

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

YAMIL LUNA GUTIERREZ, *et al.*,

Plaintiffs-Petitioners, on behalf of themselves and all others similarly situated,

V.

MARKWAYNE MULLIN, Secretary of Homeland Security, in his official capacity, *et al.*,

Defendants-Respondents.

Case No. 1:25-cv-01766-SLS

**PLAINTIFFS-PETITIONERS' MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs-Petitioners (“Plaintiffs”) hereby move, on behalf of themselves and the certified class, for summary judgment on Counts I and II on the grounds that there are no disputed material facts and that Plaintiffs are entitled to prevail on those claims as a matter of law.¹ Plaintiffs and Defendants-Respondents (“Defendants”) have agreed that the best course of action would be to proceed to partial summary judgment on Counts I and II, the APA claims, while holding in abeyance Count III, the substantive due process claim, because it may obviate the need for further discovery. *See* ECF No. 57 at 3.

Defendants have been and are continuing to transfer noncitizens who were apprehended and detained in the United States, and detain them at United States Naval Station Guantánamo Bay, Cuba (“Guantánamo”). As further explained in the accompanying memorandum, Defendants have no authority to detain these noncitizens at Guantánamo because Guantánamo is outside of

¹ Pursuant to the Court's June 26, 2026 Order, Plaintiffs are re-filing their motion for partial summary judgment. This filing supersedes the original filing at ECF No. 103.

the United States and immigration laws do not authorize extraterritorial detention facilities. Moreover, Defendants' new Guantánamo detention policy is arbitrary and capricious. As such, Defendants' detention of noncitizens on Guantánamo is contrary to law and violates the Immigration and Nationality Act ("INA") and Administrative Procedure Act ("APA"). Because Plaintiffs have shown that they will succeed on the merits of their first two claims for relief and that Defendants will otherwise continue to operate an unlawful, extraterritorial detention facility, Plaintiffs' motion for declaratory judgment and vacatur should be granted.

Plaintiffs therefore request that the Court grant partial summary judgment and declare that Defendants' detention of Plaintiffs and class members on Guantánamo is contrary to law, arbitrary and capricious, and violates the INA and APA. Plaintiffs also request vacatur of Defendants' policy of transferring noncitizens from the United States and detaining them on Guantánamo.

This motion is based on the attached memorandum and exhibits; additional pleadings filed in this action; and such oral arguments and evidence as may be presented at a hearing on the motion. A proposed order is attached for the Court's convenience.

Dated: July 2, 2026

Respectfully submitted,

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**Pro bono representation certificates
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