

1 TIMOTHY COURCHAINED
2 United States Attorney
3 District of Arizona
4 TRACY RILEY
5 Special Assistant United States Attorney
6 Arizona State Bar No. 027318
7 Two Renaissance Square
8 40 North Central Avenue, Suite 1800
9 Phoenix, Arizona 85004-4449
10 Telephone: (602) 514-7500
11 Fax: (602) 514-7760
12 Email: Tracy.Riley@usdoj.gov
13 *Attorneys for Respondents*

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Francisco Imaicela-Vega,

Petitioner,

v.

Unknown Party, *et al.*,

Respondents.

No. CV-26-02758-PHX-SHR (MTM)

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

Respondents, by and through 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 AND PROCEDURAL BACKGROUND

Petitioner is a native and citizen of Mexico who entered the United States without inspection, admission, or parole in or about March 2005. Doc. 1 at ¶ 17. Petitioner was detained by ICE on or about March 2, 2026. *Id.* at ¶ 19. Petitioner was issued a Notice to Appear ("NTA") March 2, 2026, charging him with violating Sections 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act ("INA"). Doc. 1-1 at 2. Petitioner received a bond hearing on April 14, 2026, and bond was denied. *Id.* at 6.

1 II. PETITIONER IS LAWFULLY DETAINED

2 A. Petitioner is subject to mandatory detention under 8 U.S.C. § 1225.

3 Petitioner argues that he is improperly held as mandatory detention under § 1225(b).
 4 Before 1996, the federal immigration laws required the detention of aliens who presented
 5 at a port of entry but allowed aliens who were already unlawfully present in the United
 6 States to obtain release pending removal proceedings. Congress passed the Illegal
 7 Immigration Reform and Immigration Responsibility Act (“IIRIRA”) specifically to stop
 8 conferring greater privileges and benefits on aliens who enter the United States unlawfully
 9 as compared to those who lawfully present themselves for inspection at a port of entry.

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

25 Recently, the Fifth Circuit decided this issue in Respondents’ favor. In *Buenrostro-*
 26 *Mendez v. Bondi*, --- F.4th ----, 2026 WL 323330 (5th Cir. Feb. 6, 2026), the Fifth Circuit
 27 held that unadmitted applicants for admission apprehended within the United States are
 28 seeking admission and are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

1 2026 WL 323330, at *1. The Fifth Circuit reversed the district courts' orders granting the
 2 habeas petitions, which directed the respondents to provide petitioners with bond hearings.
 3 *Id.* The Eighth Circuit also decided in the Respondents' favor in *Avila v. Bondi*, 2026 U.S.
 4 App. LEXIS 8744 (8th Cir. Mar. 25, 2006). Similar to the Fifth Circuit, the Court held that
 5 the terms "applicant for admission" and "seeking admission" apply to all unadmitted aliens
 6 regardless of whether they take affirmative steps to apply for relief *Id.* at *9. The Court
 7 held, therefore, that § 1225(b)(2)(A) mandated the detention of unadmitted aliens already
 8 present in the United States. *Id.* at *13. The Seventh Circuit, deciding a motion to stay
 9 pending appeal in a matter arising in a different context, and on the basis of a "preliminary
 10 record," determined that the government was "not likely to succeed on the merits" of its
 11 argument that aliens present in the United States without admission are subject to
 12 mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *Castañon-Nava v. U.S. Dep't of*
 13 *Homeland Sec.*, 161 F.4th 1048, 1061-62 (7th Cir. 2025). The Ninth Circuit heard argument
 14 on this issue on March 4, 2026, in *Rodriguez Vazquez v. Bostock*, No. 25-6842 (9th Cir.)
 15 and while a decision is pending the Court stayed the more recent decision from the Central
 16 District of California purporting to overturn the *Matter of Yajure Hurtado*, 29 I&N Dec.
 17 216 (BIA 2025).

