PRACTICE ADVISORY
Seeking Bond Hearings for *Maldonado Bautista* Class Members – Noncitizens Who Entered Without Inspection and Are Detained Subject to *Matter of Yajure Hurtado*

Updated February 27, 2026

Note there are ongoing developments in this litigation so please check the case docket for the most up-to-date information.

On November 25, 2025, the U.S. District Court for the Central District of California issued an order in *Maldonado Bautista v. Santacruz*, certifying a nationwide class of noncitizens who are in immigration detention and being denied access to a bond hearing based on the government's allegation that they entered the United States without admission or inspection (colloquially referred to as "entered without inspection" or "EWI"). **The Court granted declaratory relief to the entire class, holding that the government is unlawfully subjecting them to mandatory (meaning no-bond) detention and that class members are eligible for release on bond under the immigration laws.** Thus, under the Court's order, class members are entitled to a bond hearing in immigration court before an immigration judge ("IJ"), who must consider whether they are suitable for release on bond while their removal proceedings are pending.

Following reports that the Department of Justice ("DOJ") had instructed IJs to ignore the Court's order, class counsel sought clarification of the Court's order. On December 18, 2025, the Court issued an amended order reiterating that the Court was granting class certification and simultaneously entering final judgment on behalf of the class. In doing so, the Court declared that all class members are eligible for bond and vacated the Department of Homeland Security's ("DHS") July 8, 2025 no-bond memorandum. On December 19, 2025, Defendants filed their notice of appeal with the Ninth Circuit Court of Appeals, but did not seek a stay of the orders pending appeal.

Even though Defendants did not seek a stay of the Court's summary judgment order, IJs continued to apply agency precedent denying bond hearings on a nationwide basis. As a result, in late January, the class sought filed a motion to enforce the judgment pursuant to 28 U.S.C. § 2202, and on February 18, 2026, the Court issued further relief. The Court's order has three components.

1. It vacated the agency case known as *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).
2. It required Defendants to provide notice to potential class members regarding their right to be considered for bond.
3. It required Defendants to provide notice to class counsel regarding class members.

Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *12 (C.D. Cal. Feb. 18, 2026).

Since this order, some IJs have begun to grant bond again. Defendants sought a stay of this order before the district court, which was denied, and **are currently seeking a stay from the Ninth Circuit Court of Appeals.** Please note that the information contained here may become quickly outdated as litigation on the government's stay motion proceeds.

In addition to the *Maldonado Bautista* litigation, there are also cases moving forward on appeals in nearly all the circuits arising from local class actions and individual habeas petitions. The Fifth Circuit issued a contrary decision, *Buenrostro-Mendez v. Bondi*, on February 6, reversing two individual habeas petitions that had been granted. No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026). The Fifth Circuit did not address the class action in *Maldonado Bautista* but, moving forward, it is unlikely that habeas petitions filed in the Fifth Circuit based on *Maldonado Bautista* or the underlying statutory claims will be granted in light of the Fifth Circuit's ruling, unless the panel decision is vacated. This makes it critical that persons arrested in other parts of the country who are at risk of being transferred to the Fifth Circuit immediately file habeas petitions to secure the local court's jurisdiction before they are transferred.

This updated advisory provides a synopsis of the district court's decisions in *Maldonado Bautista*, including the Court's orders from December 2025, and developments in compliance since then. It also provides information on how to request a bond hearing in federal court. Finally, this advisory briefly describes potential next steps in the *Maldonado Bautista* litigation.

In the meantime, we are interested to hear how the Court's decision is impacting access to bond hearings for class members. Please contact the email address below if you would like to share information, or if you have any questions about the *Maldonado Bautista* case. Due to the high number of outreach at this moment, we cannot guarantee a timely response to every email.

Maldonado Bautista Class Counsel Contact:
Bautista_EWI_Class@aclu.org

In addition, the Acacia Center for Justice is collecting information about IJ bond grants and denials following the *Maldonado Bautista* judgment, to share as a resource for practitioners. If you have had bond granted or denied, please share your experience using this link; you can also view responses through the same link. In addition, partner organizations have developed practice advisories and other resources on seeking release for those subject to § 1225(b).

