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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (Las Vegas)

ABIMAEL BEQUER ARROYO LUCAS,

JESUS GUSTAVO HUERTA CORTEZ,

DAGLIS NOELY FLORES ZELAYA

Petitioners,

v.

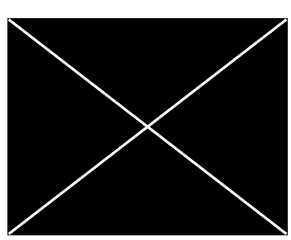
KRISTI NOEM,
in her official capacity as Secretary, U.S. Department of Homeland Security; 245 Murray Lane SW, Washington, DC 20528;

U.S. DEPARTMENT OF HOMELAND SECURITY

PAMELA J. BONDI,
in her official capacity as

Case No.:

Agency No: A#



MOTION FOR TEMPORARY RESTRAINING ORDER

Attorney General of the United States, 950 Pennsylvania Avenue, NW, Washington, DC, 20530;

U.S. DEPARTMENT OF JUSTICE

TODD LYONS,
in his official capacity as Acting Director and Senior Official Performing the Duties of the Director for U.S. Immigration and Customs Enforcement, 500 12th Street, SW, Washington, DC 20536;

BRIAN HENKEY,
in his official capacity as Acting Field Office Director, Salt Lake City Field Office Director, U.S. Immigration & Customs Enforcement, 2975 Decker Lake Drive Suite 100, West Valley City, UT 84119-6096

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; and

JOHN MATTOS,
in his official capacity as Warden, Nevada Southern Detention Facility, 2190 E. Mesquite Ave. Pahrump, NV 89060

Respondents.

INTRODUCTION

Petitioner, Abimael Bequer Arroyo Lucas, Jesus Gustavo Huerta Cortez, and Daglis Noely Flores Zelaya ("Petitioners") are presently detained by U.S. Immigration and Customs Enforcement. In accordance with Rule 65 of the Federal Rules of Civil Procedure and the All Writs Act, Petitioners hereby apply for a temporary restraining order or preliminary injunction requiring that Respondents immediately provide Petitioners with a bond hearing on the merits, and if bond is granted, release Petitioners within twenty-four (24) hours.

Petitioners do not seek ex parte consideration of this Motion. However, because Petitioners are suffering the irreparable harm of continuing detention, they ask that the Court expeditiously order that their Petition for a Writ of Habeas Corpus be served on Respondents and for expedited briefing and consideration of this Motion.

As set forth in the accompanying Memorandum of Law, Respondents are detaining Petitioners in violation of the Immigration and Nationality Act ("INA") and constitutional due process. Without a restraining order or preliminary injunction ordering that the Immigration Court has jurisdiction under § 1226(a) and ordering the Immigration Court to hold bond hearings, Petitioners will suffer irreparable injury by continued unlawful detention.

DATED this 20th day of February, 2026.

Respectfully Submitted,

/s/ Wyatt Kay
Wyatt Kay
Student Attorney Practicing
Under Nevada Supreme Court Rule 49.3

/s/ Yvette Machado Tuinier
Yvette Machado Tuinier
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/s/ Alissa A. Cooley Yonesawa
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MEMORANDUM OF LAW IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

Petitioners, Abimael Bequer Arroyo Lucas, Jesus Gustavo Huerta Cortez, and Daglis Noely Flores Zelaya ("Petitioners") respectfully request this Court's immediate action to secure Petitioners' a bond hearing on the merits within seven (7) days in accordance with the applicable statutes, due to the Las Vegas Immigration Court's persistent belief it lacks jurisdiction under *Matter of Yajure Hurtado*, or alternatively, order Petitioners' immediate release from detention. Petitioners apply for a Temporary Restraining Order, or alternatively, a Preliminary Injunction, for the reasons stated below.

I. INTRODUCTION

1. Petitioners have resided in the United States from three (3) to twenty-five (25) years. Originally from other countries, they are now in removal proceedings in Immigration Court, and but for recent changes in policy by the Department of Homeland Security ("DHS") and the Department of Justice ("DOJ"), Las Vegas Immigration Judges ("IJs") would have considered Petitioners' release on bond.

2. Normally, Petitioners would be able to request a bond hearing in Immigration Court, and obtain a bond, under the INA and long-standing policy and practice, and as required by 8 U.S.C. § 1226(a). But last year, in violation of the INA, the Board of Immigration Appeals ("BIA") ordered that all individuals who entered the U.S. without inspection (known as "EWIs") are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) and are therefore purportedly ineligible for bond. See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025). Respondents' legal interpretation is wrong. As such, Petitioners seek relief from this Court to restore their statutory and constitutional due process right to a bond hearing because

Petitioners have been prevented from establishing that they are not a flight risk or danger to the community.

3. To be clear, Petitioners do not ask this Court to adjudicate their removability. They merely seek relief from this Court regarding the IJs' jurisdiction to hold individualized bond hearings and enter bond orders—one Petitioner has an order denying bond on jurisdictional grounds without deciding on the merits while another was refused a bond hearing because of lack of jurisdiction. Given this IJs' reliance on Respondents' incorrect legal interpretation, Petitioners' fitness for bond will not likely be determined on the merits. All three have demonstrated strong merit-based claims that they pose neither a danger to the community nor a flight risk. Release on bond would allow Petitioners the opportunity to reunite with their family, work and earn income, resume responsibilities as caregivers, and access greater resources while pursuing their pending removal proceedings in Immigration Court.

II. FACTS

A. ABIMAEL BEQUER ARROYO LUCAS

4. Petitioner Abimael Bequer Arroyo Lucas is a 41-year-old resident of Saint George, UT. **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 1. He is originally from Guatemala, but he has continuously lived in the United States for over two years, having fled from a rival political group after they had followed and threatened him on two occasions. *Id.* ¶¶ 1, 2. [redacted]

5. [redacted]

[redacted] *Id.* After that incident, petitioner decided to flee for the United States by crossing the Mexican border without admission. *Id.*

6. Since residing in Saint George, UT., Petitioner worked as a landscaper and did some maintenance jobs sending the money back home to support his wife and two sons he had to leave in Guatemala. *Id.* ¶ 5. On or about September 3, 2025, Petitioner was alone driving home from a friend's party when he was pulled over and arrested on a driving under the influence charge ("DUI"). *See. id.* ¶¶ 6, 7; *see also* **Exh. B** (Abimael Bequer Arroyo Lucas, Register of Actions, Case No. 255602281). After serving time on the DUI, on or about December 16, 2025, Petitioner was released from criminal custody. *See* **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 8. But ICE immediately took him into custody and transferred to Nevada Southern Detention Center ("NSDC") in Pahrump, NV, where he has been detained since. *Id.*

7. Petitioner's Notice to Appear designates him as "an alien present in the United States who has not been admitted or paroled." *See* **Exh. C** (Abimael Bequer Arroyo Lucas, Notice to Appear, ("NTA")). His Form I-213 indicates immigration officials first encountered him within the interior of the U.S., three years after his entry without inspection. *See* **Exh. D** (Abimael Bequer Arroyo Lucas, Form I-213), at PET023.

8. Prior to the DUI, Petitioner did not have a criminal record in the United States or in Guatemala. *Id.* ¶ 7. Petitioner's DUI conviction was first time misdemeanor. **Exh. B** (Abimael Bequer Arroyo Lucas, Register of Actions, Case No. 255602281). This conviction does not render him subject to mandatory detention under INA ¶ 236(c), as "the BIA has never held that a simple DUI offense is a crime involving moral turpitude." *Marmolejo-Campos v. Holder*, 558 F.3d 903, 913 (9th Cir. 2009). Petitioner requested a bond hearing from the IJ and

on January 22, 2026, the IJ denied bond due to lack of jurisdiction based on *Matter of Yajure Hurtado*, 29 I. & N. Dec. at 216.[1] **Exh. E** (Abimael Bequer Arroyo Lucas, IJ Order Denying Bond, dated January 22, 2026).

9. Petitioner has not been able to make money to provide for his family resulting in giving his brother the authority to sell his house to pay off debt. *See* **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 10. Additionally, his relationship with his father has suffered because they struggle communicating since his detainment. *Id.* ¶ 11. His mother passed away recently, and he misses his relationship with his only living parent. *See id.* Petitioner relies on his sister's reports on his father status. *Id.*

10. Once released, Petitioner hopes to regain employment as a busboy from a previous employer who wrote him a character letter for his bond hearing. *Id.* ¶ 12. Additionally, he wants to continue to provide for his family and attempt to save his house from foreclosure. *Id.* ¶¶ 10, 13.

11. The IJ's order stating it lacks jurisdiction is a clear violation of both the INA and the Due Process Clause of the United States Constitution and for these reasons Petitioner files the instant motion.

B. JESUS GUSTAVO HUERTA CORTEZ

12. Petitioner Jesus Gustavo Huerta Cortez is a twenty-nine (29) year-old resident of Las Vegas, Nevada. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 1. He is originally from Mexico but was brought to the United States at age four (4). *Id.* He has lived in

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[1] The IJ acknowledged the class action declaratory judgment in *Maldonado-Bautista v. Santacruz*, but nonetheless found that the decision ruling ICE's July 8, 2025 detention policy change unlawful was not a final, binding order on the immigration court. *See id.*

Las Vegas continuously since 2001—approximately twenty-five (25) years, nearly his entire life. *Id.* All of his family members reside in Las Vegas, Nevada. *Id.* ¶ 26. Petitioner has deep roots in the Las Vegas community, where he has lived and worked for over two (2) decades. *Id.* ¶¶ 4, 26.

13. Petitioner is married to Linda Sanchez, a United States citizen. *Id.* ¶ 18. Together, they have a blended household of seven (7) children, all of whom are United States citizens, whose ages range from seven (7) months to eleven (11) years old. *Id.* ¶¶ 19, 23. Petitioner has worked consistently to support his family, including in landscaping and carpentry. *Id.* ¶¶ 7-8. He left high school with only a few credits remaining in order to work and help support his mother and siblings. *Id.* at ¶ 7.

14. During his seven (7) year marriage to his U.S. citizen wife, he has served as the primary financial provider for their household of nine. *Id.* ¶¶ 19, 22–23. Prior to detention, his income paid for rent, utilities, food, and transportation for his wife and children. *Id.*

15. His mother, who was also his closest family member, passed away on July 24, 2025, after a battle with liver cancer. *Id.* ¶ 11. During her final months, Petitioner served as her primary caregiver, moving out of his own home to care for her full-time until her death. *Id.* ¶¶ 11-12.

16. As a minor, Petitioner applied for and received Deferred Action for Childhood Arrivals (DACA), along with employment authorization and a Social Security number, which allowed him to work lawfully and support his family. *Id.* ¶ 9. He renewed his DACA status twice. *Id.* ¶ 10. The program required recurring applications, substantial fees, and remained subject to ongoing legal uncertainty. *Id.* Around 2020, financial constraints and the program's instability resulted in a lapse in renewal. *Id.*

17. On October 7, 2024, Petitioner received minor traffic citations for speeding and driving without a license. *Id.* ¶ 16. Due to fear and confusion about his immigration status, he failed to appear in court and bench warrants were issued. *Id.* On December 10, 2025, he was pulled over by highway patrol while driving alone on the freeway. *Id.* ¶ 15. Petitioner was arrested for driving under the influence, open container, and traffic violations. *Id.*; *see also* **Exh. I** (Jesus Gustavo Huerta Cortez, Register of Actions, Case No. 25-CR-107942). This was his first and only arrest. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 15.

