

ERIC GRANT  
United States Attorney  
SAM STEFANKI  
Assistant United States Attorney  
501 I Street, Suite 10-100  
Sacramento, CA 95814  
Telephone: (916) 554-2700  
Facsimile: (916) 554-2900

Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JONNY ALEXANDER ESCOBAR,

Petitioner,

v.

CHRISTOPHER CHESTNUT, et al.,

Respondents.

CASE NO. 1:25-CV-01801-DJC-EFB

UNITED STATES' MOTION TO DISMISS OR  
TRANSFER

The Court should dismiss petitioner Jonny Escobar's petition for a writ of habeas corpus because he is a member of a class seeking the same relief in a different federal district court. Since this other class action is pending elsewhere, Escobar's claims belong there.

**I. FACTUAL AND PROCEDURAL BACKGROUND**

In April, the United States District Court for the District of Massachusetts entered a preliminary injunction (i) prescribing the process to which certain aliens are entitled before removal to a third country and (ii) certifying a non-opt out class of aliens protected by those procedures. *D.V.D. v. U.S. Dep't of Homeland Sec.*, 778 F. Supp. 3d 355 (D. Mass. 2025). The Supreme Court subsequently stayed the preliminary injunction but left certification of the non-opt out class intact, signaling that the *D.V.D.* class members are unlikely to succeed on the merits of their claims. *Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2153 (2025). Earlier this month, Escobar filed a petition for a writ of habeas corpus in this jurisdiction requesting the same relief as that sought by the members of *D.V.D.* class. See Pet. Writ

1 Habeas Corpus 13, Dkt. No. 1; Emergency Mot. TRO ¶ 32, Dkt. No. 2 (noting that due process  
2 protections sought by *D.V.D.* class members are those “discussed above and requested herein”).

3  
4 **II. LEGAL STANDARD**

5 A district court may dismiss an individual complaint where the plaintiff is a member in a class  
6 action that seeks the same relief. *Pride v. Correa*, 719 F.3d 1130, 1133 (9th Cir. 2013) (citing *Crawford*  
7 *v. Bell*, 599 F.2d 890, 892–93 (9th Cir. 1979)). This discretion derives from the “imperative to avoid  
8 concurrent litigation in more than one forum whenever consistent with the rights of the parties.” *Id.* at  
9 893; see *Frost v. Symington*, 197 F.3d 348, 359 (9th Cir. 1999) (“To the extent that a class action  
10 involving the same issues raised by [plaintiff] is currently pending . . . [he] may have to bring all of his  
11 related claims for equitable relief . . . through . . . class counsel.”). It also derives from the “generally  
12 recognized doctrine of federal comity which permits a district court to decline jurisdiction over an action  
13 when a complaint involving the same parties and issues has already been filed in another district.”  
14 *Pacesetter Sys., Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94–95 (9th Cir. 1982).

15 **III. ARGUMENT**

16 The Court should dismiss Escobar’s petition for at least three reasons. First, granting the  
17 government’s motion will avoid providing Escobar with relief that eventually may conflict with that  
18 ultimately provided to the *D.V.D.* class. Escobar’s petition challenges how immigration authorities  
19 might implement his possible removal to a third country (should such a third country removal occur).  
20 Pet. Writ Habeas Corpus 13 (seeking minimum of ten days to raise fear-based claim as well as  
21 opportunity to reopen immigration proceedings prior to third-country removal). That is precisely the  
22 challenge brought in Massachusetts. *D.V.D.*, 778 F. Supp. 3d at 392–93. The Court, therefore, should  
23 decline to adjudicate Escobar’s claims because those very claims are being actively litigated in the  
24 *D.V.D.* class action. To do otherwise would cut against the purpose of the non-opt out class action  
25 device allowed by Rule 23(b)(2) of the Federal Rules of Civil Procedure. See *Gen. Tel. Co. of Sw. v.*  
26 *Falcon*, 457 U.S. 147, 161 (1982) (Burger, C.J., concurring in part) (“[T]he purpose of Rule 23 is to  
27 promote judicial economy by allowing for litigation of common questions of law and fact at one time.”  
28 (citing *Califano v. Yamasaki*, 442 U.S. 682, 701 (1979))).

28 ///

Second, the Court should avoid providing Escobar with relief that is likely to be rejected by the Supreme Court. The District of Massachusetts attempted to set parameters around third country removals, but the Supreme Court effectively overturned those limits as applied to individual class members. *Dep't of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2627 (2025) (granting government's motion for clarification of prior stay of injunction). Escobar should not be able to make an end run around the Supreme Court by seeking relief here. Indeed, courts frequently recognize that members of class action lawsuits should not bring separate actions that litigate issues raised in the class action. *See, e.g., Wynn v. Vilsack*, No. 3:21-CV-514-MMH-LLL, 2021 WL 7501821, at \*3 (M.D. Fla. Dec. 7, 2021) (collecting cases). This reasonable rule prevents class members from avoiding the binding results of a certified class action. *See Goff v. Menke*, 672 F.2d 702, 704 (8th Cir. 1982).

Third, the Court should decline to exercise jurisdiction here as a matter of comity because Escobar's petition involves "the same parties and issues [as an action that] has already been filed in another district." *Pacesetter Sys.*, 678 F.2d at 94-95. Indeed, federal district courts in other jurisdictions have already done so. *See, e.g., Ghamelian v. Baker*, No. CV SAG-25-02106, 2025 WL 2049981, at \*3 (D. Md. July 22, 2025) ("In light of Plaintiff's apparent class membership, claims relating to his potential third country removal are more appropriately resolved in the *D.V.D.* case and will not be addressed in this Court." (footnote omitted)); *Tanha v. Warden of Balt. Det. Facility*, No. 1:25-CV-02121-JRR, 2025 WL 2062181, at \*5 (D. Md. July 22, 2025) (reasoning that "matters pertaining to Petitioner's removal destination are more properly addressed by the District of Massachusetts").

#### IV. CONCLUSION

The United States respectfully requests that the Court dismiss petitioner Jonny Alexander Escobar's habeas petition. In the alternative, the United States requests that the Court transfer Escobar's petition to the United States District Court for the District of Massachusetts.

Dated: December 19, 2025

ERIC GRANT  
United States Attorney

By: /s/ SAM STEFANKI  
SAM STEFANKI  
Assistant United States Attorney