

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

CHRISTIAN CABEZA RAMIREZ,	:	
	:	
Petitioner,	:	
	:	Case No. 4:26 cv 571 CDL AGH
v.	:	28 U.S.C. § 2241
	:	
WARDEN, STEWART DETENTION CENTER,¹	:	
	:	
Respondent.	:	

RESPONDENT'S RESPONSE

On April 8, 2026, Petitioner filed a petition for a writ of habeas corpus (“Petition”). ECF No. 1. Petitioner raises two primary claims: (1) his detention violates 8 U.S.C. § 1254a(d)(4) because he retains Temporary Protected Status (“TPS”) under the *NTPSA* declaratory order, and (2) his 120-day detention violates the Due Process Clause of the Fifth Amendment because he is not currently deportable. Pet. ¶¶ 88-94. For the reasons explained below, the Petition should be denied.

BACKGROUND

Petitioner is a native and citizen of Venezuela. Declaration of Deportation Officer Kirk Scott (“Scott Decl.”) ¶ 5. On June 19, 2022, United States Border Patrol encountered Petitioner near Eagle Pass, Texas, and paroled him into the United States. *Id.* ¶ 5 & Ex. A. On October 10,

¹ In addition to Warden of Stewart Detention Center Terrence Dickerson, Petitioner also names Immigration and Customs Enforcement (“ICE”) Interim Field Office Director Kristen Sullivan, Secretary of Homeland Security Alejandro Mayorkas, and Attorney General Merrick Garland as Respondents in his Petition. “[T]he default rule [for claims under 28 U.S.C. § 2241] is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004) (citations omitted). Thus, Respondent has substituted the Warden of Stewart Detention Center as the sole appropriately named respondent in this action.

2023, Petitioner applied for TPS with the United States Citizenship and Immigration Services (“USCIS”). *Id.* ¶ 6. On January 26, 2024, USCIS granted Petitioner TPS until April 2, 2025. *Id.*

On January 20, 2025, Petitioner applied to extend his TPS with USCIS. *Id.* ¶ 7. On November 20, 2025, USCIS terminated that application. Scott Decl. ¶ 7. On December 3, 2025, the Jersey City, NJ, Police Department arrested Petitioner and charged him with Aggravated Assault and Possession of a Weapon for Unlawful Purpose. *Id.* ¶ 8. On the same day, ICE/ERO lodged a detainer, and Petitioner entered ICE custody. *Id.* ¶¶ 4, 8 & Ex. A.

On December 3, 2025, ICE/ERO initiated removal proceedings by serving Petitioner with a Notice to Appear (“NTA”) charging him with removability pursuant to 8 U.S.C. §§ 1182 (a)(6)(A)(i) and 1182(a)(7)(A)(i)(I). *Id.* ¶ 9 & Ex. B. Petitioner is currently detained at the Stewart Detention Center under the authority of INA § 236(a). *Id.* ¶ 4.

On February 6, 2026, an Immigration Judge (“IJ”) held a custody redetermination hearing and denied redetermination. Scott Decl. ¶ 10. The IJ held that Petitioner had not met the burden to show that he is not a danger to the community. *Id.* ¶ 10 & Ex. C. Petitioner’s removal case remains pending, and his next hearing is on April 24, 2026. *Id.* ¶ 11.

LEGAL FRAMEWORK

Petitioner contends that he maintains TPS notwithstanding the Secretary of Homeland Security’s vacatur of the January 17, 2025, extension of TPS for Venezuela and termination of Venezuela’s 2023 designation. Pet. ¶ 3. Petitioner’s claim is based upon an order from the U.S. District Court for the Northern District of California in *National TPS Alliance v. Noem*, No. 25-cv-01766-EMC, 2025 WL 3539156 (N.D. Cal. Dec. 10, 2025) (“NTPSA”). Petitioner argues that the *NTPSA* December 10 Order has “preclusive effect” in this habeas case, controlling the legal

question of whether members of the National TPS Alliance (“NTPSA”), such as Petitioner, retain their status. Pet. ¶ 3.

