

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

NICOLAS SANHUEZA SEPULVEDA,

Petitioner,

V.

CHRISTOPHER CHESTNUT, Warden, Nevada  
Southern Detention Center [ICE Prison Facility],  
JOHN DOE 1 OR JANE DOE 1, Field Office  
Director, Las Vegas Field Office,  
United States Enforcement and Removal Operations  
Enforcement; JOHN DOE 1 OR JANE DOE 1,  
Special Agent in Charge Homeland Security  
Investigations, Las Vegas Field Office  
TODD M. LYONS, Acting Director,  
United States Enforcement and Removal Operations  
Division; KRISTI NOEM, Secretary of  
Homeland Security; PAMELA JO BONDI, United  
States Attorney General, in their official capacities,

Respondents.

Case No. 2:25-cv-985

# PETITION FOR WRIT OF HABEAS CORPUS

**I.**

## INTRODUCTION

1. NICOLAS SANHUEZA SEPULVEDA is a citizen and national of Chile who entered the United States on February 13, 2021, under WT program. Mr. Sanhueza Sepulveda and his family filed I-918 Petition for U nonimmigrant Status. Those applications are still pending with the United States Citizenship and Immigration Service.

2. On March 27, 2025, was detained by the Department of Homeland Security solely due to his status as an overstay under the WT program. He is currently detained at Nevada Southern Detention Center.

3. Petitioner respectfully petitions this Court for a writ of habeas corpus

pursuant to 28 U.S.C. § 2241, to challenge the legality of his/her continued detention by ICE, which violates the Due Process Clause of the Fifth Amendment of the United States Constitution.

4. Petitioner has a pending U visa petition filed on January 21, 2025, for which he is prima facie eligible as a victim of a qualifying crime who has cooperated with law enforcement.

5. Petitioner is not a flight risk or a danger to the community and has significant ties to the United States. Petitioner has no criminal history and was detained solely due to his status as an overstay under the WT program.

6. Petitioner asks this Court to find that he was unlawfully detained and order that he be entitled to a full bond hearing before the Immigration Judge or in the alternative order his release.

## **II.**

### **JURISDICTION**

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question) and Art. I, § 9, cl. 2 of the U.S. Constitution.

8. Venue is proper because Petitioner is currently detained within this jurisdiction.

## **III.**

### **PARTIES**

9. Petitioner, NICOLAS SANHUEZA SEPULVEDA A  is a native and citizen of Chile.

10. Respondent JOHN DOES 1 or JANE DOE 1 is the LAS VEGAS, Nevada Field Office Director for U.S. Immigration and Customs Enforcement.

11. Respondent\_JOHN DOE 1 or JANE DOE 1 is the LAS VEGAS, NEVADA Special Agent in Charge for Homeland Security Investigations for U.S. Immigration and Customs Enforcement.

12. Respondent\_TODD M LYONS\_is the Acting Director for U.S. Immigration and Customs Enforcement.

13. Respondent\_KRISTI NOEM\_is the Secretary of Homeland Security.

14. Respondent, PAMELA JO BONDI, is the United States Attorney General.

#### **IV.**

#### **STATEMENT OF FACTS**

Petitioner entered the United States from Chile pursuant to a visa transit program in 2021 and has resided here continuously since that time.

Petitioner is the victim of a qualifying crime and has cooperated with law enforcement, as evidenced by the U visa certification filed with USCIS.

On January 21, 2025, Petitioner submitted a complete U visa application, which remains pending with USCIS.

On March 27, 2025, Petitioner was detained by ICE and remains in custody without bond. Petitioner has no criminal history and poses no threat to the community and is not a flight risk.

Petitioner filed a Motion for Bond Redetermination with the Immigration Judge located in Las Vegas, Nevada. The Immigration Judge determined that she lacked jurisdiction to review the original bond determination issued by the Department of Homeland Security.

Despite the pending U visa and equities in the case, ICE has refused to release Petitioner or consider alternatives to detention.

**V.**

**CLAIMS FOR RELIEF**

**COUNT ONE**

**Violation of Fifth Amendment Right to Due Process**

1. On information and belief, Petitioner is currently being arrested and detained by federal agents without cause and in violation of his constitutional rights to due process of law.
2. Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment because it is arbitrary, prolonged, and lacks individualized review.
3. The government has failed to justify continued detention violating procedural and substantive due process rights, especially considering the guidance in the Morton Memo. This memo has not been officially rescinded and thus is controlling. The memo contains critical procedural considerations for victims of crimes as well as individuals who are involved in claims regarding the protection of their rights and civil liberties. The Morton Memo instructs all field agents, special agents in charge, and attorneys that, "absent special circumstances or aggravating factors, it is against ICE policy to initiate removal proceedings against an individual known to be the immediate victim or witness to a crime." The Morton Memo instructs ICE officers, agents and attorneys to "exercise all appropriate prosecutorial discretion to minimize any effect that immigration enforcement may have on the willingness and ability of victims, witnesses, and plaintiffs to call police and pursue justice." In various media articles, DHS spokespeople have indicated that this guidance remains in effect.

**VI.**

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;

- (2) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (3) In the alternative, order that Petitioner be afforded an individualized bond hearing before an immigration judge with appropriate due process protections;
- (4) Grant any further relief this Court deems just and proper.

DATED: May 30, 2025

Respectfully submitted,

/s/ T Laura Lui

T Laura Lui, NV BAR 5535  
FILLMORE SPENCER, LLC  
525 West 5300 South Suite 200  
Murray, Utah 84123  
Tel.: (801) 590-9263  
Email llui@fslaw.com  
*Counsel for Petitioner*