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9 **UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION**

10
11 Lazaro MALDONADO BAUTISTA, et
al., on behalf of themselves and others
12 similarly situated,

13 Plaintiffs-Petitioners,

14 v.

15 Kristi NOEM, Secretary, Department of
Homeland Security, et al.,

16 Defendants-Respondents
17
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19
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Case No. 5:25-cv-01873-SSS-BFM

**RESPONSE TO STATEMENT OF
GENUINE DISPUTES**

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RESPONSE TO STATEMENT OF GENUINE DISPUTES

Moving Party's Uncontroverted Facts and Supporting Evidence	Opposing Party's Response to Cited Fact and Supporting Evidence
<u>Defendants' Historical Practice and New Policy</u>	
<p>1. The Immigration and Nationality Act (INA) provides for the detention of certain noncitizens, including—as relevant to this case—under 8 U.S.C. § 1226(a) and § 1225(b)(2)(A).</p> <p><i>Citation:</i> 8 U.S.C. § 1226(a); <i>id.</i> § 1225(b)(2)(A).</p>	<p>Disputed, to the extent Plaintiffs make any mischaracterization of the law. Undisputed as to the existence of the law, which authorizes detention of certain aliens. The relevant statute speaks for itself.</p>
<p>Moving Party's Response:</p> <p>Defendants' response raises no genuine dispute of fact. Plaintiffs' statement merely identifies and cites the relevant statutory provisions.</p>	
<p>2. Detention under 8 U.S.C. § 1226(a) allows for release on bond by immigration authorities, <i>see</i> 8 C.F.R. 236.1(c)(8), and a “custody redetermination”—also known as a bond hearing—before an immigration judge (IJ) in the event the immigration authorities deny bond, <i>see</i> 8 C.F.R. § 1236.1(d).</p> <p><i>Citation:</i> 8 U.S.C. § 1226(a); 8 C.F.R. §§ 236.1(c)(8), 1236.1(d).</p>	<p>Disputed, to the extent Plaintiffs make any mischaracterization of the law. Undisputed as to the existence of the law, which authorizes detention of certain aliens. The relevant statute speaks for itself.</p>
<p>Moving Party's Response:</p> <p>Defendants' response raises no genuine dispute of fact. Plaintiffs' statement merely identifies and cites the relevant statutory and regulatory provisions.</p>	

<p>3. By contrast, detention under 8 U.S.C. § 1225(b)(2)(A) is mandatory and provides no right to a bond hearing. A person detained pursuant to this subparagraph may only be released if an immigration officer grants humanitarian parole under 8 U.S.C. § 1182(d)(5).</p> <p><i>Citation:</i> 8 U.S.C. § 1225(b)(2)(A); <i>id.</i> § 1182(d)(5).</p>	<p>Disputed to the extent Plaintiffs make any mischaracterization of the law. Undisputed as to the existence of the law, which authorizes detention of certain aliens. The relevant statute speaks for itself.</p>
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Moving Party's Response:

Defendants' response raises no genuine dispute of fact. Plaintiffs' statement merely identifies and cites the relevant statutory provisions.

<p>4. Prior to a May 22, 2025, unpublished Board of Immigration Appeals (BIA or Board) decision and Immigration and Customs Enforcement's (ICE) July 8, 2025, detention directive, Defendants Department of Homeland Security (DHS), ICE, and the Adelanto Immigration Court considered anyone who entered the United States without inspection to be detained under 8 U.S.C. § 1226(a), unless that person was subject to the expedited removal provisions of 8 U.S.C. § 1225(b)(1) or the detention provisions of § 1226(c) or § 1231.</p> <p><i>Citation:</i> Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997); 8 C.F.R. § 1003.19(h)(2); <i>Matter of R-A-V-P-</i>, 27 I. & N. Dec. 803–04 (BIA 2020); Decl. of Sydney Maltese Ex. A</p>	<p>Disputed and not material because prior agency practice is irrelevant to the interpretation of the statutory scheme at issue. <i>See</i> Defs' Resp. to Mot. Partial Sum. J.</p>
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(unpublished BIA decisions applying § 1226(a) to persons who entered without inspection); Decl. of Lisa Knox ¶¶ 6–7; Decl. of Karla Navarrete ¶ 5; Decl. of Guadalupe Garcia ¶ 5; Decl. of Keli Reynolds ¶ 7; Decl. of Veronica Barba ¶ 6; Decl. of Emily Robinson ¶ 10; Decl. of Doug Jalaie ¶ 8.¹

Moving Party’s Response:

Defendants’ assertion that prior agency practice is “irrelevant” challenges the materiality of the fact, not its accuracy.

5. This interpretation has been consistent during the nearly thirty years that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) has been in effect.

Citation: Inspection and Expedited Removal of Aliens, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997); 8 C.F.R. § 1003.19(h)(2); *Matter of R-A-V-P-*, 27 I. & N. Dec. 803–04 (BIA 2020); Maltese Decl. Ex. A (unpublished BIA decisions applying § 1226(a) to persons who entered without inspection); Knox Decl. ¶¶ 6–7; Navarrete Decl. ¶ 5; Garcia Decl. ¶ 5; Reynolds Decl. ¶ 7; Barba Decl. ¶ 6; Robinson Decl. ¶ 10; Jalaie Decl. ¶ 8.

