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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Hugo Arturo REYES ORTIZ
and Cleiber NIEVE PANO

Petitioners,

v.

John MATTOS, Warden, Nevada Southern
Center; Brian HENKE, Las Vegas/Salt Lake City
Regional Field Office Director, Enforcement and
Removal Operations, United States Immigration
and Customs Enforcement (ICE/ERO); Kristi
NOEM, Secretary, United States Department of
Homeland Security, Pamela BONDI Attorney
General of the United States, Daren K.
MARGOLIN, Director Executive Office for
Immigration Review

Respondents.

PETITION FOR WRIT OF
HABEAS CORPUS

Case No. 2:26-cv-

Agency Case Numbers:



I. INTRODUCTION

1. Utah Counsel are licensed to practice in and reside in Utah. Both Utah counsel will be seeking pro hac vice admission in this matter.
2. Petitioners are both foreign nationals and residents of Utah.
3. Petitioner Reyes Ortiz has been a resident of Utah for more than five years.
4. Petitioner Nieve Pano has been a resident of Utah for almost 20 years.
5. Both Petitioners were detained in Utah by officials of Respondent Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE).
6. On both of the I-213's prepared by ICE/DHS, (Exhibit I. a. and Exhibit II. a.) the disposition of the encounter was "Warrant of Arrest/Notice to Appear".
7. This outcome is noted on the third line of the bottom right hand signature box on the first page of each Petitioners' I-213. (Exhibit I. a. and Exhibit II. a.).
8. Both petitioners are presently detained by ICE at the Nevada Southern Detention Center, in violation of the Constitution and laws of the United States.
9. Neither of these petitioners have been convicted of a crime that would disqualify them from receiving a bond hearing pursuant to 8 U.S.C. § 1226.
10. Petitioners submit this Petition for Writ of Habeas Corpus and request for an immediate order to show cause against the above-named Respondents because Petitioners are being unlawfully detained—held without bond—in contravention of the laws, regulations, and constitution of the United States.
11. Petitioners' continued detention without bond is an unlawful violation of due process, an incorrect interpretation of immigration law, a violation of the applicable regulations and is ultra vires to DHS' statutory authority.

II. JURISDICTION

12. Petitioners are in the physical custody of Respondents, detained at the Nevada Southern Detention Center in Pahrump, Nevada.
13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), Article I, Section 9, Clause 2 of the United States Constitution (the Suspension Clause), and 5 U.S.C. § 702.
14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, 5 U.S.C. § 706 and the All Writs Act, 28 U.S.C. § 1651.

III. VENUE

15. Pursuant to *Burden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court of Nevada, the judicial district in which Petitioners are currently detained. Thus, residents of Utah and attorneys who reside in Utah are forced to file this action in Nevada solely because ICE moved the Petitioners from Utah to Nevada.
16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in Nevada.

IV. REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the Petitioners are not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

18. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative relief in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

V. PARTIES

19. Petitioner Hugo Arturo REYES ORTIZ has been a resident of Utah for over five years. He has two U.S. Citizen biological children with his U.S. Citizen wife, Judith Reyes. Exhibits I: B-F.

20. He has also legally adopted two of her other children, and he is the step-father to her oldest two children. Exhibits I: E.

21. The oldest of his step children, Jenesis, suffers from a severe, chronic, kidney disease. Exhibit I: F.

22. Petitioner REYES ORTIZ has one criminal conviction and one pending criminal case.¹ Exhibits Section I: H.

23. Petitioner Cleiber NIEVE PANO has resided in the state of Utah since approximately 2007, after having lived in Atlanta, Georgia for seven years. Exhibits Section II: B.

24. Petitioner NIEVE PANO is engaged to Kenia Yaneiry Corona Alonso, a legal permanent resident since 2020. They share six children from their prior partners (four from Kenia’s prior relationships and two from Petitioner’s prior partner, all of which are US Citizens) and lost their shared child to a miscarriage (still birth) in July of 2025. Exhibits Section II: B.

