

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

CHRISTIAN CABEZA-RAMIREZ,

Petitioner,

v.

JASON STREEVAL, Warden, Stewart Detention Center; LADEON FRANCIS, Field Office Director, Atlanta Field Office, United States Immigration and Customs Enforcement; TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement; MARKWAYNE MULLEN, Secretary of Homeland Security, TODD BLANCHE, Acting United States Attorney General, *in their official capacities,*

Respondents.

Civil Action No.: 4:26-CV-00571-CDL-AGH

REPLY IN SUPPORT OF VERIFIED
PETITION
WRIT OF HABEAS CORPUS

I. INTRODUCTION

Respondents fundamentally misunderstand Temporary Protected Status (“TPS”), the declaratory relief order in *National TPS Alliance v. Noem*, No. 25-CV-01766-EMC, 2025 WL 3539156 (N.D. Cal. Dec. 10, 2025) (“*NTPSA*” and “December 10 Order”), the doctrine of collateral estoppel, and the constitutional guardrails against arbitrary detention. This Court should grant and order Petitioner’s immediate release from detention and bar the Government from detaining Mr. Cabeza-Ramirez in the future while he maintains TPS.

As a threshold matter, Respondents have conceded elsewhere that the December 10 Order applies to NTPSA members and bars their detention. *See* Federal Resp’ts’ Return at 7, *Rozo v. Hernandez, et al*, 2:26-CV-00692 (W.D. Wash. Mar. 13, 2026) (“The declaratory judgment only relates to members of the NTPSA and the seven named plaintiffs. Therefore, Petitioner’s claim of eligibility for TPS benefits should be adjudicated by this Court with Petitioner having the burden to establish that she is a plaintiff to the NTPSA litigation.”). In line with the position above, the Government initially released six Venezuelan NTPSA members who were detained in this district, in

addition to five similarly-situated detainees in the Southern District of Georgia, after undersigned counsel informed the United States Attorney's Offices for these districts that the detained individuals were Venezuelan TPS holders subject to the December 10 Order. As is apparent from their response, Respondents have now decided to challenge the preclusive effect of the December 10 Order but provide no explanation for the reversal.

Respondents agree that the Government approved Mr. Cabeza-Ramirez's TPS on January 26, 2024, and that he timely re-registered for TPS on January 20, 2025, more than two weeks before the former Secretary purported to vacate and terminate Venezuelan TPS. Resp'ts' Resp. 2, ECF No. 9. Respondents here further concede that USCIS terminated Mr. Cabeza-Ramirez's timely re-registration application "[p]ursuant to the DHS Secretary's termination of the TPS designation." Decl. of Deportation Officer Kirk Scott ¶ 7, ECF No. 9-1. This purported termination, and the purported vacatur on which it was predicated, have since been declared unlawful. *See* December 10 Order. The Government did not seek a stay of that order. The declaratory judgment has preclusive effect on the issue of Mr. Cabeza-Ramirez's TPS. Mr. Cabeza-Ramirez's TPS, in turn, is dispositive on the illegality of his detention. *See* 8 U.S.C. §§ 1254a(a)(1), (d)(4) (prohibiting the detention or removal of an individual with valid TPS).

II. ARGUMENT

Respondents argue that the December 10 Order does not have preclusive effect here because: 1) the district court did not have jurisdiction to enter the December 10 Order because the Supreme Court stayed two other *NTPSA* orders; 2) a declaratory judgment cannot form the basis for a challenge to confinement via habeas; and 3) the parties here are not the same or in privity. Respondents are wrong on all counts.