Disputed to the extent Plaintiffs make any mischaracterization of the law and the history of its interpretation. There was no precedent agency decision on the issue. There is language in the Supreme Court’s decision in *Jennings v. Rodriguez*, 583 U.S. 281, 297 (2018) and from the agency in *Matter of Jean*, 23 I.&N. Dec. 373, 381 (A.G. 2002) supporting the interpretation. Undisputed as to the existence of the law, which authorizes detention of certain aliens. The relevant statute speaks for itself.

¹ Concurrent with their motion for partial summary judgment, Plaintiffs are also filing a motion for class certification. The declarations and exhibits cited herein have been filed with the motion for class certification, but are submitted in support of both motions.

Moving Party's Response:

Defendants' response raises no genuine dispute of fact. Plaintiffs' authorities and declarations establish Defendants' prior interpretation.

6. It was also true for the law in effect prior to IIRIRA. Under that removal and detention scheme, any person physically inside the United States (unless the person had been paroled) who faced removal was placed in "deportation" proceedings and was considered detained under 8 U.S.C. § 1252(a) (1994), which provided authority to release on bond. Separately, "exclusion" proceedings covered those who arrived at U.S. ports of entry and had never entered the United States. These proceedings had their own detention scheme. *See* 8 U.S.C. § 1225 (1994); *id.* § 1226 (1994).

Citation: 8 U.S.C. § 1225 (1994); *id.* § 1226 (1994).

Undisputed as to the existence of the law, Dispute, to the extent Plaintiffs make any mischaracterization of the law. The relevant statute speaks for itself.

Moving Party's Response:

Defendants' response raises no genuine dispute of fact. Plaintiffs' statement merely identifies and cites the relevant statutory provisions.

7. On July 8, 2025, the Acting Director of ICE, Todd Lyons, issued a new policy entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission."

Citation: Maltese Decl. Ex. B (ICE memo).

Disputed that the policy guidance was issued by Todd Lyons. The photos of a computer screen containing the alleged guidance do not ascribe the guidance to Todd Lyons. Maltese Decl. Ex. B (ICE memo). Dkt No. 41-3, pp. 16-17. Undisputed that there is a guidance document dated July 8, 2025.

Moving Party's Response:

Defendants' response does not raise a genuine dispute of fact. The existence and content of the July 8, 2025 guidance document is undisputed.

8. Pursuant to the new policy, it is the "position of DHS" that anyone "who has not been admitted" is "subject to detention under [8 U.S.C. § 1225(b)] and may not be released from ICE custody except by [8 U.S.C. § 1182(d)(5)] parole."

Citation: Maltese Decl. Ex. B (ICE memo).

Disputed to the extent the quoted language is incomplete. The entire text is: "An 'applicant for admission' is an alien present in the United States who has not been admitted or who arrives in the United States, whether or not at a designated port of arrival. [8 U.S.C. § 1225(a)(1). **Effective immediately, it is the position of DHS that such aliens are subject to detention under [8 U.S.C. § 1225(b)] and may not be released from ICE custody except by [8 U.S.C. § 1182(d)(5)] parole.**" Maltese Decl. Ex. B (ICE memo). Dkt No. 41-3, p 16. (bold in original).

Moving Party's Response:

Defendants' response does not raise a genuine dispute of fact. The full text cited by Defendants is consistent with Plaintiffs' excerpts of the ICE memo.

9. According to Defendants, the result of this new position is that only noncitizens "admitted to the United States and chargeable with deportability under [8 U.S.C. § 1227]" are entitled to bond hearings, and that anyone who has not been admitted is "ineligible for a custody redetermination hearing ('bond hearing') before an [IJ] and may not be released for the duration of their removal proceedings absent a parole by DHS." This means that any person who entered the United States without

Disputed to the extent this is a characterization of the policy guidance. Undisputed that the policy guidance explains DHS's position. The photo of the alleged guidance speaks for itself.

<p>inspection and who has not since been admitted is considered subject to 8 U.S.C. § 1225(b)(2)(A), regardless of how long the person has lived in the United States. Such persons will not be considered for release on bond.</p> <p><i>Citation:</i> Maltese Decl. Ex. B (ICE memo).</p>	
<p>Moving Party's Response:</p> <p>Defendants' response does not raise a genuine dispute of fact. The cited policy expressly states that only noncitizens admitted to the United States are eligible for bond hearings, and that those not admitted are detained under § 1225(b) and may be released only on parole.</p>	
<p>10. ICE's new policy was issued in "in coordination with the Department of Justice (DOJ)."</p> <p><i>Citation:</i> Maltese Decl. Ex. B (ICE memo).</p>	<p>Undisputed.</p>
<p>11. DOJ includes the Executive Office for Immigration Review (EOIR), which administers the immigration court system.</p> <p><i>Citation:</i> 8 C.F.R. § 1003.0(a).</p>	<p>Undisputed.</p>
<p>12. The BIA has recently taken the same position as ICE's new directive. On May 22, 2025, the BIA issued an unpublished decision holding that all noncitizens who entered the United States without admission or parole are considered "applicants for admission" who are "seeking admission" under 8 U.S.C. § 1225(b)(2)(A) and are</p>	<p>Disputed to the extent Plaintiffs claim an unpublished BIA decision establishes the BIA's position on an issue. <i>See</i> BIA Practice Manual, § 4.6(d)(2) (November 14, 2022) (citation to unpublished decisions is discouraged and the BIA is not bound by those decisions); <i>see also</i> 8 C.F.R. § 1003.1(g). The BIA has since issued an</p>

