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ROGELIO BERTO MENDEZ

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA (LAS VEGAS)**

* * *

ROGELIO BERTO MENDEZ

Petitioner,

vs.


KRISTI NOEM, Acting Secretary of the
United States Department of Homeland
Security;

PAM BONDI, Attorney General of the
United States;

THOMAS E. FEELEY, Salt Lake City
Field Office Director, Enforcement and
Removal Operations, U.S. Immigration and
Customs Enforcement;

JOHN MATTOS, Warden at Southern
Nevada Southern Detention Center.

Respondents.

CASE NO.
Agency No. 

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

Petitioner, Rogelio Berto Mendez, petitions this Court for a writ of habeas corpus to
remedy his unlawful detention by Respondents, as follows:

Introduction

1. This is a Petition for Writ of Habeas Corpus filed on behalf of Rogelio Berto Mendez (“Petitioner”) seeking relief to remedy his prolonged unlawful detention. Respondents are detaining Mr. Berto Mendez pending an appeal of an Immigration Judge’s (“IJ”) grant of his application for Cancellation of Removal for Certain Nonpermanent Residents (EOIR-42B) pursuant to 8 U.S.C. § 1229b(b); INA § 240A(b).
2. Prior to the Immigration Judge granting the Petitioner lawful permanent resident status, the Immigration Judge had also granted him a bond in the amount of \$5,000.00 after a lawful custody redetermination hearing finding he was not a danger to the community or a risk of flight. Upon granting Petitioner a bond, the U.S. Department of Homeland Security (“DHS or “Department” or “Government”) invoked the automatic stay under 8 C.F.R. §1003.19(i)(2). Mr. Berto Mendez timely filed his brief in opposition to the government’s appeal and the Board of Immigration Appeals (“BIA” or “Board”) sustained the government’s appeal, vacated the Immigration Judge’s decision, and further ordered the Petitioner to remain detained on no bond relying on *Matter of Yajure Hurtado*, 29 I&N Dec. 216, 220-228 (BIA 2025).
3. Petitioner has been detained for approximately 128 days since June 16, 2025. On September 9, 2025 the Immigration Judge granted Mr. Berto Mendez’s application for Cancellation of Removal for Nonpermanent Residents finding that his five U.S. citizen qualifying relative children would suffer extreme and unusual hardship should he be deported, including to his U.S. citizen daughter who is an active member of the United States Army, that he met the ten-year physical presence requirement, good moral character

1 and that he merited an exercise of favorable discretion. The government appealed this
2 decision to the Board of Immigration Appeals and this case remains pending. Previously
3 the IJ had found Petitioner was not a flight risk or a danger to the community. His unlawful
4 detention is not justified under the Constitution nor the Immigration and Nationality Act
5 (“INA”). *See Jennings v. Rodriguez*, 138 S. Ct. 830, 858-59 (2018) (leaving the door open
6 for Constitutional claims challenging the prolonged detention of immigrant detainees pre-
7 final order of removal); *see also Vazquez v. Feeley*, 2025 U.S. Dist. LEXIS 182412, 2025
8 LX 460110, 2025 WL 2676082 (D. Nev. Sep. 17, 2025); *see also Roman v. Noem*, No. 25-
9 CV-01684-RFB-EJY, 2025 WL 2710211 (D. Nev. Sep. 23, 2025); *see also Zavala v.*
10 *Ridge*, 310 F. Supp. 2d 1071 (N.D. Cal. 2004)(finding that continued detention pursuant to
11 the automatic stay despite IJ’s decision to grant bond violated procedural and substantive
12 due process rights).

