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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Manuel Armando Ruiz Rodriguez,

15 Petitioner,

16 v.

17 John Mattos, NSDC Warden; Kerri Ann
18 Quihuis, Field Office Director, Detention
19 and Removal; Michael Bernacke, Field
20 Director, West Valley City Office of ICE
21 ERO; Todd Lyons, ICE Acting Director;
22 Kristi Noem DHS Secretary; Pam Bondi,
23 U.S. Attorney General,

24 Respondents.

Case No. 2:26-cv-00316-RFB-EJY

First Amended Petition §2241

INTRODUCTION

Petitioner Manuel Armando Ruiz Rodriguez is detained under the discretionary authority of 8 U.S.C. § 1226(a). That legal posture was confirmed when an Immigration Judge conducted a custody redetermination hearing and ordered his release on bond in the amount of \$8,000. Despite that ruling, Respondents now assert that Mr. Rodriguez is subject to mandatory detention under 8 U.S.C. § 1225(b)—a position this Court and numerous courts nationwide have rejected. Because Mr. Rodriguez has already been found eligible for release and remains incarcerated solely due to the government’s legally flawed interpretation of the detention statute, he must be immediately released pursuant to the \$8,000 bond set by the Immigration Judge.

On September 5, 2025, Immigration Judge Baker conducted a custody redetermination hearing under 8 U.S.C. § 1226(a) and ordered Mr. Rodriguez released on bond in the amount of \$8,000 after finding that he is neither a danger to the community nor a flight risk. Mr. Rodriguez remains incarcerated solely because DHS appealed that bond order and invoked the automatic stay provision of 8 C.F.R. § 1003.19(i)(2), relying on its legal position that he is subject to mandatory detention under 8 U.S.C. § 1225(b).

This Court has already rejected that statutory interpretation. In *Escobar Salgado v. Mattos*, this Court held that noncitizens arrested in the interior and placed in standard removal proceedings are detained under § 1226(a), not § 1225(b), and that continued detention during the government’s appeal of a bond grant—absent individualized justification—violates both the Immigration and Nationality Act and the Due Process Clause. Mr. Rodriguez’s continued incarceration presents the same legal defect. The proper remedy is immediate release on the bond already granted.

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. §2241 (granting general habeas authority to district courts); Art. 1 § 9, cl. 2 of the U.S. Constitution (the “Suspension Clause”); 28 U.S.C. §1331 (federal question jurisdiction); and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

Federal district courts have jurisdiction to hear habeas claims by non-citizens challenging the lawfulness of their detention. *See e.g. Zadvydas v. Davis*, 533 U.S. 678 (2001). Federal courts also have federal question jurisdiction, through the APA to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable in habeas. 5 U.S.C. § 703. The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. Mr. Rodriguez continued detention violates his constitutional due process rights, constitutes arbitrary and capricious agency action, and is an abuse of discretion.

Venue is proper in this district pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Mr. Rodriguez is detained within this district at Nevada Southern Detention Center.

Accordingly, Mr. Rodriguez habeas petition is properly before this Court.

PARTIES

Manuel Armando Ruiz Rodriguez is a citizen of El Salvador who is currently detained in ICE custody at the Nevada Southern Detention Center in Pahrump, Nevada.

John Mattos is the warden of Nevada Southern Detention Center. Mattos, in his official capacity, is the immediate custodian of Mr. Rodriguez.

Michael Bernacke is the Field Director of the West Valley City Office of Immigration and Customs Enforcement (ICE) Enforcement and Removal

1 Operations, which has jurisdiction of enforcement and removal operations over
2 detention facilities in Nevada, including Nevada Southern Detention Center where
3 Mr. Rodriguez is detained. Bernacke, in his official capacity, is a legal custodian of
4 Mr. Rodriguez.

