

**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.,)

Respondents-Defendants.)

Case No. 25-12664-PBS

RESPONSE TO COURT ORDER

At the January 20, 2026 status conference, the Court ruled that it would issue an amended notice to the class and ordered the parties to submit a proposed amended notice by Friday, January 23, 2026, either jointly or separately. *See* Clerk’s Notes (D.E. 140); *see also* January 21, 2026 Order (D.E. 144).

The parties state their respective positions below. Petitioner, on behalf of the class, has attached a proposed order and second notice. Respondents-Defendants object to updating the notice or notice requirements but also submit a proposed order and second notice.

1. Petitioner’s Statement

Since the status conference earlier this week, it appears the situation in the Immigration Court has continued to deteriorate. For example, on January 20, Immigration Judge Nina Froes refused to conduct bond hearings for multiple apparent class members because “[t]he agency has instructed” that *Hurtado* “remains binding precedent on adjudicators.” *See* Decl. of Caroline Casey; Decl. of Molly McGee. The Department of Justice appears to be reassigning those few Immigration Judges still giving bond hearings to class members: one of them, Immigration Judge

Yul-mi Cho in Chelmsford, appears to have been abruptly removed from all of her detained cases earlier this week. *See* Decl. of Robert Warren;¹ Decl. of Kira Gagarin; Decl. of Annelise Araujo. The Department of Justice appears to be systematically violating the rights of the class members as articulated in the Court’s final declaration, as well as the judicial independence of the Immigration Judges. *See* 8 C.F.R. § 1003.10 (“[I]mmigration judges shall exercise their independent judgment. . . .”). This course of action leaves the class members with little choice but to file habeas petitions as quickly as possible to avoid prejudicial delays and vindicate their rights.

Accordingly, the Court’s ruling that it will issue an additional notice remains justified, including to ensure that class members are accurately informed of the situation and to effectuate the declaratory judgment. *See* 28 U.S.C. § 2202. Plaintiff has prepared a proposed order and second notice, which are enclosed. The proposed order would require the second notice be provided to newly notified class members, as well as to previously notified class members as they are denied bond hearings. The government would be required to provide translations and phone access, as it did for the prior notice. Additionally, given the large number of unrepresented class members, the high volume of habeas petitions that will be required, and the relatively pro forma process anticipated for deciding such petitions (at least where class membership is uncontested), the proposed second notice includes a template habeas petition that the class member may file, if they choose. The federal courts routinely provide litigants with a general template for § 2241

¹ The names and A numbers of detainees have been redacted from Attorney Warren’s declaration. The unredacted declaration could be submitted under seal, if requested.

habeas petitions,² and this modified template merely provides a simplified form to ensure that the class members' claims are presented clearly to the court for rapid processing.³

2. Respondents-Defendants' Statement

Respondents-Defendants (Defendants) respectfully object to any additional notice requirements beyond those already imposed. The current class notice requirements already provide potential class members with class counsel's contact information and telephone access, which should be sufficient to enable potential class members to learn of their ability to bring habeas petitions. Defendants also note that they have not had the opportunity to review or respond to the new declarations concerning post-January 20 alleged events cited by Petitioner, *supra*. However, reserving all objections to the Court's partial final judgment (Dkt. Nos. 112, 113) and to those requirements, the Government submits a competing proposed order and form of new proposed class action notice. Defendants' Exhibit A attached hereto is Defendants' proposed order and notice; Defendants' Exhibit B is a redline showing the revisions from Petitioner's proposed notice.

The Government does, however, have several specific objections to and concerns with Petitioner's proposed order and notice, as reflected in its own proposal.

First, the Government objects to Petitioner's characterization of the effect of the declaratory judgment and of the actions of any Respondent in this matter.

Second, Defendants already have procedures in place under which U.S. Immigration and Customs and Enforcement (ICE) serves notice on new arrestees and those who were already in detention. *See, e.g.*, Dkt. Nos. 118, 128. Defendants thus respectfully request that any updated

² Form AO 242, https://www.uscourts.gov/sites/default/files/AO_242_0.pdf.

