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5
6 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7
8 **JESUS RAMOS-ROBLES,**

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.

Case No.

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

INTRODUCTION

1
2 1. Petitioner Jesus Ramos Robles brings this Petition for a Writ of Habeas Corpus
3 under 28 U.S.C. § 2241 challenging his unlawful civil detention by Immigration and Customs
4 Enforcement (ICE) 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 Las Vegas, Nevada,
12 after being transferred from the Clark County Detention Center, and was placed into removal
13 proceedings under 8 U.S.C. § 1229a. See Form 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 February 3, 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). The IJ
20 further made an alternative finding that, if jurisdiction were later determined to exist, a bond in
21 the amount of \$5,000, plus alternatives to detention at DHS's discretion, would be appropriate to
22 ensure Petitioner's appearance. *Id.*

1 5. Federal courts in this District have already rejected Respondents' interpretation of
2 §1225(b)(2)(A), holding that noncitizens like Petitioner are detained under 8 U.S.C. § 1226(a)
3 and are entitled to individualized bond hearings. It has been dozens of cases at this point. See
4 *Quinonez Orosco v. Lyons* No. 2:25-cv-02240-RFB-EJY, F. Supp. 3d, 2025 WL 3539275, at *1-
5 2, *1 n.1 (D. Nev. Dec. 10, 2025) (collecting cases). Courts have further held that continued
6 detention without bond violates the Immigration and Nationality Act (INA), its implementing
7 regulations, and the Due Process Clause of the Fifth Amendment.

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

11 JURISDICTION

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

14 8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. §
15 1331 (federal question), and Article I, Section 9, Clause 2 of the U.S. Constitution (Suspension
16 Clause).

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

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

21 VENUE

22 11. Venue is proper in this District pursuant to *Braden v. 30th Judicial Circuit Court*
23 *of Kentucky*, 410 U.S. 484, 493- 500 (1973) and under 28 U.S.C. § 2241, 28 U.S.C. § 1391(b),
24

1 and 28 U.S.C. § 1391(e)(1) because venue lies in the United States District Court for the District
2 of Nevada, the judicial district in which Petitioner currently is detained (Las Vegas).

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

6 EXHAUSTION OF ADMINISTRATIVE REMEDIES

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

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

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

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

20 REQUIREMENTS OF 28 U.S.C. § 2243

21 17. The Court must grant the petition for a writ of habeas corpus or order
22 Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. §
23
24

1 2243. If an order to show cause is issued, the Respondents must file a return “within three days
2 unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

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

10 PARTIES

11 19. Petitioner Jesus Ramos-Robles is a 37-year-old native and citizen of Mexico. See
12 Form I-213 (Ex. B). He entered the United States without inspection on or about August 30,
13 2015, and has continuously resided in the United States since that time. *Id.* He was taken into
14 ICE custody on December 21, 2025, after being arrested and held at the Clark County Detention
15 Center in Las Vegas, Nevada. *Id.* DHS issued a Notice to Appear charging him as removable
16 under INA §§ 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I). See Notice to Appear (Ex. C).

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

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

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

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

24. Respondent Sirce Owen, Acting Director for Executive Office for Immigration 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 Jesus Ramos-Robles is a 37-year-old native and citizen of Mexico, born on February 20, 1988. See Form I-213 (Ex. B).

28. Petitioner entered the United States without inspection on or about August 30, 2015, and has continuously resided in the United States since that time. *Id.* He has lived in Las Vegas, Nevada for many years and has strong family and community ties.

29. Petitioner is married to a United States citizen, Michelle Ramos-Robles. The couple was legally married on May 26, 2018, in Clark County, Nevada, and share a marital residence at [REDACTED] Las Vegas, Nevada. See Motion for Bond (Ex. D).

30. On December 20, 2025, Petitioner was arrested by the Las Vegas Metropolitan Police Department for misdemeanor Driving Under the Influence and Driving Without a Valid Driver's License. The charges remain pending, and Petitioner has no criminal convictions. See Form I-213 (Ex. B).

31. On December 21, 2025, ICE lodged an immigration detainer and transferred Petitioner from the Clark County Detention Center to ICE custody. *Id.*

32. 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 Notice to Appear (Ex. C).