¹ Petitioner Reyes Ortiz was convicted of domestic violence related charges on 08/28/2023, case no. 231700100. These charges occurred because Petitioner’s wife, Judith Reyes, made accusations to the police at the time of the arrest. Mrs. Reyes has since recanted her support of those charges, as seen in Exhibits Section I: B.

25. Petitioner NIEVE PANO has no criminal convictions outside of minor traffic offenses and one case, a DUI, which was dismissed without prejudice on January 28, 2026. (Exhibits Section II: C).
26. Petitioner REYES ORTIZ was stopped by ICE on his drive home without cause (none was given to Petitioner) and arrested on a warrant. (Exhibits Section I: A). Petitioner NIEVE PANO was taken into custody by ICE officers on January 13, 2026, subject to a warrant. (*See* Exhibits Section II: A). Both of the petitioners have been detained without bond and transferred to the Nevada Southern Detention Center.
27. Respondent John Mattos is employed by CoreCivic as Warden of the Nevada Southern Detention Center, where Petitioners are detained. Mr. Mattos has immediate physical custody of Petitioners. He is sued in his official capacity.
28. Respondent Brian Henke is the Regional Field Office Director over the Las Vegas and Salt Lake City Regions of ICE's Enforcement and Removal Operations Division. As such, Mr. Henke is Petitioners' immediate custodian and is responsible for Petitioners detention and removal. He is named in his official capacity.
29. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA) and oversees ICE, which is responsible for Petitioners' detention. Ms. Noem has ultimate custodial authority over Petitioners and is sued in her official capacity.
30. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department Justice, of which the Executive Office for Immigration

Review (EOIR) (the immigration courts) is a component agency. She is sued in her official capacity.

31. Respondent Daren K. Margolin is the Director of the Executive Office for Immigration Review (EOIR). EOIR is the federal agency with the Department of Justice responsible for implementing and enforcing the INA in removal proceedings, including for custody redetermination in bond hearings and appellate review of Immigration Judge decisions

VI. SUMMARY OF PRIOR PROCEEDINGS

32. As stated above, both of the petitioners have been detained without bond and transferred to the Nevada Southern Detention Center.
33. On September 5, 2025, the Board of Immigration Appeals (BIA), the appellate branch of Respondent Executive Office for Immigration Review (EOIR) issued a precedent decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). (Exhibits Section IV.)
34. In *Yajure* the BIA ignored the U.S. constitution, the statutory language, the record of Congressional intent, the regulations implementing IRRIRA, and more than two decades of BIA precedent, including a precedent decision issued June 30, 2025, (*Matter of Akhmedov*, 29 I&N Dec. 166 (BIA 2025)), to hold that EOIR employee Immigration Judges do not have statutory authority to consider bond requests or to grant bonds to any foreign national who entered without inspection, regardless of length of residence or ties to the U.S.
35. Since the *Yajure Hurtado* decision, immigration judges across the U.S. are instructing immigration counsel not to “waste the IJ’s time” requesting a bond hearing where the foreign national entered without inspection, regardless of the length of the foreign national’s presence in the United States, or the foreign national’s ties to the United States.

36. As applied to these Petitioners, the agency's ruling in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) is an unconstitutional violation of their right to due process of law.
37. The agency's conclusion in *Yajure*, holding that all foreign nationals present in the United States without being admitted are subject to mandatory detention without bond, contradicts the statutory language, the expressed Congressional intent, the agency's own prior precedents, as well as U.S. Supreme Court and Federal Court precedent.

VII. LEGAL FRAMEWORK

A. CIVIL DETENTION PROVISIONS OF THE INA²

38. "In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987).
39. This fundamental principle of our free society is enshrined in the Fifth Amendment's Due Process Clause, which specifically forbids the Government to "deprive[]" any "person . . . of . . . liberty . . . without due process of law." U.S. Const. amend. V.
40. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953) ("[A]liens who have once passed through our gates, even illegally, may be expelled only after proceedings conforming to traditional standards of fairness encompassed in due process of law").
41. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 678.

