UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Ramon RODRIGUEZ VAZQUEZ, et al., Plaintiffs, v. Laura HERMOSILLO, et al.,* Defendants.	Case No. 3:25-cv-05240-TMC **REPLY IN SUPPORT OF MOTION FOR FURTHER RELIEF PURSUANT TO 28 U.S.C. § 2202** Noting Date: November 20, 2025

* Defendants have asked the Court to substitute Cammilla Wamsley for Drew Bostock as the lead Defendant, pursuant to Rule 25(d). Class counsel's understanding is that Laura Hermosillo is now the Acting Field Office Director for Immigration and Customs Enforcement. This understanding is based on class counsel's recent habeas petitions in other matters. *See, e.g.*, Fed. Resp'ts' Return Mem., *Corrales Castillo v. Hermosillo*, No. 2:25-cv-02172-TMC (W.D. Wash. Nov. 12, 2025), Dkt. 9; Fed. Resp'ts' Return Mem., *Leon Figueroa v. Hermosillo*, No. 2:25-cv-02228-TMC (W.D. Wash. Nov. 18, 2025), Dkt. 20.

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INTRODUCTION

This motion seeks to vindicate the rule of law. Defendants have laid bare that they claim the authority to disregard the final judgment that this Court has issued. They also have not contested that they are moving class members out of this district in large numbers. Their response to the Bond Denial Class's (Plaintiffs) motion thus only underscores the need for this Court to provide "[f]urther necessary and proper relief" to ensure Defendant IJs understand they have no authority to ignore the law and to protect class members' rights. 28 U.S.C. § 2202.

ARGUMENT

I. The Court has jurisdiction and authority to issue further relief.

Defendants first contend that Plaintiffs' request for pre-transfer notice would upend the status quo while this case is on appeal. But as Defendants acknowledge, the Court retains jurisdiction during the appeal to "implement or enforce [its] judgment." Dkt. 85 at 3 (quoting *In re Padilla*, 222 F.3d 1184, 1190 (9th Cir. 2000)). Section 2202 clarifies that the Court has the power to do precisely that. As the Supreme Court has explained, "the Declaratory Judgment Act provides that after a declaratory judgment is issued the district court may enforce it by granting further necessary or proper relief." *Samuels v. Mackell*, 401 U.S. 66, 72 (1971) (citation modified) (citing 28 U.S.C. § 2202).

Plaintiffs have requested unobtrusive notification requirements that provide a first step in remedying Defendants' defiance of this Court's judgment: identifying class members, requiring notice of their transfer, and providing written notice to them. The Ninth Circuit has described the kind of reporting and notice requirements requested here as "oversight [that] can be a proper exercise of the district court's discretion[,] because it helps ensure compliance with [a court order]." *Thomas v. Cnty. of Los Angeles*, 978 F.2d 504, 510 (9th Cir. 1992) (citation modified);

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see also Barahona-Gomez v. Reno, 167 F.3d 1228, 1237 (9th Cir. 1999) (upholding notice requirement in immigration class action that was necessary to "inform class members that equitable relief may be available, and to ensure that the INS did not mistakenly deport a class member"). Such requests are "narrowly tailored" to address the specific harms Plaintiffs are experiencing by enabling them to pursue the individual enforcement actions currently necessary to provide meaningful relief.[1] *Moreno Galvez v. Jaddou*, 52 F.4th 821, 835 (9th Cir. 2022) (citation omitted); *see also Melendres v. Arpaio*, 784 F.3d 1254, 1267 (9th Cir. 2015) (affirming in large part "narrowly tailored" orders designed to remedy specific compliance issues).

Defendants misconceive what it means to "alter or expand upon the judgment." *In re Padilla*, 222 F.3d at 1190. Plaintiffs are not asking the Court to "finally adjudicate substantial rights directly involved in the appeal." *A&M Recs., Inc. v. Napster, Inc.*, 284 F.3d 1091, 1099 (9th Cir. 2002) (citation omitted). Instead, they seek limited notice measures to protect the rights the Court has already declared. Such measures are well within the Court's power to "continue supervision of [Defendants'] compliance with the [final judgment]," particularly given the "new facts" surrounding class members' transfers. *Id.*

Defendants next err in asserting that they cannot be required to provide class member lists. Dkt. 85 at 5. But this is precisely the type of case in which the Ninth Circuit has recognized that Defendants are best positioned to identify class members. Defendants have arrested class members, placed them in a detention facility, and maintain their immigration records. This

[1] Defendants notably never defend or explain their view that this Court's opinion is "advisory" and can be ignored. Dkt. 74 at 2. In fact, their opposition doubles down on this position, asserting that an order "providing notice to IJs of their 'obligations' impedes their independent adjudicatory judgment." Dkt. 85 at 13. Defendants never explain how IJs have independence to ignore the law. *See Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803) ("It is emphatically the province and duty of the judicial department to say what the law is.").

