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10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 EDUARDO ALVARADO GONZALEZ,

12 Petitioner,

13 v.

14 KRISTI NOEM, Secretary of the U.S.
 15 Department of Homeland Security; PAM
 16 BONDI, Attorney General of the United
 States; JASON KNIGHT, Director of the
 17 Salt Lake City U.S. Immigration and
 Customs Enforcement Field Office; JOHN
 18 MATTOS, Warden of the Nevada Southern
 Detention Center,

19 Respondents.

Case No. 2:25-cv-01599-RFB-NJK

**Federal Respondents' Response to
 Motion for Temporary Restraining
 Order, ECF No. 18**

20
 21 The Federal Respondents hereby submit this Response to Petitioner's Motion for
 22 Temporary Restraining Order (ECF No. 18).

23 **I. Introduction**

24 Petitioner seeks injunctive relief challenging the Department of Homeland
 25 Security's ("DHS") detention authority, contending that his custody is governed by 8
 26 U.S.C. § 1226(a) rather than § 1225(b)(2)(A). This is not a novel question; identical
 27 arguments have recently been litigated in parallel proceedings before this Court and other
 28 district courts.

1 For the reasons stated below—and as set forth more fully in the government’s prior
2 filing in *Jefferson Dominguez-Lara, et al. v. Noem, et al.*, No. 2:25-cv-01553-RFB-BNW (D.
3 Nev. Sept. 27, 2025) as incorporated herein—Petitioner fails to demonstrate any
4 likelihood of success on the merits, irreparable harm, or a basis for extraordinary
5 injunctive relief.

6 II. Factual and Procedural Background

7 Gonzalez is a native and citizen of Mexico. Ex. A, p. 1, 2. He entered the
8 United States on an unknown date and claims to have lived in the United States since
9 2003. ECF No. 1 (*Pet.*), p. 10, ECF No. 16-2, p. 2. Petitioner did not enter at a port of
10 entry and was not admitted, inspected, or paroled by an immigration officer. ECF No. 16-
11 2, p. 2.

12 Petitioner’s U.S. Citizen sister-in-law filed an I-130, Petition for Alien Relative, on
13 March 7, 2025, with U.S. Citizenship and Immigration Services (“USCIS”). *See Pet.*, p. 10,
14 Gonzalez’s filed his related I-485, Application to Register Permanent Residence or Adjust
15 Status, on March 7, 2025, with USCIS and is pending adjudication. *Pet.*, p. 10, ECF No.
16 16-2, p. 2. Petitioner was also granted a work authorization (through an I-765 petition)
17 that is valid from April 30, 2025, through April 29, 2030. ECF No. 16-2, p. 2.

18 However, on July 27, 2025, Gonzales was charged with domestic violence pursuant
19 to Idaho Code 18-918(2). *Pet.*, p. 11, ECF No. 16-2, pp. 5-7. Specifically, he was charged
20 with a felony count of domestic-battery- traumatic injury for an incident involving his wife.
21 ECF No. 16-2, pp. 5-7.

22 Also, on June 18, 2020, a default judgment was entered against him by the State of
23 Idaho for speeding, operating a vehicle without a license, and for being uninsured. ECF
24 No. 16-2, p. 8.

25 Following Petitioner’s arrest for domestic violence, he was taken to the Canyon
26 Country Jail in Caldwell, Idaho on July 27, 2025. ECF No. 16-2, p. 2. On August 8, 2025,
27 he was granted conditional release on his own cognizance, subject to his complying with a
28

1 designated curfew, not consuming or possessing alcoholic beverages or drugs, and
2 submitting to any evidentiary testing for alcohol or drugs. ECF No. 16-2, p. 4.

3 Stemming from his arrest for domestic violence, while at the Canyon County Jail,
4 Petitioner was taken into custody by U.S. Immigration and Customs Enforcement (“ICE”)
5 on August 9, 2025. ECF No. 16-2, p. 2. On August 9, 2025, while in ICES’s custody, he
6 called and left a message with his attorney and called and spoke with his wife. ECF No.
7 16-2, p. 3.

8 On August 11, 2025, ICE transferred Petitioner to the Nevada Southern Detention
9 Center in Pahrump, Nevada, where he is currently being detained pending his removal
10 proceedings.