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16 4. In the twenty-three years that Mr. Berto Mendez has resided in the United States, he has
17 supported all of his U.S. citizen children and life partner, worked hard in construction and
18 paid his taxes. Mr. Berto Mendez has a minimal and dated criminal record, consisting of
19 two misdemeanor convictions—Disorderly Conduct and DUI—from over two decades
20 ago, both of which have been resolved and closed since 2004. His most recent conviction,
21 a misdemeanor Simple Assault and misdemeanor Drawing a Deadly Weapon stemming
22 from an altercation in 2021 that occurred over four years prior, has also been fully
23 adjudicated without further legal issues. None of these offenses involve violent felonies,
24 controlled substances, or behavior indicative of a risk to public safety.
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- 1 5. Prior to granting Petitioner relief from removal, on July 17, 2025, an Immigration Judge in
2 Las Vegas held a custody redetermination hearing finding he was not a danger to the
3 community or a risk of flight and granted Petitioner bond in the amount of \$5,000.
- 4 6. On July 18, 2025, DHS filed EOIR-43, which stayed his ability to post bond and be
5 released. On July 29, 2025, DHS followed up by filing a Notice of Appeal (EOIR-26) to
6 the Board of Immigration Appeals (BIA).
- 7 7. In its bond appeal, the DHS spent the vast majority of its argument that he was an “applicant
8 for admission” and subject to mandatory detention under section 1225(b)(2)(A) of the
9 Immigration and Nationality Act (“INA” or “Act”), and in the alternative, in essentially
10 one paragraph disputed that the Immigration Judge did not make a proper finding of
11 dangerousness because the Petitioner did not provide evidence surrounding the facts that
12 led to his conviction. This assertion is unfounded. The record is clear that Petitioner
13 testified about the underlying incident, explaining that the conviction stemmed from a bar
14 altercation in which another patron provoked him into a fight and falsely alleged that
15 Petitioner had drawn a weapon. No weapon was ever recovered—neither at the scene nor
16 during Petitioner’s arrest two weeks later at his home. Respondents conveniently ignore
17 these undisputed facts. Moreover, Petitioner testified under oath that he never possessed or
18 displayed any weapon, and the government presented no evidence to the contrary.
19 Accordingly, the Immigration Judge’s conclusion that he was not a danger to the
20 community was supported by substantial evidence.
- 21 8. On September 9, 2025, the BIA issued a precedential decision—*Matter of Yajure Hurtado*,
22 29 I&N Dec. 216 (BIA 2025), affirming the new position of the Department that
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1 individuals like the Petitioner who entered without inspection many years ago, are
2 considered applicants for admission and subject to mandatory detention.

- 3 9. On September 30, 2025, after full briefing by the Petitioner and the Department, the BIA
4 issued a decision sustaining the government's appeal, vacating the Immigration Judge's
5 decision granting bond, and furthering ordering the Petitioner to be detained on no bond.
6 This decision was contrary to the INA and unconstitutional.
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10. While no circuit court has yet ruled directly on this precise issue, at least two dozen federal district courts¹—including this one²—have rejected the government’s position. These courts have recognized that DHS’s new policy and the BIA’s reasoning in *Matter of Yajure*

¹ See, e.g., *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025); *Rosado v. Figueroa*, No. 25-CV-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025); *Zaragoza Mosqueda et al. v. Noem*, No. 25-CV-02304, 2025 WL 2591530 (C.D. Cal. Sep. 8, 2025); *Guerrero Lepe v. Andrews*, No. 25-CV-01163, 2025 WL 2716910 (E.D. Cal. Sep. 23, 2025); *Salcedo Aceros v. Kaiser*, No. 25-CV-06924, 2025 WL 2637503 (N.D. Cal. Sep. 12, 2025); *Vasquez Garcia v. Noem*, No. 25-CV-02180, 2025 WL 2549431 (S.D. Cal. Sep. 3, 2025); *Sampiao v. Hyde*, No. 25-25-CV-11981, 2025 WL 2607924 (D. Mass. Sep. 9, 2025); *Chogollo Chafra v. Scott*, No. 25-CV-00437-SDN, 2025 WL 2688541 (D. Me. Sep. 22, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-CV-00326, 2025 WL 2639390 (D.N.H. Sep. 8, 2025); *Samb v. Joyce*, No. 25-CV-06373, 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Luna Quispe v. Crawford*, No. 25-CV-1471, 2025 WL 2783799 (E.D. Va. Sep. 29, 2025); *Rivera Zumba v. Bondi*, No. 25-CV-14626, 2025 WL 2753469 (D.N.J. Sep. 26, 2025); *Leal-Hernandez v. Noem*, No. 25-CV-02428, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Lopez Santos v. Noem*, No. 25-CV-01193, 2025 WL 2642278 (W.D. La. Sep. 11, 2025); *Singh v. Lewis*, No. 25-CV-00096, 2025 WL 2699219 (W.D. Ky. Sep. 22, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sep. 9, 2025); *Campos Leon v. Forestal*, No. 25-CV-01174, 2025 WL 2694763 (S.D. Ind. Sep. 22, 2025); *Barrajas v. Noem*, No. 25-CV-000322, 2025 WL 2717650 (S.D. Iowa Sep. 23, 2025); *Belsai D.S. v. Bondi*, No. 25-CV-3682, 2025 WL 2802947 (D. Minn. Oct. 1, 2025); *Garcia Cortes v. Noem*, No. 25-CV-02677, 2025 WL 2652880 (D. Colo. Sep. 16, 2025); *Salazar v. Dedos*, No. 25-CV-00835, 2025 WL 2676729 (D.N.M. Sep. 17, 2025); *Lopez v. Hardin*, No. 25-CV-830, 2025 WL 2732717 (M.D. Fla. Sep. 25, 2025); *Lopez-Arevelo v. Ripa*, No. 25-CV-337, 2025 WL 2691828 (W.D. Tex. Sep. 22, 2025).