³ Class counsel are currently exploring whether a third-party bail fund or similar fund could collectively pay the \$5 filing fees for these petitions on a periodic basis (at least in New England), as the class members will be jailed and may not have practical access to funds.

notice form be provided only prospectively to new arrestees under Paragraph 4 or those detainees who remain to be served under Paragraph 3 in accordance with the Court's recent order concerning the temporal scope of the class (Dkt. No. 144). Petitioner proposes numerous additional requirements to re-serve class members with an updated notice, which are likely to impose significant operational difficulties on ICE and the Executive Office for Immigration Review (EOIR). *See* Pet'r Proposed Order ¶¶ 1(b)-(d), 3, 5–9. If the Court determines that updated notice is required to class members who have already been served with notice and were or are subsequently denied bond hearings, it should be class counsel's responsibility to provide any updated notice to those individuals. The "general rule" is that "the representative plaintiff should perform" the "particular tasks necessary to send the class notice." *Oppenheimer Fund, Inc.*, 437 U.S. 340, 356 (1978); *see also Barahona-Gomez v. Reno*, 167 F.3d 1228, 1236–37 (9th Cir. 1999) (extending this rule to a Rule 23(b)(2) class action). Here, class counsel have access to a list of potential class members who have been served with the prior notice, along with their detention location.

Requiring Defendants to go back and re-serve with class notice those who were denied bond hearings on jurisdictional grounds would impose significant additional burdens, including requiring them to manually review and interpret database information about bond hearings for potentially hundreds of detainees previously served. Petitioner's proposal that notice be served at the immigration court would impose substantially new requirements on ICE or EOIR that would be redundant of ICE's service efforts. Indeed, service of notice (including any language and telephone access requirements) is currently being implemented by ICE in a booking area or in an immigration detention facility. If any Defendant were required to serve notice at the immigration court, this would impose unnecessary and duplicative requirements to be executed by new

categories of employees that would extend well outside this district and would create significant operational problems. For example, Defendants cannot guarantee the availability of telephone access nor access to an appropriate interpreter if the notice is not written in a language that the potential class member understands.

Third, Defendants object to including a template habeas petition with the class notice or providing detailed information about filing a habeas petition, as that would improperly put Defendants and the Court in the position of providing legal advice to class members. Additionally, the proposed template suffers from other infirmities, because it does not require the petitioner to identify their custodian with certainty and fails to include a field for factual allegations that would demonstrate that the petitioner falls within the class definition, containing only legal conclusions. Using this template could encourage the filing of defective habeas petitions in the district courts. Finally, habeas petitions may only be filed in English, so providing potential class members with template habeas petition translated into other languages is improper.

Fourth, Defendants note that the Proposed Order should provide adequate lead time—ten days—for Defendants to translate the notice into Portuguese, Spanish, and Haitian Creole.

Fifth, any new class notice should retain the language from this Court’s prior order stating that its recipient “may be” a class member. As previously explained, Defendants cannot guarantee that each person served with class notice is in fact a class member, and facts may be later discovered that demonstrate that the individual is subject to detention under another detention authority.

Respectfully submitted,

Petitioner-Plaintiff,

By his attorneys,

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Counsel for Petitioner

Dated: January 23, 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 23, 2026

/s/ Daniel L. McFadden

Daniel L. McFadden

**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.,)

Respondents-Defendants.)

Case No. 25-12664-PBS

**[PETITIONER’S PROPOSED] ORDER REGARDING
ADDITIONAL CLASS MEMBER NOTICE PROCEDURES**

The Court has considered the information contained in the Petitioner’s Request for Status Conference (D.E. 134), presented by the parties at the January 20, 2026 status conference, and filed in submissions on January 23, 2026. Among other things, the government does not dispute that the Department of Justice has instructed the Immigration Judges to deny bond hearings to class members, notwithstanding the Partial Final Judgment (D.E. 113) declaring their right to a bond hearing upon request. The government further does not dispute that Immigration Judges are, in fact, denying bond hearings to the class members in compliance with this instruction.

This Court’s declaration has been entered as a final judgment and has not been stayed, vacated, reversed, or in any other way disturbed by any appellate court. Any Immigration Judge who denies a class member a bond hearing, and any attorney in the Immigration Court who argues in favor of such denial, is violating the rights of the class member as finally declared by this Court.

In light of the new information that the class members are being systematically subjected to such violations on orders from the Department of Justice, and to ensure class members are not

being provided inaccurate information, the Court has determined that it is necessary and proper to issue further relief based on the declaratory judgment. *See* 28 U.S.C. § 2202. The Court is therefore ordering the government to provide an additional notice to class members to accurately advise them of the situation and of the opportunity to seek relief by filing a Petition for Writ of Habeas Corpus in an appropriate United States District Court.