² Petitioners are indebted throughout this section to the thorough history and analysis set out by Judge Boulware in his Order in *Maldonado-Vazquez v. Feeley*, 2:25-cv-01542-RFB-EJY, 6-8, (D. Nev. Sep 17, 2025).

42. The Supreme Court, thus, “has repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection,” including an individualized detention hearing. *Addington v. Texas*, 441 U.S. 418, 425 (1979) (collecting cases); see also *Salerno*, 481 U.S. at 755 (requiring individualized hearing and strong procedural protections for detention of people charged with federal crimes); *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992) (same for civil commitment for mental illness); *Kansas v. Hendricks*, 521 U.S. 346, 357 (1997) (same for commitment of sex offenders).
43. In 1996, acting within the recognized constraints of constitutional due process, Congress rebalanced and codified three explicit detention regimes for noncitizens. Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), Pub. L. No. 104-208, Div. C. §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585.
44. First, as found in 8 U.S.C. § 1225, the statute provides for detention without bond of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other arriving aliens.
45. Second, 8 U.S.C. § 1226 authorizes the issuance of administrative warrants for the detention of noncitizens for standard removal proceedings before an Immigration Judge. *See* 8 U.S.C. § 1229a.
46. Finally, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)-(b).
47. This case concerns the detention provisions at §§ 1225 and 1226.
48. The detention provisions at § 1225 and § 1226 were enacted in 1996 as part of IIRIRA.

49. Section 1226(a) was most recently amended last year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
50. Following the enactment of IIRIRA, EOIR drafted new regulations establishing that, in general, people who entered the country without inspection were not subject to the border detention regime of § 1225 and that they were instead subject to the detention provisions of § 1226. *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 63 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
51. Individuals arrested and detained pursuant to the procedures of § 1226 are presumed to be entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), unless they have been arrested, charged with, or convicted of certain crimes, in which case they are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
52. The regulations published at 63 Fed. Reg. 10312, 10323 (Mar. 6, 1997) were consistent with the constitutionally reviewed procedures of decades of prior practice, in which noncitizens present in the U.S.—noncitizens who were not “arriving aliens” as defined at 8 C.F.R. § 1001.1(q)—were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1251(a)).
53. Those regulations are consistent with the record of Congressional intent, as documented in the Report of the Committee on the Judiciary on H.R. 2202, Report No. 104-469, Part I (March 4, 1996) and in the Report of the Conference Committee, Report No. 104-828 (September 24, 1996).

54. The Congressional record shows that Congress was very aware during the drafting of IIRIRA of the constitutional parameters within which they were working. That includes the robust precedent establishing that persons present in the U.S., regardless of their manner of entry, are constitutionally entitled to due process of law, including when they are subject to civil detention. See, e.g., *Yick Wo v. Hopkins*, 118 U.S. 356, (1886); *Yamataya v. Fisher*, 189 U.S. 86 (1903); *Plyler v. Doe*, 102 S. Ct. 2382 (1982).
55. The Congressional knowledge and recognition that applying the provisions of 8 U.S.C. § 1225 to undocumented immigrants found within the continental U.S. would violate constitutional due process is further documented in the Comments on the Proposed Regulations filed by Lamar Smith, the Chairman of the House Judiciary Committee Subcommittee on Immigration and Claims. See Exhibit Section III, attached.
56. As explicitly set out in the implementing regulations, individuals (like these Petitioners) arrested and detained in the interior of the United States after months, years or decades of physical presence in the U.S., are presumed to be entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), unless they have been arrested, charged with, or convicted of certain crimes, in which case they are subject to mandatory detention, see 8 U.S.C. § 1226(c).
57. The regulations published at 63 Fed. Reg. 10312, 10323 (Mar. 6, 1997) are consistent with the constitutionally reviewed procedures of decades of prior practice, in which noncitizens present in the U.S.—noncitizens who were not “arriving aliens” as defined at 8 C.F.R. § 1001.1(q)—were entitled to a custody hearing before an Immigration Judge or other hearing officer. See 8 U.S.C. § 1252(a) (1994); see also H.R. Rep. No. 104-469, pt.

