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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Julio Cesar Guillen-Rosas,

Petitioner,

v.

Luis Rosa, Jr., et al.,

Respondents.

No. CV-26-01914-PHX-DWL (DMF)

**RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS**

Respondents by and through undersigned counsel, hereby respond to the Petition for Writ of Habeas Corpus (Doc. 1) and the Court's Order to Show Cause (Doc. 4).

I. Factual background.

Petitioner is a native and citizen of Mexico. Doc. 1 at ¶ 12. Petitioner entered the United States without inspection, admission or parole. *Id.* Petitioner was taken into immigration custody by U.S. Immigration and Customs Enforcement ("ICE") and is currently at Florence Service Processing Center. *Id.* at ¶ 21. Petitioner's removal proceedings are ongoing. *Id.* at ¶ 22.

II. The Warden is the only proper Respondent.

Only Warden Luis Rosa Jr. is a proper respondent. *See Doe v. Garland*, 109 F.4th 1188, 1195-96 (9th Cir. 2024) (holding that neither an ICE Field Office Director nor the Attorney General are proper respondents in a challenge to immigration detention); *see also Rumsfeld v. Padilla*, 542 U.S. 426, 439-40 & n.13 (2004) ("In challenges to present physical

1 confinement, we reaffirm that the immediate custodian, not a supervisory official who
2 exercises legal control, is the proper respondent.”). A habeas petition may never have
3 multiple respondents, because the only “proper respondent is the warden of the facility where
4 the prisoner is being held, not the Attorney General or some other remote supervisory
5 official.” *See Doe*, 109 F.4th at 1195 (quoting *Padilla*, 542 U.S. at 435). The Court should
6 dismiss all Respondents other than Warden Luis Rosa Jr.

7 **III. Petitioner is subject to mandatory detention under 8 U.S.C. § 1225.**

8 Before 1996, the federal immigration laws required the detention of aliens who
9 presented at a port of entry but allowed aliens who were already unlawfully present in the
10 United States to obtain release pending removal proceedings. Congress passed the Illegal
11 Immigration Reform and Immigration Responsibility Act (“IIRIRA”) specifically to stop
12 conferring greater privileges and benefits on aliens who enter the United States unlawfully
13 as compared to those who lawfully present themselves for inspection at a port of entry.

14 As relevant here, Congress enacted what is now 8 U.S.C. § 1225, which requires the
15 detention of any alien “who is an applicant for admission” and defines that term to encompass
16 any “alien present in the United States who has not been admitted” following inspection by
17 immigration authorities. 8 U.S.C. § 1225(a), (b)(2)(A). The statute makes no exception for
18 how far into the country the alien traveled or how long the alien managed to evade detection.
19 Unless the Secretary exercises the narrow and discretionary parole authority, mandatory
20 detention is the rule for aliens who have never been lawfully admitted. *See* 8 U.S.C.
21 § 1225(b)(2)(A) (“Subject to subparagraphs (B) and (C), in the case of an alien who is an
22 applicant for admission, if the examining immigration officer determines that an alien
23 seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien *shall*
24 *be detained* for a proceeding under section 1229a of this title [Section 240].” (emphasis
25 added)); 8 C.F.R. § 235.3(b)(1)(ii) (mirroring Section 1225(b)(2) detention mandate);
26 *Jennings v. Rodriguez*, 583 U.S. 281, 302 (2018) (holding that Section 1225(b)(2)
27 “mandate[s] detention of aliens throughout the completion of applicable proceedings and not
28 just at the moment those proceedings begin”).

