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10 *Attorneys for the Federal Respondents*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 Victor Kalid JACOBO RAMIREZ; Edgar
14 Michel GUEVARA ALCANTAR,

15 Petitioners,

16 v.

17 Kristi NOEM, Secretary, U.S. Department of
Homeland Security; Pamela J. BONDI,
18 Attorney General of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY; Todd LYONS, Acting Director
19 for U.S. Immigration and Customs
Enforcement; U.S. IMMIGRATION AND
20 CUSTOMS ENFORCEMENT; Jason
KNIGHT, Acting Field Office Director,
21 Executive Office for Immigration Review;
Sirce OWEN, Acting Director, Executive
22 Office for Immigration Review; LAS VEGAS
IMMIGRATION COURT; John MATTOS,
23 Warden, Nevada Southern Detention
Facility; EXECUTIVE OFFICE FOR
24 IMMIGRATION REVIEW,

25 Respondents.

Case No. 2:25-cv-02136-RFB-MDC

**Federal Respondents' Opposition to
Motion for a Preliminary Injunction
Order, ECF No. 18**

26
27 The Federal Respondents hereby submit this Opposition to Petitioner's Motion for
28 a Preliminary Injunction (ECF No. 18). Pursuant to the Court's instruction on November

1 13, 2025, Federal Respondents will respond to Petitioners' alleged violations of the
2 Administrative Procedure Act in their responsive pleading to the Verified Petition for Writ
3 of Habeas Corpus and Class Action Complaint, currently due on November 17, 2025.
4 ECF No. 1.

5 **I. Introduction**

6 Petitioner seeks injunctive relief challenging the Department of Homeland
7 Security's ("DHS") detention authority, contending that his custody is governed by 8
8 U.S.C. § 1226(a) rather than § 1225(b)(2)(A). This is not a novel question; identical
9 arguments have recently been litigated in other proceedings before this Court and other
10 district courts.

11 For the reasons stated below—and as set forth more fully in the United States'
12 prior filings in *Samuel Sanchez Aparicio v. Kristi Noem et al.*, Case No. 2:25-cv-01919-GMN-
13 DJA (ECF No. 14) (attached as Exhibit A), *Rogelio Berto Mendez v. Kristi Noem et al.*, Case
14 No. 2:25-cv-02062-RFB-MDC (ECF No. 14) (attached as Exhibit B), *Jefferson Dominguez-*
15 *Lara, et al. v. Noem, et al.*, Case No. 2:25-cv-01553-RFB-BNW (ECF No. 17) (attached as
16 Exhibit C) and *Eduardo Alvarado Gonzalez v. Kristi Noem et al.*, Case No. 2:25-cv-01599
17 (ECF No. 18) (attached as Exhibit D), as incorporated herein—Petitioner fails to
18 demonstrate any likelihood of success on the merits, irreparable harm, or a basis for
19 extraordinary injunctive relief.

20 **II. Factual and Procedural Background**

21 **A. Victor Kalid Jacobo Ramirez**

22 On August 17, 2025, ERO Salt Lake City was notified that Victor Jacobo Ramirez,
23 an illegal alien, was detained at the Las Vegas Detention Center following his arrest for
24 driving under the influence. ERO lodged an immigration detainer at that time. On August
25 18, 2025, ERO served Jacobo Ramirez with an NTA, alleging he entered the United States
26 on an unknown date without having been inspected, admitted, or paroled by an
27 immigration officer and for not having a valid entry document. As a result, Jacobo
28 Ramirez was charged with being removable from the United States under 8 U.S.C. §

1 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I). Jacobo Ramirez was taken into ICE
2 custody and transferred to the Nevada Southern Detention Center, in Pahrump, NV,
3 pending his removal proceedings.

4 On September 3, 2025, he appeared before an Immigration Judge (IJ). The IJ
5 granted him a bond in the amount of \$7,500. DHS reserved appeal. On September 5, 2025,
6 the Board of Immigration Appeals issued *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA
7 2025), which found the plain language of 8 U.S.C. § 1225(b)(2)(A) rendered IJs to lack
8 authority to hear bond requests or to grant bond to aliens who are present in the United
9 States without admission. On September 12, 2025, DHS filed a motion to reconsider the
10 prior bond order in light of *Matter of Yajure-Hurtado*. On September 15, 2025, Jacobo
11 Ramirez posted bond and was released from ICE custody. He replied to DHS's motion on
12 September 16, 2025. On October 3, 2025, the IJ—citing *Matter of Yajure-Hurtado*—found he
13 lacked jurisdiction to issue a bond because Jacobo Ramirez is an applicant for admission
14 and is subject to detention under 8 U.S.C. § 1225(b)(2)(A). The IJ also vacated his
15 September 3, 2025, bond order, and denied Jacobo Ramirez' request for bond.

16 On October 7, 2025, he was detained by ERO when he reported to ERO Las Vegas
17 for a regularly scheduled check-in. As of November 6, 2025, he has been detained at the
18 Nevada Southern Detention Center for 30 days. On October 20, 2025, he appeared for an
19 initial master calendar hearing, during which he was advised of his rights. His case was
20 reset so that he can hire an attorney. He appeared for another master calendar hearing on
21 November 3, 2025, and his case was reset again for him to find an attorney. His next
22 master calendar hearing is scheduled on November 18, 2025, at 1:00 PM. Per DHS record
23 checks, he does not have any applications *currently* pending with USCIS. He was
24 previously granted DACA (Form I-821D). His most recent DACA renewal request was
25 approved on October 5, 2022, and remained valid until October 4, 2024. His employment
26 authorization expired on October 4, 2024. Because Jacobo Ramirez entered without
27 inspection and is without legal documents to remain in the United States, he is subject to
28

1 detention under 8 U.S.C. § 1225(b)(2)(A) as an applicant for admission who illegally
2 entered the U.S. and was placed in removal proceedings.