18. At the time of his arrest, Petitioner was struggling with alcohol use following the death of his mother in July 2025. *Id.* ¶¶ 11, 13. What began as occasional drinking to cope with grief became daily use, though he continued to work and support his family. *Id.* ¶ 13. Petitioner takes full responsibility for his actions and deeply regrets the December 10, 2025 incident. *Id.* ¶ 15. Petitioner recognizes the seriousness of driving under the influence. *Id.*

19. Following his December 10, 2025 arrest, Petitioner was held at Clark County Detention Center (CCDC) for four (4) days. *Id.* ¶ 17. Once his wife posted bail, he was released into the custody of the City of Las Vegas Detention Center (LVDC) due to the outstanding bench warrants from the October 7, 2024 traffic citations. *Id.* Petitioner spent two (2) days at LVDC, from December 14 to 16, 2025. *Id.* On a judge granted his release with "time served" and the traffic cases closed. *Id.*; *see also* **Exh. G** (Jesus Gustavo Huerta Cortes, Registers of Action, Case Nos. 24-052587 and 24-052588).

20. The morning after the court hearing, on or about December 16, 2025, he was released directly to an ICE officer and transferred to the NSDC in Pahrump, Nevada, where he remains detained. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 17.

21. Petitioner was never asked about his citizenship status by any officer at CCDC or LVDC. *Id.* He did not know he had an immigration hold until he was released to ICE. *Id.*

22. Petitioner only has partial copies of his NTA and Form I-213. *See* **Exh. H** (Jesus Gustavo Huerta Cortez, Partial NTA, page 1 of 4, and Partial Form I-213, page 3 of 4). His NTA designates him as "an alien present in the United States who has not been admitted or paroled." *Id.* Petitioner's arrest for DUI, that is still pending and not a conviction, does not subject him to mandatory detention under INA § 236(c). *See* **Exh. I** (Jesus Gustavo Huerta Cortez, Register of Actions, Case No. 25-CR-107942).

23. At a master calendar hearing, the IJ declined Petitioner's request for a bond hearing because he entered without inspection. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 31.

24. Petitioner's detention has devastated his family financially and emotionally. *See* **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 18. Living paycheck-to-paycheck before his arrest, the family lost their rental home following his mother's death and his detention due to increasing rent costs and loss of his income. *Id.* His wife and children have been forced to move in with relatives. *Id.* Petitioner's wife has reduced hours at work to care for their seven (7) children, ranging from seven (7) months to 11 (eleven) years old, without his financial or physical support. *Id.*

25. His children are suffering emotionally from his absence. *Id.* ¶ 19. The youngest children cry when they speak with him on the phone and do not understand why he is gone. *Id.* His oldest daughter, age eleven (11), started helping care for her younger siblings, a responsibility beyond her years. *Id.* ¶ 20.

26. Petitioner is committed to sobriety and being present for his family. *Id.* ¶ 28. Since being detained, he has had time to reflect, mourn his mother properly, and understand the harm his actions caused. *Id.*

27. The IJ's refusal to provide Petitioner a bond hearing and determine his fitness for release is a violation of the INA and Due Process Clause of the United States Constitution and for these reasons, Petitioner files the instant motion.

C. DAGLIS NOELY FLORES ZELAYA

28. Petitioner Daglis Noely Flores Zelaya is a 32-year-old resident of Las Vegas, Nevada. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 1. He is originally from Honduras, but he has lived in the United States for fourteen (14) years, having first entered the United States in 2012. *Id.* ¶ 1. He has one U.S. citizen child, [redacted] with his partner of seven (7) years, Isabel, and has raised Isabel's other child, [redacted] since she was 1-year-old. *Id.* ¶ 2. [redacted] is 8-years-old and considers Petitioner to be her father and calls him "dad." *Id.* [redacted] recently turned 3-years-old, while Petitioner was in detention. *Id.* ¶¶ 2, 11.

29. Petitioner worked in roofing in Texas from 2012 until November 2024, when he and his family moved to Las Vegas, Nevada. *Id.* ¶ 3. Once in Las Vegas, Petitioner briefly worked for a factory. *Id.* But in early 2025, Petitioner and his partner decided he would serve as the primary care provider for their two children while his partner worked. *Id.* ¶ 4.

30. In the early morning hours of January 2, 2026, Petitioner was arrested for domestic violence in his home. *Id.* ¶ 6. On January 3, 2026, the Clark County District Attorney denied the charges and the Las Vegas Justice Court ordered Petitioner's release from custody. *Id.*; *see also* **Exh. K** (Daglis Noely Flores Zelaya, Register of Actions, Case No. 26-PC-000507). On Sunday, January 4, 2026, ICE picked Petitioner up from CCDC pursuant to a

detainer. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 6. ICE transported him to the ERO field office in Las Vegas, asked him if he wanted to accept deportation without seeing a judge, and then when he refused, transported him to NSDC in Pahrump, Nevada, where he has remained since. *Id.*

31. Petitioner does not have a copy of his NTA. *Id.* ¶ 7. While at the Las Vegas Field Office, officers asked him to sign various documents but Petitioner refused. *Id.* Officers only provided him with copies of the administrative warrant, detainer, and immigration court pro bono list. *Id.*; *see also* **Exhs. L–N** (Daglis Noely Flores Zelaya, Administrative Warrant, ICE Detainer, and EOIR Las Vegas Pro Bono List). Petitioner has asked ICE for copies of his NTA and Form I-213 several times since he has been detained at NSDC, but they have ignored him. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 7. Petitioner's first master calendar hearing was on February 3, 2026. *Id.* He intended to ask the IJ for a copy of his NTA and I-213 at the hearing, but he was not permitted to speak. *Id.* The IJ only told him she was continuing the case three weeks for him to obtain counsel. *Id.* Petitioner has recently sent a letter to the IJ requesting copies of his NTA and I-213. *Id.*

32. Though ICE has not served Petitioner with a copy of his NTA, as the INA requires, he is likely charged with being a noncitizen present in the U.S. who has not been admitted and paroled. Petitioner entered the U.S. in 2012 and was not apprehended at that time. *Id.* He only encountered ICE in the interior of the U.S., after release from a criminal arrest. *Id.* ¶¶ 1, 6. The issuance of an administrative arrest warrant and the language in the detainer likewise suggest his designation as a noncitizen present without admission or parole. *See* **Exhs. L–M** (Daglis Noely Flores Zelaya, Administrative Warrant, and ICE Detainer).

33. Petitioner's arrest for domestic violence, that was denied by the district attorney the following day, does not subject him to mandatory detention under INA § 236(c).

34. Petitioner has not requested a bond hearing because the IJs at the Las Vegas Immigration Court have denied bond for lack of jurisdiction pursuant to *Matter of Yajure-Hurtado*, despite the class certification and declaratory judgment issued in *Maldonado-Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal.).[2] *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 8.

35. Since Petitioner has been detained, his family has suffered emotionally and financially. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 9. Petitioner was the primary caregiver for his two children, taking care of the youngest during the day and taking their oldest to and from school and helping her with her homework. *Id.* ¶¶ 9, 11. Petitioner's partner works in security on-call, and her shifts vary. *Id.* ¶ 9. Her schedule has left the children in a state of instability. *Id.* ¶¶ 9, 11. Petitioner's elderly mother-in-law has assumed caregiving of Petitioner's youngest child, [redacted] who recently turned three-years-old. *Id.* ¶¶ 9, 11. His mother-in-law has a chronic health condition for which she is receiving medical treatment. *Id.* ¶ 9. Her longterm ability to continue care for a toddler is doubtful. *Id.* Financially, Petitioner's family has been saving for money to post immigration bond and obtain an immigration attorney, and have not been able to help his partner cover household expenses. *Id.* ¶ 10. Petitioner's

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[2] Even after the *Maldonado-Bautista* court clarified the effect of its order on December 18, 2026, EOIR has instructed immigration judges to continue to deny bond for lack of jurisdiction under *Matter of Yajure Hurtado*. *See* **Exh. O** (EOIR Email regarding *Maldonado-Bautista* Guidance, dated January 13, 2026). Petitioner Abimael's bond denial mirrors the language in Exhibit M. *See* **Exh. E** (Abimael Bequer Arroyo Lucas, IJ Order Denying Bond, dated January 22, 2026).

partner has cut his cellphone line and household internet connection, and has not yet paid February 2026's rent. *Id.* The family worries they may be evicted. *Id.*

36. Petitioner's inability to receive an individualized hearing to determine is fitness for release on bond is a violation of the INA and the Due Process Clause of the United States Constitution for these reasons, he files this motion.

III. LEGAL STANDARDS FOR A TRO/PRELIMINARY INJUNCTION

Under Federal Rule of Civil Procedure 65, a court may grant a preliminary injunction to prevent "immediate and irreparable injury." Fed. R. Civ. P. 65(b). A preliminary injunction is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). The standard for obtaining a TRO and preliminary injunction is the same. *Quiroga v. Chen*, 735 F. Supp. 2d 1226, 1228 (D. Nev. 2010).

To obtain a TRO or preliminary injunction, a plaintiff must establish the following *Winter* factors: (1) a likelihood of success on the merits; (2) that the plaintiff will likely suffer irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in its favor; and (4) that the public interest favors an injunction. *Winter*, 555 U.S. at 22. When the government is the defendant, "the balance of the equities and public interest factors merge." *Id.* (citing *Drakes Boy Oyster Co. v. Jewell*, 747 F.3d 1073, 1092 (9th Cir. 2014)). Consequently, even if the Plaintiff raises only "serious questions" as to the merits of his claims, the court can grant relief if the balance of hardships tips "sharply" in Plaintiff's favor, and the remaining equitable factors are satisfied. *All. For the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

This Court should grant Petitioners' application for a TRO, or in the alternative, a preliminary injunction, because the four factors concerning whether to grant a TRO or preliminary injunction weigh heavily in Petitioners' favor. The most important factor—Petitioners' likelihood of success on the merits—is particularly strong due to well-settled precedent, statutory interpretation, and constitutional guarantees all favoring Petitioners.

IV. ARGUMENT

A. Petitioners Are Not Required to Exhaust Administrative Remedies Before Filing the Habeas Corpus Petition.

As a threshold matter, Petitioners are permitted to fil the instant habeas corpus petition. Neither 8 U.S.C. § 2241 nor any relevant provision of the INA requires the exhaustion of administrative remedies before filing such petition. *Laing v. Ashcroft*, 370 F.3d 994,998 (9th Cir. 2004) (citing *Castro-Cortez v. INS*, 239 F.3d 1037, 1047 (9th Cir. 2001)). And while courts may require administrative exhaustion as a prudential matter, such discretion applies only when the following factors are met:

> (1) agency expertise makes agency consideration necessary to generate a proper record and reach a proper decision;
> (2) relaxation of this requirement would encourage the deliberate bypass of the administrative scheme; and
> (3) administrative review is likely to allow the agency to correct its own mistakes and to preclude the need for judicial review.

Puga v. Chertoff, 488 F.3d 812, 815 (9th Cir. 2007). If any of these factors are not satisfied, then courts may not require administrative exhaustion.

Courts may waive administrative exhaustion if a petitioner demonstrates at least one of the following elements:

> (1) administrative remedies are inadequate or not efficacious;
> (2) the pursuit of administrative remedies would be a futile gesture;
> (3) irreparable injury will result; or
> (4) the administrative proceedings would be void.