Background on the Government's No-Bond Policy

For decades, the government generally subjected noncitizens who entered without inspection, were arrested in the United States, and were placed into removal proceedings to discretionary detention under 8 U.S.C. § 1226(a). Under that framework, noncitizens could be considered for release on bond or conditional parole by DHS and receive a bond hearing in immigration court before an IJ, who could order release if the IJ found the noncitizen did not pose an undue flight risk or danger that justified continued detention.

The government upended this long-held understanding of the law in 2025. First, on July 8, 2025, U.S. Immigration and Customs Enforcement ("ICE") issued an interim guidance memo stating that anyone who entered without inspection was ineligible for release on bond and could not challenge their detention at a bond hearing in immigration court, regardless of how long the individual has lived in the United States. As a result, DHS attorneys started arguing, and some IJs started finding, that such individuals were not eligible for bond hearings. Then, on September 5, 2025, the Board of Immigration Appeals ("BIA") issued a precedential decision, binding on all IJs, holding that an IJ had no authority to consider bond requests for any person who entered the United States without inspection. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The BIA determined that such individuals are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible for release on bond. Although such individuals are technically eligible for release on humanitarian parole under 8 U.S.C. § 1182(a)(d)(5)(A), in practice, DHS is not exercising this authority. As a result, thousands of people are facing months or years in detention without any individualized consideration for whether they should be detained.

Mandatory detention under 8 U.S.C. § 1225(b)(2)(A) applies "in the case of [a noncitizen] who is an applicant for admission, if the examining immigration officer determines that [a noncitizen] seeking admission is not clearly and beyond a doubt entitled to be admitted[.]" The government's position is that anyone who entered without inspection remains an "applicant for admission" who is "seeking admission" and thus subject to § 1225(b)(2). The vast majority of district court judges who have considered this legal issue, however, have rejected the government's position and have held that such individuals are subject to § 1226(a) and thus eligible for a bond hearing.

Maldonado Bautista and the District Court's Orders

On July 18, 2025, several weeks after the new DHS policy was announced, a nationwide class action was filed on behalf of four detained petitioners in the Central District of California challenging the new mandatory detention policy. That case, *Maldonado Bautista v. Santacruz* (Case No. 5:25-cv-1873) is litigated by the American Civil Liberties Union Immigrants' Rights Project ("ACLU IRP"), ACLU of Southern California ("ACLU SoCal"), Northwest Immigrant Rights Project ("NWIRP"), and USC Gould School of Law Immigration Clinic ("USC Immigration Clinic") (collectively referred to as "Class Counsel").

The Court granted a temporary restraining order and ordered bond hearings for the four named petitioners. Because of limits on the availability of classwide injunctive relief,[1] the petitioners quickly filed a motion for class certification and partial summary judgment. Specifically, the petitioners sought a declaration that all class members are detained under § 1226(a) and not § 1225(b)(2), and are thus eligible for consideration for bond, and also sought

[1] In *Garland v. Aleman Gonzalez*, the Supreme Court interpreted 8 U.S.C. § 1252(f)(1) to prohibit classwide injunctive relief regarding certain immigration detention statutes like the ones at issue here. 596 U.S. 543 (2022). However, § 1252(f)(1) does not bar other forms of relief, like classwide declaratory relief. *See, e.g.*, *Al Otro Lado v. Exec. Off. for Immigr. Rev.*, 138 F.4th 1102, 1123–24 (9th Cir. 2025).

vacatur of the new DHS and BIA mandatory detention policies under the Administrative Procedure Act ("APA").

On November 20, 2025, the Court granted partial summary judgment for the four petitioners, holding that the government's policy is inconsistent with the plain language of the Immigration and Nationality Act ("INA"), and that petitioners are properly subject to § 1226(a). *See Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025). Five days later, on November 25, 2025, the Court certified a nationwide class of individuals who are being subject to the government's new no-bond policy—the Bond Eligible Class—and **expressly "extend[ed] the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."** *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (emphasis added).

