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12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 MODESTA ARAUJO-CONTRERAS,

15 Petitioner,

16 v.

17 JAMES JANECKA, et al.,

18 Respondents.
19

No. 5:25-cv-03442-KK-MBK

**OPPOSITION TO EMERGENCY EX
PARTE REQUEST AND
APPLICATION FOR TEMPORARY
RESTRAINING ORDER**

Honorable Kenly Kita Kato
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1 Respondents respectfully request that the Court deny the relief Petitioner seeks in
2 her Emergency Ex Parte Request and Application for Temporary Restraining Order
3 (“TRO Application”).

4 To the extent the TRO Application demands that Petitioner receive a bond
5 hearing, Petitioner appears to be a member of the Bond Eligible Class certified in
6 *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---,
7 2025 WL 3288403 (C.D. Cal. Nov. 25, 2025). On December 18, 2025, the *Bautista* court
8 entered final judgment as to the Bond Eligible Class. *See Bautista*, ECF No. 94. A notice
9 of appeal was then filed by the *Bautista* defendants on December 18, 2025, ECF No. 95.
10 Accordingly, Respondents acknowledge that Petitioner’s claims in this action as to her
11 entitlement to a bond hearing appears to be subject to the *Bautista* judgment and to any
12 applicable appellate proceedings relating to it. To the extent Petitioner seeks such a bond
13 hearing here, it should be consistent with what Courts in this District have generally
14 ordered, which is to require such a hearing be held within seven (7) days.

15 To the extent that Petitioner claims this Court prohibit or restrain Petitioner from
16 being removed or placed into removal proceedings, Petitioner cites to no authority
17 indicating the Court has jurisdiction to do so. Petitioner acknowledges that she has a
18 history of illegally re-entering the United States (in one instance under the auspices of a
19 fraudulent immigration document) and that she has no legal status entitling her to remain
20 in the United States. Dkt. 1 ¶¶ 23-26 (“She was physically removed on or about 17
21 September 1996 and reentered the next day.”). Although Petitioner references various
22 immigration applications she has filed (e.g., a Form I-212 application for waiver of
23 inadmissibility and I-485 application for adjustment of status), Dkt. 5 at ECF Page ID 43-
24 44, Petitioner has not disputed that she has no legal status to remain in the United States.
25 These pending applications do not create an entitlement to be free from removal
26 proceedings. To the extent Petitioner claims she is a member of the *Duran-Gonzales*
27 class and that the class settlement in that case pertains to her, she may file proceedings in
28 that case to address any alleged compliance issue with that settlement.

1 Respondents respectfully request that the Court deny the relief requested in the
2 TRO Application. To the extent Petitioner would be entitled to any remedy via the TRO
3 Application, at most it would be ordering a bond hearing before an Immigration Judge
4 under Section 1226(a), consistent with what Judge Sykes ordered in the *Bautista* case,
5 5:25-cv-01873-SSS-BFM, and not immediate release free of any restrictions.

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7 Dated: December 19, 2025

Respectfully submitted,

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14
15 /s/ Jasmin Yang

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