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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (Las Vegas)

VICTOR ALFONSO ALFARO QUINTANILLA

Petitioner,

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 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

Case No.:_____

Agency No: A#



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

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

Respondents.

INTRODUCTION

1. Petitioner entered the U.S as an unaccompanied child in July 2024, when he was only 17-years-old. He is now 18 and has resided in Las Vegas with his family since immigration officials released him in August 2024. He has had no removal proceedings initiated against him as of the time of this filing, but has nonetheless dutifully pursued immigration relief outside the Immigration Court. Despite having no criminal arrests, charges, or convictions, today, federal agents forcibly arrested him at gun-point in a targeted immigration operation. Petitioner is now in custody at U.S. Immigration and Customs Enforcement ("ICE") Enforcement and Removal Office ("ERO") Field Office in Las Vegas.

2. Petitioner challenges his detention. He has no criminal record, entered as an unaccompanied child, had no open removal proceedings with the Executive Office of Immigration Review ("EOIR"), and was dutifully pursuing a form of immigration relief before

the U.S. Citizenship & Immigration Services ("USCIS"). Further, the manner in which he was arrested—with guns drawn and violence—was illegal.

3. Additionally, despite the manner in which he was arrested, he likely unable to receive a bond hearing on the merits. But for recent changes in policy by the Department of Homeland Security ("DHS") and the Department of Justice ("DOJ"), Petitioner would be able to have a bond hearing with an Immigration Judge.

4. Normally, Petitioner 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, Petitioner seeks relief from this Court to regarding the legality of his detention and to require the Immigration Judge to comport with due process and provide him with a bond hearing on the merits.

5. To be clear, Petitioner does not ask this Court to adjudicate his removability. Petitioner only asks this Court to determine the legality of his detention and to order a bond hearing where he can demonstrate that he is neither a danger nor a flight risk. Given the refusal of Immigration Courts nationwide to comply with class action orders in other jurisdictions, and their reliance on Respondents' incorrect legal interpretation, Petitioner's fitness for bond will not likely be determined on the merits.

6. The Court's determinations in this Petition would allow Petitioner, who is 18-years-old, has no criminal history, has resided in the U.S. for nearly two years without issue, has

obtained counsel to pursue immigration relief, and who a state court judge has already determined has been abandoned by his father and it is not in his best interest to return to El Salvador, a chance to return to his family and pursue Special Immigrant Juvenile Status outside of court.

JURISDICTION AND VENUE

7. Petitioner is in the custody of Respondents. As of the filing of this Petition, Petitioner was not appearing in the online ICE detainee locator system. As of 9:56AM, ICE officers confirmed with the undersigned that Petitioner is in ICE custody at the ICE ERO Las Vegas Field Office and will likely be transported to Nevada Southern Detention Center ("NSDC"). The ICE ERO Las Vegas Field Office is located at 501 S. Las Vegas Blvd. Ste. 100, Las Vegas, NV 89101. Once transported to NSDC, Petitioner will seek to add NSDC and its warden, John Mattos, as a respondent.

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

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

10. Venue is proper in this District under 28 U.S.C. § 2241; 28 U.S.C. § 1391(b); and 28 U.S.C. § 1391(e)(1) because when this Petition was filed Petitioner was detained within the geographic jurisdiction of the District of Nevada (Las Vegas). Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and a substantial part of the events or omissions giving rise to the claim occurred in this district. *See* 28 U.S.C. § 1391(e).

11. Petitioner emphasizes this Court's recent decision rejecting all Federal Respondents' proclaimed grounds for contesting jurisdiction. *Jacobo-Ramirez v. Noem*, No. 25-CV-02136, 2026 WL 310090, at *8–*14 (D. Nev. Feb. 5, 2026). Petitioner incorporates by reference the Court's discussion of jurisdiction therein. *See id.*

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

13. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

14. Petitioner is an 18-year-old male from El Salvador who has resided in the U.S. since his entry as an unaccompanied child ("UAC") on July 2, 2024.

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

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

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

18. Respondent Department of Justice (DOJ) is the federal agency responsible for adjudicating removal and related bond cases. EOIR, and its components the immigration courts and Board of Immigration Appeals (BIA) is a division of DOJ.

19. Respondent Todd Lyons is the Acting Director and Senior Officer Performing the Duties of the Director of ICE. Respondent Lyons is responsible for ICE's policies, practices, and procedures, including those relating to the detention of immigrants during their removal procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in his official capacity.