A. Vacatur of Temporary Protected Status for Venezuela

TPS is a statutory classification for non-citizens whom the Executive Branch determines warrant special protection. *See* 8 U.S.C. § 1254a. Venezuela was designated as a TPS eligible country in March 2021 and October 2023. 86 Fed. Reg. 13,574 (Mar. 9, 2021); 88 Fed. Reg. 68,130 (Oct. 3, 2023). Petitioner was granted TPS under the 2023 designation on January 26, 2024. Pet. ¶ 16. On January 17, 2025, the 2023 designation was extended through October 2, 2026. 90 Fed. Reg. 5,961 (Jan. 17, 2025); Pet. ¶ 26.

However, in February 2025, the Secretary of Homeland Security issued a vacatur of the previous extensions of TPS for Venezuelan nationals. 90 Fed. Reg. 8805 (Feb. 3, 2025); 90 Fed. Reg. 9040 (Feb. 5, 2025); Pet. ¶¶ 28-29. Soon after, the NTPSA and a group of individual Venezuelan TPS holders filed suit in the Northern District of California. Pet. ¶ 31.

B. The NTPSA Case

On February 19, 2025, the NTPSA challenged the vacatur of the January 17, 2025, extension. *Nat’l TPS All. v. Noem*, No. 25-CV-01766-EMC (N.D. Cal.). The case involved multiple appellate reviews and two stays by the United States Supreme Court halting orders that found the vacatur violated the Administrative Procedure Act (“APA”). *See Noem v. Nat’l TPS All.*, 145 S. Ct. 2728 (2025); *Noem v. Nat’l TPS All.*, 146 S. Ct. 23 (2025); Pet. ¶ 33. Notwithstanding these stays, the district court issued a third order on December 10, 2025, granting declaratory relief. *NTPSA*, 2025 WL 3539156; Pet. ¶ 32. The district court stated this relief was “collateral” to its earlier ruling now pending appeal. *NTPSA*, 2025 WL 3539156 at *2.

C. Framework for Requested Relief

Petitioner contends the December 10, 2025, order is a “final judgment” declaring the termination of Venezuela’s 2023 TPS designation unlawful. Pet. ¶ 32. Petitioner argues that because he is a member of the NTPSA, this order controls his status and prevents his detention under 8 U.S.C. § 1254a(d)(4). Pet. ¶¶ 3, 20, 36. Petitioner asserts that because Respondents did not seek a stay of the December 10 order, he “retains TPS” and is therefore being detained in violation of the Immigration and Nationality Act and the Fifth Amendment. Pet. ¶¶ 32, 34, 41.

ARGUMENT

Petitioner raises two primary claims: (1) his detention violates 8 U.S.C. § 1254a(d)(4) because he retains TPS under the *NTPSA* declaratory order, and (2) his 120-day detention is unconstitutional under the Fifth Amendment under *Zadvydas v. Davis*, 533 U.S. 678 (2001). Pet. ¶¶ 88-94. As to Petitioner’s second claim, he relies on *Zadvydas*, for the argument that his detention is not reasonably related to a legitimate immigration purpose. However, *Zadvydas* only applies to individuals post-final order of removal which Petitioner is not.²

Here, Petitioner asks the Court to accept the *NTPSA* court’s December 10, 2025, ruling as dispositive of the issue presented in this case. But for multiple reasons, doing so is inappropriate. First, the *NTPSA* court lacked authority to issue the December 10, 2025, ruling, and this Court is therefore not bound by it. Second, Petitioner argues that the *NTPSA* December 10 Order has “preclusive effect” in this case. Pet. ¶ 3. However, that order does not entitle Petitioner to habeas

² Nowhere in the Petition does Petitioner contest the statutory permissibility of his detention or claim that relief pursuant to this Court’s decisions in *J.A.M. v. Streeval*, No. 4:25-cv-342-CDL-AGH (M.D. Ga. Nov. 1, 2025), and *P.R.S. v. Streeval*, No. 4:25-cv-330-CDL, 2025 WL 3269947 (M.D. Ga. Nov. 24, 2025), may be available to him. Regardless, Petitioner has already received a custody redetermination hearing on February 6, 2026, where the IJ denied redetermination after finding that Petitioner failed to meet the burden to show he is not a danger to the community. Scott Decl. ¶ 10. Because Petitioner has not challenged the outcome of that hearing or raised a *J.A.M.* claim in his Petition, those issues are not before this Court.

relief because Petitioner has raised a core habeas claim that must be adjudicated in the district where he is confined. Third, the parties in both actions were not the same—specifically, the only proper respondent to this Petition, the Warden of Stewart Detention Center, was not a party to the *NTPSA* action—and the *NTPSA* court’s orders cannot have preclusive effect against parties over whom it lacked jurisdiction.

