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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

7 GARCIA-ARAUZ, JUSTIN
8 Petitioner,
9 V.
10 KRISTI NOEM, Secretary of
11 the United States Department of Homeland
12 Security; PAM BONDI,
13 United States Attorney General;
14 TODD LYONS, Director of
15 United States Immigration and Customs
16 Enforcement; BRYAN WILCOX,
17 Field Office Director for Detention and
18 Removal, U.S. Immigration and Customs
19 Enforcement, Department of Homeland
20 Security; John Mattos Warden,
21 Nevada Southern Detention Center;
22 UNITED STATES DEPARTMENT OF
23 HOMELAND SECURITY; UNITED
24 STATES IMMIGRATION AND
25 CUSTOMS ENFORCEMENT;
26 Respondents

A  Detained
Case File No.: 2:25-cv-02117-RFB-EJY
Immigration file No.:



**PETITIONER'S REPLY TO
RESPONDENTS'
RESPONSE TO
AMENDED WRIT
OF HABEAS CORPUS**

21 The record is clear: Petitioner is being detained under 8 C.F.R. §1003.19,
22 which automatically stayed the IJ's bond grant when DHS appealed the bond
23 decision. The IJ granted bond in the amount of \$5,000 on September 03, 2025. *See,*
24 *Exhibit A*, ECAS screenshot of bond proceedings. Upon information and belief, the
25 IJ did not issue a written decision.
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1 However, Petitioner was blocked from posting said bond when DHS
2 appealed the Bond Decision on September 17, 2025 under 8 C.F.R. §1003.19. *See,*
3 *Exhibit B*, ECAS screenshot of BIA bond appeal.
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5 **Importantly, DHS had until October 30, 2025 to file its bond appeal**
6 **brief but failed to do so, yet the BIA still has not taken any action. *Id.***
7

8 To be clear, Petitioner is being detained because Respondents will not allow
9 him to post his bond because DHS appealed the bond decision to the BIA, an
10 appeal that is languishing three weeks after DHS failed to meet its brief deadline.
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12 **I. Petitioner’s Due Process Rights have been violated.**

13 The fact is DHS filed a frivolous bond appeal with the sole intent of prolonging
14 Petitioner’s detention, as demonstrated by DHS’ failure to even file a legal brief
15 for its appeal. The BIA has exacerbated the situation by refusing to take any action
16 on said appeal even though three weeks have passed since the brief deadline.
17 Agency delay and DHS’ frivolous, malicious bond appeal have a singular result:
18 Petitioner has been denied his freedom through Respondents’ refusal to allow him
19 to post his bond.
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22 **II. The requirements of 8 C.F.R. §1003.19 have not been followed.**

23 8 C.F.R. §1003.19 provides a mechanism to stay bond decisions. Here, DHS
24 has abused this regulation by filing a frivolous appeal that it had no intention of
25 fully prosecuting. Failing to do so means that this regulation’s requirements have
26 not been met and any associated stays are moot.
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CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Court grant his writ.

Respectfully submitted,

/s/ Jeremy Mondejar

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