² See, e.g., *Vazquez v. Feeley*, No. 25-CV-01542, 2025 WL 2676082 (D. Nev. Sep. 17, 2025); see also *Roman v. Noem*, No. 25-CV-01684, 2025 WL 2710211 (D. Nev. Sep. 23, 2025).

1 *Hurtado* misapply 8 U.S.C. § 1225(b)(2) to cases like Petitioner's, when the proper
2 authority lies under 8 U.S.C. § 1226(a). This growing body of authority underscores the
3 fundamental error in treating Petitioner as subject to mandatory detention.
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5 11. The government's position which has been affirmed by the Board of Immigration Appeals,
6 that Petitioner is an "applicant for admission" subject to mandatory detention under INA §
7 235(b)(2)(A) and ineligible for bond, has resulted in Petitioner remaining detained at the
8 Nevada Southern Detention Center, despite having won his case.
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10 12. The government's current position is now even more contrary to law and violates the
11 Petitioner's fundamental right to due process. Having already prevailed on the merits and
12 satisfied every statutory requirement for a grant of Cancellation of Removal for Certain
13 Nonpermanent Residents, and yet Petitioner remains detained.
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15 13. Petitioner's continued detention is in violation of the Due Process Clause of the Fifth
16 Amendment. His prolonged detention is no longer justified under the Constitution or the
17 INA. Mr. Berto Mendez seeks an order from this Court finding that his continued and
18 prolonged detention unlawful and ordering Respondents to release Mr. Berto Mendez from
19 their custody immediately.
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21 14. Mr. Berto Mendez's further requests the Respondents be enjoined from redetaining Mr.
22 Berto Mendez through the government's administrative appeal process including judicial
23 review, unless Mr. Berto Mendez is arrested for a new alleged crime and that he be afforded
24 another bond hearing under 8 USC 1226(a); INA 236(a).
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Custody

15. Petitioner is in the physical custody of Respondents and the United States Immigration and Customs Enforcement (“ICE”). At the time of the filing of this petition, Mr. Berto Mendez is detained at the Nevada Southern Detention Center in Pahrump, Nevada. The Nevada Southern Detention Center contracts with DHS to detain aliens such as Mr. Berto Mendez. Mr. Berto Mendez is under the direct control of Respondents and their agents.

Jurisdiction

16. This action arises under the Constitution of the United States and the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act (“APA”), 5 U.S.C. § 701, et seq.

17. 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 Constitution, laws, or treaties of the United States.

18. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All-Writs Act, 28 U.S.C. § 1651. While Section 1226(e) of the INA precludes an alien from challenging a discretionary judgment by the Attorney General or a decision that the Attorney General has made regarding their detention or release, *see Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018), Section 1226(e) “does not preclude challenges to the statutory framework that permits the alien’s detention without bail.” *Jennings*, 138 S. Ct. at 841. Moreover, this court has already determined in *Vazquez v. Feeley*, that none of the

jurisdiction stripping provisions of the INA such as 8 U.S.C. §§1252 (b)(9), 1252(g), 1252(a) and 1226(e) are applicable here.