20. Respondent ICE is the subagency of DHS that is responsible for carrying out removal orders and overseeing immigration detention. Respondent ICE is a legal custodian of Petitioner.

21. Respondent Brain Henkey is the Acting Director of the Salt Lake City Field Office of ICE Enforcement and Removal Operations, a federal law enforcement agency within the Department of Homeland Security ("DHS"). ERO is a directorate within ICE whose responsibilities include operating the immigration detention system. In his capacity as ICE ERO Salt Lake City, Acting Field Office Director, Respondent Knight exercises control over

and is a custodian of immigration detainees held at NSDC. At all times relevant to this Complaint, Respondent Knight was acting within the scope and course of his employment with ICE. He is sued in his official capacity.

22. Respondents individually and collectively will be referred to as "Respondents."

FACTS

23. Petitioner entered the U.S as an unaccompanied child ("UAC") on July 4, 2024, when he was only 17-year-old boy. He did not have permission to enter the U.S. in advance; but because he entered without a parent of legal guardian, he was designated and processed as a UAC under the William Wilberforce Trafficking Victims Protection Reauthorization Act ("TVPRA"). Immigration officials near the border transferred him into the custody of the Office for Refugee Resettlement ("ORR"), where he was held until a close family member or friend could be found to take Petitioner into their care. *See* **Exh. A** (ORR Verification of Release, dated August 2, 2024); *see also* **Exh. B** (Notice to Appear, issued on July 4, 2024); *see also* **Exh. C** (Administrative Arrest Warrant, dated July 4, 2024). On August 2, 2024, ORR released him into the care of his adult-cousin Josue Jeremias Cornejo in Las Vegas, Nevada. *See* **Exh. A** (ORR Verification of Release, dated August 2, 2024).

24. Though officials issued him a Notice to Appear ("NTA") in July 2024, it contained no date, time, and place of his hearing, and as of the time of this filing, officials have not started his removal proceedings. Nonetheless, Petitioner sought counsel and started pursuing immigration relief. Petitioner is prima facie eligible for Special Immigrant Juvenile Status ("SIJS") based on abandonment by his father in El Salvador, and has a state predicate order with findings that will allow him to file a petition for Special Immigrant Juvenile Status.

See 8 U.S.C. § 1101(a)(27)(J); *see also* **Exh. D** (Order Appointing Guardian and Issuing Special Immigrant Juvenile Findings, dated September 23, 2025).

25. On February 26, 2026, at 8:00AM, Petitioner's cousin Josue was taking Petitioner to his work as a mobile car washer. *See* **Exh. E** (Declaration of Josue Jeremias Cornejo), at ¶ 2. Suddenly, five SUVs with red and blue lights flashing swarmed Josue's car where Josue sat as driver and Petitioner sat as a passenger. *Id.* Men wearing "FBI" on their vests drew their weapons and pointed them in the faces of Petitioner and Josue, forcibly removed them from the car without otherwise identifying themselves or showing identification, threw them to the ground, and handcuffed both of them. *Id.* Josue is a lawful permanent resident who was ultimately released on scene, but the purported FBI officers detained Petitioner and transported him to the U.S. Immigration and Customs Enforcement ("ICE") Enforcement and Removal Office ("ERO") Field Office in Las Vegas. *Id.* ¶ 3. At 8:38AM, Petitioner called his cousin from (702) 388-6732 to confirm he was in ICE custody. *Id.*

26. According to the NTA issued to Petitioner in July 2024 when he first entered the U.S. without inspection as a UAC, he is designated as a noncitizen present in the U.S. who has not been admitted or paroled. The inadmissibility ground lodged is under 212(a)(6)(A)(i).

LEGAL FRAMEWORK

Discretionary and Mandatory Detention

27. The Immigration and Nationality Act, codified at Title 8 of the United States Code, prescribes three basic forms of detention for noncitizens in removal proceedings—discretionary detention under § 1226(a), mandatory detention under § 1226 (c), and mandatory detention under § 1225. See 8 U.S.C. § 1229(a).

