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9
10 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

11 Junior Alexander RAMIREZ- RAMOS,

12 Petitioners,

13 v.

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

20 Respondents.
21

Case No. 2:26-cv-00332-RFB-MDC

**Federal Respondents' Response to
Order to Show Cause (ECF No. 4)
regarding Motion for Preliminary
Injunction (ECF No. 2)**

22 Federal Respondents Kristi Noem, Thomas Hogan, Pamela Bondi, Todd Lyons,
23 Department of Justice, and Sirce Owen, through undersigned counsel, hereby file their
24 Response to the Court's Order to Show Cause (ECF No. 4) why Petitioner Junior
25 Alexander Ramirez-Ramos' Motion for Temporary Restraining Order (ECF No. 2) ("the
26 motion") should not be granted. The motion should be denied for the reasons stated below.

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I. Factual Background

Petitioner is an illegal alien from Guatemala, who entered the United States without being admitted or paroled, at an unknown time and location in 2022. *See* Notice to Appear, attached as **Exhibit A**. Petitioner was arrested on October 17, 2025, by Henderson Police Department for DUI, for failure to yield at an intersection, which resulted in a motor vehicle accident, and failure to give information to a third party at the scene of the accident. *See* I-213, attached as **Exhibit B**. Subsequently, the Petitioner was transferred to DHS, and he is currently in removal proceedings. Petitioner was denied a bond by an Immigration Judge due to lack of jurisdiction. *See* Order, attached as **Exhibit C**.

II. Legal Argument

A. Incorporation By Reference of the United States' Prior Responses

Federal Respondents hereby incorporate by reference the Federal Respondents' Response in *Jacobo Ramirez v. Noem*, Case No. 2:25-cv-02136-RFB-MDC (D. Nev. Oct. 30, 2025) (attached herein as **Exhibit D**). The *Jacobo Ramirez* Response addresses substantially the same questions at issue in the case at bar regarding DHS's authority to detain individuals under § 1225(b)(2) who are not yet admitted and whose cases remain in pending removal proceedings.

For efficiency and consistency, Federal Respondents adopt the *Jacobo Ramirez* Response in full. As the response demonstrates, Petitioner's lawful detention under § 1225(b)(2)(A) is mandatory by statute. Further, as the response demonstrate, the Court lacks jurisdiction to adjudicate this matter.

B. A Growing Body of Well-Reasoned and Persuasive Authority Supports the Federal Respondents' Legal Positions Including the Recent Fifth Circuit Court of Appeals Decision in *Buenrostro-Mendez v. Bondi*, 2026 U.S. App. LEXIS 3899 (5th Cir. 2026)

In the recent decision on February 6, 2026, from the Fifth Circuit Court of Appeals, *Buenrostro-Mendez v. Bondi*, 2026 U.S. App. LEXIS 3899 (5th Cir. 2026), attached hereto as **Exhibit E**, the Court ruled, "unadmitted aliens apprehended anywhere in the United States are ineligible for release on bond, regardless of how long they have resided inside the

United States.” *Id.* at 9 (quoting *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216). In *Buenrostro-Mendez* the court stated, “The Supreme Court has said, Section 1225(b)(2) operates as a “catchall provision that applies to all applicants for admission not covered by [subsection (b)(1)].” *Jennings v. Rodriguez*, 583 U.S. 281, 287, 138 S. Ct. 830, 837 (2018). Section 1225(b)(2) does not include any exception that permits the government to release detained aliens on bond.” *Id.* at 7. In *Buenrostro-Mendez* the court explained, “unlike § 1225(b), § 1226(a)(2)(A) permits, but does not require, the Attorney General to release detained aliens on “bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General.” *See also* 8 C.F.R. §§ 236.1(c)(8), (d), 1236.1(d)(1), 1003.19. Because § 1226 is not limited to applicants for admission, it also covers numerous grounds of deportability, including for admitted aliens who overstay or violate the terms of their visas, engage in conduct that renders them removable, or were improperly admitted. Not all aliens detained under § 1226(a) are eligible for release on bond. If an alien has committed one of the criminal offenses enumerated in § 1226(c), he loses his bond eligibility. 8 U.S.C. § 1226(c)(1)(A)-(E). The Laken Riley Act, enacted in 2025, expanded § 1226(c) by adding new bases for ineligibility for bond. *See* 8 U.S.C. § 1226(c)(1)(E). Aside from being ineligible for bond, aliens covered by § 1226(c) also may not be granted parole under 8 U.S.C. § 1182(d)(5)(A).” *Id.* at 8. In *Buenrostro-Mendez*, the court emphasized that 8 U.S.C. § 1225(b)(2)(A) requires detention without eligibility for bond of individuals like Petitioner who entered the U.S. without being admitted and stated “The statute unambiguously provides for mandatory detention. *See* 8 U.S.C. § 1225(b)(2)(A) (providing that aliens “*shall* be detained”) (emphasis added); *see also Jennings*, 583 U.S. at 302, 138 S. Ct. at 845 (“§§1225(b)(1) and (b)(2) *mandate* detention of aliens throughout the completion of applicable proceedings and not just until the moment those proceedings begin.”) (emphasis added). And “neither § 1225(b)(1) nor § 1225(b)(2) says anything whatsoever about bond hearings.” *Jennings*, 583 U.S. at 297, 138 S. Ct. at 842. *Id.* at 11-12.

