District Judge Tiffany M. Cartwright

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Ramon RODRIGUEZ VAZQUEZ, and those similarly situated,

Plaintiffs,

v.

Cammilla WAMSLEY,[1] *et al.*,

Defendants.

CASE NO. 3:25-cv-05240-TMC

DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR FURTHER RELIEF PURSUANT TO 28 U.S.C. § 2202.

Noting date: November 20, 2025.

[1] Pursuant to Federal Rule of Civil Procedure 25(d), Defendant Cammilla Wamsley is automatically substituted for Defendant Drew Bostock.

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INTRODUCTION

The Court should refuse to grant Plaintiff an end run around the jurisdictional and statutory bars that preclude the relief requested in his Motion for Further Relief Pursuant to 28 U.S.C. § 2202 ("Motion"), ECF No. 74. In this Motion, Plaintiff seeks a court order compelling Defendants to: (1) produce weekly lists of class members (the "list request"), (2) provide five business days' notice to class members, class counsel, and class members' immigration counsel prior to transfer of a class member, (the "transfer notice request") and (3) provide written notice to all class members and to all Defendants employed in this district of their rights and obligations as declared by this Court's September 30 final judgment (the "judgment notice request"). *See* ECF No. 74. at 2.

Plaintiff's requests are no more than thinly-guised attempts to impermissibly alter and expand the Court's earlier declaratory judgment by increasing the coercive and injunctive effect of that judgment and imposing operationally impracticable burdens on Defendants. Such a transformation violates binding precedent that a district court cannot retain jurisdiction to "alter or expand upon the judgment," especially—as is here—where Defendants have filed a notice of appeal with respect to that judgment. *See In re Padilla*, 222 F.3d 1184, 1190 (9th Cir. 2000); *Gould v. Mutual Life Ins. Co.*, 790 F.2d 769, 772 (9th Cir. 1986). Neither caselaw nor the statutory language in 28 U.S.C. § 2202 and 8 U.S.C. §§ 1252(f)(1), 1252(a)(2)(B)(ii) support such an effort, let alone provide jurisdiction to entertain Plaintiff's requests. *See In re Padilla*, 222 F.3d at 1190; 8 U.S.C. §§ 1231(g), 1252(f)(1), 1252(a)(2)(B)(ii); 28 U.S.C. § 2202. And even assuming jurisdiction, Plaintiff's requests—as pled—would impose impermissible, operationally impracticable, and overbroad requirements upon Defendants that are neither proper nor necessary as required by § 2202. *See* 28 U.S.C. § 2202. The Court should therefore deny Plaintiff's Motion for the reasons set forth below.

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BACKGROUND

I. Factual and Procedural History

Plaintiff's Motion stems from the Court's September 30, 2025, Order granting Plaintiff's Partial Motion for Summary Judgment and denying Defendant's Motion to Dismiss, ECF No. 65, and the Court's entry of judgment consistent with that Order, ECF No. 66. In granting Summary Judgment to the Bond Denial Class,[2] the Court entered the following declaratory judgment:

> The Court declares that Bond Denial Class members are detained under 8 U.S.C.§ 1226(a) and are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2). The Court further declares that the Tacoma Immigration Court's practice of denying bond to Bond Denial Class members on the basis of § 1225(b)(2) violates the Immigration and Nationality Act.

ECF No. 66. Defendants have appealed the Court's summary judgment decision. ECF No. 71.

About a month after the Court's entry of the declaratory judgment, Plaintiff filed this Motion. ECF No. 74. For the reasons below, the Court should deny Plaintiff's Motion.

ARGUMENT

I. The Court Lacks Jurisdiction to Grant Plaintiff's Improper Requests.

As a threshold matter, § 2202 does not provide an avenue for Plaintiff to expand the Court's declaratory judgment to include requirements that are coercive, injunctive, or generally beyond the scope of the statutory question that the Court decided. Beyond that, various provisions of federal law further foreclose Plaintiff's attempt to transform the nature of his relief from declaratory to injunctive.

[2] The Bond Denial Class is "is defined as all noncitizens without lawful status detained at the Northwest ICE Processing Center who (1) have entered or will enter the United States without inspection, (2) are not apprehended upon arrival, (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 noncitizen is scheduled for or requests a bond hearing." *See, e.g.,* ECF No. 66.