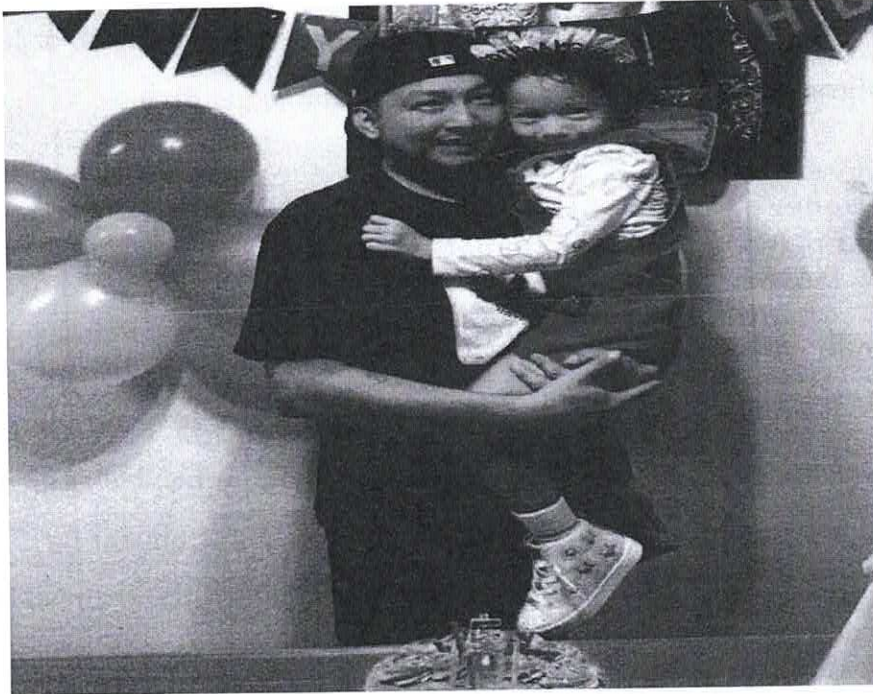
5 Todd Lyons is the Acting Director of Immigration and Customs Enforcement,
6 which is responsible for administering and enforcing immigration laws, including
7 the detention and removal of immigrants. Lyons, in his official capacity, is a legal
8 custodian of Mr. Rodriguez.

9 Kristi Noem is the Secretary of the Department of Homeland Security (DHS),
10 which oversees ICE. Noem, in her official capacity, is the ultimate legal custodian of
11 Mr. Rodriguez.

12 Pam Bondi is the Attorney General of the United States. She oversees the
13 immigration court system, which is housed within the Executive Office for
14 Immigration Review (EOIR) and includes all immigration courts and the Board of
15 Immigration Appeals (BIA). She is named in her official capacity.

STATEMENT OF FACTS¹

Mr. Rodriguez, a citizen of El Salvador, has lived in the United States since 2007. He lives in Las Vegas with his partner and their seven-year-old daughter.²



Mr. Rodriguez was taken into ICE custody on August 18, 2025. (ECF No. 1-1 at 4.) On September 5, 2025, Immigration Judge Glen R. Baker conducted a custody redetermination hearing and granted Mr. Rodriguez release on bond in the amount of \$8,000. (ECF No. 1-1 at 2.)

DHS appealed the bond order, arguing that the Immigration Judge lacked jurisdiction to grant bond because Mr. Rodriguez was subject to mandatory detention. DHS simultaneously invoked the automatic stay under 8 C.F.R. §

¹ All factual statements are made on information and belief unless cited to the record.

² The photograph of Mr. Rodriguez and his daughter were one of the many submitted to the Immigration Judge in support of bond.

1 1003.19(i)(2), which prevented Mr. Rodriguez's release despite the IJ's bond
2 determination. (ECF No. 1-1 at 9.)

3 On December 2, 2025, the Immigration Judge ordered Mr. Rodriguez
4 removed. (ECF No. 1-1 at 4.) Mr. Rodriguez timely appealed that removal order to
5 the Board of Immigration Appeals, and that appeal remains pending.

6 **CLAIM FOR RELIEF**

7 **Claim One: Petitioner's Continued Detention Violates 8 U.S.C. § 1226(a),**
8 **the INA, and the Fifth Amendment; Immediate Release on the Bond**
9 **Already Granted Is Required.**

10 Mr. Rodriguez, who has lived in the United States since 2007, was arrested
11 on August 18, 2025, in the interior of the United States and placed in standard
12 removal proceedings under 8 U.S.C. § 1229(a). He was not apprehended at or near a
13 port of entry and was not undergoing inspection as an arriving applicant for
14 admission. His appeal to the Board of Immigration Appeals from the removal order
15 remains pending.

16 Under the structure of the INA, individuals arrested in the interior and
17 placed in removal proceedings are detained pursuant to 8 U.S.C. § 1226(a). Section
18 1225(b) governs arriving applicants for admission in the context of border
19 inspection. In *Escobar Salgado v. Mattos*, 2025 WL 3205356 (D. Nev. Nov. 17, 2025),
20 this Court held that the government's interpretation of § 1225(b)(2) as mandating
21 detention of noncitizens arrested in the interior is inconsistent with the statutory
22 framework and unlawful. *Id.* at 22.