1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1251(a)).

58. In the decades that followed implementation of IIRIRA, the common understanding of the law was that 8 U.S.C. § 1226 applied to nearly everyone who entered the United States without inspection.

59. As a result, individuals like the Petitioners, detained after years of physical presence in the United States, were routinely placed in standard removal proceedings and received bond hearings, unless their criminal history rendered them ineligible.

60. That practice was consistent with many more decades of prior practice, in which noncitizens who were not “arriving aliens” as defined at 8 C.F.R. § 1001.1(q) were entitled to a custody hearing before an Immigration Judge or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1251(a)).

61. Following those regulations, in the nearly three decades since IIRIRA, persons such as the Petitioners in this case—noncitizens present in the United States who have never applied for admission or presented themselves for inspection (the class of persons who ‘entered without inspection’ or EWI’s as they are routinely labeled)—were routinely arrested based on the warrant and other procedures set out in § 1226.

62. Despite the regulations and the nearly three decades of practical implementation, DHS, on July 8, 2025, published a notice titled “Interim Guidance Regarding Detention Authority for Applicants for Admission.” The notice was disseminated internally, to all ICE employees.

63. As noted in *Vasquez v. Feeley*, *supra*, note 1 ftnt 2: “The memo was leaked to the American Immigration Lawyers Association (“AILA”). See *ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission*, AILA Doc. No. 25071607 (July 8, 2025), <https://www.aila.org/library/ice-memo-interim-guidance-regardingdetention-authority-for-applications-for-admission> [<https://perma.cc/5GKM-JYGX>]. (Exhibit IV: A).

64. Judge Boulware describes the contents of this notice as follows:

The Notice indicated that DHS, in coordination with the DOJ, ‘revisited its legal Position’ on the INA and determined that § 1225(b)(2), rather than § 1226, is the applicable immigration authority for any alien present in the U.S. ‘who has not been admitted. . . whether or not at a designated port of arrival.’ Accordingly, ‘it is the position of DHS that such aliens are subject to [mandatory] detention under INA § 235(b) and may not be released from ICE custody except by INA § 212(d)(5) parole.’ The Notice further provides ‘[t]hese aliens are also ineligible for a custody redetermination hearing (bond hearing) before an immigration judge and may not be released for the duration of their removal proceedings absent a parole by DHS. For custody purposes, these aliens are now treated in the same manner that ‘arriving aliens’ have historically been treated.’

Vasquez v. Feeley, *supra* note 1, pp 8-9; Exhibit IV: A.

65. As Judge Boulware also noted in *Vasquez*, on September 5, 2025, the Board of Immigration Appeals (BIA) issued a precedent decision, *Matter of Yajure Hurtado* 29 I&N Dec. 216 (BIA 2025). In that precedent decision, the Board of Immigration Appeals formally agreed with the statutory interpretation as laid out in the July 8, 2025, ICE memo.

66. In other words, as of September 5, 2025, despite the conflicting regulatory language, express Congressional intent and long-standing constitutional due process requirements, it is now the explicit legal position of the U.S. Department of Justice, Executive Office for Immigration Review (EOIR) that all non-citizens present within the United States

who have not been lawfully admitted are subject to mandatory detention without bond, regardless of the length of their physical presence or their ties to the United States.