Venue

19. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 500, 93 S. Ct. 1123, 1132, 35 L. Ed. 2d 443 (1973), venue lies in the United States District Court for Nevada, the judicial district where Petitioner currently is detained, pursuant to 28 U.S.C. §1391(e).

Parties

20. Petitioner, Rogelio Berto Mendez, is a native and citizen of Mexico, who has lived continuously in the U.S. since on or about 2002, who has six (6) U.S. citizen children, one of which is currently serving in the United States Army. Mr. Berto Mendez has been in the custody of Respondents since June 16, 2025 for 128 days.

21. Respondent Kristi Noem is the Acting 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. Mrs. Kristi Noem has ultimate custodial authority over Petitioner.

22. Respondent Pam Bondi is the Attorney General of the United States. She is responsible for the implementation and enforcement of the INA, and oversees the Executive Office for Immigration Review (EOIR), which is comprised of the Office of the Immigration Judge and the Board of Immigration Appeals (BIA or Board). She is being sued in her official capacity.

1 23. Respondent Thomas E. Feeley is the Field Director / Acting Field Director for Salt Lake
2 City is the Director of the Salt Lake City Field Office of Detention and Removal
3 Operations, U.S. Immigration and Customs Enforcement, Department of Homeland
4 Security. As such, Respondent Thomas E. Feeley is Petitioner's legal custodian, charged
5 with the responsibility of determining whether Mr. Berto Mendez will be detained in ICE
6 custody or released pending the conclusion of his Petitioner for Review and any ensuing
7 immigration removal proceedings. He is being sued in his official capacity.
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9 24. Respondent John Mattos is the Warden and the highest-ranking employee at the Nevada
10 Southern Detention Center and is, therefore, Petitioner's immediate custodian. He is being
11 sued in his official capacity.
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13 **Factual Allegations**

14 25. Petitioner is a 41-year-old citizen and national of Mexico. Petitioner is the father to six
15 children, who are 21, 20, 18, 14, 10, and 9 years old—all being U.S. Citizens. Petitioner is
16 also a loving grandfather to one U.S. citizen child. Petitioner's life partner and mother of
17 his children has been left to carry the burden of their financial responsibilities and is
18 struggling.
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20 26. One of his daughters is actively serving in the United States Army.
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22 27. Another one of Petitioner's daughter suffers from juvenile diabetes—a chronic medical
23 condition requiring constant medication and monitoring. Her illness substantially limits her
24 capacity to work full-time and provide for her child. As a single mother, she relied heavily
25 on the Petitioner's financial and emotional support to maintain even a modest degree of
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1 stability. The Petitioner's continued detention has therefore inflicted severe and ongoing
2 hardship on his daughter and grandchild, depriving them of critical assistance.

3 28. Prior to his detention, Petitioner was employed in the construction and landscaping industry
4 and paying taxes.

5 29. Petitioner last entered the United States on or about 2002, and has remained in the U.S.
6 continuously for the past 23 years and has deep community ties.

7 30. On June 16, 2025, Petitioner was arrested by ICE and served by DHS with a Notice to
8 Appear initiating removal proceedings. Petitioner was charged with violating INA §
9 212(a)(6)(A)(i) (as an alien present in the United States without being admitted or paroled,
10 or who arrived in the United States at any time or place other than as designated by the
11 Attorney General). On July 25, 2025, the Department filed Form I-261, lodging additional
12 charge with violating INA §212(a)(7)(A)(i)(I).

13 31. On July 17, 2025, an Immigration Judge in Las Vegas held a custody redetermination
14 hearing and granted Petitioner bond in the amount of \$5,000.

15 32. On July 18, 2025, DHS filed a Notice of ICE Intent to Appeal Custody Redetermination
16 (EOIR-43) automatically staying his bond decision.

17 33. On July 29, 2025, DHS filed its Notice of Appeal (EOIR-26) to the BIA, primarily arguing
18 that Petitioner is an "applicant for admission" subject to mandatory detention under INA §
19 235(b)(2)(A) and ineligible for bond. In the alternative, in summary fashion the DHS
20 argued that the Immigration Judge's factual determination on lack of dangerousness was
21 erroneous, however this determination was entitled to deference in the absence of clear
22 error. 8 C.F.R. § 1003.1 (d)(3)(i).

