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12 **UNITED STATES DISTRICT COURT**
13 **CENTRAL DISTRICT OF CALIFORNIA**
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16 Danna LUCIANO, *et al.*,

17 Petitioners,

18 v.

19 Kristi NOEM, Secretary, U.S.
20 Department of Homeland Security, *et al.*,

21 Respondents.
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Case No. 5:25-cv-03156-RGK-MAA

**PETITIONERS' REPLY TO
RESPONDENTS' OPPOSITION
TO APPLICATION FOR
PRELIMINARY INJUNCTION**

Hon. R. Gary Klausner
United States District Court Judge

Petitioners hereby reply to Respondents' opposition to their request for a preliminary injunction. Dkt. 12.

Petitioners do not address the jurisdictional arguments made by Respondents (see Dkt. 12 at 12-16) which have been considered and rejected by this Court (see, e.g., *Benitez v. Noem*, No. 5:25-cv-02190-RGK-AS (C.D. Cal. Aug. 26, 2025) (TRO), Dkt. 11 at 3-4) and by over two hundred other courts. See also, *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *2 (C.D. Cal. Nov. 20, 2025).

Petitioners limit this reply to addressing new authority, specifically the November 25th order in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F.R.D. ----, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) certifying a nationwide Bond Eligible Class of which Petitioners are members,¹ and addressing Respondents' new arguments pertaining to Fed.R.Civ.P. 23(b)(2) and the argument that the declaratory judgment order in *Maldonado Bautista* is not a final judgment. See *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025) (partial summary judgment order); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-

¹ Respondents mistakenly state that Petitioners previously argued that the class certification order in *Maldonado Bautista* compels bond hearings. Dkt. 12 at 7. While Petitioners now make that argument, Petitioners did not previously make the argument because the class certification order was not issued until November 25th, after Petitioners filed their petition for writ of habeas corpus and sought a temporary restraining order.

1 SSS-BFM, --- F.R.D. ----, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025) (order
2 certifying class and extending declaratory judgment to the Bond Eligible Class).
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4 Petitioners are members of the *Maldonado Bautista* Bond Eligible Class
5 consisting of:

6 All noncitizens in the United States without lawful status who (1) have
7 entered or will enter the United States without inspection; (2) were not or
8 will not be apprehended upon arrival; and (3) are not or will not be subject to
9 detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the
Department of Homeland Security makes an initial custody determination.

10 *Maldonado Bautista*, 2025 WL 3288403, at *9. On November 20, 2025, the district
11 court granted partial summary judgment on behalf of the *Maldonado Bautista*
12 individual plaintiffs and, on November 25, 2025, certified a nationwide class and
13 extended declaratory judgment to the certified class. *See Maldonado Bautista*,
14 2025 WL 3289861, at *11 (order granting partial summary judgment to named
15 Plaintiffs-Petitioners); *Maldonado Bautista*, 2025 WL 3288403, at *9 (declaratory
16 judgment extended to the Bond Eligible Class members who are detained under 8
17 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond
18 under § 1225(b)(2)(A)). *Maldonado Bautista*, 2025 WL 3289861, at *11.
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20 Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
21 “force and effect of a final judgment.” 28 U.S.C. § 2201(a).
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23 Respondents now argue that this petition should be “stayed or dismissed
24 pending resolution of [*Maldonado*] *Bautista*, since the certification of a Rule 23(b)(2)
25 class precludes individual suits (like this) for the same injunctive or declaratory
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1 relief.” Dkt. 12 at 7. Here, however, Petitioners are *not* seeking the same injunctive
2 or declaratory relief as the Plaintiffs in *Maldonado Bautista*. As an initial matter, the
3 *Maldonado Bautista* class did not seek class-wide injunctive relief.² The *Maldonado*
4 *Bautista* Plaintiffs also did not seek habeas claims on behalf of the class, and thus,
5 class members are not precluded from filing habeas petitions that assert their
6 individual claims of unlawful detention or seek individual injunctions ordering bond
7 hearings or release. Instead, the *Maldonado Bautista* declaratory judgment is binding
8 in regard to its statutory analysis that has determined that Petitioners’ detention falls
9 under 8 U.S.C. § 1226(a), and therefore, Petitioners are eligible for release on bond.
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12 The *Maldonado Bautista* declaratory judgment does not order habeas (or other
13 injunctive) relief for class members, including Petitioners. *See Pride v. Correa*, 719
14 F.3d 1130, 1133 (9th Cir. 2013) (when “the complainant is a member in a class action
15 seeking the same relief” a court “may dismiss those portions of the complaint which
16 duplicate the class action’s allegations and prayer for relief” but “a district court may
17 not ‘dismiss[] those allegations ... which go beyond the allegations and relief prayed
18 for in [the class action].”) (quoting *Crawford v. Bell*, 599 F.2d 890, 893 (9th Cir.
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24 ² In *Garland v. Aleman Gonzalez*, the Supreme Court interpreted 8 U.S.C. §
25 1252(f)(1) to prohibit class-wide injunctive relief regarding certain immigration
26 detention statutes like the ones at issue here. 596 U.S. 543 (2022). However, §
27 1252(f)(1) does not bar other forms of relief, like class-wide declaratory relief. *See,*
28 *e.g., Biden v. Texas*, 597 U.S. 785, 800 (2022); *Al Otro Lado v. Exec. Off. For*
Immigr. Rev., 128 F. 4th 1102, 1123-24 (9th Cir. 2025); *Brito v. Garland*, 22 F.4th
240, 251-2 (1st Cir. 2021); *Texas v. United States*, 40 F.4th 205, 220 (5th Cir. 2022)
(per curiam).