3 **B. Edgar Michel Guevara Alcantar**

4 On August 24, 2025, ERO Salt Lake City was notified that Michel Guevara
5 Alcantar was detained at the Las Vegas Detention Center following his arrest for
6 battery/domestic violence. ERO lodged an immigration detainer at that time. On August
7 25, 2025, the battery/domestic violence case was “denied” by the Las Vegas Municipal
8 Court. Guevara Alcantar has three prior convictions for traffic offenses.

9 On August 26, 2025, ERO served Guevara Alcantar with an NTA, alleging he
10 entered the United States on an unknown date without having been inspected, admitted, or
11 paroled by an immigration officer and also for not having a valid entry document. The
12 NTA charged him with being removable from the United States under 8 U.S.C. §
13 1182(a)(6)(A)(i) and 8 U.S.C. § 1182(a)(7)(A)(i)(I). ERO also took him into ICE custody.
14 He was detained at the Henderson Detention Center from August 26, 2025, to September
15 2, 2025. Subsequently, he was transferred to Nevada Southern Detention Center, where he
16 is currently detained. Guevara Alcantar appeared *pro se* in the Las Vegas Immigration
17 Court for four master calendar hearings. He has not requested a bond hearing. Guevara
18 Alcantar is subject to detention under 8 U.S.C. 1225(b)(2)(A) as an applicant for admission
19 who illegally entered the United States. His next master calendar hearing is scheduled for
20 November 17, 2025. Guevara Alcantar has a pending Petition for U Nonimmigrant Status.
21 He was granted a bona fide determination on December 13, 2023, and an employment
22 authorization which is valid until March 11, 2028. Because Guevara Alcantar is an
23 applicant for admission who entered the United States without an inspection, he is subject
24 to mandatory detention pending his removal proceedings.

25 **III. Argument**

26 **A. Incorporation By Reference of United States’ Prior Responses**

27 Federal Respondents hereby incorporate by reference Federal Respondents’
28 Opposition to Petitioners’ Motion for Temporary Restraining Order or Preliminary

1 Injunction in *Samuel Sanchez Aparicio v. Kristi Noem et al.*, Case No. 2:25-cv-01919-GMN-
2 DJA (ECF No. 14, October 21) (*see* Exhibit A), *Rogelio Berto Mendez v. Kristi Noem et al.*,
3 Case No. 2:25-cv-02062-RFB-MDC (ECF No. 14, October 29) (*see* Exhibit B), *Jefferson*
4 *Dominguez-Lara, et al. v. Noem, et al.*, Case No. 2:25-cv-01553-RFB-BNW (ECF No. 17,
5 September 27) (*see* Exhibit C) and *Eduardo Alvarado Gonzalez v. Kristi Noem et al.*, Case No.
6 2:25-cv-01599 (ECF No. 18, October 23) (*see* Exhibit D), as though fully set forth herein.¹
7 These oppositions address identical statutory and constitutional questions regarding DHS's
8 authority to detain individuals under § 1225(b)(2)(A) who are not yet admitted and whose
9 cases remain in pending removal proceedings.

10 In addition, the United States notes the following recent decisions, each of which
11 concludes that, when properly interpreted and applied, the governing statutes support the
12 Federal Respondents' position in this case: *Pena v. Hyde*, No. 25-11983, 2025 WL 2108913
13 (D. Mass. July 28, 2025); *Chavez v. Noem*, No. 25-02325, 2025 WL 2730228 (S.D. Cal. Sept.
14 24, 2025); *Vargas Lopez v. Trump*, No. 25-526, 2025 WL 2780351 (D. Neb. Sept. 30, 2025);
15 *Barrios Sandoval v. Acuna*, No. 25-01467, 2025 WL 3048926 (W.D. La. Oct. 31, 2025); *Silva*
16 *Oliveira v. Patterson*, No. 25-01463, 2025 WL 3095972 (W.D. La. Nov. 4, 2025); *Mejia Olalde*
17 *v. Noem*, No. 25-00168, 2025 WL 3131942 (E.D. Mo. Nov. 10, 2025). As *Mejia Olalde*
18 observes, "the overwhelming majority of district courts sometimes get the law very wrong,"
19 and the decisions cited here underscore that this Court now has a meaningful opportunity
20 to revisit its prior interpretations with the benefit of a growing body of well-reasoned and
21 persuasive authority.

22 Pursuant to the Court's instruction on November 13, 2025, Federal Respondents will
23 respond to Petitioners' allegations of Administrative Procedure Act violations in their
24 responsive pleading to their petition and class action complaint, due on November 17, 2025.
25 ECF No. 1.

26 _____
27 ¹ The Court has endorsed the incorporation by reference of prior filings by the United States
28 in related or substantively identical immigration habeas petitions, recognizing the efficiency
of unified briefing given the number of overlapping cases presenting identical questions
under 8 U.S.C. § 1225(b)(2)(A) and § 1226(a).

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IV. Conclusion

For the reasons stated herein and in the United States' filings that have been incorporated by reference, Petitioner cannot satisfy the standards for preliminary injunctive relief. The motion should therefore be denied.

Respectfully submitted this 13th day of November 2025.

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/s/ Virginia T. Tomova
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