

1 WILLIAM BAKER, SBN 157 906
Moreno & Associates Law Firm, APC
2 2082 Otay Lakes Road, Ste. 102
Chula Vista, CA 91913
3 619-422-4885
william.baker@morenoandassociates.com

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5 Attorney for petitioner

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7 UNITED STATES DISTRICT COURT
8 Southern District of California

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10 MIGUEL LOPEZ PEREZ,
11 Petitioner,

v.

12
13 CHRISTOPHER J. LaROSE ; *et al.*,
14 Respondents.

) Case Number: 25-cv-3590-JLS-(KSC)
)
) **PETITIONER'S TRAVERSE AND**
) **MEMORANDUM IN SUPPORT OF**
) **PETITION**

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1 Petitioner submits this Traverse and Memorandum to comply with the Court's order and the
2 habeas corpus procedure and to expedite the process.

3 This case has been resolved through events in another court. Petitioner had his custody
4 redetermination motion hearing today at the Otay Mesa Immigration Court. The judge accepted that
5 he had jurisdiction under 8 U.S.C. § 1226(a). The judge set a bond in the amount of \$3,500.

6 Petitioner's family is working on posting the bond. Once the bond is posted, the DHS will
7 release petitioner from detention. So, it does not appear that the court necessarily needs to issue an
8 order since petitioner is going to be released on bond.

9 **Attorney Fees**

10 Petitioner has requested costs and attorney's fees in this action pursuant to the Equal Access
11 to Justice Act ("EAJA"), 28 U.S.C. § 2412. The EAJA provides in part:

12 A party seeking an award of fees and other expenses shall, within thirty days of final
13 judgment in the action, submit to the court an application for fees and other expenses
14 which shows that the party is a prevailing party and is eligible to receive an award
15 under this subsection, and the amount sought, including an itemized statement from
16 any attorney ... representing or appearing in behalf of the party stating the actual time
17 expended and the rate at which fees and other expenses were computed. The party
18 shall also allege that the position of the United States was not substantially justified.
19 Whether or not the position of the United States was substantially justified shall be
20 determined on the basis of the record ... which is made in the civil action for which
21 fees and other expenses are sought.

22 28 U.S.C. § 2412(d)(1)(B).

23 In this case, it appears the unlawful re-detention of petitioner was arbitrary and unjustifiable,
24 if not intended to be punitive and malicious. Respondents should pay petitioner's attorney fees.

25 DATED: 22 December 2025

26 Respectfully submitted,

27 /s/ William Baker
28 William Baker (157 906)
MORENO & ASSOCIATES



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT**

Respondent Name:

LOPEZ PEREZ, MIGUEL

To:

BAKER, WILLIAM JASON
2082 Otay Lakes Road Suite 102
Chula Vista, CA 91913

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/22/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

Denied, because

Granted. It is ordered that Respondent be:

released from custody on his own recognizance.

released from custody under bond of \$ 3,500.00

other:

ATD at DHS discretion.

Other:

Respondent appears to be a member of the Bond Eligible Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d -- -, 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). The Bautista court has now entered final judgment as to the Bond Eligible Class. Bautista, ECF No. 94. Absent a stay of the Bautista ruling, Respondent appears to be entitled to a bond hearing pursuant to IN § 236(a).



Immigration Judge: Grande, Guy 12/22/2025

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved


Appeal Due: 01/21/2026

Certificate of Service

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Respondent Name : LOPEZ PEREZ, MIGUEL | A-Number : 

Riders:

Date: 12/22/2025 By: GONZALEZ, EMELY, Court Staff