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A. 28 U.S.C. § 2202 does not permit further relief.

Generally, "[t]he filing of a notice of appeal divests the district court of jurisdiction." *Gould,* 790 F.2d at 772; *see also Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance — it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal"). True, § 2202 carves out a narrow exception to this general rule, providing that "[f]urther necessary or proper relief based on a declaratory judgment or decree may be granted, after reasonable notice and hearing, against any adverse party whose rights have been determined by such judgment." 28 U.S.C. § 2202. But Plaintiff is unable to demonstrate that his requests for relief comport with § 2202's exception to the general rule that the Court no longer has jurisdiction over the requests made in the Motion. *See Gould*, 790 F.2d at 772. As Plaintiff notes, a district court "retains jurisdiction to implement or enforce the judgment or order *but may not alter or expand upon the judgment*." *See In re Padilla*, 222 F.3d at 1190 (emphasis added); ECF No. 74 at 6. But this is exactly what Plaintiff requests. Each of Plaintiff's requests exceed the scope of the Court's declaratory judgment, violating § 2202's requirement that any further relief follow from, and be based on, the declaratory judgment. *See* 28 U.S.C. § 2202; *Horn & Hardart Co. v. Nat'l Rail Passenger Corp.*, 843 F.2d 546, 548–49 (D.C. Cir. 1988).

i. <u>The transfer notice request.</u>

Plaintiff's transfer notice request strays from the "status quo," ECF No. 74 at 6—it would create a new, coercive requirement on the part of the Government. The Government would be effectively enjoined from any transfer for a minimum of five business days once it exercises its § 1231(g) discretion to transfer a class member. Instead, contrary to Plaintiff's assertion, enjoining

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transfers, even on a temporary basis, would "expand class members rights in some way," *see id.*, by giving them a right to notice and an injunction against transfers that they have not had before, did not plead in their complaint, and did not seek in their summary judgment briefing. *See generally*, ECF No. 41. This expansion is not contemplated by § 2202—in fact, the Ninth Circuit has foreclosed it. *See* 28 U.S.C. § 2202; *In re Padilla*, 222 F.3d at 1190 (a district court "may not alter or expand upon the judgment"). The Court should deny Plaintiff's request on this basis alone. But in addition, Plaintiff's transfer notice request impermissibly alters the very nature of the Court's declaratory judgment by seeking to introduce an injunctive enforcement mechanism that operates as an end run around § 1252(f)(1). As discussed below, Part I. B., *infra*, such a requirement would violate multiple provisions of § 1252 and inappropriately expand upon the Court's judgment.

Thus, Plaintiff's "modest" requests are improper attempts to enlarge the Court's judgment beyond its scope and inject untenable coercive enforcement mechanisms. That Plaintiff resorts to analogizing his requested relief to Fed. R. Civ. P. 62(d) underscores the unavailability of relief here.

Plaintiff argues that "[w]hile the order at issue here involves declaratory rather than injunctive relief" Rule 62(d) "is instructive" because it provides that a "court may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party's rights." *See* ECF No. 74 at 6 (citing Fed. R. Civ. P. 62(d)). But Rule 62(d) is far from instructive. Instead, "Rule 62(d) is applied only to a money judgment or its equivalent." *Yankton Sioux Tribe v. S. Missouri Waste Mgmt. Dist.*, 926 F. Supp. 888, 890 (D.S.D. 1996); *see also, e.g.*, *Centauri Shipping Ltd. v. W. Bulk Carriers KS*, 528 F. Supp. 2d 186, 188 (S.D.N.Y. 2007) ("it is well-settled that [Rule 62(d)] applies exclusively to stays of money judgments") (collecting cases holding the same). No such judgment is implicated in this action, so Plaintiff's reliance on Rule 62(d) is misplaced. In fact, at best, Plaintiff's

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attempt to equate Rule 62(d) application here simply demonstrates that he seeks injunctive enforcement of the Court's declaratory judgment, which is unavailable and impermissible here. *See, e.g.,* 8 U.S.C. § 1252; *Garland v. Aleman Gonzalez*, 596 U.S. 543, 551 (2022) (relief that "interfere[s] with the Government's efforts to operate" § 1252(f)(1)'s covered provisions is barred); Part I. B., *infra*.

ii. The list request and judgment notice request.