18 After the *Buenrostro-Mendez* decision, Judge Liburdi adopted Respondents'
 19 position in *Chavez v. Noem*, No. 26-cv-00323-PHX-MTL (D. Ariz. Feb. 9, 2026). In that
 20 order, Judge Liburdi found persuasive the Fifth Circuit's reasoning in *Buenrostro-Mendez*
 21 and adopted it, finding that "a person who entered the United States illegally and is clearly
 22 and beyond a doubt not entitled to admission, is subject to mandatory detention under §
 23 1225(b)(2)(A)." *Id.* at 4. Judge Liburdi denied the petition, and directed the petitioner to
 24 seek relief in the Central District of California if he believed he was entitled to further relief
 25 as a member of the *Bautista* class (discussed below). *Id.* at 5. Prior to the *Buenrostro-*
 26 *Mendez* decision, several other district courts had also agreed with Respondents' position.
 27 See *Chavez v. Noem*, --- F. Supp. 3d ----, No. 3:25-cv-02325-CAB, 2025 WL 2730228 (S.D.
 28 Cal. Sept. 24, 2025), *appeal docketed sub nom. Sixtos Chavez v. Noem*, No. 25-7077 (9th

1 Cir. Nov. 7, 2025); *Vargas Lopez v. Trump*, No. 8:25CV526, 2025 WL 2780351 (D. Neb.
 2 Sept. 30, 2025); *Rojas v. Olson*, No. 25-CV-1437-BHL, 2025 WL 3033967 (E.D. Wis. Oct.
 3 30, 2025); *Sandoval v. Acuna*, No. 6:25-CV-01467, 2025 WL 3048926 (W.D. La. Oct. 31,
 4 2025); *Oliveira v. Patterson*, No. 6:25-CV-01463, 2025 WL 3095972 (W.D. La. Nov. 4,
 5 2025); *Mejia Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025 WL 3131942 (E.D. Mo.
 6 Nov. 10, 2025); *Garibay-Robledo v. Noem*, --- F. Supp. 3d ----, No. 1:25-cv-00177, 2025
 7 WL 3264482 (N.D. Tex. Sept. 15, 2025); *Cabanas v. Bondi*, No. 4:25-CV-04830, 2025 WL
 8 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, --- F. Supp. 3d ----, No.
 9 2:25-CV-09785-SVW-AJR, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025); *Alonzo v. Noem*,
 10 No. 1:25-CV-01519 WBS SCR, 2025 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025);
 11 *Valencia v. Chestnut*, --- F. Supp. 3d ----, No. 1:25-cv-01550 WBS JDP, 2025 WL 3205133
 12 (E.D. Cal. Nov. 17, 2025); *Topal v. Bondi*, No. 1:25-cv-01612, 2025 WL 3486894 (W.D.
 13 La. Dec. 3, 2025); *Xiaoquan Chen v. Almodovar*, No. 1:25-cv-8350, 2025 WL 3484855
 14 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, No. 25-cv-867, 2025 WL 3484932 (W.D.N.Y.
 15 Dec. 4, 2025).

16 Respondents acknowledge, however, that prior to the Fifth Circuit's decision in
 17 *Buenrostro-Mendez* and the Eight Circuit's decision in *Avila*, the majority of district courts,
 18 including this one, had rejected Respondents' position. *See, e.g., Echevarria v. Bondi*, No.
 19 2:25-cv-03252-PHX-DWL, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Barco Mercado v.*
 20 *Francis*, No. 25-cv-6582 --- F. Supp. 3d ----, 2025 WL 3295903, at *13 (S.D.N.Y. Nov. 26,
 21 2025) (listing 350 decisions that found for the habeas petitioner).

22 **B. *Bautista* has no preclusive effect outside the Central District of California.**

23 On December 18, 2025, a partial final judgment was entered in *Bautista v. Santacruz*,
 24 No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025), a class
 25 action¹ that sought a declaratory judgment that class members such as Petitioner were

26
 27 ¹ The "Bond Eligible Class" certified in *Bautista* is defined as "[a]ll noncitizens in
 28 the United States without lawful status who (1) have entered or will enter the United States
 without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or
 will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the