Laing, 370 F.3d at 1000; *see Ortega-Rangel v. Sessions*, 313 F. Supp. 3d 993, 1003 (9th Cir. 2018).

Here, the *Puga* factors weigh against requiring administrative exhaustion. ***First***, the legal questions raised—namely, the proper interpretation of §§ 1225 and 1226 of the INA, and the constitutionality of § 1226(c) as applied to Petitioners—are purely legal and require no agency expertise. Courts are primarily responsible for resolving such questions, not agencies. *See Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385 (2024).

Second, there is no risk of bypassing agency procedures because Petitioners' have no available relief in immigration court. The BIA has already adopted DHS' interpretation of the INA—which subjects EWIs to mandatory detention under § 1225(b)—in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025). As a result, IJs no longer have the authority to hold bond hearings for EWIs. *See* 8 C.F.R § 1003.1(d) (describing the BIA's power to issue precedent decisions); 8 C.F.R. § 1003.10(d) ("[i]mmigration judges shall be governed by…the decision of the Board"). Respondents have also refused to adhere to the class certification and declaratory judgment in *Maldonado-Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal.). *See* **Exh. O** (AILA Practice Alert, EOIR Issues Nationwide Guidance on *Maldonado-Bautista* Guidance, January 13, 2026 Chief Immigration Judge Teresa L. Riley Email). Accordingly, Petitioners' only avenue for relief lies with this Court. Because the writ of habeas corpus is the appropriate mechanism for challenging the legality of custody, and because this Court has jurisdiction over "constitutional claims or questions of law" related to immigration detention, Petitioners' claims are properly before this Court, and there is no risk of Petitioners bypassing agency procedures. *See Dep't of Homeland Sec. v. Thruaissigian*, 591 U.S. 103 (2020).

Third, administrative review would not result in the agency correcting its mistake, as the BIA has clearly established its position on the matter. On July 8, 2025, DHS issued new "Interim Guidance"[3] that states: "[t]his message serves as notice that DHS, in coordination with the DOJ, has revisited its legal position on detention and release authorities." Subsequently, on September 5, 2025, the BIA adopted this position with the published opinion of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

The waiver of administrative exhaustion in this case is appropriate. This Court granted such a waiver in an analogous case on September 17, 2025. *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sep. 17, 2025). There, the petitioner likewise challenged DHS's mandatory detention policy in a habeas petition and sought preliminary injunction. *Id.* This Court found that requiring administrative exhaustion would be futile for three reasons: ***First***, the petitioner's constitutional claims fell beyond the scope of BIA's jurisdiction. *See Matter of G.K.*, 26 I. & N. Dec. 88, 96-97 (BIA 2013) (explaining that "[n]either the [BIA] not the IJ have the authority to rule on the constitutionality of the statutes we administer[.]"). ***Second***, the BIA had already adopted DHS' new interpretation of the INA, making the outcome of administrative review a forgone conclusion. *See Vasquez-Rodriguez v. Garland*, 7 F.4th 888, 896 (9th Cir. 2021) ("[w]e will excuse a failure to exhaust if it is very likely what [the BIA's] result would have been. Thus, where the agency's position appears already set and recourse to administrative remedies is very likely futile, exhaustion is not required."). ***Lastly***, to subject Petitioners to unconstitutional detention while awaiting a BIA decision or conclusion of their immigration proceedings would result in irreparable harm. *See*

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[3] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last accessed February 16, 2026).

Rodriquez v. Robbins, 715 F.3d 1127, 1145 (9th Cir. 2013) (finding irreparable harm in continued detention of noncitizens who would likely be granted conditional release if afforded a bond hearing).

Given the factual and legal parallels between *Vazquez v. Feeley* and the instant case, this Court's conclusion—that a petitioner challenging their detention under § 1225 and seeking a preliminary injunction is not required to exhaust administrative remedies, and that waiver of the exhaustion requirement is appropriate—applies with full force here.

B. Petitioners Are Likely to Succeed on the Merits.

Whether Petitioners satisfy the first *Winter* factor—the likelihood of success on the merits—is the most important factor in a preliminary injunction analysis, and is especially important where a plaintiff seeks such relief due to an alleged constitutional violation. *Chamber of Comm.*, 62 F.4th at 481 (quoting *California ex rel. Becerra v. Azar*, 950 F.3d 1067, 1083 (9th Cir. 2020) (en banc)); *Baird v. Bonta*, 81 F.4th 1036, 1042 (9th Cir. 2023).

Here, Petitioners challenge their detention on two grounds: (1) they are detained pursuant to § 1226, not § 1225, because they were already present in the United States at the time of their arrests and therefore are not applicants for admission and thus entitled to bond under § 1226; and (2) subjecting them to mandatory detention under § 1226(c) violates due process, as the basis for detention rests solely on the fact they entered without inspection.

1. Petitioners are subject to 8 U.S.C. § 1226, not § 1225, because DHS designated them as "present in the United States," rather than an applicant for admission at the border.

The Immigration and Nationality Act ("INA"), codified at Title 8 of the United States Code, governs the detention of noncitizens in removal proceedings. *See* 8 U.S.C. § 1229a. There are two (2) basic forms of detention: mandatory detention under §§ 1225(b)(1),

1225(b)(2), and 1226(c), and discretionary detention under § 1226(a). The first issue is whether Petitioners' detention is governed by § 1225 or § 1226.

Section 1225 applies only in two (2) narrow circumstances: (1) where a noncitizen is subject to expedited removal under § 1225(b)(1); or (2) where, after inspection, an immigration officer determines that a noncitizen is an "applicant for admission" who is "not clearly and beyond a doubt entitled to be admitted." *See*, e.g., *Benitez*, 2025 WL 2372588, at *5 (quoting *Marinez v. Hyde*, Civil Action No. 25-11613-BEM, --- F. Supp. 3d. ---, 2025 WL 2084238, at *2 (D. Mass. July 24, 2025)); 8 U.S.C. § 1125(b)(2)(A). The Supreme Court has made clear that this process "generally begins at the Nation's borders and port of entry." *Jennings v. Rodriguez*, 583 U.S. at 288–89. By contrast, § 1226 governs the detention of noncitizens who are already "inside the United States" or "present in the country." *See Jennings v. Rodriguez*, 583 U.S at 288-89.

After Congress enacted § 1225(b)(2) as part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). Pub. L. No. 104—208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585; *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). Thus, in the decades that followed, most EWIs were placed in standard removal proceeding and received bond hearings, unless their criminal history rendered them ineligible. This practice was consistent with many more decades of practice, in which noncitizens who were not deemed "arriving" were entitled to a bond hearing before an IJ. *See* 8 U.S.C § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt.

1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

Despite this longstanding practice, in July 2025, the DHS and DOJ adopted a new policy asserting that § 1226 does not apply to EWIs, and that such individuals must instead be detained under § 1225—rendering them categorically ineligible for bond.[4] On September 5, 2025, the Board of Immigration Appeals ("BIA") affirmed this broad interpretation in *Matter of Yajure Hurtado*. 29 I. & N. Dec. 216 (BIA 2025). This abrupt shift, however, reflects a clear misreading of the INA, as it departs from decades of agency practice, is contradicted by recent judicial interpretation of the relevant statutes, and undermines foundational principles of statutory construction.

a. Several district courts, including multiple in the Ninth Circuit agree that § 1226 applies

Throughout the country, more than a hundred cases in district courts, with many being in the Ninth Circuit, have addressed the question presented here and have reached the same

[4] *Available at* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last accessed February 16, 2026).

conclusion: § 1226 applies to EWIs who are apprehended by ICE while present in the United States.[5, 6]

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[5] Decisions issued by the courts within the jurisdiction of the United States Court of Appeal for the Ninth Circuit include: *Maldonado-Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026); *Herrera v. Knight*, No. 2:25-CV-01366-RFB-DJA, 2025 WL 2581792 (D. Nev. Sept. 5, 2025); *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025); *Roman v. Noem*, No. 2:25-CV-01684-RFB-EJY, 2025 WL 2710211 (D. Nev. Sept. 23, 2025); *Silva v. Larose*, No. 25-cv-2329-JES-KSC, 2025 U.S. Dist. LEXIS 191833 (S.D. Cal. Sep. 29, 2025); *Carlos v. Noem*, No. 2:25-CV-01900-RFB-EJY, 2025 WL 2896156 (D. Nev. Oct. 10, 2025); *E.C. v. Noem*, No. 2:25-CV-01789-RFB-BNW, 2025 WL 2916264 (D. Nev. Oct. 14, 2025); *Perez Sanchez v. Bernacke*, No. 2:25-CV-01921-RFB-MDC (D. Nev. Oct. 17, 2025); *Aparicio v. Noem*, No. 2:25-CV-01919-RFB-DJA, 2025 WL 2998098 (D. Nev. Oct. 23, 2025); *Dominguez-Lara v. Noem*, No. 2:25-CV-01553-RFB-EJY, 2025 WL 2998094 (D. Nev. Oct. 24, 2025); *Bautista-Avalos v. Bernacke*, 2:25-CV-01987-RFB-BNW (D. Nev. Oct 27, 2025); *Arce-Cervera v. Noem*, No. 2:25-CV-01895-RFB-NJK, 2025 WL 3017866 (D. Nev. Oct. 28, 2025); *Alvarado Gonzalez v. Mattos*, No. 2:25-CV-01599-RFB-NJK (D. Nev. Oct. 30, 2025); *Rodriguez Cabrera v. Mattos*, No. 2:25-cv-01551-RFB-EJY (D. Nev. Nov. 3, 2025); *Berto Mendez v. Noem*, No. 2:25-cv-02062-RFB-MDC, 2025 WL 3124285 (D. Nev. Nov. 7, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Cuevas Guzman v. Andrews*, No. 1:25-CV-01015-KES-SKO (HC), 2025 WL 2617256 (E.D. Cal. Sept. 9, 2025); *Salcedo Aceros v. Kaiser*, No. 25-CV-06924-EMC (EMC), 2025 WL 2637503 (N.D. Cal. Sept. 12, 2025); *Oliveros v. Kaiser*, No. 25-CV-07117-BLF, 2025 WL 2677125 (N.D. Cal. Sept. 18, 2025); *Lepe v. Andrews*, --- F. Supp. 3d ---, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Roa v. Albarran*, No. 25-CV-07802, 2025 WL 2732923 (N.D. Cal. Sept. 25, 2025); *Valencia Zapata v. Kaiser*, --- F. Supp. 3d ---, 2025 WL 2741654 (N.D. Cal. Sept. 26, 2025); *Santiago Flores v. Noem*, No. 5:25-cv-02490-AB-AJR, 2025 WL 3050062 (C.D. Cal. Sept. 29, 2025); *Cordero Pelico v. Kaiser*, No. 25-CV-07286, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); *Echevarria v. Bondi*, No. 25-CV-03252, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Alvarenga Matute v. Wofford*, No. 25-CV-01206, 2025 WL 2817795 (E.D. Cal. Oct. 3, 2025); *Ortiz Donis v. Chestnut*, No. 1:25-CV-01228 JLT SAB, 2025 WL 2879514 (E.D. Cal. Oct. 9, 2025); *Alvarez Chavez v. Kaiser*, No. 3:25-cv-06984-LB, 2025 WL 2909526 (N.D. Cal. Oct. 9, 2025); *Garcia v. Noem*, No. 5:25-CV-02771-ODW (PDX), 2025 WL 2986672 (C.D. Cal. Oct. 22, 2025); *Equivel-Ipina v. Larose*, No. 25-CV-2672 JLS (BLM), 2025 WL 2998361 (S.D. Cal. Oct. 24, 2025); *J.A.C.P. v. Wofford*, No. 1:25-CV-01354-KES-SKO (HC), 2025 WL 3013328 (E.D. Cal. Oct. 27, 2025); *Ruiz Yarleque v. Noem*, No. 5:25-CV-02836-MEMF-SP, 2025 WL 3043936, (C.D. Cal. Oct. 31, 2025); *Beltran v. Noem*, No. 25CV2650-LL-DEB, 2025 WL 3078837 (S.D. Cal. Nov. 4, 2025); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 3089712 (E.D. Cal. Nov. 5, 2025); *Zaragoza v. Noem*, 5:25-cv-2925-HDV-PVC (C.D. Cal. Nov. 7, 2025) (Dkt. 8); *Otilio B.F. v. Andrews*, 1:25-cv-01398-KES-EPG (HC), -- F. Supp. 3d ----, 2025 WL 3152480 (E.D. Cal. Nov. 11, 2025); *Sharan S. v. Chestnut*, No. 1:25-CV-01427-KES-SKO (HC), 2025 WL 3167826 (E.D. Cal. Nov. 12, 2025); *Moran Bernal v. Noem*, No. 5:25-cv-2995-CVSSC

