

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Yamil Luna Gutierrez, et al. v. Kristi Noem, et al.

Luna Gutierrez v. Noem, Civil Action No. 25-1766 (SLS) (D.D.C. Dec. 5, 2025) · No. Civil Action No. 25-1766 (SLS) · Decided December 5, 2025

SUMMARY

The United States District Court for the District of Columbia denies the defendants’ motion to dismiss claims challenging the detention of immigration detainees at Naval Station Guantanamo Bay. The court concludes that the named plaintiffs have standing and that 8 U.S.C. § 1252 does not strip the court of jurisdiction. Accepting the complaint’s allegations as true, the court holds that the claims under the Administrative Procedure Act and the Fifth Amendment plausibly survive dismissal.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Sparkle L. Sooknanan
JURISDICTION	United States District Court for the District of Columbia
DECIDED	December 5, 2025
DOCKET	Civil Action No. 25-1766 (SLS)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs challenged their detention at Naval Station Guantanamo Bay under the Administrative Procedure Act, the Fifth Amendment Due Process Clause, and habeas corpus principles. Defendants moved to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The court denied the motion to dismiss.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the plaintiff bears the burden of establishing subject-matter jurisdiction, and the complaint is construed liberally with the benefit of all reasonable inferences. On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and asks whether the complaint states a plausible claim for relief. The court may consider undisputed materials outside the pleadings for jurisdictional purposes. APA arbitrary-and-capricious review must ordinarily be based on the full administrative record.
PRECEDENTIAL VALUE	district court opinion; persuasive authority within the District of Columbia; not binding circuit precedent

PARTIES

Yamil Luna Gutierrez, Rafael Angel Lopez Ocon, Plaintiff class v.
Kristi Noem, United States Department of Homeland Security, United
States Department of Defense, Other named federal officials and
agencies

TOPICS

immigration detention administrative procedure act judicial review of agency action procedural due process
removal proceedings

PRACTICE AREAS

immigration administrative law constitutional law civil procedure military law

QUESTIONS PRESENTED

1. Whether plaintiffs had Article III standing to challenge the Guantanamo-detention policy.
2. Whether 8 U.S.C. § 1252(g), § 1252(a)(2)(B)(ii), or § 1252(b)(9) stripped the district court of jurisdiction.
3. Whether plaintiffs could pursue APA claims challenging the designation and use of Guantanamo as an immigration-detention facility.
4. Whether the complaint plausibly alleged that the Guantanamo-detention policy exceeded the authority granted by the Immigration and Nationality Act.
5. Whether the complaint plausibly alleged that the Guantanamo-detention policy was arbitrary and capricious.
6. Whether the complaint plausibly alleged that detention at Guantanamo constituted unconstitutional punishment under the Fifth Amendment Due Process Clause.

HOLDINGS

1. The named plaintiffs had standing because they were experiencing the allegedly unlawful Guantanamo detention when they filed suit.
2. Section 1252(g) did not strip jurisdiction over the plaintiffs' challenge to detention at Guantanamo.
3. Section 1252(a)(2)(B)(ii) did not strip jurisdiction over challenges to detention-location decisions under 8 U.S.C. § 1231(g)(1).
4. Section 1252(b)(9) did not bar the plaintiffs' claims because they did not seek review of a removal order, the decision to seek removal, or the process for determining removability.
5. The complaint plausibly alleged a final agency action subject to APA review: the policy of placing immigration detainees at Guantanamo.
6. The defendants did not establish that the Guantanamo-detention policy was committed to agency discretion by law and therefore unreviewable under 5 U.S.C. § 701(a)(2).

7. The complaint plausibly alleged that the Guantanamo-detention policy exceeded the defendants' statutory authority under the INA.
8. The arbitrary-and-capricious claim could not be dismissed at the pleading stage because the administrative record was not before the court and the complaint plausibly alleged that the policy was unnecessary and potentially irrational.
9. The complaint plausibly alleged that the Guantanamo-detention policy violated the Fifth Amendment because it was adopted for the expressly punitive purposes of retaliation and deterrence.

