

**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

**[PROPOSED] ORDER AND JUDGMENT**

This matter is before the Court on the motion of Petitioner-Plaintiff, Jose Arnulfo Guerrero Orellana (“Named Plaintiff”) on behalf of the members of the class certified by this Court’s Memorandum and Order dated October 30, 2025 (D.E. 81) (“class members” or “members of the certified Class”) (collectively with Named Plaintiff, “Plaintiffs”), for partial summary judgment against Respondents-Defendants (“Defendants”) on Count I of the First Amended Petition for Writ of Habeas Corpus and Class Action Complaint (D.E. 10).

Having considered the motion, the memorandum in support, and the record in this case, and having otherwise been fully advised, it is hereby **ORDERED** that Plaintiff’s Motion for Partial Summary Judgment is **GRANTED**. It is further

**DECLARED** that the members of the certified Class are not subject to detention under 8 U.S.C. § 1225(b)(2); it is further

**DECLARED** that the members of the certified Class are subject to detention, if at all, under 8 U.S.C. § 1226(a), including access to consideration for release on bond and/or conditions before immigration officers and Immigration Judges, are entitled upon request to a custody redetermination hearing before an Immigration Judge that complies with the standards outlined in *Hernandez-Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021), and, after joining the class, shall remain subject to this order notwithstanding any subsequent change in their location, facility of detention, or venue of immigration proceeding; it is further

**DECLARED** that Defendants' policy of subjecting members of the certified Class to detention under 8 U.S.C. § 1225(b)(2)(A) without consideration for bond and a custody redetermination hearing is unlawful and violates the Immigration and Nationality Act and its regulations, *see* 8 C.F.R. §§ 236.1, 1236.1, and 1003.19; it is further

**ORDERED** that there is no just reason to delay final judgment as to the claims in this order, and that final judgment as to Count I is hereby entered pursuant to Federal Rule of Civil Procedure 54(b); it is further

**ORDERED** that Defendants shall give notice of this order, attached hereto in English language format, to all current class members within seven (7) days and at such time in the future that any person becomes a class member, that such notice shall be accurately translated by Defendants and provided to each class members in a language he or she understands, and that Defendants shall record the service of each notice and retain a copy of each such notice served; it is further

**ORDERED** that, within seven (7) days of this order, Defendants shall serve on class counsel identification of all present class members, and serve ongoing identifying information of

additional class members to class counsel at least once per week, every week, thereafter. Identifying information shall include: class member's name and Alien number (A-number); current detention facility; date the current period of detention began; name of class member's counsel in immigration proceedings, if any; and a statement of whether a new bond hearing has taken place after the date of this Order, and if so, the outcome. For any transfer of a class member out of Massachusetts, Maine, Rhode Island, Vermont, or New Hampshire, Defendants, consistent with U.S. Immigration and Customs Enforcement Policy 11022.1, shall notify class counsel 24 hours prior to transfer, or, where 24 hours' prior notice is not reasonably practicable, within 24 hours after the transfer is initiated. This requirement does not apply if the transfer is to another of the five named states.

SO ORDERED.

Date \_\_\_\_\_

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Hon. Patti B. Saris  
United States District Judge

**CLASS ACTION NOTICE**

You are a member of a class that has been certified by the District Court for the District of Massachusetts, in *Orellana v. Moniz*, No. 25-cv-12664 (D. Mass. 2025). On [DATE], the Court issued a ruling that you are detained, if at all, pursuant to detention authority under 8 U.S.C. § 1226(a). Therefore, you are entitled to request release on bond or conditional parole by immigration officers; you are also entitled to a bond hearing upon your request to the Immigration Court. At the bond hearing, the Immigration Judge may determine that you are eligible to be released on bond while your removal proceedings are pending. The District Court's order and judgment are appended to this notice. This notice may be retained and presented to the Immigration Court as proof that you are entitled to a bond hearing pursuant to the District Court's order and judgment.

Served on date: \_\_\_\_\_

Served at location: \_\_\_\_\_

Name of person served: \_\_\_\_\_

Alien number of person served: \_\_\_\_\_

Name of officer serving notice: \_\_\_\_\_

ID number of officer serving notice: \_\_\_\_\_

Signed by serving officer: \_\_\_\_\_