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Counsel for Petitioner Ismael Sanchez Roman

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (Las Vegas)**

ISMAEL SANCHEZ ROMAN

Petitioner,

v.

KRISTI NOEM,

in her official capacity as
Secretary, U.S. Department of
Homeland Security; 245 Murray Lane
SW, Washington, DC 20528;

**U.S. DEPARTMENT OF HOMELAND
SECURITY**

PAMELA J. BONDI,

in her official capacity as
Attorney General of the United States,
950 Pennsylvania Avenue, NW,
Washington, DC, 20530;

U.S. DEPARTMENT OF JUSTICE

Case No.: 2:25-cv-1684

Agency No:



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

TODD LYONS,

in his official capacity as Acting
Director and Senior Official Performing
the Duties of the Director for U.S.
Immigration and Customs
Enforcement, 500 12th Street, SW,
Washington, DC 20536;

JASON KNIGHT,

in his official capacity as Acting Field
Office Director, Salt Lake City Field
Office Director, U.S. Immigration &
Customs Enforcement, 2975 Decker
Lake Drive Suite 100, West Valley
City, UT 84119-6096

**U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT**

JOHN MATTOS,

in his official capacity as Warden,
Nevada Southern Detention Facility,
2190 E. Mesquite Ave.
Pahrump, NV 89060

Respondents.

INTRODUCTION

1. Ismael Sanchez Roman (“Petitioner” “Mr. Roman”) is a 47-year-old resident of the United States. He has lived in this country since approximately 1991, when he was thirteen-years-old. Immigration and Customs Enforcement (ICE) has detained him so far for over six weeks and is seeking his removal from the United States. *See* Exhibit A (Notice to Appear) at 002. Petitioner has four U.S. citizen children. *See* Exhibit B (Declaration of Alena Sanchez Roman) at 004. He was married for over twenty years before his wife passed away. *See* Exhibit C (Mariza Sanchez Galvan – Certificate of Death) at 007. Petitioner later remarried to a U.S. citizen who suffers from lupus, and his step-daughter has schizophrenia. *See* Exhibit D (Marriage License) at 009; Exhibit B at 004-005. His family has suffered without his care.

1 2. Petitioner does not ask this court to consider his removability. He asks this court
2 only to allow him to have a bond hearing so that he might be freed from detention and return to
3 his family while his removal case is pending. Under the Immigration and Nationality Act
4 (“INA”) and under longstanding policy and practice, he would have had such a bond hearing.
5 But this year, in violation of the INA, the Department of Homeland Security (“DHS”) sought to
6 avoid such hearings, and on September 5, the Board of Immigration Appeals (BIA) ordered that
7 individuals who entered the U.S. without inspection are subject to mandatory detention and
8 cannot receive a bond hearing before an Immigration Judge (IJ). *See* Exhibit E (*Matter of*
9 *Yajure Hurtado*) at 011. Petitioner thus seeks relief from this court to restore his right to a bond
10 hearing.
11

12 3. ICE has charged Petitioner with, among other things, entering the United States
13 without inspection. *See* Exhibit A at 002; 8 U.S.C. § 1182(a)(6)(A)(i). On September 5, 2025,
14 after Petitioner retained counsel and prepared to file a motion for custody redetermination, the
15 BIA decided *Matter of Jonathan Javier Yajure Hurtado*. 29 I&N 216 (BIA 2025); *see* Exhibit E
16 at 011. That decision held that IJs lack jurisdiction to hear bond requests or grant bond to
17 individuals who entered without inspection. The BIA and the Department of Homeland Security
18 (DHS) have now made clear their intent to deny Petitioner any bond hearing before an IJ.
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20 4. Petitioner files this Petition for a writ of habeas corpus (“Petition”) because the
21 BIA has ruled that IJs lack jurisdiction to hear bond requests from individuals like him. The
22 BIA has interpreted 8 U.S.C. §§ 1225(a)(1) and (b)(2)(A) to mean that all individuals who
23 entered without inspection are “arriving aliens” and “applicants for admission” who are
24 “seeking admission,” despite the fact that Petitioner has lived in the U.S. for over two decades.
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1 5. Petitioner's detention violates the plain language of the Immigration and
2 Nationality Act. Section 1225(b)(2)(A), the provision that the BIA is relying on, does not apply
3 to individuals like Petitioner who previously entered and are now residing in the United States.
4 Instead, such individuals are subject to a different statute, Section 1226(a), that allows for
5 release on conditional parole or bond. That statute expressly applies to people who, like
6 Petitioner, are charged as inadmissible for having entered the United States without inspection.

