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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OSEJO GARCIA, LEYNOR

Petitioner,

V.

KRISTI NOEM, Secretary of
the United States Department of Homeland
Security; PAM BONDI,
United States Attorney General;
TODD LYONS, Director of
United States Immigration and Customs
Enforcement; BRYAN WILCOX,
Field Office Director for Detention and
Removal, U.S. Immigration and Customs
Enforcement, Department of Homeland
Security; John Mattos Warden,
Nevada Southern Detention Center
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; UNITED
STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT;

Respondents

A  Detained

Case File No.:

Immigration file No.:

**PETITIONER'S
WRIT OF HABEAS
CORPUS**

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241**

This is a petition for a writ of habeas corpus filed on behalf of Leynor Osejo ("Petitioner") seeking relief to remedy his unlawful detention. Respondents are detaining Petitioner pending his deportation proceedings. Petitioner has fully cooperated with Respondents for said proceedings. To date, Petitioner has been detained for more than twenty (20) days, since January 13, 2026. *See*, Exhibit A,

1 FORM I-213.

2 Petitioner is not a flight risk or a danger to the community. His prolonged
3 detention is no longer justified under the Constitution or the Immigration and
4 Nationality Act (INA).
5

6 On or about January 13, 2026 Nevada State Police Department arrested the
7 petitioner on suspicion of driving under the influence of alcohol in Las Vegas
8 Nevada.
9

10 Respondents placed Petitioner in the custody of the Nevada Southern Detention
11 Center. Petitioner's detention is for the purpose of conducting his deportation
12 proceedings.
13

14 The I-213 form refers to section 212(a)(6)(A)(i) and section 212(a)(7)(A)(i)(I)
15 of the Immigration and Nationality act as the basis for petitioners' removal.
16

17 On or about January 16, 2026, an Immigration Judge ("IJ") denied Petitioner
18 bond, finding no jurisdiction under *Matter of Yajure Hurtado*, 29 I&N Dec. 216
19 (BIA 2025) without deciding whether Petitioner is a danger to the community or a
20 flight risk. *See, Exhibit B*, Bond Order.
21

22 Respondents' actions defy the U.S. Constitution and the Immigration and
23 Nationality Act (INA). Petitioner seeks an order from this Court declaring his
24 continued and prolonged detention unlawful and ordering Respondents to release
25 Petitioner on parole under 8 USC §1226 (a)(2)(B) or, in the alternative, to provide
26 him a bond hearing under 8 USC §1226 (a)(2)(A), enjoining Respondents from
27
28

1 applying *Matter of Hurtado*.

2
3 CUSTODY

4 1. Petitioner is in the physical custody of Respondents. At the time of the filing of
5 this petition, Petitioner is detained at the Nevada Southern Detention Center
6 (“NSDC”) in Pahrump, NV. NSDC contracts with the Department of Homeland
7 Security to detain aliens such as Petitioner. Petitioner is under the direct control of
8 Respondents and their agents.
9

10 JURISDICTION

11
12 2. This action arises under the Constitution of the United States, the Immigration
13 and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal
14 Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub.
15 L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241,
16 art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28
17 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the
18 United States and such custody is in violation of the U.S. Constitution, laws, or
19 treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. §
20 2241, and the All Writs Act, 28 U.S.C. § 1651.
21
22
23

24 VENUE

25 3. Venue lies in the United States District Court for the District of Nevada, the
26 judicial district where Petitioner is detained. 28 U.S.C. § 1391(e).
27

28 PARTIES

1 4. Petitioner is a national and citizen of Nicaragua. *See Exhibit A.*

2 5. Respondent KRISTI NOEM is the Secretary of the U.S. Department of
3 Homeland Security (“DHS”), an agency of the United States. She is responsible for
4 the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). Secretary
5 Noem is a legal custodian of Mr. Osejo. She is named in her official capacity.
6 Respondent’s address is Department of Homeland Security, Washington, D.C.
7 20528.
8

9
10 6. Respondent Pam Bondi is the Attorney General of the United States and the
11 most senior official in the U.S. Department of Justice (“DOJ”). She has the
12 authority to interpret immigration laws and adjudicate removal cases. 8 U.S.C. §
13 1103(g). The Attorney General delegates this responsibility to the Executive Office
14 for Immigration Review (“EOIR”), which administrates the immigration courts
15 and the BIA. She is named in her official capacity. Respondent’s address is 950
16 Pennsylvania Avenue, NW, Washington, D.C. 20520-0001.
17
18

19
20 7. Respondent TODD LYONS is the Director of the United States Immigration and
21 Customs Enforcement within the Department of Homeland Security, an agency of
22 the United States. He is responsible for the administration and enforcement of
23 immigration laws. He is named in his official capacity. Respondent’s address is
24 500 12th St. SW, Washington, D.C. 20536.
25

26 8. Respondent Bryan Wilcox is the Field Office Director for Detention and
27 Removal, U.S. Immigration Customs and Enforcement, Department of Homeland
28

1 Security. Pursuant to Respondent Wilcox's orders, Mr. Cegueda remains detained.
2 Respondent Wilcox is named in his official capacity. Respondent's address is 2975
3 Decker Lane Dr, Suite 100, West Valley City, UT 84119.
4

5 9. Respondent Warden is Petitioner's immediate custodian and resides in the
6 judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals.
7

8 Warden is named in his official capacity.

9 10. The Department of Homeland Security (DHS) is a federal agency charged with
10 administering statutes and regulations governing immigration pursuant to 6 U.S.C.