28. This Court—and many other courts across the country—has recognized now on several occasions that noncitizens who have been designated as "an alien present in the United States who has not been admitted or paroled" and have been in the United States for more than two (2) years are subject to discretionary detention under § 1226(a) rather than mandatory detention under § 1225. Importantly, this Court recently certified a class of individuals of which Petitioner is a member and would qualify for the relief being sought for the class. *Jacobo Ramirez v. Noem*, No. 25-CV-02136, 2026 WL 310090, at *3. (D. Nev. Feb. 5, 2026). In the opinion certifying the class, this Court again rejected the arguments that Respondents repeatedly place before it without making individualized arguments justifying Petitioner's prolonged detention. *See id.* at *8–*17.

29. On December 18, 2025, the United States District Court for the Central District of California clarified an earlier decision and issued a final judgment vacating the policy established by DHS and the decision in *Matter of Yajure Hurtado. Maldonado Bautista v. Noem*, No. 25-CV-01873, 2025 WL 3678485, at *1 (C.D. Cal. Dec. 18, 2025). Specifically, the class consists of:

> [a]ll noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.

Bautista v. Santacruz, No. 25-CV-01873, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 20, 2025).

CLAIMS FOR RELIEF

Count 1 – Violation of the INA

30. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

31. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231. Respondents' issuing of an administrative arrest warrant to Petitioner demonstrates that his detention in 2024 was not pursuant to § 1225(b).

32. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued detention and violates the INA.

Count 2 – Violation of Due Process

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

34. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. Due process applies to all, including noncitizens. *See Zadvydas v. Davis*, 533 U.S. 678, 679 (2001) (due process applies whether one's presence is lawful, unlawful, temporary, or permanent); U.S. Const. amend. V.

35. Petitioner's fundamental liberty interests are at stake. Freedom from government-imposed restraint is the most significant liberty interest that exists. *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *see also Zadvydas*, 533 U.S. at 690 (stating that freedom from imprisonment lies at the heart of the liberty that the Clause protects).

36. Application of 8 U.S.C. § 1225(b)(2) to Petitioner would violate his right to due process. Petitioner was not processed for expedited removal as he was a UAC and immigration officials *could not* process him for expedited removal because of that designation. Petitioner's

detention, over eighteen months after his entry, is not based on criminal charges or convictions that render Petitioner subject to mandatory detention. Indeed, it appears the only basis for Petitioner's detention was that he has turned 18-years-old. Further, without a bond hearing, Petitioner is deprived of the opportunity to reunite with his family, recover from the undoubtedly trauma of his arrest, and pursue SIJS based the state judicial determination that his father abandoned him and it is not in his best interests to return to El Salvador.

37. Providing Petitioner with a bond hearing, where the IJs failed to consider bond on the merits, would not pose an undue burden on Respondents. Instead, it would enable Respondent to satisfy legitimate government interests. By requiring Petitioner to demonstrate Petitioner is not a danger or flight risk, Respondent can be sure that detention is unnecessary and therefore save resources long-term. In contrast, not providing Petitioner with a bond hearing has created a substantial burden.

38. The government's detention of Petitioner, and the BIA's recent decision bars IJs from granting bond hearings to all individuals who entered the U.S. without inspection. That decision rests on a flawed reading of the INA and violates Petitioner's due process rights.

PRAYER FOR RELIEF

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

a. Assume jurisdiction over this matter;

b. Enjoin Respondents from transferring Petitioner outside the District of Nevada;

c. Issue a writ of habeas corpus requiring Respondents to immediately release Petitioner, or order the Immigration Court to schedule a bond hearing within seven (7) days for Petitioner and requiring Respondents to release Petitioner within twenty-four (24) hours of an order granting bond;

d. Order Respondents to return any and all identity documents and property on Petitioner's person at the time of his arrest;

e. Issue an order prohibiting Respondents from imposing an ankle monitor on Petitioner after his release unless the Immigration Court determines he is a flight risk and placement of an ankle monitor would mitigate his risk of flight;

f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

g. Grant any other and further relief that this Court deems just and proper.

DATED this 26th day of February, 2026.

Respectfully Submitted,

/s/ Alissa A. Cooley Yonesawa
Alissa A. Cooley Yonesawa
Nevada Bar. No. 13467

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EXHIBIT LIST

Exhibit	Document	Page
A	ORR Verification of Release, dated August 2, 2024	PET001-002
B	Notice to Appear, dated July 4, 2024	PET003-005
C	Administrative Arrest Warrant, dated July 4, 2024	PET006-007
D	Order Appointing Guardian and Issuing Special Immigrant Juvenile Findings, dated September 23, 2025	PET008-015
E	Declaration of Josue Jeremias Cornejo	PET016-017