

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

YAMIL LUNA GUTIERREZ, *et al.*,

*Plaintiffs,*

v.

KRISTI NOEM, *et al.*,

*Defendants.*

Civil Action No. 25 - 1766 (SLS)

Judge Sparkle L. Sooknanan

**ORDER**

For the reasons stated in the Court's Memorandum Opinion, ECF No. 51, the Court **GRANTS** in part, as modified, and **DENIES** in part the Plaintiffs' Motion for Class Certification and Appointment of Class Counsel, ECF No. 4. Pursuant to Federal Rule of Civil Procedure 23, it is hereby

**ORDERED** that this case is certified as a class action with the following class definition:

All immigration detainees originally apprehended and detained in the United States who have been ordered removed, except those ordered removed pursuant to 8 U.S.C. § 1225, and who are, or will be, held at Naval Station Guantanamo Bay, Cuba.

It is further

**ORDERED** that the class may pursue Administrative Procedure Act and Fifth Amendment claims under Counts I, II, and III of the Complaint, ECF No. 1, against the Defendants for the recent policy of holding immigration detainees at Guantanamo. It is further

**ORDERED** that Yamil Luna Gutierrez and Rafael Angel Lopez Ocon are appointed as Class Representatives. It is further

**ORDERED** that the Plaintiffs' counsel from the American Civil Liberties Union, American Civil Liberties Union of the District of Columbia, Center for Constitutional Rights, and International Refugee Assistance Project are appointed as class counsel. It is further

**ORDERED** that Lee Gelernt, Eunice H. Cho, and Noor Zafar of the American Civil Liberties Union; and Arthur B. Spitzer and Scott Michelman of the American Civil Liberties Union of the District of Columbia are appointed as Co-Lead Class Counsel. Co-Lead Class Counsel will be responsible for and have the authority to prosecute any and all claims of the Plaintiffs and the class and to provide general supervision of the activities of the Plaintiffs' counsel.

**SO ORDERED.**

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SPARKLE L. SOOKNANAN  
United States District Judge

Date: December 5, 2025