23 Here, consistent with § 1226(a), Immigration Judge Baker exercised
24 jurisdiction over Mr. Rodriguez's custody and conducted a bond hearing on
25 September 5, 2025. After considering the evidence, the Immigration Judge found
26 that Mr. Rodriguez is not a danger to the community and not a flight risk and
27 ordered release on bond in the amount of \$8,000. DHS appealed that decision and

1 invoked the automatic stay under 8 C.F.R. § 1003.19(i)(2). Mr. Rodriguez has
2 remained incarcerated solely because of that appeal.

3 His continued detention is unlawful for two independent reasons. First, once
4 an Immigration Judge has made individualized findings under § 1226(a) that a
5 noncitizen does not present a danger or flight risk, continued detention cannot be
6 justified absent some independent lawful basis. DHS does not challenge the
7 Immigration Judge's factual findings. (ECF 1-1 at 9.) Instead, it relies exclusively
8 on its legal theory that Mr. Rodriguez is subject to mandatory detention under §
9 1225(b). (*Id.*) That statutory position has already been rejected by this Court.

10 In *Escobar Salgado*, this Court held that continued incarceration during the
11 government's appeal of a bond grant—where the government asserts no
12 individualized justification for detention—violates both procedural and substantive
13 due process. *Id.* at 10-11. Freedom from physical restraint lies at the core of the
14 liberty protected by the Fifth Amendment. *Id.* at 8-11. Detention without
15 individualized justification constitutes arbitrary confinement. *Id.*

16 Petitioner's detention is indistinguishable. He has received the process §
17 1226(a) provides. A neutral adjudicator has determined detention is not warranted.
18 Yet, he remains imprisoned apparently solely because the government disagrees
19 with the legal framework governing his custody. That is the precise constitutional
20 defect identified in *Escobar Salgado*.

21 Second, an automatic stay under 8 C.F.R. § 1003.19(i)(2), as applied in this
22 context, results in arbitrary confinement. In *Escobar Salgado*, this Court held that
23 continued detention pursuant to the automatic stay, where an Immigration Judge
24 has granted bond and the government asserts no individualized justification for
25 detention, violates both procedural and substantive due process. *Id.* at 10; *see also*
26 *Herrera v. Knight*, 798 F.Supp.3d 1184 at 1202-3 (D. Nev. Sept 5, 2025.) In *Herrera*,
27 this Court explained that once a neutral adjudicator has determined that a detainee
does not present a danger or flight risk under § 1226(a), continued incarceration

1 during the government's appeal cannot rest on a categorical override of that
2 individualized determination. *Id.*

3 The appropriate habeas remedy is immediate release subject to the bond
4 conditions imposed by the Immigration Judge. In *Escobar Salgado*, this Court held
5 that where a noncitizen had already been granted bond but remained detained due
6 to the government's appeal and invocation of the automatic stay, immediate release
7 was the proper remedy. *Id.* at 26. The same relief is warranted here.

8 **PRAYER FOR RELIEF**

9 Accordingly, Petitioner Manuel Armando Ruiz Rodriguez respectfully
10 requests that this Court:

- 11 1. **Declare** that Mr. Rodriguez's continued detention violates the Immigration
12 and Nationality Act, including 8 U.S.C. § 1226(a); the Administrative
13 Procedure Act, 5 U.S.C. § 706(2)(A); and the Due Process Clause of the Fifth
14 Amendment to the United States Constitution;
- 15 2. **Order his immediate release** pursuant to the \$8,000 bond previously set
16 by the Immigration Judge;
- 17 3. **Permanently enjoin Respondents from re-detaining Mr. Rodriguez**
18 **under 8 U.S.C. § 1225(b) or any theory of mandatory detention based**
19 **on the same factual predicate**, absent a material change in circumstances
20 and a constitutionally sufficient individualized determination consistent with
21 8 U.S.C. § 1226(a);
- 22 4. **Permanently enjoin Respondents** from invoking 8 C.F.R. § 1003.19(i)(2)
23 to continue Mr. Rodriguez's detention, as this Court has already found the
24 regulatory automatic stay is facially unconstitutional and should adopt that
25 finding here. *See Herrera v. Knight*, 798 F. Supp. 3d 1184 (D. Nev. 2025);
- 26 5. **Retain jurisdiction** to ensure compliance with this Court's order and to
27 provide any further relief that may be necessary to effectuate its judgment.

Dated February 18, 2026.

Rene L. Valladares
Federal Public Defender

9

Declaration Under Penalty Of Perjury

I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the facts alleged in this petition are true and correct to the best of counsel's knowledge, information, and belief.

Dated February 18, 2026.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Margaret Lambrose
Margaret Lambrose
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on February 18, 2026. I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

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/s/ Victoria Lenzi

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