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makes Defendants "uniquely positioned to ascertain class membership." *Barahona-Gomez*, 167 F.3d at 1237. By contrast, class counsel does not know who is detained, except for the limited number of class members able to secure representation and contact class counsel. Courts in this circuit have required Defendants to identify class members in similar settings. *See, e.g.*, *Rodriguez v. Robbins*, 715 F.3d 1127, 1130–31 (9th Cir. 2013); *Al Otro Lado v. Wolf*, 497 F. Supp. 3d 914, 932–34 (S.D. Cal. 2020), *aff'd in part, vacated in part sub nom. Al Otro Lado v. Exec. Off. for Immigr. Rev.*, 138 F.4th 1102 (9th Cir. 2025); *cf Barahona-Gomez*, 167 F.3d at 1236–37 (affirming requirement that government must provide notice to class members).

II. Pre-transfer notice does not violate 8 U.S.C. § 1252(f)(1).

Defendants also err in conflating § 2202 relief with classwide injunctive relief that is prohibited by 8 U.S.C. § 1252(f)(1) and in asserting that Plaintiffs' request is barred by § 1252(a)(2)(B)(ii). Dkt. 85 at 8–10.

First, this Court has already rejected Defendants' arguments that a "coercive" declaratory judgment, *see* Dkt. 85 at 8, should be equated with § 1252(f)(1)'s limit on "enjoin[ing] or restrain[ing]" a referenced statute on a classwide basis. *See* Dkt. 32 at 42–43, Dkt. 65 at 23–25. That same analysis applies here. When this Court exercises its authority under § 2202, it does not convert such declaratory relief into an injunction.

Second, § 1252(f)(1) and § 1252(a)(2)(B)(ii) are inapplicable because § 1231 does not concern transfer authority. And even if it did, such authority is not specified to be "in the discretion of the Attorney General." 8 U.S.C. § 1252(a)(2)(B)(ii). As both the Second and Fourth Circuits have explained, "the language of § 1231(g) does not address transfers at all, nor does it explicitly grant the Attorney General or the Secretary of Homeland Security discretion with respect to transfers." *Reyna ex. rel. J.F.G. v. Hott*, 921 F.3d 204, 209 (4th Cir. 2019); *see also*

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Ozturk v. Hyde, 136 F.4th 382, 396 (2d Cir. 2025) (same); *Mahdawi v. Trump*, 136 F.4th 443, 453–54 & n.4 (2d Cir. 2025) (similar). Instead, § 1231(g) "relate[s] more centrally to the government's brick and mortar obligations for obtaining facilities in which to detain aliens." *Reyna*, 9212 F.3d at 209.[2] The text of the statute supports this observation, as it provides that DHS shall "shall arrange for appropriate places of detention" for noncitizens in removal proceedings. 8 U.S.C. § 1231(g). It then further explains this authority, stating that "[w]hen United States Government facilities are unavailable or facilities . . . are unavailable for rental," DHS may "acquire, build, remodel, repair, and operate facilities . . . necessary for detention." *Id.* Because § 1231 is not about DHS's transfer authority, neither § 1252(f)(1) nor § 1252(a)(2)(B)(ii) is implicated here. Moreover, the requested relief does not even enjoin transfers, but instead simply requires that Defendants provide notice prior to exercising any transfer authority that § 1231(g) does provide.[3]

III. Defendants' remaining arguments are unavailing.

Defendants oppose Plaintiffs' request for class lists, claiming that a "weekly list poses huge logistical hurdles." Dkt. 85 at 11. As noted above, this is precisely the sort of situation where Defendants, not Plaintiffs, are uniquely positioned to identify class members. *Barahona-Gomez*, 167 F.3d at 1237. Moreover, Defendants' asserted burden is greatly overstated and one "of their own making." *Dep't of Educ. v. California*, 604 U.S. 650, 652 (2025). Defendants have chosen to disregard the Court's judgment; § 2202 exists for precisely this reason. *See, e.g.*,

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[2] The circuit decision that Defendants cite, *Van Dinh v. Reno*, 197 F.3d 427 (10th Cir. 1999), contains virtually no analysis of its claim that § 1231(g) provides Defendants with unreviewable transfer authority.

[3] Defendants also suggest that requiring them to identify class members violates § 1252(f)(1). Dkt. 85 at 6. The Ninth Circuit's decision in *Al Otro Lado* forecloses that argument. *See* 138 F.4th at 1127 ("[R]equir[ing] the Government to identify possible P.I. class members and notify them about their class membership and the significance of the injunction[] are also permissible under § 1252(f)(1).")