Following the Court's November 2025 orders, DOJ instructed IJs not to comply with the declaratory judgment, and nearly all IJs continued to refuse to consider class members as detained under § 1226(a). As a result, on December 4, 2025, the class filed a request for the Court to, *inter alia*, (1) clarify that the November 25 order certifying the nationwide class was intended to render an earlier partial summary judgment final and binding on the government; (2) enter a final judgment under Federal Rule of Civil Procedure 54(b); and (3) confirm that the Court's orders have the effect of declaring unlawful and vacating the government's July 8, 2025 policy of denying bond to class members and the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

On December 18, 2025, the Court issued an amended order. First, the Court granted petitioners' request to reconsider and clarified that the Court was declaring unlawful the government's policy and practice of applying § 1225(b)(2) to class members. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3713982, at *6–7 (C.D. Cal. Dec. 18, 2025). Second, the Court granted classwide vacatur of DHS's no-bond policy under the APA. The Court declined to vacate *Yajure Hurtado*, which was issued after petitioners' amended complaint and motion for summary judgment. *Id.* at *3–4. However, the Court further explained "the core holding of *Yajure Hurtado* cannot be squared with the MSJ Order" given its final declaratory judgment on behalf of class members, and ruled that "***Yajure Hurtado* is no longer controlling**; the legal conclusion underlying the decision is no longer tenable." *Id.* at *3 (emphasis added). That same day the Court also entered final judgment under Rule 54(b) on these points. *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

The Court's amended order from December 18 did not change the agency's practice of denying bond to class members. As a result, the class filed a motion to enforce the judgment, and on February 18, 2026, the Court issued an order granting class members further relief in light of Defendants' noncompliance with the Court's earlier order. This time, the Court vacated *Matter of Yajure Hurtado* under the Administrative Procedure Act, reasoning that this step was now appropriate because Defendants had disregarded the Court's earlier declaratory judgment. This means that *Matter of Yajure Hurtado* can no longer serve as binding precedent for IJs. In addition,

the February 18 order crafted a notice to class members and required that it be served and posted as follows:

- To all persons "who Respondents reasonably believe may be members of the class" and who are currently in detention;
- To all newly arrested and detained persons "who Respondents reasonably believe may be members of the class";
- On the online detainee locator system, the Department of Homeland Security website, and the EOIR case information site, among other places;
- Along with service of a Notice to Appear where someone is a "potential Bond Eligible Class member[]."

In addition, the Court further required Defendants to produce reports regarding the identities of class members at the Adelanto Detention Facility and the release of class members from that facility pursuant to 8 U.S.C. § 1226(a).

The government sought a stay of the February 18, 2026, order from the district court, which the Court denied. Defendants are currently seeking a stay from the Ninth Circuit. Please be aware that developments with respect to a stay in this case may occur quickly, and this practice advisory is current only as of late February 2026.

How has the government responded to the latest court orders?

For a few weeks after the Court's amended order in December, the response among IJs varied: some IJs once again begun to grant bond for class members, while many other IJs continued to deny bond and concluded that *Yajure Hurtado* remains binding. IJs reaching this latter conclusion provided a variety of rationales. Then, on January 13, 2026, Chief Immigration Judge Teresa L. Riley issued guidance instructing IJs that, notwithstanding the district court's amended order and final judgment, IJs continued to be bound by *Yajure Hurtado*. For the next month, all IJs returned to denying bond based on the agency's new policy applying § 1225(b)(2)(A) to class members.

Initial reports following the Court's February 18, 2026, order vacating *Matter of Yajure Hurtado* again suggest a varied response among IJs. Some IJs have resumed issuing bonds, while others refuse to do so. Initial reports also suggest that Defendants are not attempting to identify class members, but are instead issuing class notice en masse to detained persons. **As a result, it is important to understand that receipt of a notice does not mean a person is a class member.** As discussed below, class membership depends upon the circumstances of a person's entry and other factors that ensure a person is not subject to separate mandatory detention authority.