(C.D. Cal. Nov. 12, 2025) (Dkt. 9); *Pelico Calel v. Larose*, No. 3:25-CV-02883-GPC-JLB, 2025 WL 3171898 (S.D. Cal. Nov. 13, 2025); *Maravilla Amaya v. Noem*, No. 25CV2892-BTMDEB, 2025 WL 3182998 (S.D. Cal. Nov. 13, 2025); *Estuardo Marin v. Andrews*, No. 1:25-CV-01422-SAB-HC, 2025 WL 3171484 (E.D. Cal. Nov. 13, 2025); *Salgado v. Mattos*, No. 2:25-cv-01872, 2025 U.S. Dist. LEXIS 225122 (D. Nev. Nov. 17, 2025); *Cornejo-Mejia v. Bernacke*, No. 2:25-cv-02139-RFB-BNW, 2025 U.S. Dist. LEXIS 226849 (D. Nev. Nov. 18, 2025); *Ortiz v. Bernacke*, No. 2:25-cv-01833-RFB-NJK, 2025 U.S. Dist. LEXIS 227525 (D. Nev. Nov. 19, 2025); *Duran v. Bernacke*, No. 2:25-cv-02105-RFB-EJY, 2025 U.S. Dist. LEXIS 227789 (D. Nev. Nov. 19, 2025); *Sales v. Mattos*, No. 2:25-cv-01819-RFB-BNW, 2025 U.S. Dist. LEXIS 227864 (D. Nev. Nov. 19, 2025); *Cabrera-Cortes v. Knight*, No. 2:25-cv-01976-RFB-MDC, 2025 U.S. Dist. LEXIS 228260 (D. Nev. Nov. 20, 2025); *Ramirez v. Noem*, No. 2:25-cv-02136-RFB-MDC, 2025 U.S. Dist. LEXIS 230420 (D. Nev. Nov. 24, 2025); *Hernandez v. Noem*, No. 2:25-cv-02304-RFB-EJY, 2025 U.S. Dist. LEXIS 253786 (D. Nev. Dec. 3, 2025); *Garcia-Arauz v. Noem*, No. 2:25-cv-02117-RFB-EJY, 2025 U.S. Dist. LEXIS 253788 (D. Nev. Dec. 3, 2025); *Fernandez v. Knight*, No. 2:25-cv-02221-RFB-BNW, 2025 U.S. Dist. LEXIS 250274 (D. Nev. Dec. 4, 2025); *Isidoro v. Bernacke*, No. 2:25-cv-02312-RFB-NJK, 2025 U.S. Dist. LEXIS 253021 (D. Nev. Dec. 8, 2025); *Gonzalez v. Knight*, No. 2:25-cv-02081-RFB-BNW, 2025 U.S. Dist. LEXIS 254170 (D. Nev. Dec. 9, 2025); *Marquez v. Knight*, No. 2:25-cv-02203-RFB-NJK, 2025 U.S. Dist. LEXIS 254396 (D. Nev. Dec. 9, 2025); *Flores-Gracias v. Bernacke*, No. 3:25-cv-00688-RFB-CSD, 2025 U.S. Dist. LEXIS 254465 (D. Nev. Dec. 9, 2025); *Salguero v. DHS*, No. 2:25-cv-02328-RFB-NJK, 2025 U.S. Dist. LEXIS 255517 (D. Nev. Dec. 10, 2025); *Gallegos Rangel v. Knight*, No. 2:25-cv-02161-RFB-BNW, 2025 U.S. Dist. LEXIS 255504, (D. Nev. Dec. 10, 2025); *Quinonez Orosco v. Lyons*, No. 2:25-cv-02240-RFB-EJY, 2025 U.S. Dist. LEXIS 255511, (D. Nev. Dec. 10, 2025); *Garcia Soto v. Knight*, No. 2:25-cv-02138-RFB-BNW, 2025 U.S. Dist. LEXIS 255270 (D. Nev. Dec. 10, 2025); *Perez Gonzalez v. Noem*, No. 2:25-cv-02137-RFB-DJA, 2025 U.S. Dist. LEXIS 256265 (D. Nev. Dec. 11, 2025); *Mejia Soto v. DHS*, No. 2:25-cv-02281-RFB-EJY, 2025 U.S. Dist. LEXIS 256266 (D. Nev. Dec. 11, 2025); *Reyes v. Henkey*, No. 2:25-cv-02206-RFB-NJK, 2025 U.S. Dist. LEXIS 257213 (D. Nev. Dec. 12, 2025); *Vicharra v. Henkey*, No. 2:25-cv-02336-RFB-EJY, 2025 U.S. Dist. LEXIS 257214 (D. Nev. Dec. 12, 2025); *Hernandez v. Chestnut*, No. 1:25-cv-01388-JLT-EPG-HC, 2025 U.S. Dist. LEXIS 257748 (E.D. Cal. Dec. 12, 2025); *Banuelos v. Bondi*, No. 2:25-cv-02483-RFB-BNW, 2025 U.S. Dist. LEXIS 264676 (D. Nev. Dec. 23, 2025); *Perez v. Noem*, No. 2:25-cv-02399-RFB-DJA, 2025 U.S. Dist. LEXIS 264683 (D. Nev. Dec. 23, 2025); *Ramirez v. Henkey*, No. 2:25-cv-02446-RFB-MDC, 2025 U.S. Dist. LEXIS 265611 (D. Nev. Dec. 24, 2025); *Bracho v. Henke*, No. 2:25-cv-02531-RFB-NJK, 2025 U.S. Dist. LEXIS 268033 (D. Nev. Dec. 31, 2025); *Covarrubias v. Holston*, No. 2:25-cv-02445-RFB-DJA, 2026 U.S. Dist. LEXIS 582 (D. Nev. Jan. 5, 2026); *Perez-Regalado v. Feeley*, No. 2:25-cv-02409-RFB-EJY, 2026 U.S. Dist. LEXIS 1401 (D. Nev. Jan. 6, 2026); *Garcia v. Mattos*, No. 2:25-cv-02580-RFB-NJK, 2026 U.S. Dist. LEXIS 6874 (D. Nev. Jan. 14, 2026); *In re Rojas*, No. 2:25-cv-02548-RFB-BNW, 2026 U.S. Dist. LEXIS 8714 (D. Nev. Jan. 16, 2026); *Rojas-Lara v. United States*, No. 2:25-cv-02544-RFB-EJY, 2026 U.S. Dist. LEXIS 11412 (D. Nev. Jan. 22, 2026); *Salvador v. Noem*, No. 2:26-cv-00043, 2026 U.S. Dist. LEXIS 13120 (D. Nev. Jan. 25, 2026); *Pedraza v. Noem*, No. 2:26-cv-00051-RFB-NJK, 2026 U.S. Dist. LEXIS 15265 (D. Nev. Jan. 28, 2026); *Doroteo-Chavez v. Noem*, No. 2:26-cv-00049-RFB-DJA, 2026

U.S. Dist. LEXIS 15281 (D. Nev. Jan. 28, 2026); *Cornejo v. Andrews*, No. 1:25-CV-02062, 2026 U.S. Dist. LEXIS 17546 (E.D. Cal. Jan. 29, 2026); and *Figueroa v. Mattos*, No. 2:26-cv-00184-RFB-MDC, 2026 U.S. Dist. LEXIS 30962 (D. Nev. Feb. 16, 2026).

[6] Decisions issued by district courts nationwide include: *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Hernandez Marcelo v. Trump*, --- F. Supp. 3d ----, 2025 WL 2741230 (S.D. Iowa Sept. 10, 2025); *Lopez Santos v. Noem*, No. 3:25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Garcia Cortes v. Noem*, No. 1:25-CV-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Salazar v.* Dedos, No. 1:25-CV-00835-DHU-JMR, 2025 WL 2676729 (D.N.M. Sept. 17, 2025); *Beltran Barrera v. Tindall*, No. 3:25-CV-541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); Hasan v. Crawford, No. 1:25-CV-1408 (LMB/IDD), 2025 WL 2682255 (E.D. Va. Sept. 19, 2025); *Chogllo Chafla v. Scott*, No. 25-CV-00437, 2025 WL 2688541 (D. Me. Sept. 22, 2025); *Singh v. Lewis*, No. 25-CV-96, 2025 WL 2699219 (W.D. Ky. Sept. 22, 2025); *Giron Reyes v. Lyons*, --- F. Supp. 3d ---, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Brito Barrajas v. Noem*, No. 25-CV-00322, 2025 WL 2717650 (S.D. Iowa Sept. 23, 2025); *Lopez v. Hardin*, No. 25-CV-830, 2025 WL 2732717 (M.D. Fla. Sept. 25, 2025); *Rivera Zumba v. Bondi*, No. 25-CV-14626, 2025 WL 2753496 (D.N.J. Sept. 26, 2025); *Inlago Tocagon v. Moniz*, --- F. Supp. 3d ---, 2025 WL 2778023 (D. Mass. Sept. 29, 2025); *Romero-Nolasco v. McDonald*, --- F. Supp. 3d ---, 2025 WL 2778036 (D. Mass. Sept. 29, 2025); *Chang Barrios v. Shepley*, No. 25-CV-00406, 2025 WL 2772579 (D. Me. Sept. 29, 2025); *Alves da Silva v. ICE*, No. 25-CV-284, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *J.U. v. Maldonado*, No. 25-CV-04836, 2025 WL 2772765 (E.D.N.Y. Sept. 29, 2025); *Quispe v. Crawford*, No. 25-CV-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *Chiliquinga Yumbillo v. Stamper*, No. 25-CV-00479, 2025 WL 2783642 (D. Me. Sept. 30, 2025); *Morales v. Plymouth Cnty. Corr.* Facility, No. 25-CV-12602 (D. Mass. Sept. 30, 2025) (Dkt. 15); *Santiago Helbrum v.* Williams, No. 4:25-cv-00349-SHLSBJ, 2025 WL 2840273 (S.D. Iowa Sept. 30, 2025); *Quispe-Ardiles v. Noem*, No. 25-CV-01382, 2025 WL 2783800 (E.D. Va. Sept. 30, 2025); *Esmeralda Mendoza v. Hyde*, No. 25-12815-JEK (D. Mass. Oct. 1, 2025) (Dkt. 12); *Chavez Chavez v. Hyde*, No. 25-12571-JEK (D. Mass. Oct. 1, 2025) (Dkt. 11); *De Oliveira Gomes v. Hyde*, No. 25-12737-JEK (D. Mass. Oct. 1, 2025) (Dkt. 8); *Reynosa Tejada v. Moniz*, No. 1:25-cv-12731-LTS (D. Mass. Oct. 1, 2025) (Dkt. 10); *D.S. v. Bondi*, No. 25-CV-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *De Miranda Silva v. Hyde*, No. 25-12679-ADB (D. Mass. Oct. 2, 2025) (Dkt. 9); *De Sousa v. Hyde*, No. 25-12736-BEM (D. Mass. Oct. 2, 2025) (Dkt. 8); *Goncalves Xavier v. Moniz*, No. 25-12798-JEK (D. Mass. Oct. 2, 2025) (Dkt. 14); *Rocha v. Hyde*, No. 25-CV-12584, 2025 WL 2807692 (D. Mass. Oct. 2, 2025); *Chanaguano Caiza v. Scott*, No. 25-CV-00500, 2025 WL 2806416 (D. Me. Oct. 2, 2025); *Moreira Neto v. FCI Berlin, Warden*, No. 25-311-JL-TSM (D.N.H. Oct. 2, 2025) (Dkt. 14); *Ayala Casun v.* Hyde, No. 25-CV-427, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Guzman Alfaro v. Wamsley*, No. 25-CV-01706, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025); *Escobar v. Hyde*, No. 25-CV-12620, 2025 WL 2823324 (D. Mass. Oct. 3, 2025); *Martins Valadares v. Hyde*, No. 1:25-cv-12693-ADB (D. Mass. Oct. 3, 2025) (Dkt. 8); *Ribeiro Da Silva v. Hyde*, No. 1:25-cv-12756-JEK (D. Mass. Oct. 3, 2025) (Dkt. 9); *Shinwari v. Hyde*, No. 1:25-cv-12021-LTS (D. Mass. Oct. 3, 2025 (Dkt. 37); *Artiga v. Genalo*, No. 25-CV-5208, 2025 WL 2829434 (E.D.N.Y. Oct. 5, 2025); *Diaz Dimas et al. v.* Moniz, No. 1:25-cv-12665-LTS (D. Mass. Oct. 6,