1 1979)).

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3 Consequently, Respondents are simply wrong about the impact of the
4 *Maldonado Bautista* declaratory judgment. Petitioners' habeas petition is not
5 precluded by the *Maldonado Bautista* declaratory judgment because the nature of the
6 relief granted there is different from what Petitioners now seek. "[I]t is black-letter
7 law that preclusion 'does not apply to extinguish the claim' if '[t]he plaintiff was
8 unable to . . . seek a certain remedy or form of relief in the first action because of . .
9 . restrictions on [the court's] authority to entertain . . . demands for multiple remedies
10 or forms of relief in a single action.'" *Luna Gutierrez v. Noem*, No. CV 25-1766
11 (SLS), [2025 WL 3496390](#), at *14 n.15 (D. D.C. Dec. 5, 2025) (quoting Restatement
12 (Second) of Judgments § 26(1)(c) (1982)); *see also* Wright & Miller, 18 Fed. Prac.
13 & Proc. Juris. § 4412 (3d ed. Sept. 2025 Update) ("Claim preclusion is readily denied
14 when the remedies sought in the second action could not have been sought in the first
15 action. . . ."). *Maldonado Bautista* did not provide class-wide injunctive or habeas
16 relief, so it cannot have any preclusive effect on Petitioners' or other individual class
17 members' present or future cases for either injunctive or habeas relief challenging
18 their unlawful detention.
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21 A core purpose of Rule 23(b)(2) is to allow courts to issue an indivisible
22 declaratory judgment that paves the way for follow-on individual proceedings
23 seeking further (non-monetary) relief. *See* Advisory Committee Note (1966),
24 [Fed.R.Civ.P. 23](#) ("Declaratory relief 'corresponds' to injunctive relief when [it] . . .
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1 serves as a basis for later injunctive relief. The subdivision does not extend to cases
2 in which the appropriate final relief relates exclusively or predominately to money
3 damages.”); 2 William B. Rubenstein, *Newberg & Rubenstein on Class Actions* §
4 4:31 (6th ed. Dec. 2025 Update) (same); *see also Powell v. McCormack*, 395 U.S.
5 486, 499 (1969) (“A declaratory judgment can then be used as a predicate to further
6 relief, including an injunction.”). Thus, it is not only permissible, but specifically
7 contemplated by the Declaratory Judgment Act that a class-wide declaratory
8 judgment may serve as the basis for a later injunction or habeas to give effect to the
9 declaratory judgment. *See United Specialty Ins. Co. v. Cole's Place, Inc.*, 936 F.3d
10 386, 396 (6th Cir. 2019); *see also 28 U.S.C. § 2202* (allowing for “[f]urther relief or
11 proper relief based on a declaratory judgment or decree”).