1 33. Petitioner filed a Motion for Bond Redetermination, supported by evidence of his
2 approved I-130 Petition for Alien Relative, proof of residence, employment history, and
3 extensive equities demonstrating that he is neither a flight risk nor a danger to the community.
4 See Motion for Bond (Ex. D).

5 34. On February 3, 2026, the IJ denied jurisdiction to consider Petitioner's bond
6 request, citing *Matter of Hurtado*. In the same order, the IJ made an explicit alternative finding
7 that, should any reviewing court determine that jurisdiction exists or that Petitioner is entitled to
8 a bond hearing, bond in the amount of \$5,000 would be appropriate to ensure Petitioner's
9 appearance at future proceedings. See IJ Order (Ex. A).

10 35. **LEGAL FRAMEWORK**

11 36. The INA establishes three detention frameworks: (a) discretionary detention with
12 bond under § 1226(a); (b) mandatory detention for certain arriving or recent entrants under §
13 1225(b); and (c) post-order detention under § 1231.

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

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

19 39. The government's refusal to grant Petitioner a bond hearing stems from a recent
20 policy shift initiated by DHS and EOIR in 2025. Under this policy, individuals who entered the
21 United States without inspection—regardless of when or where they entered—are now classified
22 as "applicants for admission" and are deemed subject to mandatory detention under 8 U.S.C. §
23 1225(b)(2)(A).
24

1 40. The BIA adopted this reinterpretation in *Matter of Yajure-Hurtado*, 29 I&N Dec.
2 216 (BIA 2025), holding that IJs no longer have jurisdiction to conduct bond redetermination
3 hearings for individuals arrested in the interior of the United States who entered without
4 inspection. Immigration courts, including the Las Vegas Immigration Court, have followed this
5 directive, resulting in categorical denials of bond requests like Petitioner's.

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

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

18 (*Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, Order at 5–6 (D. Nev. Nov. 17,
19 2025))

20 42. The court further emphasized that IJs are bound by agency precedent, not Article
21 III decisions, and therefore cannot provide relief—highlighting the need for federal habeas
22 intervention:

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

6 (*Id.* at 8–9).

7 43. In Petitioner’s case, this policy played out precisely as described. On February 3,
8 2026, the Las Vegas IJ issued a written order explicitly refusing jurisdiction, stating that
9 Petitioner was subject to mandatory detention under § 1225(b)(2)(A) and that the Court lacked
10 authority to conduct a bond hearing. (Ex. A). The IJ acknowledged that federal courts, including
11 those in Nevada, had reached a different conclusion, but explained that EOIR adjudicators
12 remain bound by the BIA’s binding precedent in *Matter of Hurtado*.

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

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

23 **CLAIMS FOR RELIEF**
24

COUNT I

Violation of the INA

46. Petitioner repeats and incorporates all prior paragraphs.

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

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

COUNT II

Violation of Due Process

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

50. 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).

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

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

53. 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 IJ schedule a bond hearing within seven (7) days, or, consistent with the IJ's alternative finding, order Petitioner's immediate release upon posting bond in the amount of \$5,000, or such other conditions as the Court deems just;
- D. Award Petitioner 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 law;
- E. Grant any other and further relief that this Court deems just and proper.

DATED this 10th of February, 2026.

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EXHIBIT	DESCRIPTION
A	IJ Order Denying Bond – The IJ on February 3, 2026, denied jurisdiction to consider bond pursuant to <i>Matter of Hurtado</i> , and made an alternative finding that, if jurisdiction were determined to exist, bond in the amount of \$5,000 would be appropriate.
B	I-213 – ICE Record showing Petitioner Jesus Ramos-Robles is a native and citizen of Mexico, entered the United States without inspection on or about August 30, 2015, was apprehended in Las Vegas, Nevada, in December 2025, and has no criminal convictions.
C	Notice to Appear – Dated December 21, 2025, naming Jesus Ramos-Robles 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 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 – Filed January 21, 2026, including evidence of Petitioner's marriage to a U.S. citizen, fixed address, employment history, approved I-130 petition, and equities demonstrating 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