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8 Counsel for Petitioner,  
9 ROGELIO BERTO MENDEZ

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11  
12 **UNITED STATES DISTRICT COURT**  
13 **DISTRICT OF NEVADA (LAS VEGAS)**  
14 \* \* \*

15 ROGELIO BERTO MENDEZ

16 Petitioner,

17 vs.

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

20 PAM BONDI, Attorney General of the  
21 United States;

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

26 JOHN MATTOS, Warden at Southern  
27 Nevada Southern Detention Center.

28 Respondents.

CASE NO.

Agency No. 

28  
29 **SWORN AFFIDAVIT OF SYLVIA L. ESPARZA IN SUPPORT OF PETITIONER'S**  
30 **MOTION FOR TEMPORARY RESTRAINING ORDER**

31 (Pursuant to Fed. R. Civ. P. 65(b))

32 I, Sylvia L. Esparza, being duly sworn, hereby declare and state as follows:

1       **1. Personal Background**

2       I am the Counsel for Petitioner in the above-captioned action. I make this affidavit based  
3       on my personal knowledge and, where indicated, upon information and belief. If called  
4       to testify, I could and would testify competently to the facts set forth herein.  
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6       **2. Immediate and Irreparable Injury**

7       Immediate and irreparable injury, loss, or damage will result to the Petitioner before the  
8       adverse party can be heard in opposition or in the alternative, Petitioner requests the  
9       matter be heard on an expedited schedule. Specifically, Petitioner seeks emergency  
10       injunctive relief to remedy his ongoing and unlawful detention. He has been confined by  
11       U.S. Immigration and Customs Enforcement (“ICE”) since June 16, 2025, and remains  
12       detained at the Nevada Southern Detention Center in Pahrump, Nevada. An Immigration  
13       Judge (“IJ”) previously determined that the Petitioner was neither a danger to the  
14       community nor a flight risk, and accordingly ordered his release upon the posting of a  
15       \$5,000.00 bond. Despite that determination, the Petitioner has remained in custody—  
16       initially as a result of the automatic stay invoked by the U.S. Department of Homeland  
17       Security (“DHS” or “the Department”), and now due to a September 30, 2025, decision  
18       of the Board of Immigration Appeals (“BIA”) that sustained the Department’s appeal,  
19       vacated the IJ’s bond order, and directed continued detention without bond.  
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23  
24       Furthermore, the IJ has since granted the Petitioner’s application for Cancellation of  
25       Removal for Certain Nonpermanent Residents pursuant to 8 U.S.C. § 1229b(b) (Form  
26       EOIR-42B). Notwithstanding that grant of relief, the Petitioner continues to be confined  
27

1 while the Department appeals. His continued detention, despite a favorable merits' 2 determination, constitutes a prolonged and unconstitutional deprivation of liberty in 3 violation of the Due Process Clause of the Fifth Amendment.

5 Immediate and irreparable harm will result if the Petitioner remains detained pending 6 further removal proceedings. He has already suffered nearly five months of unnecessary 7 confinement, causing significant physical, emotional, and psychological distress to 8 himself and his family. Each additional day of detention exacerbates these harms and 9 further infringes upon his constitutionally protected liberty interests.

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12  
13 The harm described above is imminent and cannot be prevented or remedied by any 14 means other than immediate injunctive relief from this Court. Any delay in relief will 15 cause ongoing deprivation of liberty and Petitioner may also be transferred out of the 16 jurisdiction.

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18 **3. Efforts to Provide Notice**

19 Pursuant to Fed. R. Civ. P. 65(b)(1)(B), I certify that the following efforts have been 20 made to provide notice to the opposing party and their counsel and I will be filing a proof 21 of service by the end of business day, when service is completed:

22  
23 A. Kristi Noem, Secretary of Homeland Security

- 24 • Date: October 23, 2025
- 25 • Method: Certified Mail
- 26 • Address: Washington, DC 20528
- 27 • Tracking/Receipt No.: 7022 0410 0000 0406 2718

28 B. Pam Bondi, Attorney General of the United States

- 1     • Date: October 23, 2025
- 2     • Method: Certified Mail
- 3     • Address: 950 Pennsylvania Ave NW, Washington, DC 20530-0001
- 4     • Tracking/Receipt No.: 7022 0410 0000 0406 2725
- 5     C. Thomas Feeley, Salt Lake City Field Office Director, Enforcement and Removal
- 6       Operations, U.S. Immigration and Customs Enforcement
- 7       • Date: October 23, 2025
- 8       • Method: Certified Mail and email to: [SaltLakeCity.Outreach@ice.dhs.gov](mailto:SaltLakeCity.Outreach@ice.dhs.gov)
- 9       • Address: 2975 Decker Lake Drive, Suite 100, W. Valley City, Utah 84119
- 10      • Tracking/Receipt No.: 7022 0410 0000 0406 2701
- 11     D. John Mattos, Warden at Nevada Southern Detention Center
- 12       • Date: October 23, 2025
- 13       • Method: Certified Mail
- 14       • Address: 2190 East Mesquite Ave., Pahrump, NV 89060
- 15       • Tracking/Receipt No.: 7022 0410 0000 0406 2732
- 16     E. United States Attorney for the District of Nevada
- 17       • Date: October 23, 2025
- 18       • Method: Certified Mail and Personal delivery
- 19       • Address: 501 Las Vegas Boulevard South, Suite 1100, Las Vegas, NV 89101
- 20       • Tracking/Receipt No.: 7022 0410 0000 0406 2794

21     **4. Relief Requested**

22     I respectfully request that the Court issue an immediate Temporary Restraining Order  
23     assuming jurisdiction over this case, ordering Respondents not to transfer the Petitioner  
24     out of the jurisdiction, release the Petitioner or in the alternative, to expedite the briefing  
25     schedule, pending further hearings and determination of a preliminary injunction.

26     **5. Verification and Certification**

27     I make this affidavit under penalty of perjury pursuant to 28 U.S.C. § 1746 and Rule  
28     65(b) of the Federal Rules of Civil Procedure. I understand that this declaration is

1 submitted in support of a motion for a Temporary Restraining Order and that any false  
2 statement herein may subject me to penalties of perjury.  
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4 Executed on this 23rd day of October, 2025 at Las Vegas, Nevada.  
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STATE OF NEVADA )  
COUNTY OF CLARK ) ss:  
)

On this 23rd day of October, 2025, personally appeared before me, a Notary Public,  
Sylvia L. Esparza, known or proved to me to be the person who executed the foregoing  
document, and who acknowledged to me that she did so freely and voluntarily and for  
the uses and purposes herein stated.

Lizeth Cortez  
NOTARY PUBLIC in and for said  
County and State