2025) (Dkt. 14); *Pereira De Souza v. Hyde*, No. 1:25-cv-12532-RGS (D. Mass. Oct. 6, 2025) (Dkt. 13); *Velasco-Luis v. Hyde*, No. 1:25-cv-12747-RGS (D. Mass. Oct. 6, 2025) (Dkt. 8); *Hyppolite v. Noem*, No. 25-CV-4304, 2025 WL 2829511 (E.D.N.Y. Oct. 6, 2025); *Cardoso De Sa v. Hyde*, No. 1:25-cv-12788-RGS (D. Mass. Oct. 7, 2025) (Dkt. 9); *Cardoso Dos Santos v. Hyde*, No. 1:25-cv-12787-RGS (D. Mass. Oct. 7, 2025) (Dkt. 7); *Carmona Reyes v. Hyde*, No. 1:25-cv-12781-RGS (D. Mass. Oct. 7, 2025) (Dkt. 8); *Da Silva v. Hyde*, No. 1:25-cv-12638-IT (D. Mass. Oct. 7, 2025) (Dkt. 10); *Fonseca De Sa v. Hyde*, No. 1:25-cv-12734-ADB (D. Mass. Oct. 7, 2025) (Dkt. 8); *S.D.B.B. v. Johnson*, No. 1:25-CV-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025); *Buenrostro-Mendez v. Bondi*, No. 4:25-cv-03726 (S.D. Tex. Oct. 7, 2025) (Dkt. 18); *Goncalves Bento et al. v. Moniz*, No. 1:25-cv-12498-RGS (D. Mass. Oct. 8, 2025) (Dkt. 8); *Eliseo A.A. v. Olson*, No. CV 25-3381 (JWB/DJF), 2025 WL 2886729 (D. Minn. Oct. 8, 2025); *Padron Covarrubias v. Vergara*, No. 5:25-cv-00112, 2025 WL 2950097 (S.D. Tex. Oct. 8, 2025); *Lopez Lopez v. Hyde*, No. 1:25-cv-12725-IT (D. Mass. Oct. 8, 2025) (Dkt. 14); *De Los Reyes Gonzalez v. McDonald*, No. 1:25-cv-12644-RGS (D. Mass. Oct. 9, 2025) (Dkt. 10); *Pereira v. Hyde*, No. 1:25-cv-12775-ADB (D. Mass. Oct. 9, 2025) (Dkt. 8); *Rosa Venancio v. Hyde*, No. 1:25-cv-12616-IT (D. Mass. Oct. 9, 2025) (Dkt. 12); *Seidu v. Moniz*, No. 1:25-cv-12723-BEM (D. Mass. Oct. 9, 2025) (Dkt. 11); *Tawela v. Wesling*, No. 1:25-cv-12794-AK (D. Mass. Oct. 9, 2025) (Dkt. 11); *Vasconcelos De Castro v. Hyde*, No. 1:25-cv-12785-AK (D. Mass. Oct. 9, 2025) (Dkt. 13); *Landaverde v. Hyde*, No. 1:25-cv-12552-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 16); *Lopez Orellana v. Moniz*, No. 1:25-cv-12908-PBS (D. Mass. Oct. 10, 2025) (Dkt. 12); *Monzon Guzman v. Hyde*, No. 1:25-cv-12593-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 14); *Orellana-Serrano v. Hyde*, No. 1:25-cv-12646-MJJ (D. Mass. Oct. 10, 2025) (Dkt. 18); *Castillo v. Lyons*, No. 25-CV-16219 (MEF), 2025 WL 2940990 (D.N.J. Oct. 10, 2025); *Alejandro v.Olson*, No. 1:25-CV-02027-JPH-MKK, 2025 WL 2896348 (S.D. Ind. Oct. 11, 2025); *Singh v. Lyons*, No. 1:25-CV-01606-AJT-WBP, 2025 WL 2932635 (E.D. Va. Oct. 14, 2025); *Merino v. Ripa*, No. 25-23845-CIV, 2025 WL 2941609 (S.D. Fla. Oct. 15, 2025); *Puga v. Assistant Field Off. Dir., Krome N. Serv. Processing Ctr.*, No. 25-24535-CIV, 2025 WL 2938369 (S.D. Fla. Oct. 15, 2025); *Ochoa v. Noem*, No. 25 CV 10865, 2025 WL 2938779 (N.D. Ill. Oct. 16, 2025); *Andrade Hernandez v. Moniz*, No. 25-12860-ADB (D. Mass. Oct. 16, 2025) (Dkt. 8); *Cruz Avalos v. Moniz*, No. 25-12940-BEM (D. Mass. Oct. 16, 2025) (Dkt. 8); *Chavez Mendoza v. Moniz*, No. 25-12978-PBS (D. Mass. Oct. 16, 2025) (Dkt. 13); *Dume Rivera v. Moniz*, No. 25-12833-FDS (D. Mass. Oct. 16, 2025) (Dkt. 12); *Garcia Liranzo v. Moniz*, No. 25-12930-BEM (D. Mass. Oct. 16, 2025) (Dkt. 11); *Pineda-Chavez v. Moniz*, No. 25-12932-MJJ (D. Mass. Oct. 16, 2025) (Dkt. 9); *Zacarias-Sanchez v. Moniz*, No. 25-12915-BEM (D. Mass. Oct. 16, 2025) (Dkt. 9); *Pérez Piña v. Stamper*, No. 2:25-cv-00509-SDN (D. Me. Oct. 16, 2025) (Dkt. 20); *Hernandez v. Crawford*, No. 1:25-CV-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025); *Menjivar Sanchez v. Wofford*, No. 1:25-CV-01187-SKO (HC), 2025 WL 2959274 (E.D. Cal. Oct. 17, 2025); *Garcia Guaman v. Hyde*, No. 25-12879-ADB (D. Mass. Oct. 17, 2025) (Dkt. 7); *Nogueira Da Silva v. Hyde*, No. 25-12931-LTS (D. Mass. Oct. 17, 2025) (Dkt. 10); *Zamora v. Noem*, 25-12750-NMG, 2025 WL 2958879 (D. Mass. Oct. 17, 2025); *Contreras-Cervantes v. Raycraft*, No. 2:25-CV-13073, 2025 WL 2952796 (E.D. Mich. Oct. 17, 2025); *Diaz Sandoval v. Raycraft*, No. 2:25-CV-12987, 2025 WL 2977517 (E.D. Mich. Oct. 17, 2025); *Pacheco Mayen v. Raycraft*, No. 2:25-CV-13056, 2025 WL 2978529 (E.D. Mich. Oct. 17, 2025); *Sanchez Alvarez v. Noem*, No. 1:25-CV-1090, 2025 WL 2942648 (W.D.