Accordingly, it is hereby ORDERED that:

1. The government shall provide the attached Second Class Action Notice and the appended template habeas petition (collectively, the “Second Notice”) to any and all persons who:
 - a. Are served notice under either paragraphs 3 or 4 of the Partial Final Judgment (D.E. 113) on or after the date of this Order;
 - b. Were previously provided the original Class Action Notice by the government, and are subsequently denied a bond hearing by an Immigration Judge;
 - c. Asserted that they are member of the class in Immigration Court, and are subsequently denied a bond hearing by an Immigration Judge; and/or
 - d. Are known by the presiding Immigration Judge to meet the class definition, and are denied a bond hearing by an Immigration Judge.
2. When the Second Notice is being provided pursuant to subparagraphs 1(b)-(d) above, the Second Notice shall be provided to the person at the time the Immigration Judge rules that the bond hearing will not be held. If such ruling occurred prior to the date of this Order, the Second Notice shall be provided to the person within five (5) days after the entry of this Order.
3. The government official providing the notice shall print legibly on each notice the date, location, name of person served, Alien Number, name of official serving the notice. The

official serving the notice shall also sign it. The government shall retain at least one copy of all notices served.

4. If the person receiving the Second Notice is represented by an attorney in the Immigration Court, a copy of the Second Notice provided to the person shall also be provided to the attorney at the time it is provided to the person.
5. The government shall translate the Second Notice into Spanish, Portuguese, and Haitian Creole. Persons receiving the Second Notice who are not fluent in English but are fluent in one of those languages, shall be provided both the English version and the version in their respective language of fluency. If the person does not understand English, Spanish, Portuguese, or Haitian Creole, they shall be provided the Second Notice in English, and the government shall secure an interpreter to translate the notice as soon as possible in a language the person understands.
6. The government shall ensure that copies of this Order and the appended Second Notice are distributed forthwith to all Immigration Judges who are hearing or may hear cases involving class members. The United States Attorney's Office for the District of Massachusetts shall forthwith provide copies of this Order and the appended Second Notice personally to all Immigration Judges assigned, either permanently or temporarily, to the Chelmsford Immigration Court and the Boston Immigration Court.
7. The government shall file in this action a sworn statement attesting that the requirements of paragraph 6 have been fulfilled. The declaration shall be filed as soon as possible, but in no event later than three days after the date of this Order.

8. The government shall provide the person receiving the Second Notice with access to a telephone to call an attorney as soon as possible, but no later than three hours, after the person receives the Second Notice. *See* Dec. 31, 2025 Order (D.E. 123).

SO ORDERED.

Dated: _____

Hon. Patti B. Saris
United States District Judge

**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.,)
)
Respondents-Defendants.)
_____)

Case No. 25-12664-PBS

SECOND CLASS ACTION NOTICE

You are receiving this additional notice of the matter *Guerrero Orellana v. Moniz*, No. 25-cv-12664 (D. Mass. 2025) because you are likely a class member in that case. This second notice contains certain updated information about your rights. You may contact the attorneys representing the class at (857) 347-5502, although please understand that they represent the class collectively and do not represent you individually.

If you are a class member, then you have a legal right to receive a bond hearing upon request under the Partial Final Judgment issued in *Guerrero Orellana* on December 19, 2025. You may request a bond hearing from the Immigration Judge in your case. However, many Immigration Judges are presently failing to provide bond hearings to class members, in violation of the class members' rights as declared in the Partial Final Judgment. The detention of any class member without access to a bond hearing is unlawful.

Generally speaking, when a person is unlawfully detained, they may ask the United States District Court to order their release. This is called a "Petition for Writ of Habeas Corpus." You are encouraged to consult with an attorney as soon as possible concerning any rights you may have

to file such a petition. You may consider filing such a petition at any time, and it may be in your interest to file the petition now.

Although you are encouraged to work with an attorney if possible, you don't need an attorney to file a Petition for Writ of Habeas Corpus. Attached is a template Petition for Writ of Habeas Corpus that you may file yourself, if you choose. If you are represented by an attorney, you are encouraged to consult with your attorney before filing the template or anything else in court.

