

Jeremy Mondejar, ESQ.
NV Bar 11213
2885 E Charleston BLVD, Suite 103
Las Vegas, NV 89104
Telephone: (702) 816-6611
Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTINEZ-CELIS, AGUSTIN

A  Detained

Petitioner,
Case File No.: 25-1650

V.

Immigration file No.:

A 

KRISTI NOEM, Secretary of
the United States Department of Homeland
Security; PAM BONDI,
United States Attorney General;
TODD LYONS, Director of
United States Immigration and Customs
Enforcement; BRYAN WILCOX,
Field Office Director for Detention and
Removal, U.S. Immigration and Customs
Enforcement, Department of Homeland
Security; John Mattos, Warden,
Nevada Southern Detention Center;
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY; UNITED
STATES IMMIGRATION AND
CUSTOMS ENFORCEMENT;

Respondents

**PETITIONER'S WRIT
OF HABEAS CORPUS**

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28
U.S.C. § 2241**

This is a petition for a writ of habeas corpus filed on behalf of Agustin Martinez-Celis (“Mr. Martinez”) seeking relief to remedy his unlawful detention. Respondents are detaining Mr. Martinez pending his deportation proceedings. Mr. Martinez has fully cooperated with Respondents for said proceedings. To date, Mr. Martinez has been detained for more than forty (40) days. Mr. Martinez is not a flight risk or a danger to the community. His prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA).

On or about July 23, 2025, Respondents placed Mr. Martinez in the custody of the Nevada Southern Detention Center. Mr. Martinez’s detention is for the purpose of conducting his deportation proceedings.

On or about August 12, 2025, an Immigration Judge (“IJ”) granted Mr. Martinez bond in the amount of \$3,000.00. On or about August 13, 2025, government counsel for the Department of Homeland Security (“DHS”) filed an EOIR Form 43 “Notice of ICE Intent to Appeal a Custody Redetermination.”

This filing stayed the IJ’s bond decision for ten (10) business days. 8 C.F.R. §1003.19. This stay expired on August 26, 2025.

This stay can be extended by ninety (90) days if government counsel files EOIR Form 26 “Notice of Appeal” with the Board of Immigration Appeals within the ten (10) business days of the first automatic stay.

This did not occur in the instant case, and, in fact, a Notice of Appeal has not been filed to date in this case. That is, this is currently no stay in effect, and the IJ’s Bond Order is now a final decision.

Nonetheless, Respondents refuse to allow Mr. Martinez to post the \$3,000.00 bond and/or release him from detention. Undersigned counsel has contacted DHS and government counsel several times in an attempt to resolve this matter but has never received a response.

Respondents’ actions defy a final order from the Las Vegas Immigration Court, the U.S. Constitution and the Immigration and Nationality Act (INA). Petitioner seeks an order from this Court declaring his continued and prolonged detention unlawful and ordering Respondents to release Mr. Martinez from their custody with or without the posting of the relevant bond.

CUSTODY

1. Mr. Martinez is in the physical custody of Respondents. At the time of the filing of this petition, Petitioner is detained at the Nevada Southern Detention Center (“NSDC”) in Pahrump, NV. NSDC contracts with the

Department of Homeland Security to detain aliens such as Petitioner. Mr. Martinez is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241, art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”) and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue lies in the United States District Court for the District of Nevada, the judicial district where Petitioner is detained. 28 U.S.C. § 1391(e).

PARTIES

4. Petitioner Agustin Martinez is a national and citizen of Mexico who.

5. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (“DHS”), an agency of the United States. She is responsible for the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). Secretary Noem is a legal custodian of Mr. Martinez. She is named in her official capacity. Respondent’s address is Department of Homeland Security, Washington, D.C. 20528.

6. Respondent Pam Bondi is the Attorney General of the United States and the most senior official in the U.S. Department of Justice (“DOJ”). She has the authority to interpret immigration laws and adjudicate removal cases. 8 U.S.C. § 1103(g). The Attorney General delegates this responsibility to the Executive Office for Immigration Review (“EOIR”), which administers the immigration courts and the BIA. She is named in her official capacity. Respondent’s address is 950 Pennsylvania Avenue, NW, Washington, D.C. 20520-0001.