1 34. Mr. Berto Mendez does not pose any danger to the community. In the twenty-three years
2 that he has resided in the United States, Mr. Berto Mendez has a minimal and dated criminal
3 record, limited to two misdemeanors for Disorderly Conduct and DUI, from over 20 years
4 ago and his most recent conviction stemmed from a 2021 misdemeanor Simple Assault and
5 misdemeanor Drawing a Dangerous Weapon, all fully resolved. None of his convictions
6 involve violent felonies, drugs, or conduct suggesting a risk to public safety.

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8 35. Mr. Berto Mendez has maintained overall good moral character, has longstanding
9 residence in the United States, and has strong equities in the form of family and community
10 ties, employment history, and absence of disqualifying criminal history for a bond.

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12 36. Further, on September 9, 2025, Mr. Berto Mendez's had a full evidentiary hearing and
13 presented witness testimony and documentary evidence, and the Immigration Judge
14 granted Petitioner's Application for Cancellation of Removal and Adjustment of Status for
15 Certain Nonpermanent Residents (EOIR-42B).

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17 37. Furthermore, Mr. Berto Mendez is prima facie eligible for Military Parole in Place (PIP)
18 under INA 212(D)(5)(A), as the parent of an active-duty member of the U.S. Military, a
19 benefit explicitly intended to promote family unity and recognize the sacrifices made by
20 military families.

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22 38. On the same day, the government reserved appeal and actually filed its Notice of Appeal
23 (EOIR-26) on September 19, 2025. The Petitioner's merits appeal remains pending with
24 the Board of Immigration Appeals.

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26 39. In light of the Petitioner's prolonged and unlawful detention, the fact that his application
27 for relief has already been granted, and his eligibility for additional humanitarian relief

such as Military Parole in Place, it is both necessary and appropriate for this Court to exercise its authority to consider the merits of his request for immediate release under the instant Petition.

Claims For Relief

I. PROCEDURAL DUE PROCESS VIOLATION—APPLICATION OF 8 C.F.R. § 1003.19(i)(2)

40. Petitioner re-alleges and incorporates by reference paragraphs 1 through 39, above.
41. Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained or removed. *See, e.g., Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)).
42. Respondents have deprived Mr. Berto Mendez of his right to procedural due process by detaining him since July 17, 2025, prohibiting him from posting bond pursuant to the IJ's lawful bond redetermination order by filing an automatic stay of the decision pursuant to 8 C.F.R. § 1003.19(i)(2), and by keeping him detained after being successful on the merits of his case.
43. This is impermissible for multiple reasons. First, this Court has held that DHS invoking an automatic stay under 8 C.F.R. § 1003.19(i)(2) violates procedural due process. *Vazquez v. Feeley*, 2025 WL 2676082, at *21 ("Detention pursuant to the automatic stay after the government already failed to establish a justification for it, with no process afforded to challenge the detention as arbitrary, is facially violative of procedural due process.")

44. Second, the government continues to detain Petitioner, and the BIA's recent bond decision issued on September 30, 2025 relying on *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025) has ordered that Petitioner remain detained on no bond. That decision rests on a flawed reading of the INA and violates Petitioner's due process rights.

45. Third, Petitioner has a fundamental interest in liberty and being free from restraint. That interest is heightened now that he has prevailed on the merits of his case and established his lawful eligibility for relief. Continued detention under these circumstances is not only unjustified but constitutes an arbitrary deprivation of liberty that offends the most basic principles of justice.

II. STATUTORY VIOLATION

46. Petitioner re-alleges and incorporates by reference paragraphs 1 through 45, above.

47. The Department's new position, reaffirmed by the BIA's precedential decision in *Matter of Yajure Hurtado* contravenes the plain text of the statute. Section §1226(a), not §1225(b), applies to individuals like the Petitioner.