1 2 3	therefore ineligible for IJ bond hearings. <i>Citation:</i> Maltese Decl. Ex. C (unpublished BIA decision).	opinion on the issue. <i>See Matter of Yajure Hurtado</i> , 29 I&N Dec. 216 (BIA 2025).
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4 Moving Party's Response:

5 Defendants' response does not raise a genuine dispute of fact. Defendants' contention that unpublished decisions are not binding goes to the weight or

6 precedential value of the decision, not to the accuracy of Plaintiffs' statement. The recently published opinion, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216

7 (BIA 2025), adopts the same position as the unpublished decision and reflects that EOIR has a single, agencywide legal interpretation.

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9 10 11 12 13 14 15 16 17 18	13. Since the BIA's unpublished decision and the shift in DHS's position, the IJs of the Adelanto Immigration Court have adopted DHS's policy and legal interpretation. The Adelanto IJs now hold that any person who entered the United States without inspection is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Such persons will not be considered for release on bond. <i>Citation:</i> Maltese Decl. Exs. D–G (Named Plaintiffs' IJ bond decisions); Knox Decl. ¶¶ 3–5, 7; Navarrete Decl. ¶¶ 3–4; Garcia Decl. ¶ 3–4; Reynolds Decl. ¶ 3–6; Barba Decl. ¶ 3–5; Robinson Decl. ¶ 6–9; Jalaie Decl. ¶¶ 3–6; <i>supra</i> , Statement of Uncontroverted Facts ¶¶ 3, 8–9.	Disputed that all IJs who conducted bond hearings at the Adelanto Immigration Court had adopted the policy and legal interpretation. See Pls.' Mot. for Class Cert., Dkt No. 41, at 9 n. 2. Undisputed that IJs are bound to follow <i>Matter of Yajure Hurtado</i> , 29 I&N Dec. 216 (BIA 2025) in future adjudication of requests for bond.
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19 Moving Party's Response:

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Defendants' response does not raise a genuine dispute of fact. Defendants concede that all IJs are now bound to follow *Matter of Yajure Hurtado*, which confirms the same position.

14. A visiting IJ who is not a member of the Adelanto Immigration Court, but who hears some cases there through video conference, has not adopted DHS's interpretation and has continued to provide bonds for detained noncitizens who entered without inspection. However, ICE has refused to release persons who are granted and post such bonds.

Citation: Jalaie Decl. ¶ 7.

Undisputed, but not material. In the future, IJs are bound to follow *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and deny bond to applicants for admission.

15. In other immigration courts throughout the United States, some IJs have continued to grant bond for persons who entered without inspection and who have since resided in the United States. However, in these cases, DHS has filed a Form EOIR-43, Notice of Service Intent to Appeal Custody Redetermination, and invoked the automatic stay provision of 8 C.F.R. § 1003.19(i)(2). As a result, these persons have not been able to post bond and have remain detained.

Citation: Decl. of Juan Gonzalez Martinez ¶¶ 9, 11–12; Decl. of Roxana Cortes Mills ¶¶ 6–7; Pet. for Writ of Habeas Corpus, *Herrera Torralba v. Knight*, No. 2:25-cv-01366 (D. Nev. July 28, 2025), Dkt. 5 ¶¶ 57, 64, 65; Resp. to Pet. for Writ of Habeas Corpus, *Mayo Anicasio v. Kramer*, No.

Undisputed but not material. IJs are now bound to follow *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and deny bond to applicants for admission.