11 Petitioner was issued a Notice to Appear on August 9, 2025, by the Department of
12 Homeland Security (“DHS”), charging him under INA § 212(a)(6)(A)(i) (an alien present
13 in the United States without being admitted or paroled, who arrived in the United States at
14 any time or place other than as designated by the Attorney General) and under
15 §212(a)(7)(A)(i)(I) (an immigrant, who, at the time of application for admission, is not in
16 possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or
17 other valid entry document required by the Act, and a valid unexpired passport, or other
18 suitable travel document, or document of identity and nationality as required under the
19 regulations issued by the Attorney General under section 211(a) of the Act). ECF No. 16-
20 3, pp. 1-4.

21 On September 3, 2025, Petitioner’s bond redetermination hearing was held. ECF
22 No. 16-4. Petitioner was granted a bond in the amount of \$3,000.00, with alternatives to
23 detention at the discretion of DHS. *Id.* On September 24, 2025, the IJ issued bond
24 memorandum that stated “The authority of the Immigration Judge to set bond has been
25 superseded by the decision of the Board of Immigration Appeals in *Matter of Yasjure*
26 *Hurtado*, 29 I&N Dec. 216 (BIA 2025).”

27 On August 27, 2025, Petitioner initiated this action by filing a Petition for Writ of
28 Habeas Corpus. ECF No. 1. The Court ordered the Federal Respondents to respond by

1 September 30, 2025. ECF No. 10. Federal Respondents filed their Response to the
2 Petition on September 30, 2025. ECF No. 16.

3 On October 23, 2025, Petitioner filed the instant Motion for Temporary
4 Restraining Order. ECF No. 18. This case was transferred to the Honorable Richard F.
5 Boulware, II, on October 23, 2025. ECF No. 19. Thereafter, the Court ordered Federal
6 Respondents to respond to the Motion for TRO by October 27, 2025. ECF No. 20. The
7 Court approved an extension of time for Federal Respondents to respond by October 29,
8 2025, by 3:00 p.m. A hearing on the Petition and Motion for TRO is scheduled to occur
9 on October 30, 2025. ECF No. 20. Petitioner is scheduled to have an individual hearing
10 on his removal on November 24, 2025. *See* Exhibit A.

11 III. Argument

12 *Incorporation By Reference of Government's Prior Response*

13 Federal Respondents hereby incorporate by reference Federal Respondents'
14 Opposition to Petitioners' Motion for Preliminary Injunction in *Jefferson Dominguez-Lara, et*
15 *al. v. Noem*, et al., No. 2:25-cv-01553-RFB-BNW (D. Nev. Sept. 27, 2025) ("Dominguez-
16 Lara Opposition") as ECF No. 17, as though fully set forth herein.¹ The Dominguez-Lara
17 Opposition addresses identical statutory and constitutional questions regarding DHS's
18 authority to detain individuals under § 1225(b)(2)(A) who are not yet admitted and whose
19 cases remain in pending removal proceedings.

20 For efficiency and consistency, Respondents adopt the Dominguez-Lara Opposition
21 in full, except for Sections IV.C ("No Class Certification") and IV.D ("Classwide Relief
22 Runs Afoul of § 1252(f)(1)"), which do not apply here as Petitioner has not sought class
23 certification in this matter.

24 The arguments in Sections I, II.A, III.C, and IV.A–B of the Dominguez-Lara
25 Opposition are equally applicable and incorporated by reference. Those sections
26 demonstrate that detention under § 1225(b)(2)(A) is mandatory by statute, not § 1226(a),

27
28 ¹ The Court has endorsed the incorporation by reference of prior government filings in related or substantively identical immigration habeas petitions, recognizing the efficiency of unified briefing given the number of overlapping cases presenting identical questions under 8 U.S.C. § 1225(b)(2)(A) and § 1226(a).

1 and that DHS's custody determination therefore complies with both statutory and
2 constitutional requirements.

3 (See Dominguez-Lara Opposition, ECF No. 17, at 1-23, attached hereto as Exhibit
4 "B" and incorporated herein by reference, except Sections IV.C and IV.D.)

5 **IV. CONCLUSION**

6 For the reasons stated herein and in the Dominguez-Lara Opposition, Petitioner
7 cannot satisfy the standards for preliminary injunctive relief. The motion should therefore
8 be denied.

9 Respectfully submitted this 29th day of October 2025.

10 SIGAL CHATTAH
11 Acting United States Attorney

12 /s/ Summer A. Johnson
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14 SUMMER A. JOHNSON
15 Assistant United States Attorney
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