8 6. The BIA's new legal interpretation is plainly contrary to the statutory framework
9 and contrary to decades of agency practice applying Section 1226(a) to people like Petitioner.

10 7. Mr. Roman brings this petition pursuant to 28 U.S.C. § 2241; the Immigration
11 and Nationality Act, 8 U.S.C. §§ 1101-1538 and its implementing regulations; the
12 Administrative Procedure Act, 5 U.S.C. §§ 500-596, 701-706; and the United States
13 Constitution to allow him to receive a bond hearing from an IJ.
14

15 **JURISDICTION AND VENUE**

16 8. Petitioner is in the custody of Respondents. He is in the physical custody of the
17 Nevada Southern Detention Center, 2190 E Mesquite Ave, Pahrump, NV 89060 ("NSDC") in
18 Pahrump, Nevada. NSDC is a private detention center operated by CoreCivic, Inc., under
19 contract with ICE.
20

21 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
22 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
23 Constitution (the Suspension Clause).
24

25 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
26 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
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1 11. Venue is proper in this District under 28 U.S.C. § 2241; 28 U.S.C. § 1391(b);
2 and 28 U.S.C. § 1391(e)(1) because when this Petition was filed Petitioner was detained within
3 the geographic jurisdiction of the District of Nevada (Las Vegas). Venue is also properly in this
4 Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and
5 agencies of the United States, and a substantial part of the events or omissions giving rise to the
6 claim occurred in this district. *See* 28 U.S.C. § 1391(e).

8 **REQUIREMENTS OF 28 U.S.C. § 2243**

9 12. The Court must grant the petition for a writ of habeas corpus or order
10 Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C.
11 § 2243. If an order to show cause is issued, the Respondents must file a return “within three
12 days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

14 13. Habeas corpus is “perhaps the most important writ known to the constitutional
15 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
16 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for
17 the writ usurps the attention and displaces the calendar of the judge or justice who entertains it
18 and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*,
19 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

21 **PARTIES**

22 14. Mr. Roman is a citizen of Mexico who has resided in the United States since
23 approximately 1991. He has been in immigration detention since July 22, 2025. *See* Exhibit A at
24 002.

26 15. Respondent Kristi Noem is the Secretary of the Department of Homeland
27 Security. She is responsible for the implementation and enforcement of the Immigration and
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1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

3 16. Respondent Department of Homeland Security (DHS) is the federal agency
4 responsible for implementing and enforcing the INA, including the detention and removal of
5 noncitizens. Respondent DHS is a legal custodian of Petitioner.
6

7 17. Respondent Pamela Bondi is the Attorney General of the United States. She is
8 responsible for the Department of Justice, of which the Executive Office for Immigration
9 Review (EOIR) and the immigration court system it operates is a component agency. She is
10 sued in her official capacity.
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12 18. Respondent Department of Justice (DOJ) is the federal agency responsible for
13 adjudicating removal and related bond cases. EOIR, and its components the immigration courts
14 and Board of Immigration Appeals (BIA) is a division of DOJ.

