

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.

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 Court grants in part Petitioner's ex parte application for a TRO. Respondents are directed to arrange an individualized bond hearing for Petitioner before an immigration court within seven (7) days of this Order. On or before January 5, 2026, the parties shall file a Joint Status Report confirming Petitioner has been provided with a bond hearing. IT IS SO ORDERED. Dated: December 22, 2025
Honorable Linda Lopez
United States District Judge

Subsequent to entry of judgment, the respondents in Maldonado Bautista filed a Notice of Appeal. 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).