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10 UNITED STATES DISTRICT COURT  
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
12

13 Pedro VASQUEZ PERDOMO, *et al*,

14 Petitioners-Plaintiffs,

15 v.

16 Kristi NOEM, Secretary, Department of  
Homeland Security, *et al*,

17 Respondents-Defendants.  
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No. 2:25-cv-05605-MEMF-SP

**RESPONDENTS' OPPOSITION TO  
PETITIONER CARLOS OSORTO'S *EX*  
*PARTE* APPLICATION FOR RELEASE  
FROM IMMIGRATION CUSTODY**

Honorable Sheri Pym  
United States Magistrate Judge

1 **I. INTRODUCTION**

2 In an “extraordinary case[,]” a federal judge has the “authority to release detainees  
3 on bail while their habeas cases are pending.” *Zepeda Rivas v. Jennings*, 445 F. Supp. 3d  
4 36, 41 (N.D. Cal. 2020). Petitioner fails to present such an extraordinary case here.

5 Respondents agree that Petitioner should receive a second bond hearing before the  
6 Immigration Court, and that there is jurisdiction for the Immigration Court to reach the  
7 merits of that bond hearing. Respondents oppose Petitioner’s Application, however,  
8 insofar as it attempts to circumvent that bond hearing process in Immigration Court via  
9 an *ex parte* application ordering his release. Appreciating the Petitioner’s concerns,  
10 while preserving the Immigration Judge’s inherent authority over this process, the bond  
11 hearing should instead be held in the Immigration Court, as the parties have requested.  
12 That will ensure the proper process is timely followed, and that a bond hearing is held on  
13 the merits without requiring extraordinary interference with the Immigration Court.

14 **II. PROCEDURAL BACKGROUND**

15 On July 1, 2025, the Court “order[ed] that counsel must immediately advise the  
16 Court of any change in Petitioners’ status, including with respect to bond hearings.” Dkt.  
17 15. Following this Order, the parties have filed Joint Notices. Dkts. 62 & 106. The only  
18 Petitioner still in custody is Mr. Osorto (“Petitioner”).

19 On Wednesday, July 16, 2025, the Immigration Judge denied Petitioner’s bond on  
20 the grounds that there was a lack of jurisdiction. *See* Declaration of Pauline Alarcon  
21 (Alarcon Decl. ¶ 2). The next day, the parties filed a Joint Notice providing, in relevant  
22 part,

23 Following a conference of the parties’ counsel on the subject, Respondents  
24 will promptly request that Mr. Osorto receive an expedited bond hearing,  
25 and will agree there is jurisdiction for a bond hearing for him.

26 Dkt. 106.

27 On Thursday, July 17, 2025, the U.S. Department of Homeland Security filed a  
28 motion to schedule a bond hearing for Mr. Osorto. Alarcon Decl. ¶ 3, Ex. A. But that

1 Motion received a Rejection Notice from the Immigration Court, indicating that it had  
2 been “Incorrectly Filed (Wrong eROP).” *Id.*, Ex. B.

3 On Friday, July 18, 2025, Respondents’ undersigned counsel received an  
4 electronic copy of the Department’s renewed motion to schedule a bond hearing for Mr.  
5 Osorto in the Immigration Court, intended to correct the filing problem. Alarcon Decl.  
6 ¶ 4, Ex. C. That motion indicates that the Department requests “a notice of hearing for  
7 redetermination of custody as soon as practicable.” *Id.* Respondents’ undersigned  
8 counsel understands that this renewed Motion has not yet been filed in the Immigration  
9 Court, however, due to a clerical processing issue, which the Department is working to  
10 promptly resolve. *Id.*

11 That same day of July 18, 2025, Petitioners’ counsel filed a “Renewed Motion for  
12 Bond Redetermination Hearing Based on DHS Stipulation to Jurisdiction.” Alarcon  
13 Decl. ¶ 5, Ex. D. That Renewed Motion is currently pending in the Immigration Court.

### 14 **III. ARGUMENT**

15 The Application improperly attempts to circumvent the pending bond process by  
16 requesting that this Court “grant his release from custody[.]” Application 2:14-15. The  
17 Application attempts to undercut this standardized bond process by extraordinary *ex*  
18 *parte* relief, as opposed to facilitating the proper functioning of the Immigration Court.