Before turning to Plaintiff's list and judgment notice requests, it is important to note that in a Rule 23(b)(2) class, should any notice be posted, the posting of notice at NWIPC in a "place visited by many class members" is sufficient. *See* Fed. R. Civ. P. 23, Advisory Committee Notes (2003). Though discussing certification notice, the Advisory Committee Notes emphasize that the "characteristics of the class may reduce the need for formal notice" and that "notice calculated to reach a significant number of class members often will protect the interests of all[,]" including "informal methods." *See id.* Thus, at most, notice posted at NWIPC would be appropriate and obviate Plaintiff's list and judgment notice requests.

Plaintiff's list request impermissibly shifts the onus of class member-classification and class member-identification to Defendants—a responsibility that is neither contemplated by the Court's declaratory judgment, nor appropriate in this instance. Indeed, the general rule is that "the class representative determines the class members and has the burden of identifying the class." *In re Wal-Mart Stores, Inc. Wage & Hour Litig.*, No. 06-02069 SBA, 2008 WL 1990806, at *2 (N.D. Cal. May 5, 2008) (citing *Oppenheimer Fund v. Sanders*, 437 U.S. 340, 362 (1978)). This is because "the representative plaintiff should perform the tasks, for it is he who seeks to maintain the suit as a class action and to represent other members of his class." *Oppenheimer Fund*, 437 U.S. at 356; *see also In re Nissan Motor Corp. Antitrust Litigation*, 552 F.2d 1088, 1102 (5th Cir. 1977); *Grace v. Detroit*,

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145 F.R.D. 413, 417 (E.D. Mich. 1992) (". . . the Class Representative bears the burdens of identifying and notifying the class. For it is the Class Representative who seeks to maintain the suit as a class action and to represent other members of his class.").

There are some limited instances where the burden of class-member identification may be shifted to Defendants, *i.e.*, where the task can be performed with less difficulty or expense by Defendants. *See Oppenheimer Fund*, 437 U.S. at 356–57. But for the reasons set forth in Part II. A., *infra*, such burden-shifting is not appropriate here. Further, the nature of a proper Rule 23(b)(2) class and remedy is such that "a remedy obtained by one class member will naturally affect the others" such that class members need not be identified. *See, e.g., Shelton v. Bledsoe*, 775 F.3d 554, 561 (3d Cir. 2015); *Yaffe v. Powers*, 454 F.2d 1362, 1366 (1st Cir. 1972) (stating that a 23(b)(2) class is "uniquely suited to civil rights actions in which the members of the class are often 'incapable of specific enumeration.'"), *abrogated on other grounds by Gardner v. Westinghouse Broad. Co.,* 437 U.S. 478 (1978).

Thus, ordering Defendants to identify class members—which would also impermissibly require Defendants to form legal conclusions as to their class membership, *see* Part II. A., *infra*—goes well-beyond the scope of the Court's judgment and fails to comport with the requirement that a court "may not alter or expand upon the judgment." *See In re Padilla*, 222 F.3d at 1190. Additionally, Plaintiff cannot have it both ways—if, as Plaintiff argued, the declaratory relief he seeks on behalf of the class is not coercive and does not "enjoin or restrain" the operation of the detention statutes under § 1252(f)(1), *see, e.g.,* ECF No. 54 at 9–12, 15, then there is no basis for the Court to monitor, or facilitate the monitoring of, the status of each class member's detention and bond hearing.

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Similarly, Plaintiff's judgment notice request, as outlined in the Motion, cannot be sustained as pled. First, to the extent that Plaintiff implies that Defendants have not been properly notified or advised of the Court's judgment, ECF No. 74 at 7, that argument is unavailing. Counsel for Defendants have communicated about the Court's opinion and judgment, as well as for any relevant case development, with Defendants in the regular course of business and any advice related to these communications are privileged. Second, though the Federal Rules of Civil Procedure may permit a court to "direct appropriate notice to [a class certified under Rule 23(b)(2)]," they do not permit a court to order counsel for one party to interfere with the attorney-client relationship of another party. *See* Fed. R. Civ. P. 23(c)(2)(A). But that is what Plaintiff requests. *See* ECF 74-1 at 2 ("Defendants must consult with class counsel as to the contents of this notification."). Thus, this request would impermissibly alter or expand the Court's judgment to permit Plaintiff's counsel to intrude on the communications and privileged relationship between Defendants and their counsel. *See In re Padilla*, 222 F.3d at 1190. And, as outlined below, Part II. C., *infra*, requiring that such notice be provided to IJs to inform them of their "obligations" would interfere with their adjudicatory independence. *See, e.g.,* 8 C.F.R. § 1003.10(b) (stating IJs "shall exercise their independent judgment and discretion" in deciding cases); *Watson v. Fla. Jud. Qualifications Comm'n*, 746 F. App'x 821, 824 (11th Cir. 2018).