7. Respondent TODD LYONS is the Director of the United States Immigration and Customs Enforcement within the Department of Homeland Security, an agency of the United States. He is responsible for the administration and enforcement of immigration laws. He is named in his official capacity. Respondent’s address is 500 12th St. SW, Washington, D.C.

20536.

8. Respondent Bryan Wilcox is the Field Office Director for Detention and Removal, U.S. Immigration Customs and Enforcement, Department of Homeland Security. Pursuant to Respondent Wilcox's orders, Mr. Martinez remains detained. Respondent Wilcox is named in his official capacity. Respondent's address is 2975 Decker Lane Dr, Suite 100, West Valley City, UT 84119.

9. Respondent John Mattos is Warden of NSDC and is Mr. Martinez's immediate custodian and resides in the judicial jurisdiction of the Ninth Circuit of the United States Court of Appeals. Warden is named in his official capacity. Respondent's address is 2190 E Mesquite Ave, Pahrump, NV 89060.

10. The Department of Homeland Security (DHS) is a federal agency charged with administering statutes and regulations governing immigration pursuant to 6 U.S.C. §§ 111-115. Respondent's address is Department of Homeland Security, Washington, D.C. 20528.

11. The United States Immigration and Customs Enforcement is a federal sub-agency under DHS responsible for the administration and enforcement of the United States' immigration laws pursuant to 22 C.F.R. 127.4.

Respondent's field office address here in Las Vegas is 501 S Las Vegas Blvd, Suite 200, Las Vegas, NV 89101.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

12. Mr. Martinez has exhausted his administrative remedies to the extent required by law. Mr. Martinez's only remedy is by way of this judicial action.

STATEMENT OF FACTS

13. Petitioner is a national and citizen of Mexico.

14. Mr. Martinez has now been in detention for more than forty (40) days pending his deportation proceedings.

15. Mr. Martinez is not a danger to the community or a flight risk.

16. Mr. Martinez has deep roots in this community.

17. Prior to his detention, Mr. Martinez was working, paying his taxes, and providing for his family. His continued detention deprives his family of his companionship and income.

18. Respondents' continued detention of Mr. Martinez is in defiance of a final order from the Las Vegas Immigration Court.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

19. Petitioner alleges and incorporates by reference paragraphs 1 through 18 above.

20. Petitioners' detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

Hope v. Warden York City Prison, 972 F.3d 310, 323-25 (3d Cir. 2020)

(seeking release due to unconstitutional conditions of confinement); *Yanes v.*

Martin, 464 F. Supp. 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v.*

Jennings, 465 F. Supp. 3d 1028, 1035-36 (N.D. Cal. 2020).

COUNT TWO STATUTORY CLAIM

21. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.

22. Petitioner's continued detention violates the Immigration and Nationality Act and the U.S. Constitution.

COUNT THREE

23. If he prevails, Petitioner requests attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412.

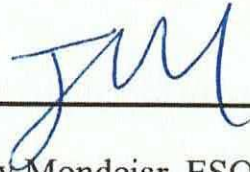
PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter; 2. Issue an order directing

Respondents to show cause why the writ should not be granted; 3. Issue a writ of habeas corpus ordering Respondents to release Mr. Martinez on his own recognizance or under parole, a low bond or reasonable conditions of supervision show; 4. Award Petitioner reasonable costs and attorney's fees; and, 5. Grant any other relief which this Court deems just and proper.

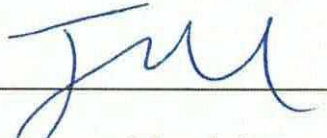
Respectfully submitted,

A handwritten signature in blue ink, appearing to be 'JM', is written over a horizontal line.

Jeremy Mondejar, ESQ.
NV Bar 11213
2885 E Charleston BLVD, Suite 103
Las Vegas, NV 89104
Telephone: (702) 816-6611
Attorney for Petitioner

VERIFICATION OF COUNSEL

I, Jeremy Mondejar, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.



Jeremy Mondejar