To complete the template, you must fill in your name, your Alien Number, your location of detention, and (if known) the name of the warden of your detention facility. You must also sign the petition. You may then submit the petition to the United States District Court for the location where you are detained. For example, if you are detained in Massachusetts, you would send your petition to the United States District Court for the District of Massachusetts.

For ease of reference, here are the addresses for several courts in areas where class members may be detained. If you are detained elsewhere, you should look up the address for the United States District Court responsible for that area.

Massachusetts

Clerk's Office

U.S. District Court for the District of Massachusetts

John Joseph Moakley U.S. Courthouse

1 Courthouse Way, Suite 2300

Boston, Massachusetts 02210

New Hampshire

Clerk's Office

U.S. District Court for the District of New Hampshire

55 Pleasant Street, Room 110

Concord, NH 03301

Maine

Clerk's Office

U.S. District Court for the District of Maine

Edward T. Gignoux U.S. Courthouse
156 Federal Street
Portland, ME 04101

Vermont
Clerk's Office
U.S. District Court for the District of Vermont
P.O. Box 945
Burlington, VT 05402

Rhode Island
Clerk's Office
U.S. District Court for the District of Rhode Island
Federal Building and Courthouse
Once Exchange Terrace
Providence, RI 02903

You may have received this notice in both English and another language. You should submit the English version of the template to the court.

Served on date: _____

Served at location: _____

Name of person served: _____

Alien Number of person served: _____

Name of person serving notice: _____

Signature of person serving notice: _____

YOUR NAME: _____

YOUR ALIEN NUMBER: _____

YOUR LOCATION OF DETENTION: _____

Petitioner,

v.

WARDEN'S NAME (IF KNOWN): _____;

TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

KRISTI NOEM, U.S. Secretary of Homeland Security; and

PAMELA BONDI, U.S. Attorney General,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

1. This is a template Petition for Writ of Habeas Corpus provided to me by the Court as part of the Second Class Notice in *Guerrero Orellana v. Moniz, et al.*, C.A. No. 25-12664-PBS (D. Mass.). This petition is filed pursuant to 28 U.S.C. § 2241.
2. I believe I am a class member in *Guerrero Orellana*. I am presently detained.
3. The Court in *Guerrero Orellana* has issued a final judgment that the class members are detained under 8 U.S.C. § 1226(a) and are consequently entitled to a bond hearing upon request. *See* Partial Final Judgment (D.E. 113), *Guerrero Orellana v. Moniz, et al.*, C.A. No. 25-12664-PBS (D. Mass.); *see also* *Guerrero Orellana v. Moniz*, C.A. No. 25-12664-PBS, 2025 WL 3687757 (D. Mass.) (Mem. & Order re: judgment).
4. My detention is governed by 8 U.S.C. § 1226(a), and I am entitled to a bond hearing upon request.
5. I have not been, and on information and belief will not be, provided a bond hearing by the Immigration Court. My detention is therefore unlawful.
6. I request immediate release from detention or, in the alternative, an order requiring that I be released in seven (7) days if I have not been provided a bond hearing.

Count I

7. All prior paragraphs are incorporated. My detention is unlawful because I have not been provided a bond hearing, in violation of the final judgment in *Guerrero Orellana*.

SIGN HERE: _____

DEFENDANTS' EXHIBIT A

**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.,)

Respondents-Defendants.)

Case No. 25-12664-PBS

**[DEFENDANTS' PROPOSED] ORDER REGARDING
ADDITIONAL CLASS MEMBER NOTICE PROCEDURES**

On December 19, 2025, the Court issued a declaratory judgment concerning the statutory authority governing the detention of members of the certified class. In light of information submitted by Petitioner that some class members are not receiving bond hearings from immigration judges and Defendants' consistent position that, at most, rights declared in the final declaratory judgment may only be enforced in a federal district court, the Court has determined that it is necessary and appropriate to impose the following requirements regarding notice to class members to advise them of the opportunity to seek relief by filing a Petition for Writ of Habeas Corpus in an appropriate United States District Court.

Accordingly, it is hereby ORDERED that:

1. Within 10 days of the date of this Order, Defendants shall begin using the attached Second Class Action Notice (the "Second Notice") to serve any and all persons who are required to be served notice under paragraphs 3 and 4 of the notice requirements of the Partial Final Judgment (D.E. 113) who have not yet been served with the original Class Action Notice,

in accordance with the procedures set forth for service of class notice in the Partial Final Judgment;

2. Defendants shall serve notice under Paragraph 3 based on the clarified class definition using the Second Notice, and shall complete service of notice based on the clarified class definition within three weeks of the date of this Order.

