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6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
7

8 **PASCACIO RAMIREZ-ROSALES,**

9 Petitioner,

10 v.

11 **Kristi NOEM**, Secretary, U.S. Department of
Homeland Security; **Thomas HOGAN**, Field
12 Office Director of Enforcement and Removal
Operations, Las Vegas Field Office,
Immigration and Customs Enforcement;
13 **Pamela BONDI**, U.S. Attorney General; **John**
MATTOS, Warden of Nevada Southern
14 Detention Center, **Todd LYONS**, Acting
Director of U.S. Immigration and Customs
15 Enforcement; **DEPARTMENT OF JUSTICE**;
and **Sirce OWEN**, Acting Director for Executive
16 Office for Immigration Review,

17 Respondents.
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Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS
(28 U.S.C. § 2241)**

INTRODUCTION

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2 1. Petitioner Pascacio Ramirez-Rosales brings this Petition for a Writ of Habeas
3 Corpus under 28 U.S.C. § 2241 challenging his unlawful civil detention by Immigration and
4 Customs Enforcement and challenging his continued detention at the Nevada Southern Detention
5 Center (NSDC).

6 2. Petitioner is detained pursuant to Respondents' July 2025 reinterpretation of 8
7 U.S.C. § 1225(b)(2)(A), as adopted by the Board of Immigration Appeals (BIA) in *Matter of*
8 *Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025) (hereinafter *Matter of Hurtado*), which
9 categorically deprives long-term interior noncitizens who entered without inspection of bond
10 hearings.

11 3. Petitioner was arrested by ICE on December 21, 2025, in Pahrump, Nevada, far
12 from any border or port of entry, after being released from local custody, and was placed into
13 removal proceedings under 8 U.S.C. § 1229a. See I-213 (Ex. B). DHS alleges that Petitioner is
14 inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I). See Notice to Appear
15 (Ex. C).

16 4. Consistent with the Government's current position, DHS denied Petitioner release
17 on bond. On January 15, 2026, the IJ concluded that the Court lacked jurisdiction to conduct a
18 bond hearing under the BIA's decision in *Matter of Hurtado*, notwithstanding the absence of any
19 individualized finding that Petitioner poses a danger or flight risk. See IJ Order (Ex. A).

20 5. Federal courts in this District have already rejected Respondents' interpretation of
21 §1225(b)(2)(A), holding that noncitizens like Petitioner are detained under 8 U.S.C. § 1226(a)
22 and are entitled to individualized bond hearings. It has been dozens of cases at this point. See
23 *Quinonez Orosco v. Lyons* No. 2:25-cv-02240-RFB-EJY, F. Supp. 3d, 2025 WL 3539275, at *1-
24

1 2, *1 n.1 (D. Nev. Dec. 10, 2025) (collecting cases). Courts have further held that continued
2 detention without bond violates the Immigration and Nationality Act (INA), its implementing
3 regulations, and the Due Process Clause of the Fifth Amendment.

4 6. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released
5 immediately, or alternatively that Respondents provide an individualized bond hearing under 8
6 U.S.C. § 1226(a) within seven (7) days.

7 JURISDICTION

8 7. Petitioner is in the physical custody of Respondents and detained at the NSDC in
9 Pahrump, Nevada.

10 8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. §
11 1331 (federal question), and Article I, Section 9, Clause 2 of the U.S. Constitution (Suspension
12 Clause).

13 9. This Court may grant relief under 28 U.S.C. § 2241, the Declaratory Judgment
14 Act (28 U.S.C. § 2201 et seq.), and the All Writs Act, 28 U.S.C. § 1651.

15 10. The jurisdiction-stripping provisions of 8 U.S.C. § 1252 do not bar review of
16 Petitioner's challenge to the legality of his detention.

17 VENUE

18 11. Venue is proper in this District pursuant to *Braden v. 30th Judicial Circuit Court*
19 *of Kentucky*, 410 U.S. 484, 493- 500 (1973) and under 28 U.S.C. § 2241, 28 U.S.C. § 1391(b),
20 and 28 U.S.C. § 1391(e)(1) because venue lies in the United States District Court for the District
21 of Nevada, the judicial district in which Petitioner currently is detained (Las Vegas).

12. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers, employees, and agencies of the United States, and a substantial part of the events or omissions giving rise to the claims occurred in this District. *See* 28 U.S.C. § 1391(e).

EXHAUSTION OF ADMINISTRATIVE REMEDIES

13. Petitioner is not required to exhaust administrative remedies prior to seeking habeas relief under 28 U.S.C. § 2241 where exhaustion would be futile. Exhaustion in immigration habeas cases is a prudential doctrine, not a jurisdictional requirement.

14. Any attempt by Petitioner to exhaust administrative remedies before the Board of Immigration Appeals (BIA) would be futile because both Immigration Judges and the BIA are bound by the BIA's precedential decision in *Hurtado*, which categorically precludes bond jurisdiction for individuals alleged to have entered without inspection.

