

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Andrea Romero-Suarez v. Patrick Divver, Field Office Director of
Enforcement and Removal Operations, San Diego Field Office,
Immigration and Customs Enforcement, et al.

Case No. 25cv3789-LL-KSC · No. 25cv3789-LL-KSC · Decided January 7, 2026

SUMMARY

The United States District Court for the Southern District of California granted Andrea Romero-Suarez’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The Court ordered Respondents to provide an individualized bond hearing before an immigration judge under 8 U.S.C. § 1226(a) within seven days and denied the request for attorney’s fees and costs without prejudice.

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	January 7, 2026
DOCKET	25cv3789-LL-KSC
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging her immigration detention and requesting an individualized bond hearing. Respondents acknowledged that she was a member of a previously certified bond-eligible class and was entitled to a hearing.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential
PARTIES	Andrea Romero-Suarez v. Patrick Divver, Field Office Director of Enforcement and Removal Operations, San Diego Field Office, Immigration and Customs Enforcement, et al.

TOPICS

- immigration detention
- federal habeas corpus
- removal proceedings
- immigration
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether petitioner was entitled to an individualized bond hearing under 8 U.S.C. § 1226(a) based on her membership in the Bond Eligible Class.
2. Whether petitioner was entitled to attorney's fees and costs under the Equal Access to Justice Act.

HOLDINGS

1. Because petitioner was a member of the Bond Eligible Class and was detained under 8 U.S.C. § 1226(a), she was entitled to an individualized bond hearing before an immigration judge.
2. The request for attorney's fees and costs under the Equal Access to Justice Act was denied without prejudice.

KEY QUOTATIONS

“Respondents filed a Response in which they acknowledge that (1) Petitioner is a member of the Bond Eligible Class certified in Maldonado Bautista v. Santacruz, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025); (2) a final judgment has been entered as to the Bond Eligible Class; and (3) per the entry of final judgment, Petitioner is detained under 8 U.S.C. § 1226(a) and is entitled to an order from this Court directing a bond hearing be held pursuant to 8 U.S.C. § 1226(a).” (at 1)

“Respondents shall provide Petitioner with an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven (7) days of the date of this order.” (at 1)

FACTUAL BACKGROUND

Petitioner Andrea Romero-Suarez was detained under 8 U.S.C. § 1226(a). Respondents acknowledged that she was a member of the Bond Eligible Class certified in Maldonado Bautista, that final judgment had been entered for that class, and that she was entitled to an individualized bond hearing before an immigration judge. The court relied on those admissions and the class judgment in granting habeas relief.

PROCEDURAL HISTORY

Romero-Suarez filed a petition for a writ of habeas corpus under § 2241. Respondents conceded that she was detained under 8 U.S.C. § 1226(a) and fell within the Bond Eligible Class certified in Maldonado Bautista. The court granted the petition, ordered an individualized bond hearing within seven days, directed entry of judgment, and denied the request for attorney's fees and costs without prejudice.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide petitioner with an individualized bond hearing before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven days of the order. The Clerk must enter judgment in petitioner's favor and close the case.

CASES CITED

- Maldonado Bautista v. Santacruz, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025)
- Maldonado Bautista v. Noem, 5:25-CV-01873-SSS-BFM, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025)
- Hawkins v. Risley, 984 F.2d 321, 324 (9th Cir. 1993)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 ANDREA ROMERO-SUAREZ, Case No.: 25cv3789-LL-KSC 12 Petitioner,
ORDER GRANTING PETITION 13 v. FOR WRIT OF HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241 14 PATRICK DIVVER, Field Office Director of Enforcement and Removal 15
[ECF No. 1] Operations, San Diego Field Office, 16 Immigration and Customs Enforcement, et
al., 17 Respondents.

18 19 Before the Court is Petitioner Andrea Romero-Suarez's Petition for Writ of Habeas 20
Corpus pursuant to 28 U.S.C. § 2241. ECF No. 1 ("Pet."). Respondents filed a Response 21 in
which they acknowledge that (1) Petitioner is a member of the Bond Eligible Class 22 certified in
Maldonado Bautista v. Santacruz, No. 5:25-cv-01873-SSS-BFM, 23 2025 WL 3288403 (C.D.

Cal. Nov. 25, 2025); (2) a final judgment has been entered as to 24 the Bond Eligible Class; and
(3) per the entry of final judgment, Petitioner is detained under 25 8 U.S.C. § 1226(a) and is
entitled to an order from this Court directing a bond hearing be 26 held pursuant to 8 U.S.C. §
1226(a). ECF No. 4; Maldonado Bautista v. Noem, 27 / / / 28 1 5:25-CV-01873-SSS-BFM, 2025
WL 3678485, at *1 (C.D.

Cal. Dec. 18, 2025) 2 (entering final judgment for members of the Bond Eligible Class).! 3
Accordingly, the Court ORDERS as follows: 4 1. Petitioner's Petition for Writ of Habeas Corpus
is GRANTED. " 5 2. Respondents shall provide Petitioner with an individualized bond hearing 6 ||
before an immigration judge pursuant to 8 U.S.C. § 1226(a) within seven (7) days of the 7 || date
of this order.

8 3. The Clerk of Court shall enter judgment in Petitioner's favor and close this 9 || case. 10 IT IS
SO ORDERED. 11 Dated: January 7, 2026 NO 12 QF 13 Honorable Linda Lopez 4 United States
District Judge 15 16 17 18 19 20 21 22 24 Subsequent to entry of judgment, the respondents in
Maldonado Bautista filed a Notice 25 ||of Appeal.

However, the Ninth Circuit has held the filing of an appeal does not suspend 6 the preclusive
effect of a lower court judgment. Hawkins v. Risley, 984 F.2d 321, 324 (9th Cir. 1993) (citations

omitted). In her prayer for relief, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act, which the Court DENIES without prejudice.

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