I. The *NTPSA* court lacked jurisdiction to issue the December 10, 2025 Order.

Petitioner bases his claim that he retains TPS solely on the order entered in *NTPSA* on December 10, 2025. Pet. ¶¶ 3, 36. This order, entered while the *NTPSA* court’s prior orders vacating the Venezuela TPS extension were stayed by the Supreme Court and pending appeal to the Ninth Circuit, declared that the Venezuela TPS vacatur was unlawful. *NTPSA*, No. 25-CV-01766-EMC, 2025 WL 3539156.

Because the decision granting declaratory relief was explicitly based on previous rulings that are subject to the Supreme Court’s stays, any attempt to utilize that decision to circumvent the stays is void. The *NTPSA* court already made two attempts to effectuate its determination that the vacatur of Venezuelan TPS was invalid. And in both cases, the Supreme Court stayed enforcement of the district court’s orders. First, the *NTPSA* court issued a preliminary order “to postpone” the vacatur of Venezuelan TPS pending final adjudication of the merits of the case. *Nat’l TPS Alliance v. Noem*, 773 F. Supp. 3d 807 (N.D. Cal. Mar. 31, 2025). The Supreme Court issued a stay of that decision on May 19, 2025, “pending the disposition of the appeal in the [Ninth Circuit] and disposition of a petition for a writ of certiorari, if such writ is timely sought.” *Noem v. Nat’l TPS Alliance*, 145 S. Ct. 2728 (2025) (mem.). Accordingly, that order postponing the vacatur remains stayed.

Later, the *NTPSA* court granted summary judgment, finding that the vacatur of Venezuelan TPS violated the APA and setting the vacatur aside. *Nat'l TPS Alliance v. Noem*, 798 F. Supp. 3d 1108 (N.D. Cal. Sept. 5, 2025); Pet. ¶ 31. Again, the Supreme Court stepped in to prevent the order from taking effect, staying the September 5, 2025, order on October 3, 2025, under the same terms as the first stay. *Noem v. Nat'l TPS Alliance*, 146 S. Ct. 23 (2025) (mem.); Pet. ¶ 33. This order also remains stayed.

Unswayed, the Northern District of California proceeded to grant declaratory relief that the vacatur was unlawful on December 10, 2025. In so ruling, the court expressly stated that its order was “based on the . . . ruling in granting the partial final judgment on the APA claims.” *NTPSA*, 2025 WL 3539156 at *1. It further acknowledged that the order was “predicated on [its earlier] ruling now pending appeal,” and “[b]ased on the merits analysis in its prior summary judgment order,” which the Supreme Court had stayed. *Id.* at *2.

The *NTPSA* court lacked authority to issue a declaratory judgment in the face of the Supreme Court’s stays. By simply altering the type of relief granted while explicitly basing its decision on the reasoning and determinations made in the prior order of September 5, 2025, the district court lacked jurisdiction to issue the December 10, 2025, order. Indeed, this Court is not bound by the judgments of other courts entered without jurisdiction. *See Huntington v. Attrill*, 146 U.S. 657, 685 (1892). As another district court recently stated when addressing this exact issue:

Put simply, issuing a judgment that would bind the government in over 84,000 individual cases based on reasoning that has been stayed and cannot be enforced, and requiring the government to release and refrain from removing individuals that it may be legally permitted to detain and remove goes too far in defiance of the stay order. *See Nken [v. Holder]*, 556 U.S. [418] at 428 [(2009)] (noting that a “stay pending appeal” “can have the practical effect of preventing some action before the legality of that action has been conclusively determined”); *Dep’t of Homeland Sec. v. D.V.D.*, 145 S. Ct. 2627, 2629 (2025) (“Our June 23 order stayed the April 18 preliminary injunction in full. The May 21 remedial order [from the district court] cannot now be used to enforce an injunction that our stay rendered unenforceable.

. . . [S]uch a remedy would serve to coerce the Government into compliance and would be unenforceable given our stay of the underlying injunction.” (quotation marks omitted)).