15. District courts in this District have expressly held that administrative exhaustion is excused as futile under these circumstances. *See Jacobo Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, 2025 WL 3270137, at *5–6 (D. Nev. Nov. 24, 2025).

16. Accordingly, because Petitioner's detention is compelled by binding agency precedent and no administrative tribunal has authority to grant the relief requested, exhaustion is excused.

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is 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.*

1 18. Federal courts have emphasized the unique and immediate nature of habeas relief.
2 As the Supreme Court explained, “Habeas corpus is perhaps the most important writ known to
3 the constitutional law... affording as it does a swift and imperative remedy in all cases of illegal
4 restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). The Ninth Circuit has likewise
5 emphasized that, “The application for the writ usurps the attention and displaces the calendar of
6 the judge or justice who entertains it and receives prompt action.” *Yong v. I.N.S.*, 208 F.3d 1116,
7 1120 (9th Cir. 2000).

8 PARTIES

9 19. Petitioner Pascacio Ramirez-Rosales is a native and citizen of Mexico, born May
10 31, 1981. See I-213 (Ex. B). He entered the United States without inspection and has resided in
11 the United States for more than twenty-five years. Petitioner was taken into ICE custody on
12 December 21, 2025, and DHS issued a Notice to Appear charging him under INA §§
13 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). See NTA (Ex. C).

14 20. Respondent Thomas Hogan is the Field Office Director for the Las Vegas ERO
15 office of ICE. He is Petitioner’s immediate custodian and is sued in his official capacity.

16 21. Respondent Kristi Noem is the Secretary of DHS. She is responsible for
17 implementation of the INA and oversees ICE. She is sued in her official capacity.

18 22. Respondent Pamela Bondi is the Attorney General of the United States and
19 oversees the Department of Justice, including EOIR. She is sued in her official capacity.

20 23. Respondent Todd Lyons, Acting Director of U.S. Immigration and Customs
21 Enforcement and is responsible for nationwide ICE detention policies. He is sued in his official
22 capacity.

23 24. Respondent Sirce Owen, Acting Director for Executive Office for Immigration
24 Review (EOIR) is the agency responsible for removal proceedings and custody redeterminations.

25. Respondent Department of Justice is the federal agency responsible for immigration adjudication through EOIR.

26. Respondent John Mattos is the Warden of Nevada Southern Detention Center and has immediate physical custody of Petitioner. He is sued in his official capacity.

STATEMENT OF FACTS

27. Petitioner Pascacio Ramirez-Rosales is a 44-year-old native and citizen of Mexico. See I-213 (Ex. B).

28. Petitioner entered the United States without inspection in approximately the year 2000 and has remained continuously in the United States since that time. *Id.*

29. He is the father of three U.S. citizen children and has lived and worked in Las Vegas, Nevada for decades, where he has deep family, community, and employment ties. *Id.*; Motion for Bond (Ex. D).

30. On December 21, 2025, ICE took Petitioner into custody in Pahrump, Nevada, following his release from local custody. See I-213 (Ex. B).

31. DHS issued a Notice to Appear charging Petitioner with removability under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). See NTA (Ex. C).

32. Petitioner filed a Motion for Bond Redetermination, submitting extensive evidence of long-term residence, U.S. citizen children, stable employment, and lack of danger or flight risk. See Motion for Bond (Ex. D).

33. On January 15, 2026, the IJ found that the Court lacked jurisdiction to hold a bond hearing under *Matter of Hurtado*. See IJ Order (Ex. A).

LEGAL FRAMEWORK

1 34. The INA establishes three detention frameworks: (a) discretionary detention with
2 bond under § 1226(a); (b) mandatory detention for certain arriving or recent entrants under §
3 1225(b); and (c) post-order detention under § 1231.

4 35. For decades following IIRIRA, DHS and EOIR consistently treated noncitizens
5 who entered without inspection and were arrested in the interior as detained under § 1226(a),
6 entitled to bond hearings.

7 36. In July 2025, DHS abruptly reinterpreted § 1225(b)(2)(A) to mandate detention of
8 all noncitizens who entered without inspection, regardless of time or place of arrest.

9 37. The government's refusal to grant Petitioner a bond hearing stems from a recent
10 policy shift initiated by DHS and EOIR in 2025. Under this policy, individuals who entered the
11 United States without inspection—regardless of when or where they entered—are now classified
12 as "applicants for admission" and are deemed subject to mandatory detention under 8 U.S.C. §
13 1225(b)(2)(A).

14 38. The BIA adopted this reinterpretation in *Matter of Yajure-Hurtado*, 29 I&N Dec.
15 216 (BIA 2025), holding that IJs no longer have jurisdiction to conduct bond redetermination
16 hearings for individuals arrested in the interior of the United States who entered without
17 inspection. Immigration courts, including the Las Vegas Immigration Court, have followed this
18 directive, resulting in categorical denials of bond requests like Petitioner's.

