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5
6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7
8 **JUNIOR ALEXANDER RAMIREZ-
RAMOS,**

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,
13 Immigration and Customs Enforcement;
Pamela BONDI, U.S. Attorney General; **John**
14 **MATTOS**, Warden of Nevada Southern
Detention Center, **Todd LYONS**, Acting
15 Director of U.S. Immigration and Customs
Enforcement; **DEPARTMENT OF JUSTICE**;
16 and **Sirce OWEN**, Acting Director for Executive
Office for Immigration Review,

17 Respondents.
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Case No.

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

INTRODUCTION

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

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

3. Petitioner was arrested by ICE on October 20, 2025, in Las Vegas, Nevada, after being transferred from local custody, and was placed into removal proceedings under 8 U.S.C. § 1229a. See I-213 (Ex. B). DHS alleges that Petitioner is inadmissible under 8 U.S.C. §§ 1182(a)(6)(A)(i) and 1182(a)(7)(A)(i)(I). See Notice to Appear (Ex. C).

4. Consistent with the Government's current position, DHS denied Petitioner release on bond. On January 21, 2026, the IJ concluded that the Court lacked jurisdiction to conduct a bond hearing under the BIA's decision in *Matter of Hurtado*, notwithstanding the absence of any individualized finding that Petitioner poses a danger or flight risk. See IJ Order (Ex. A).

5. Federal courts in this District have already rejected Respondents' interpretation of §1225(b)(2)(A), holding that noncitizens like Petitioner are detained under 8 U.S.C. § 1226(a) and are entitled to individualized bond hearings. It has been dozens of cases at this point. See *Quinonez Orosco v. Lyons* No. 2:25-cv-02240-RFB-EJY, F. Supp. 3d, 2025 WL 3539275, at *1-2, *1 n.1 (D. Nev. Dec. 10, 2025) (collecting cases). Courts have further held that continued

1 detention without bond violates the Immigration and Nationality Act (INA), its implementing
2 regulations, and the Due Process Clause of the Fifth Amendment.

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

6 JURISDICTION

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

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

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

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

16 VENUE

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

21 12. Venue is also proper under 28 U.S.C. § 1391(e) because Respondents are officers,
22 employees, and agencies of the United States, and a substantial part of the events or omissions
23 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.*

18. Federal courts have emphasized the unique and immediate nature of habeas relief. As the Supreme Court explained, "Habeas corpus is perhaps the most important writ known to the constitutional law... affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963). The Ninth Circuit has likewise

1 emphasized that, “The application for the writ usurps the attention and displaces the calendar of
2 the judge or justice who entertains it and receives prompt action.” *Yong v. I.N.S.*, 208 F.3d 1116,
3 1120 (9th Cir. 2000).

4 **PARTIES**

5 19. Petitioner entered the United States without inspection on or about December
6 2022. See I-213 (Ex. B) and Motion for Bond (Ex. D). He was taken into ICE custody on
7 October 20, 2025, after being held at the Henderson Detention Center on state misdemeanor
8 charges. See I-213 (Ex. B). DHS issued a Notice to Appear charging him under INA §§
9 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). See NTA (Ex. C).

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

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

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

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

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

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

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

STATEMENT OF FACTS

27. Petitioner Junior Alexander Ramirez-Ramos is a 34-year-old native and citizen of Guatemala. See I-213 (Ex. B).

28. He entered the United States without inspection on an unknown date and has resided in Nevada since approximately 2022. He currently resides (when not detained) at   NV, where he rents a room and has been described as respectful and responsible by his sponsor. See Motion for Bond (Ex. D).

29. On October 17, 2025, he was arrested by the Henderson Police Department for Driving Under the Influence, driving without a license, failure to yield at an intersection, and failure to provide information following an accident. He was transferred to ICE custody on October 20, 2025. See I-213 (Ex. B).

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

31. Petitioner filed a Motion for Bond Redetermination. See Motion for Bond (Ex. D). The motion included proof of his current address, employment history in landscaping and construction, and evidence of rehabilitation and community ties.

32. On January 21, 2026, the IJ denied jurisdiction to consider his request for bond, citing *Matter of Hurtado*. See IJ Order (Ex. A).

LEGAL FRAMEWORK

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

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

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

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

11 37. The BIA adopted this reinterpretation in *Matter of Yajure-Hurtado*, 29 I&N Dec.
12 216 (BIA 2025), holding that IJs no longer have jurisdiction to conduct bond redetermination
13 hearings for individuals arrested in the interior of the United States who entered without
14 inspection. Immigration courts, including the Las Vegas Immigration Court, have followed this
15 directive, resulting in categorical denials of bond requests like Petitioner's.

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

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

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

7 39. The court further emphasized that IJs are bound by agency precedent, not Article
8 III decisions, and therefore cannot provide relief—highlighting the need for federal habeas
9 intervention:

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

15 (*Id.* at 8–9).

16 40. In Petitioner’s case, this policy played out precisely as described. On January 21,
17 2026, the Las Vegas IJ issued a written order explicitly refusing jurisdiction, stating that
18 Petitioner was subject to mandatory detention under § 1225(b)(2)(A) and that the Court lacked
19 authority to conduct a bond hearing. (Ex. A). The IJ acknowledged that federal courts, including
20 those in Nevada, had reached a different conclusion, but explained that EOIR adjudicators
21 remain bound by the BIA’s binding precedent in *Matter of Hurtado*.

22 41. Because agency adjudicators are functionally barred from departing from *Matter*
23 *of Hurtado*, Petitioner has no administrative remedy. As this Court has already observed, this
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1 makes exhaustion futile and squarely places the responsibility on federal courts to intervene.
2 *Jacobo Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, 2025 WL 3270137, at *5–6 (D. Nev.
3 Nov. 24, 2025).

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

9 CLAIMS FOR RELIEF

10 COUNT I

11 Violation of the INA

12 43. Petitioner repeats and incorporates all prior paragraphs.

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

19 45. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
20 detention and violates the INA.

21 COUNT II

22 Violation of Due Process

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

3 47. The government may not deprive a person of life, liberty, or property without due
4 process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
5 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
6 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653
7 (2001).

8 48. Petitioner has a fundamental interest in liberty and being free from official
9 restraint.

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

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

14 **PRAYER FOR RELIEF**

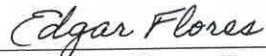
15 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 16 A. Assume jurisdiction over this matter;
- 17 B. Issue a writ of habeas corpus requiring that within one day, Respondents release
18 Petitioner;
- 19 C. Alternatively, issue a writ of habeas corpus requiring that an Immigration Judge
20 schedule a bond hearing within seven (7) days, or in the alternative, order
21 Petitioner’s immediate release from detention;
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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 10th of February, 2026.

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13 Attorney for Petitioner
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EXHIBIT	DESCRIPTION
A	IJ Order Denying Bond – The IJ on January 21, 2026, denied jurisdiction to consider bond, citing <i>Matter of Hurtado</i> .
B	I-213 – ICE Record showing Petitioner is a Guatemalan national, who entered the United States without inspection, has resided in Nevada since at least 2022, and has no prior criminal convictions.
C	Notice to Appear – Dated October 20, 2025, naming Junior Alexander Ramirez-Ramos and alleging that he is not a citizen or national of the United States, is a native and citizen of Guatemala, entered the United States at an unknown place and time without being 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 Petitioner’s address, employment, sponsor letter, 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 10, 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