1 In *Buenrostro-Mendez* the court explained how 8 U.S.C. § 1225(b)(2)(A) and 8 U.S.C.
2 § 1226(a) operate and overlap by stating, “It is true that § 1226 applies to aliens in the
3 United States. That it does so, however, does not preclude § 1225 from also applying to
4 such aliens. As the government acknowledges, the two provisions overlap. Accordingly, for
5 petitioners to find support in *Jennings*, they must overread the Supreme Court's language. In
6 particular, they seem to infer that when the Supreme Court specified that § 1226 applies to
7 aliens inside the United States, it implied that § 1225 does not apply to such aliens. But this
8 is the exact sort of language-parsing inquiry that the Supreme Court has cautioned lower
9 courts against. *See Nat'l Pork Producers Council v. Ross*, 598 U.S. 356, 373-74, 143 S. Ct. 1142,
10 1155 (2023) (“[T]he language of an opinion is not always to be parsed [like the] language of
11 a statute.” (quoting *Reiter v. Sonotone Corp.*, 442 U.S. 330, 341, 99 S. Ct. 2326, 2332 (1979))).
12 Moreover, even if this court should conduct a granular analysis of the language in *Jennings*,
13 doing so supports the government's interpretation. In claiming that the Supreme Court's
14 pronouncement that § 1225(b) applies to aliens who are seeking admission supports their
15 interpretation, the petitioners inexplicably assume that the Supreme Court understood
16 “seeking admission” in the same way that petitioners do. It demonstrably did not.
17 Elsewhere in *Jennings*, the Supreme Court explained that “§ 1225(b) applies to aliens
18 seeking entry into the United States ('applicants for admission' in the language of the
19 statute).” *Jennings*, 583 U.S. at 297, 138 S. Ct. at 842. That language supports the
20 government's contention that “applicants for admission” are according to the statute
21 seeking entry or admission. And it suggests that when the Supreme Court described § 1225
22 as applying to aliens “seeking admission,” it understood that to mean aliens who, like the
23 petitioners here, are present in the United States without admission.” *Id.* at 20-22. In
24 *Buenrostro-Mendez*, the court addressed the issue of government's longstanding practice
25 which allowed illegal resident aliens who are present without being admitted, to seek
26 release on bond under § 1226(a) instead of detaining them pursuant to § 1225(b)(2)(A) and
27 explained, “While that is true, the government's past practice has little to do with the
28 statute's text. The text says what it says, regardless of the decisions of prior

1 Administrations. Years of consistent practice cannot vindicate an interpretation that is
 2 inconsistent with a statute's plain text. *See, e.g., Pereira v. Sessions*, 585 U.S. 198, 204, 138 S.
 3 Ct. 2105, 2111 (2018). In *Pereira*, the court considered whether notices to appear for
 4 removal proceedings under 1229(a) had to specify the time and place of removal
 5 proceedings. *Id.* at 202, 138 S. Ct. at 2110. Despite twenty-one years during which the
 6 government consistently served notices to appear that omitted time and place information,
 7 the court rejected the government's practice based on the text of § 1229(a). *Id.* at 205, 209,
 8 138 S. Ct. at 2111, 2114. The same approach is appropriate here. Regardless of the
 9 government's past practice and regardless of Congress's silence on § 1225(b)(2)(A), the text
 10 controls." *Id.* at 22.

11 *Buenrostro-Mendez* applies to this case, since Petitioner entered the U.S. without
 12 inspection and is an applicant for admission who is lawfully mandatorily detained under §
 13 1225(b)(2)(A) and is not subject to discretionary detention under 8 U.S.C. § 1226(a).
 14 Although *Buenrostro-Mendez* is not a case from the Ninth Circuit Court of Appeals, it is a
 15 very recent Circuit Court of Appeals decision, which is cited as persuasive authority that
 16 squarely addresses the issues involving 8 U.S.C. § 1225(b)(2)(A) and 8 U.S.C. § 1226(a)
 17 and supports the Federal Respondents' position.

18 In addition, the United States notes the following recent decisions, each of which
 19 concludes that, when properly interpreted and applied, the governing statutes support the
 20 Federal Respondents' position in this case: *Chavez v. Noem*, 801 F. Supp. 3d 1133 (S.D. Cal.
 21 2025); *Vargas Lopez v. Trump*, 802 F. Supp. 3d 1132 (D. Neb. 2025); *Rojas v. Olson*, No. 25-
 22 CV-1437-BHL, 2025 WL 3033967, at *1 (E.D. Wis. Oct. 30, 2025); *Sandoval v. Acuna*, No.
 23 6:25-CV-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Oliveira v. Patterson*, No. 6:25-
 24 CV-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde v. Noem*, No. 1:25-CV-
 25 00168-JMD, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025); *Garibay-Robledo v. Noem*, 1:25-
 26 cv-00177 (N.D. Tex. 2025); *Cabanas v. Bondi*, No. 4:25-CV-04830, 2025 WL 3171331 (S.D.
 27 Tex. Nov. 13, 2025); *Altamirano Ramos v. Lyons*, No. 2:25-CV-09785-SVW-AJR, 2025 WL
 28

1 3199872 (C.D. Cal. Nov. 12, 2025); *Alonzo v. Noem*, No. 1:25-CV-01519 WBS SCR, 2025
2 WL 3208284, at *1 (E.D. Cal. Nov. 17, 2025).

3 **III. Conclusion**

4 For the foregoing reasons, Federal Respondents respectfully request that the Court
5 deny Petitioner's Motion for Preliminary Injunction.

6 Respectfully submitted this 17th day of February 2026.

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8 Deputy Attorney General of the United States
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