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

Sergio Hernandez Ramirez,
Petitioner,

v.

Luis Rosa Jr., Warden of Central Arizona
Florence Correctional Center, et al.
Respondents.

No. 2:26-cv-02775-DJH (MTM)

**RESPONSE TO PETITION FOR
WRIT OF HABEAS CORPUS (Doc. 1)
AND
RESPONSE TO ORDER TO SHOW
CAUSE (Doc. 4)**

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

I. Factual Background.

Petitioner is a 43-year-old Mexican national who entered without inspection on November 30, 2005, and has resided in the United States for 20 years. Doc. 1. He was most recently apprehended by U.S. Immigration and Customs Enforcement on February 4, 2026. *Id.* He has been charged with removability as an alien unlawfully present in the United States without having been admitted, inspected or paroled by an immigration officer pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). *Id.* Respondents contend that because he was never lawfully admitted, Petitioner is an applicant for admission as defined by 8 U.S.C. § 1225(a) and is therefore mandatorily detained pursuant to 8 U.S.C. § 1225(b)(2).

1 **II. The Warden is the only proper Respondent.**

2 Only Respondent Luis Rosa, Jr., Warden of the Florence Detention Center, is a proper
 3 respondent. *See Doe v. Garland*, 109 F.4th 1188, 1195-96 (9th Cir. 2024) (holding that neither
 4 an ICE Field Office Director nor the Attorney General are proper respondents in a challenge
 5 to immigration detention); *see also Rumsfeld v. Padilla*, 542 U.S. 426, 439-40 & n.13 (2004)
 6 (“In challenges to present physical confinement, we reaffirm that the immediate custodian, not
 7 a supervisory official who exercises legal control, is the proper respondent.”). A habeas
 8 petition may never have multiple respondents, because the only “proper respondent is the
 9 warden of the facility where the prisoner is being held, not the Attorney General or some other
 10 remote supervisory official.” *See Doe*, 109 F.4th at 1195 (quoting *Padilla*, 542 U.S. at 435).
 11 The Court should dismiss all Respondents other than the warden.

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

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

19 As relevant here, Congress enacted what is now 8 U.S.C. § 1225, which requires the
 20 detention of any alien “who is an applicant for admission” and defines that term to encompass
 21 any “alien present in the United States who has not been admitted” following inspection by
 22 immigration authorities. 8 U.S.C. § 1225(a), (b)(2)(A). The statute makes no exception for
 23 how far into the country the alien traveled or how long the alien managed to evade detection.
 24 Unless the Secretary exercises the narrow and discretionary parole authority, mandatory
 25 detention is the rule for aliens who have never been lawfully admitted. *See* 8 U.S.C.
 26 § 1225(b)(2)(A) (“Subject to subparagraphs (B) and (C), in the case of an alien who is an
 27 applicant for admission, if the examining immigration officer determines that an alien seeking
 28 admission is not clearly and beyond a doubt entitled to be admitted, the alien *shall be detained*

1 for a proceeding under section 1229a of this title [Section 240].” (emphasis added)); 8 C.F.R.
2 § 235.3(b)(1)(ii) (mirroring Section 1225(b)(2) detention mandate); *Jennings v. Rodriguez*,
3 583 U.S. 281, 302 (2018) (holding that Section 1225(b)(2) “mandate[s] detention of aliens
4 throughout the completion of applicable proceedings and not just at the moment those
5 proceedings begin”).

6 The Fifth Circuit decided this issue in Respondents’ favor, on February 6, 2026. In
7 *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 508 (5th Cir. 2026), the Fifth Circuit held that
8 unadmitted applicants for admission apprehended within the United States are seeking
9 admission and are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). The Fifth
10 Circuit reversed the district courts’ orders granting the habeas petitions, which directed the
11 respondents to provide petitioners with bond hearings. *Id.* On March 25, 2026, the Eighth
12 Circuit reached the same conclusion and expressly approved of the *Buenrostro-Mendez*
13 decision, in *Avila v. Shea*, No. 25-3248 (8th Cir. Mar. 25, 2026) (citations pending). The
14 Seventh Circuit, deciding a motion to stay pending appeal in a matter arising in a different
15 context, and on the basis of a “preliminary record,” determined that the government was “not
16 likely to succeed on the merits” of its argument that aliens present in the United States without
17 admission are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). *Castañon-Nava*
18 *v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 1061-62 (7th Cir. 2025). The Ninth Circuit
19 heard oral argument on this issue on March 4, 2026, in *Rodriguez Vazquez v. Bostock*, No. 25-
20 6842 (9th Cir.). As of this filing date, the Ninth Circuit has not ruled.

