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6
7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

9 Alejandro RAMIREZ QUEMA,

10 Petitioner,

Case No.

11 v.

**PETITION FOR WRIT OF
HABEAS CORPUS**

12 John MATTOS, Warden of the Nevada
Southern Detention Center
13 Michael BERNACKE, Field Office Director
of Enforcement and Removal Operations, Salt
14 Lake City, Immigration and Customs
Enforcement;
15 Kristi NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
16 HOMELAND SECURITY;
17 Pamela BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR
18 IMMIGRATION REVIEW;

19 Respondents.
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INTRODUCTION

1. Petitioner, Alejandro Ramirez Quema, brings this petition for a writ of habeas corpus to seek enforcement of their rights as members of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Nevada Southern Detention Center. He now faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

2. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

3. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

4. On December 18, 2025, the district court entered a Final Judgment in *Maldonado Bautista*, declaring that Bond Eligible Class members are detained under 8 U.S.C. § 1226(a) and are not subject to mandatory detention under § 1225(b)(2). under § 1225(b)(2)

1 5. Nonetheless, the Executive Office for Immigration Review, its subagency the
2 Immigration Courts, and the Department of Homeland Security (DHS) have blatantly refused
3 to abide by the declaratory relief and final order and have unlawfully ordered that Petitioner be
4 denied the opportunity to be released on bond based on a lack of jurisdiction.

5 6. Petitioner Mr. Ramirez is a member of the Bond Eligible Class, as he:

6 a. does not have lawful status in the United States and is currently detained at the
7 Nevada Southern Detention Center. He was taken into custody by immigration authorities on
8 February 1st, 2026.

9 b. entered the United States without inspection over 20 years ago and was not
10 apprehended upon arrival, *cf. id.*; and

11 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

12 7. After taking custody of Petitioner on February 1st, 2026, the DHS placed him in
13 removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being
14 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States
15 without inspection.

16 8. The Court should expeditiously grant this petition.

17 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
18 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents
19 continue to flagrantly defy the judgment in that case and continue to subject Petitioner to
20 unlawful detention despite his clear entitlement to consideration for release on bond as a Bond
21 Eligible Class member.

22 10. Immigration judges have informed class members in bond hearings that they have
23 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
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1 controlling, even with respect to class members, and that instead IJs remain bound to follow
2 the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

3 11. Because Respondents are detaining Petitioner in violation of the Final Judgment
4 issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
5 Respondent DHS must release Petitioner.

6 JURISDICTION

7 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
8 Nevada Southern Detention Center located at 2190 East Mesquite, Pahrump, NV 89060.

9 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
10 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
11 Constitution (the Suspension Clause).

12 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
13 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

14 VENUE

15 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
16 500 (1973), venue lies in the United States District Court for the District of Nevada, the
17 judicial district in which Petitioner currently is detained.

18 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
19 Respondents are employees, officers, and agencies of the United States, and because a
20 substantial part of the events or omissions giving rise to the claims occurred in the District of
21 Nevada.

REQUIREMENTS OF 28 U.S.C. § 2243

17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the legal issues have already been resolved for class members in *Maldonado Bautista*.

18. 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) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

19. Petitioner Alejandro Ramirez Quema is a citizen of Mexico who has been in immigration detention since February 1st, 2026. After Petitioner was arrested in Utah, ICE did not set bond, and he is being denied consideration for bond release under the policy of the Executive Office for Immigration Review, which considers him ineligible for bond consideration as an “applicant for admission”, despite Mr. Ramirez’s 20 years of continuous residence in the United States.

20. Respondent John Mattos is employed by CoreCivic as the Warden of the Nevada Southern Detention Center, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

21. Respondent Michael Bernacke is the Director of the Salt Lake City Office of ICE’s Enforcement and Removal Operations division, the field office with jurisdiction over Nevada. As such, he is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is named in his official capacity.

22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

23. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

24. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

25. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

CLAIM FOR RELIEF

Violation of the INA:

Request for Relief Pursuant to *Maldonado Bautista*

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

27. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

28. The order entering final judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

29. The order granting class certification in *Maldonado Bautista* further orders that “[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

30. Respondents are parties to *Maldonado Bautista* and bound by the Court's Final Judgment.

31. By denying Petitioner bond release consideration under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

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 Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- 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; and
- e. Grant any other and further relief that this Court deems just and proper.

DATED this 17 of February, 2026.

/s/ T. Laura Lui
T. Laura Lui
Attorney for Petitioner

/s/ Ammon Clemens
Ammon Clemens
Attorney for Petitioner