1 Recently, the Fifth Circuit decided this issue in Respondents' favor. In *Buenrostro-*
 2 *Mendez v. Bondi*, --- F.4th ----, 2026 WL 323330 (5th Cir. Feb. 6, 2026), the Fifth Circuit
 3 held that unadmitted applicants for admission apprehended within the United States are
 4 seeking admission and are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
 5 2026 WL 323330, at *1. The Fifth Circuit reversed the district courts' orders granting the
 6 habeas petitions, which directed the respondents to provide petitioners with bond hearings.
 7 *Id.* The Seventh Circuit, deciding a motion to stay pending appeal in a matter arising in a
 8 different context, and on the basis of a "preliminary record," determined that the government
 9 was "not likely to succeed on the merits" of its argument that aliens present in the United
 10 States without admission are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).
 11 *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1061-62 (7th Cir. 2025).
 12 The Ninth Circuit will hear argument on this issue on March 4, 2026, in *Rodriguez Vazquez*
 13 *v. Bostock*, No. 25-6842 (9th Cir.).

14 Judge Liburdi adopted Respondents' position in *Chavez v. Noem*, No. 26-cv-00323-
 15 PHX-MTL (D. Ariz. Feb. 9, 2026). In that decision, Judge Liburdi found persuasive the Fifth
 16 Circuit's reasoning in *Buenrostro-Mendez* and adopted it, finding that "a person who entered
 17 the United States illegally and is clearly and beyond a doubt not entitled to admission, is
 18 subject to mandatory detention under § 1225(b)(2)(A)." *Id.* at 4. Judge Liburdi denied the
 19 petition and directed the petitioner to seek relief in the Central District of California if he
 20 believed he was entitled to further relief as a member of the *Bautista* class (discussed below).
 21 *Id.* at 5. Prior to the *Buenrostro-Mendez* decision, several other district courts had also agreed
 22 with Respondents' position. *See Chavez v. Noem*, --- F. Supp. 3d ----, No. 3:25-cv-02325-
 23 CAB, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025), *appeal docketed sub nom. Sixtos Chavez*
 24 *v. Noem*, No. 25-7077 (9th Cir. Nov. 7, 2025); *Vargas Lopez v. Trump*, No. 8:25CV526,
 25 2025 WL 2780351 (D. Neb. Sept. 30, 2025); *Rojas v. Olson*, No. 25-CV-1437-BHL, 2025
 26 WL 3033967 (E.D. Wis. Oct. 30, 2025); *Sandoval v. Acuna*, No. 6:25-CV-01467, 2025 WL
 27 3048926 (W.D. La. Oct. 31, 2025); *Oliveira v. Patterson*, No. 6:25-CV-01463, 2025 WL
 28 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025
 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-Robledo v. Noem*, --- F. Supp. 3d ----, No.

1 1:25-cv-00177, 2025 WL 3264482 (N.D. Tex. Sept. 15, 2025); *Cabanas v. Bondi*, No. 4:25-
 2 CV-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, ---
 3 F. Supp. 3d ----, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872 (C.D. Cal. Nov. 12,
 4 2025); *Alonzo v. Noem*, No. 1:25-CV-01519 WBS SCR, 2025 WL 3208284, at *1 (E.D. Cal.
 5 Nov. 17, 2025); *Valencia v. Chestnut*, --- F. Supp. 3d ----, No. 1:25-cv-01550 WBS JDP,
 6 2025 WL 3205133 (E.D. Cal. Nov. 17, 2025); *Topal v. Bondi*, No. 1:25-cv-01612, 2025 WL
 7 3486894 (W.D. La. Dec. 3, 2025); *Xiaoquan Chen v. Almodovar*, No. 1:25-cv-8350, 2025
 8 WL 3484855 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, No. 25-cv-867, 2025 WL 3484932
 9 (W.D.N.Y. Dec. 4, 2025).

10 Respondents acknowledge, however, that the majority of district courts, including this
 11 one, have rejected their position. *See, e.g., Echevarria v. Bondi*, No. 2:25-cv-03252-PHX-
 12 DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Barco Mercado v. Francis*, No. 25-cv-
 13 6582 --- F. Supp. 3d ----, 2025 WL 3295903, at *13 (S.D.N.Y. Nov. 26, 2025) (listing 350
 14 decisions that found for the habeas petitioner).