19 *First*, it is the Immigration Judge’s responsibility to hold a bond hearing. *See*  
20 Immigration Court Practice Manual, § 9.3(e) Bond Proceedings, 2018 WL 4233170 (“In  
21 a bond hearing, the immigration judge determines whether the [noncitizen] is eligible for  
22 bond. If the [noncitizen] is eligible for bond, the immigration judge considers whether  
23 [the noncitizen’s] release would pose a danger to property or persons, whether the  
24 [noncitizen] is likely to appear for further immigration proceedings, and whether the  
25 [noncitizen] is a threat to national security. In general, bond hearings are less formal than  
26 hearings in removal proceedings.”). Here, by an *ex parte* Application, Petitioner is  
27 attempting to strip the Immigration Judge of this central authority and expertise.

28 As set forth in the Immigration Court Practice Manual, it is the Immigration

1 Judge's responsibility to determine whether Petitioner is eligible for bond, following  
2 established processes. By contrast, the Application fails to sufficiently address whether  
3 Petitioner poses a danger, is likely to appear for future immigration proceedings, and  
4 possesses a threat to national security—basic issues that would need to be considered to  
5 make any proper release decision. Moreover, the Application also fails to offer any  
6 support as to why \$5,000.00 would constitute a reasonable bond.

7 *Second*, Mr. Osorto's Renewed Motion for Bond Redetermination Hearing Based  
8 on DHS Stipulation to Jurisdiction is currently pending in Immigration Court (filed  
9 Friday, July 18, 2025), and the Department has in turn drafted a Motion to Schedule  
10 Bond Hearing to be filed in Immigration Court. Thus, this exact issue is already being  
11 raised in the Immigration Court by both parties. The Application fails to establish that  
12 the Immigration Court must be circumvented by ordering the same relief in another  
13 forum, especially on the basis of an incomplete *ex parte* Application record.

14 *Third*, to the extent Petitioner complains of delays in getting the bond hearing, the  
15 Application fails to establish that ordering Petitioner's outright immediate release would  
16 be a narrowly tailored injunctive remedy for resolving such delays. That is because it  
17 would not be narrowly tailored. *Cf. Angel v. Duke*, 2017 WL 11698492, at \*2 (S.D. Tex.  
18 Dec. 18, 2017) ("rather than granting release from detention, a bond hearing before an  
19 immigration judge is a more appropriate remedy").

20 As to Petitioner's stated health concerns, the information set forth in the  
21 Application is both conflicting and limited. *Compare* Application 9:6-7 ("[Petitioner]  
22 has a history of high blood pressure") with Decl. of Carlos Alexander Osorto ¶ 12 ("The  
23 doctor who screened me [at Adelanto ICE Processing Center] told me I have  
24 dangerously high blood pressure. I have never had high blood pressure before[.]").  
25 Medication intended to help control high blood pressure is not normally hard to provide  
26 if it is genuinely appropriate and has actually been prescribed by a physician; it does not  
27 require release as the remedy. Moreover, the attorney declaration concedes that  
28 Petitioner has received medical care and medication during his detention. Decl. of

1 Michael Caleb Soto ¶ 3.

2 To the extent the Application raises concerns with Petitioner having high blood  
3 pressure, the Application does not contain sufficient evidence to establish that this issue  
4 has not been identified and is not being appropriately controlled. Indeed, to the extent  
5 Petitioner's declaration recounts his own understanding on this point, it suggests that his  
6 blood pressure was not identified or addressed with prescribed continuing medication  
7 prior to his arrest and detention, and that the medical processes in place at Adelanto are  
8 the first time Petitioner has received appreciable medical attention for such a condition.  
9 Certainly, the Application does not establish that he has a specific need in this context  
10 that is being subjected to deliberate indifference, much less a degree of indifference  
11 requiring immediate release via habeas jurisdiction as its proper remedy.

12 Accordingly, Petitioner's request for release on bond should be resolved by the  
13 Immigration Court, consistent with the parties' submissions on that point. During the  
14 second bond hearing, as it has previously stated, the Department "will agree there is  
15 jurisdiction for a bond hearing for him." Dkt. 106.

16 **IV. CONCLUSION**

17 Respondents respectfully request that the *ex parte* Application be denied.

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19 Dated: July 22, 2025

Respectfully submitted,

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