KEY QUOTATIONS

“The Plaintiffs have standing to pursue their claims, and under binding Supreme Court precedent, 8 U.S.C. § 1252 does not strip this Court’s statutory jurisdiction.” (at 2)

“Accepting as true the allegations in the Plaintiffs’ Complaint, the challenged policy of holding detainees subject to removal orders at Guantanamo is not authorized by the Immigration and Nationality Act (INA).” (at 2)

“The Complaint also sufficiently alleges that immigration detention at Guantanamo is for the purposes of retaliation and deterrence, meaning that the Defendants’ policy is also impermissibly punitive in violation of the Fifth Amendment’s Due Process Clause.” (at 2)

“Thus, the Court is left facing the inexorable conclusion that the “focus of removal under the INA” is “territorial.”” (at 42)

“But as the Supreme Court stated in Bell itself, “[r]etribution and deterrence are not legitimate nonpunitive governmental objectives.”” (at 51)

FACTUAL BACKGROUND

In early 2025, the President directed the Secretaries of Homeland Security and Defense to expand operations at Guantanamo Bay to house noncitizens in connection with civil immigration proceedings. DHS and DOD subsequently entered into a memorandum of understanding, and approximately 500 immigration detainees were held at Guantanamo between February and June 2025. The named plaintiffs, Nicaraguan nationals subject to immigration detention, were transferred there after detention at facilities in the United States and alleged that Guantanamo detention was more restrictive, costly, and punitive than domestic detention. Government officials publicly described the policy in terms of deterrence, sending a message, and making Guantanamo difficult to escape.

PROCEDURAL HISTORY

Plaintiffs filed the action on June 4, 2025, and simultaneously moved for class certification. Defendants moved to dismiss on August 4, 2025. After supplemental briefing and an October 23, 2025 motions hearing, the court certified a class in a contemporaneously filed order and addressed the motion to dismiss in this memorandum opinion.

DISPOSITION

CASES CITED

- Campos-Chaves v. Garland, 602 U.S. 447, 451 (2024)
- Pereida v. Wilkinson, 592 U.S. 224, 227 (2021)
- N.S. v. Dixon, 141 F.4th 279, 282 (D.C. Cir. 2025)
- Zadvydas v. Davis, 533 U.S. 678, 682, 690, 699 (2001)
- Wright v. Eugene & Agnes E. Meyer Foundation, 68 F.4th 612, 619 (D.C. Cir. 2023)
- Lewis v. Drug Enforcement Administration, 777 F. Supp. 2d 151, 159 (D.D.C. 2011)
- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992)
- United States Ecology, Inc. v. U.S. Department of the Interior, 231 F.3d 20, 24 (D.C. Cir. 2000)
- Thomas v. Principi, 394 F.3d 970, 972 (D.C. Cir. 2005)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Hettinga v. United States, 677 F.3d 471, 476 (D.C. Cir. 2012)
- Trudeau v. FTC, 456 F.3d 178, 193 (D.C. Cir. 2006)
- Papasan v. Allain, 478 U.S. 265, 286 (1986)
- DHS v. Regents of the University of California, 591 U.S. 1, 17-19 (2020)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482-83 (1999)
- Kucana v. Holder, 558 U.S. 233, 243 n.10, 247 (2010)
- Jennings v. Rodriguez, 583 U.S. 281, 294 (2018)
- Lujan v. National Wildlife Federation, 497 U.S. 871, 890-93 (1990)
- National Treasury Employees Union v. Vought, 149 F.4th 762, 782-84 (D.C. Cir. 2025)
- Bennett v. Spear, 520 U.S. 154, 177-78 (1997)
- Sierra Club v. EPA, 955 F.3d 56, 61 (D.C. Cir. 2020)
- Physicians for Social Responsibility v. Wheeler, 956 F.3d 634, 642-43 (D.C. Cir. 2020)
- Bowen v. Michigan Academy of Family Physicians, 476 U.S. 667, 670-72 (1986)
- Save Jobs USA v. DHS, 111 F.4th 76, 79 (D.C. Cir. 2024)
- Nicusor-Remus v. Sessions, 902 F.3d 895, 899-900 (9th Cir. 2018)
- United States v. Sanchez, 604 F.3d 356, 357-60 (7th Cir. 2010)
- Mansour v. Gonzales, 470 F.3d 1194, 1196-1200 (6th Cir. 2006)
- Handa v. Clark, 401 F.3d 1129, 1132 (9th Cir. 2005)
- J.G.G. v. Trump, 147 F.4th 1044, 1052-53 (D.C. Cir. 2025) (Katsas, J., concurring)
- Ali v. Trump, 959 F.3d 364, 374 n.3 (D.C. Cir. 2020) (Randolph, J., concurring in the judgment)
- Bell v. Wolfish, 441 U.S. 520, 535, 538-39 & n.20 (1979)
- Kingsley v. Hendrickson, 576 U.S. 389, 398 (2015)

- Block v. Rutherford, 468 U.S. 576, 583 (1984)
- Kansas v. Crane, 534 U.S. 407, 412 (2002)
- R.I.L-R v. Johnson, 80 F. Supp. 3d 164, 185, 189 (D.D.C. 2015)

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