1 unlawfully detained under 8 U.S.C. § 1225(b)(2), rather than § 1226(a).² This is core habeas
 2 relief that must be brought as a habeas claim alone. As the Supreme Court made clear just
 3 last year, “[r]egardless of whether [] detainees formally request release from confinement,”
 4 if “their claims for relief necessarily imply the invalidity of their confinement[], their claims
 5 fall within the core of the writ of habeas corpus and thus must be brought in habeas.” *Trump*
 6 *v. J.G.G.*, 604 U.S. 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
 14 F.3d 359, 360 (9th Cir. 1994); *Padilla*, 542 U.S. at 444. Thus, a federal district court is
 15 wholly without authority to issue the writ in favor of a habeas petitioner who seeks habeas
 16 relief in a judicial district in which he is not confined and the immediate custodian is not
 17 located. *Padilla*, 542 U.S. at 442-43. And “[a] judgment entered without jurisdiction over
 18 the 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
 22 the State may, or may not, raise in a habeas proceeding” in part because “the underlying
 23 claim must be adjudicated in a federal habeas proceeding”); *Fusco v. Grondolsky*, No. 17-
 24 1062, 2019 WL 13112044, at *1 (1st Cir. June 18, 2019) (declaratory judgment action must

25 _____
 26 time the Department of Homeland Security makes an initial custody determination.”
 27 *Bautista v. Santacruz*, --- F.R.D. ---, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403,
 at *9 (C.D. Cal. Nov. 25, 2025).

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 be dismissed when habeas available). Indeed, a class-wide declaratory judgment imposed
 2 from outside the district of confinement cannot be squared with the district-of-confinement
 3 requirement of habeas, where the relief is an order of release, 28 U.S.C. § 2241(a), not a
 4 declaration of legal rights that can later be enforced. *See Calderon*, 523 U.S. at 747; *Fusco*,
 5 2019 WL 13112044, at *1; *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996)
 6 (holding that the “availability of a habeas remedy in another district ousted us of jurisdiction
 7 over an alien’s effort to pose a constitutional attack . . . by means of a suit for declaratory
 8 judgment”); *Monk v. Sec. of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) (“In adopting the
 9 federal habeas corpus statute, Congress determined that habeas corpus is the appropriate
 10 federal remedy for a prisoner who claims that he is ‘in custody in violation of the
 11 Constitution . . . of the United States,’ This specific determination must override the
 12 general terms of the declaratory judgment . . . statute.”).

13 Additionally, as this Court has observed, the *Bautista* order was explicitly non-
 14 coercive, because if it were otherwise, the *Bautista* court would have had no authority to
 15 issue it under 8 U.S.C. § 1252(f). *See, e.g., Tamarit-Ferrer v. Rivas*, No. CV-25-04886-
 16 PHX-DWL (MTM) (D. Ariz. Dec. 31, 2025), ECF No. 5 at 2 n.2 (“*Bautista* explains that
 17 because the requested relief is limited to ‘classwide declaratory relief,’ the requested relief
 18 ‘is not ultimately coercive’ and does not implicate ‘Section 1252(f)’s prohibition of class
 19 actions.’”) (quoting *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----,
 20 2025 WL 3288403, at *7-8 (C.D. Cal. Nov. 25, 2025)).

21 Here, the vast majority of *Bautista* class members are confined *outside* of the Central
 22 District of California by immediate custodians who are also *outside* the Central District of
 23 California and have not been named in the lawsuit. Therefore, the *Bautista* court lacked
 24 jurisdiction to issue habeas relief to all class members who are confined outside the Central
 25 District of California by immediate custodians outside that District, and a court’s judgment
 26 cannot be binding and preclusive against a party over which it lacked jurisdiction. *Burnham*
 27 *v. Superior Court of Cal.*, 495 U.S. 604, 608 (1990). Indeed, another federal district court
 28 has already held that the *Bautista* decisions “are advisory opinions because they do not

1 redress the alleged harm and are not preclusive.” *Calderon Lopez v. Lyons*, No. 1:25-CV-
2 226-H, --- F. Supp. 3d ----, 2025 WL 3683918, at *1 (N.D. Tex. Dec. 19, 2025); *see also*
3 *Rodriguez v. Jeffreys*, No. 8:25-CV-714, 2025 WL 3754411, at *8-10 (D. Neb. Dec. 29,
4 2025) (finding that the *Bautista* court lacked jurisdiction to apply injunction to detainees
5 outside of the Central District of California and that *Bautista* does not have preclusive
6 effect).

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

15 **III. CONCLUSION**

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

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

25 ///

26 ///

27 ///

28 ///

1 RESPECTFULLY SUBMITTED April 28, 2026.

2
3 TIMOTHY COURCHaine
4 United States Attorney
5 District of Arizona

6 s/ Tracy Riley
7 TRACY RILEY
8 Special Assistant United States Attorney
9 *Attorneys for Respondents*
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28