Mich. Oct. 17, 2025); *H.G.V.U. v. Smith*, No. 25 CV 10931, 2025 *WL 2962610 (N.D. Ill. Oct. 20, 2025); De La Cruz v. Noem*, No. 25-cv-150-LTS (N.D. Iowa Oct. 20, 2025) (Dkt. 24); *Da Silva v. Moniz*, No. 25-12563-LTS (D. Mass. Oct. 20, 2025) (Dkt. 15); *Hercules Acosta v. Hyde*, No. 25-13011-AK (D. Mass. Oct. 20, 2025) (Dkt. 10); *Monzon v. Hyde*, No. 25-12594-RGS (D. Mass. Oct. 20, 2025) (Dkt. 15); *Ruiz Barahona v. Hyde*, No. 25-12551-IT (D. Mass. Oct. 20, 2025) (Dkt. 13); *Miguel v. Noem*, No. 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025); *Maldonado de Leon v. Baker*, No. CV 25-3084-TDC, 2025 WL 2968042 (D. Md. Oct. 21, 2025); *Araujo Da Silva v. Bondi*, No. 25-12672-DJC (D. Mass. Oct. 21, 2025) (Dkt. 16); *Casio-Mejia v. Raycraft*, No. 2:25-CV-13032, 2025 WL 2976737 (E.D. Mich. Oct. 21, 2025); *Contreras-Lomeli v. Raycraft*, No. 2:25-CV-12826, 2025 WL 2976739 (E.D. Mich. Oct. 21, 2025); *Jimenez Garcia v. Raybon*, No. 2:25-CV-13086, 2025 WL 2976950 (E.D. Mich. Oct. 21, 2025); *Santos Franco v. Raycraft*, No. 2:25-CV-13188, 2025 WL 2977118 (E.D. Mich. Oct. 21, 2025); *Herrera Avila v. Bondi*, No. CV 25-3741 (JRT/SGE), 2025 WL 2976539, at (D. Minn. Oct. 21, 2025); *Buestan v. Chu*, No. CV 25-16034 (MEF), 2025 WL 2972252 (D.N.J. Oct. 21, 2025); *Flores Pineda v. Simon*, No. 1:25-CV-01616-AJT-WEF, 2025 WL 2980729 (E.D. Va. Oct. 21, 2025); *Padilla v. Noem*, No. 25 CV 12462, 2025 WL 2977742 (N.D. Ill. Oct. 22, 2025); *Coelho Gomes v. Moniz*, No. 25-13021-MJJ (D. Mass. Oct. 22, 2025) (Dkt. 8); *Cortez Rivera v. Hyde*, No. 25-12390-IT, 2025 WL 2977900 (D. Mass. Oct. 22, 2025); *Moreira Aguiar v. Moniz*, No. 25-12706-IT, 2025 WL 2987656 (D. Mass. Oct. 22, 2025); *Soto v. Soto, ---- F. Supp. 3d* ----, 2025 WL 2976572 (D.N.J. Oct. 22, 2025); *Hernandez Vazquez v. Baltasar*, No. 25-cv-03049-GPG (D. Colo. Oct. 23, 2025) (Dkt. 22); *Da Cruz v. Moniz*, No. 25-13067-MJJ (D. Mass. Oct. 23, 2025) (Dkt. 8); *Contreras Maldonado v. Cabezas*, No. CV 25-13004, 2025 WL 2985256 (D.N.J. Oct. 23, 2025); *Lomeu v. Soto*, No. 25CV16589 (EP), 2025 WL 2981296 (D.N.J. Oct. 23, 2025); *Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150 (W.D. Pa. Oct. 23, 2025); *Nava Hernandez v. Baltazar*, No. 1:25-cv-03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Patel v. Crowley*, No. 25 C 11180, 2025 WL 2996787 (N.D. Ill. Oct. 24, 2025); *Ajtzac Osorio v. Hyde*, No. 25-12678-DJC (D. Mass. Oct. 24, 2025) (Dkt. 17); *Arias Lopez v. Hyde*, No. 25-12680-NMG (D. Mass. Oct. 24, 2025) (Dkt. 21); *Mezdaoui v. Moniz*, No. 25-12999-JEK (D. Mass. Oct. 24, 2025) (Dkt. 9); *Aguilar Guerra v. Joyce*, No. 2:25-cv-00534-SDN (D. Me. Oct. 24, 2025) (Dkt. 18); *Rodriguez Carmona, v. Noem*, No. 1:25-CV-1131, 2025 WL 2992222 (W.D. Mich. Oct. 24, 2025); *Yobani v. Noem*, No. 1:25-CV-01666-AJT-LRV, 2025 WL 2997507 (E.D. Va. Oct. 24, 2025); *Martinez- Elvir v. Olson*, No. 3:25-CV-589-CHB, 2025 WL 3006772 (W.D. Ky. Oct. 27, 2025); *Orellana v. Noem*, No. 4:25-CV-112-RGJ, 2025 WL 3006763 (W.D. Ky. Oct. 27, 2025); *Pineda Velasquez v. Noem*, No. CV GLR-25-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Chavez Castillo v. Moniz*, No. 25-13091-MJJ (D. Mass. Oct. 27, 2025) (Dkt. 8); *De Moura v. Moniz*, No. 25-13058-IT (D. Mass. Oct. 27, 2025) (Dkt. 10); *Lopez-Monteros v. Hyde*, No. 25-12629-NMG (D. Mass. Oct. 27, 2025) (Dkt. 21); *Mejia Arias v. Moniz*, No. 25-13019-IT (D. Mass. Oct. 27, 2025) (Dkt. 8); *Palencia Morales v. Hyde*, No. 25-13031-DJC (D. Mass. Oct. 27, 2025) (Dkt. 8); *Gimenez Gonzalez v. Raycraft*, No. 25-CV-13094, 2025 WL 3006185 (E.D. Mich. Oct. 27, 2025); *Tomas Elias v. Hyde*, No. 25-CV-540-JJM-AEM, 2025 WL 3004437 (D.R.I. Oct. 27, 2025); *Duarte Escobar v. Perry*, No. 3:25CV758, 2025 WL 3006742 (E.D. Va. Oct. 27, 2025); *Puerto-Hernandez v. Lynch*, No. 1:25-CV-1097, 2025 WL 3012033 (W.D. Mich. Oct. 28, 2025); *J.G.O. v. Francis*, No. 25-CV-7233 (AS), 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025); *Zolakio*

v. Hyde, No. 25-13040-RGS (D. Mass. Oct. 28, 2025) (Dkt. 8); *Patel v. Almodovar*, No. CV 25-15345 (SDW), 2025 WL 3012323 (D.N.J. Oct. 28, 2025); *Corona Diaz v. Olson*, No. 25 CV 12141, 2025 WL 3022170 (N.D. Ill. Oct. 29, 2025); *Marin Garcia v. Noem*, No. 1:25-CV-1271, 2025 WL 3017200 (W.D. Mich. Oct. 29, 2025); *Rodriguez v. Noem*, No. 1:25-CV-1196, 2025 WL 3022212 (W.D. Mich. Oct. 29, 2025); *Ramirez Valverde v. Olson*, No. 25-CV-1502, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025); *Singh v. Bondi*, No. 1:25-CV-02101-SEB-TAB, 2025 WL 3029524 (S.D. Ind. Oct. 30, 2025); *Ayala Amaya v. Bondi*, No. 25-CV-16428-ESK, 2025 WL 3033880 (D.N.J. Oct. 30, 2025); *Astudillo v. Hyde*, No. CV 25-551-JJM-AEM, 2025 WL 3035083 (D.R.I. Oct. 30, 2025); *Tejada Polanco v. Hyde*, No. 25-CV-552-JJM-AEM, 2025 WL 3033926 (D.R.I. Oct. 30, 2025); *Lopez Lopez v. Sheehan*, No. 25-CV-4052-CJW-KEM, 2025 WL 3046183 (N.D. Iowa Oct. 30, 2025); *Artola Arauz v. Baltazar*, No. 1:25-cv-03260-CNS (D. Colo. Oct. 31, 2025) (Dkt. 16); *Cervantes Arredondo v. Baltazar*, No. 1:25-cv-03040-RBJ (D. Colo. Oct. 31, 2025) (Dkt. 21); *Garcia v. Noem*, No. 2:25-CV-00879-SPC-NPM, 2025 WL 3041895 (M.D. Fla. Oct. 31, 2025); *Rosales Ponce v. Olson*, No. 25-CV-13037, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025); *Valencia v. Noem*, No. 25-CV-12829, 2025 WL 3042520 (N.D. Ill. Oct. 31, 2025); *Escobar-Ruiz v. Raycraft*, No. 1:25-CV-1232, 2025 WL 3039255 (W.D. Mich. Oct. 31, 2025); *Ruiz Mejia v. Noem*, No. 1:25-CV-1227, 2025 WL 3041827 (W.D. Mich. Oct. 31, 2025); *De Jesus Ramirez v. Noem*, No. 1:25-CV-1261, 2025 WL 3039266 (W.D. Mich. Oct. 31, 2025); *Godinez-Lopez v. Ladwig*, No. 2:25-CV-02962-SHL-ATC, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025); *J.A.M. v. Streeval*, No. 4:25-CV-342 (CDL), 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *D.E.C.T. v. Noem*, No. 25 C 12463, 2025 WL 3063650 (N.D. Ill. Nov. 3, 2025); *Flores v. Olson*, No. 25 C 12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025); *Mboup v. Field Off. Dir. of New Jersey Immigr. & Customs Enf't*, No. 2:25-CV-16882 (MEF), 2025 WL 3062791 (D.N.J. Nov. 3, 2025); *Vargas Ramos v. Rokosky*, No. 25CV15892 (EP), 2025 WL 3063588 (D.N.J. Nov. 3, 2025); *Aguirre Villa v. Normand*, No. 5:25-CV-89, 2025 WL 3095969 (S.D. Ga. Nov. 4, 2025) (R&R); *Alonso v. Tindall*, No. 3:25-CV-652-DJH, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025); *Salgado Mendoza v. Noem*, No. 1:25-CV-1252, 2025 WL 3077589 (W.D. Mich. Nov. 4, 2025); *Ortiz v. Freden*, No. 25-CV-960-LJV, 2025 WL 3085032 (W.D.N.Y. Nov. 4, 2025); *Reyes Arizmendi v. Noem*, No. 25 C 13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025); *Hernandez Capote v. Sec'y of U.S. Dep't of Homeland Security*, No. 25-13128, 2025 WL 3089756 (E.D. Mich. Nov. 5, 2025); *Lopez Sarmiento v. Perry*, 1:25-cv-01644-AJT-WBP, 2025 WL 3091140 (E.D. Va. Nov. 5, 2025); *Mirzoev v. Olson*, No. 25-CV-12969, 2025 WL 3101969 (N.D. Ill. Nov. 6, 2025); *Vicens-Marquez v. Soto*, No. CV 25-16906 (KSH), 2025 WL 3097496 (D.N.J. Nov. 6, 2025); *Romero Perez v. Francis*, No. 25-CV-8112 (JGK), 2025 WL 3110459 (S.D.N.Y. Nov. 6, 2025); *Vasquez Carmaco v. Noem*, 2025 WL 3119263 (M.D. Fla. Nov. 7, 2025); *Garcia Rios v. Noem*, 2025 WL 3124173 (N.D. Ill. Nov. 7, 2025); *Morales-Martinez v. Raycraft*, No. 25-CV-13303, 2025 WL 3124695 (E.D. Mich. Nov. 7, 2025); *Molina Ochoa v. Noem*, 2025 WL 3125846 (D.N.M. Nov. 7, 2025) (R&R); *Guartazaca Sumba v. Crowley*, No. 1:25-CV-13034, 2025 WL 3126512 (N.D. Ill. Nov. 9, 2025); *Perez-Gomez v. Warden, Camp East Montana Detention Facility*, No. CV 3:25CV773, 2025 WL 3141103 (E.D. Va. Nov. 10, 2025); *Lira Perez v. Noem*, No. 25 C 13442, 2025 WL 3140692 (N.D. Ill. Nov. 10, 2025); *Ramirez Martinez v. Noem*, No. 25-CV-12029, 2025 WL 3145103 (N.D. Ill. Nov. 11, 2025); *Lopez Briseno v. Noem*, No. 25 C 12092, 2025 WL 3145985 (N.D. Ill. Nov. 11, 2025); *Garcia Guevara v. Swearingen*, No. 25 C 12549, 2025

On September 5, 2025, the District Court for the District of Nevada granted a petition for habeas corpus on a closely related issue concerning immigration bonds. This Court noted in passing that "the decision of federal district courts within the Ninth Circuit and across the

