

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

ROGER ALEXANDER GODOY ESTRADA	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 1:25-cv-506-JL-AJ
	)	
CHRISTOPHER BRACKETT, Superintendent,	)	
Strafford County Department of Corrections, <i>et al.</i> ;	)	
	)	
Respondents.	)	
	)	

FEDERAL RESPONDENTS' RESPONSE TO SUMMARY SHOW CAUSE ORDER

On December 22, 2025, the Court issued a Summary Show Cause Order in the above-captioned case, directing Federal Respondents to show cause in writing on or before December 29, 2025, why, given rulings issued in *Guerrero Orellana v. Moniz*, No. 25-CV-12664-PBS, 2025 WL 3687757 (D. Mass. Dec. 19, 2025), and *Maldonado Bautista et al v. Santacruz Jr*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), *judgment entered sub nom. Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025), the Court should not issue an order requiring the respondents to afford the petitioner with a bond hearing under 8 U.S.C. § 1226(a) within ten days. ECF No. 10.

Federal Respondents respectfully object to Petitioner receiving relief under either class action suit. As outlined in their Objection to the Petition, ECF No. 6, Federal Respondents disagree with Petitioner's claim that his detention is governed by 8 U.S.C. § 1226 and submit that he is lawfully detained pursuant to 8 U.S.C. § 1225(b)(2); they accordingly contend that rulings in *Guerrero Orellana* and *Maldonado Bautista* are incorrect.

However, as previously noted, ECF No. 6 at 2, 4-6, Federal Respondents acknowledge that this Court's recent Order in *Pablo Loja Lema v. FCI Berlin, Warden, et al.*, Civil No. 1:25-

cv-386-JL, ECF No. 14 at 4-5 (D.N.H. Nov. 11, 2025), appears to control the result in this case if the Court adheres to the reasoning in that decision. Here, as in *Loja Lema*, Petitioner encountered immigration authorities soon after entering the country without inspection and was subsequently released pursuant to an authority other than discretionary parole as provided at 8 U.S.C. § 1182(d)(5)(A). In *Loja Lema*, the petitioner was expressly released pursuant to 8 U.S.C. § 1226, after a bond hearing. Order to Hold Bond Hearing at 2 (ECF No. 14). Here, Petitioner was not released expressly pursuant to 8 U.S.C. § 1226, but according to procedures governing the protection of unaccompanied minors. See ORR, Verification of Release (ECF 4-1) at 1. However, Federal Respondents can offer no documentation showing that Petitioner was released into the United States under ICE's discretionary parole power, identified at 8 U.S.C. § 1182(d)(5)(A), and the only authority under which ICE may properly release a noncitizen otherwise subject to mandatory detention. Under this Court's reasoning, ICE's failure to exercise its discretionary parole power means that "the government failed to reserve its right to treat [the petitioner] in the same manner as that of any other applicant for admission to the United States." Order to Hold Bond Hearing, *Loja Lema*, 1:25-cv-386-JL (ECF No. 14) at 4-5.

Accordingly, Federal Respondents submit that this Court need not resolve whether Petitioner is entitled to relief under either class action suit, but may offer the same relief available under the declaratory judgments in those cases – the opportunity to have a bond hearing before an Immigration Judge – in accord with its reasoning in *Loja Lema*.¹ This resolution, predicated on due process concerns rather than on construction of the immigration detention statutory provisions, does not conflict with the rulings issued in either *Maldonado*

¹ Federal Respondents respectfully reserve the right to appeal the ruling in *Loja Lema* for the reasons identified in their briefing in that case but recognize its preclusive effect here.

Bautista or *Guerrero Orellana*, which both address appropriate statutory construction of 8 U.S.C. §§ 1225 and 1226, and thus poses no risk to the principles of comity. *See Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025); *Guerrero Orellana*, 2025 WL 3687757. Moreover, such a resolution would conserve judicial resources and expedite resolution of this petition, by eliminating further litigation over whether either class action suit compels action in this district.²

Accordingly, Federal Respondents respectfully respond to the Court's Order to Show Cause that this Court should not issue an order requiring them to afford Petitioner a bond hearing based on the class action rulings, when the same relief is already available under this Court's precedent in *Loja Lema*, with no further briefing required.

Respectfully submitted,

ERIN CREEGAN
United States Attorney

Dated: December 29, 2025

By: /s/ Anna Dronzek
Assistant U.S. Attorney
Colo. Bar No. 43912
U.S. Attorney's Office
53 Pleasant Street, 4th Floor
Concord, NH 03301
603-225-1552
anna.dronzek@usdoj.gov

² Federal Respondents acknowledge that Petitioner appears to meet the criteria for class membership in both class actions. *See Guerrero Orellana*, 2025 WL 3687757 at *9-10; *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025). However, Federal Respondents nonetheless object to the application of either class action here. Should the Court choose to address the merits of Petitioner's class action claim, Federal Respondents respectfully request additional time to brief the issue fully.