<p>1 4:25-cv-03158-JFB-RCC (D. Neb. Aug. 7, 2025), Dkt. 19 at 2–4.</p>	
<p>2 3 16. DOJ and EOIR—which oversee 4 the immigration courts—have taken 5 the position in litigation parallel to this 6 case that individuals like Plaintiffs are 7 subject to detention under § 8 1225(b)(2)(A). They have also since 9 taken that position in this litigation.</p> <p><i>Citation:</i> Dkt. 8 at 11–15; Mot. to Dismiss, <i>Rodriguez Vazquez v.</i> <i>Bostock</i>, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–30.</p>	<p>Undisputed and not material.</p>
<p>10 17. The result of Defendants’ new 11 policies is months of detention for 12 those who file an application for relief 13 and proceed to a merits hearing before 14 an IJ. For those who subsequently 15 appeal their decision to the BIA, recent 16 data from EOIR produced pursuant to 17 a Freedom of Information Act (FOIA) 18 request reflects that the BIA, on 19 average, takes over six additional 20 months to adjudicate an appeal. During this entire time, a noncitizen subject to Defendants’ new policies will remain detained unless ICE releases the person on humanitarian parole.</p> <p><i>Citation:</i> Knox Decl. ¶¶ 8–10; Garcia Decl. ¶¶ 6–7; Reynolds Decl. ¶¶ 8–9; Barba Decl. ¶¶ 7–8; Robinson Decl. ¶¶ 12–14; Maltese Decl. Ex. H (EOIR FOIA data); <i>id.</i> Ex. B (ICE memo).</p>	<p>Not material. The factual times of additional delay are disputed. Plaintiffs base this statement of fact on anecdotal evidence and inadmissible lay opinion testimony under FRE 701 because the declarants testimony is based on specialized” knowledge of detention timeframes in removal proceedings but none of the declarants are certified as experts under FRE 702. <i>See</i> Knox Decl. ¶¶ 8–10; Garcia Decl. ¶¶ 6–7; Reynolds Decl. ¶¶ 8–9; Barba Decl. ¶¶ 7–8; Robinson Decl. ¶¶ 12–14.</p> <p>Disputed that the FOIA data demonstrates the BIA takes over six months to “adjudicate an appeal.” Per the FIOA [sic] data cited, the BIA takes an average 190 days to “process” detained case appeals. Maltese Decl. Ex. H, Dkt No. 41-3 p. 51. It is not established by this citation that “processing time” is coextensive with</p>

	“adjudication”. Undisputed that while an alien subject to mandatory detention appeals an IJ decision, they remain subject to mandatory detention unless ICE releases the individual on humanitarian parole.
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Moving Party’s Response:

Defendants’ response does not raise a genuine dispute of fact. First, Defendants concede that individuals remain detained throughout the pendency of their proceedings absent release on parole. Second, Defendants’ challenge to the admissibility of sworn declarations of is erroneous. As required by Federal Rule of Civil Procedure 56(c)(4), each declarant’s statement is based on personal knowledge gained through their representation of clients in removal proceedings. The statements are admissible under Federal Rules of Evidence 602 and 701, and are not based on specialized or technical knowledge requiring expert qualification under Rule 702. Lastly, Defendants’ contention that the FOIA figure reflects “processing” rather than “adjudication” is a semantic distinction that does not undermine the undisputed evidence of delay.

Plaintiff Lazaro Maldonado Bautista

18. On June 6, 2025, Plaintiff Lazaro Maldonado Bautista was arrested by immigration authorities as part of a large-scale immigration enforcement action in Los Angeles.

Citation: Maltese Decl. Ex. I (Maldonado I-213); Decl. of Lazaro Maldonado Bautista ¶ 7.

Undisputed that Plaintiff Lazaro Maldonado Bautista was arrested by immigration authorities on June 6, 2025. Disputed as to Plaintiffs’ characterization of the scale of the operation, nothing in Maldonado Bautista’s declaration establishes the scale of the operation. *See* Decl. of Lazaro Maldonado Bautista.

Moving Party’s Response:

The scale of the operation is immaterial to establishing the fact of Plaintiff Maldonado’s apprehension by ICE.

<p>19. Mr. Maldonado’s arrest records reflect that DHS issued him a “Warrant of Arrest.”</p> <p><i>Citation:</i> Maltese Decl. Ex. I (Maldonado I-213).</p>	<p>Disputed. The I-213 does not reflect the issuance of a “Warrant of Arrest.” On the “Disposition” line it is listed as “Warrant of Arrest/Notice to Appear.” Maltese Decl. Ex. I (Maldonado I-213), Dkt No. 41-3 pp. 53-55. Exhibit J, Dkt No. 41-3 pp. 57-59, is a Notice to Appear and not a Warrant of Arrest. It is unclear a Warrant of Arrest was issued.</p>
<p>Moving Party’s Response:</p> <p>The existence of a warrant is not material. Moreover, Defendants’ response does not dispute that a warrant was issued, only whether the I-213 evidences that a warrant was issued.</p>	
<p>20. Mr. Maldonado was subsequently detained at the Adelanto ICE Processing Center.</p> <p><i>Citation:</i> Maltese Decl. Ex. I (Maldonado I-213); Maldonado Decl. ¶ 7.</p>	<p>Undisputed.</p>
<p>21. Following his arrest, DHS placed Mr. Maldonado in removal proceedings before the Adelanto Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who allegedly entered the United States without inspection.</p> <p><i>Citation:</i> Maltese Decl. Ex. J (Maldonado Notice to Appear (NTA)); Maldonado Decl. ¶ 8.</p>	<p>Undisputed.</p>