A. Respondents' Jurisdictional Argument is Improper and Irrelevant

Respondents argue that the December 10 Order should not apply here because the *NTPSA* court did not have the authority to issue a declaratory judgment after the Supreme Court stayed two of the court's prior orders pending appeal: its Order Granting Pls.' Mot. to Postpone, *NTPSA v. Noem*, 773 F. Supp. 3d 807 (N.D. Cal. 2025), and its Order Granting Pls.' Mot. for Summ. J. and Denying

Defs.’ Mot. for Summ. J.; and Denying Defs.’ Mots. To Dismiss (“*NTPSA* Summary Judgment Order”), *NTPSA v. Noem*, 798 F. Supp. 3d 1108 (N.D. Cal. 2025). *See* Resp. 5-6, ECF No. 9. The Ninth Circuit has since decided those appeals and affirmed the lower court decisions. *See NTPSA v. Noem*, 150 F.4th 1000 (9th Cir. 2025); *NTPSA v. Noem*, 166 F.4th 739 (9th Cir. January 28, 2026). Respondents cite no support whatsoever for their proposition that a stay of an order in a case removes a district court’s authority to issue any other orders in that case.

Moreover, collateral estoppel applies regardless of whether Respondents, or this Court, agree with the merits of final declaratory judgment or a court’s authority to issue it. Any argument about why the *NTPSA* court should not have issued the December 10 Order is wholly improper here and irrelevant to the Order’s preclusive effect. The *NTPSA* court fully considered whether the earlier stay precluded the entry of final declaratory judgment and concluded that it did not. 2025 WL 3539156, at *3. “The question whether [a] judgment on the merits was correct . . . does not enter into [an] inquiry on the subject of *res judicata* for even an incorrect judgment is entitled to *res judicata* effect.” *Procter & Gamble Co. v. Amway Corp.*, 376 F.3d 496, 500 (5th Cir. 2004); *see also Uniloc USA, Inc. v. Motorola Mobility LLC*, 52 F.4th 1340, 1350 (Fed. Cir. 2022) (“Generally, collateral estoppel cannot be denied because the decision was incorrect.”); *Comer v. Murphy Oil, USA, Inc.*, 718 F.3d 460, 466 (5th Cir. 2013) (“This principle ‘that controversies once decided shall remain in repose’ . . . does not depend upon whether or not the prior judgment was right.”) (quoting *Iselin v. Meng*, 307 F.2d 455, 457 (5th Cir. 1962)); 18A Wright & Miller § 4465.2, at 750–51 (“[P]reclusion cannot be defeated simply by arguing that the prior judgment was wrong.”). The Supreme Court has been clear that a collateral attack on a court’s jurisdiction is improper and that any questions of jurisdiction are irrelevant in the application of preclusion. *See Travelers Indem. Co. v. Bailey*, 557 U.S. 137, 152 (2009) (finding a jurisdictional challenge can be made on direct appeal, but once an order is final it becomes *res judicata*); *see also Chicot Cnty. Drainage Dist. v. Baxter State Bank*, 308 U.S. 371, 376 (1940) (finding federal district courts’ jurisdictional determinations are “open to direct review, [but] may not be assailed collaterally”). “If the law were otherwise, and courts could evaluate the

jurisdiction that they may or may not have had to issue a final judgment, the rules of res judicata . . . would be entirely short-circuited.” *Travelers*, 557 U.S. at 154.

Respondents do not acknowledge any of the above doctrine, but instead cite *Huntington v. Attrill*, 146 U.S. 657, 685 (1892), in arguing that “this court is not bound by the judgments of other courts entered without jurisdiction.” Resp. 6, ECF No. 9. *Huntington* is a case about the Full Faith and Credit Clause of the Constitution and the obligation of states to respect other states’ judicial rulings. *See Huntington at 683*. It is not clear what relevance Respondents think *Huntington*, which has nothing to do with the preclusive effect of a federal district court order in litigation between the same parties, may have to this case.