B. 8 U.S.C. § 1252 further bars Plaintiff's request for transfer notice, which is impermissibly coercive and injunctive in nature.

Courts have consistently found that the "further relief" in § 2202 generally relates to coercive relief in connection with the declaratory judgment. *See, e.g., United States v. Idaho*, 746 F. Supp. 3d 881, 915 (D. Idaho 2024); *Dr. Greens, Inc. v. Stephens*, No. 311CV638JAHCAB, 2012 WL 12846976 (S.D. Cal. Mar. 21, 2012) (citing *Shumaker v. Utex Exploration Co.,* 157 F. Supp. 68, 77 (D. Utah

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1957), *superseded on other grounds by statute*, Utah Code § 16–10a–627); *Am. Forest Council v. Shea*, 172 F. Supp. 2d 24, 29 (D.D.C. 2001). And that is precisely the problem.

Here, Plaintiff requests that Defendants "provide five business days' notice to class members, class counsel, and class members' immigration counsel prior to transfer of a class member," ECF No. 74 at 2. This request is coercive and injunctive in nature. Plaintiff is, in essence, asking the Court to enjoin and prohibit the transfer of any class member for five business days after the Government exercises its discretion to determine the place of detention. Granting the coercive relief requested by Plaintiff would violate multiple portions of § 1252. Federal court jurisdiction is presumptively limited to "only that power authorized by Constitution and statute, which is not to be expanded by judicial decree." *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994) (citations omitted). Neither the Constitution nor statute confer upon the Court jurisdiction to direct how the Government exercises its discretion to transfer and detain class members.

Section 1252(f)(1)'s bar on classwide relief applies and precludes the transfer notice request and resulting enjoining of transfers for five days requested by Plaintiff on behalf of the class. Section 1252(f)(1) strips the Court of jurisdiction to enjoin or restrain the operation of § 1231(g) on a classwide basis. *See* 8 U.S.C. §1252(f)(1) (noting that its preclusive effect applies to "provisions of part IV of this subchapter," which includes 8 U.S.C. § 1231(g)). A requirement that Defendants provide advance notice before transferring a class member and wait for five days prior to any transfer would restrain the Government's ability to "arrange for appropriate places of detention for aliens detained pending removal or a decision on removal." *See* 8 U.S.C. § 1231(g). Thus, Plaintiff's desired relief exceeds statutory limits, where Congress has specifically curtailed class-wide injunction-like relief against the

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operation of large sections of the INA. *See* 8 U.S.C. § 1252(f)(1). Plaintiff's request is unquestionably barred by § 1252(f)(1).

Indeed, under § 1231(g), DHS "necessarily has the authority to determine the location of detention of an alien in deportation proceedings," including to transfer detainees from one detention site to another. *See Gandarillas-Zambrana v. Bd. Immigr. Appeals*, 44 F.3d 1251, 1256 (4th Cir. 1995); *see also Van Dinh v. Reno*, 197 F.3d 427, 433 (10th Cir. 1999) ("The Attorney General's discretionary power to transfer aliens from one locale to another, as she deems appropriate, arises from [§ 1231(g)'s] language."); *Rady v. Ashcroft*, 193 F. Supp. 2d 454, 457 (D. Conn. 2002) (noting that the Secretary's "power to transfer aliens from one locale to another, in [her] discretion, arises from th[e] statutory language [of § 1231(g)(1)]"). Despite some decisions in this District holding otherwise,[3] the Executive's broad discretion to determine appropriate places of detention pending removal has repeatedly been recognized by federal appellate courts after careful review of § 1231(g). *See, e.g., Van Dinh*, 197 F.3d at 433; *Gandarillas-Zambrana*, 44 F.3d at 1256; *Wood v. United States*, 175 F. App'x 419, 420 (2d Cir. 2006) (holding that the Secretary "was not required to detain [Plaintiff] in a particular state" given the Secretary's "statutory discretion" under § 1231(g)).