15 19. Respondent Todd Lyons is the Acting Director and Senior Officer Performing
16 the Duties of the Director of ICE. Respondent Lyons is responsible for ICE's policies, practices,
17 and procedures, including those relating to the detention of immigrants during their removal
18 procedures. Respondent Lyons is a legal custodian of Petitioner. Respondent Lyons is sued in
19 his official capacity.
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21 20. Respondent ICE is the subagency of DHS that is responsible for carrying out
22 removal orders and overseeing immigration detention. Respondent ICE is a legal custodian of
23 Petitioner.
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25 21. Respondent Jason Knight is the Acting Director of the Salt Lake City Field
26 Office of ICE Enforcement and Removal Operations, a federal law enforcement agency within
27 the Department of Homeland Security ("DHS"). ERO is a directorate within ICE whose
28

responsibilities include operating the immigration detention system. In his capacity as ICE ERO Salt Lake City, Acting Field Office Director, Respondent Knight exercises control over and is a custodian of immigration detainees held at NSDC. At all times relevant to this Complaint, Respondent Knight was acting within the scope and course of his employment with ICE. He is sued in his official capacity.

22. Respondent John Mattos is the Warden of NSDC which detains individuals suspected of civil immigration violations pursuant to a contract with ICE. Respondent Mattos exercises physical control over immigration detainees held at NSDC. Respondent Mattos is sued in his official capacity.

23. Respondents individually and collectively will be referred to as "Respondents."

LEGAL FRAMEWORK

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

25. 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). There are no allegations that Mr. Roman has any criminal record that would lead to mandatory detention under this provision.

26. 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).

1 27. Third, the INA also provides for detention of noncitizens who have been ordered
2 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b), a
3 provision that does not relate to this case.

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

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

10 30. Following the enactment of the IIRIRA, EOIR drafted new regulations
11 explaining that, in general, people who entered the country without inspection were not
12 considered detained under § 1225 and that they were instead detained under § 1226(a). *See*
13 Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of
14 Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

15 31. Thus, in the decades that followed, most people who entered without inspection
16 and were placed in standard removal proceedings received bond hearings, unless their criminal
17 history rendered them ineligible. That practice was consistent with many more decades of prior
18 practice, in which noncitizens who were not deemed “arriving” were entitled to a custody
19 hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep.
20 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention
21 authority previously found at § 1252(a)).
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1 32. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
2 rejected well-established understanding of the statutory framework and reversed decades of
3 practice.

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

10 34. On September 5, 2025, the BIA published a new decision holding that IJs lack
11 jurisdiction to grant bond to individuals present in the U.S. without admission. *Matter of*
12 *Jonathan Javier Yajure Hurtado*, 29 I&N 216 (BIA 2025).² The BIA held that all persons who
13 entered the U.S. without inspection are considered “applicants for admission” under 8 U.S.C. §
14 1225(a)(1) and are therefore subject to mandatory detention under § 1225(b)(2)(A), rendering
15 them ineligible for bond hearings before an IJ.

16 35. The BIA’s interpretation defies the INA. Section 1226(a) applies by default to all
17 persons “pending a decision on whether the [noncitizen] is to be removed from the United
18 States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or
19 deportability of a[] [noncitizen].”

20 36. The text of § 1226 also explicitly applies to people charged as being
21 inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E).

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

² Available at <https://www.justice.gov/eoir/media/1413311/dl?inline>.

1 Subparagraph (E)’s reference to such people makes clear that, by default, such people are
2 afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it
3 applies to people who face charges of being inadmissible to the United States, including those
4 who are present without admission or parole.

5
6 37. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who
7 recently entered the United States. The statute’s entire framework is premised on inspections at
8 the border of people who are “seeking admission” to the United States. 8 U.S.C.
9 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention
10 scheme applies “at the Nation’s borders and ports of entry, where the Government must
11 determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v.*
12 *Rodriguez*, 583 U.S. 281, 287 (2018).

13
14 38. Petitioner has lived in the United States for more than two decades and is not
15 currently seeking admission. His detention therefore falls under § 1226(a), which governs
16 detention of noncitizens already in the country, not § 1225(b), which governs detention of
17 persons seeking admission.