To the extent Respondents argue that the stays of other orders in the *NTPSA* litigation should guide this Court’s application of issue preclusion, that argument fails. The Government chose not to seek a stay of the December 10 Order, despite the *NTPSA* court issuing a two-week pause of the Order to allow the Government to do so. *See NTPSA*, 2025 WL 3539156, at *3. The stays issued in earlier orders of *NTPSA* have no impact on the preclusive effect of the December 10 Order. *See, e.g., Comer*, 718 F.3d at 467 (“[S]o long as the judgment in the first suit remains unmodified . . . a case pending appeal is res judicata and entitled to full faith and credit unless and until reversed on appeal.”). Respondents cannot here collaterally challenge the *NTPSA* court’s jurisdiction to issue an order, and this Court cannot reassess the jurisdiction of the *NTPSA* court as a way of avoiding the preclusion requirements.

B. The December 10 Order has Preclusive Effect on Mr. Cabeza-Ramirez’s claims

Respondents misunderstand the doctrine of collateral estoppel in arguing the December 10 Order does not have preclusive effect on Mr. Cabeza-Ramirez’s petition.

As a threshold matter, “a declaratory judgment . . . ha[s] the force and effect of a final judgment or decree,” 28 U.S.C. § 2201, and issue preclusion applies to it. Indeed, “the point of a declaratory judgment is to establish a binding adjudication that enables the parties to enjoy the benefits of reliance and repose secured by res judicata.” *Haaland v. Brackeen*, 599 U.S. 255, 293 (2023)

(cleaned up); *see also* Wright & Miller, § 4446 (describing “the issue-preclusion effects of a declaratory judgment” as “clear”).

Issue preclusion, also known as collateral estoppel, “bars successive litigation of an issue of fact or law actually litigated and resolved in a valid court determination essential to the prior judgment, even if the issue recurs in the context of a different claim.” *Taylor v. Sturgell*, 553 U.S. 880, 892 (2008). It applies when “the parties are the same or in privity with each other and the party against whom the earlier decision is asserted had a full and fair opportunity to litigate the issue in the earlier proceeding.” *Baloco v. Drummond Co.*, 767 F.3d 1229, 1251 (11th Cir. 2014).

The December 10 Order precludes re-litigation of the issue that is dispositive to Mr. Cabeza-Ramirez’s claims: whether the Government’s vacatur and termination of the January 17, 2025, extension of TPS for Venezuela was lawful. The December 10 Order already established that it was not, and the parties here are the same or in privity with the parties in *NTPSA*. Respondents—and this Court—are therefore estopped from reconsidering whether NTPSA members like Mr. Cabeza-Ramirez maintain their Venezuelan TPS. Respondents’ arguments to the contrary are each mistaken.

a. Respondents Err in Arguing a Declaratory Order Cannot Be Preclusive in the Habeas Context

Respondents posit that accepting the preclusive effect of a declaratory order is inappropriate in the habeas context, pointing primarily to *Calderon v. Ashmus*, 523 U.S. 740 (1998). *See* Resp. 7-8, ECF No. 9. *Calderon* does not say that, and Respondents’ argument fails.

Calderon is not relevant here. It is a case about the inappropriateness of litigating certain issues in a declaratory judgment action, not about the preclusive impact of declaratory orders in habeas cases. *Calderon* stands for the proposition that a declaratory judgment action is not an appropriate vehicle for determining the “validity of a defense the State may, or may not, raise in a habeas proceeding.” 523 U.S. at 747. *Calderon* also, as the Supreme Court has explained, “holds that a litigant may not use a declaratory-judgment action to obtain piecemeal adjudication of defenses that would not finally and conclusively resolve the underlying controversy.” *MedImmune, Inc. v. Genentech, Inc.*, 549 U.S.

