Jeremy Mondejar, ESQ.
NV Bar 11213
2885 E Charleston BLVD, Suite 103
Las Vegas, NV 89104
Telephone: (702) 816-6611
Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALOE-MEJIA, SERGIO 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 [redacted] Detained Case File No.: Immigration file No.: [redacted] **VERIFIED PETITION FOR 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 Sergio Aloe Mejia ("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 ten (10) days, since February 1, 2026. *See,* Exhibit A,

FORM I-213.

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

On or about January 31, 2026, the North Las Vegas Police Department arrested Petitioner on suspicion of driving under the influence of alcohol in North Las Vegas, Nevada. The DUI case is still pending. *Id.*

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

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

On or about February 9, 2026, an Immigration Judge ("IJ") denied Petitioner bond, finding no jurisdiction under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) without deciding whether Petitioner is a danger to the community or a flight risk. *See, Exhibit B*, Bond Order.

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

applying *Matter of Hurtado*.

CUSTODY

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

JURISDICTION

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

VENUE

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

PARTIES

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

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

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

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

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

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

9. Respondent Warden is Petitioner's immediate custodian and resides in the judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals. Warden is named in his official capacity.

10. The Department of Homeland Security (DHS) is a federal agency charged with administering statutes and regulations governing immigration pursuant to 6 U.S.C. §§ 111-115. Respondent's address is Department of Homeland Security, Washington, D.C. 20528.

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

EXHAUSTION OF ADMINISTRATIVE REMEDIES

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

STATEMENT OF FACTS

13. Petitioner is a national and citizen of Mexico who entered the U.S. sometime in 2006 without inspection and has resided continuously in the U.S. ever since. *See,*

Exhibit B.

14. Petitioner has now been in detention for more than ten (10) days, since February 1, 2026 when ICE officers encountered Petitioner in the custody of the North Las Vegas Police Department with a pending dui charge. *See, Exhibit A*. Petitioner is charged as removable under Sections 212(a)(6)(A)(i) and 212(a)(7)(A) of the INA. *See, Exhibit A*.

15. Petitioner is not a danger to the community or a flight risk, having only ever been charged one time for misdemeanor dui, which is pending. *See, Exhibit A*.

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

17. Prior to his detention, Petitioner was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income. Nonetheless, the Immigration Judge was unable to take these facts into consideration at Petitioner's Bond Hearing on February 9, 2026, finding that she lacked jurisdiction to grant bond pursuant to *Matter of Hurtado*. *See, Exhibit B*. Respondent appealed this bond decision to the BIA on February 13, 2026; to date, the BIA has not issued a filing receipt for said appeal. *See Exhibit C,* Form EOIR 26.

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

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

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

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

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

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

Respectfully submitted,

/s/ Jeremy Mondejar

Jeremy Mondejar, ESQ.
NV Bar 11213
2885 E Charleston BLVD, Suite 103
Las Vegas, NV 89104
Telephone: (702) 816-6611
Attorney for Petitioner

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/ Jeremey Mondejar

Jeremy Mondejar