22. ICE denied Mr. Maldonado release on bond, and he requested a bond redetermination hearing before an IJ. <i>Citation:</i> Maltese Decl. Ex. K (Maldonado Bond Record); Maldonado Decl. ¶ 9.	Undisputed.
23. Before the IJ, ICE argued that the IJ lacked jurisdiction to set bond for Mr. Maldonado and that he is detained under 8 U.S.C. § 1225(b)(2)(A). <i>Citation:</i> Maltese Decl. Ex. L (DHS Maldonado Bond Submission); Maldonado Decl. ¶ 9.	Undisputed.
24. On July 17, 2025, an Adelanto IJ issued a decision that the immigration court lacked jurisdiction to conduct a bond redetermination hearing because Mr. Maldonado is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Accordingly, Mr. Maldonado was denied release on bond. <i>Citation:</i> Maltese Decl. Ex. D (Maldonado IJ Bond decision); Maldonado Decl. ¶ 9.	Undisputed.
25. The bond record in Mr. Maldonado's bond proceedings and other documents reflect that:	Undisputed to the extent that Plaintiff Maldonado submitted evidence related to the subjects described in this paragraph, but disputed to the extent these documents "reflect" the facts listed in this paragraph, These alleged facts are also immaterial.

1 a. Mr. Maldonado has lived in Los
2 Angeles, California for
approximately four years.

3 *Citation:* Maltese Decl. Ex. K at 82,
94–95, 97, 102, 105, 109
4 (Maldonado Bond Record);
Maldonado Decl. ¶ 3.

5 b. Mr. Lazaro has no criminal
6 record.

7 *Citation:* Maltese Decl. Ex. I
(Maldonado I-213); Maldonado
8 Decl. ¶ 6.

9 c. Prior to his arrest, Mr.
10 Maldonado had no previous contact
with immigration authorities.

11 *Citation:* Maltese Decl. Ex. I
(Maldonado I-213).

12 d. Mr. Maldonado has deep ties to
13 the Los Angeles area, as he has
several U.S. citizen family members
who live in the area.

14 *Citation:* Maltese Decl. Ex. K at 82,
15 99, 107 (Maldonado Bond Record);
Maldonado Decl. ¶ 4.

16 e. Mr. Maldonado has worked at
17 the same company, Blue Dot USA,
Inc., as a warehouse packer since
18 2021.

19 *Citation:* Maltese Decl. Ex. K at 78,
94–95, 97 (Maldonado Bond
20 Record); Maldonado Decl. ¶ 5.

<p>f. Mr. Maldonado’s friends and family consider him a hard worker who is loving and respectful. Letters of support from his bond case indicate that his family and friends miss him dearly and that Mr. Maldonado will return to a supportive community if released.</p> <p><i>Citation:</i> Maltese Decl. Ex. K at 97, 99, 102, 105, 107, 109, 112 (Maldonado Bond Record).</p>	
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Moving Party’s Response:

Defendants offer no substantiated basis for claiming the documents do not reflect the stated facts. Their objection is unsupported and therefore does not create a genuine dispute.

Plaintiff Ana Franco Galdamez

<p>26. On June 19, 2025, Plaintiff Ana Franco Galdamez was arrested by immigration authorities as part of large-scale immigration enforcement actions in Los Angeles.</p> <p><i>Citation:</i> Maltese Decl. Ex. M (Franco I-213); Decl. of Ana Franco Galdamez ¶ 7.</p>	<p>Undisputed that Plaintiff Ana Franco Galdamez was arrested by immigration authorities on June 19, 2025. Disputed as to Plaintiffs’ characterization of the scale of the operation, nothing in Ana Franco Galdamez’s declaration establishes the scale of the operation. See Decl. of Ana Franco Galdamez.</p>
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Moving Party’s Response:

The scale of the operation is immaterial to establishing the fact of Plaintiff Franco’s apprehension by ICE.

<p>27. Ms. Franco’s arrest records reflect that DHS issued her a “Warrant of Arrest.”</p>	<p>Disputed. The I-213 does not reflect the issuance of a “Warrant of Arrest.” On the “Disposition” line it is listed as “Warrant of Arrest/Notice to Appear.” Maltese Decl. Ex. M (Franco I-213),</p>
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<p>1 <i>Citation:</i> Maltese Decl. Ex. M (Franco I-213).</p> <p>2</p> <p>3</p>	<p>Dkt No. 41-3 pp. 114-17. Exhibit N, Dkt No. 41-3 pp. 119-21, is a Notice to Appear and not a Warrant of Arrest. There is no record a Warrant of Arrest was issued.</p>
<p>4 Moving Party's Response:</p> <p>5 The existence of a warrant is not material. Moreover, Defendants' response does not dispute that a warrant was issued, only whether the I-213 evidences that a</p> <p>6 warrant was issued.</p>	
<p>7 28. Ms. Franco was subsequently</p> <p>8 detained at the Adelanto ICE</p> <p>9 Processing Center.</p> <p>10 <i>Citation:</i> Maltese Decl. (Franco I-213); Franco Decl. ¶ 7.</p>	<p>Undisputed.</p>
<p>11 29. Following her arrest, DHS</p> <p>12 placed Ms. Franco in removal</p> <p>13 proceedings before the Adelanto</p> <p>14 Immigration Court pursuant to 8</p> <p>15 U.S.C. § 1229a. ICE has charged her</p> <p>16 with, inter alia, being inadmissible</p> <p>under 8 U.S.C. § 1182(a)(6)(A)(i) as</p> <p>someone who allegedly entered the</p> <p>United States without inspection.</p> <p><i>Citation:</i> Maltese Decl. Ex. N (Franco NTA).</p>	<p>Undisputed.</p>
<p>17 30. ICE denied Ms. Franco release</p> <p>18 on bond, and she requested a bond</p> <p>redetermination hearing before an IJ.</p> <p>19 <i>Citation:</i> Maltese Decl. Ex. O (Franco</p> <p>20 Bond Record); Franco Decl. ¶ 9.</p>	<p>Undisputed.</p>

