

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

CHRISTIAN AZAEL ALVAREZ)	
GARCIA,)	
Petitioner,)	
)	CIV-26-165-JD
v.)	
)	
ROBERT CERNA, <i>et al.</i> ,)	
Respondents.)	

**RESPONSE IN OPPOSITION TO
THE PETITION FOR WRIT OF HABEAS CORPUS**

Pursuant to the Court’s Order (Doc. 10), Respondents hereby oppose the Petition for Writ of Habeas Corpus (Doc. 1), and respectfully submit that the Court should transfer this case to the judicial district in which Petitioner is confined, dismiss the case, or deny the Petition on the merits.

Petitioner is a noncitizen currently detained in Anson, Texas, by the Department of Homeland Security pursuant to 8 U.S.C. § 1225(b)(2)(A). In the Petition, he asks the Court to construe him as detained pursuant to 8 U.S.C. 1226(a) and either order a bond hearing or order Petitioner’s immediate release.¹ But rather than arguing the legal merits, the Petition relies on a class action currently pending in the Central District of California.² Specifically, Petitioner claims that he is a class member in the case

¹ The Petition erroneously cites “28 U.S.C. § 2241(c)(5) (habeas corpus)” as a basis for jurisdiction. Pet. at ¶22. That provision may be invoked when “it is necessary to bring [the prisoner] into court to testify or for trial” and is not applicable here. 28 U.S.C. § 2241(c)(5).

² Even if Petitioner had addressed the merits, the Petition should be denied based on this Court’s decision in *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D.

Maldonado Bautista v. Santacruz, No. 5:25-CV-1873-SSS-BFM (C.D. Cal.), and entitled to be released pursuant to a partial final judgment entered therein that provides for declaratory relief. *See* ECF No. 92 (2025 WL 3713982 (C.D. Cal. Dec. 18, 2025)). No further analysis of the §§ 1225 vs. 1226 issue is stated. Petitioner also makes conclusory allegations under the Due Process clause of the Fifth Amendment that are insufficient and premature. Thus, this case turns on whether the Petition is properly before the Court and whether this Court is bound by a universal injunction for habeas relief issued outside this District.

FACTUAL BACKGROUND

Petitioner is a citizen of Mexico who has been present in the United States since in or about 2003 without being admitted. Pet. at ¶¶5-6. Petitioner was detained by DHS on or about January 31, 2026, and currently is housed at Bluebonnet Detention Center in Anson, Texas. Pet. at ¶¶12,14; Resps.' Opp. To Pet's Emergency Mot. For Temporary Restraining Order at 2 (Doc. 13) ("TRO Oppn."). That detention center falls within the territorial jurisdiction of the Northern District of Texas.

Petitioner was not housed at either of the detention facilities in this District, though he did stay overnight at Garvin County Jail and briefly passed through the Immigration and Customs Enforcement, Enforcement and Removal Oklahoma City Hold Room in transit. TRO Oppn. at 2. The Oklahoma City Hold Room is not a detention facility, and subjects are generally held there for 12 hours or less. *Id.* at Ex.1 ¶6. Indeed,

Okla. Dec. 26, 2025). *See also Buenrostro-Mendez v. Bondi*, No. 25-20496, 2026 WL 323330, at *1 (5th Cir. Feb. 6, 2026); *Sosa v. Holt*, No. CIV-25-1257-PRW, 2026 WL 36344 (W.D. Okla. Jan. 6, 2026).

Petitioner spent less than three hours total in the Oklahoma City Hold Room before continuing his travel to Bluebonnet. *Id.* at Ex.1 ¶¶6-7.

ARGUMENT

I. This Court Lacks Jurisdiction to Consider the Petition.

The Petition names three respondents: (1) Kristi Noem, in her official capacity as Secretary, U.S. Department of Homeland Security; (2) Pamela Bondi, in her official capacity as U.S. Attorney General, Executive Office for Immigration Review; and (3) Robert Cerna, in his official capacity as Field Office Director of Enforcement Operations, ICE Dallas Field Office, Immigration and Customs Enforcement. According to the Petition, Respondent Cerna is Petitioner’s “immediate custodian.” Pet. at ¶17. But Respondent Cerna is the Director of the Dallas Field Office which is in the Northern District of Texas and outside this Court’s jurisdiction. Moreover, Petitioner is in custody at Bluebonnet Detention Center, which also is in the Northern District of Texas. Petitioner does not identify any other custodial-respondent, let alone one within the Western District of Oklahoma. As a result, this Court does not have jurisdiction to consider the Petition.