8 U.S.C. § 1252(a)(2)(B)(ii) also strips the Court of jurisdiction to grant Plaintiff's request, where it bars review of "any other decision or action of the [Executive] the authority for which is specified under this subchapter to be in the discretion of the [Executive]."8 U.S.C. § 1252(a)(2)(B)(ii). The Executive is afforded great deference in deciding where to detain aliens as part of the removal process. *See, e.g., CoreCivic, Inc. v. Murphy*, 690 F. Supp. 3d 467, 472 (D.N.J. 2023) ("Congress has

[3] *See, e.g., Del Valle Castillo v. Wamsley*, No. 2:25-CV-02054-TMC, 2025 WL 3094057, at *2 (W.D. Wash. Nov. 5, 2025).

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likewise granted DHS discretion over the manner in which it detains individuals for civil immigration violations."). And the Executive's authority under 8 U.S.C. § 1231(g) to decide the location of detention for individuals detained pending removal falls within the scope of the review bar in § 1252(a)(2)(B)(ii).

Thus, forcing Defendants to provide five-days' notice prior to the transfer of any class member—and consequently imposing a classwide injunction on transfers—necessarily infringes upon the principle that the Government has vested discretion to "arrange for appropriate places of detention for aliens detained pending removal or a decision on removal." 8 U.S.C. § 1231(g)(1). Indeed, and among other things, requiring such advance notice would interfere with the Government's operational objectives and flexibility by constraining its ability to transfer individuals in an efficient manner. *See* Part II. B, *infra*.

The Court should therefore deny Plaintiff's transfer notice request because the coercive relief requested by Plaintiff is precluded by numerous provisions of § 1252 and is not cognizable under § 2202.

II. Even Assuming Jurisdiction, Plaintiff's Requests Are Neither Necessary Nor Proper Under § 2202.

At its core, Plaintiff's Motion really seeks a court order compelling Defendants to assist Plaintiff's counsel in litigating the individual habeas actions that he bemoans in his Motion. *See* ECF No. 74 at 9. This is inappropriate and the Court should decline to permit such burden-shifting.

A. Plaintiff's request for a weekly list of class members is unduly burdensome and cannot be necessary or proper.

As explained above, Plaintiff bears the burden of identifying potential class members. *See, e.g.*, *Oppenheimer Fund*, 437 U.S. at 356; Part I. A. ii., *supra*. Plaintiff should not be permitted to transfer

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his responsibility to Defendants, especially when the determination of individuals' class membership is a legal question that requires individual processing and analysis to resolve. *See, e.g., Mansor v. United States Citizenship & Immigr. Servs.*, 345 F.R.D. 193 (W.D. Wash. 2023) ("courts often certify classes whose membership requires some inquiry—and even a legal determination—to ascertain") (citing *Vizcaino v. U.S. Dist. Court*, 173 F.3d 713, 721-22 (9th Cir. 1999)). Such a requirement would also prejudice Defendants by essentially requiring that Defendants agree to class membership for any of the individuals included in this weekly list. Plaintiff's request cannot be necessary or proper under § 2202.

Even putting the burden-shifting problem aside, production of a weekly list poses huge logistical hurdles that make this request impracticable. At capacity, NWIPC can hold up to 1,575 individuals. Declaration of DHS Acting Assistant Field Office Director Jamie Burns ¶ 4, ECF No. 86 ("Burns Decl."). ICE systems are based on case-by-case analysis as required by precedent and regulation in many of the processes that go into enforcement operations. *See* Burns Decl. ¶¶ 4–6; 8 U.S.C. § 1182(d)(5). In order to generate even an approximate list of potential class members, the entire roster of individuals detained at NWIPC would need to have their full records manually reviewed to separate potential class members from those that appear to be non-class members. Burns Decl. ¶ 4. DHS conservatively estimates that this manual review would require at least 394 hours of staff responsibilities *per week*. *Id.* Such a requirement is unduly burdensome, impracticable, and neither necessary nor proper as class member identification remains in Plaintiff's wheelhouse, not Defendants'. *See id*. ¶¶ 4, 7.