67. Both Petitioners are presently detained without bond, based on this new government policy and legal interpretation of 8 U.S.C. § 1225(b)(2)(A) mandating that all non-citizens present within the United States without lawful admission be detained without bond.
68. As Judge Boulware noted in *Vasquez* at 10-11, “since the July 8, 2025 DHS Guidance Memo, Petitioner asserts most IJs in Las Vegas have rejected DHS’ new interpretation of 1225(b)(2), and instead found jurisdiction under 1226(a)” *Id.* at 10-11.
69. Petitioners have not sought a bond hearing from the Immigration Judges handling their cases, because it has become clear (as IJ Baker explicitly recognizes in his Memorandum Decision in Petitioner Escobar Salgado’s case) that the Immigration Judges, following the BIA decision in *Yajure Hurtado*, are no longer authorized by their superiors within EOIR to grant bonds to individuals in Petitioners’ factual circumstances.

B. CONSTITUTIONAL DUE PROCESS

70. In determining whether due process has been violated, the Court should weigh: (1) the private interest affected by the government action; (2) the risk that current procedures will cause an erroneous deprivation of the private interest, and the extent to which that risk could be reduced by additional safeguards; and (3) the government’s interest in maintaining the current procedures, including the governmental function involved and the fiscal and administrative burdens that the substitute procedural requirement would entail. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

71. As to the first *Mathews* factor, the private interest affected by the government action, “Petitioner’s liberty interest in remaining free from governmental restraint is of the highest constitutional import.” *Zavala*, 310 F.Supp.2d at 1076; *see also Ashley*, 288 F.Supp.2d at 670-71 (same) (quoting *St. John v. McElroy*, 917 F.Supp. 243, 250 (S.D.N.Y. 1996)).
72. These long term residents of the United States—both with U.S. Citizen children --have been detained without bond.
73. Both have been prevented from supporting their children and their spouses and other family members.
74. As to the second *Mathews* factor, this Court must look at the risk that current procedures will cause an erroneous deprivation of the private interest, and the extent to which that risk could be reduced by additional safeguards. As explained above, the current procedures cause an erroneous deprivation of the interest of these three Petitioners in remaining at liberty, free from detention.
75. As to the third *Mathews* factor, the government’s interest in maintaining the “current” procedure is minimal here. The sole interest of the government is in spending all the resources Congress has granted it to detain all immigrants, regardless of lack of danger, regardless of ties to the U.S., regardless of length of stay, regardless of the requirements of constitutional due process.
76. In order to prevail on a claim asserting the deprivation of due process, a petitioner must also show prejudice. “To show prejudice, [a Petitioner] must present plausible scenarios in which the outcome of the proceedings would have been different if a more elaborate

process were provided.” *Tamayo-Tamayo v. Holder*, 486 F.3d 484, 495 (9th Cir. 2007) (citation omitted) (internal quotations omitted).

77. Until September 5, 2025, both Petitioners would have been eligible for a bond hearing before an Immigration Judge.
78. Respondents’ novel legal theory, reinterpreting statutory language after nearly thirty years in violation of the implementing regulations, the express intent of the Congressional Record and the fundamental principles of constitutional due process, is a completely new and unnecessary termination of a prior procedure that protected the constitutional due process rights of these Petitioners and other similarly situated non-citizens.
79. If the Respondents had permitted the Immigration Judges to exercise the same authority they have exercised on these facts for over sixty years, each of the Petitioners would have been granted bond, posted it, and been home with their families by now.
80. The continued detention of these Petitioners based on the BIA’s unconstitutional decision in *Yajure-Hurtado*, constitutes actual prejudice.
81. Petitioners have no other forum in which to seek judicial review of the constitutional and legal issues raised by their continued detention on the basis of Respondents’ actions, memos, and decisions.
82. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas* at 690.

83. Accordingly, Petitioners seek a writ of habeas corpus requiring that they be immediately provided with a bond hearing before an Immigration Judge, and that they thereafter be allowed to pay the bonds granted by the Immigration Judges and to be released.