It is well established that “[j]urisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also J.G.G.*, 604 U.S. at 672. Additionally, “[f]ailure to name the petitioner’s custodian as a respondent deprives federal courts of personal jurisdiction” needed to issue relief. *Stanley v. Cal. Supreme Court*, 21 F.3d 359, 360 (9th Cir. 1994); *Padilla*, 542 U.S. at 444. A habeas petitioner must name the petitioner’s *immediate* custodian—*i.e.*, the custodian who has

actual custody over the petitioner and can produce the “corpus.” *Padilla*, 542 U.S. at 435. “The default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Id. See also Doe v. Garland*, 109 F.4th 1188, 1196 (9th Cir. 2024) (holding immediate custodian and not supervisory ICE Field Office Director should be named in habeas petition). Petitioner did not meet either of these requirements.

Accordingly, this Court is without authority to issue the writ in favor of Petitioner who is seeking habeas relief in a judicial district in which he is not confined and when his immediate custodian is not located. *Padilla*, 542 U.S. at 442-43. And 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). The Court should either dismiss the petition for lack of jurisdiction or transfer this matter to the Northern District of Texas.

II. The *Maldonado Bautista* Orders Do Not Bind This Court to Grant the Relief Petitioner Seeks.

Petitioner claims he is a “member of the Bond Eligible Class” in *Maldonado Bautista* and that this Court is bound by and required to enforce that declaratory judgment by granting injunctive relief here. Petitioner is wrong. This case is not about enforcing a binding and final prior judgment.³ Instead, Petitioner seeks relief that the *Maldonado*

³ The *Maldonado Bautista* judgment has been appealed to the Ninth Circuit. *Maldonado Bautista, et al. v. United States Department of Homeland Security, et al.*, No. 25-7958 (9th Cir.). Courts must exercise significant caution before giving preclusive effect to declaratory judgments that are on appeal. *See Collins v. D.R. Horton, Inc.*, 505 F.3d 874, 882–83 (9th Cir. 2007); 9 A.L.R.2d 984.

Bautista court could not, and did not, grant.⁴ As one Court cogently explained:

Petitioner claims that he ‘is entitled to a bond hearing as a member of this class.’ But even Petitioner does not believe that argument. If he did, then his remedy lies in the Central District of California, and he would have sought relief there. His decision not to do so speaks volumes about the legal validity of that class certification order.

Pastor v. ICE, 2025 WL 3746495, at *5 (N.D. Ohio Dec. 24, 2025).

Judge Wyrick’s recent ruling in *Villanueva Machado v. Holt, et al.*, is on point. CIV-25-1315-PRW (W.D. Okla. Jan.13, 2026) (Doc. 17). Rejecting a claim similar to Petitioner’s, Judge Wyrick found that the “*Maldonado Bautista* orders improperly merge a class action with a habeas action” and declined to “grant habeas relief based on the Central District’s novel use of its power.” *Id.* at pps. 4-5. The court invited Petitioner to seek relief from the *Maldonado Bautista* court but expressly rejected the contention that those orders are binding in this District. Indeed, “district courts in this circuit are bound by [the Tenth Circuit’s] decisions and those of the United States Supreme Court—they are not bound by decisions of other district court, much less district courts in other circuits.” *Id.* at p. 5 (quoting *United States v. Rhodes*, 834 Fed. Appx. 457, 462 (10th Cir. 2020) (internal citations omitted)). The court thus ruled that the petitioner was “not entitled to the relief purportedly provided in the *Maldonado Bautista* orders.” *Id.* at 8. *See also Rodriguez v. Jeffreys*, No. 8:25CV714, 2025 WL 3754411, at *8 (D. Neb. Dec. 29, 2025)

⁴ Contrary to Petitioner’s claim, *Maldonado Bautista* expressly declined to vacate *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025) (Hurtado), though it did cast doubt on *Hurtado* for the same reasons it questioned the DHS policy. *Maldonado Bautista*, 2025 WL 3713982, at *7. *See also Lopez*, 2025 WL 3683918, at *1 (“The vacatur order sets aside one policy, but it declined to set aside a broader, independent decision from the Board of Immigration Appeals. Thus, the orders do not change immigration judges’ obligations to deny bond hearings, and they afford no preclusive relief.”).

