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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Dilan Coronado Serrano,

Petitioner,

v.

John Mattos, Michael Bernacke, Kerri Ann Quihuis, Todd Lyons, Markwayne Mullin, and Pam Bondi,

Respondents.

Case No. 2:26-cv-00684-GMN-BNW

First Amended 28 U.S.C. § 2241 Petition

INTRODUCTION

Petitioner Dilan Coronado Serrano, a citizen of Guatemala, entered this country in December 2015 by himself at age 14. ICE soon released him to his aunt in Las Vegas where he finished his education and started his career. ICE detained him on November 3, 2025, and he was denied a bond hearing for lack of jurisdiction. His ongoing detention without such hearing violates the Immigration and Nationality Act as well as his right to due process under the Fifth Amendment of the United States Constitution. Accordingly, Petitioner respectfully requests that this Court order the government to provide him with a constitutionally adequate bond hearing at which the government bears the burden of demonstrating that detention is warranted.

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. § 2241, which grants a federal court the authority to issue a writ of habeas corpus to an individual "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3); *see also Demore v. Kim*, 538 U.S. 510, 516–17 (2003) (holding that § 2241 is the proper vehicle through which to challenge the constitutionality of a noncitizen's detention without bail); *Jennings v. Rodriguez*, 583 U.S. 281, 294–296 (2018) (holding that neither 8 U.S.C. § 1226(e) nor § 1252(b)(9) bars review of constitutional challenges to prolonged immigration detention without bail).

Venue is proper in the District of Nevada under 28 U.S.C. § 1391(e) because Petitioner is detained in this district and a substantial part of the events or omissions giving rise to Petitioner's claim occurred in this district.

PARTIES

Petitioner Dilan Coronado Serrano is a citizen of Guatemala who entered the United States in 2015. He is currently detained by ICE at Nevada Southern Detention Center in Pahrump, Nevada.

Respondent John Mattos is the warden of Nevada Southern Detention Center. Mr. Mattos is named in his official capacity and is the immediate custodian of Petitioner.

Respondent Michael Bernacke is the Field Office Director for the Salt Lake City Field Office of ICE Enforcement and Removal Operations, which has jurisdiction over detention facilities in Nevada, including Nevada Southern Detention Center. Mr. Bernacke is named in his official capacity and is a legal custodian of Petitioner.

Respondent Kerri Ann Quihuis is the Field Office Director for the Las Vegas Field Office of ICE, which has jurisdiction over Petitioner. Ms. Quihuis is named in her official capacity and is a legal custodian of Petitioner.

Respondent Todd Lyons is the Acting Director of ICE. Mr. Lyons is named in his official capacity. As the leader of ICE, the agency responsible for detaining and removing noncitizens, he is a legal custodian of Petitioner.

Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security (DHS). Mr. Mullin is named in his official capacity. As the Secretary of DHS, Mr. Mullin is responsible for the administration of immigration laws. *See* 8 U.S.C. § 1103(a). He is a legal custodian of Petitioner.

Respondent Pam Bondi is the Attorney General of the United States and the most senior official in the United States Department of Justice. Ms. Bondi is named in her official capacity. The Attorney General delegates her authority to interpret the immigration laws and adjudicate removal cases to the Executive Office of Immigration Review, which includes the immigration courts and the Board of Immigration Appeals. *See* 8 C.F.R. § 1003.0. Ms. Bondi is a legal custodian of Petitioner.

PROCEDURAL HISTORY

Dilan Coronado Serrano is a Guatemalan citizen. He was classified as an unaccompanied alien child when he applied for admission into this country on December 9, 2015.[1] He was then released by ICE to his aunt in Las Vegas on January 24, 2016.[2]

An immigration judge ordered Coronado Serrano removed, in absentia, on July 13, 2016.[3]

On July 5, 2022, just days before his 21st birthday, Coronado Serrano filed his I-360 Petition for Special Immigrant Juvenile.[4] He was approved Special Immigrant Juvenile (SIJ) status.[5]

On November 3, 2025, Coronado Serrano was arrested for a misdemeanor DUI.[6] The next day, he was taken into ICE custody.[7]

Coronado Serrano requested a bond hearing, but he was summarily denied: "The Court lacks jurisdiction because the respondent has been charged as an 'arriving alien.'"[8]

On March 9, 2026, Coronado Serrano filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241, ECF No. 1-1, and motion for appointment of counsel, ECF No. 1-2. On March 10, 2026, this Court issued an order granting

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[1] Exh. 4: I-213 at 3.

