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Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Heriberto Herrera Torralba,
Gaudencio Dominguez Castillo

Petitioners,

v.

Jason Knight, Acting Las Vegas/Salt Lake
City Field Office Director, Enforcement
and Removal Operations, United States
Immigration and Customs Enforcement
(ICE); John Mattos, Warden, Nevada
Southern Detention Center; Kristi NOEM,
Secretary, United States Department of
Homeland Security; Pamela BONDI,
Attorney General of the United States;
Executive Office for Immigration Review
Respondents.

**PETITION FOR WRIT OF HABEAS
CORPUS**

Case No. _____

Judge: _____



Agency Case numbers:



INTRODUCTION

1. Counsel is licensed to practice in and resides in Utah. Counsel has complied with LR IA 11-2 and the verified petition to allow counsel to represent the parties in this case has been filed.

2. Both petitioners reside in Utah and had retained counsel for immigration matters prior to having been arrested and moved by Immigration & Customs Enforcement (ICE) to Nevada for detention because ICE does not have a detention facility in Utah.

3. Petitioners Heriberto Herrera Torralba (“Mr. Herrera”), and Gaudencio Dominguez Castillo (“Mr. Dominguez”), by and through above-named counsel of record, submit this Petition for Writ of Habeas Corpus against the above-named Respondents for unlawful detention. Mr. Herrera’s immigration case number is  Mr. Dominguez’s immigration case number is .

4. Both petitioners are noncitizens detained by Immigration & Customs Enforcement (“ICE”) at the Nevada Southern Detention Center. He now faces unlawful detention because the Department of Homeland Security (DHS) has concluded based on novel arguments that they are subject to mandatory detention.

5. Mr. Herrera is a 51-year-old noncitizen who has resided continuously in the U.S. since 1995. He is married and has four US citizen children ages 25, 20, 16 and 13. Mr. Herrera’s 25-year-old son works for the Sheriff’s office, the 20 year old is in the U.S. Air Force and the 16-year-old is being treated for Cerebellar Neoplasm and Obstructive Hydrocephalus, recently had brain surgery and requires follow-up treatment.

6. Mr. Dominguez is a 33-year-old non-citizen who has resided in the U.S. since 2010 who is currently married to a U.S. citizen who has been abusive, so he is eligible for an immigration benefit under the Violence Against Women’s Act (VAWA) and the application for that has been pending with U.S. Citizenship & Immigration Services since 2022.

7. Both petitioners are charged with, inter alia, having entered the United States without inspection. 8 U.S.C. § 1182(a)(6)(A)(i). Mr. Herrera last entered the U.S. in 1995 and has no convictions or criminal record. Mr. Dominguez last entered in 2010.

8. ICE refused to issue a bond to both petitioners making a novel argument unsupported by the law, its history and precedent as discussed below.

9. The petitioners then sought and were both granted a bond redetermination hearing by the Immigration Judge (“IJ”)-Executive Office for Immigration Review (“EOIR”).

10. DHS failed to present any evidence for the bond hearing in Mr. Herrera’s case but argued that notwithstanding his 30 years of residence in the United States, he is nevertheless an “applicant for admission” who is “seeking admission” and subject to mandatory detention under § 1225(b)(2)(A). DHS made the same argument in Mr. Dominguez’s bond hearing.

11. On July 18 the IJ found that DHS failed to present any evidence and Mr. Herrera met his burden to show he is not subject to mandatory detention and is eligible for bond, and granted bond of \$1500, the lowest bond and IJ can grant.

12. On July 22nd, the IJ agreed with Mr. Dominguez that he was not subject to mandatory detention and granted a bond of \$1500.

13. DHS reserved appeal and then filed form EOIR-43 to stay the bond for the duration of the appeal with the Board of Immigration Appeals (“BIA”) which can take 10 or more months to resolve.

14. The petitioners’ detention on this basis violates the plain language of the Immigration and Nationality Act (“INA”). Section 1225(b)(2)(A) does not apply to individuals like Mr. Herrera who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like the petitioners, are charged as inadmissible for having entered the United States without inspection.

