

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
Waycross Division**

JORGE ERNESTO VASQUEZ CABALLERO,)
)

A)
)

Petitioner,)
)

v.)
)

Civil Action No. _____

PAMELA JO BONDI,)
)
Attorney General of the)
United States of America,)
)

KRISTI NOEM,)
)
Secretary of the Department of)
Homeland Security, (DHS),)
)

TODD LYONS,)
)
Acting Director,)
United States Immigration and)
Customs Enforcement (ICE),)
)

KRISTIN SULLVIAN)
)
Acting Field Office Director,)
Atlanta Field Office,)
United States Immigration and)
Customs Enforcement (ICE),)
)

MICHAEL LOEBL,)
)
Warden, Folkston D. Ray)
ICE Processing Center)
)

Respondents.)
_____)

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner Jorge Ernesto Vasquez Caballero is a citizen of Mexico who has resided in the U.S. for approximately twenty-eight (28) years. Upon information and belief, Immigration and Customs Enforcement ("ICE") officers detained him on or about December 15, 2025.
2. Petitioner is currently detained at the Folkston D Ray ICE Processing Center, Folkston, Georgia. **See Exhibit 1.**
3. On November 20, 2025, the United States District Court for the Central District of California granted partial summary judgment in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, holding that noncitizens who entered the United States without inspection but were not apprehended upon arrival are detained under 8 U.S.C. § 1226(a) and may not be denied consideration for release on bond pursuant to § 1225(b)(2)(A). On November 25, 2025, the court certified a nationwide class (the "Bond Eligible Class") and extended this declaratory judgment to all class members. *See Maldonado Bautista v. Santacruz*, 2025 WL 3289861, at 11 (C.D. Cal. Nov. 20, 2025); *Maldonado Bautista v. Santacruz*, 2025 WL 3288403, at 9 (C.D. Cal. Nov. 25, 2025).
4. Petitioner is a member of the Bond Eligible Class because he: (1) does not have lawful status in the United States; (2) is currently detained at the Folkston D Ray ICE Processing Center; (3) entered the United States without inspection over twenty-eight years ago and was not apprehended upon arrival; and (4) is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Despite the declaratory judgment in *Maldonado Bautista*, the Executive Office for Immigration Review ("EOIR") and the Department of Homeland Security ("DHS") have refused to abide by the judgment and continue to deny Petitioner consideration for release on bond, instructing immigration judges that they remain bound

by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), rather than the federal court's declaratory judgment. Despite the declaratory judgment in *Maldonado Bautista*, the Executive Office for Immigration Review ("EOIR") and the Department of Homeland Security ("DHS") have refused to abide by the judgment and continue to deny Petitioner consideration for release on bond, including by rejecting his January 6, 2026 bond redetermination request for lack of jurisdiction and instructing immigration judges that they remain bound by *Matter of Yajure Hurtado* rather than the federal court's declaratory judgment.

5. Petitioner seeks declaratory relief that he is entitled to consideration for release on bond as a member of the Bond Eligible Class certified in *Maldonado Bautista* and asks that this Court either order Respondents to release him from custody or provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a).

CUSTODY

6. Petitioner is currently in the custody of Immigration and Customs Enforcement ("ICE") at the Folkston D Ray ICE Processing Center in Folkston, Georgia. He is therefore in "'custody' of [the DHS] within the meaning of the habeas corpus statute." *Jones v. Cunningham*, 371 U.S. 236, 243 (1963).

JURISDICTION

7. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, the All Writs Act, 28 U.S.C. § 1651,

and the Immigration and Nationality Act, 8 U.S.C. § 1252(e)(2).

9. Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging both the lawfulness and the constitutionality of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

10. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to Respondents “forthwith,” unless Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
11. Petitioner is “in custody” for the purpose of § 2241 because he was arrested and detained by Respondents.

VENUE

12. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the Southern District of Georgia, the judicial district in which Petitioner currently is detained.
13. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Southern District of Georgia.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Administrative exhaustion is unnecessary as it would be futile. *See, e.g., Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542–43 (E.D. Va. 1999).

