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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 Todd Blanche,[1]

Respondents.

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

Traverse

[1] Pursuant to Federal Rule of Civil Procedure 25(d), Acting Attorney General Todd Blanche is substituted for Pamela Bondi.

POINTS AND AUTHORITIES

Petitioner Dilan Coronado Serrano files this Traverse in reply to Respondents' Response (ECF No. 16) to his petition for writ of habeas corpus under 28 U.S.C. § 2241.

In his petition, Petitioner argues he should be subjected to discretionary detention under 8 U.S.C. § 1226(a), and that he cannot be lawfully subjected to mandatory detention under 8 U.S.C. § 1225(b) because he is not "seeking admission," especially when he has already been approved for Special Immigration Juvenile (SIJ) status. In their Response, Federal Respondents argue § 1225(b) should apply by incorporating their arguments in *Jacobo Ramirez v. Noem*, Case No. 2:25-cv-02136-RFB-MDC (D. Nev. Oct. 30, 2025).[2] This Court, however, roundly rejected Respondents' arguments in *Jacobo Ramirez*. *Id.* at 7.

Respondents then argue this Court should follow *Buenrostro-Mendez v. Bondi*, 166 F.4th 494 (5th Cir. 2026) in applying § 1225(b) to Petitioner.[3] This Court continues to reject Respondents' position—as recently as last week. *Rodriguez v. Mullin*, No. 2:26-CV-00531-APG-NJK, 2026 WL 895685, at *4 (D. Nev. Apr. 1, 2026); *Gonzalez-Diaz v. Blanche*, No. 2:26-CV-00413-APG-BNW, 2026 WL 931572, at *2-3 (D. Nev. Apr. 6, 2026). In *Rodriguez*, this Court recognized that the Seventh Circuit has rejected Respondents' position while the Fifth and Eighth Circuits have adopted it. *Id.* (citing *Castañon-Nava v. U.S. Dep't of Homeland Sec.*, 161 F.4th 1048, 1061 (7th Cir. 2025); and *Avila v. Bondi*, --- F.4th ---, No. 25-3248, 2026 WL 819258, at *6 (8th Cir. Mar. 25, 2026)). This Court then rejected *Buenrostro-Mendez* as persuasive authority because the decision "is not the best reading of the statute because," and § 1226 applies, not § 1225(b) because the petitioner in *Rodriguez* was

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[2] ECF No. 16 at 7.

[3] ECF No. 16 at 8-12.

detained far from the border years after he physically entered the country. *Id.* Similarly, Petitioner Coronado Serrano was detained in Las Vegas, far from the border, more than a decade after his arrival,[4] so discretionary detention under § 1226 applies, not mandatory detention under § 1225(b).

Respondents then argue *Loper Bright Enterprises*, 603 U.S. 369, 411 (2024), requires this court must apply the plain language of the statute, "not prior practice," and then suggests *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), is the correct interpretation of the statute.[5] Preliminarily, Respondents fail to connect why *Loper Bright Enters.* requires this Court to be bound by *Q. Li*. Moreover, this Court already rejected Respondents' *Loper Bright Enters.* argument in *Gonzalez-Diaz v. Blanche*, No. 2:26-CV-00413-APG-BNW, 2026 WL 931572, at *4 n.3 ("'[T]he longstanding practice of the government—like any other interpretive aid—can inform a court's determination of what the law is.' *Loper Bright Enters.*, 603 U.S. at 386 (simplified)").

And even if *Q. Li* was controlling, that case is distinguishable. The petitioner in *Q. Li* was initially detained immediately after crossing the southern border and then released on parole under 8 U.S.C. § 1182(d)(5)(A). 29 I. & N. Dec. at 67. Here, Petitioner Coronado Serrano was initially deemed inadmissible and classified as an unaccompanied alien child.[6] Unlike the petitioner in *Q. Li*, Petitioner Coronado Serrano later received SIJ status.[7] Respondents don't address Petitioner Coronado Serrano's SIJ status in their Response. They also fail to address the Petitioner's citation to *Francisco v. Dedos*, No. 1:25-CV-1229 MIS-GJF, 2026 WL 145456

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

[5] ECF No. 16 at 12-13.

[6] ECF No. 16-2 at 7.

[7] Exh. 3: I-797.

(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), which has identical facts to this case and where the court determined SIJ status meant the petitioner was no longer an "arriving alien" or "seeking admission" under § 1225. Thus, *Francisco* is applicable here, not *Q. Li*.

Lastly, Respondents argue that "Petitioner's temporary detention pending his removal proceedings does not violate Due Process" because the Government is merely following 8 U.S.C. § 1225.[8] This argument is circular and baseless because there is nothing temporary about Petitioner's detention (he has been detained since November 4, 2025),[9] and as explained above, they're applying the wrong statute. Respondents ask this Court to order another bond hearing if this Court grants the Petition,[10] but this only elongates Petitioner's so-called temporary detention. Crucially, Respondents don't allege Petitioner is a risk of flight or a danger to the community.

Petitioner should never have been detained due to his SIJ status. In granting Petitioner with SIJ status, the Government has already determined (1) that the petitioner cannot return to his home country because of familial abuse, neglect, or abandonment; and (2) that it would not be in the petitioner's best interest to return to his or her home country or prior country of residence. 8 C.F.R. § 204.11(c). In 2022, the Government announced a deferred-action program for individuals with SIJ status like Petitioner. 8 C.F.R. § 274a.12(c)(14); *see also* 8 C.F.R. § 236.21(c)(1) (defining deferred action as "a form of enforcement discretion not to pursue the removal of certain aliens for a limited period in the interest of ordering

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[8] ECF No. 16 at 15.

[9] ECF No. 16-2 at 6.

[10] ECF No. 16 at 16.

enforcement priorities in light of limitations on available resources, taking into account humanitarian considerations and administrative convenience"). That deferred-action program remains in effect. *A.C.R. v. Noem*, 809 F. Supp. 3d 103, 111 (E.D.N.Y. 2025), reconsideration denied, No. 25-CV-3962 (EK)(TAM), 2026 WL 102611 (E.D.N.Y. Jan. 14, 2026) (enjoining Government from rescinding 2022 deferred-action program).[11] Accordingly, Petitioner should never have been detained, and each day of detention violates his constitutional due process rights.

CONCLUSION

Based on the foregoing, Petitioner Dilan Coronado Serrano asks this Court to immediately release him on his own recognizance.

Dated April 9, 2026.

Respectfully submitted,

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Federal Public Defender

/s/ Ron Sung
Ron Sung
Assistant Federal Public Defender

[11] *See also* Special Immigrant Juveniles, U.S. Citizenship and Immigration Services (last visited April 9, 2026), https://www.uscis.gov/working-in-US/eb4/SIJ (confirming enjoinment).