118, 127 n.7 (2007) (citing *Calderon*, 523 U.S. at 749). *Calderon* is about the contours of declaratory judgment actions; it is not about the preclusive application of declaratory orders in the habeas context.¹

Indeed, collateral estoppel applies “even if the issue recurs in the context of a different claim.” *Taylor*, 553 U.S. at 892. A prior judgment need not have been issued in the same type of case to have preclusive effect in subsequent litigation. *See, e.g., Baker by Thomas v. Gen. Motors Corp.*, 522 U.S. 222, 234 (1998) (“We see no reason why the preclusive effects of an adjudication on parties and those ‘in privity’ with them, *i.e.*, claim preclusion and issue preclusion (*res judicata* and collateral estoppel), should differ depending solely upon the type of relief sought in a civil action.”); *see also Jones v. Fam. Dollar Stores of Vidalia Georgia, Inc.*, No. 6:20-CV-47, 2021 WL 5513987, at *2 n.4 (S.D. Ga. Sept. 21, 2021) (*res judicata* binds the parties in a subsequent action whether on the same or a different claim) (internal citations omitted). In line with that basic principle, collateral estoppel applies in a habeas petition between the parties to limit the re-litigation of an issue that has been resolved. *See, e.g., Arellano-Flores v. Rosenberg*, 310 F.2d 118 (9th Cir. 1962) (declaratory judgment is given preclusive effect where “final and determinative of all of the issues raised in . . . habeas corpus”); *see also Griggs v. United States*, 253 F. App’x 405, 410 (5th Cir. 2007) (holding that *res judicata* applied against Bureau of Prisons in § 2241 habeas petition due to a prior judgment). Indeed, the Government has conceded in a different case that it was required to “comply with any [declaratory] orders . . . enforced through separate individual habeas action.” Def. Supp. Br. at 1, *Rodriguez Vazquez v. Hermosillo*, No. 3:25-CV-05240 (W.D. Wash. Dec. 12, 2025), ECF No. 105. To the extent Respondents suggest that preclusion does not apply outside the district of the final judgment, that position is also wrong. *See, e.g., Procter & Gamble Co.*, 376 F.3d at 501 (affirming *res judicata* effect of Utah district court’s judgment applied by Texas district court and reiterating that correctness of

¹ Respondents’ other cases only affirm that challenges to detention must be brought through habeas petitions, which is precisely what Petitioner has done. *See LoBue v. Christopher*, 82 F.3d 1081, 1082 (D.C. Cir. 1996) (denying declaratory relief to a detained plaintiff with a pending habeas petition); *Monk v. Sec’y of Navy*, 793 F.2d 364, 366 (D.C. Cir. 1986) (same). *Fusco v. Grondolsky*, No. 17-1062, 2019 WL 13112044 (1st Cir. June 18, 2019) is inapposite because there the court denied declaratory relief in a § 2241 petition for a collateral attack on a conviction that can only be brought in a § 2255 petition.

Utah court’s judgment is irrelevant); *Griggs*, 253 F. App’x at 412 (holding Texas district court considering habeas petition must grant preclusive effect to Oklahoma district court order even if “arguably wrong under Fifth Circuit case-law”); *Skil Corp. v. Millers Falls Co.*, 541 F.2d 554, 558 (6th Cir. 1976) (Sixth Circuit recognizing preclusive effect of Seventh Circuit decision).

Respondents also cite to other courts which “have declined to apply” the December 10 Order in habeas actions. Resp. 8, ECF No. 9. But many courts have granted relief in accordance with the preclusive effect of the December 10 Order. *See, e.g., Ceballos v. Hardin, et al.*, No. 2:26-CV-00658, 2026 WL 799366 at *2 (M.D. Fla. Mar. 23, 2026) (granting temporary restraining order prohibiting the government from deporting detainee because December 10 Order “has preclusive effect”); *Gonzalez v. Noem, et al.*, No. 5:26-CV-00357, 2026 WL 837139 (C.D. Cal. Mar. 23, 2026); *Rozo v. Hernandez*, 2:26-CV-00692, 2026 WL 746580 (W.D. Wash. Mar. 17, 2026); *Camacho Montero v. Chestnut*, No. 1:26-CV-01448, 2026 WL 604421 (E.D. Cal. Mar. 4, 2026). And recent courts have also recognized the preclusive impact of other immigration declaratory orders in the habeas context. *See, e.g., De Corral v. Woosley*, No. 4:25-CV-145, 2026 WL 266747, at *2 (W.D. Ky. Feb. 2, 2026) (despite doubting it was rightly decided, finding the declaratory order in *Bautista v. Santacruz*, No. 5:25-CV-1873, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025), requiring immigration bond to be preclusive in petitioner’s habeas case).