SO ORDERED.

Dated: _____

Hon. Patti B. Saris
United States District Judge

**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.,)

Respondents-Defendants.)

Case No. 25-12664-PBS

SECOND CLASS ACTION NOTICE

You are receiving this notice because you may be a member of a class that has been certified by the United States District Court for the District of Massachusetts in the matter *Guerrero Orellana v. Moniz*, No. 25-cv-12664 (D. Mass. 2025). You may contact the attorneys representing the class at (857) 347-5502, although please understand that they represent the class collectively and do not represent you individually.

If you are a class member, then the District Court in *Guerrero Orellana* ruled you are subject to detention under 8 U.S.C. § 1226(a), including access to consideration for release on bond and/or conditions before immigration officers and immigration judges. To enforce this ruling, class members may need to ask the United States District Court for relief by filing a “Petition for Writ of Habeas Corpus” or “Habeas Petition.” You are encouraged to consult with an attorney as soon as possible concerning any rights you may have to file such a petition.

You may file Habeas Petitions in the United States District Court for the location where you are detained. For example, if you are detained in Massachusetts, you would send your petition to the United States District Court for the District of Massachusetts.

Here are the addresses for several courts in areas where class members may be detained.

If you are detained elsewhere, you can look up the address for the United States District Court responsible for that area.

Massachusetts

Clerk's Office

U.S. District Court for the District of Massachusetts

John Joseph Moakley U.S. Courthouse

1 Courthouse Way, Suite 2300

Boston, Massachusetts 02210

New Hampshire

Clerk's Office

U.S. District Court for the District of New Hampshire

55 Pleasant Street, Room 110

Concord, NH 03301

Maine

Clerk's Office

U.S. District Court for the District of Maine

Edward T. Gignoux U.S. Courthouse

156 Federal Street

Portland, ME 04101

Vermont

Clerk's Office

U.S. District Court for the District of Vermont

P.O. Box 945

Burlington, VT 05402

Rhode Island

Clerk's Office

U.S. District Court for the District of Rhode Island

Federal Building and Courthouse

One Exchange Terrace

Providence, RI 02903

Served on date: _____

Served at location: _____

Name of person served: _____

Alien Number of person served: _____

Name of person serving notice: _____

Signature of person serving notice: _____

DEFENDANTS' 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,)

v.)

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

Respondents-Defendants.)

Case No. 25-12664-PBS

PETITIONER'S/DEFENDANTS' PROPOSED ORDER REGARDING
ADDITIONAL CLASS MEMBER NOTICE PROCEDURES

~~—The On December 19, 2025, the Court has considered the issued a declaratory judgment concerning the statutory authority governing the detention of members of the certified class. In light of information contained in the Petitioner's Request for Status Conference (D.E. 134), presented submitted by the parties at the January 20, 2026 status conference, and filed in submissions on January 23, 2026. Among other things, the government does not dispute Petitioner that the Department of Justice has instructed the Immigration Judges to deny some class members are not receiving bond hearings to class members, notwithstanding the Partial Final Judgment (D.E. 113) declaring their right to a bond hearing upon request. The government further does not dispute that Immigration Judges are, in fact, denying bond hearings to the class members in compliance with this instruction.~~

~~—This Court's declaration has been entered as a from immigration judges and Defendants' consistent position that, at most, rights declared in the final judgment and has not been stayed, vacated, reversed, or in any other way disturbed by any appellatedeclaratory judgment may only~~

~~be enforced in a federal district court. Any Immigration Judge who denies a class member a bond hearing, and any attorney in the Immigration Court who argues in favor of such denial, is violating the rights of the class member as finally declared by this Court.~~

~~In light of the new information that the class members are being systematically subjected to such violations on orders from the Department of Justice, and to ensure class members are not being provided inaccurate information,~~ the Court has determined that it is necessary and ~~proper to issue further relief based on the declaratory judgment. See 28 U.S.C. § 2202. The Court is therefore ordering the government to provide an additional~~appropriate to impose the following ~~requirements regarding~~ notice to class members to ~~accurately~~advise them ~~of the situation and~~ of the opportunity to seek relief by filing a Petition for Writ of Habeas Corpus in an appropriate United States District Court.

