

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Rosa Aguilar-Perez v. Christopher J. Larose, Warden of Otay Mesa
Detention Center, et al.

Aguilar-Perez · No. 25cv3409-LL-DDL · Decided December 22, 2025

SUMMARY

The United States District Court for the Southern District of California partially granted Rosa Aguilar-Perez’s ex parte motion for a temporary restraining order. The court directed Respondents to arrange an individualized bond hearing before an immigration court within seven days and to file a joint status report confirming that the hearing occurred.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Linda Lopez
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 22, 2025
DOCKET	25cv3409-LL-DDL
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a 28 U.S.C. § 2241 habeas petition and moved ex parte for a temporary restraining order concerning her immigration detention. Respondents acknowledged that she was detained under 8 U.S.C. § 1226(a) and was entitled to a bond hearing.
PRECEDENTIAL VALUE	Unpublished federal district court order; limited precedential value.
PARTIES	Rosa Aguilar-Perez v. Christopher J. Larose, Warden of Otay Mesa Detention Center, et al.

TOPICS

- immigration detention
- injunctions
- removal proceedings
- civil procedure

PRACTICE AREAS

- immigration law
- federal habeas corpus
- injunctive relief

QUESTIONS PRESENTED

- 1. Whether Petitioner was entitled to an individualized bond hearing under 8 U.S.C. § 1226(a).
- 2. Whether the court should grant Petitioner's ex parte motion for a temporary restraining order directing Respondents to arrange the bond hearing.

HOLDINGS

- 1. Because Petitioner was detained under 8 U.S.C. § 1226(a), she was entitled to an individualized bond hearing before an immigration court.
- 2. The ex parte motion for a temporary restraining order was granted in part to require Respondents to arrange an individualized bond hearing for Petitioner within seven days.

KEY QUOTATIONS

“Respondents are directed to arrange an individualized bond hearing for Petitioner before an immigration court within seven (7) days of this Order.” (at 1)

FACTUAL BACKGROUND

Petitioner was detained under 8 U.S.C. § 1226(a). Respondents acknowledged that she was entitled to an individualized bond hearing and agreed that the court should direct an immigration court to provide one.

PROCEDURAL HISTORY

Petitioner filed a § 2241 petition and ex parte motion for a TRO. Respondents filed a return and supplemental response acknowledging Petitioner's entitlement to a bond hearing under § 1226(a). The court granted the TRO motion in part and ordered an individualized bond hearing within seven days.

DISPOSITION

other

CASES CITED

- Maldonado Bautista v. Santacruz, Case No. 5:25-cv-01873-SSS-BFM
- Hawkins v. Risley, 984 F.2d 321, 324 (9th Cir. 1993)

OPINION

Aguilar-Perez

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 ROSA AGUILAR-PEREZ, Case No.: 25cv3409-LL-DDL 12 Petitioner,

ORDER GRANTING IN PART

13 v. PETITIONER'S EX PARTE

MOTION FOR TEMPORARY

14 CHRISTOPHER J. LAROSE, Warden of

RESTRAINING ORDER

Otay Mesa Detention Center, et al., 15 Respondents. [ECF No. 3] 16 17 This case comes before the Court on Petitioner's 28 U.S.C. § 2241 Petition and ex 18 parte motion for a temporary restraining order ("TRO"). ECF Nos. 2, 3. On December 15, 19 2025, Respondents filed a Return. ECF No. 7. On December 19, 2025, Respondents filed 20 a Supplemental Response to the Petition, in which they "acknowledge that Petitioner is 21 detained under 8 U.S.C. § 1226(a) and is entitled to an order from this court directing a 22 bond hearing to be held pursuant to 8 U.S.C. § 1226(a). ECF No. 8. 23 Respondents' Supplemental Response is filed in light of the new authority in 24 Maldonado Bautista v. Santacruz, Case No. 5:25-cv-01873-SSS-BFM, granting in part and 25 denying in part the petitioners' ex parte application for reconsideration or clarification. In 26 the order, the court granted the petitioners' request for entry of final judgment pursuant to 27 Federal Rule of Civil Procedure 54(b), and subsequently entered that judgment. Maldonado 28 1 || Bautista, ECF No. 94. In light of the entry of judgment, Respondents acknowledge 2 || Petitioner is entitled to a bond hearing pursuant to 8 U.S.C. § 1226(a). Accordingly, the 3 || Court grants in part Petitioner's ex parte application for a TRO. Respondents are directed 4 || to arrange an individualized bond hearing for Petitioner before an immigration court within 5 || seven (7) days of this Order. On or before January 5, 2026, the parties shall file a Joint 6 || Status Report confirming Petitioner has been provided with a bond hearing. 7 || IT IS SO ORDERED. 8 || Dated: December 22, 2025 NO 9 DE 10 Honorable Linda Lopez 1 United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 ||] 27 | Subsequent to entry of judgment, the respondents in Maldonado Bautista filed a Notice of Appeal. 3g However, the Ninth Circuit has held the filing of an appeal does not suspend the preclusive effect of a lower court judgment. Hawkins v. Risley, 984 F.2d 321, 324 (9th Cir. 1993) (citations omitted).