[2] Exh. 4: I-213 at 3.

[3] Exh. 4: I-213 at 3.

[4] Exh. 4: I-213 at 3.

[5] Exh. 3: I-797.

[6] Exh. 4: I-213 at 3.

[7] ECF No. 4 at 5.

[8] Exh. 5: Bond Order at 2.

Petitioner motion for appointment of counsel and finding that he had established a prima facie case for relief. ECF No. 3.

GROUNDS FOR RELIEF

Ground One: Petitioner's detention without a bond hearing violates the Immigration and Nationality Act as well as his right to due process under the Fifth Amendment of the United States Constitution.

The Fifth Amendment prohibits the government from depriving a person of liberty without due process of law. U.S. Const. Amend. V. This constitutional guarantee applies with equal force to noncitizens within the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.").

Petitioner has been unlawfully detained without a bond hearing for nearly four months in violation of the Immigration and Nationality Act and his due process rights.

A. Petitioner cannot lawfully be subjected to mandatory detention under 8 U.S.C. § 1225(b).

Under the Immigration and Nationality Act, which governs the detention of noncitizens in removal proceedings, there are two basic forms of detention: discretionary detention pursuant to 8 U.S.C. § 1226(a), and mandatory detention pursuant to 8 U.S.C. §§ 1225(b) and 1226(c).

A noncitizen detained under § 1226(a) is entitled to a bond hearing before an immigration judge. 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1). At such hearing, the government bears the burden of proving by clear and convincing evidence that the noncitizen is dangerous or a flight risk to justify their continued detention. *Hernandez-Lara v. Lyons*, 10 F.4th 19, 27, 41 (1st Cir. 2021).

By contrast, a noncitizen detained under § 1225(b) is ineligible for a bond hearing. 8 U.S.C. § 1225(b)(2)(A). While § 1226(a) applies to noncitizens "already in

the country," § 1225(b) applies to noncitizens "seeking admission into the country." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018); *see also Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 487-88 (S.D.N.Y. 2025) ("[M]andatory detention under § 1225(b)(2)(A) applies to a noncitizen who meets three criteria: (1) one who is an 'applicant for admission' . . . ; (2) who is actively 'seeking admission' to the country, and (3) whom an examining immigration officer determines 'is not clearly and beyond a doubt entitled to be admitted.'" (quoting *Martinez v. Hyde*, 792 F. Supp. 3d 211, 214 (D. Mass. 2025))).

This Court and others have held that a noncitizen who has continuously resided in the United States for years—as Petitioner has—is not "seeking admission" within the meaning of § 1225(b) and therefore cannot be subjected to mandatory detention. *See, e.g.*, *Escobar Salgado v. Mattos*, No. 2:25-CV-1872-RFB-EJY, 2025 WL 3205356, at *22 (D. Nev. Nov. 17, 2025) ("[T]he text and canons of statutory interpretation, legislative history, and long history of consistent agency practice, demonstrate that Petitioners—who are each longtime U.S. residents, who were arrested and detained by ICE far from any port of entry—are subject to detention under § 1226(a) and its implementing regulations, not § 1225(b)(2)(A)[.]"); *accord Mah v. ICE Field Office Director*, No. 26-CV-37-KKE, 2026 WL 309245, at *2 (W.D. Wash. Feb. 5, 2026) ("Although the Government's return contends that Petitioner falls within the mandatory detention scheme under 8 U.S.C. § 1225(b), Petitioner's status as a person who has been living in this country for nearly three years counsels against this expanded view of the Immigration and Nationality Act[.]" (internal citation omitted)); *Aquino v. LaRose*, No. 25-CV-2904-RSH-MMP, 2025 WL 3158676, at *3 (S.D. Cal. Nov. 12, 2025) ("The overwhelming majority of courts to address the issue have agreed that Section 1226(a), rather than the mandatory detention provision of Section 1225(b)(2)(A), applies to a noncitizen in Petitioner's position who has resided in the United States for many years.").