Relatedly, in habeas proceedings before federal district court, DOJ's response has been mixed. In some places, including for habeas petitions filed outside the Central District of California, DOJ has acknowledged that *Maldonado Bautista* is a final and binding declaratory judgment. In other instances, DOJ has argued that the court's orders are not binding. This advisory briefly addresses those arguments and potential responses below.

Who is a Class Member?

The district court certified the following Bond Eligible Class:

> All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista, 2025 WL 3288403, at *9. Under this class definition, there are two groups of people who have claims to relief. First, there are those who entered the United States, were not apprehended at or near the border or close in time to their entry, and who were later arrested by immigration authorities. Second, there are those who were apprehended at or near the border and close in time to their entry, were released on recognizance, and then were re-detained by immigration authorities after residing in the United States.

The first group of persons has a straightforward claim to class membership that the government should not contest (so long as the person claiming class membership does not have other complicating facts, like criminal history that potentially subjects the person to § 1226(c)).

However, the government is likely to contest class membership for the second group identified above. Among other arguments, advocates may want to assert that the adjudicating court should look to the most recent arrest to determine whether or not someone was apprehended "upon arrival." In addition, the *Maldonado Bautista* court's reasoning and language also indicate that the relevant inquiry for determining class membership should be a person's most recent arrest. Advocates asserting class membership for a person who falls in the second group may need to add an alternative argument that even if they are not found to be class members, the same legal analysis dictates that they are detained under § 1226(a) and must be granted a bond hearing.[2]

Strategies in Immigration Court

Following the Court's February 18, 2026, order, the steps that person should take will be dependent on the practices of local IJs. If a class member will receive a bond hearing before an IJ known to be granting bond, no further action is needed to guarantee that person's rights under *Maldonado Bautista*.

In some instances, however, IJs continue to refuse to provide bond hearings. Because of this, rather than waiting to request a bond hearing and be denied in immigration court, advocates may wish to proceed directly to filing a petition for writ of habeas corpus based on class

[2] Advocates can look at a recent district court decision making a similar alternative finding with respect to a regional class covering persons detained in Tacoma, Washington. Order, *Del Valle Castillo v. Wamsley*, No. 2:25-cv-02054-TMC, 2025 WL 3524932, at *5 (W.D. Wash. Nov. 26, 2025) ("[T]he fact that Petitioners are not Bond Denial Class members does not prevent them from seeking habeas relief on similar legal grounds.").

membership (see below). Once a habeas petition is granted, advocates should submit a bond hearing request with a copy of the court order granting the habeas petition via ECAS.

Advocates who opt to directly file a petition for writ of habeas corpus should assert that *Matter of Yajure Hurtado* has been vacated, per the Court's February 18, 2026, order, and the IJ or immigration court at issue is nonetheless continuing to decline to provide bond hearings. In addition, they should assert the facts necessary to demonstrate their client is a class member and that the declaratory judgment constitutes a binding ruling that requires the IJ to consider their client detained under 8 U.S.C. § 1226(a). If advocates are concerned that the local district court may require administrative exhaustion, they may also opt to simultaneously file the habeas petition and the request for a bond hearing.

Alternatively, even where the IJs are denying bond, some advocates may wish to request a bond hearing before an IJ prior to filing a petition for writ of habeas corpus if they believe the IJ will be amenable to issuing an order specifying a bond amount in the alternative, as this may lead to quicker release. In some places, IJs have denied bond, but then issued an alternative finding on whether the IJ would release on bond but for the perceived lack of jurisdiction and, if so, on what amount (i.e., set an "alternative bond"). An individual can then petition for a writ of habeas corpus, requesting that the court order the person released on the alternative bond as a *Maldonado Bautista* class member. Seeking an alternative bond holding first would obviate the need to go through another bond hearing. However, for most cases, it is not worth delaying the habeas petition to await a bond hearing. Seeking an "alternative bond" would also not be advisable if, for example, you are before an IJ who is likely to deny bond in the alternative based on flight risk or danger.

Advocates who opt to request bond before filing a petition for writ of habeas corpus should include copies of the amended order granting partial summary judgment and granting class certification, as well as the entry of final judgment. In addition, they should assert the facts necessary to demonstrate their client is a class member and that the declaratory judgment constitutes a binding ruling that requires the IJ to consider their client detained under 8 U.S.C. § 1226(a).