12 Respondents also cite to *Doran v. Salem Inn, Inc.*, 422 U.S. 922, 931 (1975)
13 for the proposition that *Maldonado Bautista’s* “class certification order is not a
14 ‘declaratory judgment’ because a court cannot grant declaratory relief prior to the
15 entry of a final judgment.” Dkt. 12 at 7. However, under the Federal Rules of Civil
16 Procedure, “[c]laims can be separate for the purposes of Fed.R.Civ.P. 54(b). *In re*
17 *Fifth Third Early Access Cash Advance Litig.*, 925 F.3d 265, 269 (6th Cir. 2019).
18 Rule 54(b) “was adopted ‘specifically to avoid the possible injustice of delay[ing]
19 judgment o[n] a distinctly separate claim [pending] adjudication of the entire case....
20 The Rule thus aimed to augment, not diminish, appeal opportunity.’ *Gelboim v. Bank*
21 *of Am. Corp.*, 574 U.S. 405, 409-10 (2015) (citations omitted).” *Jewel v. Nat’l Sec.*

1 *Agency*, 810 F.3d 622, 628 (9th Cir. 2015). Further, final judgment is a distinct
2 inquiry from whether *Maldonado Bautista* has now bound the parties before it,
3 including through a certified nationwide class. *Cf. Goodheart Clothing Co. v. Laura*
4 *Goodman Enters., Inc.*, 962 F.2d 268, 274 (2d Cir. 1992) (distinguishing issue
5 preclusion between litigation in two courts from “the somewhat more flexible law-
6 of-the-case doctrine”). Therefore, issue preclusion does not preclude Petitioners’
7 habeas claims.
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10 Furthermore, Petitioners remain detained, which is indisputably an injury
11 sufficient to create a case or controversy distinct from the *Maldonado Bautista*
12 declaratory judgment. *Spencer v. Kemna*, 523 U.S. 1, 7 (1998). Even with the
13 *Maldonado Bautista* orders, Petitioners cannot actually obtain a bond hearing absent
14 an order from this Court because Respondents have taken the position that there is
15 no binding judgment on immigration judges and instead have expressly directed
16 those judges not to hold bond hearings for the *Maldonado Bautista* Bond Eligible
17 Class members. *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-
18 BFM, Defendants’ Opposition to Ex Parte Application for Reconsideration re Order
19 on Motions to Certify Class and for Partial Summary Judgment, Dkt. 90, Dec. 10,
20 2025.
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23 For the reasons set forth in Petitioners’ Memorandum in Support of
24 Application for Ex Parte TRO, Dkt. 4-1, Petitioners have established that 8 U.S.C. §
25 1226 governs the detention of Petitioners. Section 1225 and its mandatory detention
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1 provision applies only to individuals arriving in the United States as specified in the
2 statute, while § 1226 applies to those who have previously entered without admission
3 and are now present and residing in the United States. A preliminary injunction
4 should be issued on this basis as this Court has done previously. *See, e.g., Benitez v.*
5 *Noem*, No. 5:25-cv-02190-RGK-AS (C.D. Cal. Aug. 26, 2025) (TRO), Dkt. 11.
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8 Additionally, Petitioners are now members of the *Maldonado Bautista* Bond
9 Eligible Class and are therefore detained under 8 U.S.C. § 1226(a), and thus may not
10 be denied consideration for release on bond based on the Respondents' view that §
11 1225(b)(2)(A) applies. *Maldonado Bautista*, 2025 WL 3289861, at *11.
12

13 For the foregoing reasons, Petitioners respectfully urge this Court to grant their
14 request for a Preliminary Injunction directing Respondents to release Petitioners or
15 provide Petitioners with an individualized bond hearing before an immigration judge
16 pursuant to 8 U.S.C. § 1226(a) within seven days of the order.
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20 Dated: December 15, 2025

Respectfully submitted,

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WORD COUNT CERTIFICATION

The undersigned, counsel of record for Petitioners, certifies that this Memo contains 1,583 words, which complies with the word limit of L.R. 11-6.1.

s/ Niels W. Frenzen

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