15. Respondents’ new legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioners.

16. Accordingly, Petitioners seek a writ of habeas corpus requiring that they be allowed to pay the \$1500 bond and be released immediately while the bond is on appeal.

JURISDICTION

17. Petitioners are in the physical custody of Respondents. Petitioners are detained at the Nevada Southern Detention Center in Pahrump, Nevada.

18. 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).

19. 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.

VENUE

20. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for Nevada, the judicial district in which Petitioner currently is detained. Thus, two residents of Utah and an attorney who resides in Utah are forced to file this action in Nevada solely because ICE moved them from Utah to Nevada.

21. 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 because a substantial part of the events or omissions giving rise to the claims occurred in Nevada.

REQUIREMENTS OF 28 U.S.C. § 2243

22. The Court must grant the petition for 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.*

23. 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

24. Petitioner Heriberto Herrera Torralba is a citizen of Mexico who has been in immigration detention since July 10, 2025. After arresting Petitioner in Salt Lake City, ICE did not set bond and Petitioner requested review of his custody by an IJ. On July 18, 2025, Petitioner was granted a \$1500 bond by an IJ at the Las Vegas Immigration Court over the opposition of DHS that argued that he was an “applicant for admission.” Petitioner has resided in the United States since 1995.

25. Petitioner Gaudencio Dominguez Castillo is a citizen of Mexico who has been in immigration detention since July 7, 2025. After arresting Petitioner in Salt Lake City, ICE did not set bond and Mr. Dominguez requested review of his custody by an IJ. On July 22, 2025, Mr. Dominguez was granted a bond by an IJ at the Las Vegas immigration court over the opposition of DHS that argued that he was an “applicant for admission.” Mr. Dominguez has resided in the United States since 2010.

26. Respondent Jason Knight is the Acting Director of the Las Vegas Field Office of ICE’s Enforcement and Removal Operations division. As such, Mr. Knight is Petitioners’ immediate custodian and is responsible for Petitioners’ detention and removal. He is named in his official capacity.

27. 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.

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

29. 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 and the immigration court system it operates is a component agency. She is sued in her official capacity.

30. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings and appeals thereof.

31. Respondent John Mattos is employed by CoreCivic- as Warden of the Nevada Southern Detention Center, where Petitioners are detained. He has immediate physical custody of Petitioners. He is sued in his official capacity.

LEGAL FRAMEWORK

32. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

33. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),

while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

34. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

35. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

36. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

37. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

38. Following the enactment of the IIRIRA, 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). *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).

39. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior

practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *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)).

40. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

41. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”¹ claims that all persons who entered the United States without inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended, and affects those who have resided in the United States for months, years, and even decades.

42. In a May 22, 2025, unpublished decision from the Board of Immigration Appeals (BIA), EOIR adopts this same position.² That decision holds that all noncitizens who entered the United States without admission or parole are considered applicants for admission and are ineligible for immigration judge bond hearings.

43. ICE and EOIR have adopted this position even though federal courts have rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration

¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

² Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24, 2025); *see also Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion).

44. DHS’s and DOJ’s interpretation defies the INA. As the *Rodriguez Vazquez* court explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

45. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”

46. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates “specific exceptions” to a statute’s applicability, it “proves” that absent those exceptions, the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

47. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

48. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

49. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like the Petitioners, who have already entered and were residing in the United States at the time they were apprehended.

50. In addition, in Mr. Herrera's case, he last entered the U.S. in 1995 prior to the passage of IIRIRA, so ICE could not have applied this law to him at the time of his entry.