Accordingly, it is hereby ORDERED that:

1. ~~The government~~Within 10 days of the date of this Order, Defendants shall ~~provide~~begin using the attached Second Class Action Notice ~~and the appended template habeas petition (collectively,~~ (the “Second Notice”) to serve any and all persons who:
 - a. ~~Are~~ are required to be served notice under ~~either~~ paragraphs 3 ~~or~~and 4 of the notice requirements of the Partial Final Judgment (D.E. 113) ~~on or after the date of this Order;~~
 - b. ~~Were previously provided who have not yet been served with~~ the original Class Action Notice ~~by,~~ in accordance with the government, ~~and are subsequently denied a bond hearing by an Immigration Judge;~~

1. ~~Asserted that they are member of the procedures set forth for service of class in Immigration Court, and are subsequently denied a bond hearing by an Immigration Judge; and/or notice in the Partial Final Judgment;~~
 - d. ~~Are known by Defendants shall serve notice under Paragraph 3 based on the presiding Immigration Judge to meet the clarified class definition, and are denied a bond hearing by an Immigration Judge.~~
2. ~~When using the Second Notice is being provided pursuant to subparagraphs 1(b) (d) above, the Second Notice shall be provided to the person at the time the Immigration Judge rules that the bond hearing will not be held. If such ruling occurred prior to, and shall complete service of notice based on the clarified class definition within three weeks of the date of this Order, the Second Notice shall be provided to the person within five (5) days after the entry of this Order.~~
3. ~~The government official providing the notice shall print legibly on each notice the date, location, name of person served, Alien Number, name of official serving the notice. The official serving the notice shall also sign it. The government shall retain at least one copy of all notices served.~~
4. ~~If the person receiving the Second Notice is represented by an attorney in the Immigration Court, a copy of the Second Notice provided to the person shall also be provided to the attorney at the time it is provided to the person.~~
5. ~~The government shall translate the Second Notice into Spanish, Portuguese, and Haitian Creole. Persons receiving the Second Notice who are not fluent in English but are fluent in one of those languages, shall be provided both the English version and the version in their respective language of fluency. If the person does not understand English, Spanish,~~

~~Portuguese, or Haitian Creole, they shall be provided the Second Notice in English, and the government shall secure an interpreter to translate the notice as soon as possible in a language the person understands.~~

- ~~6. The government shall ensure that copies of this Order and the appended Second Notice are distributed forthwith to all Immigration Judges who are hearing or may hear cases involving class members. The United States Attorney's Office for the District of Massachusetts shall forthwith provide copies of this Order and the appended Second Notice personally to all Immigration Judges assigned, either permanently or temporarily, to the Chelmsford Immigration Court and the Boston Immigration Court.~~
- ~~7. The government shall file in this action a sworn statement attesting that the requirements of paragraph 6 have been fulfilled. The declaration shall be filed as soon as possible, but in no event later than three days after the date of this Order.~~
- ~~8. The government shall provide the person receiving the Second Notice with access to a telephone to call an attorney as soon as possible, but no later than three hours, after the person receives the Second Notice. See Dec. 31, 2025 Order (D.E. 123).~~

SO ORDERED.

Dated: _____

Hon. Patti B. Saris
United States District Judge

**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.,)
)
Respondents-Defendants.)
_____)

Case No. 25-12664-PBS

SECOND CLASS ACTION NOTICE

You are receiving this ~~additional~~ notice because you may be a member of a class that has been certified by the United States District Court for the District of Massachusetts in the matter *Guerrero Orellana v. Moniz*, No. 25-cv-12664 (D. Mass. 2025) ~~because you are likely a class member in that case. This second notice contains certain updated information about your rights.~~ You may contact the attorneys representing the class at (857) 347-5502, although please understand that they represent the class collectively and do not represent you individually.

