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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

CRUZ RAMIREZ, SOLEDAD

PETITIONER

VS.

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 CUSTOM ENFORCEMENT; BRYAN WILCOX, FIELD OFFICE DIRECTOR FOR DETENTION AND REMOVAL, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, DEPARTMENT OF HOMELAND SECURITY; WARDEN HENDERSON DETENTION CENTER; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (EOIR); SIRCE OWEN, ACTING DIRECTOR, EOIR; LAS VEGAS IMMIGRATION COURT
RESPONDENTS.

CIVIL NO. 25-2110

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 Soledad Cruz ("Petitioner") seeking relief to remedy her unlawful detention. Respondents are detaining Petitioner pending her deportation proceedings. Petitioner has fully cooperated with Respondents for said proceedings. To date, Petitioner has been detained for more than forty (40) days. Petitioner is not a flight risk or a danger to the community. Her prolonged detention is no longer justified under the Constitution or the Immigration and Nationality Act (INA). Respondents placed Petitioner in the custody of the Henderson Detention Center. Petitioner's detention is for the purpose of conducting her deportation proceedings. On or about August 04, 2025, an Immigration Judge ("IJ") granted Petitioner 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

1 Form 43 “Notice of ICE Intent to Appeal a Custody Redetermination.” This filing stayed the IJ’s bond
2 decision for ten (10) business days. 8 C.F.R. §1003.19. This stay expired on August 26, 2025. This stay
3 can be extended by ninety (90) days if government counsel files EOIR Form 26 “Notice of Appeal” with
4 the Board of Immigration Appeals within the ten (10) business days of the first automatic stay, which
5 occurred on August 14, 2025. Respondents’ actions defy the U.S. Constitution and the Immigration and
6 Nationality Act (INA). Petitioner seeks an order from this Court declaring her continued and prolonged
7 detention unlawful and ordering Respondents to release Petitioner from their custody with or without the
8 posting of the relevant bond.

8 CUSTODY

9 1. Petitioner is in the physical custody of Respondents. At the time of the filing of this
10 petition, Petitioner is detained at the Henderson Detention Center (“HDC”) in Henderson, NV. HDC
11 contracts with the Department of Homeland Security to detain aliens such as Petitioner. Petitioner is
12 under the direct control of Respondents and their agents.

12 JURISDICTION

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

19 VENUE

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

21 PARTIES

22 4. Petitioner is a national and citizen of Mexico.

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

28 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

1 laws and adjudicate removal cases. 8 U.S.C. § 1103(g). The Attorney General delegates this responsibility
2 to the Executive Office for Immigration Review (“EOIR”), which administrates the immigration courts
3 and the BIA. She is named in her official capacity. Respondent’s address is 950 Pennsylvania Avenue,
4 NW, Washington, D.C. 20520-0001.

5 7. Respondent TODD LYONS is the Director of the United States Immigration and
6 Customs Enforcement within the Department of Homeland Security, an agency of the United States. He is
7 responsible for the administration and enforcement of immigration laws. He is named in his official
8 capacity. Respondent’s address is 500 12th St. SW, Washington, D.C. 20536.

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

13 9. Respondent Warden is Petitioner’s immediate custodian and resides in the judicial
14 jurisdiction of the Ninth Circuit of the United States Court of Appeals. Warden is named in his official
15 capacity. Respondent’s address is 18 E Basic Rd, Henderson, NV.

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

19 11. The United States Immigration and Customs Enforcement is a federal sub-agency
20 under DHS responsible for the administration and enforcement of the United States’ immigration laws
21 pursuant to 22 C.F.R. 127.4. Respondent’s field office address here in Las Vegas is 501 S Las Vegas
22 Blvd, Suite 200, Las Vegas, NV 89101.

23 EXHAUSTION OF ADMINISTRATIVE REMEDIES

24 12. Petitioner has exhausted his administrative remedies to the extent required by law.
25 Petitioner’s only remedy is by way of this judicial action.

26 STATEMENT OF FACTS

27 13. Petitioner is a national and citizen of Mexico.

28 14. Petitioner has now been in detention for more than forty (40) days pending her
deportation proceedings.

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

16. Petitioner has deep roots in this community.

17. Prior to her detention, Petitioner was working, paying her taxes, and providing for her
family. Her continued detention deprives her family of her companionship and income.

1 18. Respondents' continued detention of Petitioner is in defiance of a final order from the
2 Las Vegas Immigration Court.

3 **CLAIMS FOR RELIEF**

4 **COUNT ONE CONSTITUTIONAL CLAIM**

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

6 20. Petitioners' detention violates her right to substantive and procedural due process
7 guaranteed by the Fifth Amendment to the U.S. Constitution. *Hope v. Warden York City Prison*, 972 F.3d
8 310, 323-25 (3d Cir. 2020) (seeking release due to unconstitutional conditions of confinement); *Yanes v.*
9 *Martin*, 464 F. Supp. 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,
10 1035-36 (N.D. Cal. 2020).

11 **COUNT TWO STATUTORY CLAIM**

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

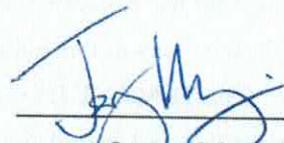
13 22. Petitioner's continued detention violates the Immigration and Nationality Act and the
14 U.S. Constitution.

15 **COUNT THREE**

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

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Petitioner prays that this Court grant the following relief: 1. Assume
20 jurisdiction over this matter; 2. Issue an order directing Respondents to show cause why the writ should
21 not be granted; 3. Issue a writ of habeas corpus ordering Respondents to release Mr. Martinez on her own
22 recognizance or under parole, a low bond or reasonable conditions of supervision show; 4. Award
23 Petitioner reasonable costs and attorney's fees; and, 5. Grant any other relief which this Court deems just
24 and proper. Respectfully submitted,

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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

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