48. Section 1226(a) governs by default all individuals in removal proceedings under § 1229a, which determine inadmissibility or deportability. The statute explicitly covers those charged as inadmissible, including entrants without inspection, and ensures they are entitled to bond hearings under subsection (a). On the other hand, § 1225(b) applies only to individuals arriving at ports of entry or immediately after entry, as it is built around inspection of applicants for admission. Thus, the mandatory detention provision of § 1225(b)(2) does not extend to the Petitioner.

1 49. Therefore, Respondents' continued detention of Petitioner is therefore unlawful and
2 contravenes 8 U.S.C. § 1226(a), and the U.S. Constitution. Accordingly, Respondents'
3 continued detention of Petitioner is contrary to statute.
4

5 **III. SUBSTANTIVE DUE PROCESS VIOLATION**

6 50. Petitioner re-alleges and incorporates by reference paragraphs 1 through 49, above.

7 51. Petitioner's continued detention violates Petitioner's right to substantive due process
8 through a deprivation of the core liberty interest in freedom from bodily restraint.
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10 52. The Due Process Clause of the Fifth Amendment requires that the deprivation of
11 Petitioner's liberty interest be narrowly tailored to serve a compelling government interest.
12 Any interest Respondents have in detaining Petitioner in order to effectuate removal does
13 not justify the unlawful and prolonged detention of Petitioner, who has succeeded on the
14 merits of his case, and is not significantly likely to be removed in the reasonably
15 foreseeable future. Though the government has appealed the Immigration Judge's
16 decision, Petitioner has the right to await a decision from the BIA free from detention and
17 seek further review before the Ninth Circuit Court of Appeals, if the BIA overturns the IJ's
18 decision.
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20 53. Petitioner's continued detention separates him from his children, grandchild, and life
21 partner —most of whom are U.S. citizens. His family suffers in his absence, deprived of
22 the love, guidance, and support they have long depended upon. The conditions of
23 confinement impose further harms, including incarceration in jail-like facilities, inadequate
24 medical care, and other substandard living conditions.
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1 54. Therefore, his mandatory detention infringes upon the fundamental liberty interest in
2 freedom from physical restraint. Accordingly, Respondents cannot show a “sufficiently
3 strong special justification” for continuing to deprive Mr. Berto Mendez of his fundamental
4 human rights.
5

6 **Prayer For Relief**

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

- 8 1) Assume jurisdiction over this matter;
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10 2) Enjoin Respondents from transferring Petitioner outside of this judicial district
11 pending litigation of this matter or his removal proceedings;
12 3) Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an
13 action brought under chapter 153 (habeas corpus) of Title 28;
14 4) Pursuant to 28 U.S.C. § 2243 issue an order directing Respondents to show cause why
15 the writ of habeas corpus should not be granted;
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17 5) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately
18 release Petitioner; or to release him upon paying a minimum bond amount of \$1500.00
19 due to his recent grant of Cancellation of Removal for Certain Nonpermanent
20 Residents.
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- 1 6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 (EAJA), as amended, 5 U.S.C. § 504 and 28 U.S.C. § 2412, and on any other basis
3 justified under law; and
4
5 7) Grant any other and further relief as the Court deems just and proper.

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7 Dated: October 23, 2025

8
9 /S/ Sylvia L. Esparza
10 Sylvia L. Esparza, Esq.
11 Attorney for Petitioner
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VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF
PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: October 23, 2025

/S/ Sylvia L. Esparza
Sylvia L. Esparza, Esq.
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading/document was mailed certified mail, return receipt requested, and personal delivery, to the following, above mentioned Respondents on October 23, 2025 at the following addresses:

United States Attorney for the District of Nevada
501 Las Vegas Boulevard South, Suite 1100,
Las Vegas, NV 89101

KRISTI NOEM, Acting Secretary
United States Department of Homeland Security
Washington, D.C. 20528

PAMELA BONDI, Attorney General
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

THOMAS E. FEELEY, Field Office Director
Office of Detention and Removal Operations, ICE
2975 Decker Lake Drive, Ste. 100
W. Valley City, Utah, 84119

JOHN MATTOS, Warden at
Nevada Southern Detention Center.
2190 East Mesquite Ave
Pahrump, NV 89060

Dated: October 23, 2025

/S/ Sylvia L. Esparza
Sylvia L. Esparza, Esq.
Attorney for Petitioner