b. Respondents Err in Arguing That the Parties Here Are Not the Same or in Privity

i. Mr. Cabeza-Ramirez and NTPSA

Respondents next contend that the parties lack the mutuality or privity necessary to assert collateral estoppel. That is not so. First, Respondents claim that Mr. Cabeza-Ramirez “was not a named party to NTPSA and he therefore cannot offensively claim preclusion[.]” Resp. 10, ECF No. 9. But issue preclusion does not require Mr. Cabeza-Ramirez, indisputably a NTPSA member, *see* Exh. A, March 2025 Member Update Email; Pet. Exh. B, ECF No. 5-2, to have been an individually named plaintiff in NTPSA. An association’s members are considered to be the same party for preclusion purposes. *See, e.g., Expert Elec., Inc. v. Levine*, 554 F.2d 1227, 1235–36 (2d Cir. 1977) (finding “identity of parties” between an association and its members).

At the very least, Mr. Cabeza-Ramirez, a member of NTPSA—the very organization that brought suit on behalf of its members—is in privity with NTPSA. Courts have long shed the constraints of strict mutuality and allow collateral estoppel to be asserted where there is privity of parties in the prior and instant actions. *See Blonder-Tongue Labs., Inc. v. Univ. of Illinois Found.*, 402 U.S. 313, 320-329 (1971); *E.E.O.C. v. Pemco Aeroplex, Inc.*, 383 F.3d 1280, 1285 (11th Cir. 2004). Privity exists when there is a “relationship between one who is a party of record and a nonparty that is sufficiently close so a judgment for or against the party should bind or protect the nonparty.” *Rodemaker v. City of Valdosta Bd. of Educ.*, 110 F.4th 1318, 1327 (11th Cir. 2024) (cleaned up), *cert. denied*, 145 S. Ct. 2701 (2025). “One of the relationships that has been deemed ‘sufficiently close’ to justify a finding of privity is that of an organization or unincorporated association filing suit on behalf of its members.” *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 322 F.3d 1064 (9th Cir. 2003) (internal citation omitted); *see also Gospel Missions of America v. City of Los Angeles*, 328 F.3d 548, 557 (9th Cir. 2003) (individual members held in privity with plaintiff organization for purposes of preclusion); *accord Warth v. Seldin*, 422 U.S. 490, 515 (1975) (“If in a proper case the association seeks a declaration, injunction, or some other form of prospective relief, it can reasonably be supposed that the remedy, if granted, will inure to the benefit of those members of the association actually injured.”).

To the extent Respondents argue that Mr. Cabeza has not proven he was an NTPSA member at the time that the December 10 Order was issued, attached is another NTPSA email confirming Mr. Cabeza-Ramirez has been a member since at least March 6, 2025. *See* Exh. A.²

ii. Government Respondents

Respondents also argue that the parties are not the same because “the only proper respondent to this Petition, the Warden of Stewart Detention Center, was not a party to the *NTPSA* action[.]” Resp. 5, ECF No. 9. But the Warden is not the only proper respondent. *See* Resp. to Pet. For Writ of

² Petitioner disputes that the start date of his membership holds any weight as to the preclusive effect of the December 10 Order on NTPSA members. Regardless, Mr. Cabeza-Ramirez became a member of NTPSA before the Order was issued. *See* Exh. A, March 2025 Member Update Email; *see also* Pet. Exh. B, ECF No. 5-2.