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WL 3158151 (N.D. Ill. Nov. 12, 2025); *Adonay E.M. v. Noem*, No. 25-CV-3975 (SRN/DTS), 2025 WL 3157839 (D. Minn. Nov. 12, 2025); *Chilel Chilel v. Sheehan*, No. C25-4053-LTS-KEM, 2025 WL 3158617 (N.D. Iowa Nov. 12, 2025); *Mauricio Diego v. Raycraft*, No. 25-13288, 2025 WL 3159106 (E.D. Mich. Nov. 12, 2025); *Contreras Alvarez v. Noem*, No. 1:25-CV-1313, 2025 WL 3151948 (W.D. Mich. Nov. 12, 2025); *Lucero Lucero v. Noem*, No. 1:25-CV-1295, 2025 WL 3165235 (W.D. Mich. Nov. 12, 2025); *Guaman Naula v. Noem*, No. CV 25-16792 (SDW), 2025 WL 3158490 (D.N.J. Nov. 12, 2025); *Guaita Quinapanta v. Bondi*, No. 25-CV-795-WMC, 2025 WL 3157867 (W.D. Wis. Nov. 12, 2025); *Portillo Martinez v. Hyde*, No. CV 25-11909-BEM, 2025 WL 3152847 (D. Mass. Nov. 12, 2025); *Hernandez Silva v. Bondi*, No. 9:25-cv-251-MJT (E.D. Tex. Nov. 12, 2025)(Dkt. 10) (R&R); *Mariscal Serrano v. Salazar*, No. 25 C 13170, 2025 WL 3171354 (N.D. Ill. Nov. 13, 2025); *Delgado Avila v. Crowley*, No. 2:25-CV-00533-MPB-MJD, --- F. Supp. 3d ----, 2025 WL 3171175 (S.D. Ind. Nov. 13, 2025); *Singh v. Noem*, No. 1:25-CV-1251, 2025 WL 3170855 (W.D. Mich. Nov. 13, 2025); *Cabrera v. Noem*, No. 25 C 12160, 2025 WL 3171288 (N.D. Ill. Nov. 13, 2025); *Caguana-Caguana v. Moniz*, No. 1:25-CV-13142-IT, 2025 WL 3171043 (D. Mass. Nov. 13, 2025); *Anselmo v. Moniz*, No. 1:25-CV-13309-IT, 2025 WL 3171137 (D. Mass. Nov. 13, 2025); *Ginez Hernandez v. Noem*, No. 1:25-CV-1307, 2025 WL 3170872 (W.D. Mich. Nov. 13, 2025); *Mora Lara v. Noem*, No. 1:25-CV-1332, 2025 WL 3170876 (W.D. Mich. Nov. 13, 2025); *Madrid Gonzalez v. Noem*, No. 1:25-CV-1315, 2025 WL 3170879 (W.D. Mich. Nov. 13, 2025); *Moreira Da Silva v. LaForge*, No. 25CV17095 (EP), 2025 WL 3173859 (D.N.J. Nov. 13, 2025); *Castanon Nava v. DHS*, No. 18-cv-3757 (N.D. Ill. Nov. 13, 2025) (Dkt. 247); *Rodriguez Loredo v. Forestal*, No. 25 C 12758, 2025 WL 3187319 (N.D. Ill. Nov. 14, 2025); *Dionisa Quinonez v. Olson*, No. 25 CV 13524, 2025 WL 3190598 (N.D. Ill. Nov. 14, 2025); *Pu Sacvin v. De Anda-Ybarra*, No. 2:25-CV-01031-KG-JFR, 2025 WL 3187432 (D.N.M. Nov. 14, 2025); *Kashranov v. Jamison*, No. 2:25-CV-05555-JDW, 2025 WL 3188399 (E.D. Pa. Nov. 14, 2025); *Cruz Gutierrez v. Thompson*, No. 4:25-4695, 2025 WL 3187521 (S.D. Tex. Nov. 14, 2025); *Morales Chavez v. Dir. Of Detroit Field Office*, No. 4:25-CV-2061, 2025 WL 3187080 (N.D. Ohio Nov. 14, 2025); *Alvarez v. Olson*, No. 25 C 13410, 2025 U.S. Dist. LEXIS 225963 (N.D. Ill. Nov. 17, 2025); *Ayala v. Olson*, No. 25 C 13317, 2025 U.S. Dist. LEXIS 225440 (N.D. Ill. Nov. 17, 2025); *Lara v. Olson*, No. 25 C 13110, 2025 U.S. Dist. LEXIS 225964 (N.D. Ill. Nov. 17, 2025); *Orellana v. Noem*, No. 1:25-cv-1333, 2025 U.S. Dist. LEXIS 225785 (W.D. Mich. Nov. 17, 2025); *Perez v. Noem*, Civil Action No. 3:25cv882, 2025 U.S. Dist. LEXIS 232467 (E.D. Va. Nov. 25, 2025); *Campos-Flores v. Bondi*, Civil Action No. 3:25cv797, 2025 U.S. Dist. LEXIS 235303 (E.D. Va. Dec. 2, 2025); *Velasquez v. Noem*, Civil Action No. 3:25cv998, 2026 U.S. Dist. LEXIS 23061 (E.D. Va. Feb. 3, 2026); *Trejo v. Bullock*, No. 3:26-cv-47, 2026 U.S. Dist. LEXIS 30308 (E.D. Tenn. Feb. 13, 2026); and *Espinoza Camacho v. Perry*, Civil Action No. 3:26 -cv-76, 2026 U.S. Dist. LEXIS 30919 (E.D. Va. Feb. 15, 2026).

country that have thus far considered and rejected DHS's novel interpretation of sections § 1225 and § 1226." *See Torralba v. Knight*, No. 2:25-v-01366-RFB-DJA, 2025 LX 396583, ECF 32 at 12 (D. Nev. Sept. 5, 2025). For instance, in a September 17, 2025 order, this Court found that the phrases "applicants for admission" and "seeking admission" in § 1225(b)(2)(A) cannot be read to apply indefinitely to all noncitizens residing in the U.S. for years or decades. *Vazquez v. Feeley*, No. 2:25-CV-01542-RFB-EJY, 2025 WL 2676082 (D. Nev. Sept. 17, 2025). Rather, § 1225 is limited in temporal scope, and applies only to "noncitizens entering, attempting to enter, or who have recently entered the U.S." *Id.*

Here, Petitioners' detention is governed by § 1226, not § 1225. Only one Petitioner has a complete copy of his NTA—Abimael Bequer Arroyo Lucas—which shows that he is designated as an "alien present in the United States who has not been admitted or paroled." *See* **Exh. C** (Abimael Bequer Arroyo Lucas, Notice to Appear). Petitioner Jesus has only the first page of his NTA, which likewise designates him as "alien present in the United States who has not been admitted or paroled." *See* **Exh. H** (Jesus Gustavo Huerta Cortez, Partial Notice to Appear, page 1 of 4). Petitioner Daglis does not have any pages of his NTA, despite repeatedly requesting a copy from ICE. *See* **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶ 7. But his administrative warrant and ICE detainer reflect ICE arrested him pursuant to § 1226(a) as a noncitizen present in the U.S. without admission or parole. *See* **Exhs. L–M** (Daglis Noely Flores Zelaya, Administrative Warrant and ICE Detainer). These actions are consistent with § 1226 detainees and EWIs detained before July 2025. Further, Petitioners Abimael and Jesus' NTAs do not designate them as "an arriving alien," further suggesting that they are detained under § 1226(a) and therefore entitled to bond hearings on the merits. Under the DHS and DOJ's current policies, EWIs are subject to § 1225. *Id.* But decades of agency practice, the

aforementioned case law interpreting these statutes, and principles of statutory interpretation demonstrate otherwise.

b. The rules of statutory interpretation demonstrate that § 1226, not § 1225 applies.

Section 1226(a) states: "[a]n alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." It goes on to state that bond is available when a noncitizen is arrested under § 1226(a), **except** as provided in subsection (c). As the *Rodriguez Vazquez* court concluded, a plain reading of this exception implies that the default bond procedures in § 1226(a)—which allows discretionary release—apply to a noncitizen who is present without being admitted or paroled but has not been implicated in any of the crimes enumerated in subsection (c). 779 F. Supp. 3d at 1256.

While § 1226 governs immigration arrests inside the country, § 1225 addresses "[i]nspection of aliens **arriving in the United States** and certain other aliens who have not been admitted or paroled." 8 U.S.C. § 1225(b)(1). Thus, it is clear that § 1225 "applies primarily to aliens seeking entry in the United States," not those already here. *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 11978 (9th Cir. 2022).

The dispute in this case is the text of § 1225(a)(1), which states that "an alien present in the United States who has not been admitted…shall be deemed for purposes of this chapter an applicant for admission." 8 U.S.C. § 1225(a)(1). It goes on to state that "if the examining immigration officer determines that" an applicant for admission who is "not clearly and beyond a doubt entitled to be admitted, the alien shall be detained" without bond. 8 U.S.C § 1225(b)(2)(A). However, this position depends on reading these statutory provisions entirely in isolation. The Supreme Court requires statutes to be read to give meaning to ***all*** of its provisions. *See Corley v. United States*, 556 U.S. 303, 314 (2009).

The appropriate interpretation of these provisions is that § 1226 is the default rule for noncitizens apprehended while present in the United States, including EWIs, unless the noncitizen is specifically excluded under § 1226(c) due to criminal conviction. Thus, § 1226 detainees are generally eligible for release on bond. By contrast, § 1225 generally applies to applicants seeking admission into the United States from the border.

c. If statutory ambiguity exists, interpretation must be construed in favor of Petitioners' and judicial review.

To the extent that statutory ambiguity exists, the rule of lenity requires this Court to construe the statute in favor of Petitioners' liberty as a matter of constitutional due process. This rule states: "any reasonable doubt about the application of a penal law must be resolved in the favor of liberty." *Wooden v. United States*, 595 U.S. 360, 388 (2022) (Kavanaugh, J., concurring). This rule extends to the immigration context, as the Supreme Court has recognized that the rule of lenity applies when physical liberty is at stake. *See Clark v. Matinez*, 543 U.S. 371, 380 (2005) (quoting *Leocal v. Ashcroft*, 543 U.S. 1, 11-12 n. 8 (2004)). Further, in evaluating the jurisdiction provisions of the INA, this Court is guided "by the general rule to resolve any ambiguities in a jurisdiction stripping statute in favor of the narrower interpretation and by the strong presumption in favor of judicial review." *Arce v. United States*, 899 F. 3d 796, 801 (9th Cir. 2018) (*per curiam*) (internal quotations and citations omitted).

Accordingly, between providing Petitioners with a bond hearing under § 1226 to advocating for their release on bond and eliminating this opportunity altogether, the former is clearly the resolution that most favors Petitioners' liberty, as well as judicial review. By contrast, a decision adopting § 1225 would strip Petitioners of their liberty when the statute does not obviously require that outcome. It would also strip this Court of jurisdiction to adjudicate

matter, which would contradict the strong presumption in favor of judicial review in interpreting INA provisions.

d. Petitioners' *fundamental liberty interests* in being free from detention are at stake.

An individual's private interest in being free from physical restraint is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (stating that freedom from imprisonment lies at the heart of the liberty that the Clause protects). In this country, liberty is the norm and detention "is the carefully limited exception." *United States v. Salerno*, 481 U.S. 739, 755 (1987).

Here, Petitioners have a substantial interest in being free from continuous, unlawful detention. They all been stripped away from their family. They have also been unable to work and earn income which their family largely depends on. Petitioners have suffered mental, emotional and financial distress as a result of their detention. The first *Mathews* factor weighs strongly in Petitioners' favor.

e. Mandatory detention poses a *substantial risk* of erroneous deprivation.

Given that individuals have a fundamental interest in freedom from detention, any deprivation of liberty requires substantial justifications. *Jones v. United States*, 463 U.S. 354, 361 (1983). The Supreme Court has recognized that detention of noncitizens pending removal proceeding is permissible only for the limited purposes of preventing flight and protecting the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Where detention does not serve these purposes, it is unjustified.