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B. Plaintiff's request for five-days' advance notice of class member transfer is improper.

Plaintiff's transfer notice request cannot be proper for the reasons set forth in Parts I. A. I & I. B., *supra*. Not only would such a requirement violate multiple provisions of § 1252, it also is not operationally feasible.

A requirement that class members be held prior to transfer would directly contravene statutory mandates regarding enforcement and would be injunctive in a manner that would have national impact. *See, e.g.*, 8 U.S.C. § 1231(a), (g); 8 U.S.C. § 1252 *et seq*. A five-day hold may create bed space issues at NWIPC resulting in the deterioration of ICE ERO's ability to conduct local operations. Burns Decl. ¶ 8. Such a requirement would also severely impact Defendants' ability to maintain conditions of confinement and potentially give rise to issues relating to longer durations of detention. *Id.* ¶¶ 8–9. Indeed, operational decisions relating to whether an individual requires decompression or transfer are made day-to-day and are governed by the needs of facilities and aliens nationally—these decisions are made against a fast-moving and ever-changing backdrop. *Id.* ¶ 9. It is thus unsurprising that Courts have determined that the Executive has the authority to determine the location of detention of an alien in deportation proceedings, which includes decisions to transfer detainees. *See, e.g., Gandarillas-Zambrana*, 44 F.3d at 1256; 8 U.S.C. §§ 1231(g), 1252; Part I. B., *supra.* This request is not proper under § 2202 and the Court should deny it.

C. Plaintiff's request that Defendants provide notice of the Court's declaratory judgment is improperly overbroad.

Defendants maintain that Plaintiff's notice request is improper and uncognizable under 28 U.S.C. § 2202, as pled. *See* Part I. A. ii, *supra.* Nonetheless, should the Court determine that such

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notice is permissible under § 2202, Defendants would be able to provide notice to all Bond Denial Class Members in principle.[4] Specifically, Defendants believe that it would be possible to post a notice or a copy of the Court's declaratory judgment in the NWIPC facility. Burns Decl. ¶ 10. This general notice would be posted in housing units and would be available in English, Spanish, and Punjabi. *Id.* Such a notice by posting would be the most effective and economical method to provide notice to class members and would allow a potential class member to reach out to class counsel, and renders Plaintiff's list request unnecessary and improper.

However, Plaintiff's request as set forth in the proposed order accompanying the Motion, ECF No. 74-1 at 2, is improper and Defendants object to it. In the proposed order, Plaintiff asks the Court to direct that, in providing notice to class members and Defendants in this District, "Defendants must consult with class counsel as to the contents of this notification." *See id.* This request goes too far. Any potential notice provided by Defendants to the class members will need to be reviewed at multiple levels by counsel for Defendants—this is standard. Requiring Defendants to consult with Plaintiff's counsel on the substance of this notification necessary impinges on the attorney-client relationship between Defendants and their counsel, including attorney-client communications.

Furthermore, providing notice to IJs of their "obligations" impedes their independent adjudicatory judgment. *See, e.g.,* 8 C.F.R. § 1003.10(b) ("immigration judges shall exercise their independent judgment and discretion"); *Watson*, 746 F. App'x at 824 ("immigration judges, like Article III judges, [are] required to exercise independent judgment, resolve issues in an impartial manner, and [are] bound by agency and federal court precedent" (citing *Stevens v. Osuna*, 877 F.3d

[4] Rule 23(c)(2)(A) provides that "[f]or any class certified under Rule 23(b)(1) or (b)(2), the court may direct appropriate notice to the class." Fed. R. Civ. P. 23(c)(2)(A).

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1293, 1302 (11th Cir. 2017))). IJs are bound to apply the law, including relevant federal court case law and BIA precedent binding on them. *See id.* To issue notice of "obligations" to IJs would impede their ability to engage in independent adjudicatory judgment as to the applicable law and ultimate result in specific case.

Thus, Plaintiff's request that class counsel be consulted as to the contents of the notification is improper and the Court should refuse to sanction it.

CONCLUSION

For these reasons, the Court should deny Plaintiff's Motion for Further Relief.

Dated: November 14, 2025

Respectfully submitted,

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I certify that this memorandum contains 4,200 words, in compliance with the Local Civil Rules.