

§ UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Francisco Rodriguez Martinez

v.

Civil No. 26-cv-028-LM-TSM

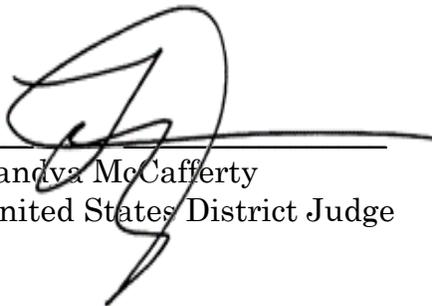
Charles Brackett, Superintendent, et al.

O R D E R

On today's date, the court held a status conference in this case. Attorney Amy McGarry appeared for petitioner, and Attorney Rafael Katz appeared for the federal respondents. Federal respondents do not dispute that petitioner is a member of the class certified by [Guerrero Orellana v. Moniz](#), --- F. Supp. 3d ----, Civ. No. 25-cv-12664-PBS, 2025 WL 3687757, at *10 (D. Mass. Dec. 19, 2025). Judge Saris has entered a declaratory judgment that “the members of the certified class are not subject to detention under 8 U.S.C. § 1225(b)(2),” that “[d]efendants' policy of subjecting members of the certified class to detention under 8 U.S.C. § 1225(b)(2)(A) without consideration for bond...is unlawful,” and that “members of the certified class are subject to detention under 8 U.S.C. § 1226(a), including access to consideration for release on bond.” *Id.* Several of the federal respondents named in the instant petition are named as respondents in [Guerrero Orellana](#), and their apparent refusal to consider themselves bound by the declaratory judgment, absent judicial intervention ordering them to comply with that judgment, is deeply concerning.

Federal respondents are ORDERED to immediately provide petitioner with a bond hearing before an IJ consistent with the declaratory judgment issued in Guerrero Orellana. Attorney Katz placed on the record respondents' objections to the ruling in Guerrero Orellana and argued that Petitioner is being detained under § 1225 and not § 1226. Federal respondents shall submit a status report no later than 4:00 p.m. on today's date confirming that petitioner has received or will immediately receive a bond hearing consistent with that declaratory judgment.

SO ORDERED.



Landya McCafferty
United States District Judge

January 23, 2026

cc: Counsel of Record.