FACTS

51. Petitioner Herrera has resided in the U.S. without departure since 1995 and currently resides in Utah.

52. Mr. Herrera was arrested by ICE on July 10, 2025. ICE was looking for Mr. Herrera because he had been granted voluntary departure by an IJ in 1990 and ICE did not have any evidence that he had departed on time which, if true, would convert the voluntary departure

to a deportation order. Luckily Mr. Herrera had saved documentation of his voluntary departure in 1990 and counsel was able to present that evidence to ICE so it could not deport him under the 1990 order. However, ICE placed Mr. Herrera in a new removal proceeding pursuant to 8 U.S.C. § 1229a. ICE has charged Mr. Herrera with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

53. Mr. Herrera is a 51-year-old noncitizen who has resided continuously in the U.S. since 1995 a year prior to the passage of IIRIRA. He is married and has four US citizen children ages 25, 20, 16 and 13. Mr. Herrera's 25-year-old son works for the Sheriff's office, the 20 year old is in the U.S. Air Force and the 16-year-old is being treated for Cerebellar Neoplasm and Obstructive Hydrocephalus, recently had brain surgery and requires follow-up treatment. He is neither a flight risk nor a danger to the community and the IJ agreed.

54. Days before his arrest, Mr. Herrera had applied to USCIS for Military Parole in Place (PIP), a process that allows applicants with children in the military to apply for lawful permanent residence in the U.S. without having to depart the country. That application is currently pending.

55. Following Petitioner's arrest and transfer to the Nevada detention facility, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

56. At the bond hearing on July 18, 2025 DHS failed to present any evidence in Mr. Herrera's case but argued that notwithstanding his 30 years of residence in the United States, he

is nevertheless an “applicant for admission” who is “seeking admission” and subject to mandatory detention under § 1225(b)(2)(A).

57. The IJ found that DHS failed to present any evidence and Mr. Herrera met his burden to show he is not subject to mandatory detention and is eligible for bond, and granted bond of \$1500, the lowest bond and IJ can grant.

58. Mr. Dominguez is a 33 year old non-citizen who has resided in the U.S. since 2010.

59. Mr. Dominguez entered the U.S. without inspection but was not apprehended by immigration officials at any time until July 7, 2025, when he was pulled over by local law enforcement, who then turned him over to ICE. No criminal activity was alleged or reported, but ICE decided to arrest him when they discovered he is currently undocumented, albeit with a pending immigration petition.

60. Mr. Dominguez’s first wife, a U.S. Citizen, fell gravely ill a few months after their marriage and passed away at the age of 29 in July 2014. He later married Elizabeth Hernandez in 2016, also a U.S. Citizen, who worked with him to move through several rigorous steps of the immigration process to apply for his permanent residence, including a waiver application for unlawful presence in the United States. Mr. Dominguez developed close relationships with Elizabeth’s four young children and was a much-needed, supportive father figure to them. Unfortunately, Elizabeth subjected Mr. Dominguez to repeated psychological, verbal, and emotional abuse. She often threatened to call immigration authorities, particularly when he did not have enough money to buy things she wanted. She isolated him from his family

and refused to allow him to speak on the phone with his dying grandparents in Mexico. Mr. Dominguez developed posttraumatic stress disorder from the abuse and has suffered greatly from the separation from Elizabeth's four children he helped raise.

61. Based on this abuse, he qualified for immigration relief under the Violence Against Women Act, and since December 2022 has had a VAWA Self-Petition pending with U.S. Citizenship & Immigration Services. Gaudencio qualified to immediately apply for permanent residency along with the VAWA Self-Petition but did not do so due to financial constraints. Gaudencio has a clear pathway available to obtain lawful permanent residence in the U.S., yet he remains detained by ICE despite his lack of a criminal record and his nearly 15 years of gainful employment in the United States.

62. ICE placed Mr. Dominguez in a new removal proceeding pursuant to 8 U.S.C. § 1229a and charged him with, inter alia, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

63. ICE soon transferred him away from his family to a detention facility in Nevada. At a bond hearing before an immigration judge held on July 22, 2025, ICE argued that Mr. Dominguez is subject to mandatory detention, despite having no criminal record aside from one traffic ticket.

64. At a bond hearing on July 22, 2025, the IJ granted Gaudencio a \$1500 bond, the lowest amount possible, specifically finding that he is not a flight risk and not a danger to the community.