Habeas Corpus and Mot. For Summ. J at 1 n.1 *Chaverra Pereira v. Tate, et al.*, No. 4:26-CV-2119 (S.D. Tex. March 23, 2026) (in response to a recent habeas petition based on the December 10 Order, the Government conceding appropriateness of federal respondents because they and “not the named warden . . . make the custodial decisions regarding aliens detained in immigration custody”), ECF No. 16; *Gimenez Gonzalez v. Raycraft*, 807 F. Supp. 3d 755, 762–63 (E.D. Mich. 2025) (“Detained aliens may be transferred to detention facilities in other districts, and such transfers may be used to deny aliens any meaningful opportunity to seek habeas relief. Thus, courts have allowed an alien to name a respondent other than his immediate custodian because a petition naming a higher level official . . . could be adjudicated without interruption[.]” (internal citations omitted)).

And regardless, parties need only be in privity, not identical. “[T]here is privity between officers of the same government so that a judgment in a suit between a party and a representative of the United States is res judicata in relitigation of the same issue between that party and another officer of the government.” *Sunshine Anthracite Coal Co. v. Adkins*, 310 U.S. 381, 402–03 (1940). Here, the Warden of Stewart Detention Center operates under and at the direction of DHS. Furthermore, the Respondent Warden has no independent interest in detaining Mr. Cabeza-Ramirez separate from the defendant officials in *NTPSA*. See *Taylor*, 553 U.S. at 894 (finding “a nonparty may be bound by a judgment because she was adequately represented by someone with the same interests who was a party to the suit”) (cleaned up); *N.A.A.C.P. v. Hunt*, 891 F.2d 1555, 1560–61 (11th Cir. 1990) (“Privity exists where the nonparty’s interests were represented adequately by the party in the original suit.”); see also *Dawson Farms, LLC v. Farm Serv. Agency*, 504 F.3d 592, 601 (5th Cir. 2007) (“[A] judicial or administrative judgment or finding on the merits adverse to one agency would bind all related agencies dealing with the same issue.”) (citations omitted). Any interest the Warden has in detaining Mr. Cabeza-Ramirez is entirely derivative of the Government’s interest. See *Warren v. McCull*, 709 F.2d 1183, 1185 (7th Cir. 1983) (prison warden was in privity with state parole board where warden was holding prisoner at the direction of board). The Warden is clearly in privity with the government defendants in *NTPSA* and preclusion applies.

c. Respondents Misunderstand District-of-Confinement Rules

Finally, Respondents contend that the December 10 Judgment does not entitle Mr. Cabeza-Ramirez to relief because a habeas claim must be brought in the district of confinement. Resp. 8-9, ECF No. 9. But Mr. Cabeza-Ramirez does not bring his habeas claim outside of the district of confinement. Rather, the December 10 Order conclusively declared the dispositive issue underlying his habeas petition: the termination and vacatur of TPS for Venezuelans were invalid. As a result, Mr. Cabeza-Ramirez retains his TPS and brings this petition, in the district of his confinement, on the basis that, as a TPS-holder, he cannot be detained. *See* 8 U.S.C. § 1254a(d)(4).

C. Respondents Have Conceded the Unlawfulness of the Vacatur and Termination

By failing to respond to Mr. Cabeza-Ramirez's arguments that the vacatur and termination of Venezuelan TPS were unlawful, *see* Pet. for Writ of Habeas Corpus for Christian Cabeza-Ramirez 11-19, Respondents have conceded the issue. *See Jones v. Bank of Am., N.A.*, 564 F. App'x 432, 434 (11th Cir. 2014) ("A party's failure to respond to any portion or claim in a motion indicates such portion, claim or defense is unopposed . . . when a party fails to respond to an argument or otherwise address a claim, the Court deems such argument or claim abandoned.") (cleaned up). Because Respondents have not opposed this argument, the Court should rule in Mr. Cabeza-Ramirez's favor.

III. CONCLUSION

For the foregoing reasons, this Court should grant Mr. Cabeza-Ramirez's Writ of Habeas Corpus and order him immediately released.

Dated: April 20, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will automatically send notification of filing to all attorneys of record.

This 20th day of April, 2026.

Serena Premjee

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