

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**United States District Court  
Central District of California  
Western Division**

GABRIELA PEREZ CRUZ,  
Petitioner,  
  
v.  
WILLIAM BARR,  
Respondent.

EDCV 20-00668 TJH  
**Temporary Restraining  
Order  
and  
Order to Show Cause**

Petitioner filed, in the Ninth Circuit Court of Appeals, a motion for immediate release from detention. The Ninth Circuit construed that motion as a petition for a writ of *habeas corpus* brought under 28 U.S.C. § 2241 and, then, transferred it to the Central District of California for a determination because the Ninth Circuit lacked jurisdiction. In its transfer order, the Ninth Circuit urged the District Court to address this matter expeditiously. The motion was fully briefed at the Ninth Circuit and is ripe for decision.

Procedurally, this Court will deem Petitioner’s motion for immediate release to be an *ex parte* application for a temporary restraining order seeking Petitioner’s immediate release filed in connection with a petition for a writ of *habeas corpus*,

1 brought pursuant to 28 U.S.C. § 2241, challenging the conditions of Petitioner’s  
2 confinement.

3 The Court has considered the moving and opposing papers.

4 Petitioner is, currently, detained at the Adelanto Detention Center [“Adelanto”],  
5 in San Bernardino County, which is within the Central District of California. Petitioner  
6 asserts that, in light of the COVID-19 pandemic, the conditions of her confinement are,  
7 now, unconstitutional. Petitioner had a criminal conviction, but she has completed her  
8 criminal sentence and is, now, a civil detainee.

9 The Court incorporates by reference into this order the factual and legal grounds  
10 supporting emergency injunctive relief, namely, immediate release, set forth in the  
11 Court’s orders issued in *Castillo v. Barr*, CV 20-00605-TJH (AFMx)(C.D. Cal. Mar.  
12 27, 2020), ECF No. 32; and *Hernandez v. Wolf*, CV 20-60017-TJH (KSx)(C.D. Cal.  
13 Apr. 1, 2020), ECF No. 17.

14 Based on the incorporated factual and legal grounds, and the facts and arguments  
15 presented, here,

16  
17 **It is Ordered** that the application for a temporary restraining order be, and  
18 hereby is, **Granted**.

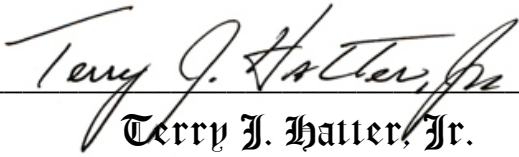
19  
20 **It is further Ordered** that Respondent shall, by 5:00 p.m. on April 3, 2020,  
21 release Petitioner Gabriela Perez Cruz from custody pending further order of this  
22 Court.

23  
24 **It is further Ordered** that Petitioner shall not violate any federal, state or local  
25 laws, or use or possess alcohol or illegal drugs after released from custody pursuant to  
26 this order.

27  
28 **It is further Ordered** that Respondent shall show cause, if he have any, as to

1 why the Court should not issue a preliminary injunction in this case. Respondent's  
2 response, if any, to this order to show cause shall be filed by Noon on April 10, 2020.  
3 Petitioner's reply, if any, to Respondent's response shall be filed by Noon on April 15,  
4 2020. The matter will then stand submitted.

5  
6 Date: April 3, 2020

7  
8   
9 **Terry J. Hatter, Jr.**  
10 **Senior United States District Judge**