15 **IV. *Bautista* has no preclusive effect outside the Central District of California.**

16 On March 6, 2026, the Ninth Circuit Court of Appeals temporarily stayed the
 17 application of the *Bautista* judgment beyond the Central District of California. *Bautista v.*
 18 *US Department of Homeland Security*, 9th Cir., No. 26-1044, 3/6/26. Earlier, On December
 19 18, 2025, a partial final judgment was entered in *Bautista v. Santacruz*, No. 5:25-CV-01873-
 20 SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025), a class action¹ that sought a
 21 declaratory judgment that class members such as Petitioner were unlawfully detained under
 22

23
 24 ¹ The “Bond Eligible Class” certified in *Bautista* is defined as “[a]ll noncitizens in the United
 25 States without lawful status who (1) have entered or will enter the United States without
 26 inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not
 27 be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the
 28 Department of Homeland Security makes an initial custody determination.” *Bautista v.*
Santacruz, --- F.R.D. ----, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D.
 Cal. Nov. 25, 2025).

1 8 U.S.C. § 1225(b)(2), rather than § 1226(a).² This is core habeas relief that must be brought
 2 as a habeas claim alone. As the Supreme Court made clear just last year, “[r]egardless of
 3 whether [] detainees formally request release from confinement,” if “their claims for relief
 4 necessarily imply the invalidity of their confinement[], their claims fall within the core of
 5 the writ of habeas corpus and thus must be brought in habeas.” *Trump v. J.G.G.*, 604 U.S.
 6 670, 672 (2025) (internal quotations omitted).

7 The Supreme Court has imposed two fundamental limits on federal court jurisdiction
 8 over core habeas claims. *First*, “jurisdiction lies in only one district: the district of
 9 confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also J.G.G.*, 604 U.S. at
 10 672. *Second*, a habeas petitioner must name the petitioner’s *immediate* custodian—*i.e.*, the
 11 custodian who has actual custody over the petitioner and can produce the “corpus.” *Padilla*,
 12 542 U.S. at 435. “Failure to name the petitioner’s custodian as a respondent deprives federal
 13 courts of personal jurisdiction” needed to issue relief. *Stanley v. Cal. Supreme Court*, 21 F.3d
 14 359, 360 (9th Cir. 1994); *Padilla*, 542 U.S. at 444. Thus, a federal district court is wholly
 15 without authority to issue the writ in favor of a habeas petitioner who seeks habeas relief in
 16 a judicial district in which he is not confined and the immediate custodian is not located.
 17 *Padilla*, 542 U.S. at 442-43. And “[a] judgment entered without jurisdiction over the
 18 defendant is void.” *S.E.C. v. Ross*, 504 F.3d 1130, 1139 (9th Cir. 2007).

19 Given that a challenge to the legality of detention is a core habeas claim, class-wide
 20 declaratory relief is inappropriate in the habeas context. *Calderon v. Ashmus*, 523 U.S. 740,
 21 747 (1998) (declaratory judgment action not appropriate to address “validity of a defense the
 22 State may, or may not, raise in a habeas proceeding” in part because “the underlying claim
 23 must be adjudicated in a federal habeas proceeding”); *Fusco v. Grondolsky*, No. 17-1062,
 24 2019 WL 13112044, at *1 (1st Cir. June 18, 2019) (declaratory judgment action must be
 25 dismissed when habeas available). Indeed, a class-wide declaratory judgment imposed from
 26 outside the district of confinement cannot be squared with the district-of-confinement
 27 requirement of habeas, where the relief is an order of release, 28 U.S.C. § 2241(a), not a

28 ² The government has appealed the partial final judgment entered in *Bautista*. *See Bautista, et al. v. United States Dep’t of Homeland Sec., et al.*, No. 25-7958 (9th Cir.).

