2019 WL 13112044, at *1 (1st Cir. June 18, 2019) (declaratory judgment action must be dismissed when habeas available); *see also LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996) (holding that the "availability of a habeas remedy in another district ousted us of jurisdiction over an alien's effort to pose a constitutional attack . . . by means of a suit for declaratory judgment").

Like many *Bautista* class members, Petitioner is confined *outside* of the Central District of California by immediate custodians who are *also* outside the Central District of California and were not named in that lawsuit. The *Bautista* court lacked jurisdiction to issue habeas relief to as to them, and a court's judgment cannot be binding and preclusive against a party over which it lacked jurisdiction. *Burnham v. Superior Court of Cali.*, 495 U.S. 604, 608 (1990). Indeed, another federal district court has already

held that the *Bautista* declaratory judgment does not have preclusive effect.[4] *See Lopez v. Lyons*, No. 1:25-CV-226, 2025 U.S. Dist. LEXIS 265505 (N.D. Tex. Dec. 19, 2025).

The circumstances of this case strongly counsel against applying issue preclusion against the government. The Supreme Court has "long recognized that 'the Government is not in a position identical to that of a private litigant,'" *INS v. Hibi*, 414 U.S. 5, 8 (1973) (per curiam), "both because of the geographic breadth of government litigation and also, most importantly, because of the nature of the issues the government litigates." *United States v. Mendoza*, 464 U.S. 154, 159 (1984). "Government litigation frequently involves legal questions of substantial public importance." *Id.* Thus, although

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[4] Even if the *Bautista* declaratory judgment could have preclusive effect outside the Central District of California, the judgment has been appealed, *Bautista, et al. v. United States Department of Homeland Security, et al.*, No. 25-7958 (9th Cir.), and the Court should not afford preclusive effect to it when deciding whether to grant habeas relief. Courts must exercise significant caution before giving preclusive effect to declaratory judgments that are on appeal. Doing so could lead to a judgment "from which it may be impossible to obtain relief" even if the first judgment is reversed on appeal. 9 A.L.R.2d 984 ("both the rule under which the operation of a judgment as res judicata is, and the one under which it is not, affected by the pendency of an appeal, have very unfortunate consequences"); *see also* 18A Fed. Prac. & Prod. § 4404 ("Awkward problems can result from the rule that preclusive effects attach to the first judgment" while it is subject to an appeal); 18A Fed. Prac. & Proc. § 4433 (the rule that a decision is final for the purposes of preclusion while that decision is pending appeal creates "[s]ubstantial difficulties"). Here, particularly given the constraints of 8 U.S.C. § 1252(f)(1), it would not be proper to impose res judicata effect while the declaratory judgment is pending on appeal. *See* 9 A.L.R.2d 984 (the "only one safe way of avoiding conflicting judgments on the same cause . . . [is for] the final decision on the merits of the second suit should be delayed until the decision on appeal has been rendered").

the Supreme Court has held the federal government "may be estopped . . . from relitigating a question" when "the parties to the lawsuits are the same," *id.* at 163, 164, it is not so precluded in cases where the party seeking to offensively use preclusion was not a party to the initial litigation, *see id.* at 162. This is because allowing "nonmutual collateral estoppel against the government . . . would substantially thwart the development of important questions of law by freezing the first final decision rendered on a particular legal issue." *Id.* at160.

Applying preclusion against the government here would raise the same concern raised in *Mendoza*—it allows the *Bautista* court's decision to freeze the law for all district courts nationwide and stymies development of the law.

Finally, it is doubtful that issue preclusion is *ever* appropriate in the habeas context. In *Griffin v. Gomez*, the Ninth Circuit held that a prior "class action has no preclusive affect in habeas proceedings." *Griffin v. Gomez*, 139 F.3d 905 (9th Cir. 1998). The court later explained that res judicata and collateral estoppel do not apply to habeas proceedings. *See Clifton v. Attorney General*, 997 F.2d 660, 662 n.3 (9th Cir. 1993) (because "conventional notions of finality of litigation have no place" in habeas and the inapplicability of res judicate to habeas is "inherent in the very role and function of the writ") (quoting *Sanders v. United States*, 373 U.S. 1, 8 (1963)); *see also Hardwick v. Doolittle*, 558 F.2d 292, 295 (5th Cir. 1977) ("The doctrines of res judicata and collateral estoppel are not applicable in habeas proceedings."); *Hierens v. Mizell*, 729 F.2d 449, 456 (7th Cir. 1984) ("[A] decision in another case is not res judicata as to a habeas proceeding.").