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Rincon Band of Mission Indians v. Harris, 618 F.2d 569, 575 (9th Cir. 1980) (§ 2202 provides court authority to enforce its own judgment).[4]

Defendants also claim that requiring notice prior to transfer would harm DHS's "local operations" by affecting conditions of confinement and detainees' length of detention. Dkt. 85 at 12. The declaration Defendants provide in support does not explain why this would occur. Moreover, any assessment of Defendants' self-imposed "burden" must also account for the strain their practices are placing on this Court, class counsel, and Plaintiffs. Similarly, any assessment of burden must also account for the fact that "[t]ransfer of detainees who are represented by counsel interferes with the attorney-client relationship." *Orantes-Hernandez v. Meese*, 685 F. Supp. 1488, 1509 (C.D. Cal. 1988) (issuing injunction that, inter alia, placed restrictions on detainee transfers), *aff'd sub nom. Orantes-Hernandez v. Thornburgh*, 919 F.2d 549 (9th Cir. 1990). Such interference is present here because of Defendants' transfers. *See, e.g.*, Garcia Decl. ¶ 16; Navarro Decl. ¶¶ 2–3, 6–7, 11, 16–17; Roman Decl. ¶ 7; Dkt. 78 ¶¶ 6, 13.

Transfers without notice also effectively permit Defendants to prevent Plaintiffs from obtaining the relief provided by membership, as the numerous documented examples of such transfers demonstrate. *See, e.g.*, Dkts 75–78 (documenting transfer of six class members); Garcia Decl. ¶¶ 5–12 (same as to one class member); Roman Decl. ¶¶ 8, 15 (same); Robbins Decl. ¶ 5 (same); Nedved Decl. ¶ 7 (same); Campos-Castaneda Decl. ¶ 6 (same); Schaller Decl. ¶¶ 7, 10 (same for two class members); Navarro Decl. ¶ 14 (same for five class members). These individuals are no longer able to file habeas petitions in this Court. *See Doe v. Garland*, 109

[4] Defendants' claim that they would require hundreds of hours to identify class members is not credible. Defendants operate a system called the Enforce Alien Removal Module. This database includes the charges against a noncitizen and where and when a person was apprehended. That system would allow for Defendants to quickly filter to determine class membership.

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F.4th 1188 (9th Cir. 2024).

Defendants further request that any notice to class members be limited to generalized posters on bulletin boards. Dkt. 85 at 12–13. However, individualized notice is necessary here given that many class members are unrepresented. Posting a highly technical "copy of the Court's declaratory judgment," *id.* at 13, on bulletin boards will do little to apprise most class members of their rights. By contrast, requiring Defendants to "notify [class members] about their class membership and the significance of the [Court's order]" will ensure that class members know their rights, and for the unrepresented, will provide them a chance to contact class counsel. *Al Otro Lado*, 138 F.4th at 1127. While Rule 23(b)(2) classes do not automatically require individualized notice, "courts retain the authority to require individualized notice in (b)(1) and (b)(2) cases . . . , generally after finding that due process so requires." 3 Newberg & Rubenstein on Class Actions § 8:4 (6th ed. 2025). Due process demands such notice here, as without it, Defendants are empowered to deprive class members of the benefits of membership by removing them from this district.

Finally, as for Defendants' claims regarding notice to their employees, Defendants are incorrect that any such notice would impede an IJ's adjudicatory authority or interfere with the attorney-client relationship. First, IJs have no authority to ignore the law. The IJs continue to unlawfully assert that they are bound by the BIA's interpretation notwithstanding the Court's final judgment. This underscores the need to instruct Defendants regarding the rule of law that flows from this Court's judgment. Section 2202 exists for precisely such a situation and forecloses any notion that "government officials and departments" need not "comply with declaratory judgments." *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023). Defendants' widespread failure to comply reflects that they have been told

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to ignore this Court's ruling. Further notice is therefore appropriate to explain that a declaratory judgment establishes the "rights and other legal relations" of class members whose cases Defendants review for consideration of release on bond. 28 U.S.C. § 2201. Nor do Plaintiffs seek to insert themselves in confidential attorney-client relationships. However, given Defendants' remarkable decision to disregard this Court's authority, Defendants should be required to demonstrate to the Court (and Plaintiffs) that they have instructed their employees of their obligation to comply with the Court's final judgment.

CONCLUSION

For all the foregoing reasons, the Court should grant the necessary and proper further relief requested Plaintiffs' motion.

Respectfully submitted this 19th of November, 2025.

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WORD COUNT CERTIFICATION

I certify that this memorandum contains 2,099 words, in compliance with the Local Civil Rules.

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