15. It would be futile for Petitioner to seek a custody redetermination hearing before an IJ because of the BIA recent decision holding that anyone who has entered the U.S. without inspection is now considered an “applicant for admission” who is “seeking admission” and therefore subject to mandatory detention under § 1225(b)(2)(A). *See Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025); *see also Zaragoza Mosqueda v. Noem*, 2025 WL 2591530, at 7 (C.D. Cal. Sept. 8, 2025) (noting that BIA’s decision in *Yajure Hurtado* renders exhaustion futile).
16. Additionally, the agency does not have jurisdiction to review Petitioner’s claim of unlawful custody in violation of his due process rights, and it would therefore be futile for him to pursue administrative remedies. *Reno v Amer.-Arab Anti-Discrim. Comm.*, 525 U.S. 471, 119 S.Ct. 936, 142 L.Ed.2d 940 (1999) (finding exhaustion to be a “futile exercise because the agency does not have jurisdiction to review” constitutional claims).
17. Petitioner in fact sought a bond redetermination hearing before an Immigration Judge, which was denied on January 6, 2026, on the ground that the Immigration Court allegedly lacked jurisdiction under *Matter of Yajure Hurtado*. See Exhibit 2. This denial confirms that exhaustion is futile because EOIR is adhering to the BIA’s unlawful interpretation and will not provide Petitioner the relief he seeks.

PARTIES

18. Petitioner JORGE ERNESTO VASQUEZ CABALLERO is a citizen of Mexico who has resided in the U.S. since 1998. He is currently detained at the Folkston D Ray ICE Processing Center in Folkston, Georgia. *See Exhibit 1*.
19. Respondent PAMELA JO BONDI is sued in her official capacity as the Attorney General of the United States. As Attorney General, she has authority over the Department of

Justice and is charged with faithfully administering the immigration laws of the United States.

20. Respondent KRISTI NOEM is sued in her official capacity as Secretary of Homeland Security. As the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, Secretary Noem is Petitioner's ultimate legal custodian.
21. Respondent TODD M. LYONS is sued in his official capacity as Acting Director of ICE. As the Acting Director of ICE, Respondent Lyons is a legal custodian of Petitioner.
22. Respondent KRISTIN SULLIVAN is sued in her official capacity as Acting Field Office Director, Atlanta Field Office, Enforcement and Removal Operations, ICE. In her official capacity, KRISTIN SULLIVAN is the legal custodian of Petitioner.
23. Respondent MICHAEL LOEBL is sued in his official capacity as Warden of the Folkston D. Ray ICE Processing Center. In his official capacity, MICHAEL LOEBL is Petitioner's immediate custodian.

LEGAL BACKGROUND AND ARGUMENT

24. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.
25. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* § 1226(c).

26. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).
27. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).
28. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).
29. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRAIRA) of 1996., Pub. L. No. 104–208, Div. C. §§ 302–03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
30. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention of Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
31. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996)

(noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

32. On May 15, 2025, the BIA issued *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025) finding that mandatory detention under § 1225(b)(2)(A) applies to individuals who are arrested upon entry, paroled from detention and charged as inadmissible to the United States as noncitizens present without being admitted or paroled and placed in § 1229a removal proceedings, and subsequently rearrested by ICE.
33. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.
34. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”¹ claims that all persons who entered the United States without inspection shall now be subject to mandatory detention pursuant to § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.
35. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the BIA held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.
36. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA’s detention authorities. Courts have likewise rejected

¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

Matter of Yajure Hurtado and *Matter of Q. Li*, which adopt the same reading of the statutes as ICE.

37. Even before ICE or the BIA introduced these nationwide policies, IJs at the Tacoma, Washington Immigration Court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 1239 (W.D. Wash. 2025).
38. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Merino v. Ripa*, Case No. 25-23845-CIV-MARTINEZ, 2025 WL 2941609, at 3 (S.D. Fla. Oct. 15, 2025) (collecting cases); *Boffill v. Field Off. Dir.*, Case No. 25-CV-25179-JB, 2025 WL 3246868, at 2 (S.D. Fla. Nov. 20, 2025) (collecting cases).
39. On November 20, 2025, the District Court for the Central District of California granted declaratory relief to the case's petitioners by declaring "unlawful" the DHS's new detention policy and the BIA's matching conclusion in *Matter of Yajure Hurtado*. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). The court granted petitioners' motion for partial summary judgment and found "the statutory provisions to be unambiguous and consistent with only Petitioners' interpretation, therein rejecting the new attempt to apply § 1225(b)(2)(A) to noncitizens residing within and arrested inside the United States. *Id.* On December 18, 2025, the *Maldonado Bautista* court then entered final judgment in the action. *Maldonado*

Bautista v. Santacruz, 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal., Dec. 18, 2025)

40. Courts have uniformly rejected DHS's and EOIR's new interpretation because it defies the INA. As the *Maldonado Bautista* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
41. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a). These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a [noncitizen]."
42. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). *Id.* As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez Vazquez*, 770 F. Supp. 3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. V. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).
43. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.
44. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who are otherwise actively seeking admission to the United States. 8 U.S.C. § 1225(b). The

statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether [a noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

45. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing within the United States at the time they were apprehended.