19 39. Courts across the country, including courts within the district of NV have been
20 granting preliminary injunctions in similar cases. Dozens of petitions have come before the Court
21 in Nevada, and all have been granted based upon similar findings to *Escobar Salgado v. Mattos*,
22 where the District Court rejected the legal foundation of this policy, finding that the
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1 government's reinterpretation of § 1225(b)(2)(A) conflicted with both the plain text of the INA
2 and decades of consistent regulatory practice. The District Court observed:

3 "The government's new policy—asserting that all individuals who entered without
4 inspection are detained under § 1225(b)(2)(A)—ignores the statutory structure,
5 longstanding regulations, and historical practice under the INA... These individuals,
6 including Petitioners here, have been residing in the U.S. for years and were apprehended
7 far from the border. They are not 'arriving aliens' and are properly subject to custody
8 under § 1226(a)."

9 (*Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, Order at 5–6 (D. Nev. Nov. 17,
10 2025))

11 40. The court further emphasized that IJs are bound by agency precedent, not Article
12 III decisions, and therefore cannot provide relief—highlighting the need for federal habeas
13 intervention:

14 Immigration judges and the BIA are administrative bodies. They are bound to follow the
15 policy in *Yajure-Hurtado*, even where federal courts have declared it unlawful. The
16 practical consequence is that class members—despite federal court rulings—are denied
17 jurisdictional review at the agency level. Federal district courts are the only forum
18 available to vindicate their statutory and constitutional rights.

19 (*Id.* at 8–9).

20 41. In Petitioner's case, this policy played out precisely as described. On January 15,
21 2026, the Las Vegas Immigration Judge issued a written order explicitly refusing jurisdiction,
22 stating that Petitioner was subject to mandatory detention under § 1225(b)(2)(A) and that the
23 Court lacked authority to conduct a bond hearing. (Ex. A). The IJ acknowledged that federal
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1 courts, including those in Nevada, had reached a different conclusion, but explained that EOIR
2 adjudicators remain bound by the BIA's binding precedent in *Matter of Hurtado*.

3 42. Because agency adjudicators are functionally barred from departing from *Matter*
4 *of Hurtado*, Petitioner has no administrative remedy. As Judge Boulware observed, this makes
5 exhaustion futile and squarely places the responsibility on federal courts to intervene.

6 43. The District of Nevada has consistently held—through *Escobar Salgado* and
7 subsequent orders in *Gonzalez Hernandez*, *Jacobo Ramirez*, and others—that individuals like
8 Petitioner are detained under § 1226(a) and are entitled to individualized bond determinations.
9 Respondents' continued application of *Matter of Hurtado* violates the Immigration and
10 Nationality Act and the constitutional principles of due process.

11 CLAIMS FOR RELIEF

12 COUNT I

13 Violation of the INA

14 44. Petitioner repeats and incorporates all prior paragraphs.

15 45. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
16 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
17 relevant here, it does not apply to those who previously entered the country and have been
18 residing in the United States prior to being apprehended and placed in removal proceedings by
19 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
20 § 1225(b)(1), § 1226(c), or § 1231.

21 46. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
22 detention and violates the INA.

23 COUNT II

Violation of Due Process

47. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

48. 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).

49. Petitioner has a fundamental interest in liberty and being free from official restraint.

50. Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2)(A) based solely on the allegation that he entered without inspection.

51. The government’s detention of Petitioner without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

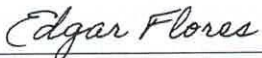
WHEREFORE, Petitioner prays that this Court grant the following relief:

- A. Assume jurisdiction over this matter;
- B. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;
- C. Alternatively, issue a writ of habeas corpus requiring that an Immigration Judge schedule a bond hearing within seven (7) days, or in the alternative, order Petitioner’s immediate release from detention;

1 D. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law;

4 E. Grant any other and further relief that this Court deems just and proper.

5 DATED this 9th of February, 2026.

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10 *Attorney for Petitioner*

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EXHIBIT

DESCRIPTION

A**IJ Order Denying Bond** – The IJ on January 15, 2026, denied jurisdiction to consider bond, citing *Matter of Hurtado*.**B****I-213** – ICE Record showing Petitioner is a Mexican national, who entered the United States without inspection, has resided in Las Vegas, Nevada for over twenty-five years, has long-term employment and U.S. citizen children, and has no criminal convictions.**C****Notice to Appear** – Dated December 21, 2025, naming Pascacio Ramirez-Rosales and alleging that he is not a citizen or national of the United States, is a native and citizen of Mexico, entered the United States at an unknown place and time, was not admitted or paroled, and charging him as removable pursuant to INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I).**D****Motion for Bond Redetermination Hearing** –Includes evidence of sponsor, employment, family ties, and lack of danger or flight risk

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **PETITION FOR WRIT OF HABEAS CORPUS** with the Clerk of the Court for the United States District Court of Nevada by using the court's CM/ECF system on February 9, 2026. I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished on all participants by:

- ☒ CM/ECF
☐ Electronic Mail; or
☐ US Mail or Carrier Service



Jerardo Nataren
An employee of Edgar Flores Law