Appendix A has sample language that practitioners may wish to include to present this argument to the IJ.

Filing a Habeas Petition to Enforce *Maldonado Bautista*

Where IJs and DOJ refuse to comply with the final declaratory judgment in *Maldonado Bautista*, advocates will need to file petitions for writs of habeas corpus. These petitions should assert that the person is a class member in *Maldonado Bautista*, and that by virtue of the final declaratory judgment issued in that case, the person is entitled to a bond hearing under 8 U.S.C. § 1226(a). Advocates can download a Word version of a template petition for writ of habeas corpus here. While the mechanics of filing petitions for writs of habeas corpus are beyond the scope of this advisory, there are many publicly accessible resources to guide advocates, including this advisory from the National Immigration Litigation Alliance.

Notably, *Maldonado Bautista* did not include habeas claims on behalf of the class. Thus, class members are not precluded from filing habeas petitions that assert that they are unlawfully detained because habeas claims were not filed on behalf of the class. *See Pride v. Correa*, 719 F.3d 1130, 1133 (9th Cir. 2013) ("a district court may not 'dismiss[ ] those allegations … which go beyond the allegations and relief prayed for in [the class action]."). Instead, the district court's orders in *Maldonado Bautista* provide declaratory relief and relief under the APA. Moreover, because plaintiffs did not raise habeas claims on behalf of the class, the court in *Maldonado Bautista* had ample authority to rule on the legal issue presented with respect to class members who are detained in other jurisdictions (in contrast to habeas petitions where courts have ruled that habeas petitions generally must be brought in the district of confinement).

While in some cases DOJ concedes that class members are entitled to bond hearings, in other cases DOJ has argued that, for various reasons, the *Maldonado Bautista* final declaratory judgment is not binding. These arguments can be briefly summarized as follows, with very brief responses:

Government Argument #1: The *Maldonado Bautista* final judgment has no effect outside of the Central District of California because the case is ultimately a "core habeas" that is governed by immediate custodian rules.

Response: The class action is not brought in habeas and does not need to be brought in habeas because it is challenging agency policies of denying consideration bond under the INA and APA. It is thus not a "core habeas" that is governed by the immediate custodian rule. It is not only permissive but specifically *contemplated* by the Declaratory Judgment Act that a class-wide declaratory judgment may serve as the basis for a later injunction or habeas to give effect to the declaratory judgment. *See Anatol Zukerman & Charles Krause Reporting, LLC v. U.S. Postal Serv.*, 64 F.4th 1354, 1366–67 (D.C. Cir. 2023); *see also* 28 U.S.C. § 2202 (allowing for "[f]urther relief or proper relief based on a declaratory judgment or decree"). Moreover, Federal Rule of Civil Procedure 57 provides "[t]he existence of another adequate remedy does not preclude a declaratory judgment that is otherwise appropriate."

Government Argument #2: The *Maldonado Bautista* final judgment has no effect pending appeal.

Response: The declaratory judgment is final for purposes of res judicata unless stayed, vacated, or reversed by an appellate court. While the government has filed an appeal of *Maldonado Bautista* to the Ninth Circuit, they have not sought a stay of the district court's orders pending appeal, and there is no stay in place.

Government Argument #3: The *Maldonado Bautista* final judgment has no preclusive effect against the government.

Response: The federal government is bound by a declaratory judgment just like any other party, and multiple courts have held that a government defendant is presumed to adhere to a declaratory judgment, even pending appeal.

Government Argument #4: The *Maldonado Bautista* final judgment has no preclusive effect against the government in a habeas petition.

Response: Federal Rule of Civil Procedure 23(b)(2) and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, provide that a final declaratory judgment can be enforced on an individual basis through a habeas petition.

Government Argument #5: The petitioner is not a party to the *Maldonado Bautista* litigation.

Response: The petitioner is a party to the *Maldonado Bautista* litigation as a member of the certified class.

