

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JOSE ARNULFO GUERRERO ORELLANA,  
on behalf of himself and others similarly  
situated,

Petitioner-Plaintiff,

v.

ANTONE MONIZ, Superintendent, Plymouth  
County Correctional Facility, et al.,

Case No. 25-12664-PBS

Respondents-Defendants.

**REQUEST FOR STATUS CONFERENCE**

The parties appeared for a status conference on Tuesday, January 13, at 2:30 p.m. At that time, class counsel reported that early indications were that class members were receiving bond hearings in the Immigration Court in Massachusetts.

However, at 3:09 p.m. that same day—while the status conference was still in progress—Chief Immigration Judge Teresa L. Riley reportedly sent an email to all Immigration Judges. The email effectively instructed them not to comply with final declaratory judgments. It reportedly stated:

*Maldonado Bautista* [the final declaration in the national bond hearing class action in California] is not a nationwide injunction and does not purport to vacate, stay, or enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains binding precedent on agency adjudicators. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party.

A copy of the email, as published by the American Immigration Lawyers Association, is attached as Exhibit A.

Yesterday, class counsel began to receive multiple reports that Immigration Judge Christine Olson of the Chelmsford Immigration Court (who hears predominantly detained cases) was systematically denying bond hearing requests by people asserting membership in the *Guerrero Orellana* class. To justify the denials, IJ Olson essentially repeated the instructions from Chief IJ Riley. In one case, for example, IJ Olson stated on the record:<sup>1</sup>

The Court finds that the Court does not have jurisdiction over the bond proceeding under *Yajure Hurtado*. [Guerrero] Orellana is a declaratory judgment, not an injunction. So bond is effectively denied today.

A declaration of class counsel Annelise Araujo, who was present in IJ Olson's court for an unrelated matter when she made this statement, is attached as Exhibit B.

After learning this information, class counsel contacted the government's counsel by telephone to inquire what was happening in Immigration Court. The government responded later in the day by electronic mail and appeared to endorse IJ Olson's actions:

As to your discussion with [government counsel] earlier today, the government's position, as has been stated, is that the declaratory judgment is not coercive and its impact is at most in future federal-court litigation by class members—otherwise, it would be an injunction that runs afoul of 1252(f)(1). Indeed, the government repeatedly argued in opposition to class certification and elsewhere that this is one reason why a class-wide declaratory judgment doesn't meet Rule 23(b)(2) here, which position the Court acknowledged. ECF 81 at 33.

There is reason to believe that Immigration Judges across the country are also complying with Chief IJ Riley's instructions and are systematically denying bond hearings to class members.

---

<sup>1</sup> There is not yet a transcript of this ruling, but class counsel are in possession of an audio recording of the proceeding. The audio recording can be submitted if helpful to the court.

For example, in Laredo, Texas, an IJ issued this order yesterday against a person asserting their rights as a class member:

The Court finds that it has no jurisdiction to entertain the instant bond request. The Court does not understand the District Court Order in *Guerrero-Orellano v. Munoz*, No. 25-cv-12664-PBS, 2025 to be an injunction or to vacate, stay, or enjoin the ruling in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The court finds that *Yajure Hurtado* strips the immigration courts of jurisdiction to consider bonds for aliens determined to be applicants for admission. The Respondent entered without inspection and is an applicant for admission. Therefore, the Court is bound by the BIA and must follow *Yajure Hurtado* as binding precedent.

A copy of this order is attached as Exhibit C.

In summary, it appears that the government has deliberately and systematically instructed every Immigration Judge in the country not to comply with final declaratory judgments issued by Article III courts. And it appears that IJs are following that instruction, including for class members in this case.

The government's noncompliance with this Court's partial final judgment is even more troubling in light of the fact that the government has not attempted to avail itself of any appellate relief from that judgment. Indeed, the government has not even noticed an appeal from the partial final judgment. And the judgment has certainly not been stayed, vacated, reversed, or in any way disturbed by any appellate Court.