<p>31. Before the IJ, ICE argued that the IJ lacked jurisdiction to set bond for Ms. Franco and that she is detained under 8 U.S.C. § 1225(b)(2)(A).</p> <p><i>Citation:</i> Maltese Decl. Ex. P (DHS Franco Bond Submission).</p>	<p>Undisputed.</p>
<p>32. On July 22, 2025, an Adelanto IJ issued a decision that the immigration court lacked jurisdiction to conduct a bond redetermination hearing because Ms. Franco is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Accordingly, Ms. Franco was denied release on bond.</p> <p><i>Citation:</i> Maltese Decl. Ex. E (Franco IJ Bond decision); Franco Decl. ¶ 9.</p>	<p>Undisputed.</p>
<p>33. The bond record in Ms. Franco’s bond proceedings and other documents reflect that:</p> <p>a. Ms. Franco has resided in the United States for over twenty years.</p> <p><i>Citation:</i> Maltese Decl. Ex. O at 141 (Franco IJ Bond Record); Franco Decl. ¶ 3.</p> <p>b. Ms. Franco has no criminal record.</p> <p><i>Citation:</i> Maltese Decl. Ex. M (Franco I-213); Franco Decl. ¶ 6.</p> <p>c. Prior to her arrest, Ms. Franco had no previous contact with immigration authorities.</p>	<p>Undisputed to all to the extent that Plaintiff Franco submitted evidence related to the subjects described in this paragraph, but disputed to the extent these documents “reflect” the facts listed in this paragraph, and also immaterial.</p> <p>Disputed as to g. Franco indicates she had a consultation with her psychiatrist. Franco Decl. ¶ 12.</p>

1 *Citation:* Maltese Decl. Ex. M
2 (Franco I-213).

3 d. Ms. Franco is the single mother
4 of two U.S. citizen children who
5 rely on her for financial support and
6 who are about to begin college.

7 *Citation:* Maltese Decl. Ex. O at
8 141–54, 162–64, 167, 169–73
9 (Franco IJ Bond Record); Franco
10 Decl. ¶¶ 4–5, 10–11.

11 e. Prior to her arrest, Ms. Franco
12 worked as a street vendor to provide
13 for her family.

14 *Citation:* Franco Decl. ¶ 5.

15 f. Ms. Franco recently completed
16 treatment for breast cancer. Because
17 of her detention, she missed an
18 important follow up mammogram.

19 *Citation:* Maltese Decl. Ex. O at
20 141, 175 (Franco IJ Bond Record);
Franco Decl. ¶ 14.

g. Ms. Franco also has not received
her regular psychiatric care while in
detention.

Citation: Franco Decl. ¶ 12.

h. Ms. Franco has diabetes, and the
irregular food schedule in the
detention center has significantly
affected her sugar levels. On July
21, 2025, she passed out at the
detention center and was
hospitalized. She has not received

1	any of the records related to her medical care and hospitalization.	
2	<i>Citation:</i> Maltese Decl. Ex. O at	
3	183; Franco Decl. ¶ 13.	
4	i. Ms. Franco’s family members and friends consider her to be a	
5	woman of integrity, who is an	
6	involved and loving mother and	
7	works hard to provide for her	
8	family as a single mother. She has	
9	been very involved in the life of her	
10	daughters, receiving recognition for	
11	her volunteer work in their activities.	
	<i>Citation:</i> Maltese Decl. Ex. O at	
	154, 162–64, 167, 169–73 (Franco	
	IJ Bond Record); Franco Decl. ¶¶ 5,	
	10.	

Moving Party’s Response:

Defendants offer no substantiated basis for claiming the documents do not reflect the stated facts. Their objection is unsupported and therefore does not create a genuine dispute. As to paragraph (g), Ms. Franco states in her declaration, “I was only able to have one video call with my psychiatrist, who I was seeing regularly before detention,” Franco Decl. ¶ 12, substantiating the fact that she has not received regular psychiatric care while detained.

Plaintiff Ananias Pascual

17	34. On June 6, 2025, Plaintiff Ananias Pascual was arrested by	Undisputed that Plaintiff Pascual was
18	immigration authorities as part of a	arrested by immigration authorities on
19	large-scale immigration enforcement	June 6, 2025. Disputed as to Plaintiffs’
20	action in Los Angeles.	characterization of the scale of the
	<i>Citation:</i> Maltese Decl. Ex. Q (Pascual	operation, nothing in Plaintiff’s
	I-213); Decl. of Ananias Pascual ¶ 7.	declaration establishes the scale of the
		operation. <i>See</i> Pascual Decl.