VIII. CLAIMS FOR RELIEF

COUNT I

Violation of the INA and Governing Regulations

84. Petitioners incorporate by reference the facts and law set forth in the preceding paragraphs.

85. Petitioners each entered the United States without inspection. They have all been present within the United States for more than two years; they each have U.S. Citizen children or spouses.

86. Petitioners have been issued Notices to Appear in removal proceedings pursuant to 8 U.S.C. § 1229a.

87. Respondents' novel interpretation of 8 U.S.C. § 1225(b)(2)(A) as authority for detaining Petitioners without bond violates the regulations and is an unconstitutional interpretation of the statutory language, without basis in prior precedent or the record of Congressional intent.

COUNT II

Violation of Fifth Amendment Right to Due Process of Law

88. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

89. The Government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that

the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d. 653 (2001).

90. Due process requires that government action be rational and non-arbitrary. *See U.S. v. Trimble*, 487 F.3d 752, 757 (9th Cir. 2007).
91. The Ninth Circuit has also held that “[r]emaining confined in jail when one should otherwise be free is an Article III injury plain and simple[.]” *Gonzalez v United States Immigr. & Custome Enf’t*, 975 F.3d 788, 804 (9th Cir. 2020) (quoting *Mendia v. Garcia*, 768 F.3d 1009, 1012 (9th Cir. 2014)).
92. Petitioners have a fundamental interest in liberty and being free from official restraint.
93. The Government’s continued detention of Petitioners, without bond, is a clear violation of their constitutional right to due process under the law.
94. The Due Process Clause asks whether the government’s deprivation of a person’s life, liberty, or property is justified by a sufficient purpose. Here, there is no question that the government has deprived Petitioners of their liberty.
95. Respondents’ continued detention of Petitioners is unjustified. Respondents have not demonstrated that Petitioners need to be detained. *See Zadvydas*, 533 U.S. at 690 (finding immigration detention must further the twin goals of (1) ensuring the noncitizen’s appearance during removal proceedings and (2) preventing danger to the community).
96. There is no credible argument that these Petitioners cannot be safely released back to their communities and families.
97. For these reasons, continued detention of these three Petitioners violates the Due Process Clause of the Fifth Amendment.

IX. PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter.
- b. Issue writs of habeas corpus requiring that Respondents immediately provide Petitioners with bond hearings, and that Petitioners be allowed to post the bonds and be released.
- c. Declare that the Petitioners' continued detention without bond or any individualized determination of danger or flight risk violates the Due Process Clause of the Fifth Amendment;
- d. Issue an Order prohibiting the Respondents from transferring Petitioners from the district without the court's approval.
- e. Award Petitioners attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under the law; and
- f. Grant any other and further relief that this Court deems just and proper.

RESPECTFULLY SUBMITTED this 8th day of February, 2026.

/s/ Marti L. Jones
Attorney for Petitioner
STOWELL CRAYK PLLC

/s/ Adam L. Crayk
Attorney for Petitioner
STOWELL CRAYK PLLC

/s/ Kaleb D. Anderson
Attorney for Petitioner
GARIN LAW GROUP

EXHIBIT LIST

I. Documents of Petitioner Hugo Arturo REYES ORTIZ

- a. Form I-213: Record of Deportable/Inadmissible Alien
- b. Affidavit of Petitioner's Wife, Judith Reyes
- c. Marriage License
- d. Birth Certificates of Petitioner's spouse and US Citizen children and step-children.
- e. Adoption Decrees.
- f. Physician's letter regarding Jenesis
- g. Notice to Pay or Vacate
- h. Criminal History Chart and Dockets

II. Documents of Petitioner Cleiber NIEVE PANO

- a. Form I-213: Record of Deportable/Inadmissible Alien
- b. Affidavit of Petitioner's Fiancé, Kenia Corona
- c. Criminal History Chart and Dockets