Government Argument #6: It is unfair to impose res judicata effect when district courts are divided on the issue.

Response: Disagreement with the district court's judgment is not a basis for noncompliance. Moreover, the overwhelming majority of district courts have rejected the government's position.

However, should DOJ still assert that *Maldonado Bautista* is not binding, and should a federal judge agree, a habeas petitioner may include in their petition an alternative argument that the detained person is detained under § 1226(a), independent of any claim to class membership, just as advocates have done prior to the *Maldonado Bautista* orders.

Similarly, if DOJ asserts and a judge agrees that a habeas petitioner is not a class member, that person may seek to amend their habeas petition to assert a claim that, regardless of *Maldonado Bautista* class membership, the person is detained under § 1226(a).

If the district court orders briefing on any of the issues above, please consider reaching out to class counsel for sample briefing.

Buenrostro-Mendez **or other Circuit Court Decisions' Impact on Habeas Petitions**

In light of the *Buenrostro-Mendez* decision it is unlikely that class members detained in the Fifth Circuit will be able to successfully obtain a bond hearing under § 1226(a). They may still file habeas petitions with alternative claims, such as claims that someone who was previously released on conditional parole or bond under § 1226(a) cannot be subject to a different statute, or that the Due Process Clause does not permit their civil detention without an individualized custody hearing. There are several practice advisories on challenges post-*Buenrostro-Mendez*, including this advisory from NIPNLG.

Class members arrested in other parts of the country who are at risk of being transferred to detention centers in the Fifth Circuit should immediately file habeas petitions to secure the local court's jurisdiction before they are transferred. Class members who file habeas petitions should

consider filing a motion for a temporary restraining order to prevent transfer so that they are not separated from counsel and also to eliminate any questions about their entitlement to relief as provided by the final judgment issued in *Maldonado-Bautista*. However, even if a class member is transferred to the Fifth Circuit after filing the habeas petition, they will have a strong argument that the district court where they filed the petition should maintain jurisdiction over their habeas petition, under *Ex parte Endo*, 323 U.S. 283 (1944), and should provide them the relief of the final judgment, securing their right to a bond hearing.

Other circuit courts are expected to weigh in shortly. ACLU IRP is tracking and coordinating other appeals, so please reach out if you have a case that has been appealed: My Khanh Ngo (mngo@aclu.org).

In addition to *Maldonado Bautista*, there are several pending regional class actions challenging the government's no-bond for EWIs policy. If you have questions about the interaction between *Maldonado Bautista* and any regional class actions, please contact us at Bautista_EWI_Class@aclu.org

What Happens Next?

On December 19, 2025, the government filed a notice of appeal with the Ninth Circuit. The case has been docketed as No. 25-7958 (9th Cir.). Following the district court's February 18, 2026, order, Defendants filed a second notice of appeal. The case has been docketed as No. 26-1044. On February 26, 2026, Defendants filed a motion for an emergency stay of the district court's orders with the Ninth Circuit Court of Appeals. Briefing of the motion is ongoing and a decision is pending.

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Appendix A – Sample Bond Request Language Regarding Declaratory Judgments

Mr. XX is a class member in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). In *Maldonado Bautista* the court certified the Bond Eligible Class, defined as:

> All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025); *see also Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3713987, at *32 (C.D. Cal. Dec. 18, 2025) (entering final judgment for the certified class).

Mr. XX is a noncitizen without lawful status detained at the [detention center] who (1) entered the United States without inspection, (2) was not apprehended upon arrival, and (3) is not subject to mandatory detention pursuant to 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231. Accordingly, as a member of the Bond Eligible Class, Mr. XX is entitled to the application of the law as stated in the *Maldonado Bautista* orders granting summary judgment and class certification. *See* 2025 WL 3288403, at *9 ("When considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."). Moreover, in a subsequent order, the *Maldonado Bautista* court vacated *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *12 (C.D. Cal. Feb. 18, 2026). As a result, that decision is no longer binding and this Court cannot rely on that decision to deny bond.