(Rejecting application of *Maldonado Bautista* because “[petitioner] has never been detained in the Central District of California, so that jurisdiction over his Petition is not proper in that District; rather, jurisdiction remains proper in this District—and only this District.”). The same result should be reached in this case.⁵

Section 1252(e)(3)(A) provides that “[j]udicial review of determinations under section 1225(b) of this title and its implementation is available in an action instituted in the United States District Court for the District of Columbia.” 8 U.S.C. § 1252(e)(3)(A). The *Maldonado Bautista* judgment clearly runs afoul of that provision and the Petition doubles down by seeking relief outside the District of Columbia based on nothing more than the assertion of class membership. Further, Section 1252(e)(1)(B) prohibits district courts from “certify[ing] a class under Rule 23 of the Federal Rules of Civil Procedure in any action for which judicial review is authorized under a subsequent paragraph of this subsection.” Given § 1252(e)(3)(A)(i)-(ii) provides for judicial review of constitutional and statutory challenges to actions taken pursuant to § 1225 in the District of Columbia, the *Maldonado Bautista* court was prohibited from certifying a class in the first instance. *See Lopez*, 2025 WL 3683918, at *11. Petitioner’s attempt to seek class-action enforcement here merely compounds that jurisdictional error and should be rejected.⁶

⁵ Because Petitioner is confined in the Northern District of Texas, the Central District of California lacked jurisdiction to grant him habeas relief for the same reasons this Court lacks jurisdiction over the Petition. *See infra* at Section (I). *See also Fusco v. Grondolsky*, No. 17-1062, 2019 WL 13112044, at *1 (1st Cir. June 18, 2019) *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996).

⁶ *Lopez*, 2025 WL 3683918, at *12 n.19 (“If such an action could be sustained at all, there is something daunting—if not destructive of the nature of a class action—in convening a congress of defendants from Boston, Massachusetts; Newark, New Jersey;

Petitioner also improperly attempts to use the *Maldonado Bautista* declaratory orders as a universal injunction entitling purported class members to immediate relief in any court. *See Villanueva Machado*, CIV-25-1315-PRW (Doc. 17 at pps.6-8). But even *Maldonado Bautista* acknowledged that it cannot compel agency action and that declaratory judgments are persuasive, not coercive. 2025 WL 3713987, at *22, 27. *See also Lopez v. Lyons*, No. 1:25-CV-226-H, 2025 WL 3683918, at *1 (N.D. Tex. Dec. 19, 2025). Indeed, *Maldonado Bautista* did not and could not order the relief Petitioner seeks. *See* 8 U.S.C. § 1252(f)(1) (barring injunctive relief in class actions). Specifically, the court correctly conceded that *Garland v. Aleman Gonzalez*, 596 U.S. 543, 554–55 (2022), prohibited it from ordering class-wide injunctive relief to enforce its orders. *See* No. 5:25-CV-1873, Doc. 93 at 31, 47-48. This Court—like the Central District of California—lacks jurisdiction to enforce a universal injunction. *See Rodriguez v. Jeffreys*, No. 8:25CV714, 2025 WL 3754411, at *9 (D. Neb. Dec. 29, 2025) (“The purported ‘universal injunction’ in the class action in the Central District of California in *Maldonado Bautista* runs afoul of the fundamental subject-matter jurisdiction principle in ‘core’ habeas cases that the only proper district—especially for petitioners like Alberto Rodriguez who are not now confined in the Central District of California—is the district where the petitioners are confined.”). Petitioner’s attempt to have this Court do what *Maldonado Bautista* did not should be rejected.

Madisonville, Kentucky; Anson and Eden, Texas; and hundreds of locales from around the Nation to come and submit to the judgment of the Central District.”).

III. Count I of the Petition Also Constitutes Impermissible Claim Splitting.

Petitioner cannot maintain multiple suits against the same parties for the same relief. In such circumstances, the second suit should be dismissed. “The rule against claim-splitting requires a plaintiff to assert all of its causes of action arising from a common set of facts in one lawsuit. By spreading claims around in multiple lawsuits in other courts or before other judges, parties waste ‘scarce judicial resources’ and undermine ‘the efficient and comprehensive disposition of cases.’” *Katz v. Gerardi*, 655 F.3d 1212, 1217 (10th Cir. 2011) (citing *Hartsel Springs Ranch of Colo., Inc. v. Bluegreen Corp.*, 296 F.3d 982, 985 (10th Cir. 2002)).

That same rule applies to class actions and habeas petitions. *Rector v. City and County of Denver*, 348 F.3d 935, 949 (10th Cir. 2003) (“[U]sual principles of both claim and issue preclusion apply in class actions”); *McNeil v. Guthrie*, 945 F.2d 1163, 1165–66 (10th Cir. 1991) (finding that individual suits for injunctive and declaratory relief cannot be brought where a class action with the same claims exists); *Bennett v. Blanchard*, 802 F.2d 456, 456 (6th Cir. 1986) (holding that the lower court was correct in dismissing a case when the plaintiff was also a member in a parallel class action); *Goff v. Menke*, 672 F.2d 702, 704 (8th Cir. 1982) (since class members generally “cannot relitigate issues raised in a class action after it has been resolved, a class member should not be able to prosecute a separate equitable action once his or her class has been certified.”); *Horwitz v. Fox*, No. CIV-14-644-D, 2014 WL 3670537, at *1 (W.D. Okla. July 22, 2014) (dismissing duplicative habeas action).