18
19 39. The BIA’s novel interpretation of § 1225(b)(2)(A) would make the Laken Riley
20 Act (LRA) meaningless and duplicative. On January 29, 2025, Congress amended § 1226(c) to
21 add a new category of people subject to mandatory detention. The amendment requires the
22 Attorney General to detain any noncitizen who is “inadmissible under paragraph 6(A), 6(C), or
23 (7) of section 1182(a)” and who is charged with, arrested for, convicted of, or admits to
24 committing certain crimes. 8 U.S.C. § 1226(c)(1)(E)(i)–(ii). This text specifically targets
25 individuals who are inadmissible under § 1182(a)(6)(A) for entering without inspection, but
26 only when they also face the crimes listed in the LRA.
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1 40. If § 1225(b)(2)(A) already required mandatory detention for all who entered
2 without inspection—as the BIA now claims—the LRA would add nothing new. Congress
3 would not have created mandatory detention rules for a group already swept in, leaving the
4 LRA without any independent effect. Courts reject such interpretations because they render
5 statutes superfluous. *See Duncan v. Walker*, 533 U.S. 167, 174 (2001).
6

7 41. The statutory text is plain. The LRA carved out a narrow group for mandatory
8 detention—not all who entered without inspection. The BIA’s new interpretation erases much
9 of § 1226, contradicts the LRA, and departs from the government’s own position held until July
10 2025. No statutory amendment changed the text of either § 1225 or § 1226. The only change is
11 the BIA’s sudden reinterpretation. That shift confirms the interpretation is plainly wrong.
12

13 42. Additionally, if the INA’s text contains ambiguity, this Court should resolve it in
14 favor of liberty. The Supreme Court has long applied the rule of lenity in criminal cases,
15 holding that “ambiguity concerning the ambit of criminal statutes should be resolved in favor of
16 lenity.” *United States v. Bass*, 404 U.S. 336, 347 (1971) (internal citations omitted). Under the
17 rule of lenity, “any reasonable doubt about the application of a penal law must be resolved in
18 the favor of liberty.” *Wooden v. United States*, 595 U.S. 360, 388 (2022) (Kavanaugh, J.,
19 concurring).
20

21 43. That same principle applies here. The Supreme Court has recognized that the
22 rule of lenity applies in the immigration context. *See Clark v. Martinez*, 543 U.S. 371, 380
23 (2005) (quoting *Leocal v. Ashcroft*, 543 U.S. 1, 11–12, n. 8 (2004)); *INS v. Cardoza-Fonseca*,
24 480 U.S. 421, 449 (1987).
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44. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to people like Petitioner, who have already entered and were residing in the interior of the United States at the time they were apprehended.

FACTS

45. Petitioner has resided in the United States since 1991, when he entered without inspection at the age of thirteen. Petitioner was married for over twenty years. He had four U.S. citizen children—a 24-year-old son, a 22-year-old daughter, a 19-year-old daughter, and a 16-year-old son—all of whom are U.S. citizens. *See* Exhibit B at 004. His wife tragically passed away from COVID-related complications in 2021, and he remarried to a U.S. citizen in January 2025. *See* Exhibit C at 007; Exhibit D at 009. Prior to his detention, Petitioner lived in Gooding, Idaho with his wife and his step-daughter. *See* Exhibit B at 004. His mother and brother are U.S. citizens as well.

46. Petitioner worked steadily in roofing for over twenty years. He worked for his friend's roofing company and later opened his own roofing business, Valley Roofing Plus LLC. *See* Exhibit F at 026. He supported his family as the primary breadwinner and cared daily for his wife, who suffers from lupus, and his step-daughter, who suffers from schizophrenia. *See* Exhibit B at 004-005.

47. In 1994, Petitioner's mother filed an I-130 petition on his behalf to help him adjust to legal status. The petition was approved. In 2005, Petitioner's mother naturalized as a United States citizen.

