

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 0:26-cv-2360-MJD-LIB

Jorge F.G.,

Petitioner,

**FEDERAL RESPONDENTS' SUR-
REPLY**

v.

Todd Blanche, *et al.*,

Respondents.

Petitioner's May 28, 2026 filing ("Pet.'s Supplemental Filing") referred to a recent decision from a federal district court in California, *Immigration Center for Women and Children v. Noem*, No. 2:25-cv-09848-AB-AS, Doc. No. 57 (C.D. Cal. May 20, 2026) ("*ICWC*"). Doc. No. 10. *ICWC* does not justify granting Petitioner habeas relief in this case, for three reasons.

First, Petitioner is not a member of any class certified in *ICWC*. Of the classes preliminarily certified in *ICWC*, the only one to which Petitioner arguably belongs is the class comprised of

[a]ll individuals to whom USCIS has granted deferred action based on a pending U or T visa petition and who, during the authorized period of deferred action, ICE detains, seeks to detain, or removed without providing notice and an opportunity to be heard regarding potential revocation of their deferred action status.

ICWC at 95.

Petitioner did not lack an opportunity to be heard regarding potential revocation of his deferred action status. As a reminder, this habeas litigation is Petitioner's "second bite at the habeas apple." *See* Doc. No. 9 ("Response") at 1-3, 5-6. Petitioner filed a habeas

action where Judge Traynor dismissed Petitioner's argument regarding potential revocation of his deferred action status. *See* Response, at 6 (citing *Jorge Luis Fernandez Gomez v. Pamela Bondi, Attorney General et al.*, No. 26-cv-00747-DMT-SGE (D. Minn. filed Feb. 3, 2026) ¶ 14, noting that "deferred action" is simply "an act of administrative convenience to the government that gives some cases lower priority" for removal). Petitioner did not appeal or seek reconsideration of that judgment, but he had the opportunity to be heard regarding the potential revocation of his deferred action status.¹ That fact keeps Petitioner out of the class.

Second, *ICWC* is irrelevant for an individual seeking habeas relief in federal court in Minnesota. The *ICWC* classes seek judgment that they were unlawfully detained. That is a request for "core habeas relief", which must be brought as a habeas claim in the district of confinement, in which the proper respondent is the warden of the facility where the prisoner is held. *See Trump v. J.G.G.*, 604 U.S. 670, 672 (2025); *Rumsfeld v. Padilla*, 542 U.S. 426, 435, 443. As such, class-wide declaratory relief is not appropriate in the habeas context. *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"). Petitioner and his warden are outside of California, and a court's judgment cannot be binding and preclusive against a party over which it lacks jurisdiction. *See Burnham v. Superior Court of Cal.*, 495 U.S. 604, 608-09 (1990). In short, a final judgment of a District Court in California (which *ICWC* is not), is not binding on this Court.

¹ Respondents note that this sequence of legal filings is distinct from any individual plaintiff in *ICWC*. *See ICWC* at 15-20.

See Rodriguez v. Jeffreys, 2025 U.S. Dist. LEXIS 266244, at *25-26 (D. Neb. Dec. 29, 2025) (stating a District Judge in California does not “usurp or overrule” all other judges).²

Third, *ICWC* does not enjoin Petitioner’s current detention or removal. *ICWC* enjoined detention and removal of specific individuals; however, *ICWC* is silent regarding the detention or removal of the class. *See ICWC* at 96 (enjoining the re-entry of a specific individual in the same immigration status she had prior to her detention and removal, and enjoining removal of two other specific individuals “without a prima facie determination regarding their eligibility regarding the visas for which they applied.”) Thus, even if Petitioner is part of a class preliminarily certified in *ICWC*, and even if this Court is inclined to allow *ICWC* to extend beyond the habeas jurisdiction of the Central District of California, the decision cited in Petitioner’s Supplemental Filing simply does not enjoin Petitioner’s detention or removal.

Dated: June 4, 2026

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² Concluding that a district court in California does not have jurisdiction in this matter does not preclude Petitioner from seeking relief as a class member in *ICWC*.