Moving Party's Response:

The scale of the operation is immaterial to establishing the fact of Plaintiff Pascual's apprehension by ICE.

35. Mr. Pascual's arrest records reflect that DHS issued him a "Warrant of Arrest."

Citation: Maltese Decl. Ex. Q (Pascual I-213).

Disputed. The I-213 does not reflect the issuance of a "Warrant of Arrest." On the "Disposition" line it is listed as "Warrant of Arrest/Notice to Appear." Maltese Decl. Ex. Q (Pascual I-213), Dkt No. 41-3 pp. 204-06. Exhibit R, Dkt No. 41-4 p. 3, is a Notice to Appear and not a Warrant of Arrest. There is no record a Warrant of Arrest was issued.

Moving Party's Response:

The existence of a warrant is not material. Moreover, Defendants' response does not dispute that a warrant was issued, only whether the I-213 evidences that a warrant was issued.

36. Mr. Pascual was subsequently detained at the Adelanto ICE Processing Center.

Citation: Pascual Decl. ¶ 7.

Undisputed.

37. Following his arrest, DHS placed Mr. Pascual in removal proceedings before the Adelanto Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who allegedly entered the United States without inspection.

Undisputed.

1	<i>Citation:</i> Maltese Decl. Ex. R (Pascual	
2	NTA).	
3	38. ICE denied Mr. Pascual release	Undisputed.
4	on bond, and he requested a bond	
5	redetermination hearing before an IJ.	
6	<i>Citation:</i> Maltese Decl. Ex. S (Pascual	
7	Bond Record); Pascual Decl.	
8	¶ 9.	
9	39. Before the IJ, ICE argued that	Undisputed.
10	the IJ lacked jurisdiction to set bond	
11	for Mr. Pascual and that he is detained	
12	under 8 U.S.C. § 1225(b)(2)(A).	
13	<i>Citation:</i> Pascual Decl. ¶ 9.	
14	40. On July 15, 2025, an Adelanto	Undisputed.
15	IJ issued a decision that the	
16	immigration court lacked jurisdiction	
17	to conduct a bond redetermination	
18	hearing because Mr. Pascual is subject	
19	to mandatory detention under 8 U.S.C.	
20	§ 1225(b)(2)(A). Accordingly, Mr.	
	Pascual was denied release on bond.	
	<i>Citation:</i> Maltese Decl. Ex. F (Pascual	
	IJ Bond decision); Pascual Decl. ¶ 9.	
	41. The bond record in Mr.	Undisputed to the extent that Plaintiff
	Pascual’s bond proceedings and other	Pascual submitted evidence related to
	documents reflect that:	the subjects described in this
		paragraph, but disputed to the extent
	a. Mr. Pascual has resided in the	these documents “reflect” the facts
	United States for over twenty years.	listed in this paragraph, and also
		immaterial.
	<i>Citation:</i> Maltese Decl. Ex. Q	
	(Pascual I-213); <i>id.</i> Ex. S at 231–72	

(Pascual Bond Record); Pascual
Decl. ¶ 3.

b. Mr. Pascual has no criminal
record.

Citation: Maltese Decl. Ex. Q
(Pascual I-213); Pascual Decl. ¶ 6.

c. Prior to his arrest, Mr. Pascual
had no previous contact with
immigration authorities.

Citation: Maltese Decl. Ex. Q
(Pascual I-213).

d. Mr. Pascual and his wife have
four U.S. citizen children, who
range in age from 10 months to ten
years old.

Citation: Maltese Decl. Ex. S at
274–79, 281–96, 308 (Pascual Bond
Record); Pascual Decl. ¶ 4.

e. Mr. Pascual’s youngest child
was recently admitted to the
Children’s Hospital of Los Angeles.

Citation: Maltese Decl. Ex. S at 280
(Pascual Bond Record); Pascual
Decl. ¶ 11.

f. In addition to his immediate
family, Mr. Pascual has six siblings
who live in the United States.

Citation: Maltese Decl. Ex. S at
302, 304, 308 (Pascual Bond
Record); Pascual Decl. ¶ 4.

g. Mr. Pascual has been employed by the same apparel company since 2016.

Citation: Maltese Decl. Ex. S at 250, 253, 257, 260, 263, 266, 269, 272 (Pascual Bond Record); Pascual Decl. ¶ 5.

h. Mr. Pascual's family and friends attest that Mr. Pascual is a kind, hardworking, and dedicated man and father whose separation from his family has been devastating.

Citation: Maltese Decl. Ex. S at 302, 304, 306, 308, 310 (Pascual Bond Record).

Moving Party's Response:

Defendants offer no substantiated basis for claiming the documents do not reflect the stated facts. Their objection is unsupported and therefore does not create a genuine dispute.

Plaintiff Luiz Alberto De Aquino De Aquino

42. On June 6, 2025, Plaintiff Luiz Alberto De Aquino De Aquino was arrested by immigration authorities as part of a large-scale immigration enforcement action in Los Angeles.

