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9 UNITED STATES DISTRICT COURT

10 FOR THE CENTRAL DISTRICT OF CALIFORNIA

11 Pedro VASQUEZ PERDOMO, *et al*,

12 Petitioners-Plaintiffs,

13 v.

14 Kristi NOEM, Secretary, Department of
15 Homeland Security, *et al*,
16 Respondents-Defendants.

No. 2:25-cv-05605-MEMF-SP

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

Honorable Sheri Pym
United States Magistrate Judge

1 Respondents thank the Court for the opportunity to file a further response to
2 Petitioner's *Ex Parte* Application to address issues raised by the Immigration Judge's
3 July 23, 2025 Order, issued very shortly before the teleconference the Court held at
4 10:00 a.m. that day. After reviewing the relevant papers, Respondents agree that the
5 Immigration Judge's July 23, 2025, Order determined that there is no jurisdiction to hold
6 a bond hearing, even if the Respondents requested it. Accordingly, the Immigration
7 Court has issued what appears to be its final ruling on the subject.

8 With respect to the Immigration Court's broader finding that it lacks jurisdiction
9 to hold a bond hearing, an *ex parte* application challenging that specific legal issue is
10 currently pending, *Bautista et al v. Santacruz Jr. et al*, 5:25-cv-01873-SSS-BFM, Dkt. 5.
11 The government's position on the lack of jurisdiction for such bond hearings is set forth
12 in detail in the opposition it filed to that application, *id.*, Dkt. 8. Respondents expect an
13 imminent decision on that application, and that such decision would inform the Court's
14 resolution of the parallel legal issues raised in this case as to whether the Immigration
15 Court may promptly conduct a bond hearing.

16 Respondents assert that the Immigration Judge possesses inherent authority over
17 this process and, if any bond hearing is required, then it would properly need to be held
18 in the Immigration Court, not in the District Court.

19 With respect to Petitioner Osorto's request for release on bond, having reviewed
20 the file (which includes Petitioner Osorto's request for bond before the Immigration
21 Court), Respondents agree that this Court has a full record with respect to Petitioner's
22 criminal history (Dkt. 111-1, Ex. D, p. 121, 126-130) and his risk of flight (*id.*, Decl. of
23 Carlos Alexander Osorto, ¶ 6).

24 For the foregoing reasons, and those set forth in the Opposition (Dkt. 113),
25 Respondents respectfully request the Court deny the *Ex Parte* Application. Further,
26 should the Court nonetheless decide to grant the *Ex Parte* Application, the Immigration
27 Court would continue to be the appropriate forum where bond hearings must be held.
28

1 Dated: July 25, 2025

Respectfully submitted,

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6 /s/ Pauline H. Alarcon

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