The Court reserved judgement on the remaining counts in this case—including the APA claim seeking vacatur of *Yajure Hurtado*—pending evidence of whether a declaratory judgment would be sufficient to resolve the parties' dispute. *See* Class. Cert. Order (D.E. 81) at 10 (“The Court will address whether the class should be certified with regard to Guerrero Orellana's due process and APA claims at a later stage should it become necessary to do so to resolve this case.”). In light of the government's actions, class counsel anticipate requesting a schedule to proceed with

one or more remaining claims. Given that the Court has already ruled that the affected persons meet the criteria for class certification, and has already rejected *Yajure Hurtado* as contrary to law, counsel anticipate seeking expedited resolution of the claim.

Respectfully submitted,

/s/ Christopher E. Hart

Anthony D. Mirenda (BBO #550587)  
Christopher E. Hart (BBO # 625031)  
Gilleun Kang (BBO #715312)  
FOLEY HOAG LLP  
155 Seaport Blvd.  
Boston, MA 02210  
(617) 832-1000  
adm@foleyhoag.com  
chart@foleyhoag.com  
gkang@foleyhoag.com

Jessie J. Rossman (BBO # 670685)  
Adriana Lafaille (BBO # 680210)  
Daniel L. McFadden (BBO # 676612)  
Julian Bava (BBO # 712829)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF MASSACHUSETTS,  
INC.  
One Center Plaza, Suite 850  
Boston, MA 02108  
(617) 482-3170  
dmcfadden@aclum.org  
jbava@aclum.org

My Khanh Ngo (admitted *pro hac vice*)  
Michael K.T. Tan (admitted *pro hac vice*)  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION  
425 California Street, Suite 700  
San Francisco, CA 94104  
(415) 343-0770  
mngo@aclu.org  
m.tan@aclu.org

Gilles R. Bissonnette (BBO # 669225)  
SangYeob Kim (admitted *pro hac vice*)

Chelsea Eddy (admitted *pro hac vice*)  
AMERICAN CIVIL LIBERTIES UNION  
OF NEW HAMPSHIRE  
18 Low Avenue  
Concord, NH 03301  
Phone: 603.333.2081  
[gilles@aclu-nh.org](mailto:gilles@aclu-nh.org)  
[sangyeob@aclu-nh.org](mailto:sangyeob@aclu-nh.org)  
[chelsea@aclu-nh.org](mailto:chelsea@aclu-nh.org)

Carol J. Garvan (admitted *pro hac vice*)  
Max I. Brooks (admitted *pro hac vice*)  
AMERICAN CIVIL LIBERTIES UNION  
OF MAINE FOUNDATION  
P.O. Box 7860  
Portland, ME 04112  
(207) 619-8687  
[cgarvan@aclumaine.org](mailto:cgarvan@aclumaine.org)  
[mbrooks@aclumaine.org](mailto:mbrooks@aclumaine.org)

Annelise M. Jatoba de Araujo  
(BBO # 669913)  
ARAUJO & FISHER, LLC  
75 Federal St., Ste. 910  
Boston, MA 02110  
617-716-6400  
[annelise@araujofisher.com](mailto:annelise@araujofisher.com)

Sameer Ahmed (BBO #688952)  
Sabrineh Ardalan (BBO # 706806)  
HARVARD IMMIGRATION AND  
REFUGEE CLINICAL PROGRAM  
Harvard Law School  
6 Everett Street  
Cambridge, MA 02138  
T: (617) 384-0088  
F: (617) 495-8595  
[sahmed@law.harvard.edu](mailto:sahmed@law.harvard.edu)  
[sardalan@law.harvard.edu](mailto:sardalan@law.harvard.edu)

*Counsel for Petitioner*

Dated: January 16, 2026

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document will be served on counsel for all parties through the Court's CM/ECF system.

Date: January 16, 2026

*/s/ Gilleun Kang*  
Gilleun Kang

Exhibit A

From: Riley, Teresa (EOIR) <[Teresa.Riley2@usdoj.gov](mailto:Teresa.Riley2@usdoj.gov)>  
Sent: Tuesday, January 13, 2026 3:09 PM  
Subject: Guidance

Good afternoon/evening ACJs:

Please provide the following guidance to all Immigration Judges forthwith:

*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay, or enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains binding precedent on agency adjudicators. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party.

Thank you for your attention in this matter.

