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9
10 **UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

11 L.R.,

12 Petitioner,

13 v.

14 KRISTI NOEM, in her official capacity of
Secretary, U.S. Dept of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
15 SECURITY; PAMELA BONDI, in her
official capacity as Attorney General; U.S.
16 DEPARTMENT OF JUSTICE; TODD
LYONS, in his official capacity as Acting
17 Director for U.S. Immigration and Customs
Enforcement; JASON KNIGHT, in his
18 official capacity as Acting Field Director,
Salt Lake City Field Office; U.S.
19 IMMIGRATION AND CUSTOMS
ENFORCEMENT; JOHN MATTOS, in his
20 official capacity as Warden, Nevada
Southern Detention Facility,

21 Respondents.
22

Case No. 2:25-cv-02019-RFB-BNW

**Federal Respondents' Response to
Petition for a Writ of Habeas Corpus**

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24 Federal Respondents, through undersigned counsel, file their response to Petitioner
25 L.R.'s Petition for Writ of Habeas Corpus (ECF No. 1). In his Petition, the Petitioner, who
26 does not have a legal status in the United States as a convicted MS-13 gang member, is asking
27 the Court to grant him a bond hearing. ECF No. 1, ¶ 56.
28

I. Introduction

Petitioner [REDACTED] who was in the United States unlawfully was convicted in [REDACTED]

[REDACTED] spent over [REDACTED] years in prison.

ECF No. 1, ¶ 26. The Immigration and Customs Enforcement (ICE) administratively removed Petitioner on April 26, 2023 pursuant to 8 USC § 1228(b) expedited removal of aliens who are not permanent residents. Petitioner claimed asylum under Convention Against Torture (CAT) and was granted deferral of removal to El Salvador on March 14, 2025. ECF No. 1, ¶ 35. DHS intended to remove Petitioner to Mexico. Petitioner moved for the BIA to issue an emergency stay of removal and to reopen his case to pursue protection under CAT from his removal to Mexico, fearing that Mexico would deport him to El Salvador. On June 27, 2025, BIA denied the emergency motion to stay. ECF No. 1, ¶ 37. Petitioner moved for the Ninth Circuit to issue an emergency stay of removal. On September 17, 2025 the Attorney General, through counsel filed an opposition to Petitioner’s motion for an emergency stay of removal. ECF No. 1, ¶ 38. As of this filing, the Ninth Circuit has not issued a ruling on the merits pertaining to the emergency stay of removal.

II. Points and Authorities

A. The Petition should be denied pursuant to 8 USC § 1231(a)(6) since Petitioner is a convicted criminal alien

Petitioner is a convicted felon who entered the United States without inspection in 1987 and [REDACTED] ECF No. 1 ¶ 24. Petitioner spent more than [REDACTED] years in prison for [REDACTED]

[REDACTED] While the 90-day removal period may have lapsed pursuant to 8 USC § 1231(a)(1)(A), Petitioner is a risk to the community and may be detained beyond the 90-day period under 8 USC § 1231(a)(6). Furthermore, he has an ongoing appeal from the BIA before the Ninth Circuit pending a decision on his emergency stay of removal. Therefore, Petitioner should not be released nor granted a bond hearing, and his Petition should be denied.

1 As stated by the United States Supreme Court, after the entry of a final order of
2 removal against a noncitizen, the Government generally must secure the noncitizen's
3 removal during a 90-day "removal period." §1231(a)(1)(A). The statute provides that the
4 Government "shall" detain noncitizens during the statutory removal period.
5 §1231(a)(2). After the removal period expires, the Government "may" detain only four
6 categories of people: (1) those who are "inadmissible" on certain specified grounds; (2)
7 those who are "removable" on certain specified grounds; (3) those it determines "to be a
8 risk to the community"; and (4) those it determines to be "unlikely to comply with the
9 order of removal." §1231(a)(6). Individuals released after the removal period remain
10 subject to terms of supervision. *Ibid.* Section 1231(a)(6) does not expressly specify how long
11 detention past the 90-day removal period may continue for those who fall within the four
12 designated statutory categories. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 578-579 (2022).
13 Section 1231(a)(6) does not expressly specify how long detention past the 90-day removal
14 period may continue for those who fall within the four designated statutory categories. *Id.*
15 As further stated in *Arteaga-Martinez*, the question presented is whether §1231(a)(6) requires
16 bond hearings before immigration judges after six months of detention in which the
17 Government bears the burden of proving by clear and convincing evidence that a
18 noncitizen poses a flight risk or a danger to the community. Section 1231(a)(6) provides
19 that certain noncitizens who have been ordered removed "may be detained beyond the
20 removal period and, if released, shall be subject to [certain] terms of supervision." This
21 text, which does not address or "even hin[t]" at the requirements imposed below, directs
22 that we answer this question in the negative. *Id.*, at ____, 138 S. Ct. 830, 200 L. Ed. 2d 122
23 (slip op., at 14). *Id.* at 580-581.

24 In this case, Petitioner is being detained after the removal period has expired
25 because he is a risk to the community due to his conviction as [REDACTED]
26 [REDACTED]
27 [REDACTED] Furthermore, as stated by the United States
28 Supreme Court, §1231(a)(6) does not expressly specify how long detention past the 90-day

1 removal period may continue for those who fall within the four designated statutory
2 categories, which Petitioner falls under due to the risk to the community. *Johnson v. Arteaga-*
3 *Martinez*, 596 U.S. 573, 578-579 (2022). Furthermore, as stated by United States Supreme
4 Court, §1231(a)(6) does not require bond hearings before immigration judges after six
5 months of detention. *Id.* at 580-581. Therefore, Petitioner is not entitled to a bond hearing
6 under §1231(a)(6).

7 **III. Conclusion**

8 Based on the above, this Court should deny the Petition for a Writ of Habeas
9 Corpus.

10 Respectfully submitted this 5th day of November 2025.

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12 SIGAL CHATTAH
Acting United States Attorney

13 /s/ Tamer B. Botros
14 TAMER B. BOTROS
Assistant United States Attorney
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