Likewise, numerous courts have held that a noncitizen like Petitioner, who was released into this country, is not "seeking admission" for purposes of § 1225(b). *See, e.g.*, *Lubamba v. Stamper*, No. 2:26-CV-102-JAW, 2026 WL 632670, at *5 (D. Me. Mar. 6, 2026) (explaining that the petitioner, "having been paroled into the country" years earlier, "is already present in the United States . . . and therefore cannot be considered [to be] 'seeking admission'"); *Rojas-Lara v. United States*, No. 2:25-CV-2544-RFB-EJY, 2026 WL 172676, at *6 (D. Nev. Jan. 22, 2026) (finding that the petitioner could not lawfully be detained under § 1225(b) because "a noncitizen paroled into the United States cannot be perpetually classified as an 'arriving alien' regardless of how long they have been physically present in the United States"); *Daza v. Albarran*, No. 25-CV-10214-RFL, 2026 WL 81518, at *1, 4 (N.D. Cal. Jan. 12, 2026) (concluding that the petitioner, whose parole expired the same day she was taken into ICE custody, was not "seeking admission" because she "was not an arriving noncitizen seeking entry into the country and had been living here for one year"); *Montiel v. Raycraft*, No. 1:25-CV-1610, 2026 WL 32076, at *1, 3 (W.D. Mich. Jan. 6, 2026) (finding that the detention of a noncitizen who was paroled into the United States and whose parole expired four months before he was taken into ICE custody "is governed by § 1226(a), not § 1225"); *cf. Qasemi v. Francis*, No. 25-CV-10029-LJL, 2025 WL 3654098, at *7 (S.D.N.Y. Dec. 17, 2025) ("[A] noncitizen paroled into the country—*i.e.*, a noncitizen residing in the United States—is not an arriving alien [subject to mandatory detention under § 1225(b)(1)]."). Thus, because expired parolees are not "seeking admission" within the meaning of § 1225(b), they cannot be subjected to mandatory detention.

Petitioner arrived in this country at age 14 as an unaccompanied alien child, and ICE released him to his aunt.[9] He later applied for and was approved Special Immigration Juvenile (SIJ) status.[10]

Petitioner's SIJ status means he is not an arriving alien. To enhance efforts to prevent human trafficking and to protect unaccompanied non-citizen children in the United States, Congress passed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 ("TVPRA"), which put the responsibility for their care with the HHS Secretary. 8 U.S.C. § 1232(a)(1), PL 110-457 (HR 7311) (Dec. 23, 2008). Separately, Congress amended the INA to provide for a "special immigrant" category for juveniles. *See* 8 U.S.C. § 1101(a)(27)(J)(i)-(ii). "SIJ status is a form of parole that confers eligibility for adjustment to LPR [lawful permanent resident] status to noncitizen minors who have been abused, abandoned, or neglected." *Murillo-Chavez v. Bondi*, 128 F.4th 1076, 1085 (9th Cir. 2025). Thus, Petitioner is a parolee, not an arriving alien subject to mandatory detention under § 1225(b)(2)(A).

Moreover, Petitioner has resided in Las Vegas since ICE released him to his aunt in January 2016. He graduated from Del Sol High School in 2019. Along with his SIJ status, he obtained a work permit and a Social Security Number. Petitioner worked at a Tropical Smoothie and started his career as a welder at Brandon Iron prior to ICE detaining him. The ICE officers who arrested him were not inspecting him upon an application for admission. *See* 8 U.S.C. §§ 1225(a)(3), (b)(1)(B)(ii), (b)(2)(A). Petitioner therefore cannot lawfully be subjected to mandatory detention under 8 U.S.C. § 1225(b) as a noncitizen "seeking admission" to the country. *See*

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[9] Exh. 4: I-213 at 3.

[10] Exh. 3: I-797.

Lubamba, 2026 WL 632670, at *5; *Rojas-Lara*, 2026 WL 172676, at *6; *Daza*, 2026 WL 81518, at *4; *Montiel*, 2026 WL 32076, at *3.