21 As the Court has stated, it recently adopted the government’s position in these habeas
22 actions, starting with *Chavez v. Noem*, --- F. Supp. 3d ---, No. 26-cv-00323-PHX-MTL, 2026
23 WL 381618 (D. Ariz. Feb. 9, 2026). In that decision, this Court found persuasive the Fifth
24 Circuit’s reasoning in *Buenrostro-Mendez* and adopted it, finding that “a person who entered
25 the United States illegally and is clearly and beyond a doubt not entitled to admission, is
26 subject to mandatory detention under § 1225(b)(2)(A).” *Id.* at *4. The Court thus denied the
27 petition and directed the petitioner to seek relief in the Central District of California if he
28 believed he was entitled to further relief as a member of the *Bautista* class (discussed below).

1 *Id.* at *5. Prior to the *Buenrostro-Mendez* decision, several other district courts had also agreed
 2 with Respondents' position. *See Chavez v. Noem*, --- F. Supp. 3d ----, No. 3:25-cv-02325-
 3 CAB, 2025 WL 2730228 (S.D. Cal. Sept. 24, 2025), *appeal docketed sub nom. Sixtos Chavez*
 4 *v. Noem*, No. 25-7077 (9th Cir. Nov. 7, 2025); *Vargas Lopez v. Trump*, No. 8:25CV526, 2025
 5 WL 2780351 (D. Neb. Sept. 30, 2025); *Rojas v. Olson*, No. 25-CV-1437-BHL, 2025 WL
 6 3033967 (E.D. Wis. Oct. 30, 2025); *Sandoval v. Acuna*, No. 6:25-CV-01467, 2025 WL
 7 3048926 (W.D. La. Oct. 31, 2025); *Oliveira v. Patterson*, No. 6:25-CV-01463, 2025 WL
 8 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 1:25-CV-00168-JMD, 2025
 9 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-Robledo v. Noem*, --- F. Supp. 3d ----, No.
 10 1:25-cv-00177, 2025 WL 3264482 (N.D. Tex. Sept. 15, 2025); *Cabanas v. Bondi*, No. 4:25-
 11 CV-04830, 2025 WL 3171331 (S.D. Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, --- F.
 12 Supp. 3d ----, No. 2:25-CV-09785-SVW-AJR, 2025 WL 3199872 (C.D. Cal. Nov. 12, 2025);
 13 *Alonzo v. Noem*, No. 1:25-CV-01519 WBS SCR, 2025 WL 3208284, at *1 (E.D. Cal. Nov.
 14 17, 2025); *Valencia v. Chestnut*, --- F. Supp. 3d ----, No. 1:25-cv-01550 WBS JDP, 2025 WL
 15 3205133 (E.D. Cal. Nov. 17, 2025); *Topal v. Bondi*, No. 1:25-cv-01612, 2025 WL 3486894
 16 (W.D. La. Dec. 3, 2025); *Xiaoquan Chen v. Almodovar*, No. 1:25-cv-8350, 2025 WL 3484855
 17 (S.D.N.Y. Dec. 4, 2025); *Candido v. Bondi*, No. 25-cv-867, 2025 WL 3484932 (W.D.N.Y.
 18 Dec. 4, 2025).

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

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

26 On December 18, 2025, a partial final judgment was entered in *Bautista v. Santacruz*.
 27
 28

1 No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025), a class action¹
 2 that sought a declaratory judgment that class members such as Petitioner were unlawfully
 3 detained under 8 U.S.C. § 1225(b)(2), rather than § 1226(a).² This is core habeas relief that
 4 must be brought as a habeas claim alone. As the Supreme Court made clear just last year,
 5 “[r]egardless of whether [] detainees formally request release from confinement,” if “their
 6 claims for relief necessarily imply the invalidity of their confinement[], their claims fall within
 7 the core of the writ of habeas corpus and thus must be brought in habeas.” *Trump v. J.G.G.*,
 8 604 U.S. 670, 672 (2025) (internal quotations omitted).