Sincerely,

**Teresa L. Riley**  
Chief Immigration Judge

Exhibit B

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

JOSE ARNULFO GUERRERO ORELLANA, on behalf of himself and others similarly situated,	)	
	)	
	)	
Petitioner-Plaintiff,	)	
	)	Case No. 25-12664-PBS
v.	)	
	)	
ANTONE MONIZ, Superintendent, Plymouth County Correctional Facility, et al.,	)	
	)	
Respondents-Defendants.	)	
	)	

---

**AFFIDAVIT OF ANNELISE ARAUJO, ESQ.**

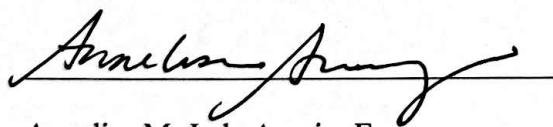
I, Annelise M. Jatoba de Araujo do hereby swear and affirm:

The following statements are based on my personal observation or knowledge.

1. I am a member in good standing of the Massachusetts bar and am counsel for Mr. Jose Arnulfo Guerrero Orellana in his removal proceedings before the Executive Office of Immigration Review and before this Court. I have been practicing routinely in the Immigration Court since 2007.
2. On the morning of January 15<sup>th</sup>, 2025, I was present via Webex video in the courtroom of Immigration Judge Christine Olson at the Chelmsford Immigration Court. It is my understanding that IJ Olson hears predominantly detained cases, and she was hearing a series of detained cases that morning.
3. While waiting for my client's matter to be called I observed multiple bond hearings. Among others, both Attorneys Susan Zak and Attorney Sara Nael had consecutive hearings for different respondents who were both asserting the right to a bond hearing as class members in this action.

4. At the start of both bond hearings, IJ Olson indicated that the Department of Homeland Security had filed paperwork arguing that the Immigration Court did not have jurisdiction to hold a bond hearing.
5. Both attorneys argued that the court does have jurisdiction because the detainees were class members in this action.
6. In both matters IJ Olson ruled, in substance, that the Court did not have jurisdiction because of Matter of Yajure-Hurtado, and that this class action does not apply because this Court issued a declaratory judgment not an injunction.
7. Off the record in between matters IJ Olson asked if there were any attorneys present who were requesting a withdrawal of their bond requests. In context with the prior rulings, the clear import of these statements was that IJ Olson would not be providing bond hearings due to Matter of Yajure Hurtado, rendering those requests futile.
8. During the portion of the session I observed, I did not observe IJ Olson proceed with a bond hearing for any person asserting rights as a class member in this case.
9. I subsequently contacted attorneys Zak and Nael to request documentation and audio recordings concerning the IJ's denial of their requests for bond hearings for their clients. They provided me with information, including certain audio recordings of their proceedings.

Signed under the pains and penalties of perjury, this 15<sup>th</sup> of January 2025,



Annelise M. J. de Araujo, Esq.



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
LAREDO IMMIGRATION COURT**

Exhibit C

Respondent Name:

[REDACTED]  
[REDACTED]

A-Number:

[REDACTED]

To:

Magaletta, Carlos  
76 Canal Street  
Suite 200  
Boston, MA 02114

Riders:

In Custody Redetermination Proceedings

Date:

01/14/2026

**ORDER OF THE IMMIGRATION JUDGE**

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

The Court finds that it has no jurisdiction to entertain the instant bond request. The Court does not understand the District Court Order in *Guerrero-Orellano v. Munoz*, No. 25-cv-12664-PBS, 2025 to be an injunction or to vacate, stay, or enjoin the ruling in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

The court finds that Yajure Hurtado strips the immigration courts of jurisdiction to consider bonds for aliens determined to be applicants for admission. The Respondent entered without inspection and is an applicant for admission. Therefore, the Court is bound by the BIA and must follow Yajure Hurtado as binding precedent.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:



Immigration Judge: GARCIA, MELISSA 01/14/2026

Appeal: Department of Homeland Security:  waived  reserved  
Respondent:  waived  reserved

Appeal Due: 02/13/2026

#### **Certificate of Service**

This document was served:

Via: [ M ] Mail | [ P ] Personal Service | [ E ] Electronic Service | [ U ] Address Unavailable

To: [ ] Alien | [ ] Alien c/o custodial officer | [ E ] Alien atty/rep. | [ E ] DHS

Respondent Name : [REDACTED], BRYAN GERMAN | A-Number : [REDACTED]

Riders:

Date: 01/14/2026 By: LOZANO, DOLORES, Court Staff