48. In 1996 and 1997, Petitioner pled guilty to several infractions and misdemeanors, namely: failure to purchase or invalid driver's license, failure to provide proof of insurance, failure to use a safety restraint, driving without privileges, exceeding the speed limit, contempt

1 of court, and tobacco possession by a minor or sale of tobacco to a minor. *See* Exhibit G at 028-
2 029.

3 49. In 1998, Petitioner was charged with a misdemeanor for driving under the
4 influence (DUI). *See* Exhibit G at 028. In September 2000, he accepted voluntary departure to
5 Mexico, departed, and later returned to the U.S. without inspection. In 2002, the DUI charge
6 was dismissed for inactivity. *See id.* at 028.

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8 50. For the next 25 years, Petitioner had no criminal incidents and no encounters
9 with ICE. During this time, he married a U.S. citizen and had four children, all born in the
10 United States.

11
12 51. On or about December 2024, Petitioner was charged with domestic violence
13 without traumatic injury against a household member. *See* Exhibit H at 032. He was convicted
14 of a misdemeanor, and on December 19, 2024, sentenced to 180 days in jail, with credit for 22
15 days served and the remainder suspended. *See id.* The court also sentenced him to eighteen
16 months on probation. *See id.*

17
18 52. In January 2025, Petitioner married his current wife, U.S. citizen Alena Adame,
19 after the passing of his first wife. *See* Exhibit D at 009. In August 2025, his wife filed an I-130
20 petition on his behalf.

21
22 53. On or about February 2025, Petitioner was charged with use or possession with
23 intent to use drug paraphernalia. *See* Exhibit I at 034. He was convicted of a misdemeanor, and
24 on April 8, 2025, sentenced to 180 days in jail, with credit for ten days served and the remainder
25 suspended. *See id.* He was also sentenced to twelve months on probation. *See id.*

26
27 54. In July 2025, Petitioner was arrested and charged with possession of a controlled
28 substance and use or possession with intent to use drug paraphernalia. *See* Exhibit J at 037. On

1 July 21, 2025, the court released him from jail pending the outcome of the charges. *See id.* at
2 038. Immediately thereafter, ICE arrested him and detained him at NSDC. *See Exhibit A at 002.*
3 His Notice to Appear was docketed on July 22, 2025. *See id.*

4 55. ICE placed Petitioner in removal proceedings before the Las Vegas Immigration
5 Court pursuant to 8 U.S.C. § 1229a. ICE charged Petitioner with being inadmissible under 8
6 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the U.S. without inspection. *See id.*

8 56. Petitioner appeared for his first master calendar hearing (MCH) on August 14,
9 2025. The IJ gave him time to find counsel. On August 28, 2025, Petitioner appeared for his
10 second MCH; the IJ ordered him to file his mother's I-130 approval notice, which he did. At his
11 third MCH on September 4, 2025, the IJ again gave him time to find counsel and scheduled the
12 next hearing for September 11, 2025.

14 57. Petitioner is eligible to apply for Cancellation of Removal under 8 U.S.C. §
15 1229b because he has been present in the United States for more than 10 years and his wife
16 would suffer exceptional and extremely unusual hardship if he were deported. This application
17 is not before this Court and will be adjudicated, first and foremost, in Immigration Court. If
18 successful, it will lead to Petitioner becoming a lawful permanent resident.

20 58. As a result, Petitioner remains in detention. Without relief from this Court, he
21 will face the prospect of months, or even years, in immigration custody, separated from his
22 family and community.

24 59. Pursuing his rights via the DHS appeal to the Board of Immigration Appeals
25 would be futile. On September 5, 2025, the BIA issued *Matter of Jonathan Javier Yajure*
26 *Hurtado*, 29 I&N 216 (BIA 2025), holding that IJs lack jurisdiction to consider bond for
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1 individuals who entered without inspection—making clear that Petitioner’s cannot seek custody
2 redetermination through the BIA under the current policy.

3 CLAIMS FOR RELIEF

4 COUNT I

5 Violation of the INA

6
7 60. Petitioner incorporates by reference the allegations of fact set forth in the
8 preceding paragraphs.