If you are a class member, then ~~you have a legal right to receive a bond hearing upon request under the Partial Final Judgment issued District Court in *Guerrero Orellana* on December 19, 2025. You may request a bond hearing from the Immigration Judge in your case. However, many Immigration Judges ruled you are presently failing to provide bond hearings to class members, in violation of the class members' rights as declared in the Partial Final Judgment. The subject to detention of any class member without under 8 U.S.C. § 1226(a), including access to a bond hearing is unlawful.~~

~~—Generally speaking, when a person is unlawfully detained, they may consideration for release on bond and/or conditions before immigration officers and immigration judges. To enforce this ruling, class members may need to ask the United States District Court ~~to order their release. This is called~~ relief by filing a “Petition for Writ of Habeas Corpus” or “Habeas Petition.”~~ You are encouraged to consult with an attorney as soon as possible concerning any rights you may have to file such a petition. ~~You may consider filing such a petition at any time, and it may be in your interest to file the petition now.~~

~~Although you are encouraged to work with an attorney if possible, you don’t need an attorney to file a Petition for Writ of Habeas Corpus. Attached is a template Petition for Writ of Habeas Corpus that you may file yourself, if you choose. If you are represented by an attorney, you are encouraged to consult with your attorney before filing the template or anything else in court.~~

~~To complete the template, you must fill in your name, your Alien Number, your location of detention, and (if known) the name of the warden of your detention facility. You must also sign the petition. You may then submit the petition to~~ You may file Habeas Petitions in the United States District Court for the location where you are detained. For example, if you are detained in Massachusetts, you would send your petition to the United States District Court for the District of Massachusetts.

~~For ease of reference, here~~ Here are the addresses for several courts in areas where class members may be detained. If you are detained elsewhere, you ~~should~~ can look up the address for the United States District Court responsible for that area.

Massachusetts
Clerk’s Office
U.S. District Court for the District of Massachusetts
John Joseph Moakley U.S. Courthouse

1 Courthouse Way, Suite 2300
Boston, Massachusetts 02210

New Hampshire

Clerk's Office
U.S. District Court for the District of New Hampshire
55 Pleasant Street, Room 110
Concord, NH 03301

Maine

Clerk's Office
U.S. District Court for the District of Maine
Edward T. Gignoux U.S. Courthouse
156 Federal Street
Portland, ME 04101

Vermont

Clerk's Office
U.S. District Court for the District of Vermont
P.O. Box 945
Burlington, VT 05402

Rhode Island

Clerk's Office
U.S. District Court for the District of Rhode Island
Federal Building and Courthouse
~~One~~One Exchange Terrace
Providence, RI 02903

~~You may have received this notice in both English and another language. You should submit the English version of the template to the court.~~

Served on date: _____

Served at location: _____

Name of person served: _____

Alien Number of person served: _____

Name of person serving notice: _____

Signature of person serving notice: _____

YOUR NAME: _____

YOUR ALIEN NUMBER: _____

YOUR LOCATION OF DETENTION: _____

Petitioner,

v. _____

WARDEN'S NAME (IF KNOWN): _____;

TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement;

KRISTI NOEM, U.S. Secretary of Homeland Security; and

PAMELA BONDI, U.S. Attorney General, _____

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

1. ~~This is a template Petition for Writ of Habeas Corpus provided to me by the Court as part of the Second Class Notice in *Guerrero Orellana v. Moniz, et al.*, C.A. No. 25-12664 PBS (D. Mass.). This petition is filed pursuant to 28 U.S.C. § 2241.~~
2. ~~I believe I am a class member in *Guerrero Orellana*. I am presently detained.~~
3. ~~The Court in *Guerrero Orellana* has issued a final judgment that the class members are detained under 8 U.S.C. § 1226(a) and are consequently entitled to a bond hearing upon request. See Partial Final Judgment (D.E. 113), *Guerrero Orellana v. Moniz, et al.*, C.A. No. 25-12664 PBS (D. Mass.); see also *Guerrero Orellana v. Moniz*, C.A. No. 25-12664-PBS, 2025 WL 3687757 (D. Mass.) (Mem. & Order re: judgment).~~
4. ~~My detention is governed by 8 U.S.C. § 1226(a), and I am entitled to a bond hearing upon request.~~
5. ~~I have not been, and on information and belief will not be, provided a bond hearing by the Immigration Court. My detention is therefore unlawful.~~
6. ~~I request immediate release from detention or, in the alternative, an order requiring that I be released in seven (7) days if I have not been provided a bond hearing.~~

Count I

~~7. All prior paragraphs are incorporated. My detention is unlawful because I have not been provided a bond hearing, in violation of the final judgment in *Guerrero Orellana*.~~

SIGN HERE: _____