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12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 Joel Jeronimo Martin,

15 Petitioner,

16 v.

17 John Mattos, NSDC Warden; Michael
18 Bernacke, Field Director, Salt Lake City
19 Field Office of ICE ERO; Todd Lyons, ICE
20 Acting Director; Kristi Noem DHS
21 Secretary; Pam Bondi, U.S. Attorney
22 General, *et al.*,

23 Respondents.

Case No. 2:26-cv-00388-CDS-NJK

**Motion to Reconsider Order
Denying Petitioner (ECF No. 14)**

POINTS AND AUTHORITIES

Petitioner Joel Jeronimo Martin files this motion to reconsider this Court's order (ECF No. 14) denying his petition for writ of habeas corpus under 28 U.S.C. § 2241 (ECF No. 7).

I. Legal Standard

A motion to reconsider a final appealable order is appropriately brought under either Rule 59(e) or Rule 60(b) of the Federal Rules of Civil Procedure. *See United States v. Martin*, 226 F.3d 1042, 1048 n.8 (9th Cir. 2000). Motions for reconsideration are committed to the discretion of the trial court. *See School Dist. No. 1J. Multnomah Cnty. v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993).

A motion for reconsideration is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). “A motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 661 (9th Cir. 1999). A Rule 59(e) motion may *not* be used to raise arguments or present evidence for the first time when they could reasonably have been raised earlier in the litigation. *See id.*

II. Argument

In Joel's petition, he asserted the IJ made a legal error and determinations not supported by the evidence in denying him bond. Contrary to the IJ's determination, Joel never committed domestic violence, and he provided documentation that the IJ confused Joel with another person.¹

¹ ECF No. 7 at 6-7.

1 In the order denying his petition, this Court determined *sua sponte* that
2 Joel's petition lacks jurisdiction under *Leonardo v. Crawford*, 646 F.3d 1157, 1160
3 (9th Cir. 2011), because his bond decision is currently under appeal with the BIA.
4 With all due respect, the Court erred.

5 It's true that *Leonard* requires detainees like himself to ordinarily exhaust
6 his administrative remedies before filing his habeas petition, but even the *Leonardo*
7 Court held there were exceptions. *Id.* Federal courts may waive the prudential
8 exhaustion requirement if "administrative remedies are inadequate or not
9 efficacious, pursuit of administrative remedies would be a futile gesture, irreparable
10 injury will result, or the administrative proceedings would be void." *Laing v.*
11 *Ashcroft*, 370 F.3d 994, 1000 (9th Cir. 2004) (quoting *SEC v. G.C. George Sec., Inc.*,
12 637 F.2d 685, 688 (9th Cir. 1981).

13 Here, Joel meets the *Laing* exception to waive his exhaustion requirement
14 because he demonstrates irreparable harm. The government has detained Joel since
15 February 11, 2025—over *14 months*—and with no end in sight. Joel's last bond
16 hearing was August 2025. That was six months ago, and Joel's bond appeal has
17 languished for months without end. As argued in Joel's petition and traverse, the IJ
18 relied upon factually erroneous information in determining Joel committed domestic
19 violence offenses and violated a domestic violence protective order. Tellingly, in
20 their response, the Government doesn't deny this. In other words, Joel has been
21 unjustly denied his bond for at least six months. He has minimal criminal history,
22 which the Government also doesn't deny. The IJ should have granted bond. Joel is
23 irreparably harmed by further delay in providing him with a detention proceeding
24 that comports with due process. Other courts in the Ninth Circuit have held that
25 "the potential for irreparable harm to Petitioner, in the form of continued unlawful
26 denial of [bond] hearings for potentially four months or more," was so great that
27 "waiver of the exhaustion requirement is appropriate." *Ortega-Rangel v. Sessions*,

1 313 F. Supp. 3d 993, 1003–04 (N.D. Cal. 2018), citing *Villalta v. Sessions*, No. 17-
2 CV-05390-LHK, 2017 WL 4355182, at *3 (N.D. Cal. Oct. 2, 2017); *Cortez v. Sessions*,
3 No. 18-cv-01014-DMR, 2018 WL 1510187, at *3 (N.D. Cal. Mar. 27, 2018); *Ramos v.*
4 *Sessions* (“*Ramos I*”), No. 18-cv-00413-JST, 2018 WL 905922, at *3 (N.D. Cal. Feb.
5 15, 2018). Accordingly, administrative exhaustion is not required for Joel.

6 **CONCLUSION**

7 This Court should reconsider its order denying Petitioner Joel Jeromino
8 Martin’s petition.

9 Dated April 13, 2026

10 Respectfully submitted,

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13 Federal Public Defender

14 /s/ Ron Sung

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