FACTS

46. Petitioner is a citizen of Mexico.

47. Upon information and belief, Petitioner has resided in the U.S. since at approximately 1998.

48. Upon information and belief, Petitioner was arrested by immigration authorities on December 15, 2025.

49. He is now detained at the Folkston D Ray ICE Processing Center in Folkston, Georgia. **See Exhibit 1.**

50. On January 6, 2026, Petitioner requested a bond redetermination from Immigration Judge Coaxum from the Atlanta Immigration Court. However, the Immigration Judge concluded that the Court lacked jurisdiction to adjudicate the request, holding that it was governed by *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). **See Exhibit 2.**

51. Without relief from this Court, Petitioner faces the prospect of prolonged detention despite his clear entitlement as a Bond Eligible Class member to consideration for release on bond under § 1226(a).

CLAIM FOR RELIEF
COUNT I

Violation of the Violation of 8 U.S.C. § 1226(a) and Request for Relief Pursuant to
Maldonado Bautista

52. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
53. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).
54. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.
55. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”
56. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
57. The Immigration Judge’s January 6, 2026 denial of Petitioner’s bond redetermination request—based solely on *Matter of Yajure Hurtado*—constitutes an ongoing violation of the INA and the declaratory judgment in *Maldonado Bautista*, and demonstrates Respondents’ refusal to provide class members with the bond consideration to which they are entitled.
58. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory rights under the INA and the Court’s judgment in *Maldonado Bautista*.

COUNT 2
Violation of Due Process

59. Petitioner repeats, realleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
60. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraining—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
61. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).
62. The government’s interest in detaining Petitioner without due process is minimal. Immigration detention is civil, not punitive, and may only be used to prevent danger to the community or ensure appearance at immigration proceedings. *See Zadvydas*, 533 U.S. at 690. Here, Petitioner was denied any individualized bond hearing when the Immigration Court declined jurisdiction altogether, depriving him of liberty without any procedural safeguards.
63. Considering these factors, Petitioner respectfully requests that this Court order his immediate release from custody or provide him with a bond hearing.
64. Petitioner also respectfully requests that this Court issue an Order to Show Cause staying his transfer out of the Southern District of Georgia, and setting a deadline for the Respondents to answer this petition.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Petitioner shall not be transferred outside the Southern District of Georgia while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner's detention is unlawful;
- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

Respectfully,

Dated: February 6, 2026

/s/Benjamin James Osorio
BENJAMIN JAMES OSORIO
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, VA 22030
Phone: (703) 352-2399
Benjamin@murrayosorio.com
Georgia Bar No. 194702

Local Counsel for the Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of February, 2026, I caused a true and correct copy of the foregoing Petition for Writ of Habeas Corpus, together with all exhibits, to be served by CM/ECF electronic filing upon the following:

Pamela Jo Bondi

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Kristi Noem

Secretary, U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., S.E.
Washington, D.C. 20528

Todd M. Lyons

Acting Director, U.S. Immigration and Customs Enforcement
500 12th Street, S.W.
Washington, D.C. 20536

Kristin Sullivan

Acting Field Office Director
Enforcement and Removal Operations
U.S. Immigration and Customs Enforcement
Atlanta Field Office
2975 DeKalb Tech Parkway
Atlanta, Georgia 30340

Michael Loebel, Warden

Folkston D. Ray ICE Processing Center
6999 McKinley Drive
Folkston, Georgia 31537

United States Attorney

Southern District of Georgia
22 Barnard Street, Suite 300
Savannah, Georgia 31401

Dated: February 6, 2026

Respectfully submitted,

/s/Benjamin James Osorio

BENJAMIN JAMES OSORIO

Murray Osorio PLLC

4103 Chain Bridge Road, Suite 300

Fairfax, VA 22030

Phone: (703) 352-2399

Benjamin@murrayosorio.com

Georgia Bar No. 194702

Local Counsel for the Petitioner

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Benjamin James Osorio, hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.