A.J.S.H. v. Noem, No. CV-26-00625-PIIX-MTL (JFM), ECF No. 39 (D. Ariz. Mar. 12, 2026) (attached hereto as Exhibit A) at 10. Like the District Court for the District of Arizona, this Court should similarly find that it is not bound by the Northern District of California’s decision in *NTPSA*, as that decision was in defiance of the Supreme Court’s stays prohibiting enforcement of the court’s earlier orders.

II. The December 10, 2025 order does not have preclusive effect in this habeas case.

Even assuming that the district court in *NTPSA* had jurisdiction to issue a declaratory judgment notwithstanding the stays, the Supreme Court has rejected similar attempts to utilize the Declaratory Judgment Act to pre-determine issues that are more appropriately litigated in a habeas petition. In *Calderon v. Ashmus*, 523 U.S. 740 (1998), the Supreme Court reversed a declaratory judgment regarding the applicability of a federal statute to a class of prisoners, finding that using the Declaratory Judgment Act was “bar[red] . . . for this purpose” because it amounted to an attempt “to gain a litigation advantage by obtaining an advance ruling on an affirmative defense.” *Id.* at 743, 747. The Supreme Court reasoned that it needed “to prevent federal-court litigants from seeking by declaratory judgment to litigate a single issue in a dispute that must await another lawsuit for complete resolution.” *Id.* at 748; *see also Fusco v. Grondolsky*, No. 17-1062, 2019 WL 13112044, at *1 (1st Cir. June 18, 2019).

What transpired in *Calderon* is analogous to the facts here, with Petitioner—as a purported member of *NTPSA*—seeking to use the Northern District of California’s December 10, 2025, declaratory judgment order to preemptively resolve the issue of whether the vacatur of Venezuela TPS violated the APA. Pet. ¶¶ 3, 36. “Any attempt to obtain, through a declaratory judgment,

habeas relief or to pre-litigate an issue to bind the government in a pending or to-be-filed habeas petition fails for lack of jurisdiction and is another reason why this Court is not bound by the *NTPSA* court's December 10 decision." *A.J.S.H. v. Noem*, No. CV-26-00625-PIIX-MTL (JFM), ECF No. 39 at 15 (D. Ariz. Mar. 12, 2026); *see also United States v. Schlenker*, 24 F.4th 1301, 1308 (9th Cir. 2022). Likewise, other courts have declined to apply the *NTPSA* declaratory judgment in habeas actions brought outside the district where that judgment was issued *See Rodriguez v. Jeffreys*, No. 8:25-CV-714, 2025 WL 3754411 (D. Neb. Dec. 29, 2025); *Ore Falcon v. Wofford*, No. 1:26 cv 00181 WBS EFB, 2026 WL 171927 (E.D. Cal. Jan. 22, 2026); *Morales v. Noem*, 2026 U.S. Dist. LEXIS 21488 (S.D. Fla. Jan. 29, 2026).

A declaratory judgment imposed from outside the district of confinement cannot be squared with the district-of-confinement requirement of habeas, where the relief is an order of release, 28 U.S.C. § 2241(a), not a declaration of legal rights that can later be enforced.³ *See Calderon*, 523 U.S. at 747; *Fusco*, 2019 WL 13112044, at *1; *LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996) (holding that the "availability of a habeas remedy in another district ousted us of jurisdiction over an alien's effort to pose a constitutional attack . . . by means of a suit for declaratory judgment"); *Monk v. Sec'y of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) ("In adopting the federal habeas corpus statute, Congress determined that habeas corpus is the appropriate federal remedy for a prisoner who claims that he is 'in custody in violation of the Constitution . . .

³ The Supreme Court has imposed two fundamental limits on federal court jurisdiction over core habeas claims. *First*, "jurisdiction lies in only one district: the district of confinement." *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also Trump v. J.G.G.*, 604 U.S. 670, 672 (2025). *Second*, a habeas petitioner must name the petitioner's *immediate* custodian—*i.e.*, the custodian who has actual custody over the petitioner and can produce the "corpus." *Padilla*, 542 U.S. at 435. Thus, a federal district court is wholly without authority to issue the writ in favor of a habeas petitioner who seeks habeas relief in a judicial district in which he is not confined and the immediate custodian is not located. *Padilla*, 542 U.S. at 442-43.

of the United States,’ This specific determination must override the general terms of the declaratory judgment . . . statute.”).