Petitioner contends that he is a member of the *Maldonado Bautista* class and seeks

enforcement of that partial judgment. As such, Petitioner asserts that he effectively has two identical suits against the Respondents, based on the same facts and seeking the same relief. Moreover, Petitioner is using the second suit to obtain relief denied in the first suit—a quintessential example of prohibited claim splitting. Accordingly, the Petition should be dismissed. To the extent Petitioner believes *Maldonado Bautista* compels relief, he should look to that court to provide it. *Singh v. Albarran*, No. 1:25-CV-01788-CDB (HC), 2025 WL 3751819, at *11 (E.D. Cal. Dec. 29, 2025) (“Insofar as Petitioner seeks relief from the Court regarding the government’s specific compliance with the ruling in *Maldonado Bautista*, Petitioner must request such relief in the Central District of California.”).

Moreover, the *Maldonado Bautista* court entered an order of declaratory relief. But the Petition does *not* seek declaratory relief. Instead, it seeks *injunctive relief* in the form of release from detention. *See* Pet. at 10 (Prayer for Relief). But the Petition does not spell out why that relief is required or justified beyond asserting membership in the *Maldonado Bautista* class. In short, the Petition conflates *Maldonado Bautista*’s declaratory relief with the injunctive relief it seeks, without any further explanation, and therefore fails to carry Petitioner’s burden. Count I of the Petition is without merit and should be dismissed.

IV. Petitioner’s Constitutional Due Process Argument (Count II) Is Premature and Without Basis.

Petitioner’s general quote from *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) regarding freedom from imprisonment, Pet. at ¶¶45, 48, is insufficient to warrant

consideration of relief. *United States v. Clay*, 148 F.4th 1181, 1201 (10th Cir. 2025) (“It is well-settled that arguments inadequately briefed in the opening brief are waived.” (quotation omitted)). Indeed, *Zadvydas*, stands for the proposition that detention is presumptively permitted for six months. Petitioner has been in custody for less than two months. Pet. at ¶14. And in *Zadvydas*, the petitioner was facing the prospect of indefinite detention. That is also not the case. While detention pursuant to § 1225(b) is mandatory, it is *not* indefinite. On the contrary, when removal proceedings conclude, “detention under § 1225(b) must end as well.” *Jennings*, 583 U.S. at 297, 299.

Granting the Petition under the premise that all detention must be subject to bond hearings would require a reading of the Due Process Clause that the Supreme Court has never endorsed and in fact has repeatedly avoided. *See Jennings*, 583 U.S. at 297 (“nothing in the statutory text imposes any limit on the length of detention. And neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings”); *Demore v. Kim*, 538 U.S. 510, 522 (2003) (“And, since *Mathews*, this Court has firmly and repeatedly endorsed the proposition that Congress may make rules as to aliens that would be unacceptable if applied to citizens.”). This Court should decline to take such a drastic step without meaningful briefing. *See Mathews v. Diaz*, 426 U.S. 67, 81 (1976).

If the Court entertains Petitioner’s argument, it should be denied. To assess the merits of Petitioner’s constitutional claims, it is necessary to determine first what due process rights Petitioner possesses. Petitioner has not been admitted to the U.S., and for any non-citizen who has not been admitted into the country pursuant to law, the INA provides the only process due under the Constitution. *United States v. Thuraissigiam*, 591

U.S. 103, 138-40 (2020). *See also Demore*, 538 U.S. at 523 (“It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings. At the same time, however, this Court has recognized detention during deportation proceedings as a constitutionally valid aspect of the deportation process.” (cleaned up)). Indeed, the Supreme Court described “our century-old rule regarding the due process rights of an alien seeking initial entry” as “rest[ing] on fundamental propositions” that:

[T]he power to admit or exclude aliens is a sovereign prerogative; the Constitution gives the political department of the government plenary authority to decide which aliens to admit; and a concomitant of that power is the power to set the procedures to be followed in determining whether an alien should be admitted.”

Thuraissigiam, 591 U.S. at 139. *See also U.S. ex rel. Knauff v. Shaughnessy*, 338 U.S. 537, 544 (1950) (“Whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned.”). Petitioner’s Due Process claim is without merit.

CONCLUSION

Petitioner is not located within this judicial district and failed to name an immediate custodian in this judicial district over whom the Court has jurisdiction. Accordingly, the Petition should either be dismissed or transferred to the Northern District of Texas. Alternatively, if the Court determines that jurisdiction exists, the Petition should be denied and the case dismissed because neither *Maldonado Bautista* nor the Due Process Clause entitle Petitioner to the relief he seeks.

Respectfully submitted,

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