1 declaration of legal rights that can later be enforced. *See Calderon*, 523 U.S. at 747; *Fusco*,
 2 2019 WL 13112044, at *1; *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996)
 3 (holding that the “availability of a habeas remedy in another district ousted us of jurisdiction
 4 over an alien’s effort to pose a constitutional attack . . . by means of a suit for declaratory
 5 judgment”); *Monk v. Sec. of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) (“In adopting the
 6 federal habeas corpus statute, Congress determined that habeas corpus is the appropriate
 7 federal remedy for a prisoner who claims that he is ‘in custody in violation of the Constitution
 8 . . . of the United States,’ This specific determination must override the general terms
 9 of the declaratory judgment . . . statute.”).

10 Additionally, as this Court has observed, the *Bautista* order was explicitly non-
 11 coercive, because if it were otherwise, the *Bautista* court would have had no authority to
 12 issue it under 8 U.S.C. § 1252(f). *See, e.g., Tamarit-Ferrer v. Rivas*, No. CV-25-04886-PHX-
 13 DWL (MTM) (D. Ariz. Dec. 31, 2025), ECF No. 5 at 2 n.2 (“*Bautista* explains that because
 14 the requested relief is limited to ‘classwide declaratory relief,’ the requested relief ‘is not
 15 ultimately coercive’ and does not implicate ‘Section 1252(f)’s prohibition of class actions.”)
 16 (quoting *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----, 2025 WL
 17 3288403, at *7-8 (C.D. Cal. Nov. 25, 2025)).

18 Here, the vast majority of *Bautista* class members are confined *outside* of the Central
 19 District of California by immediate custodians who are also *outside* the Central District of
 20 California and have not been named in the lawsuit. Therefore, the *Bautista* court lacked
 21 jurisdiction to issue habeas relief to all class members who are confined outside the Central
 22 District of California by immediate custodians outside that District, and a court’s judgment
 23 cannot be binding and preclusive against a party over which it lacked jurisdiction. *Burnham*
 24 *v. Superior Court of Cal.*, 495 U.S. 604, 608 (1990). Indeed, another federal district court
 25 has already held that the *Bautista* decisions “are advisory opinions because they do not
 26 redress the alleged harm and are not preclusive.” *Calderon Lopez v. Lyons*, No. 1:25-CV-
 27 226-H, --- F. Supp. 3d ----, 2025 WL 3683918, at *1 (N.D. Tex. Dec. 19, 2025); *see also*
 28 *Rodriguez v. Jeffreys*, No. 8:25-CV-714, 2025 WL 3754411, at *8-10 (D. Neb. Dec. 29,

1 2025) (finding that the *Bautista* court lacked jurisdiction to apply injunction to detainees
2 outside of the Central District of California and that *Bautista* does not have preclusive effect).

3 In sum, the *Bautista* court's declaratory judgment purporting to grant relief that at its
4 core sounds in habeas is a legal nullity outside that District. At the time of filing this habeas
5 petition, Petitioner was detained at the Florence Service Processing Center, which is not
6 within the jurisdiction of the Central District of California. That ends the matter. But if more
7 were needed, Petitioner's immediate custodian is Warden Luis Rosa Jr., who was not a party
8 in *Bautista*; subjecting Petitioner's immediate custodian to the judgment of the Central
9 District of California would be inconsistent with the immediate custodian rule. *See Padilla*,
10 542 U.S. at 439-40; *Doe*, 109 F.4th at 1196.

11 **V. Conclusion.**

12 Petitioner is subject to mandatory detention, and *Bautista* has no preclusive effect
13 outside the Central District of California. However, insofar as the Petition challenges
14 Respondents' detention of Petitioner pursuant to 8 U.S.C. § 1225(b)(2)(A), Petitioner
15 appears to be a member of the Bond Eligible Class. *Bautista*, 2025 WL 3288403, at *9.

16 To the extent the Petition seeks an order requiring Respondents to either immediately
17 release Petitioner or hold a bond hearing, Respondents oppose the request and request that
18 any order granting Petitioner relief direct the Respondents to provide a bond redetermination
19 hearing within fourteen (14) days or release Petitioner from custody under the same
20 conditions that existed before detention.

21 Respectfully submitted this 25th day of March, 2026.

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