9 The Supreme Court has imposed two fundamental limits on federal court jurisdiction
 10 over core habeas claims. First, “jurisdiction lies in only one district: the district of
 11 confinement.” *Padilla*, 542 U.S. at 443 (2004); *see also J.G.G.*, 604 U.S. at 672. Second, a
 12 habeas petitioner must name the petitioner’s *immediate* custodian—*i.e.*, the custodian who has
 13 actual custody over the petitioner and can produce the “corpus.” *Padilla*, 542 U.S. at 435.
 14 “Failure to name the petitioner’s custodian as a respondent deprives federal courts of personal
 15 jurisdiction” needed to issue relief. *Stanley v. Cal. Supreme Court*, 21 F.3d 359, 360 (9th Cir.
 16 1994); *Padilla*, 542 U.S. at 444. Thus, a federal district court is wholly without authority to
 17 issue the writ in favor of a habeas petitioner who seeks habeas relief in a judicial district in
 18 which he is not confined and the immediate custodian is not located. *Padilla*, 542 U.S. at 442-
 19 43. And “[a] judgment entered without jurisdiction over the defendant is void.” *S.E.C. v. Ross*,
 20 504 F.3d 1130, 1139 (9th Cir. 2007).

21 Given that a challenge to the legality of detention is a core habeas claim, class-wide

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

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

1 declaratory relief is inappropriate in the habeas context. *Calderon v. Ashmus*, 523 U.S. 740,
 2 747 (1998) (declaratory judgment action not appropriate to address “validity of a defense the
 3 State may, or may not, raise in a habeas proceeding” in part because “the underlying claim
 4 must be adjudicated in a federal habeas proceeding”); *Fusco v. Grondolsky*, No. 17-1062, 2019
 5 WL 13112044, at *1 (1st Cir. June 18, 2019) (declaratory judgment action must be dismissed
 6 when habeas available). Indeed, a class-wide declaratory judgment imposed from outside the
 7 district of confinement cannot be squared with the district-of-confinement requirement of
 8 habeas, where the relief is an order of release, 28 U.S.C. § 2241(a), not a declaration of legal
 9 rights that can later be enforced. *See Calderon*, 523 U.S. at 747; *Fusco*, 2019 WL 13112044,
 10 at *1; *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996) (holding that the
 11 “availability of a habeas remedy in another district ousted us of jurisdiction over an alien’s
 12 effort to pose a constitutional attack . . . by means of a suit for declaratory judgment”); *Monk*
 13 *v. Sec. of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) (“In adopting the federal habeas corpus
 14 statute, Congress determined that habeas corpus is the appropriate federal remedy for a
 15 prisoner who claims that he is ‘in custody in violation of the Constitution . . . of the United
 16 States,’ This specific determination must override the general terms of the declaratory
 17 judgment . . . statute.”).

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

26 Here, the vast majority of *Bautista* class members are confined *outside* of the Central
 27 District of California by immediate custodians who are also *outside* the Central District of
 28 California and have not been named in the lawsuit. Therefore, the *Bautista* court lacked

1 jurisdiction to issue habeas relief to all class members who are confined outside the Central
2 District of California by immediate custodians outside that District, and a court's judgment
3 cannot be binding and preclusive against a party over which it lacked jurisdiction. *Burnham v.*
4 *Superior Court of Cal.*, 495 U.S. 604, 608 (1990). Indeed, another federal district court has
5 already held that the *Bautista* decisions "are advisory opinions because they do not redress the
6 alleged harm and are not preclusive." *Calderon Lopez v. Lyons*, No. 1:25-CV-226-H, --- F.
7 Supp. 3d ---, 2025 WL 3683918, at *1 (N.D. Tex. Dec. 19, 2025); *see also Rodriguez v.*
8 *Jeffreys*, No. 8:25-CV-714, 2025 WL 3754411, at *8-10 (D. Neb. Dec. 29, 2025) (finding that
9 the *Bautista* court lacked jurisdiction to apply injunction to detainees outside of the Central
10 District of California and that *Bautista* does not have preclusive effect).

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

19 **IV. Conclusion**

20 Petitioner is subject to mandatory detention under section 1225(b)(2), and *Bautista* has
21 no preclusive effect outside the Central District of California.

22 To the extent the Petition seeks an order requiring Respondents to either immediately
23 release Petitioner or hold a bond hearing, Respondents oppose the request and request that any
24 order granting Petitioner relief direct the Respondents to provide a bond redetermination
25 hearing within seven (7) days or release Petitioner from custody under the same conditions
26 that existed before detention.

1 Respectfully submitted on April 27, 2026.

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