Although it is generally customary for a court to give effect to another court's judgments, Supreme Court precedent supports departing from that practice in situations like this one. Assessing whether the *Bautista* declaratory judgment required granting an individual class member's habeas petition, the U.S. District Court for the Northern District of Texas exhaustively explained why the *Bautista* declaratory judgment need not be followed by other U.S. district courts, even before a court of appeal stays or vacates the order. *See Lopez*, 2025 U.S. Dist. LEXIS 265505. This Court, too, should decline to give it preclusive effect.

IV. Remedy

As argued above, this Court lacks subject matter jurisdiction and, thus, should either dismiss the habeas petition or transfer it to the U.S. District Court for the Western District of Texas.

But if the Court keeps the case, and if the Court determines that Petitioner is detained under § 1226(a) and not under § 1225(b)(2), then the appropriate remedy is to order a custody redetermination hearing instead of immediate release. That approach would "comport[] with the general rule that 'the scope of injunctive relief is dictated by the extent of the violation established' and should be 'no more burdensome to the defendant than necessary to provide complete relief to the plaintiff.'" *Roberto M.F. v. Olson*, 2025 WL 3524455, at *5 (D. Minn. Dec. 9, 2025) (alterations omitted) (quoting *Nebraska v. Biden*, 52 F.4th 1044, 1048 (8th Cir. 2022)); *see also Trump v. CASA, Inc.*, 606 U.S. 831, 861 (2025) (staying preliminary injunctions "to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue"). The result of

this rule is that "[m]ost courts confronting claims analogous to" those raised by Petitioner "order a bond hearing, not immediate release, as a remedy." *Roberto M.F.*, 2025 WL 3524455, at *5 (collecting authority). Petitioner should not obtain a different outcome here.

Under Petitioner's theory, she is not subject to expedited removal proceedings and not subject to detention under any provision of § 1225. If she is correct, then he would have to be subject to discretionary detention under § 1226(a). But § 1226(a) does not grant "any *right* to release on bond." *Matter of D-J-*, 23 I. & N. Dec. 572, 575 (original emphasis) (citing *Carlson v. Landon*, 342 U.S. 524, 534 (1952)). Instead, the statute provides that the government "*may* release the [noncitizen] on . . . bond of *at least* $1,500" or on conditional parole. 8 U.S.C. § 1226(a)(2) (emphasis added). Under this plain text, posting bond of "at least $1,500" is a condition precedent to release. *Id.* And whether a person is entitled to release on bond in the first place depends on his ability to prove he "is not a danger to the community or a flight risk." *Miranda v. Garland*, 34 F.4th 338, 347 (4th Cir. 2022). Petitioner is not entitled to an order of immediate release from this Court, unmediated by the immigration court procedures ordinarily applicable to custody redetermination proceedings under § 1226(a). *See Santos M.C.*, 2025 WL 3281787, at *4 (granting bond hearing and denying immediate release).

As to remedy, if the Court determines that Petitioner is detained under § 1226(a) and not under § 1225(b)(2), then the appropriate remedy is to order a custody redetermination hearing instead of immediate release.

V. Evidentiary Hearing

The Court can rule on this petition without holding an evidentiary hearing. The facts are not likely to be disputed. The only issues before the Court are ones of legal interpretation capable of resolution on the parties' submissions.

VI. CONCLUSION

For the reasons discussed above, Respondents respectfully request that the Court deny this habeas petition. Should the Court be disposed not to deny the petition outright, the Court should enter an Order that Respondents shall afford Petitioner a bond hearing and if Petitioner makes bond, the release shall also include the other conditions Respondents ordinarily require under these circumstances.

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