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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Loai Joker,

Petitioner,

v.

Pamela Bondi, *et al.*,

Respondents.

Case No. 2:26-cv-00414-JAD-MDC

**Federal Respondents' Response to
Petitioner's First Amended Petition
(ECF No. 9)**

Federal Respondents Pamela Bondi, Kristi Noem, Todd Lyons, and Michael Bernacke, through undersigned counsel, hereby submit this Response to Petitioner Loai Joker's First Amended Petition (ECF No. 9). As explained herein, Petitioner's continued detention is lawful under statutory authority and Supreme Court precedent, which allow for such detention after a final order of removal. Federal Respondents move to dismiss the petition, or alternatively, request that the Court stay this matter pending additional proceedings in furtherance of Petitioner's removal.

Federal Respondents do not request oral argument or an evidentiary hearing on the Petition and request that the Court rule on the papers.

I. Factual Background

On or about July 17, 2000, Petitioner Loai Joker ("Petitioner"), a citizen of Sudan, entered the United States as a refugee with permission to remain in the United States. *See*

Petitioner's I-213, attached as **Exhibit A**.¹ On October 27, 2017, Petitioner adjusted to the status of Legal Permanent Resident under the INA § 209(c) waiver granted by an Immigration Judge ("IJ"). *Id.*; *see also* Order Granting INA § 209(c) waiver, attached as **Exhibit B**. On December 19, 2022, Petitioner was issued a Notice to Appear, attached as **Exhibit C**, following multiple criminal convictions. *See generally* Exhibit A; *see also* 2019 Criminal Conviction Record, attached as **Exhibit D**, and 2021 Criminal Conviction Record, attached as **Exhibit E**. On April 17, 2024, an Immigration Judge ordered that Petitioner be removed to Sudan. *See* ECF No. 9-3. Petitioner waived appeal of that order. *Id.* On or about September 25, 2025, Petitioner was taken into custody of the Department of Homeland Security ("DHS"), where he currently remains. On February 17, 2026, Petitioner filed his petition for writ of habeas corpus in federal district court. ECF No. 1-1. Petitioner seeks habeas relief under 28 U.S.C. § 2241, challenging his immigration detention and requesting immediate release. ECF No. 9, at 11.

II. Legal Argument

A. ICE is Authorized to Detain and Remove Petitioner Due to The Final Order of Removal

ICE can lawfully detain Petitioner because he is subject to a final order of removal and can be detained under 8 U.S.C. § 1231(a)(6).

B. ICE Lawfully Detained Petitioner Pursuant to 8 U.S.C. § 1231(a)

ICE's detention authority stems from 8 U.S.C. § 1231 which provides for the detention and removal of aliens with final orders of removal. Section 1231(a)(1)(A) directs immigration authorities to remove an individual with a final order of removal within a period of 90 days, which is known as the "removal period." During the removal period, ICE must detain the alien. 8 U.S.C. § 1231(a)(2) ("shall detain"). If the removal period expires, ICE can either release an individual pursuant to an Order of Supervision as directed by § 1231(a)(3) or may continue detention under § 1231(a)(6). ICE may continue detention beyond the removal period for three categories of individuals: (i) those who are

¹ The exhibits in this matter will be filed separately under seal and emailed to Petitioner's counsel.

1 inadmissible to the United States pursuant to 8 U.S.C. § 1182; (ii) those who are subject to
2 certain grounds of removability from the United States pursuant to 8 U.S.C. § 1227; or (iii)
3 those whom immigration authorities have determined to be a risk to the community or
4 “unlikely to comply with the order of removal.” 8 U.S.C. § 1231(a)(6)(A). Petitioner is
5 outside the initial 90-day mandatory removal period which commenced following his order
6 of removal on April 17, 2024. However, he is still eligible for ICE detention beyond the
7 initial ninety days as he is subject to 8 U.S.C. § 1231(a)(6)(A) and is not entitled to a bond
8 hearing under § 1231(a)(6). *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 574, 581 (2022)
9 (holding § 1231(a)(6)’s plain text “says nothing about bond hearings before immigration
10 judges or burdens of proof”). Petitioner’s detention is therefore lawful under § 1231(a)(6)
11 and this Court should deny his Amended Petition.

12 **III. Conclusion**

13 For the foregoing reasons, Federal Respondents respectfully request that the Court
14 deny Petitioner’s First Amended Petition (ECF No. 9).

15 Respectfully submitted this 13th day of April 2026.

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19 /s/ Tamer B. Botros
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