9 61. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all
10 noncitizens residing in the United States who are subject to the grounds of inadmissibility. As
11 relevant here, it does not apply to those who previously entered the country and have been
12 residing in the United States prior to being apprehended and placed in removal proceedings by
13 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
14 § 1225(b)(1), § 1226(c), or § 1231.
15

16 62. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued
17 detention and violates the INA.
18

19 COUNT II

20 Violation of Due Process

21 63. Petitioner repeats, re-alleges, and incorporates by reference each and every
22 allegation in the preceding paragraphs as if fully set forth herein.
23

24 64. The government may not deprive a person of life, liberty, or property without
25 due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government
26 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the
27 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).
28

1 65. Petitioner has a fundamental interest in liberty and being free from restraint.

2 66. The government continues to detain Petitioner, and the BIA's recent decision
3 bars IJs from granting bond hearings to all individuals who entered the U.S. without inspection.
4 That decision rests on a flawed reading of the INA and violates Petitioner's due process rights.
5

6 **PRAYER FOR RELIEF**

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

- 8 a. Assume jurisdiction over this matter;
- 9 b. Enjoin respondents from transferring Petitioner outside the District of Nevada;
- 10 c. Issue a writ of habeas corpus requiring that an Immigration Judge schedule a
11 bond hearing within seven days, or in the alternative, order Petitioner's
12 immediate release from detention.
- 13
- 14 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
15 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
16 law; and
- 17
- 18 e. Grant any other and further relief that this Court deems just and proper.

19 DATED this 8th day of September, 2025.

20 Respectfully Submitted,

21 /s/Michael Kagan
22 Michael Kagan
23 Nevada Bar. No. 12318C

24 /s/Tia A. Zghaib
25 Tia A. Zghaib
26 Student Attorney Practicing
27 Under Nevada Supreme Court Rule 49.3

28 /s/Raymond Wu
 Raymond Wu
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28 U.S.C. § 2242 VERIFICATION STATEMENT

We are submitting this verification on behalf of Petitioner because we are two of the Petitioner's attorneys. We have discussed with Petitioner the events described in this Petition. On the basis of those discussions, we hereby verify that the statements made in this Verified Petition for Writ of Habeas Corpus are true and correct to the best of our knowledge.

Dated: September 8, 2025

/s/Tia A. Zghaib
Tia A. Zghaib
Student Attorney Practicing
Under Nevada Supreme Court Rule 49.3

/s/Raymond Wu
Raymond Wu
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Under the Supervision of:

/s/Michael Kagan
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LOCAL RULE IA 11-5 STATEMENT
REGARDING LAW STUDENT APPEARANCE

Petitioner in this matter is co-represented by third-year law students who are certified student attorneys under Nevada Supreme Court Rule 49.3. They are students in the UNLV Immigration Clinic, part of the Thomas & Mack Legal Clinic at the William S. Boyd School of Law.

I am a member of the faculty at the William S. Boyd School of Law and Director of the UNLV Immigration Clinic. I have been a licensed attorney since 2000, and I am the supervising attorney of the student attorneys in this case.

I hereby certify that I have and will ensure full compliance with all requirements of LR IA 11-5 governing appearance by law students in this court.

/s/ Michael Kagan
Michael Kagan
Nevada Bar. No. 12318C

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EXHIBIT LIST

Exhibit	Document	Page
A	Notice to Appear	001-002
B	Declaration of Alena Sanchez Roman	003-005
C	Mariza Sanchez Galvan – Certificate of Death	006-007
D	Marriage License	008-009
E	<i>Matter of Yajure Hurtado</i>	010-024
F	Valley Roofing Plus LLC Certificate	025-026
G	Criminal, Juvenile, and Civil Case summary	027-030
H	Domestic Violence Without Traumatic Injury Judgment	031-032
I	Drug Paraphernalia Judgment	033-034
J	Drug Paraphernalia Docket Summary	035-041