Here, Petitioners' detention under § 1226(c) poses a substantial risk of erroneous deprivation, because Petitioner Daglis has no criminal convictions whatsoever and no pending charges, Petitioner Jesus has no criminal convictions and a single pending charge for DUI, and Petitioner Abimael has only one conviction for DUI, which does not subject him to mandatory detention, and no other pending charges. Further, the factual record contains no evidence suggesting that Petitioners are either a flight risk or a danger to the community. *See* **Exh. A, F, and J** (Declaration of Abimael Bequer Arroyo Lucas; Declaration of Jesus Gustavo Huerta Cortez; and Declaration of Daglis Noely Flores Zelaya). As such, Petitioners are being deprived of the opportunity to secure their liberty and release, when release would allow them to reunite with their community, financially and emotionally support their family, and access resources to assist with their pending removal proceedings cases. As a result, Petitioners face a substantial risk of erroneous deprivation.

f. Respondents do not suffer any *undue burden* by Petitioners' receipt of a bond hearing.

Preliminarily, but for DHS' and DOJ's sudden and erroneous interpretation of the statute and case law, Petitioners would ordinarily be provided with a bond hearing as a matter of course. To provide Petitioners a bond hearing they would ordinarily receive does not impose any undue burden on Respondents. To the contrary, requiring their bond hearing on the merits ensures that Respondents fulfill legitimate governmental interests. Courts have recognized that "the Government has no interest in detaining Petitioner absent a showing by them that the Petitioner is, in fact, at risk of flight or a danger to the community. *Velasquez Salazar v. Dedos*, No. 1:25-CV-00835-DHU-JMR, 2025 WL 2676729, at *7 (D.N.M. Sept. 17, 2025). By affording Petitioners the ability to pose their bonds, Respondents conserve resources over the long term. *See Hernandez*, 872 F.3d at 996 (noting in 2017 that "the costs to the public of

immigration detention are staggering: $158 each day per detainee, amounting to a total daily cost of $6.5 million. Supervised release programs cost much less by comparison: between 17 cents and 17 dollars each day per person).

While considering the merits of bond for Petitioners poses no undue burden to the Respondent, refusal to provide bond hearings on the merits imposes a substantial burden on Petitioners. They have already endured months of separation from their families, causing not only financial harm to their individual households but also significant emotional harm for Petitioners and their families. *See* **Exh. A, F, and J** (Declaration of Abimael Bequer Arroyo Lucas; Declaration of Jesus Gustavo Huerta Cortez; Declaration of Daglis Noely Flores Zelaya).

To conclude, because § 1225 is inapplicable to Petitioner's circumstances, Petitioners are not subject to mandatory detention. Consistent with the requirements of due process, they are entitled to bond hearings on the merits.

C. Petitioners Will Suffer Irreparable Harm Without a TRO.

The Ninth Circuit has held that a petitioner at risk of continuing immigration detention has demonstrated irreparable harm. *See Rodriguez v. Robbins*, 715 F.3d 1127, 1145 (9th Cir. 2013). Here, Petitioners and their families will suffer irreparable harm if this Court does not intervene. Most importantly, without a TRO or preliminary injunction to require a bond hearing forthwith, with the Immigration Court's expedited detained dockets, there is a strong possibility that Respondents will deport Petitioners before they have the chance to challenge their detention. Petitioners' removal to their country of origin would undoubtedly cause lasting harm to them and their families. *See* **Exh. A, F, and J** (Declaration of Abimael Bequer Arroyo

Lucas; Declaration of Jesus Gustavo Huerta Cortez; Declaration of Daglis Noely Flores Zelaya).

D. The Balance of Equities and the Public Interest Favors a TRO.

Both the balance of the equities and the public interest favor preliminary relief. "These two inquiries merge in a case like this one, where the Government is the party opposing the preliminary injunction." *Baird v. Bonta*, 81 F.4th 1036, 1040 (9th Cir. 2023) (quoting *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

The Ninth Circuit has recognized that "neither equity nor the public's interest are furthered by allowing violations of federal law to continue." *Galvez v. Jaddou*, 52 F.4th 821, 832 (9th Cir. 2022) (holding that the district court did not abuse its discretion in finding the balance of hardships weighed in favor of plaintiffs who credibly alleged that the government was violating the INA). Indeed, the Supreme Court has confirmed that "our system does not permit agencies to act unlawfully even in pursuit of desirable ends." *Ala. Ass'n of Realtors v. HHS*, 594 U.S. 758, 766 (2021); *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 582 (1952) (affirming district court's preliminary injunction of an illegal executive order even though a wartime president said his order was "necessary to avert a national catastrophe").

Here, there is a significant public interest in ensuring the government obeys the laws and provides bond hearings to those detained under § 1226(a), as the government has for decades. *See Maldonado Vazquez*, 2025 WL 2676082, at *23 ("And because the Court has found it is likely that Respondents are unlawfully detaining Petitioner under § 1225(b)(2), 'neither equity or the public interest are furthered' by allowing Respondents' violation of the INA to continue—quite the opposite."); *id.* ("The public interest benefits from an injunction that ensures that individuals are not deprived of their liberty and held in immigration detention

because of . . . a likely unconstitutional process." (citing *Hernandez*, 872 F.3d at 996)); *Rodriguez Vasquez*, 779 F. Supp. 3d at 1263 (holding that "the balance of equities tips sharply towards [petitioner]" because "neither equity nor the public's interest are furthered by detaining [petitioner] without the opportunity for release on bond" as he had been unlawfully detained under § 1225(b)(2)).

Additionally, the balance of equities weighs heavily in favor of granting Petitioners' request for a TRO. Detention has separated Petitioners from their families and community, and it will likely continue for a substantial amount of time if this Court does not intervene. *See* **Exh. A, F, and J** (Declaration of Abimael Bequer Arroyo Lucas; Declaration of Jesus Gustavo Huerta Cortez; Declaration of Daglis Noely Flores Zelaya). Their detention has prevented them from provided necessary financial support and/or childcare to their families, resulting in significant disruption to their families' lives. *See* **Exh. A, F, and J** (Declaration of Abimael Bequer Arroyo Lucas; Declaration of Jesus Gustavo Huerta Cortez; Declaration of Daglis Noely Flores Zelaya). Petitioner Abimael's family is in the process of selling his real property to recoup the funds lost by his continued detention. **Exh. A** (Declaration of Abimael Bequer Arroyo Lucas), at ¶ 10. Petitioner Jesus' wife and children have had to move in with other relatives and are struggling to pay other bills in his absence. **Exh. F** (Declaration of Jesus Gustavo Huerta Cortez), at ¶ 18. Petitioner Daglis' elderly and ill mother-in-law has had to assume childcare of his three-year-old daughter in his absence and his partner has been unable to pay February's rent despite reducing other expenses. **Exh. J** (Declaration of Daglis Noely Flores Zelaya), at ¶¶ 9, 10.

Courts have found the balance of the equities favor detained noncitizens in similar contexts. *See, e.g., Maldonado Vazquez*, 2025 WL 2676082, at *23 ("In contrast, the hardships

faced by Petitioner and the public interest in granting injunctive relief weigh strongly in his favor. Detention has separated Petitioner from his family, business, and community and imposed increased financial, caregiving, and emotional burdens on his wife and children."); *Rodriguez Vasquez*, 779 F. Supp. 3d at 1263 ("[T]he hardships faced by [petitioner] and the public interest in granting injunctive relief weigh strongly in his favor. Detention has separated [petitioner] from his family, harmed his physical and mental health, and made it harder to access legal representation to defend against removal. In addition to [petitioner]'s own hardships, his family has experienced increased financial, caregiving, and emotional burdens in the wake of his detention.").

By contrast, any hardship to the government is minimal. For decades, the government has provided bond hearings to individuals in Petitioners' exact same circumstances, and the government cannot identify any harm caused by following the correct interpretation of the INA. Indeed, because the government can already detain people who cannot meet their burden of showing lack of flight risk or danger,[7] its new misclassification policy serves only to jail people who the government can show no reason to detain and there is no government interest in purposeless detention. Indeed, the government's "argument ignores the undisputed record that the practice [Petitioners] seek[] to enjoin is an outlier to the government's longstanding interpretation and enforcement of its immigration laws." *Rodriguez Vasquez*, 779 F. Supp. 3d at 1262.

For these reasons, the balance of hardships and the public interest sharply favor of Petitioners. Accordingly, the Court should find that they are entitled to preliminary relief.

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[7] *See Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006) ("The burden is on the [noncitizen] to show to the satisfaction of the Immigration Judge that he or she merits release on bond.").

E. This Court Should Not Require Petitioners to Provide Security Before the TRO.

Federal Rule of Civil Procedure 65(c) provides that "[t]he court may issue a preliminary injunction or a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damage sustained by any party found to have been wrongfully enjoined or retrained." However, district courts exercise discretion in cases brought by indigent and/or incarcerated people, and in the vindication of immigrants' rights. *See e.g. Ashland v. Cooper*, 863 F.2d 691, 693 (9th Cir. 1988); *P.J.E.S. by & through Escobar Francisco v. Wolf*, 502 F. Supp. 3d 492, 520 (D.D.C. 2020). Additionally, courts "may dispense with the filing of a bond when," as here, "there is no realistic likelihood of harm to the defendant from enjoining his or her conduct," *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir. 2003), or a plaintiff shows a high likelihood of success on the merits. *See, e.g., People of State of Cal. ex rel. Van De Kamp v. Tahoe Reg'l Plan. Agency*, 766 F.2d 1319, 1325 (9th Cir. 1985), *amended,* 775 F.2d 998 (9th Cir 1985).

Here, this Court should exercise its discretion to waive the security requirement because Petitioners are financially burdened due to their inability to work for months as a result of their detention and its effect on their respective households. Given Petitioners' circumstances, this Court should waive the security requirement.

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CONCLUSION

The Court should grant Petitioners' motion for a temporary restraining order, or alternatively, a preliminary injunction, which orders the Immigration Court to conduct the Petitioners' bond hearing on the merits within seven (7) days in accordance with the applicable statutes and if bond is granted, order Respondents to release Petitioners within twenty-four hours of the hearing with a deadline to post the bond set at the Court's discretion.

Respectfully Submitted,

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Under Nevada Supreme Court Rule 49.3

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EXHIBIT LIST

Exhibit	Document	Page
A	Declaration of Abimael Bequer Arroyo Lucas	001-005
B	Abimael Bequer Arroyo Lucas, Register of Actions, Case No. 255602281	006-015
C	Abimael Bequer Arroyo Lucas, Notice to Appear	016-020
D	Abimael Bequer Arroyo Lucas, Form I-213	021-024
E	Abimael Bequer Arroyo Lucas, IJ Order Denying Bond, dated January 22, 2026	025-027
F	Declaration of Jesus Gustavo Huerta Cortez	028-034
G	Jesus Gustavo Huerta Cortes, Registers of Action, Case Nos. 24-052587 and 24-052588	035-039
H	Jesus Gustavo Huerta Cortez, Partial NTA, page 1 of 4, and Partial Form I-213, page 3 of 4.	040-042
I	Jesus Gustavo Huerta Cortez, Register of Actions, Case No. 25-CR-107942	043-044
J	Declaration of Daglis Noely Flores Zelaya	045-049
K	Daglis Noely Flores Zelaya, Register of Actions, Case No. 26-PC-000507	050-051
L	Daglis Noely Flores Zelaya, Administrative Warrant	052-053
M	Daglis Noely Flores Zelaya, ICE Detainer	054-059
N	Dalgis Noely Flores Zelaya, EOIR Las Vegas Pro Bono List	060-061
O	AILA Practice Alert, EOIR Issues Nationwide Guidance on *Maldonado-Bautista* Guidance, January 13, 2026 Chief Immigration Judge Teresa L. Riley Email	062-064