The facts of Coronado Serrano's case are nearly identical to *Francisco v. Dedos*, No. 1:25-CV-1229 MIS-GJF, 2026 WL 145456 (D.N.M. Jan. 20, 2026), *report and recommendation adopted*, No. 1:25-CV-1229 MIS-GJF, 2026 WL 300319 (D.N.M. Feb. 4, 2026). In *Francisco*, the petitioner presented himself to an immigration officer at a port of entry as a child, petitioner was determined inadmissible under Section 212(a)(7)(A)(i), and petitioner was released to a sponsor, his aunt in New York. *Id.* at 3, 8. Here, Coronado Serrano presented himself to an immigration officer at San Ysidro at age 14, was determined inadmissible under Section 212(a)(7)(A)(i), and was released to his sponsor, his aunt in Las Vegas.[11] The *Francisco* court determined, "Petitioner's authorization and release into the country under § 1232 of the TVPRA constitute an initial admittance and he is no longer an 'arriving alien' or 'seeking admission.'" *Id.* at 9, citing *Del Cid v. Bondi*, No. 3:25-CV-00304, 2025 WL 2985150, at *4 (W.D. Pa. Oct. 23, 2025).

Accordingly, subjecting Petitioner to mandatory detention violates the Immigration and Nationality Act and his due process rights. Petitioner may be lawfully detained only pursuant to 8 U.S.C. § 1226(a). *See Lubamba*, 2026 WL 632670, at *6 (concluding that § 1226(a) "'governs the process of arresting and detaining noncitizens who have already entered the United States pending their removal,' including expired parolees within the United States").

Petitioner should be immediately released from custody because he is a not a danger to his community. According to his I-213, Petitioner only has a few minor traffic violations on his record. According to Las Vegas Justice Court records, he has

[11] Exh. 4: I-213 at 3-4.

paid off his two prior fines and completed all the required classes.[12] There is no reason to believe he cannot similarly resolve the misdemeanor offense that led to the instant detention.

B. Alternatively, this Court should order Respondents to provide Petitioner with a constitutionally adequate bond hearing.

If this court decides not to immediately release Petitioner, then Petitioner requests that this Court order the government to provide him with a constitutionally adequate bond hearing, with the government bearing the burden of proving by clear and convincing evidence that Petitioner's detention is warranted because he presents a risk of flight or danger to the community.

If Petitioner is not promptly granted such a hearing, he must be released from his unconstitutional detention. *See, e.g., Lopez Reyes v. Bonnar*, 362 F. Supp. 3d 762, 778 (N.D. Cal. 2019) (granting relief and ordering the government to hold a timely bond hearing or release the petitioner); *E.C. v. Noem*, No. 2:25-cv-01789-RFB-BNW, 2025 WL 2916264, at *13 (D. Nev. Oct. 14, 2025) (same); *Arechiga v. Archambeault*, No. 2:23-cv-00600-CDS-VCF, 2023 WL 5207589, at *1 (D. Nev. Aug. 11, 2023) (ordering the government to provide the petitioner with a timely bond hearing, with the burden on the government to "establish[] by clear and convincing evidence that [petitioner] is a flight risk or a danger to the community").

PRAYER FOR RELIEF

Accordingly, Petitioner Dilan Coronado Serrano respectfully requests that this Court:

1. Immediately release him from federal custody because he is not a danger to his community; or

[12] Exh. 1: Case No. 21-CR-038387; Exh. 2: Case No. 24-CR-027112.

2. Declare that his continued detention without a bond hearing violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment to the United States Constitution; and order that he be promptly granted a bond hearing before an immigration judge at which the judge must order his release unless the government establishes by clear and convincing evidence that he presents a risk of flight or danger to the community; and

3. Grant such other and further relief as, in the interests of justice, may be appropriate.

Dated March 31, 2026.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Ron Sung
Ron Sung
Assistant Federal Public Defender

Declaration Under Penalty Of Perjury

I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the facts alleged in this petition are true and correct to the best of counsel's knowledge, information, and belief.

Dated March 31, 2026.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Ron Sung
Ron Sung
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on March 31, 2026. I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

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