Indeed, this Court recognized this very principle in the context of a petitioner who sought to avail himself of the declaratory judgment in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873 SSS BFM, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025) in a habeas case also dealing with the question of detention authority for a non-citizen detainee. *See, e.g., J.A.S.V. v. Warden*, No. 4:26-cv-00132-CDL-CHW, ECF No. 8 at 1 n.1 (M.D. Ga. Jan. 30, 2026) (finding that “habeas relief could only be afforded to class members who were located within the boundaries of the Central District of California” and citing *Rumsfeld v. Padilla*, 542 U.S. 426, 446 (2004) for the proposition that “habeas jurisdiction lie[s] ‘in only one district: the district of confinement’”).

Petitioner is confined *outside* the Northern District of California by an immediate custodian who is also *outside* the Northern District of California and who was not named in the *NTPSA* litigation. “[A]n *in personam* judgment entered without personal jurisdiction over a defendant is void as to that defendant.” *Oldfield v. Pueblo De Bahia Lora, S.A.*, 558 F.3d 1210, 1217 (11th Cir. 2009) (internal citations omitted). Because *NTPSA* is a legal nullity outside the Northern District of California, the judgment of that court does not bind this Court as to Petitioner’s core habeas claim.

III. Petitioner was not a party to the *NTPSA* case at the time of the December 10, 2025 order and cannot assert it as nonmutual offensive collateral estoppel.

Finally, the use of claim or issue preclusion is not strictly available in habeas proceedings. *See Schlup v. Delo*, 513 U.S. 298, 319 (1995) (“This Court has consistently relied on the equitable nature of habeas corpus to preclude application of strict rules of res judicata.”); *Preiser v. Rodriguez*, 411 U.S. 475, 497 (1973) (“Principles of res judicata are, of course, not wholly applicable to habeas corpus proceedings.”). Even if it were, however, Petitioner has not shown that

he was in privity with any party from *NTPSA* at the time of the Northern District of California's December 10, 2025, order such that he can claim preclusive effect. Petitioner was not a named party to *NTPSA*, and he therefore cannot offensively claim preclusion as a result of the district court's December 10, 2025, order. *See Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 329 (1979) ("The present case . . . involves offensive use of collateral estoppel—a plaintiff is seeking to estop a defendant from relitigating the issues which the defendant previously litigated and lost against another plaintiff."). The Supreme Court has urged caution in allowing the use of nonmutual offensive collateral estoppel and has made clear that district courts have "broad discretion to determine when it should be applied." *Parklane Hosiery Co.* 439 U.S. at 331. If "application of offensive estoppel would be unfair to a defendant, a trial judge should not allow the use of offensive collateral estoppel." *Id.*

Principles of fairness mandate that it not be allowed here. Petitioner alleges in his Petition and asserts through an exhibit that he is a member of the National TPS Alliance. Pet. ¶ 20; Exh. B. However, Petitioner provides no evidence to establish that he was a member of the organization at the time that *NTPSA* filed its complaint in February 2025, nor at the time the district court issued its declaratory ruling on December 10, 2025. Petitioner thus asks this Court to allow him to utilize a ruling in favor of an organization to which he has not proven contemporaneous membership so as to reap the benefits of a favorable judgment while precluding Respondent from contesting the underlying legal issues. But the reverse would never be allowed: if Respondents had prevailed in *NTPSA* and Petitioner had not been a member at the time, Respondents would not be allowed to cite *NTPSA* as grounds to preclude Petitioner from relitigating the issue in his own case. This lopsided and inequitable application of nonmutual offensive collateral estoppel illustrates why its

use is disfavored. Petitioner's request to utilize the *NTPSA* order in the way he suggests should be rejected.

CONCLUSION

For the reasons stated above, the Petition should be denied in its entirety. Petitioner is not subject to a final order of removal, rendering the heightened protections of *Zadvydas v. Davis* inapplicable to his current detention. Furthermore, the *NTPSA* court lacked jurisdiction to issue the December 10, 2025, Order in defiance of Supreme Court stays, and its ruling lacks preclusive effect in this habeas case. Finally, because Petitioner was not a party to the *NTPSA* litigation at the time of the order, he cannot assert it as nonmutual offensive collateral estoppel.

Respectfully submitted, this 15th day of April, 2026.

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