

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

**EXPEDITED OPPOSITION
REQUESTED**

**PETITIONER-PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT AND
CLASS CERTIFICATION**

Petitioner-Plaintiff Jose Arnulfo Guerrero Orellana (“Plaintiff” or “Mr. Guerrero Orellana”) hereby moves this Court for an Order granting class-wide partial summary judgment on Count V of the First Amended Petition for Writ of Habeas Corpus and Class Action Complaint (D.E. 10) in favor of the class insofar as that Count asserts that the Board of Immigration Appeals’ decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025) (“*Hurtado*”) is contrary to statute, and vacating and setting aside *Hurtado* as contrary to law, in violation of the APA. Additionally, although vacatur does not require a certified class, Plaintiff requests that the Court certify a class mirroring the current class definition for Count V, *see* D.E. 112 at 25-26, appoint Mr. Guerrero Orellana as class representative, and appoint current class counsel to represent the additional class, in order to deny the government any further purported basis to ignore the Court’s rulings. Plaintiff also requests that the court’s order and vacatur be entered as a partial final judgment, pursuant to Rule 54(b). Lastly, Plaintiff requests that the government be ordered to

respond to this motion on an expedited basis—on or before February 10, 2026—which the government opposes.

This motion is made pursuant to Rules 23 and 56 of the Federal Rules of Civil Procedure and is based on the accompanying Memorandum in Support of Petitioner-Plaintiff’s Motion for Partial Summary Judgment and Class Certification and in Opposition to Respondents-Defendants’ Motion to Dismiss (“Memorandum”), and Plaintiff’s Statement of Uncontroverted Facts.

Respectfully submitted,

/s/ Christopher E. Hart

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Dated: January 27, 2026

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

In accordance with Local Rule 7.1(a)(2), I, Christopher E. Hart, counsel for Petitioner-Plaintiff and the certified Class, hereby certify that counsel for the parties conferred via email and made a good faith effort to narrow the areas of disagreement at issue in this motion to the fullest extent. Respondents-Defendants oppose this motion.

Signed this 27th day of January, 2026.

/s/ Christopher E. Hart
Christopher E. Hart

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 27, 2026

/s/ Gilleun Kang
Gilleun Kang