This Court is obligated to apply the law to all class members, as determined in the binding, final judgment issued in *Maldonado Bautista*. *See* 2025 WL 3678485, at *1. The Executive Office for Immigration Review is a Defendant in *Maldonado Bautista*, and is thus bound by the ruling there, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). It is a "basic proposition that all orders and judgments of courts must be complied with promptly," *Maness v. Meyers*, 419 U.S. 449, 458 (1975), and thus, in "suits against government officials and departments, [courts] assume that they will comply with declaratory judgments." *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023). This is because declaratory judgments like the one in *Maldonado Bautista* have "the same effect as an injunction in fixing the parties' legal entitlements." *Florida ex rel. Bondi v. U.S. Dep't of Health & Hum. Servs.*, 780 F. Supp. 2d 1307, 1316 (N.D. Fla. 2011). The pending appeal has no impact on the finality and effect of the declaratory judgment unless stayed, vacated, or reversed by an appellate court. *See* 18 Moore's Federal Practice – Civil § 131.30[2][c][ii] (2025); *United Tchr. Assocs. Ins. Co. v. Union Lab. Life Ins. Co.*, 414 F.3d 558, 570–72 (5th Cir. 2005) (surveying cases). In other words, the federal government—including EOIR—is bound by the *Maldonado Bautista* declaratory judgment that Mr. XX is eligible for a bond hearing under § 1226(a).

This understanding of declaratory judgments—and thus this court's obligation to comply with the declaratory judgment in *Maldonado Bautista* —is consistent with the decisions of many courts. *See, e.g.*, *Sanchez-Espinoza v. Reagan*, 770 F.2d 202, 208 n.8 (D.C. Cir. 1985) (Scalia, J.) ("[T]he discretionary relief of declaratory judgment is, in a context such as this where federal officers are defendants, the practical equivalent of specific relief such as injunction or mandamus, since it must be presumed that federal officers will adhere to the law as declared by the court."), *abrogated on other grounds by*, *Schieber v. United States*, 77 F.4th 806 (D.C. Cir. 2023), *cert. denied*, 144 S. Ct. 688 (2024); *Smith v. Reagan*, 844 F.2d 195, 200 (4th Cir. 1988) (describing declaratory relief as "the functional equivalent of a writ of mandamus"); *Pub. Citizen v. Carlin*, 2 F. Supp. 2d 18, 20 (D.D.C. 1998) ("The government's decision to appeal this Court's ruling does not affect the validity of the declaratory judgment unless and until the judgment is reversed on appeal or the government seeks and is granted a stay pending appeal."), *rev'd on other grounds*, 184 F.3d 900 (D.C. Cir. 1999).

In addition, the *Maldonado Bautista* decision prevents DHS or the immigration court from concluding that 8 U.S.C. § 1225(b)(2) applies as a matter of issue preclusion. DHS and EOIR are parties to *Maldonado Bautista*, and the issue of what detention statute applies to class members was fully litigated to a binding, final judgment in *Maldonado Bautista*. As a result, the doctrine of issue preclusion prevents this Court or DHS from asserting that § 1225(b)(2) applies. *See, e.g.*, *See Cooper v. Fed. Rsrv. Bank of Richmond*, 467 U.S. 867, 874 (1984) ("A judgment in favor of either side [in a class action] is conclusive in a subsequent action between them on any issue actually litigated and determined . . . ."); *Hansberry v. Lee*, 311 U.S. 32, 42–43 (1940) (unnamed class members bound by final judgment). Well-established law also reflects that these principles apply in administrative proceedings like this one. *See B&B Hardware, Inc. v. Hargis Indus., Inc.*, 575 U.S. 138, 148 (2015) ("Both this Court's cases and the Restatement make clear that issue preclusion is not limited to those situations in which the same issue is before two *courts*. Rather, where a single issue is before a court and an administrative agency, preclusion also often applies."). Agency precedent also recognizes this basic principle. *See Matter of Fedorenko*, 19 I. & N. Dec. 57, 61 (BIA 1984) (applying collateral estoppel from federal court denaturalization case in subsequent removal proceedings), *abrogated on other grounds by*, *Negusie v. Holder*, 555 U.S. 511 (2009).