Citation: Maltese Decl. Ex. T (De Aquino I-213); Decl. of Luiz De Aquino De Aquino ¶ 5.

Undisputed that Plaintiff Luiz Alberto De Aquino De Aquino was arrested by immigration authorities on June 6, 2025. Disputed as to Plaintiffs' characterization of the scale of the operation, nothing in Plaintiff's declaration establishes the scale of the operation. *See* De Aquino Decl.

Moving Party's Response:

The scale of the operation is immaterial to establishing the fact of Plaintiff De Aquino's apprehension by ICE.

1		
2	43. Mr. De Aquino was subsequently detained at the Adelanto ICE Processing Center.	Undisputed.
3		
4	<i>Citation:</i> De Aquino Decl. ¶ 6.	
5	44. Following his arrest, DHS placed Mr. De Aquino in removal proceedings before the Adelanto Immigration Court pursuant to 8 U.S.C. § 1229a. ICE has charged him with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who allegedly entered the United States without inspection.	Undisputed.
6		
7		
8		
9		
10	<i>Citation:</i> Maltese Decl. Ex. U (De Aquino NTA); De Aquino Decl. ¶ 6.	
11	45. ICE denied Mr. De Aquino release on bond, and he requested a bond redetermination hearing before an IJ.	Undisputed.
12		
13		
14	<i>Citation:</i> De Aquino Decl. ¶ 7.	
15	46. Before the IJ, ICE argued that the IJ lacked jurisdiction to set bond for Mr. De Aquino and that he is detained under 8 U.S.C. § 1225(b)(2)(A).	Undisputed.
16		
17		
18	<i>Citation:</i> De Aquino Decl. ¶ 7.	
19	47. On July 21, 2025, an Adelanto IJ issued a decision that the immigration court lacked jurisdiction to conduct a bond redetermination	Undisputed.
20		

1 hearing because Mr. De Aquino is
2 subject to mandatory detention under 8
3 U.S.C. § 1225(b)(2)(A). Accordingly,
4 Mr. De Aquino was denied release on
5 bond.

6 *Citation:* Maltese Decl. Ex. G (De
7 Aquino IJ Bond decision); De Aquino
8 Decl. ¶ 7.

9 48. The bond record in Mr. De
10 Aquino's bond proceedings and other
11 documents reflect that:

12 a. Mr. De Aquino has resided in
13 Los Angeles, California since 2022.

14 *Citation:* Maltese Decl. Ex. V at
15 347–69 (De Aquino Bond Record);
16 De Aquino Decl. ¶ 3.

17 b. Mr. De Aquino has no criminal
18 record.

19 *Citation:* Maltese Decl. Ex. T (De
20 Aquino I-213); De Aquino Decl. ¶
4.

c. Prior to his arrest, Mr. De
Aquino had no previous contact
with immigration authorities.

Citation: Maltese Decl. Ex. T (De
Aquino I-213).

d. Mr. De Aquino has worked for
the same apparel company since
2022.

Undisputed to the extent that Plaintiff
De Aquino submitted evidence related
to the subjects described in this
paragraph, but disputed to the extent
these documents “reflect” the facts
listed in this paragraph. Also
immaterial.

Citation: Maltese Decl. Ex. V at 347–69 (De Aquino Bond Record); De Aquino Decl. ¶ 3.

e. He has been together with his spouse for seventeen years and has been separated from her since his arrest.

Citation: Maltese Decl. Ex. V at 371, 374–76, 378 (De Aquino Bond Record).

f. Mr. De Aquino’s friends attest to the fact that he is a hard-working and family-oriented man of character and integrity.

Citation: Maltese Decl. Ex. V at 382, 384, 386, 388, 390, 392, 402 (De Aquino Bond Record).

Moving Party’s Response:

Defendants offer no substantiated basis for claiming the documents do not reflect the stated facts. Their objection is unsupported and therefore does not create a genuine dispute.

Results of Plaintiffs’ Bond Hearings

49. After this Court’s order granting the Plaintiffs’ motion for a temporary restraining order, Dkt. 14, each named Plaintiff received a bond hearing in immigration court at which the IJ found that each Plaintiff did not pose a flight risk or danger, and granted release on bond.

Undisputed.

1	<i>Citation:</i> Maldonado Decl. ¶ 12;	
2	Franco Decl. ¶ 16; Pascual Decl. ¶ 14;	
3	De Aquino Decl. ¶ 10.	

4	Opposing Party's Additional Undisputed Facts	Moving Party's Response
5	50. Petitioners have posted their immigration bonds and have been released from immigration detention.	Undisputed.
6		
7	<i>Citation:</i> Stipulation to Cont. Aug. 29, 2025 Show Cause Hearing, Dkt. 50, McDermond Decl. ¶ 8. <i>See also</i> Order Denying Preliminary Injunction, Dkt. 58.	
8		
9		

10 DATED this 19th of September, 2025.

11 /s/ Matt Adams
 12 Matt Adams*

13 /s/ Aaron Korthuis
 14 Aaron Korthuis*

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PLS.' RESP. TO STATEMENT OF
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