11 §§ 111-115. Respondent's address is Department of Homeland Security,
12 Washington, D.C. 20528.
13

14 11. The United States Immigration and Customs Enforcement is a federal sub-
15 agency under DHS responsible for the administration and enforcement of the
16 United States' immigration laws pursuant to 22 C.F.R. 127.4. Respondent's field
17 office address here in Las Vegas is 501 S Las Vegas Blvd, Suite 200, Las Vegas,
18 NV 89101.
19
20

21 EXHAUSTION OF ADMINISTRATIVE REMEDIES

22 12. Petitioner has exhausted his administrative remedies to the extent required by
23 law. Petitioner's only remedy is by way of this judicial action.
24

25 STATEMENT OF FACTS

26 13. Petitioner is a national and citizen of Nicaragua who entered the U.S. sometime
27 in 2021 without inspection and has resided continuously in the U.S. ever since.
28

1 *See, Exhibits A.*

2 14. Petitioner has now been in detention for more than twenty (20) days, since
3 January 13, 2026 when ICE officers encountered Petitioner in the Clark County
4 Detention Center with a pending dui charge. *See, Exhibit A.* Petitioner is charged
5 as removable under Sections 212(a)(6)(A)(i) and 212(a)(7)(A) of the INA. *See,*
6 *Exhibit A.*
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9 15. Petitioner is not a danger to the community or a flight risk, having only ever
10 been charged one time for misdemeanor dui, which is pending. *See, Exhibit A.*
11

12 16. Petitioner has deep roots in this community, including full-time employment.

13 17. Prior to his detention, Petitioner was working, paying his taxes, and providing
14 for his family. His continued detention deprives his family of his companionship
15 and income. Nonetheless, the Immigration Judge was unable to take these facts
16 into consideration at Petitioner's Bond Hearing on January 13, 2026, finding that
17 he lacked jurisdiction to grant bond pursuant to *Matter of Hurtado*. *See, Exhibit B.*
18 Respondent appealed this bond decision to the BIA on February 2, 2026; to date,
19 the BIA has not issued a filing receipt for said appeal. *See Exhibit C*, Form EOIR
20
21 26.
22

23
24 18. Respondents' continued detention of Petitioner is contrary to the law.

25 CLAIMS FOR RELIEF

26 COUNT ONE CONSTITUTIONAL CLAIM
27

28 19. Petitioner alleges and incorporates by reference paragraphs 1 through 18 above.

1 20. Petitioners' detention violates his right to substantive and procedural due
2 process guaranteed by the Fifth Amendment to the U.S. Constitution. *Hope v.*
3 *Warden York City Prison*, 972 F.3d 310, 323-25 (3d Cir. 2020) (seeking release
4 due to unconstitutional conditions of confinement); *Yanes v. Martin*, 464 F. Supp.
5 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,
6 1035-36 (N.D. Cal. 2020).
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COUNT TWO STATUTORY CLAIM

21. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention violates the Immigration and Nationality Act,
8 USC §1226, and the U.S. Constitution.

COUNT THREE

23. If he prevails, Petitioner requests attorney's fees and costs under the Equal
Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief: 1.

Assume jurisdiction over this matter; 2. Issue an order directing Respondents to
show cause why the writ should not be granted; 3. Declare that Petitioner's
detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. §
1226, and the Immigration and Nationality Act; 4. Issue a writ of habeas corpus

1 ordering Respondents to release Petitioner on parole under 8 USC §1226 (a)(2)(B)
2 or, in the alternative, to provide him a bond hearing under 8 USC §1226 (a)(2)(A),
3 enjoining Respondents from applying *Matter of Hurtado*; 5. Award Petitioner
4 reasonable costs and attorney's fees; and, 6. Grant any other relief which this Court
5 deems just and proper.
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7
8 Respectfully submitted,

9
10 /s/ *Jeremy Mondejar*

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14 Las Vegas, NV 89104
15 Telephone: (702) 816-6611
16 Attorney for Petitioner
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VERIFICATION OF COUNSEL

I, Jeremy Mondejar, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ *Jeremy Mondejar*

Jeremy Mondejar