65. However, in both cases, DHS reserved appeal and filed form EOIR-43 (known as the “nuclear option” because of its very rare use) to stay the bond while it is on appeal at the BIA which could take 10 or more months during which time, Mr. Herrera and Mr. Dominguez will be unlawfully detained and separated from their families, jobs and communities.

66. Any appeal to the BIA is futile. DHS’s new policy was issued “in coordination with DOJ,” which oversees the immigration courts. Further, as noted, the most recent unpublished BIA decision on this issue held that persons like Petitioner are subject to mandatory detention as applicants for admission. Finally, in the *Rodriguez Vazquez* litigation, where EOIR and the Attorney General are defendants, DOJ has affirmed its position that individuals like Petitioner are applicants for admission and subject to detention under § 1225(b)(2)(A). *See* Mot. to Dismiss, *Rodriguez Vazquez v. Bostock*, No. 3:25-CV-05240-TMC (W.D. Wash. June 6, 2025), Dkt. 49 at 27–31.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA

67. Petitioners incorporate by reference the allegations of fact set forth in the preceding paragraphs.

68. 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.

69. The application of § 1225(b)(2) to Petitioners unlawfully mandates their continued detention and violates the INA.

COUNT II

Violation of Due Process

70. Petitioners repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

71. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150 L.Ed.2d 653 (2001).

72. The Ninth Circuit has held that “[r]emaining confined in jail when one should otherwise be free is an Article III injury plain and simple[.]” *Gonzalez v. United States Immigr. & Customs Enft*, 975 F.3d 788, 804 (9th Cir. 2020) (quoting *Mendia v. Garcia*, 768 F.3d 1009, 1012 (9th Cir. 2014)).

73. Petitioners have a fundamental interest in liberty and being free from official restraint.

74. The government's continued detention of Petitioners even after an IJ has granted a bond finding that they are neither a flight risk nor a danger to others violates their right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus requiring that Respondents release Petitioners immediately;
- c. Award Petitioners 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
- d. Grant any other and further relief that this Court deems just and proper.

RESPECTFULLY SUBMITTED this 28th day of July, 2025.

PERRETTA LAW OFFICE

/s/ Leonor Perretta
Attorney for Petitioners

EXHIBIT LIST

- A. IJ Bond Order for Mr. Herrera
- B. EOIR-43 form filed by ICE to stay the bond for Mr. Herrera
- C. IJ Bond Order for Mr. Dominguez
- D. EOIR-43 form filed by ICE to stay the bond for Mr. Dominguez



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
LAS VEGAS IMMIGRATION COURT**

Respondent Name:

HERRERA TORRALBA, HERIBERTO

To:

Perretta, Leonor
8831 S. Redwood Road
Suite A
West Jordan, UT 84088

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

07/18/2025

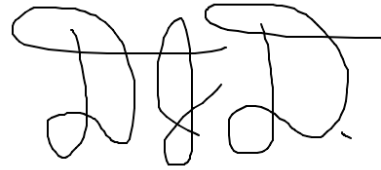
ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

- ☒ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☒ released from custody under bond of \$ 1,500.00
 - ☒ other:

☐ Other:




Immigration Judge: D. DAUGHERTY 07/18/2025

Appeal: Department of Homeland Security: ☐ waived ☒ reserved
Respondent: ☒ waived ☐ reserved

Appeal Due: 08/18/2025

Certificate of Service

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Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable
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Respondent Name : HERRERA TORRALBA, HERIBERTO | A-Number : 

Riders:

Date: 07/18/2025 By: Bukikova, Antoaneta, Court Staff

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Heriberto Herrera Torralba,
Gaudencio Dominguez Castillo

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Leonor Perretta
Perretta Law Office
8831 S. Redwood Road, Suite A

DEFENDANTS

Jason Knight, Acting Las Vegas Field Office Director,
Enforcement and Removal Operations, United States

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

| | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|--|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input checked="" type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241(c)(5)

Brief description of cause:
Writ of Habeas Corpus for unlawful detention by ICE

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

Jul 28, 2025

SIGNATURE OF ATTORNEY OF RECORD

/s/Leonor Perretta

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____