Respectfully,

Dated: February 6, 2026

/s/Benjamin James Osorio
BENJAMIN JAMES OSORIO
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, VA 22030
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Georgia Bar No. 194702


Local Counsel for the Petitioner

Official Website of the Department of Homeland Security



U.S. Immigration and Customs Enforcement

Report



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Facility Page

Detention Information For:

JORGE ERNEST VASQUEZ CABALLERO
 Country of Birth: Mexico
 A-Number: 

Current Detention Facility:

Folkston D Ray ICE Processing Center
 3262 HWY 252 East
 NA
 Folkston , GA 31537
 Visitor Information: (912) 496-6242

[MORE INFORMATION >](#)



ERO Office Information

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Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

ERO - D Ray ICE Processing Center
Phone Number: (912) 496-6242

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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - TED TURNER DRIVE
IMMIGRATION COURT

Respondent Name:

VASQUEZ CABALLERO, JORGE
ERNEST

To:

Duque, Stephanie M
4539 Bergenline Avenue
Union City, NJ 07087

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/06/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

The Court lacks jurisdiction to adjudicate the request for bond redetermination. The court in *Bautista v. Noem*, 5:25-cv-01873-SSS-BFM (C.D. Cal.), granted class certification and partial summary judgment for the plaintiffs in that case, but did not issue a class-wide declaratory judgment. Until and unless the *Bautista* court issues a class-wide declaratory judgment or injunction, the *Bautista* court's opinion and partial grant of summary judgment does not constitute a judgment. See, e.g., Fed. R. Civ. P. 54(b) (second sentence). As such, they do not have preclusive effect with respect to other cases. Therefore, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) controls. Under that precedent, the Court finds it lacks jurisdiction to adjudicate the bond redetermination request and therefore makes no ruling on the request itself.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ATLANTA - TED TURNER DRIVE IMMIGRATION COURT

Respondent Name:

VASQUEZ CABALLERO, JORGE
ERNEST

To:

Duque, Stephanie M
4539 Bergenline Avenue
Union City, NJ 07087

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/06/2026

Unable to forward - no address provided.

Attached is a copy of the **decision of the Immigration Judge**. This decision is final unless an appeal is filed with the Board of Immigration Appeals within 30 calendar days of the date of the mailing of this written decision. See the enclosed forms and instructions for properly preparing your appeal. Your notice of appeal, attached documents, and fee or fee waiver request must be mailed to:

Board of Immigration Appeals
Office of the Clerk
P.O. Box 8530
Falls Church, VA 22041

Attached is a copy of the decision of the immigration judge as the result of your Failure to Appear at your scheduled deportation or removal hearing. This decision is final unless a Motion to Reopen is filed in accordance with Section 242B(c)(3) of the Immigration and Nationality Act, 8 U.S.C. § 1252B(c)(3) in deportation proceedings or section 240(b)(5)(c), 8 U.S.C. § 1229a(b)(5)(c) in removal proceedings. If you file a motion to reopen, your motion must be filed with this court:

Immigration Court

Attached is a copy of the decision of the immigration judge relating to a **Process into Fear Review**. Pursuant to 8 C.F.R. § 1208.31(g)(1), no administrative appeal is available.

Attached is a copy of the decision of the immigration judge relating to a **Final Order Review**. This is a final order. No appeal is available.

Other:

Date:



Immigration Judge: COAXUM, GIUNISE 01/06/2026

Certificate of Service

This document was served:

Via: M] Mail | P] Personal Service | E] Electronic Service | U] Address Unavailable

To:] Alien |] Alien c/o custodial officer | E] Alien atty/rep. | E] DHS

Respondent Name : VASQUEZ CABALLERO, JORGE ERNEST | A-Number : 

Riders:

Date: 01/06/2026 By: Conyers, Mikayla, Court Staff

Shunisa A. Coates

Immigration Judge: COAXUM, GIUNISI-01/06/2026

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 02/05/2026

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To: Alien | Alien c/o custodial officer | E Alien atty/rep. | E DHS

Respondent Name : VASQUEZ CABALLERO, JORGE ERNEST | A-Number :

Riders:

Date: 01/06/2026 By: Conyers, Mikayla, Court Staff

